



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

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LAMOUREUX, Kevin	Inkster	Lib.
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Vacant	Portage la Prairie	

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 22, 1997

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mobile Screening Unit for Mammograms

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I beg to present the petition of E. Hamilton, L. Faloon, Linda McDonald and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

READING AND RECEIVING PETITIONS

Mobile Screening Unit for Mammograms

Madam Speaker: I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Madam Speaker: Dispense.

WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and

WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and

WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and

WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and

WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and

WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and

WHEREAS the provincial government has promised to take action on this serious issue.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES

Committee of Supply

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

I move, seconded by the honourable member for Turtle Mountain (Mr. Tweed), that the report of the committee be received.

Motion agreed to.

INTRODUCTION OF BILLS

Bill 206—The Minors Intoxicating Substances
Control Amendment Act

Mr. Gord Mackintosh (St. Johns): Madam Speaker, I move, seconded by the member for Transcona (Mr. Reid), that leave be given to introduce Bill 206, The Minors Intoxicating Substances Control Amendment Act; Loi modifiant la Loi sur le contrôle des substances

intoxicantes et les mineurs, and that the same be now received and read a first time.

Motion presented.

Mr. Mackintosh: Madam Speaker, this bill proposes a crackdown on those who knowingly sell inhalants for sniffing by prohibiting sales not just to minors but to adults, by enhancing the deterrent effect of sanctions, including minimum and increased fines, allowing courts to prohibit the sale of sniff products by a convicted merchant and even business closure in certain extreme cases, also by ensuring search and seizure powers for the police. It also provides the courts with the ability to order professional assessments of those convicted of sniffing to expose addicts to treatment. We ask the Legislature to support this legislation, rise to the challenge that sniffing poses to Manitoba, support this legislation at least as one part of the needed response to this very destructive addiction.

Madam Speaker: Is there leave?

An Honourable Member: Leave.

Madam Speaker: Leave has been granted.

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon twenty-five Grade 9 students from Deloraine Collegiate under the direction of Mrs. Barbara Lee. This school is located in the constituency of the honourable Minister of Industry, Trade and Tourism (Mr. Downey).

Also, thirty-three Grade 9 students from River West Park School under the direction of Mr. Gary Perrett. This school is located in the constituency of the honourable member for Charleswood (Mr. Ernst).

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

ORAL QUESTION PERIOD

**Disaster Assistance
Provincial Proposal**

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, my question is to the Premier. A couple of

days ago, the federal government and the lead minister for Manitoba claimed that the federal government did not have a specific proposal from the provincial government. Today we note that the federal government and the lead minister are claiming that the proposal the Premier tabled in this Chamber was, quote, not a proposal but rather a wish list.

Can the Premier indicate to the people of Manitoba whether in fact any of those items on the specific proposal that was made to Ottawa had been clarified by the federal government as "wish list items," and can the Premier comment about whether we have had any feedback at all about the specific proposals put forward to deal with the devastating impact of the flood of 1997?

* (1335)

Hon. Gary Filmon (Premier): Madam Speaker, I can confirm absolutely that it is not a wish list in the sense that it is the product of three weeks of collaborative effort between senior officials of the federal government and our administration. There was some reasonable clarity put onto the numbers to the extent that PFRA had been working from the federal side to clarify the costs of some of the ring dikes that we know should be constructed as a result of the higher levels than ever before experienced in Manitoba this century and the protective works that would be required to communities who are already requesting it, communities such as Ste. Agathe, such as Aubigny, perhaps the southern part of Rosenort, Niverville, east St. Pierre. They have all been discussing it.

We know that there are certain measures that should be done 30 years after construction to the floodway, and having operated the floodway at close to peak capacity for an extensive period of time, there are some works that are necessary there. There has been discussion of that. The City of Winnipeg has some particular works on its permanent diking system. All of those have numbers that have been attached to them and verified.

I make the point, Madam Speaker, that it is no more a wish list than is the \$25 million that the federal government just announced last Friday vis-a-vis the business loss program. The numbers that have been

developed are at least as accurate and at least as credible as were developed for the federal government's announcements. So commitments can be made based on numbers that were verified and developed jointly between the senior officials of two levels of government. It certainly was not regarded by the Deputy Clerk of the Privy Council in Ottawa as a wish list but rather the best estimate that officials on both sides could come forward with.

Mr. Doer: Madam Speaker, on May 20 the federal government publicly stated that they did not have a proposal from the provincial government, and on May 22 we heard that the minister did not have a proposal but rather they were aware of a "wish list."

I would like to ask the Premier: Is he aware the last cabinet meeting prior to the June election, as we understand it, was May 15? We would like to know whether this was the specific proposal by the province through the Deputy Clerk of the Privy Council at the federal government. Was the specific proposal on the cabinet agenda, were the Manitoba ministers in attendance at that meeting, and was this matter dealt with at that cabinet meeting?

Mr. Filmon: If the member is asking about the federal cabinet meeting, I would have no knowledge of that at all. As he knows, cabinet affairs are normally privileged, and it would not be a matter of public record as to whether or not those people were in attendance or what was on the agenda. I do know that particular proposal and the numbers that were tabled that were attached to the proposal was faxed to the Deputy Clerk of the federal cabinet that day, and we assumed it was for the purpose of discussion that day, but I cannot verify that.

Mr. Doer: We have gone through—it almost sounds like echoes of disputes past between the provincial government and the federal government dealing with flood compensation. The '95 flood, the '96 flood, here we have the '97 flood, and the feedback we are getting from people is let us get on with it; let us get this thing settled. People are concerned about the federal election date and having the leverage to get a decent settlement. On the other hand, people that we are listening to are saying, you know, if we can all co-operate in the spirit we had in Manitoba over the last number of weeks

together to fight this flood, surely the provincial and federal governments can reach a spirit of co-operation and get a settlement.

Can the Premier advise us whether there is any opportunity to get this settled before the voting date so that Manitobans are not left a year later with still not knowing the specifics? Will there be another cabinet meeting, and can we get on with this flood compensation package in a spirit of co-operation and final resolution which Manitobans need in this crisis of 1997?

* (1340)

Mr. Filmon: I wholeheartedly accept the advice of the Leader of the Opposition, and I accept his point of view. It has always been my perspective that a spirit of co-operation is what is necessary in order for us to achieve the most beneficial solutions for all Manitobans. I might say that we were happy to co-operate with the federal government when three of their ministers wanted to sign an agreement that indicated a federal commitment to resolving issues in Manitoba. Part of that agreement indicated that there would be immediate application of senior officials on both sides to quantify and to essentially provide the framework, the outline of how much money was involved in the principles that were outlined in the agreement that the Minister of Natural Resources (Mr. Cummings) and the Minister of Government Services (Mr. Pitura) and I signed that day with Mr. Gerrard, Mr. Young and Mr. Axworthy. So our total approach to this has been to co-operate. We do not want this to be an issue of politics in the federal campaign. Unfortunately, that is what is transpiring as a result of what has gone on.

The member knows that federal members of Parliament, federal Liberal members of Parliament that were quoted in the article in the paper indicating their expectations and the announcements that have been made unilaterally by the federal government with respect to their support which is welcome to all of us, not something we criticized, because they have indicated that they want to help. We want that to happen.

That is the situation we find ourselves in. I am told that they do not have another federal cabinet meeting

coming up between now and the June 2 election. We will continue to be available to do whatever seems reasonable in order to arrive at a continuing solution that will help all Manitobans as we try now to cope with the ravages and the effects of the flood and now try and put the pieces back together.

Keewatin Community College Administrative Review

Ms. Jean Friesen (Wolseley): My questions are for the Minister of Education.

Madam Speaker, at three o'clock this afternoon the chairman of the board of governors at Keewatin Community College is meeting with staff in an emergency meeting to explain to them some of the background to the crisis that has emerged at KCC where five of the senior managers are, I believe, in the process of resigning. Those managers include the chief financial officer, and in their letter, copied to the minister and to the board of governors, what they have to say about KCC is an unparalleled indictment of a crisis situation.

I want to ask the minister if she is prepared to exert her authority under The Colleges Act, which remains in place, and to appoint an administrator to examine and inspect the financial condition, administrative condition, and, as it says in the act, any other matter related to the management and operation of a college.

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, the situation at Keewatin College right now, a dispute between those five administrators and the college president who are at odds with each other over certain issues, is now in the hands of the board of governors. The board of governors, duly put in place to deal with exactly these kinds of situations, must be given the opportunity to deal with the crisis and seek a satisfactory resolution to the issues and the allegations raised by the administration against the president. The president's allegations against the administration have not yet been put towards the college board. I think we have to let the board govern according to the law that they were established to do. We are, however, closely monitoring the situation. My deputy has been in communication

with Keewatin College, and we will give them the opportunity to resolve their difficulties.

Ms. Friesen: Do I take it, then, that this minister and this government, like so many of her colleagues, in fact are not prepared to take any responsibility for the crises facing the college, for the projected deficit of a million dollars, for the cuts of \$117,000 to college programs, the cuts of \$210,000 to aboriginal programs that have been the result of the underfunding of colleges by this government and in particular the reduction of \$170,000 announced only within the last month?

* (1345)

Mrs. McIntosh: The government of Manitoba has continued to fund colleges to the level that they have funded colleges in the past. We have not cut funding for community colleges.

Madam Speaker, I also indicate that this member herself was one who was vehement in the legislation coming forward on the Council on Post-Secondary Education that the Minister of Education or the Council on Post-Secondary Education not be given the ability to interfere and a very quick response to situations that need to be governed by the colleges. This member was adamant that there be clauses in there that would prevent the minister and the council from interfering in the self-governance of colleges, and I think Hansard will reveal that quite clearly.

Madam Speaker, the member herself has just acknowledged that the college board has yet to meet. They will be meeting later today with the—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please.

Mrs. McIntosh: Madam Speaker, the member has indicated there is a meeting at three o'clock today, if I am not mistaken. It is now 10 to two. Perhaps she can tell me how they have already met to discuss the issue if they are going to meet at three, an hour before the meeting?

Madam Speaker: The honourable member for Wolseley, with a final supplementary question.

Ms. Friesen: There is so much misinformation in the minister's statement, I do not know where to start with it, but I would like to say, Madam Speaker—my final supplementary for the minister is that she simply cannot continue to dismiss an issue where the five senior managers of this college allege financial mismanagement, lack of effective planning, inappropriate human resource management, lack of leadership, integrity, honesty, trust and teamwork.

This is a serious issue not just for KCC but for the North. I want to ask the minister if she could explain why it is that, after years of having that board appointed by this Tory government, there is, according to the five senior managers, still no comprehensive multiyear business plan for the college based on a clearly defined mission, a set of shared college values and principles and a limited number of mid- to long-term priority goals?

That seems to me, Madam Speaker, the basics for a board.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please.

Mrs. McIntosh: I wonder if I could be told which question to answer since I am only allowed to answer one.

Some Honourable Members: Oh, oh.

Mrs. McIntosh: I will then indicate that—

Madam Speaker: Order, please.

Point of Order

Ms. Friesen: I understood the minister to be asking for her mind to be refreshed on the question, and indeed it was. Why has KCC no plan?

Madam Speaker: The honourable member for Wolseley does not have a point of order.

* * *

Mrs. McIntosh: Madam Speaker, last week five members on the administrative staff of the Keewatin Community College indicated their displeasure with the management style of Dr. Sam Shaw, the president of the university, wrote to the board to express that concern. I was copied on that letter which came late last week or early this week. Today we received another piece of correspondence indicating that the board of governors had responded to those five senior administrators asking them to please exercise the proper process of filing a complaint.

Now, Madam Speaker, we know, and my deputies have been in touch with Keewatin Community College, we are monitoring the situation very closely, but we do know that at the moment what we have are allegations from five people that the board is currently looking at. The board, I think, needs to be given an opportunity to examine those allegations and determine in their minds as governors whether or not those allegations are correct or as a result of personality conflicts with an administrator whose style they object to. That needs to be determined by the board.

Madam Speaker: The honourable member for Wolseley, with a new question.

Ms. Friesen: With a new question, I want to ask the Minister of Education why it is, since none of the issues that are alleged in this particular letter to the board and to the minister—none of these are new, they are all of long standing. They deal with very serious issues of personnel, of administration, of accounting, of financial mismanagement, and I am quoting from the letter. Could the minister explain why it is that the board she appointed, a Tory board, has been unable to deal with any of these issues over the last 12 months or the last two years?

Mrs. McIntosh: Of course I do not accept any of the preamble as accurate. The member herself knows that she herself has risen many times in this House asking for increased aboriginal representation on that board, which we have provided. It is now nearly 50 percent aboriginal. I believe if she checks with people at the Swampy Cree Tribal Council, et cetera, she will find they are very satisfied with Dr. Sam Shaw and things going on under this particular board of governors, so I

think the allegation she is making, that all is bad, may or may not be correct.

I think, Madam Speaker, that we do need to allow the college's board of governors the opportunity to do its job, investigate allegations put to it and give them time to do it. That is their job. That is their authority under the law, a law which the member opposite firmly and absolutely and strongly endorses and has many times in Hansard.

* (1350)

Ms. Friesen: What I am asking the minister to do is to take some responsibility in this issue.

Madam Speaker: Order, please. The honourable member for Wolseley was recognized for a supplementary question, which requires no preamble or no postamble.

Ms. Friesen: Could the minister confirm then that the reason that she has abandoned responsibility for this very serious issue in the North is because the chair of the board is in fact a Tory candidate in the current federal election?

Mrs. McIntosh: Madam Speaker, I have not abandoned responsibility under the law, and I have not lessened my interest in Keewatin Community College one iota. The member's assumption is wrong.

Northern Nursing Program

Ms. Jean Friesen (Wolseley): Can the minister give us any assurance that the Northern Nursing Program, a program which has been long awaited by many people across the North, is not going to fall victim to the chaos and the crisis that there is in Keewatin Community College right now and for which the minister appears to take no responsibility whatsoever?

Hon. Linda McIntosh (Minister of Education and Training): The member again has indicated that I am taking no responsibility, and I will not accept that allegation. We have been in communication with Keewatin Community College. We are closely monitoring the unfolding of events. We are allowing

the allegations to be explored by the board as the due process would indicate it should occur.

Madam Speaker, I understand what the member is saying. The member is saying that the minister should fly up North, take over the college, let everybody go and run it myself, preferably with her as my principal.

Health Care System Aboriginal Concerns

Ms. Rosann Wowchuk (Swan River): Madam Speaker, it is a well-known fact that the health status of aboriginal people is well below that of the general population. Aboriginal people want this issue to be addressed and have become very frustrated and, in fact, many people from across the province today marched in the streets of Winnipeg trying to bring attention to this issue. I will table a list of issues identified by the Assembly of Manitoba Chiefs that have caused them frustration.

Given the history of continuous jurisdictional conflict between the federal and provincial governments on this matter, will the minister responsible or the Premier show some flexibility and leadership to get this jurisdictional conflict resolved so that aboriginal people can start working to address the very serious health issues facing their communities?

Hon. Gary Filmon (Premier): Madam Speaker, I thank the member for raising that issue. I am glad that it has come to her attention.

We have met regularly with the Assembly of Manitoba Chiefs, in fact, at least an annual get-together with the cabinet. I can recall at virtually every one of those meetings, going back some four or five years, raising that specific issue and identifying the health circumstances of the aboriginal people as being a very significant issue that needed to be addressed, that needed leadership, I might say, from the aboriginal leadership of this province.

Much of what she is referring to has to do with lifestyle, has to do with diet, has to do with circumstances that are to some degree self-imposed—nutrition, diet, choices that are made with respect to living conditions and circumstances that I think need to

have some leadership from our aboriginal leadership in this province. I know that they have agreed with me on that, and as a result of that, I think there are a number of programs that the Minister of Health (Mr. Praznik) has been working on now for more than a year that have to do with kidney disease, with other matters, diabetes and those kinds of things.

So I am glad that she is aware of the problem, and I assure her that this is something that we are committed to work on in co-operation with the aboriginal leadership of this province.

* (1355)

Aboriginal Concerns—Kidney Dialysis

Ms. Rosann Wowchuk (Swan River): I am sure that the Premier will also recognize that it is sewer and water and standard of living that affects the quality of these people—

An Honourable Member: Access programs.

Ms. Wowchuk: Access and other programs. Since one of the—

Madam Speaker: Order, please. The honourable member for Swan River was recognized for a supplementary question.

Ms. Wowchuk: Since one of the major health problems is the high rate of diabetes, and given that the minister responsible for aboriginal affairs said when he was speaking on a resolution on diabetes, and I quote: This is a status-blind issue I identify and certainly would be encouraged that this not just be a federal jurisdiction kind of focus—will the Premier agree that the province has a responsibility to play in this? Will they follow up and not just pay lip service to it but put money into it to ensure that we have dialysis treatment for these people, where we have the highest rate of dialysis in the province amongst aboriginal people?

Hon. Darren Praznik (Minister of Health): First of all, with respect to the specifics of the member's question, this administration has put increasing resources into dialysis services I know in my own area, the creation of the unit in Pine Falls hospital that

services a large First Nations population north of that, and in other places through our province. We are now considering ways of where we have to expand that.

Madam Speaker, the answer in dialysis, the long-term answer that is repeated to me over and over again by people who work in this particular area is in the area of prevention, which comes back to what the Premier (Mr. Filmon) was speaking about, lifestyle. I am pleased to report that some weeks ago I met with many of the aboriginal political organizations like MKO, like the Assembly of Manitoba Chiefs, like a number of tribal councils where we are looking at how we are going to interact between our governance structure to overcome those kinds of jurisdictional issues that have prevented positive action in the past. I think we can work those things and get on to the community health issues that are thoroughly important to beating a disease like diabetes.

Ms. Wowchuk: Madam Speaker, surely we have to agree that, along with prevention, we have to treat those people who have the disease right now. Will the province agree that they must address the issue in those communities where it has become such an epidemic state where they are looking for dialysis treatment in their own community? Will the province show leadership and work with these communities so that we do not have people dying from diabetes because they cannot get treatment?

Mr. Filmon: Madam Speaker, the record of this government certainly speaks to our commitment to providing dialysis to people throughout the province, something that was not done under the administration of the New Democrats when they were in this province. We have expanded it to many areas of the province, and I can tell her that it is an issue that certainly we began to discuss with the leadership to try and work at the prevention side when I toured, along with the former Minister of Health, several dialysis units in this province, and more than half the spaces were filled with aboriginal people. There is an unmistakable correlation between their diet, nutrition and lifestyle and the results in their health circumstances.

So I say to her that we have to work on both ends, and that is why we have expanded dialysis in this province for the treatment side, but the long term is that

we do not want people to be in unhealthy circumstances, being treated in the hospitals if we can prevent that. That is why the investment must be made and the effort must be made by the leadership of the aboriginal community in convincing people, convincing their own people that they must change the choices they make about their lifestyle, their diet, their nutrition.

* (1400)

Health Care System Federal Transfer Payments

Mr. Kevin Lamoureux (Inkster): Madam Speaker, my question is for the Premier. Yesterday, as many Manitobans saw on TV, the Filmon team and the Charest team have bonded together. As part of that Tory bonding, what we see is a Charest approach to health care that is going to see us rely more on the tax point transfers and the eventual getting rid of cash transfers to the province.

Will the Premier not agree with the opposition members of this Chamber that any decreases that would wipe out the cash transfer payments are not in the best interests of Manitobans, that he does not support that Charest platform?

Hon. Gary Filmon (Premier): Madam Speaker, we certainly know which team the member for Inkster is on. I saw him on the back deck of a house on Scotia Street about three weeks ago handing the sandbag over to the Prime Minister. The problem is that the sandbag did not come with instructions, and the member for Inkster did not know anything to tell him, but anyway, it is all right.

In any case, getting to the point of the question, I might say that I was very impressed with the policy that was espoused by the Leader of the Progressive Conservative Party of Canada, Mr. Charest, which, I might say, was that not only would he stop the cuts from the federal government of transfer payments for health and education but that he would see some additional \$2 billion put back into the health care system by the year 2000. It seems to me that the member opposite ought to be interested in having more money put into the hands of the province for health care so that we can work on so many of the issues that

he raises from time to time in this House with respect to having sufficient money to spend on our health care system for the benefit of all Manitobans.

I would also make the point to him that when we discussed this issue—and I did discuss it with him privately prior to the public meeting that we had—I made the point, which he agrees, that tax point transfers have to be equalized tax points because, as I have indicated on many occasions, one point of tax raises much more per capita in some provinces than in others and therefore—[interjection] The member for Crescentwood (Mr. Sale) wants to answer the question, but that is all right; we will let him answer it later. That is the whole issue, that when we make these transfers of tax points so that we can have more money for health care, it will also be equalized so that we, as a province, will not be denied the opportunity to have the same level of services as other provinces.

Mr. Lamoureux: Madam Speaker, what I am asking the Premier is: Will the government state for the public record that this government supports cash transfers, that they do not want to see those cash transfers turn into tax points?

Mr. Filmon: Madam Speaker, what is important is that we get money to fund the services, and what is important is that that transfer is done on an equitable basis so that a smaller province like Manitoba is not disadvantaged vis-a-vis a larger, wealthier province such as British Columbia or Ontario. But what you cannot do is argue about services if you have the money being cut off at the end that delivers the money. That is exactly what the federal Liberals have done in their three and a half years in government, and that is what has to come to an end. That is why I believe Mr. Charest's policy is better for us.

Mr. Lamoureux: I ask the Premier: How can he say that when I have heard several of his ministers in the past say that the transfer to tax points—they do not even acknowledge the transfer of tax points and how those have increased—does not count when it comes to transfer payments for health care from Ottawa? So how can he say that when Charest is going to do it, it is okay? Will he not say today that it is not acceptable to pass over the cash transfers to tax points?

Mr. Filmon: Madam Speaker, the short answer is that what we have criticized over the last three and a half years is the Liberal government in Ottawa reducing the transfers to Manitoba for health and education by \$220 million a year. That is \$220 million less that we have to spend on health and post-secondary education. That is what we have been fighting against, and that is what we have consistently criticized. I do not know what the member for Inkster thinks he is doing for Manitobans when he stands up and defends that kind of action.

Crystal Casino Report Tabling Request

Ms. MaryAnn Mihychuk (St. James): Madam Speaker, my question is for the Minister responsible for Lotteries. Today we understand that the government will be announcing another self-serving report in a press conference away from this Chamber. My question to the minister: Will he table the report here in the House so that we can have an opportunity to look at the report before you try and construct your agenda, your spin on this Lotteries report like you have in the past? Will you table the report?

Hon. Eric Stefanson (Minister charged with the administration of the Manitoba Lotteries Corporation Act): Madam Speaker, what a ridiculous question. The member fails to recognize that our responsibility is to all Manitobans. The Larry Desjardins committee recommended a feasibility study be performed in terms of the future of the Crystal Casino. That report has now been completed by Price Waterhouse. It has been made available to us, and we will be releasing it for the benefit of all Manitobans later today.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for St. James, with a supplementary question.

Ms. Mihychuk: Madam Speaker, how can the minister and this government justify releasing this news to the media and other sources while not bringing it to this House? Will the minister confirm that the report recommends the closure of Crystal Casino and the amalgamation of those facilities with the McPhillips Street Station?

Mr. Stefanson: Madam Speaker, the report will be made available to all members of this House this afternoon, as it will be also made available to all citizens of Manitoba in terms of the information provided in that report.

The member is correct in the sense of what one of the recommendations will be. One of the recommendations will be the consolidation of the Crystal Casino with the two other facilities here in Winnipeg, the Regent Avenue facility and the McPhillips Street facility. Obviously there is a basis for that, based on economics, based on tourism opportunities, and that is all clearly—
[interjection]

Madam Speaker, if the member for Wellington (Ms. Barrett) has a question, tell her to ask her House leader to get on the list and ask the question.

That is one of the recommendations, I acknowledge that, and that report will be available to all members.

* (1410)

Closure—Impact on Downtown

Madam Speaker: The honourable member for St. James, with a final supplementary question.

Ms. MaryAnn Mihychuk (St. James): Madam Speaker, with this announcement we might as well put the sign “closed, out of business” to downtown—

Madam Speaker: Order, please.

Ms. Mihychuk: Has the minister and his staff consulted with the Downtown Biz and facilities like Eaton's, which is planning to close, to ensure that downtown Winnipeg remains alive and healthy, or is he willing to abandon downtown Winnipeg?

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act): The member for St. James seems to be implying that the be-all and end-all and only solution to downtown Winnipeg is a casino being located down there.

We have a casino in downtown Winnipeg right now. It is in the Hotel Fort Garry. If it meant an awful lot to

that particular business, you would think they would be wanting the casino to stay. They do not want it to stay. They have asked for it to be removed when the lease expires in 1999. Attendance at that casino is down by some 24 percent, so I would encourage the member for St. James to take the time to read the report before she jumps to those kinds of conclusions.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable Minister responsible for The Manitoba Lotteries Corporation, to quickly complete his response.

Mr. Stefanson: Madam Speaker, there is an awful lot more to this issue than just jumping to that very simplistic solution, but I do want to assure her that the kinds of groups that she has referred to have in fact been consulted by Price Waterhouse. I have also met with some of them as well, some of the groups that she named here today. Obviously that has been an important part of the preparation of this document, consulting with the Downtown Biz, with Tourism Winnipeg, with Winnipeg 2000, with the City of Winnipeg and so on. Those consultations have in fact taken place in the preparation of the report.

Personal Incomes Decline

Mr. Leonard Evans (Brandon East): A few days ago I pointed out to the Minister of Finance that real wages have declined by 4 percent under this government, but the Minister of Finance admonished us to examine after-tax income instead. Therefore, I would ask the Minister of Finance to study the latest estimates of personal disposable income, that is after-tax income, from all sources in constant dollars and acknowledge that since this government was elected in 1988, Manitobans have suffered a decline of 5.5 percent. That is, Manitobans have less in their pockets today than when this government took office.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please.

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, what I would encourage the member for

Brandon East to do, including all of his colleagues, is to look at the information provided just last Friday by Statistics Canada, just last Friday. First of all, the issue he asks about in terms of total income, total income in Manitoba for 1996, now the most recent year, grew by 4.7 percent, the second best performance amongst all provinces and more than double the national average. But more important, the issue that he raises today, the issue of disposable after-tax income, income in Manitoba after taxes in 1996 rose by 4.4 percent, more than four times Canada's increase and amongst the best in Canada.

So those are the facts with what is happening with gross incomes today in Manitoba, but more important I am glad to see that finally the member for Brandon East is acknowledging that what is most important to Manitobans is what they are left with in their pockets after taxes. This government has a record of 10 straight years of no increases in major taxes, unlike the record from 1981 to 1988 when taxes went up in Manitoba some 60 or 70 times under the NDP.

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

* * *

Madam Speaker: Order, please. I would like to ask for the co-operation of the House in assuring that the motion moved by the honourable member for St. Johns (Mr. Mackintosh), seconded by the honourable member for Transcona (Mr. Reid), on the introduction of his Bill 206 was agreed to. Agreed? Agreed and so ordered. Thank you.

ORDERS OF THE DAY

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, by leave of the House, the Committee of Supply will continue to sit in three sections for the period May 26 to June 5, and instead of seeking leave for a lengthy—

Madam Speaker: Order, please. I think traditionally we do these, so that everybody fully understands what they are agreeing to, one at a time. Is that the will of the House? [agreed]

Is there leave of the House that the Committee of Supply continue to sit in three sections for the period of May 26 to June 5 inclusive? [agreed]

Mr. McCrae: Madam Speaker, instead of seeking leave for a lengthy series of changes to the revised Estimates sequence tabled May 12, I would like, by leave today, to table a further revised Estimates sequence. This document is signed, as the rules would require, by representatives of both the government and the official opposition, that is, myself and the honourable member for Burrows (Mr. Martindale).

Madam Speaker: Is there leave for the government House leader to table a new sequence of the order of Estimates? [agreed]

Mr. McCrae: Madam Speaker, there have been discussions amongst representatives of the parties, and I think we have some matters that we can agree upon this afternoon respecting the proceedings of this House for the next few days. There are a couple of key items that remain unresolved at this point. If honourable members will listen carefully we can go through this, and if any further discussion is required, it can happen. There are a number of things that are being discussed in an order like any Rubik's cube. You almost need all of the pieces to come together for the puzzle to be complete.

We have been working to attempt to achieve some accommodations for each other as parties in this House. The first thing I would seek leave for, Madam Speaker, is that the House not sit on Monday evening, May 26, nor Friday, May 30.

Madam Speaker: Is there leave for the House not to sit on Monday evening, May 26 and May 30? [agreed]

Mr. McCrae: Madam Speaker, that on Thursday, May 29, the House sit at ten o'clock in the morning, commencing with the prayer, to consider bills, to recess at noon, resume at 1:30 p.m. for Routine Proceedings and Supply and adjourn at 6 p.m.

Madam Speaker: Is there leave that on Thursday, May 29, the House sit at 10 a.m., commencing with the prayer, to consider bills, recess at noon, resume at 1:30

p.m. for Routine Proceedings and Supply and adjourn at 6 p.m.? [agreed]

* (1420)

Mr. McCrae: Madam Speaker, some further matters. I also seek leave of the House for the following: Commencing on Tuesday, June 3, and continuing for the duration of this session, first, that the House not sit on Monday evenings.

Madam Speaker: Is there leave of the House, commencing on Tuesday, June 3, and continuing for the duration of this session that the House not sit on Monday evenings? [agreed]

Mr. McCrae: Secondly, that the House not sit on Fridays.

Madam Speaker: For the same period of time, Tuesday, June 3, for the duration of the session, is there leave that the House not sit on Fridays? [agreed]

Mr. McCrae: Third, Madam Speaker, that the House sit on Thursdays at 10 a.m. commencing with the prayer, to consider government business, recess at noon, resume at 1:30 p.m. for Routine Proceedings, to be followed by government business and then private members' hour, unless they are waived on a day-to-day basis.

Madam Speaker: Is there leave of the House for the same period, commencing Tuesday, June 3, continuing for the duration of this session that the House sit on Thursdays at 10 a.m. commencing with the prayer, to consider government business, recess at 12 noon, resume at 1:30 p.m. for Routine Proceedings, to be followed by government business and then by private members' hour, unless private members' hour is waived on a daily basis? [agreed]

Mr. McCrae: Madam Speaker, so there is no misunderstanding, the remaining items to be discussed are the way we deal with Monday, June 2, and the issue surrounding the way we have been handling deferral of votes and the issues related to quorums. Those matters seem somehow to be linked, I am not sure how, but we will continue those discussions and perhaps have a report on Monday of next week, or perhaps later today,

but more likely Monday of next week, so that in the meantime we are in a position to move forward this afternoon with Estimates in the House in Room 255 and in Room 254.

* (1430)

So at this time, I move, seconded by the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to.

COMMITTEE OF SUPPLY (Concurrent Sections)

HIGHWAYS AND TRANSPORTATION

Mr. Chairperson (Gerry McAlpine): Order, please. Will the Committee of Supply please come to order. This afternoon this section of the Committee of Supply will resume the consideration of the Estimates of the Department of Highways and Transportation.

When the committee last sat, it had been considering item 15.1.(b)(1) on page 76 of the Estimates. Shall this item pass?

Mr. Gerard Jennissen (Flin Flon): I think, Mr. Chair, when we left off last time the minister was going to get back to me on the St. Andrews Airport, a little bit of an update on that.

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Chairman, the information we have on St. Andrews, I know that the member is probably referring to the fact that initially the Winnipeg Airport Authority would be taking over Winnipeg plus St. Andrews. I guess along the way the St. Andrews aspect got put on the back burner and they are now conducting due diligence regarding the transfer of St. Andrews airport. Transport Canada anticipates that the Winnipeg Airport Authority will take over responsibility for the airport maybe as early as April '98, but it is in process of due diligence at this moment.

Mr. Jennissen: I would like to move on to a new section, if the minister would agree to that, and that is

on licences and licensing. I know some of that is water under the bridge really because it is already an accomplished fact, but I would like to ask some questions on it nonetheless.

First of all, the rationale for the decision to go to new licence plates.

Mr. Findlay: The last licence plates were issued in 1983, I believe. The plates were getting older. Many of the plates out there on vehicles were quite worn, cracked, hard to read, plus the available new number sequences that could be used for new plates that are issued was starting to get kind of tight. I think the biggest reason simply was you looked at plates of tourists travelling through from other parts of North America. Our is probably the dowdiest-looking plate of any you would see on the road, and it is time to upgrade to a more modern style design, more attractive, more tourism oriented. I have heard nothing but positive comments from Manitobans on the design that has been announced, not only for the design but for the fact that we are going to look like the rest of the States and provinces, more modern, more colourful, more attractive plate on our cars from now on.

Mr. Jennissen: Some people that were less than enthusiastic, they thought it was maybe a bit of a tax grab. I do not want to comment one way or the other on that. Could the minister give us a feel as to the cost for the new plate design?

Mr. Findlay: If I remember the question right, it is how much the design cost. The design did not cost us anything. The design, as drawn out or prepared, has been done over the course of time, so we did not pay anybody to design it.

Mr. Jennissen: So this was one design selected out of a series of other designs?

Mr. Findlay: Over the course of time, a new design had been thought of within the department, probably going back a few years. Some different designs had come up. A focus group was used to review them. The one chosen is the one that has been announced.

Mr. Jennissen: Where are those licence plates actually being produced? Are they being produced in Manitoba?

Mr. Findlay: A tender was put out for the new plates, and the successful tenderer—we will have them produced in Amherst, Nova Scotia.

Mr. Jennissen: So the Manitoba plates are being made in Nova Scotia, because that was the lowest bid.

Mr. Findlay: That was the lowest bid, yes.

Mr. Jennissen: Could the minister give me an idea how much it costs per plate on average and on average how much we get back when that plate is actually on the vehicle? How much does the Department of Highways actually make per plate on a regular passenger vehicle?

Mr. Findlay: Before the tender went out, we had projected a cost of \$7 for a pair, and \$1 for the individuals, which is what we are charging the people who are purchasing plates. [interjection] Did I say \$1? It is \$4 for an individual plate.

Mr. Jennissen: So does the minister have any idea, if all the plates are renewed, how much profit—I guess, that is the word I could use—we would make on this?

Mr. Findlay: As I mentioned in the previous answer, we had projected it would cost \$7 for a pair of plates. The tenders came in surprisingly lower, and what surplus will be there—and there is some uncertainty yet—but there is some surplus there that has gone directly to the construction program. So any extra that has come back because the tender came in better than anticipated has gone to the construction program for the department. So if there is any profit, so to speak, in it, it goes back to the road users through additional money for capital.

Mr. Jennissen: I heard the figure noised about perhaps \$700,000 to \$1 million. Is that in the ballpark that would be so-called profit?

Mr. Findlay: That is in the ballpark. That is what will show up as additional money for capital project activity.

Mr. Jennissen: The minister in an earlier statement said that the new plates should be on some of the vehicles by the middle of the summer. How many new plates will there be by the end of the year, roughly?

* (1440)

Mr. Findlay: The renewals will start to be mailed out on June 17, so as soon as a person gets his renewal he can go purchase his plates, but they are required—the first one is required to be in place by August 1. Then by the end of the year, with cyclical renewal, I would assume every month we could do about a twelfth of them depending on when the renewals come due for every licence plate holder. I would assume one-twelfth every month for 12 months. It will take a full one-year cycle to get all the plates renewed.

Mr. Jennissen: So that a year from this summer, next summer, we can expect approximately 700,000 vehicles. Would that be correct?

Mr. Findlay: Yes.

Mr. Jennissen: Now, if I can ask the minister another question on dealers, I have a number of letters from dealers who are worried about the dual plates, and I know the member for Inkster (Mr. Lamoureux) had asked that question and I do apologize, I do not recall the answer, but I think the minister said that dealers are not required to use dual plates.

Mr. Findlay: That is right, Mr. Chairman. The reason for going with the dual plates was for vehicle identification, to make it easier to identify for anybody enforcing the law or seeing a vehicle perpetrating a crime.

We have had considerable discussion with dealers because there are some, a little over, 5,000 dealer plates out there, and ultimately after, as I say, considerable discussion involving myself, involving department people, we have come to the conclusion that dealers—and I will read directly from the letter and I can give the member a copy of this letter that went to every registered dealer. It indicates in the last paragraph: I am pleased to advise that dealer plates will be exempt from the requirement to be displayed in pairs. This effectively means no change for dealer and repairer

plates. One rear-mounted plate per vehicle will be required.

Part of that discussion also was the Winnipeg Police and the RCMP, and they concurred with that recommendation after hearing both sides of the story. Also, in the process, the discussion evolved around and concluded that in the issuance of dealer licences in the future, there will be a little tighter process to be sure that whoever have dealers licences are authentic real dealers. Everybody agreed to that also so that we will effectively have less plates out there identified as dealers, but the dealers will have the continued exemption of two plates. That is effective the way it is in other provinces that have dual plates.

Mr. Jennissen: I thank the minister for that answer.

The minister indicated that the new plates are a vast improvement over the old plates in terms of colour and attractiveness, and I think there is not too much disagreement on that. However, not everyone is happy with the new plates, and I would like to represent that segment of the population as well who think that perhaps we should not have gone to new plates. In fact, I would like to read into the record a letter from a Mr. William D. McGaffin from Dauphin, Manitoba.

The headline reads, New plates are a tax grab, and he writes as follows: Glen Findlay, Minister of Highways and Transportation recently announced new licence plates for Manitoba. They are supposedly more user friendly and will convince tourists to come to our province. That will not happen. Tourists come because of excellent service, low prices, friendly people, beautiful country, not some fancy licence plate. The biggest disgrace, however, is Findlay saying that the \$7 fee for two licence plates is simply to recover costs. That is a crock. The number of dual plates for Manitoba is in excess of 650,000. That would bring in in excess \$5.1 million to the province. If the plates cost that much to make and distribute, then I want that job. If the fees are actually for the provincial coffers, why can he not just say so? People are not stupid. They can understand a tax grab when they see one. Why do we need new plates? The old ones are quite effective and also work quite well. There are many unanswered questions. Some honest answers would be appreciated. William D. McGaffin, Dauphin, Manitoba.

I am sure the minister would like to respond to that fairly negative comment.

Mr. Findlay: Mr. Chairman, I have effectively answered every allegation in there in the previous questions that the member asked. It is not a tax grab. It is a cost-recovery item. The coffers of the government will not see any additional money. It will all go to the purchase and distribution of those licence plates or to road surface. There is no profit for the government.

The fact that he says they will not increase tourism—there are a lot of things that it takes to make tourists come here, and there are probably about 50 items that could be mentioned and listed, and this would be one of those items. You have to do a lot of things to make tourists happy and comfortable here. I think to put a positive appearance on your licence plate, a friendly appearance, is very, very important. I want the member to know that the word “friendly” is a very recognized statement on our plates. I think we have all seen evidence of what “friendly” means on our plates with the response of citizens to voluntarily help those in distress because of the flood we just had. I can tell the member I had people outside the province say, now, I know why you have “friendly” on your plate—because of the reaction of people when there is a time of need.

It also reflects on people in terms of volunteerism in this province, whether it is volunteerism for bringing sports events here or volunteerism in a community. That is the way we function in many of our communities, the strength of volunteerism, and that is what “friendly” means. It has been there; it stays there. Now “friendly” is a much more stylized word as opposed to a block word.

I think the plates are much more attractive, and I respect that the member has a letter from somebody who is not happy, but I would be the first to admit, I will never satisfy everybody, no matter what I do. If you do not do anything, you will get letters for us not doing anything. If one letter means that the world should stop, I am afraid the member is wrong. The vast majority of people think the time was right to change our plates, and the way we did it and the design we have there is pretty attractive to most.

Mr. Jennissen: Still, despite that, there was a heavy debate in the province, at least for a short while, about what should be on the plate, what should not be on the plate and so on. I know that some Francophones were less than happy with the fact that "bienvenue" was not on the plate, but I guess, by extension, you could argue, you know, the German people make up a large proportion of this province and the Ukrainian people and the Dutch and so on. I suppose you could argue there should be aboriginal art on the plates and so on and so on. Somewhere it is going to stop, but the question still remains that many people have asked that why not simply the word "Manitoba." Do we have to advertise we are friendly?

Mr. Findlay: If the member wants to go out on the front steps and say we were going to take "friendly" off our plate, he would get inundated with negative comments. That is very strongly supported, as I tried to indicate earlier in terms of it reflects what we are as a province. It is a symbol that we are identified by within the province and from people outside the province. It means a lot of things to different people. It is a statement that we are warm and friendly and we are happy and we smile and we appreciate people for who they are and what they are. It means all those things, and most every plate I have seen has some little slogan statement related to their province, to their state. That is just part of making the plates more friendly, more user friendly.

Mr. Jennissen: I do not disagree with the minister's analysis, except I notice that in Europe they have very plain, direct, visible plates with numbers and letters on them and identifying country. There is no need to advertise, you know, that the Dutch are friendly or the Germans are unfriendly or the French are happy. I mean, I do not know, I do not want to make this a long, drawn-out argument. I know this is not necessary, but it is just that there is a segment of the population that thought we could have simplified it.

Before we just drop that entirely, I just want to read into the record one more letter from Mr. Berglund. Drop the so-called essences, he says in the letter, it was in the Free Press, November 15, 1996. Let us see golden wheat fields, trees, water, big blue prairie sky, bison, maple leaf, Friendly Manitoba, bienvenue and licence numbers. Are we certain nothing has been left

out? Other provinces are secure enough with a single design element. Only Manitoba needs a list. Go back to the drawing board and drop a few of these essences of Manitoba, please. I am sure our identity will survive.

So that is the counter argument. But, you are right, you drop friendly, I am sure you will get 100 negative responses as well. Since the plates are coming, I am not really sure why we are getting into this.

So let us go on to the next phase then—licensing of drivers and safety. Fatalities caused by 16-year-old drivers have dropped by half in Ontario after the province adopted a graduated licensing system. Some of the elements of that novice driver's system means that those young drivers do not go on freeways or multi-lane highways; they do not drive between midnight and 5 a.m. They may not have any blood alcohol level whatsoever, otherwise the licence is invalid. Are we considering something similar, or is it time that we should be thinking in those terms as well?

Mr. Findlay: I think the member is probably referring to graduated licences, that kind of approach to ease young people into the activity of driving. It is certainly an issue that has been brought to my attention. We have looked at it, we have talked about it, we discussed it. I want to relate to the members some of the facts that may be behind the scenes. If we look at the driving statistic records, people involved in accidents, and it exists for every age group all the way from 16 up to 85, 90, 95, whoever the oldest driver is, it is categorized by every few years. The most accidents are caused in that age category from 16 to 24. The highest incidence of accidents happen there for males only, and from 24 on up, no matter what group you take or how you do it, there is a pretty similar rate of accidents per 1,000 drivers. If you go on the female side of the gender, it is right from 16 to 85, there is no real change age-wise with accidents caused.

* (1450)

Now what the member is identifying would apply to 16-year-old males, but it does not apply to 16-year-old females, and wherever graduated licences have been used, it does not respect that gender difference. I, for one, do not want to penalize good, young, female

drivers who do not cause any higher incidence of accidents than anybody else in the population, have them negatively impacted in terms of their driving privileges when their record is perfect—well, not perfect, but equal to anybody else percentage-wise. Fundamentally, that is the reason.

If you want to target where the problem is, it is that young, aggressive male driver, and our laws are in place. The member mentions alcohol. It is illegal to drive over 0.08. It is illegal to drive, and the responsibility is there for parents and for society to be sure that our drivers are well trained, no matter what age, that they obey the law, whether it is alcohol or speed, but enforcing some of the graduated licencing aspects are also a bit of a challenge. Do you stop everybody after midnight to see if they are over the age of 18? I think not. So you can put all the laws in place you want, but if people do not obey them, you do not achieve much.

Another little gripe that I always have, if you look at the statistics when the Winnipeg police have their ALERT check stops at Christmastime, you just notice how many people are picked off that do not have a licence at all, that are driving vehicles. That is an issue we should target, first and foremost, if you want to improve the safety on the roads. People with terrible driving records still get behind the wheel even without a licence. They are not easy to catch unless you have those check stops where you can actually ask for the licence and they cannot get away on you. That is the group we should try to target, not, in my mind, young people, other than the male, who is aggressive at times.

MPIC is doing some great ads in the last couple of years. They are kind of horrifying ads. They are hard to watch, but they send a tremendous message. It is always disappointing when a week later you hear of another pair of young people in an accident involving alcohol and speed. It is just rather depressing; but, if they are going to do it, they will do it whether they have a licence in their pocket or not—that is what I am getting at. It is attitudes of drivers that we have got to address, and I think MPI is making a good effort to help the public understand that those accidents do not always happen to somebody else. They happen to you, if you do the wrong things.

So I am not a believer that graduated licences will change things on the roads, and I will not negatively impact on the female of 16 to 24 who has a very good driving record, historically.

Mr. Jennissen: I thank the minister. I was not aware that the 16-year-old females were much safer drivers. I had not seen the statistics, but I guess we are saying—

Mr. Findlay: They are dramatically different.

Mr. Jennissen: So I guess we are saying testosterone and hot cars do not mix at that age level, but I was kind of surprised the minister was saying that, when we do have those road checks, especially at Christmastime, a number of people are caught that do not have a licence at all. Do we have any kind of statistics on that, like a percentage on, at any given time, how many people actually could be on the road who have not even bothered to get a driver's licence?

Mr. Findlay: In most cases, they are suspended drivers. They may have a piece of paper in their pocket, but they have been suspended on the electronic record. We will see if we can get exact numbers, but they have been published in the Free Press at Christmastime. They usually give the results of the ALERT program, and I cannot remember from the top of my head exact numbers, but fundamentally my perception is that it is about equal to the amount that are found impaired. If you look at year over year over year, the number of people that they pick off impaired there is going down, down, down. So the effect of the program is very positive in that respect, but the number picked up without a valid driver's licence is disturbingly always there.

I guess it is fair to say that, if you get picked up with a few offences and have a lot of demerits, the cost of your licence is pretty high, and some people obviously make the decision, well, I cannot afford it, so why bother with it. Their attitude in terms of driving probably has not changed, and they have demerits for very good reasons. It has been bad driving habits, causing accidents, whatever. It is very difficult to get them off the road unless their attitude changes.

Mr. Jennissen: In the Winnipeg Sun, Tuesday, November 12, in an article Lifesaver spurned, there is

a section there, and they quote Marlene Zyluk, acting registrar of Motor Vehicles, as saying, and this is in regard to graduated licences: We are trying to balance safety of the public against fairness to all persons, said Zyluk. Instead, she said, her department is preparing a proposal to get tough on problem drivers and repeat offenders.

Could the minister clarify exactly what they mean by that, get tough on repeat offenders and problem drivers?

Mr. Findlay: Well, I think what you just quoted and what we said, safety and fairness, is what we are trying to do with the different age groups. Tougher, I have just identified an area where there is a problem. We will be introducing various measures over the course of time that will be seen to be tougher, as we have in the past. I mean, we have the toughest drinking-and-driving laws in the country here. I think that they are working. As I mentioned, the number of people picked up impaired at Christmastime does indicate that the public is more responsible in that regard, and if they are going to go out to a party, there is a designated driver. I think many of our bars have ways and means of getting people home. There is another system that they use.

An Honourable Member: Red Nose.

Mr. Findlay: Red Nose, that is right. The Red Nose—I think that is the Manta swim club if I remember right. They are on call to take people home and their vehicle. I know some of the people involved in it, and I think there are three people who go: one to drive, one to look after the rider and a third person to bring his vehicle home. All they have to do is call, and all they ask for is a donation towards the Manta swim club. It is a volunteer effort to improve safety on the road which, I believe, is working. Another reason probably why there are less impaired people picked off in the check stops at Christmastime, a combination of factors.

We will continue to get tough where we believe that additional laws will improve the safety on the roads for all Manitobans, including the person who is driving the vehicle in an a state that he should not be driving it in.

Mr. Jennissen: I certainly concur with the minister's earlier statement that some of those ads that MPIC has been putting on, the RoadWise ads, have been very effective, at least in my opinion. As a bit of a student at mass media, I think they have been extremely effective ads, and maybe that is a very important direction to go—education.

Which brings me to my next point. I have always felt that in northern Manitoba it is really difficult to train student drivers, especially in the more remote communities, such as, let us say, Split Lake or Moose Lake and so on. I was wondering, are there any—and the reason I am asking this is because one of my own friends is in the driver-training business—are there any innovative programs or grants or things of that nature available to assist northern people when someone wishes to go into the remote communities to teach these young people to drive, because those communities are disadvantaged enough? It is just one more nail in the coffin if those kids come south and they do not have a driver's licence.

Mr. Findlay: Mr. Chairman, the driver ed program is operated by MPI. Now, we cannot answer to what degree they are in the North or whether they are there at special times or what all, but they do put a lot of young students through their program. If they take that kind of a course, we allow them to get the driver's licence at fifteen and a half. Provided there is an adult with them, they can have a driver's licence at fifteen and a half. They have a probationary licence at fifteen and a half if you take a course, if you go and pass one of these courses. So there is a bit of a carrot there on our part to get them to take these courses, whether it is the MPI course through school or a professional driving course.

Mr. Jennissen: The next question probably, maybe does not fall under the minister's jurisdiction either then, and that is the actual training manuals used for young drivers or for any driver. My concern is that some students that have English as a second language have difficulty with the language. I presume immigrants would as well. Again, it may not be under the minister's jurisdiction, but is he aware of any attempts to create more easy-to-read manuals or even translated manuals in other languages?

* (1500)

Mr. Findlay: What we have here, Mr. Chairman, is a Driver's Handbook, which is put out by Manitoba Highways and Transportation, and it is put out in English and French. Those are the two official languages of the country, and this is how we do it. I appreciate there are many immigrants that come here, and one of the first things they want is a driver's licence, maybe before they have had adequate opportunity to go through English language courses. I appreciate it does present a bit of a problem, but it would be very costly to have one in every language. All I can suggest is that, if there is a particular community out there that wants to facilitate the immigrants from their country, they could get involved in a translation of the handbook, but we do not have any grants to facilitate that.

The deputy just reminds me that British Columbia, which, for obvious reasons, has a number of languages, has been active in trying to use different languages, but finds that people have to know English in order to drive to read signs and all that sort of thing. So the indication is that they have backed away a little bit from what the member is asking, to give handbooks or give instructions in different languages. If you are going to drive, you have to know English anyway because the signs are in English. I guess what he is implying is that the experience in B.C. is not just totally positive.

Mr. Jennissen: Just for information's sake, I know that in the school that I taught for a number of years, Frontier Collegiate Institute, we did translate the driver manual into a simpler form of English for students that have English as a second language. Most of them are aboriginal students and their reading level was considerably below par. We merely simplify the language a little bit. So some of those are available. In fact, the department could probably pick them up free of charge from Frontier Collegiate Institute.

Mr. Findlay: Mr. Chairman, the example the member has given would indicate that those kind of simpler reading manuals are made available through the school that he identified. I am sure they would go beyond that school, so those who want it can find it, if they are prepared that way, and that is good. I am glad the people would see to do it that way.

Mr. Jennissen: I am not sure if they are actually that widely distributed. Basically, I think my wife was involved in translation, or it was not even translation, it was sort of gearing down of language for a very small, specific clientele. I do not think it ever went beyond Cranberry Portage as far as I know, but I know they are available. I just thought that maybe via the government there might be wider distribution in the North.

I would like to go back to the safety issue again. Two years ago, Road Check '95 discovered that one out of every three trucks in Canada was unsafe. The figure for Manitoba was around 36.6 percent. I know we discussed it last year in Estimates as well. That was the third highest level in Canada behind Ontario and New Brunswick. I am just wondering if the minister could give me an update whether anything has changed, and if he has some figures to indicate that.

Mr. Findlay: Mr. Chairman, the member reads into the record some of the stats from Road Check '95. Clearly, Road Check '96 was done—I am just getting the numbers here—but I do not imagine they are terribly different. The numbers are reasonably similar right across North America. The term “out of service” is used. But the vast majority, it is over 80 percent of those trucks that are identified as out of service, can be put back into service by the driver on the roadside. It usually has something to do with lights, the bulb can be replaced; brakes, which can be adjusted in many cases; or tires, which he can change. Many of those trucks are back into service minutes later or within an hour or two by roadside service right there. It is not serious defects.

There are rigorous inspections on big trucks. They have to go through safety inspection to be certified every six months. Naturally, six hours or two hours after leaving a safety inspection station, a light bulb could burn out.

Now, we also have passed a regulation in the province requiring pre-trip inspections, so the driver is required to check particularly lights and brakes before he departs on any trip, pre-trip inspection to promote safety, because the person really, ultimately responsible for safety is the person behind the wheel, because he is driving that vehicle. His safety is at stake if he does not be sure that his vehicle meets all the criteria of safety.

The safety code that we all abide by is nationwide. We all try to make sure that all users of the road abide by it on a daily basis. They go through the inspections. Ultimately things happen between inspections. They travel a lot of miles. My feeling is that the trucking industry has become exceptionally conscious of safety over the last few years. The kind of statistics the member mentions that have built up over the years cause them to realize that they have to have a positive public image, otherwise there will be greater pressure to restrict their use of the road. So there is a greater emphasis on safety by trucking companies, by drivers. It is an educational process. I am very confident saying the vast majority abide by that.

The other thing I might mention is that our DDVL has been involved in training police officers, RCMP and city police officers to do inspections. You may have seen some evidence in the Free Press I think in the wintertime of picking off some trucks that they thought should be inspected. A quick cursory eyeball of them going by would indicate that they are ripe for inspection. That kind of inspection and the signal it sends helps to stimulate those who may not want to abide by the law to be more conscious of the law and know that there is a consequence if they do not abide by it.

The statistics are there, but I think the member, if one wants to read a negative into those statistics, he can. The reality is, there is a lot of positive in terms of safety of trucks and a lot of the so-called items that are used to identify them out of service. It is not that serious and can be quickly rectified at the roadside. The truth is, it should be rectified every trip when they start.

The safety record is, by and large, pretty good. I have seen statistics for every thousand or ten thousand cars versus every thousand or 10,000 trucks. Cars cause accidents at three times the rate of trucks on a per thousand or 10,000 basis. Truck drivers are professionals. You might just recently have seen an individual from one of the trucking companies in Steinbach who received a safety award for 42 years on the road without an accident. Now, just add up how many millions of miles that individual drove and the kind of conditions he would have encountered—prairies, mountains, weather, populated centres. That is a phenomenal driving record, and the fact that companies

and the industry give out those kind of awards is a stimulus for those who are currently driving to try to achieve a similar record.

So I try to be generally very positive about the trucking industry because of its role in our economy, the jobs it creates and the attitude that the vast majority of companies and drivers have, which is consistent with what we are talking about here, maximized safety for everybody involved.

* (1510)

Mr. Jennissen: But in my mind, I still see some of those pictures of tires flying off trucks in Ontario and causing major damage. Now, I know that is, you know, one incident out of many, but when it does happen it is kind of horrendous. That brings me to the point, Mr. Minister, and I do not have the '96 Road Check statistics, unfortunately. Why is it that 36.6 percent of our trucks were found unsafe, but in Quebec it was down to 18.3? I am going back to '95. In other words, Quebec's statistics are twice as good as ours. Are they doing something different? At least they were twice as good as ours two years ago.

Mr. Findlay: Mr. Chairman, the member mentions Quebec at 18 percent. When these roadside checks are done—those stations, say, out at Headingley, for instance, in Manitoba—they will stop whatever truck is coming. It does not matter whether it is from Quebec or from California or from Manitoba or Alberta. It may have happened in Manitoba, but it does not mean that all the trucks are from Manitoba. We have no idea what percentage were from Manitoba, as in Quebec. You would have no idea what percentage were Quebec trucks versus trucks from particularly Ontario or the Maritimes or from the northeastern U.S.

Our safety code is the same across the country. We are basically on a level playing field in terms of our inspections, inspection requirements. The National Safety Code is the same right across the country. So there is no particular reason we could put our finger on. I just want to identify the randomness of where the trucks can come from at any given time no matter where the location of the inspection is held.

The member mentions the truck tire-off incidents. Over a two-year period in Canada, there were five

incidents, all in Ontario—all in Ontario. I will not deny that wheels do come off in different locations of the country, just that they have not caused accidents. But there certainly is a major emphasis right now to be sure we do everything possible to minimize or eliminate that. I know the deputy has talked to me about the ways and means of trying to do it on a cross-country basis. There are certain kinds of nuts that are a little less likely to come off, but if the bearings go—but those are some of the things that an astute driver will pick off, just by the way a truck drives. I mean, I cannot imagine not knowing a bearing is out when he is driving a vehicle. There are conscious efforts to minimize those kinds of incidents from happening—conscious, conscious efforts. It is always unfortunate when the next incident happens, but there is considerable emphasis in the industry and in the provincial and federal governments across Canada to be on top of it and to minimize the possibilities of recurrences.

Mr. Jennissen: I understand the minister's argument about the randomness of the trucks, that where they are being checked, they could be from any province, but it still seems hard to believe that Quebec would be that low and Ontario would be that high. I am making the assumption, maybe it is a simplistic one, that most of the trucks checked in Quebec would be Quebec trucks and most of the Ontario trucks checked in Ontario would be Ontario trucks. So I still do not understand why there is such a huge variation. It makes no sense to me statistically.

Mr. Findlay: We can just say it is the randomness of chance that it is that way. Before you read anything into it, we should look at more years than just one to determine if there is any consistency.

I now have the figures here in terms of what I was referring to about five incidents in two years of wheels off causing injury or death, all of them in Ontario. At the same time, in that two-year period—this is across-Canada statistics—6,500 deaths on our roads in Canada—remember, five deaths because of wheels off, and 280,000 injuries. So, in perspective, in comparison, even though one is too many, it is exceptionally low percentage-wise to total deaths on the roads and total injuries on the roads in the same two-year period across Canada. I would have to say it is

almost like a plane crash. Air traffic is very, very safe, but one incident, which we have not had in Canada for quite some time, draws a lot of drama, and every one should be prevented. One incident draws a lot more attention than percentage-wise it probably should.

Mr. Jennissen: Yes, the reason I was bringing out the Quebec statistic was that I thought, perhaps, they had a more stringent inspection program or there was something noticeably different from anywhere else in Canada; but, if there is not, then there is no use pursuing that. As for wheels or tires coming off, it can happen anywhere. I remember being in a cab in Winnipeg and an actual wheel fell off the cab, so I mean it happens here too.

I would like to move on to something we have alluded to before, actually, and that is young drivers being unsafe. An article in the Winnipeg Free Press—the minister may get the impression that is the only paper I read, but I just happen to have these copies here—on March 19, 1997, an article entitled “Angry drivers are killing more people than ever.” I will quote a little bit: Angry drivers are behind the wheel in record numbers and they are putting you and your family in danger. A survey conducted last fall for the AAA—that is, I presume, the American Automobile Association Foundation for Traffic Safety—found a 51 percent increase in violent highway incidents since 1990, Art Levine [phonetic] wrote in the current issue of Redbook. Those trends are similar here as well.

Mr. Findlay: Mr. Chairman, I am not aware that we have comparable statistics in Canada about angry drivers or frustrated drivers. Naturally, people's driving performance is affected by their mental attitude, and if you get into concentrated areas—you know, you are talking about American cities particularly, where you might be sitting on a freeway for an hour and you are really frustrated and you get angry. Generally we do not have those. Outside of Toronto and Vancouver we probably should not have those things happen in Canada because you do not have that level of congestion and frustration created.

I am not aware that we keep any statistics in that regard, but, naturally, if a person's attitude is very negative, his driving habit will be affected. He can cause things to happen, particularly in tight and

congested travelling conditions. I cannot answer in terms of statistics here that would be comparable.

Mr. Jennissen: But, if the trend is that way, I wonder if the minister would respond to one other little quote here: There is a high-tech way to help save even more lives, photo radar, in which a camera shoots speeding cars and their licence plates. Because of public concerns over invasion of privacy, it is relatively underemployed—unquote. I do know we have toyed with that in Ontario, I believe, and other jurisdictions elsewhere.

Is that perhaps a route we may have to consider going in the future?

Mr. Findlay: Well, clearly when somebody commits a crime or violates the rules of the road, you would like to prevent them from doing it in the future. We have had some major discussions with the Winnipeg Police and the RCMP and the Brandon Police about the use of what the member is referring to, and that is photo enforcement. One thing I want to tell the member is, the RCMP made the statement that their code of ethics says that, when they see somebody committing a crime, they are to stop that crime from continuing. And they said, there we are sitting there with a camera and they see somebody speeding to 30-40 kilometres over the speed limit, he is a serious threat on the road. We are not very comfortable if we take a picture of that person, and two minutes or two hours he is still driving at the same speed and he causes a serious accident. We have not done what we should have done by our code of ethics—stopped that person. So their code of ethics says, I am a nice person to catch them and send them a ticket, but it has not done what they should have done, stopped that person from continuing to perpetrate the incident that he was doing—speeding.

* (1520)

Anything that is going to get people's attention, such as that sort of process, will, hopefully, reduce speed. We have considered it, but have not decided to act on it yet in the province of Manitoba in terms of the photo radar. There is a lot of public dislike for that vehicle, and there are also people that claim that, if you send the ticket to me as a registered owner, I was not driving the vehicle; it was my son, my wife, a friend. So you do

not really get the person you want to get by sending a ticket to an innocent person.

We have had those discussions, and I relayed that comment from the RCMP as one of the defining reasons why they do not consider it the be-all and the end-all of reducing speed on the roads. Generally speaking, the public is pretty good on the roads. Anywhere I have driven I very seldom see people who will go over the speed limit plus eight or nine or 10 kilometres, which is driving according to conditions generally, and it seems to be the tolerance that the police allow—that is my observation. I do not think speeding is as much a problem on the roads today as it was 10 years ago. Actually, the speed limits have been raised a bit. It may be a bit of a problem in the cities, because in cities, you know, if the speed limit is 60 or 80 and you are driving 100, there are more intersections, more chance of trouble.

But we have been in continuous discussion with people that are looking at improving the safety on our roads, and we may well be doing some things in the future that will be in that direction. I can assure the member that at this point in time the use of photo radar is not something that is strongly endorsed by the people we are talking to.

Mr. Jennissen: Yes, the minister is quite correct. I know it is not a very popular technology at any rate, and he is also quite correct in saying that it can only monitor something that is happening. It cannot actually stop the person or slow them down or anything. Always the best safety gadget out there seems to be a police car on the road. I notice the traffic slows right down whenever I see those lights flashing, or it is on the road.

I would like to change slightly to—it is again a safety issue—the farm lighting that we talked about last year, the minister introduced last year. I have here the Keystone Agricultural Producers, KAP News, it is called. It is Volume 3, No. 1, March 1997, and I would just like the minister to comment on what they say in there.

The death of three Manitoba teenagers who collided with a combine header more than two years ago has prompted new provincial legislation for lights and

markings on agricultural field equipment. The Highway Traffic Act regulations are still in draft stage—at least when this was printed—KAP, K-A-P, has been involved from the start and has gained concessions that will save producers big money.

Now, my concern is—and I would like the minister to respond to that—concessions are okay, I guess. It may save somebody money, but what about the safety aspect of that? In other words, those concessions, do they have safety ramifications, negatively?

Mr. Findlay: After the incident that the member referred to around Rosenort we set up a committee that involved KAP, RCMP, my department, several organizations anyway had representation on the committee. They went through a period of several months of evolving to what ultimately we brought in as legislation.

I take a little exception to what KAP is saying there. They did not cause concessions. They were around the table where people debated the pros and cons of various aspects of what was ultimately put in place, and everybody agreed to it. They are overplaying their hand in their statement, and I am disappointed they would take that position, because when you reach a consensus around the table you should not go out boasting about how you got this or you got that. Effectively, we took the safety standards that currently exist for new farm equipment are the law, and that used farm equipment will not face anything particularly different in the future, provided it is operated in the daytime. At night, then it has to have the lights on it.

I presume what they were referring to is they do not have to have the lights on in the daytime on the road where the equipment is visible, or anytime in the day when it is visible, because if it is foggy, of course, it is not visible.

Given that the incident happened in rural Manitoba, and given that the impetus to do it was driven by the affected people in rural Manitoba, it is unfortunate that KAP boast about concessions when they were at the table and they agreed to everything that ultimately came from the table, and what we introduced as legislative change was exactly the recommendations that came out

of that entire body, of which they were only one player. So I think they are trying to play a little politics with something that one should never play politics with, and that is called safety on the road.

There was unfortunately the incident with the three teenagers, the one incident that the member refers to, and the two other incidents that year of somebody running into a vehicle being towed, and in both of the other cases an individual lost his life, so it is not something to make light of or boast about for making political advantage. They were on a committee, and the results of that committee were implemented in our legislative changes. There was complete, unanimous agreement and consent involving KAP, the police, other safety related organizations.

Well, here, I have got the composition of the committee now: Keystone Agricultural Producers, Prairie Agricultural Machinery Institute, Canadian Standards, Technical Committee, and Prairie Implement Manufacturers Association, and the RCMP. So there was a broad representation there, but what ultimately came out of there was something that was considered reasonable from a safety point of view, and practical from a farmer's point of view and not overly costly to the farm community on used equipment.

Mr. Jennissen: I am happy the minister explained it that way, and as the minister recalls, we did support the legislation because we thought it was good legislation, but what annoyed me a little bit was that it seemed that KAP was presenting it in such a way it was an either/or situation that was not consensus building, but rather we won and you lost, that kind of a thing, and that could possibly have safety ramifications. That is what worried me, and that is why I raised the issue.

Mr. Findlay: I just want to re-emphasize, what they say there is out of context with what happened and what the legislation was and it is unfortunate, and the next time I am meeting with somebody from KAP I will be bringing that to their attention. It is not appropriate to take that position after you have been at the table and agreed to the consensus position, and they agreed because they believed it was, in balance, the right thing. Then to go out and say they won concessions, that is putting a very negative spin on what we all want to have as positive for safety reasons.

Mr. Jennissen: We all want safer highways and we want our roads to stand up the best they can, and I suppose that is one of the reasons that the government is moving to these automated self-weigh scales. I do have a few questions about that though, and one of them is, I am a little puzzled how this works. So you pull up to a scale. Let us say you are driving a huge truck and it is loaded. So what if you are, let us say, 5 percent overweight or 10 percent? You do not just turf the grain or you do not just throw the logs off there. So then it is just more like a self-monitoring, but it still does not save the road. You are still overweight, right, and they know that there will not be a penalty for that?

Mr. Findlay: I remember about three years ago receiving input from particularly the cattle industry saying, you know, we load our vehicles and we are never quite sure what they are and, yes, you could say we could drive to an elevator, but that is not always convenient, and sometimes the elevator people do not want us driving in there. These give them a chance to, if they are on the road, pull over and find out what their weight is. If they know they are overweight by what it reads, the obligation then is to do something to reduce the weight or equalize the weight on the axles or to offload what is necessary, because they know if they ever encounter a checkpoint down the road or a scale where we have an inspector they are subject to being fined.

Now, we can also use those scales, as the member is referring to, if an inspector is there to use it as an inspection point for vehicles that come along. So if the inspector is there, it is not a free weigh if you are overweight. It can be used for the spot inspection process. But it is basically there for people to educate themselves as to what they are carrying and allow them to load appropriately with that load and subsequent loads.

The truth of the matter is, not enough people pay attention to their, particularly axle weight distribution of load weights, beyond the commercial truckers, who would have to do it all the time, because they are constantly going over scales and are very, very conscious of how they load. They are professionals and they load every day, and they know what they are doing. The guy who loads something once a month or changes what he loads, it is a bit of a guess as to what

he has, and these scales are available to them as they are driving down the road, and it is a check that they can use to be sure that they are legal just in case they do encounter a legal weigh station down the road where they will be subject to fines if they are overweight.

* (1530)

Mr. Jennissen: Yes, the point I was making though, that if you drive 200 miles or kilometres or whatever overweight and then you check yourself and find out you are overweight you have still driven, you know, on that road and may have damaged the roadbed or whatever. So that was my concern. There is really no penalty attached to it, but it is certainly an information system. How many of those six weigh scales will actually be operational? Will they be operational by the end of the year?

Mr. Findlay: Seven are planned. Several are in the process of installation. One on 75 is operational at this moment in time, but others in stages of preparation for ultimate use. But there are seven locations that have been currently identified.

Mr. Jennissen: They do not actually involve any building or any structure. It is sort of just, you drive up on a special lane and there is a readout and some kind of monitor, is that how that works?

Mr. Findlay: I have been watching one get built over the course of the winter and, you know, they have to put the scale in the lane, the extra lane that has been built. So you build the extra lane and then you have got to put the weigh scale in and then you have to have the readout placed out there too. So it has to have power, and there is a bit of work to putting that in and a fair bit of cost also.

Mr. Jennissen: On that cost figure, what does the minister estimate it would cost per scale?

Mr. Findlay: Mr. Chairman, for a ballpark cost, they are about \$50,000 for the grade, gravel, pavement, and then another \$50,000 for the weigh scale and the readout. So you are looking at about \$100,000 in total per site. That is very approximate. It varies by site, of course. But you have to build a fair lane to accommodate the trucks to pull off, stop, and then pull

back on. The one I can think of seeing is certainly in the vicinity of a fifth of a mile of lane that was built.

Mr. Jennissen: One of the questions I have is: Do we have enough inspectors and enough weigh scales as, say, compared to Saskatchewan? I am under the impression that they have more inspectors or that their workload is a little less paperwork and more actual inspection time available for them. Are there any comparable statistics?

Mr. Findlay: In terms of inspections, total number of staff is 42. It is the same this year as last year. Inspections consist of two major activities; one is at the stationary sites—the member can think of places like Elie just west of Winnipeg, which is certainly a major location. They also have roving staff for spot inspections that travel around with portable scales and can set up anywhere in the province, any road at any time. The general statistic is that we are not finding any inordinate number of violations wherever and however the inspections are done. The figure is about 95 percent of trucks that are stopped are within legal weights, which is a pretty high compliance. Probably the one thing that keeps people very conscious is the roving aspect of spot inspections that can be done.

I know I have been talking with people in the trucking industry, and it is their desire to be sure that they do not overimpact the roads, because they know there is a cost to us as taxpayers. They are not out there to beat the roads up, because they need to use them today, tomorrow and a month from now. So everyone wants to find ways to be sure that the last 5 percent continually complies. Our inspectors are one way, but maybe there are some better ways we can further impress upon people why we should have that number of noncompliance or violation from 5 percent to 4, to 3, to 2, to even lower, if we can get it there. We have not had blips in terms of number of violations. It is fairly consistent, routinely low.

The number I have now, now that we have the paper, is even better. It is 99 percent compliance. Now, that is an awful lot of your commercial trucks at your stationary places which they run into one every 200 or 400 miles, so they always load properly. That makes up a reasonable percentage of the actual inspections done, but 99 is a pretty high level of compliance.

Mr. Jennissen: With regard to inspectors and spot checks, if that is to apply, let us say, to a far northern area such as 391 and ore trucks or lumber trucks, whatever, you would know that inspector is coming. Right? There is only one way in and everybody has a citizens' band radio. In fact, I hear truckers joking about Cowboy Charlie coming. I do not know how true this is, but just for the minister's information, if he is into rumour, you know, they know the fellow is coming. What are they supposed to carry? Mr. Chairman, 62,500 kilograms, but they tend to carry a lot more than that. But, if they know he is coming, then, of course, they lower the load a little bit. They get caught on occasion, I guess, because the gentleman apparently is extremely clever as well and does not always travel in the same car, I presume.

An Honourable Member: A cat-and-mouse game.

Mr. Jennissen: Yes, it is a cat-and-mouse game, but there is something to that. You cannot come from four different directions. You can only come into town from Thompson, and everybody knows who you are. I mean, you could be complying that particular day, but not the other 20 days that this gentleman is not anywhere around. I do not know if there is a way around that. If you are determined to cheat, I guess you can.

Mr. Findlay: It is the cat-and-mouse game of the police, or the inspector and the citizen on the road. It is difficult to have the perfect system where nobody knows that he is coming and he catches everybody that is in violation. Somebody has got a radio, and he hears that the inspector is on the road. He has his 61 logs on the truck—what is he going to do? Is he going to quickly stop and throw some off the road? Well, if the inspector comes along, he has got him.

I just want to re-emphasize to the member that the commercial trucking industry is pretty responsive in protecting our roads. I would have to also give the member some credit for saying that in the more remote areas that the tendency might be to violate a little. We are constantly concerned about the timber hauling trucks, no doubt about it. They have come to us with different approaches. They do want to haul higher loads or heavier weights.

* (1540)

In Saskatchewan the same thing is occurring, and they pay an ongoing penalty on the basis of overload weight just in order to carry it. They see it as an advantage to pay that towards the additional road impact that they are involved in. I bet you every province is involved in that discussion at one level or another. Our idea is to maximize the way we can protect our roads, but again at the end of the day you cannot have inspectors crawling over everything.

Mr. Jennissen: The minister is correct that it would not work for hauling lumber. I was referring mainly to the Lynn Lake-Leaf Rapids area, and I think possibly only concentrate to maybe some gravel, I am not sure. I do not think it is a major problem either, but it is probably happening. It still brings up the question I raised earlier and that is, do we have enough weigh scales? I am thinking myself when I drive home, drive north to Cranberry Portage or Flin Flon it is roughly 800 kilometres. If that weigh scale is closed just north of The Pas I do not see any other weigh scale. I am up on Highway No. 6, I go all the way through, hang a left on Easterville Road, that is No. 6, then up No. 10 and sometimes that weigh scale is closed. So I could technically be a trucker driving from Winnipeg right up to Flin Flon, that is 800 kilometres or more and not see a weigh scale station. That does not mean inspectors are not on the road, but highly unlikely, at least the hours I travel.

Mr. Findlay: The member is referring more particularly to permanent scale?

Mr. Jennissen: Yes.

Mr. Findlay: The way we try to be as effective as possible, as I mentioned earlier a roving inspector, one way. Secondly, the hours that scale may be functioning will vary from time to time. One week you may go through and find it open a certain hour; the next week you will not find it; the third week you come back and find it open at quite a different hour. There is not any total pattern to when we are open and closed. The idea is to maybe have an element of surprise to the industries going through just to make sure that they are a little conscious that we could be there at any time and that there is not a guarantee that at two in the morning

it will not be open. But the compliance rate is pretty good.

Mr. Jennissen: Just for my information, how many roving inspectors are there, and what is the fine if let us say you are 500 kilograms over?

Mr. Findlay: We do not have it right available. We do have public fines for different degrees of overload, but any one of those 42 could be roving. It depends on how the work assignments are worked out. Naturally we do man our permanent sites reasonably regularly. If we felt there was a particular area that was having a particular problem with the incidence of people really abusing the maximum weights, they would move people in there to send a signal real quick to clean up your act.

Mr. Jennissen: And the fines are high enough to be a deterrent. I do not have any idea what the fines are, but I presume that they are high enough to make it not lucrative to disobey the law.

Mr. Chairperson: The honourable Minister of Finance—or Highways.

Mr. Findlay: It is late in the afternoon I know, Mr. Chairman, but I might like to be the Minister of Finance at certain points in time.

Mr. Jennissen: A lot more road, eh?

An Honourable Member: Talk about money.

Mr. Findlay: The fines are basically quite high, because we get a fair number of complaints from people that do get picked off, how terrible the fine is, because they really did not intend to do that. So we do not listen too long or too hard to those stories, but certainly they get upset when they get caught, particularly if they are significantly over. It is a very hefty fine; it is not one that they laugh off and just pay it and carry on abusing the law.

Mr. Jennissen: Is there a permanent scale planned on the junction of Highway No. 10 and Highway No. 60, that is the Easterville Road? Because it seems to me there is a place there that is being groomed for that, but that has been in the offering now for a long time.

Mr. Findlay: Mr. Chairman, the answer is no, not planned.

Mr. Jennissen: I am going to switch topics slightly to ask you for an update on the private used vehicle-inspection program. On March 27, 1996, the government's own news release mentioned that three inspection stations had been charged and 19 had been suspended. What are the latest statistics? Do you have any update on whether we have more problems? I know we got off to a bit of a rocky start on that and some questions about that. Can the minister give us an update?

Mr. Findlay: In the first year of operation, there was 102,000 inspections. Out of that there were 200 valid complaints. In the second year of operation, there were 113,000 inspections and 99 valid complaints. Out of the 99 valid complaints, 16 stations were sent warning letters regarding the quality of inspection that was performed, and five received show-cause hearings—five stations.

The department is going to be increasing its degree on onsite audits of those stations that are identified as needing that sort of action. I think the statistics do show an improvement out there. Actions taken along the way have stimulated people. They realize they have got to follow the handbook, got to do the inspections according to the guidelines and be accurate. The degree of valid complaints percentage-wise is very, very small. Then they cut in half the second year versus first year.

Mr. Jennissen: I wonder if I could jump back to an earlier sequence here. I was going to ask another couple questions on roads and overweight vehicles on roads. That came out of a statement actually the minister made in his opening statement. If I could just read that and he could clarify that for me, it comes out of Hansard on page 2690. "The timber haul transportation initiative, which the department co-chairs with Repap, focuses on developing a user-pay overweight permit. This policy includes a self-regulatory component. It is expected that this initiative, once completed, will promote a model for other resourced-based industries."

I do not understand what a user-pay overweight permit is or what the self-regulating component is all

about. Can the minister explain that to me? I am sorry that I jumped away from that sequence.

Mr. Findlay: What I was answering you earlier, that is effectively what I was referring to. I remember I mentioned Saskatchewan in terms of coming to agreement with particular industries, and they pay a particular charge for the degree of overweight that they carry. It reflects the degree of damage that the department would think that the overweight is causing to the roads. They see it to their economic advantage of carrying greater weights and still paying an ongoing charge for that overweight. So it is done in certain industries in Saskatchewan and in Manitoba, and that is what I was referring to a few minutes ago.

* (1550)

The self-regulation, they accept certain responsibilities to live then within the new defined guidelines and pay the appropriate fee associated with being allowed to haul those kind of weights. I think, generally speaking, on what we might call remote roads, it is a policy-ender. Let us say, constant evolution between us and industries so we can accommodate them, and they can be paying something towards the kind of damage they are doing to the roads.

Mr. Jennissen: So it is industry-specific then, like a Repap truck could be loaded more heavily and have a permit than another truck.

Mr. Findlay: Effectively, they will pay an ongoing additional fee, and yes, okay, I have your weight. But they pay for the damage that that extra weight causes on the road, and it is predetermined by technical staff and agreed to by the department and the industry involved. It is a specific agreement that is signed and only with those industries that the agreements are signed is that allowed to happen.

Mr. Jennissen: So it is in a sense a user-pay then. How would that be determined? How do you set the rate? Is it you figure 10 percent of the road is damaged? X number of trucks go over this road. This is how much money we would have to recoup. Is that how that rate is set?

Mr. Findlay: As I referred to earlier, I keep mentioning Saskatchewan because they have basically

been the lead on this. They are ahead of us. They have established more of these kinds of agreements and have established what the degree of damage is. It is not a perfect science, I am sure, in terms of what Saskatchewan has done and what we are trying to do to accommodate similar industries.

Naturally, if Saskatchewan does it, we have the same industry here saying they have an industry over there that has a competitive advantage, so you are forced to respond in similar and like fashion, but it is a learn-as-you-go process, and the agreements that are signed are generally short term—[interjection] They are long-term agreements, but it is trying to keep our industries competitive and our roads funded in terms of the impact that they cause on our roads. The member does talk about self-regulation and by agreement, that is what it ends up being.

Mr. Jennissen: If we could go back to where we left off just a little while ago on the private used Vehicle Inspection Program, one of the arguments I heard the minister make was that under that program there would be many more inspections than there would be under the mandatory government program.

Do we have figures at this point to say how many lives we have saved, or are the fatalities down, I guess, is the question, or is that too premature?

Mr. Findlay: We would not have any way of knowing other than the general statement you hear from the industry that because we instituted the PVIP program, a lot of clunkers came off the road. It would simply be too costly to get them to pass inspections. I believe the figure previously through the MPI program is about 25,000 inspections were done per year, and as I have indicated, the first year, 102,000, the second year 113,000 inspections, so the number of inspections has gone way up, and a lot of those clunkers that everybody knew would not pass are off the road, or else any time that they would have transferred ownership out of the family this would not be inspected, it would just be off the road.

So you have had two effects. One, the number of clunkers on the road are much fewer, and those that have transferred ownership have had safety inspections, and, naturally, many of them had work done to improve

their safety so you have safer used vehicles on the road, not only for drivers but for the rest of the travelling public.

There are at least four times as many per year, the inspections that are done, and now we get inspections on all transfers. Previously, the 25,000 was only in the city of Winnipeg, so we are covering the whole province now requiring, by inspection process, safer vehicles, safer used vehicles on the road.

Mr. Jennissen: But the number of accidents have not gone down regardless of the inspections. Is that not correct?

Mr. Findlay: They have injuries and collisions per thousand drivers and only have statistics up to 1995 which is when the program started. Whether you would ever see anything in these statistics is hard to say. Again, it is not a pure science how they are collected. Secondly, weather conditions, driver attitude, alcohol, speed, number of vehicles on the road, all those things affect the number of accidents. To say that the inspection program by itself results in less accidents, I do not know if you could ever prove that.

I think that if you have better brakes in your car, the severity of the accident will be decreased, and I think there is just a general feeling in the public that if you have more safety inspections on vehicles, whether it is school buses or used cars or commercial trucks, you reduce the incidence of the potential of that vehicle being involved in an accident.

There are always more drivers, more vehicles, more miles driven, and our cars are generally safer, too, in terms of the kinds of brakes they have today on the newer ones. So you have a lot of factors at play all the time, and our accident rate is generally comparable to what exists in other jurisdictions in North America.

Mr. Jennissen: But the main selling point of the privatized program was safety, however, and it did take a number of clunkers off the road, including a couple of mine, I must admit, which caused me some financial embarrassment, but I am willing to live with that as critic of Highways.

That is the point I am getting at. Is it not true that statistics indicate that although you could catch

mechanical defects in this way, mechanical defects account for a very small percentage of the accidents though? So then that still begs the question why the privatized program was needed.

Mr. Findlay: The member reflects on clunkers. I mean, clunker with poor brakes versus a clunker with new brakes? I would sooner put my life on the record in the vehicle with new brakes that was picked up in this kind of a program. I have never heard anybody argue that we have not improved safety on the roads. Whether we can prove it with statistics over the course of time, I question whether we can.

The member has already given me the evidence I need; certain vehicles are off the road. Had the program not been there those vehicles would still be on the road. It is just a variety of circumstances. I think it would be hard to argue that more safety inspections are not an asset to safety on the roads.

Just one other factor that would make the member aware is that a lot of the minor accidents that happen require self-declaration to even get them on the record. Not a lot of people come in and say, well, I had an accident because my brakes failed. So you do not get that kind of statistic and that is, fundamentally, in terms of safety inspections, what you do. You improve the brakes in a vehicle where the brakes are, in some cases, in a state of disrepair and considered below a standard that is acceptable for safety.

* (1600)

Mr. Jennissen: Just for the record, I have never had an accident with my clunkers, but they are off the road. It is basically bad drivers and, I suppose, also bad roads and road conditions that lead to most of the accidents, not mechanical defects. So I guess the stress should be on driver education and safety. I am certainly not arguing against safety. I guess you can never be safe enough.

But still, I do want to remind the minister again that there is a significant sector of the population out there that thinks that the motivation for that whole program had a lot more to do with Bob Kozminski's political and financial fortunes than actually safety. We do not want to revisit that one, although I could quote Fred

Cleverley, and maybe I will just for the record, who says, it does not take a rocket scientist to figure out that handing the private automobile industry the right to say which car should be banned from the highways is a bad idea. It was a worse idea to give the same industry the right to determine how much an ordinary Manitoban has to spend to get his car licensed. So that is for the record and I am sure that the minister would want to comment on Fred Cleverley's statement.

Mr. Findlay: I think what we had developing prior to the program was a lot of corner lot operators selling used cars without any requirement of any kind of customer consumer protection regarding safety. They could sell anything. It could almost have no brakes in it, they could sell it. If the customer did not catch it, he ended up driving two blocks down and having the brakes fail, and he has got the cost. It is a bit of a consumer protection process that did not exist for the corner lot operators. He could have bought it from somebody who--you come back and complain and he would just, you know, fold his tent and move on somewhere else.

But for a garage, they had to be more accountable because they were in business for the long term. It was levelling the playing field in terms of public safety and driving used vehicles. Although it was difficult to make everything work perfect, I think the intent has basically improved safety and levelled the playing field for wherever you buy a used car. Make the people that purchase cars, wherever they get ahold of them and come and sell them to the public--in the process of getting them registered we can give the public some sense of assurance. In order to get that safety certificate it had to go through an inspection process so that they could have some comfort in terms of reliability. Our mission is to pick off those who do not do that inspection process properly and, again, increase consumer protection from the standpoint of safety.

Mr. Jennissen: It is true, though, that if you have a used car and you are selling it and it is safetied, it is okay for two years. I am just wondering, like, in two years you could put on an enormous amount of mileage or kilometres on that brake system. So, I mean, we have not removed all the bugs from it. It is a step maybe in the direction of safety, but we will never close all the loopholes I am sure.

Mr. Findlay: The two years is not there forever. I mean, if there is reason to revisit the issue of two years, it will be revisited. There are different lengths in other jurisdictions. I think Ontario is 30 days or something, which is an extremely short period of time, certainly in my mind a bit of overkill, but two years was picked for this point in time because I believe on average it is appropriate. If experience shows it is too long, it will be revisited.

Mr. Jennissen: So the minister does not feel that the government-run program, if we had expanded that, for example, and used maybe the money from the photo licence proceeds to fund that program and have a random mandatory inspection system by the government, that would not be better in the sense that the people that are doing the inspecting are not the ones fixing the cars normally. Would that not be a more objective, open and neutral system? I mean, the chance to rip off the customer would not be there.

Mr. Findlay: The person who is having the vehicle inspected is not required by any regulation to have it repaired in the shop where he had it inspected. It could be in another shop, or he can go home and do it himself. So he is not locked into repairs being done in the station where the inspection is done. We made very sure to keep the two—to give the consumer the opportunity to keep the two activities separate, if he so chose.

Mr. Jennissen: That is true, but, as Ross Rutherford pointed out in that CBC program, you know, you could go to one garage and they could give you one price to fix for your car, and if you do not like it, you could go to another garage and find totally different figures and numbers. So it is true that the customer could go to several places to shop around, but they are not likely to do that because, what, you have to pay \$40 every time you have them inspect your car. So I do not know. I think there are some weaknesses in the system.

Mr. Findlay: As I indicated earlier, Mr. Chairman, it is not a perfect science. We argue to err on the side of safety, and the Ross Rutherford angle is to argue that the consumer should not have to pay and he is not responsible for improving the safety of the vehicle. I do not accept that argument.

When you can do something to increase safety and reduce the number of clunkers on the road, I think it is a positive thing to do. Like any program, it has a few growing pains, and we will always adjust, as they continue to adjust, to reduce the number of incidents where there are valid complaints and increase the degree of audits of garages to be sure that they understand the program, how it functions, and how to do it correctly.

So it is a growing and educational process for everybody involved. We are not afraid to lift the licence of somebody who is found to be significantly in error in the process of doing those inspections.

I think I just forgot to respond when the member said, well, we should have government stations all over. Well, what could we afford? Five, six stations, seven, eight? You know, we might have two in Winnipeg, one in Brandon, one in Thompson, one in Dauphin.

An Honourable Member: Riverton.

Mr. Findlay: I do not think we would get to Riverton. The way we have got it set up, we do have stations in Riverton; we have inspection stations there. So this way we have got it spread over, I think, some 800-plus stations or something across the province. So it is easy access for people everywhere this way. As I say, if we had government stations where that was all they did for 24 hours a day, or eight hours a day, you would cause people to have to drive long distances to get the inspections done, and that would be a hassle. So that is the trade-off to increase the degree of accessibility and still—I think the member would also agree—improve the safety of the vehicles in general on our roads.

Mr. Jennissen: But, in this system, if I have a clunker, a used vehicle, and I do not sell it, there is no onus on me to have it safetied, whereas in the old system, under random mandatory inspection, you could be called up and that vehicle would be checked. That is not happening now, so I do not see how that will improve safety.

Mr. Findlay: You are subject to being stopped at any time and day by the police to inspect your vehicle. If you are found to have one with tires that are not up to spec or brakes that are not up to spec, you suffer the

fine and are subject to having your vehicle pulled off the road. That has always been that way, and it continues to be that way. If they stop you and your turn signals are not working or your brake lights are not working, they will give you a ticket or a warning, and they give you so many days to get it inspected and come back and prove that it is fixed. It has always been that way, and that still continues.

Mr. Jennissen: But in the older system, though, you could build in something if your car was over 10 years old; you know, you would have to have it inspected. It was mandatory.

Mr. Findlay: Only in Winnipeg.

Mr. Jennissen: Yes, I know. It never reached the North.

Well, I think this way a lot of so-called clunkers are not being sold, are not being inspected.

Mr. Findlay: Nothing is perfect.

Mr. Jennissen: The minister, in his opening statement, mentioned Manitoba's participation in a new stolen and wrecked vehicle monitoring program established by the Canadian Council of Motor Transport Administrators. Considering that, until recently, one out of every five used vehicles sold in the province had been written off elsewhere, does the minister have any sense of what the situation is like now?

* (1610)

Mr. Findlay: Mr. Chairman, we are certainly going to be introducing legislation to allow us, in the Province of Manitoba, to do what the member is talking about. Currently, there is a national program that every province is committed to enter by the end of this year. Three are currently in it now and the rest of us are coming in.

We have to do legislative changes to accommodate stolen and wrecked vehicle initiatives, and this is not the time or place to talk about all the elements. We can talk about it in the legislative process, but it is very, very important that we get involved in this program to protect the public and to prevent ourselves from being

a dumping ground for stolen and wrecked vehicles. It is quite an industry, quite a legal industry, that has developed in that aspect, and it is a nation-wide problem. If all the rest of the problems come in simultaneously, we will reduce the chance of being a dumping ground for those kind of vehicles.

It is business of moving in numbers. It is a business of taking a wrecked vehicle and rebuilding it and getting it back on the road. Every province wants to be sure that from this angle, again, we do not allow unsafe vehicles to in any fashion get back on the road in the hands of an unsuspecting public.

Mr. Jennissen: So the minister has no sense of, or statistics for, the feeling that there must be fewer laundered autos in the province now than there were before. Like, if we are saying one out of every five used vehicles that was coming was a write-off elsewhere, do we have a feeling now it is one out of 10, one out of 20, like, you have no figures on that whatsoever?

Mr. Findlay: We do not have any statistics of that context. All we know is it is a problem and a problem nation-wide, and we are going to move to close the loopholes in our system that allow some of that to happen. I mean it is strongly supported by the police and by all the vehicle licensing operations across this country.

Mr. Jennissen: Statistics in Manitoba indicate that 15 percent of Manitobans do not use seat belts, and there was some talk a while ago of perhaps building in demerits beyond the \$66 fine and also demerit points. Is that going to go on, or is that on hold?

Mr. Findlay: The member beside you is starting to make faces at you.

Mr. Jennissen: Well, he speeds a lot.

An Honourable Member: Name him.

An Honourable Member: That is on the record.

Mr. Jennissen: But he always wears a seat belt.

Mr. Chairperson: Order, please. I would remind the committee that their remarks should be made through the Chair.

Mr. Findlay: At this stage, our position is to stay with the fine for nonuse of a seat belt, and the member is right, the fine is \$66. I do not know what it is for the second offence, but it is a little higher. The police regularly have programs of greater awareness of those, to create an awareness to wear seat belts by making spot checks on people not wearing seat belts. Yes, the statistics continually show, you know, 15, approximately, percent do not wear seat belts, but at \$66 a crack, and higher the second time, we think would be a pretty strong signal.

I am always disappointed when you see a vehicle go by and you see kids playing and jumping around in the vehicle. You know that there is not a seat belt on. Giving the driver demerits, I do not think would change anything, but the fines hopefully will, and the public awareness created by the police inspections, after applying the fine, will continue to promote people of the need to wear seat belts. We have signs on the highways and on it goes. I guess you can be happy you have got as high as 85 percent, but it would be nicer to get it even higher.

I know that the young people today, and I have got grandchildren, you know, if for sometime you get in and you do not put the seat belt on right away, they remind you because they are trained, they are educated to that—seat belt, seat belt, seat belt. You have some older people that are just very ornery about they did not wear them 40 years ago, why should they wear them now. It is tough to get their attitude to change, but I think it is more effective if the grandchildren work on them than us to put demerits in place.

Mr. Jennissen: When you are talking safety, you are talking, I guess, several factors including the driver of the vehicle and road and weather conditions. I think to some limited degree we have talked about driver education and vehicle inspection and so on, but the road and the weather also, obviously, are very critical factors. I cannot even begin to name, I guess, the accidents that have occurred on some of those northern roads, specifically 391, and also the Sherridon road, which is very narrow, as you know, and a lot of people

have been hurt on the road, in fact, have been killed. So those are always things that bother me a great deal, because I feel that more money and effort and energy should be put into those roads. But I am fully aware, and the minister points this out quite regularly, that there are a limited number of dollars.

I would like to get on to the spring road restrictions a little bit and winter roads, but before I do that I think some of my colleagues would like to ask a few questions. They have been very patiently waiting, so if the minister does not mind slightly switching topics, because I have no idea what their questions may be. We will give them a chance. The member for St. Boniface (Mr. Gaudry), I think, has been patiently waiting.

Mr. Findlay: I am going to ask, you know, that in the the next 15 minutes or so we have a break for five minutes.

An Honourable Member: Sure.

Mr. Findlay: If you are prepared, let us do it now then.

Mr. Neil Gaudry (St. Boniface): Well, we can have the break right now.

Mr. Findlay: Your choice.

Mr. Chairperson: For the record, the committee will now recess for 10 minutes and return here at 25 after four.

The committee recessed at 4:18 p.m.

After Recess

The committee resumed at 4:26 p.m.

Mr. Chairperson: Order, please. Will the Committee of Supply please come to order. We will resume the Estimates of the Department of Highways.

Mr. Jennissen: Mr. Chair, I wonder if you would allow my honourable colleague for Wolseley to ask a

few questions before the colleague from St. Boniface does so.

Mr. Chairperson: Sure. I guess just for the clarification of the committee members, if anybody wishes the Chair to recognize any person, then all they have to do is raise their hand and the Chair will recognize him.

Ms. Jean Friesen (Wolseley): I wanted to ask some questions about River Road in St. Andrews. I understand that it is the intention of the government to pave that road this year. I wanted to confirm that. I have a long-standing interest in St. Andrew's from an historical perspective. Perhaps we should start with this, the intention of the government to pave River Road, that is the old Parish Road historically that turns off the highway and goes past St. Andrew's Church and past Kennedy House.

Mr. Findlay: There has been considerable pressure from that community to do exactly what the member is referring to, to pave the road, and there will be some improvements to the curves in the road to make them safer. Previously we have done some riverbank stabilization there—three-quarters of a million dollars, I believe, was done to stabilize the riverbank. It is scheduled to be tendered this year.

Ms. Friesen: Mr. Chairman, the provincial government was part in the 1980s of a federal-provincial agreement called ARC, the Agreement for Recreation and Conservation which included River Road. It included a number of sites, 18 sites, from north of Selkirk right through to St. Norbert on the Assiniboine—or, sorry, on the Red, the Red sites. Part of that agreement was to maintain River Road as essentially, in the historic sense of a Parish Road as different from the highway, as an unpaved road. In part, it was to slow down the tourist traffic, because it was at that point under the ARC agreement being developed as a tourist route, and I know the government has maintained an interest in that in its brochures on the whole Selkirk region and maintains the interest in St. Andrews as a tourist route.

So the intent in the ARC agreement was twofold. It was, one, to maintain a different kind of historical presence along River Road than you might find, for

example, on the main highway to Selkirk, to maintain that sense of the old road where there had been the connections between the church, between the old Hudson's Bay Company school, between Captain Kennedy House and Scott House, the basic historic sites in that area. But, secondly, it was also from the perspective of the residents to reduce the speed of traffic along that road, and I am sure it has done that.

* (1630)

So I am interested that the minister is saying that there has been continuous pressure from the community, and I do not dispute that, but I wondered how that had been dealt with. Did the community understand the ARC agreement? Was the community, the current community—and I know this is a lot different from the community that was there, say, 15 years ago—made aware in these discussions about the ARC agreement? How does Manitoba, in particular, and how does the minister deal with the issue that the maintenance of River Road in that manner was part of the ARC agreement, the federal-provincial agreement, and now that seems to be being deviated from? Is there a formal process for that kind of deviation?

Mr. Findlay: I want to tell the member, Mr. Chairman, there has been strong pressure to do that road from the citizens that currently live there. I think she has identified that, 15 years ago the people that lived there—there would be a quite a bit different clientele living there today than what there was. But it is one of those roads that, like, there has just been incredible pressure to do it, and even from the elected member for Selkirk (Mr. Dewar) who has indicated to me: I want to have that road done.

So we responded to that pressure and we will build it in, what is called, a parkway road, not a high-speed road. It will have less than highway speed limits on it. It is not positive, but we believe it is 80. If there is a desire to have the speed limit further lowered, there is a process of applying to the Highway Traffic Board and making representation to do that, but very seldom do we have people arguing not to upgrade a road. It is constantly the opposite, and we can never meet all of those requirements to upgrade roads. But this one, people living along there have aggressively lobbied that

they want a paved surface for dust control, for their improved living environment.

Ms. Friesen: The difficulty is often in conveying the recent past to people. We understand what happened in the 1880s, and we even know what happened in the 1950s, but ideas do change and people are often very unaware of what happened 15 or 10 years ago. So my sense is that the government did not know this either, that this particular branch of government did not know about the ARC agreement, did not know about the very specific decisions to retain that road in a particular type of condition.

Whereas, I am not necessarily saying that has to be held forever, it seemed to me there might be some process whereby the residents of that community, the people who had signed the ARC agreement, the reasons for it might be reconsidered. If then the reconsideration is such, on the basis of all that information, yes, we want to go ahead and pave it, yes, we want the speed limit at 80, frankly, it seems a bit high to me. I am a very slow driver compared to most of my colleagues. I set out an hour earlier for Selkirk than anybody else. I would think also living on that road, obviously, people will come to some agreement about what kind of speed limit they want.

I wonder if the minister would undertake to look at the ARC agreement, and I would suggest to him that he might want to talk to Mr. Ian Dixon who is now, I think, the manager of the Assiniboine River Board. I think he is currently in the employment of the provincial government. It might be somebody to talk to. He was the executive director of the ARC project and might be able to direct you to the right documents for this.

Mr. Findlay: In the process of making decisions of what to do with roads, there is always an open-house process. We usually meet with the municipality, tell them what the plan is. We discuss the pros and cons of what they want, what we think they can do and then you end up with an open house.

Staff tell me that the open house, this ARC agreement never came up from anybody who was present. We will follow up on what the member is talking about, the ARC agreement, and see what was there because we

are not aware of it, because, you are right, we just cannot be aware of everything. We will look back and see. It would be very difficult to revisit the road from the standpoint of what people have asked for and demanded and what they now believe they have coming because it has been programmed to be tendered this summer, hopefully built this summer, but no guarantee, depending on weather.

So we will follow up with that and if there is any—I mean, speed limit is one of those things—I mean, they want a parkway, they do not want a high speed road and a parkway, the maximum speed limits are usually 80 kilometres and it could be less. That might be one way to be more accommodating to what the agreement was if there is any desire, dealing with the municipality, dealing with the residents, to change what we are doing or change the speed limit.

Ms. Friesen: I appreciate that there have been open houses on this, but perhaps what I could point out is that the open house may have been operating on the basis of incomplete information. Perhaps there is a responsibility of government here, which is a signatory to a federal-provincial agreement of some magnitude, that perhaps there is some way of indicating in departmental records. I assume that is what happening, that there is not a flag coming up now on departmental records that says, okay, this road has been involved as part of. That may induce people to look a little further.

I say this, not just because of historical reasons or—well, I do say it because I had personal connections with that and with the River Road, and the ARC project certainly is a continuing concern, but also because the province does have a strategy for developing tourist routes. It does have a particular strategy for that area which encourages tourists to use that. There is a whole new group in tourism which—I forgot what they are called, is it Rivers West?—is trying to develop the whole St. Andrews area and to link it with sites in Selkirk, so the transportation routes, the maintenance of those routes, the naming of them and the linking of them with the historical past and the historical sites that are maintained there in part by the province. I mean, Kennedy House has a provincial link, as does the fishing museum on the other side of the river at Lockport.

So there are a number of very valuable historical resources in that area which are very close to a major population centre of Winnipeg. That is where the basis of tourism is for Manitoba. This is not just a small issue. I am concerned about the tourism future as well. So I will leave it with the minister, if he would not mind talking to Mr. Dixon, perhaps reviewing the departmental ways of recording material so that such issues might come up in the future in a more appropriate manner so that open houses might have full information. They may well make the same decision. I can accept that, but I would like to have seen something dealt with at that stage.

Mr. Findlay: I have committed that we will follow up and look into it, but the business of tourism is something that is really promoted very strongly up there, all the way up through into Lockport and all the regions around there. They are all trying to do whatever they can to improve tourism, and one of the things they want is a dust-free road. They feel it is better for attracting people to come up and go through the area. But we will follow up, no question.

Mr. Neil Gaudry (St. Boniface): Yes, Mr. Chairperson. I was not going to discuss the "bienvenue" plate, but since my colleague from Flin Flon did mention, all I want is to make a statement as to the fact that I was very disappointed that it was not done. The fact that I think it would have not cost more at the time because the contract had not been given out, and due to the requests from the Francophone community and that there was support from the community at large, I felt very disappointed. I do not know whether it has gone to the courts now, and I am not going to discuss it at length, because, like I said, I think I have asked the question and I have written enough letters and got responses which I appreciated.

Hopefully, next time around it will be considered. But my question is: What are the consequences if someone uses a sticker using the word "bienvenue"? What will be the outcome of any charges or what could be done?

Mr. Findlay: You mean a sticker to put on the plate in addition to what is currently on the plate?

Mr. Gaudry: Right.

Mr. Findlay: The plate is a legal entity, and the law is that anything that is on there that is not authorized is defacing the plate in the eyes of the enforcement officers. I think the member is clearly aware that we gave a lot of consideration to it. We have met with SFM on at least two occasions and had a lot of discussion. We had a tremendous amount of phone calls on that issue to my office, and there were very few that were supportive. I was quite disappointed in the nature of some of the calls and what was said. It really drew out some thoughts and comments from people you would not think that people would make today, but unfortunately they do. There was a high level of sensitivity on both sides of the issue, but the vast majority, very vast majority, were opposed to the additional word.

We have had to make a decision, and we have made a decision. The member has asked a specific question, and I have given him the answer regarding the law.

* (1640)

Mr. Gaudry: So what the minister is saying, Mr. Chairman, is the fact that if it is defaced, there could be charges laid against these people or these drivers that have a sticker saying "bienvenue" on the plate.

Mr. Findlay: Anything that is on there that is not authorized would be deemed to be defacing the plate. That is the way the law reads.

Mr. Gaudry: The minister says that he did get a lot of calls. So did I, and out of the hundred calls or the meetings that I have had with people, I think there was one person that was against it. If you read in the paper, I think there were a lot of comments made in the letters to the editor and there were very few against it; most were for the word "bienvenue." I think I would like to point that out because, like I say, I had several calls and met a lot of people and they still talk about it. They still talk about it very positively. Like I said, I do not want it to linger on, the fact that it is a done deal now, they have gone to the people that are producing the plates and the contract has been given out.

Can the minister advise us who got the contract and at what price and were they the lowest bidders.

Mr. Findlay: There were six tenders, as I recall. The lowest tender was accepted and it is a company from Nova Scotia that is producing the plates. The company's name is Waldale Manufacturing Ltd., Amherst, Nova Scotia.

Mr. Gaudry: I thank the minister for his answers in regard to the questions. I have a letter here, and I do not know whether the Flin Flon asked, but there was a letter sent to the minister on April 10 from the Cormorant community council by Mayor Verna Hunter in regard to Provincial Road No. 287 to Cormorant, Manitoba. Has the minister replied? What is the process in regard to looking after their concerns in regard to that road?

Mr. Findlay: What was the nature of the request in the letter?

Mr. Gaudry: The Cormorant community council met on April 8, 1997, to discuss the community's concerns with the condition of Highway 287 from Clearwater-Atikameg to Cormorant which is approximately 35 kms. of gravel road. We are asking the Department of Highways to seriously look at making improvement as quickly as possible. During the past two years, five vehicles have rolled with one fatality. Four of the accidents have occurred this winter with three happening within the last month. The condition of the road has been of greater concern to this council, especially within the last year. We have written to the Department of Highways in The Pas, Manitoba, but as yet have received no response. Please consider our request as urgent. We await your response.

Mr. Findlay: I do not suppose the member would be surprised if I said I get hundreds of these letters every year. The requests are there from communities in letters like this, the requests are there from municipalities, either in letters or in meetings. I have in excess of 80 meetings with municipalities alone every year. There is a tremendous lobby all the time for many roads, but looking at the map I can see it is a fairly complex road in terms of all of the problems that exist that need to be corrected in due course.

We have not responded yet. We are preparing the response, but we will be responding to them. For communities all across the province, this is an ongoing

process of communicating with them. By raising it, they get it to our attention that there is somebody out there who wants something done, and as evaluations are done of the road by staff and as projects are moved forward for the decision-making process each year, they get themselves on the list.

I think the member is probably aware—and I have used these numbers many times just to give some perspective of the degree of request there is versus the ability to respond—there are 18,000 kilometres of road in our system, 2,800 bridges and structures. We have a hundred million dollars of capital to spend each year. When I came into the department, I asked the deputy what was the wish list. He eventually came up with a list of \$600 million versus the hundred we have every year, and that wish list in the last three years has grown to over 1,100 million. That was about a year and a half ago we identified that, and I am sure, if you went back and looked at the wish list now, it would be much higher than that.

So it is a long wish list, and we have to respond. At the top of the list come roads with serious safety problems or bridges that are in the process of failing or cannot carry the traffic that needs to use it or the traffic volumes on a road. The roads with higher traffic volumes, obviously you should respond first to them versus lower traffic volumes. It is surprising how many roads are around 50 to 100 to 150 vehicles a day, but really low use. There are many roads around Winnipeg, and the member is aware of 59 south, 5,000, 6,000 vehicles a day, and it is going to cost us some \$60 million to supply an adequate, safe road for 14 kilometres. We are in that process, so \$60 million in one spot.

You know, we just completed the northeast Perimeter which cost \$17 million, but it is really a \$60-million project, because the portion we have done has cost \$17 million and there are two more lanes to pave and three interchanges to ultimately build over the course of time. So we respond as best we can.

I appreciate the input the communities give like this. We will give a detailed response, and the negotiation or discussion I am sure will carry on until such time as the responsible thing to do is to move them into some element of program consideration.

Mr. Gaudry: I appreciate the minister's response.

On a letter like this, for example, where they have concerns, and I see the accidents that have happened over the—how do you rate them in priorities? I know there is one fatality, and I think that is one too many. When the minister also gets to respond to these people, would it be possible that both of us here get a copy of the letter so that we know it has been responded to and we will see what is going to happen in the future?

Mr. Findlay: We will commit to get both members a copy of the response, but do not forget, when they identify that there are fatalities, it may not be road condition related. It may be weather related, it may be driver error, it may be vehicle error. I mean, there are a lot of other factors other than the road condition that can lead to accidents.

Granted, bad weather and tough road conditions are a dynamite combination. As I identified earlier, the thousands of accidents that happen and the fatalities that happen, you would like to prevent every one, but so much of it is attitude and the driver not driving to conditions. You may say the conditions were never good enough, but it is not always just the road conditions.

Mr. Gaudry: When you get a letter like this where they indicate that they seem to be complaining about the road condition, is there a study that is done in regard to seeing why these accidents have happened? Like, there are five of them, three in the last month when she wrote that letter.

Mr. Findlay: The people that are closest to the action are maintenance people who are out on those roads on a continuous basis. They have some responsibility to report to us if there is something particularly bad that needs attention, whether it is a maintenance thing, or whether it is a curve that needs to be reconstructed. They have responsibility to raise it from that level, which can draw quicker attention to us, in addition to the communities input.

In terms of the actual accidents, if a report comes to our attention, yes, it is part of the information. I would not say that we are constantly getting all the information on the nature of accidents, what caused the

accident. Only if there is a police report will you ever have a chance to get it.

* (1650)

Mr. Gaudry: The minister indicated that I knew of Highway 59. Yes, I guess he is aware that there are groups that have come to see us all that are involved along the stretch of Highway 59, which part of it is in my constituency in St. Boniface also. So what is the long-term plan with Highway 59? I know that there are 16 kilometres past the floodway in the process of being constructed in the very near future, but the long term, they have said that it has been promised in '93, '94, '95 to the American border, and this seems to have upset them over the long term. Can the minister indicate what program to finish Highway 59, four lanes, to the American border?

An Honourable Member: Oh, to the American border.

Mr. Gaudry: It was promised here according to the—I can read the letter, four pages.

Mr. Findlay: Like any road, it will be done in stages. There is a plan for the first 14 kilometres to just south of 210. We have done the approaches to the bridge over the floodway, and the bridge is under construction. We have committed in the program to complete that and to some further grading of some 3.6 kilometres for \$2 million. The idea of getting it open by the fall of '97, to the north junction of Highway 300, which is just south of the floodway, so you go over the floodway on the four-lane.

We are currently in the process of acquiring land for further building. It is on a new alignment, had to be a new alignment because the old alignment had houses on both sides and curves. A new alignment was picked, again, public open houses held, and the alignment was approved. The unfortunate thing is that alignment goes through what is called Ritchot Park, city property, so we are working with the city to get ability to purchase the property to build the road. Plus, buying the property from other private landowners is always a challenge. It is amazing how often people come and say, just tell us, we will tell the people, and we will sign right away. As soon as a land buyer shows up, the world just changes overnight.

Now we are into people want this, want that, whether it is price or something else. So acquiring land in order to do it, this example, even though broad acceptance of the road—tremendous demand that we get it done, we are often held up on trying to acquire land. I just recently signed a letter to promote the city to understand we had to do this, and we needed to get on with the ability to acquire the land through that park. You can appreciate there is a certain level of sensitivity with that. If we do not go through the park, I do not know where we go, because you just cannot afford to buy up all those residences, and people hate that you take out their residences to build a road. So design is accepted. Design has been approved over time.

The member talks about all the way to the U.S. border. It will be a long time in the future, because the traffic volumes in the southern portions just do not warrant that kind of a road, given all the other demands that are brought forward.

Just another little aside, when I have met with that committee, at least once a year, and they are pretty demanding. I think over the course of the meetings you can have a better understanding of the complexity of the situation. It is not easy. You cannot drop it from a helicopter overnight. It is going to take some time to do it. They did make one demand which—I think they have backed off now—is stop all projects everywhere else in the province and just build ours, it is the only one that counts. It is an unacceptable position. They do not gain any momentum by bringing that kind of position to a table. I think the last couple of meetings I have not heard that statement, but it is how people think. It is stop everything else, just me, and then you can do somebody else. We cannot do it that way.

We constantly do projects all over the province every year. We never do enough anywhere, but we do something everywhere on an ongoing basis. We do those roads that are deemed in highest need, roads or bridges. Just on the bridge side, I mentioned 2,800 bridges and structures, well, we are going to do three bridges this year out of 2,800. It is going to take a long time to replace them all, because the costs are so high.

Mr. Gaudry: You have to do Provencher Bridge, so I can come across the river first.

An Honourable Member: City of Winnipeg, my friend.

Mr. Gaudry: Now, flood waters, has there been any damage done to Highway 59 to any extent?

Mr. Findlay: Highway 59, no, we are not aware of any damage to it. It was basically out of the flood water. The damages on Highway 75 were extensive and Highways 205 and 305, 330, 201. So there are lots of roads. Some of them are just coming out of the water. The deputy has just taken some pictures in recent days, and I have seen some of it from the air. There is pretty extensive damage in places, very extensive.

Mr. Gaudry: Mentioning Highway 75, what is the status to date as far as damage, and when is it going to be reopened completely to the American border?

Mr. Findlay: I remember flying over 75 at the peak, and I would suggest that certainly half of it was under water and for a long way north and south of Morris. It is currently open to Ste. Agathe, from Winnipeg to Ste. Agathe, and then from—

An Honourable Member: Local traffic?

Mr. Findlay: Well, you cannot go right through it, put it that way. If you want to go to the U.S. you have got to go out through Carman, Highway 3, and then you can come on 14. From Winkler you can come east and get onto 75 south of St. Jean. So it is open at the north end down to Ste. Agathe and open at the south end as far as Highway 14, but you can really get up as far as St. Jean.

So the section in the middle, certainly the water is coming down at Morris. Probably it was over the—you could not see the bridge railing at Morris, so it was at least five feet over the highway, and I do not know how much above that. But you flew over, you could see this much of the stop-sign post and the stop sign, of course, is above that, but there was not much post left. So you can appreciate it was up pretty high.

The biggest damage on 75 is just south of Ste. Agathe, about two miles south of Ste. Agathe where it really just ripped the road right up. The cement is

laying every which way. It will take some reconstruction, but the department will do what they have to do to get it operational and do the ultimate long-term construction. That is where—the power of water was just unbelievable. I have pictures. I will bring them next week, and you will see the pictures of the road.

Last year there was no damage there, but this year there is very considerable damage. Hopefully, as it comes out of the water around Morris, there are no additional locations like that.

* (1700)

Mr. Gaudry: Going back to Highway 59, the minister in one of his responses mentioned that the statistics did not warrant the four lanes or whatever, but in their report in one of the meetings the group indicated they were talking about the rapid growth of their region where, they indicated, southeastern Manitoba is one of the fastest growing regions in the province with a rate of growth of nearly 25 percent in the last 15 years. They were relating to the safety of Highway 59, of course, with the last two bad accidents they had there in the last six, eight months and the schools where the children are being bused around the region to schools specializing in delivery of programs.

These school buses stop frequently along Highway 59 and traffic is backed up during rush hour, both in the morning and in the late afternoon, causing drivers to take risks and threatening the safety of the children and of oncoming traffic. I was wondering what criteria that is taken in respect to these concerns of the people in the regions of Highway 59.

Mr. Findlay: As you go around the city, there are a lot of roads that carry people in and out of the city and Highway 59, up close to the city, will run right by the perimeter 7,000 vehicles a day, which is high. You get a little south of there, 5,500, and if I just go around the city: Highway 1, 13,000; Highway 15, right by the Perimeter, 12,000; Highway 213 or Garvin Road, 5,600; Highway 9 going north at 17,000, and on it goes. I mean the numbers are over 10,000 in many locations around the city, and as you go further away from the city, your numbers drop off dramatically. For instance, you go on 59 all the way south to the U.S. border, you are down to 370 vehicles a day.

So you can see with those numbers, and it declines all the way down. You start at the north end with 7,000 and you end up with 360 vehicles a day at the south end, although the region is growing. Highway 52 by Steinbach is 5,700 vehicles a day, so there is a section of it that is four-laned. So you four-lane where the traffic volumes warrant it, where you can afford to, I guess, first.

That is constantly looked at in comparing roads. Yes, safety is an issue, but traffic volume draws your attention to address a road. For instance, Highway 15 running east, as I mentioned, it was at 12,000 close to the city. You get out to 206 at Dugald, it is down to 7,000, but we have not four-laned it, we have just paved the shoulders to improve driving safety, but it can handle that volume with the paved shoulders. We have done that on Highway 16. Instead of four laning it—cannot afford to four-lane it—but we put paved shoulders on it. So if you are driving at a fast speed, you can move out of the way or you have room for air without hitting your gravel shoulder and losing control.

What we might have wanted to do five years ago, in terms of long-term planning and long-term discussion with people, we really cannot afford to do today because the costs are so high. Another example, just to give you the dilemma, on Highway 201 across the Red River at Letellier, the bridge desperately needs replacing—\$10 million—one bridge. At the northeast perimeter where the new part of the perimeter comes into Lagimodiere at the northeast corner of the city, Highway 59 north and the perimeter—\$29 million to build that interchange. Currently we have, you know, lights controlling the intersections there. It is not the most convenient thing in the world, but for \$29 million it is going to take many stages to get that ultimately built and take probably several years to ever do it.

So, you know, people will lobby hard for 59 as you are talking about it, but in the context of all the roads, we respond where the urgency is the highest. The bridge that we are building closest to the city is Headingley bridge, on 340 I believe it is, 334, just south of Headingley over the Assiniboine and it is a cost of \$8 million.[interjection] Well, the 59 bridge that we are building, yeah, it is over the floodway.

I am just trying to give you some of the context of the numbers and the challenges and the—it is 18,000

kilometres of road, and you bring the Cormorant road in, you bring Highway 59, you are talking dramatically different locations and circumstances. It is tough to balance where the right decision is, but the more people lobby and bring their points forward, it helps us in our decision making.

(Mr. Mervin Tweed, Acting Chairperson, in the Chair)

For those you do not hear from, you assume everything is okay. You have to. [interjection] I know what you are going to talk about, and it is moving along.

An Honourable Member: 391.

Mr. Findlay: Same thing, it is moving along. I get some good letters from up there.

Mr. Gaudry: One last question so my good colleague from Swan River here can ask a few questions, but I will have some later on as we go through the Estimates. There was a letter that was written by a Mr. Gibbs in regard to the bicycle route on Henderson Highway, and the minister responded and he says, we are currently seeking input on this issue from the R.M.s of St. Clements and East St. Paul and the City of Winnipeg and Cycle Manitoba. That was on March 4. I was wondering what is the status of this situation?

Mr. Findlay: There is a long route running up Henderson to Lockport and then they come across and come back down the other side. I know there are a lot of cyclists use that, especially in the summertime, and I have seen, well, we will call them professional bicycle riders rip right along there at a pretty good speed. There is a lot of traffic on all those roads, a lot of traffic, and we have indicated that we want some input from the R.M.s involved and Cycle Manitoba as to what to do in the future.

Certainly the local people see that paved shoulder as a place to park, and a parked car is hard to bicycle through. We will receive the input, and we will respond as we can. To do any rebuilding on that long stretch with ditches on both sides, exceptionally expensive, heavily populated area. Basically, it varies between a 70- and 80-kilometre strip. Some parts, it is

four lane, some parts, it is two lane; a lot of traffic there, a lot of turning action on and off the road with all the houses and developments that are built and currently being built.

So we are asking for input on it in response to that letter as to what position to ultimately take, but we just talked about the demands we have to supply roads for cars, and now if we are asked to build bicycle paths too, it is stretching us to the point we are going to break.

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, there are many roads that we could ask questions about, but I will leave that for my colleague the member for Flin Flon (Mr. Jennissen) to address those. I have a specific issue that has been raised in my constituency. Many people are starting to take more driver training with big trucks in order that they can be involved in the industry, because there is a demand for truck drivers.

The concern that has been brought to my attention is that they have to wait so long for testing. There is only one tester, and it is a real backlog. So I guess the question I ask is: Is the minister aware of this issue, and are you taking any steps to resolve it so that those people who take training can be tested at a more convenient time than having to take their training and then wait for a long time?

* (1710)

The other question is: What role, or does the Department of Highways play any role in determining who can give the driver training, or is it open to anybody? Are there any restrictions on who can give driver training, or are there certain qualifications that have to be met before you can offer the training program?

Mr. Findlay: You asked the question: Can anybody offer the training? Yes, but the department certifies those who can be trainers. In addition, the large trucking companies certainly train their drivers and have the authorization to test their drivers.

You are talking about smaller communities like Swan River where I know farmers are buying big trucks and need a Class 1 licence, and they take the training and then they want the test. We are not aware of any

backlog problems. If the member has specifics, let us know,

There are nine mobile testing units serving a large number of communities, and there is some scheduling necessary in order to accommodate the tester being there when the person wants to or needs to take a test. So whether there is a scheduling problem or whether there are enough testers out there, we are not aware of a problem. If there is, make us more aware.

The number of farmers with Class 1 licences is just escalating very rapidly.

Ms. Wowchuk: It is understandable that they will have to move to Class 1 as we have less and less railways and have to have bigger trucks that farmers will move, but these move towards getting a Class 1 licence so they can transport their own product.

These are not farmers in particular that I am talking about. There have been people offering driver training in Swan River so that they can get involved in the logging industry, because there is a demand for logging truck drivers. I am told that they have had a real backlog, but I will get the minister more information on that, and perhaps we can look at a way to resolve it because it has been a problem.

Mr. Findlay: Would it be a seasonal problem? I would just ask that all of that information be brought forward so we can respond.

Ms. Wowchuk: It may be a short-term problem, because this is when the courses are being offered. But I will get the additional information, and then, if we can look to resolve it, it would be very helpful for those people.

The other issue that seems to be a problem is drivers take their training from the training program, but they really have no experience. What they are looking for is on-job training, and there have been dollars identified through the Department of Education that are supposed to be training dollars. So I ask the minister: Is he aware of this problem, and is there something that perhaps could be worked through the Department of Highways and the Department of Education to make some dollars available for people who are taking this driver's training?

Many of these people who are taking driver's training are unemployed people who are now looking at this as an opportunity to get off social assistance. So I think it would be very valid if we could find a way to put some dollars in so that they would be able to get training, because no truck owner who spent a couple of hundred thousand dollars on a truck is going to let an inexperienced person go in and drive that truck. We do not let that happen with our tractors on the farm, and I do not blame the truck drivers.

But we have a problem here in that there is training being offered, but they cannot get the on-job training or the experience. I ask the minister if this is something that his department can help to resolve or work with the Department of Education to get some of these training dollars that were designated in the last budget in a way that can help the people that I am concerned about, people who have long been wanting to work, and now there is an opportunity out there for them. They have taken the driver training, but they just cannot get the on-job training that is needed to help them break into the workforce.

Mr. Findlay: What the member identifies clearly is a problem. You can do the training, pass the test, but where do you get the experience before you are so-called, had enough experience that you are deemed to be a qualified driver?

Dealing with the larger truck companies, they do offer that because you can be the secondary driver with an experienced driver for a period of time. I know we are talking two or three years, so-called your apprentice time with the bigger trucking companies. When you get out to Swan River and you talk to the logging industry, the luxury of that opportunity probably does not exist. It is very difficult to go from I got my licence, now how do I get enough experience that somebody will hire me? Very difficult. We do not have the capacity to offer anything in that category now. There are apparently some federal dollars that may well be coming through Education and may be, may be targeted to help in that context. But I bet you that they are thinking more of the commercial city-oriented kind of truck driving industry as opposed to the industry that the member is referring to.

On-job apprentice training is desperately needed, I know, but I do not know where it is available. The

training is done, the testing is done, that has been our mission up to this point. To give experience—is it possible that people in the industry would participate in that on-job apprenticeship period because that is where it needs to happen? You need the real experience, the real conditions where you learn from. It cannot be done in another classroom or driving up and down a paved road. You have got to get on those rough roads and have the experience with the experienced driver in dealing with the conditions that you encounter.

Ms. Wowchuk: That is exactly what is needed. My understanding is that the trucking industry, the small outfits that are in the area are interested in working on this, but they need some training dollars. They are not going to do it for nothing. Even if they were going to do it, these people who are trying to get into the workforce need some money as well. I realize I should probably take this to the Department of Education, but if the minister or staff might be able to give me direction of some people that can work on this, I think it is a very important issue, and we can address it a little further somewhere else.

Mr. Findlay: We will follow up, particularly with Education, in terms of the training aspect, whether this qualifies or needs to be considered in the future, but there is a definite void there, particularly outside the city, I know. I know the trucking industry, everybody wants somebody that is heavily experienced, but how do you get the experience? There is a shortage of drivers, because the demand keeps growing for drivers.

Probably the driving conditions and working in a logging industry are even tougher than long-haul driving on paved roads, so we will follow up with Education through our staff.

Mr. Jennissen: This spring the province introduced new spring road restrictions with fixed start and end dates. If I can just quote from Keystone Municipal News a little blurb from their spring 1997 edition on that. The Keystone Municipal News states the fixed start and end dates are intended to help the trucking industry and Manitoba communities eliminate guesswork from their planning process.

I am sure those are the minister's own words as well. I have no problem with that, and I think the motive is

very noble. However, there is a bit of a concern in the sense that the emphasis appears to be again accommodating the industry as the Keystone Agricultural Producers newspaper was saying about accommodating the farmers with the lighting on their machinery. We are accommodating the users, all right, but is that always necessarily in the best interests of safety, or does that necessarily keep the integrity of the roads the way we want?

I guess the question really boils down for me, should the date not fluctuate according to the seasons? Because I just came from the North and they are at least two weeks behind a normal schedule. Is that flexibility built into the system?

* (1720)

Mr. Findlay: In terms of the fixed starting and ending dates, there are different dates for the northern region versus southern region. This pamphlet identifies Zone 1 and Zone 2, Zone 2 being the North with different starting and ending dates than the south. What has been done here, certainly as a result of considerable consultation with the industry, I have not seen anything negative written about what we are doing, because it is greater efficiency for them, greater predictability.

We are not going so many pounds per inch of tire or kilograms per millimetre of tire. We are going by axle weights, either 95 percent, 90 percent, or 65 percent of normal axle weight loadings, a little easier to understand. I think that is an accommodation for the industry in terms of increased ease of them being able to understand it. I think that is responsible to do. It is an accommodation, yes, but it is as a result of considerable discussion which our officials in the department are comfortable with. Their job is to protect our roads, and they do it in this context that has the user happier with the method by which you protect a road. I see it as a win-win for both sides.

(Mr. Chairperson in the Chair)

So there are two zones, different starting dates. Those starting dates can be adjusted, reflecting the kind of weather we get—late spring, early spring—because the mission is to protect the roads.

Mr. Jennissen: That was my concern, that that flexibility be there to mirror a late spring, an early spring or whatever, and I am sure it is there, but I just was not clear on that. The new spring road restrictions allow essential commodities to be transported at Level 1 weights on roads subject to Level 2 restrictions. I am not quite clear on the rationale for that. Could the minister explain that?

An Honourable Member: Which commodity did you say?

Mr. Jennissen: They allow, it appears, heavier loads than normal if they are essential commodities. Does that not still create damage to the road?

Mr. Findlay: If we can shut down the commerce of rural Manitoba in springtime, we might be able to protect the roads really good, but the list of exempted commodities is dealing with essential things that must move in those communities. I mean, we are talking livestock feed, drinking water, bulk milk, seed, fuel, fertilizer. These things must move. There is accommodation for essential commodities, used to be permanent exemptions, but now they are exempted, period. But it has always been that way. You cannot just shut a community down. You cannot prevent it from getting fuel. You cannot prevent farmers from getting seed to the field sort of thing. You cannot prevent fuel being transported to where it is needed to be used.

I say the list is fairly long in essential commodities, but again in working with communities, it can get pretty owly if they cannot move product in and out. Cow's milk every day, twice a day, three times a day, and the milk must move. Those accommodations must have to happen. It is not out of the ordinary; it has always been done that way.

The other thing is there is a time restriction where we have them running at night when the road may well be frost and that sort of thing. I think in balance the combinations are respecting our protection, their use, communities' needs as best we can. There used to be a situation where trucks empty could not run on highly restricted roads. You have got to take that all into consideration, make sure that you can allow commerce to continue, but there is still a fair bit of restriction

happening at the same time in terms of the nonessential commodities.

Mr. Jennissen: Yes, I was advocating closure of commerce or restricting communities from receiving essential commodities, but thinking more in terms of, instead of having three perhaps overloaded vehicles, why not use five lighter-loaded vehicles and still maintain the integrity of the road a little better that way? I was thinking in those terms.

The question I have for the minister is: What was the closure date for the South Bay-South Indian Lake winter road this year? I just came out of South Indian Lake. There was considerable murmuring about having that closed much too soon. I know that always is the case in the North. They like to run it until the very bitter end. The argument that the gentleman made, it was a Mr. Dysart who said he was under the impression—and I stand to be corrected—that the same dates were used for Berens River as for South Indian Lake. He wanted me to tell you that Berens River is quite a way further south than South Indian Lake, and therefore the same dates should not be used.

Mr. Findlay: On the northern winter road network, the window of them being open was January 23 to March 19. Every day that the roads are kept open there is a cost, and the department announces the window and tries to live with the window. There was a specific request with regard to Shamattawa this winter about getting building products in for building houses, so a special effort in their case kept it open until March 28 to allow additional trucks to get in there.

We are always concerned with safety, ice conditions, temperature, thickness of the ice. I know neither of us are experts in this context and you have to trust the judgment of the people who have the experience and know the roads. We close them, but at the same time we know that citizens still use them. Yes, they might get away with it for a while, but we cannot afford the liability of a road failing. Most of them are over ice and you know what is underneath the ice if somebody goes through. We believe that this is most appropriate but when there are special conditions, efforts will be made to keep the roads open longer provided it is deemed safe for what is transported over the roads, and we are talking here the bulk traffic.

Mr. Jennissen: When I was in South Indian Lake on this Monday past, that is the 19—what is today, 22?—they were still actually on that lake. Now, I do not know if they were using quarter-ton trucks or not, but certainly lots of heavy skidoos and that were still on the lake, but again, you know, it is a questionable call. The people there certainly felt, Mr. Dysart especially, that we could have easily kept that road open another two or three weeks without any problem, but, again, you know, I am no expert on it either.

To change direction slightly, as the minister put in his own press release of February 13, 1997, the winter road system is a critical supply link for northern residents and creates economic activity. I do not think he will get any disagreement from me on that. I know the province does spend approximately \$2 million a year on winter roads and some of that, I believe, is federal money.

Still, there are entire sections of our province in northwest Manitoba that do not get any support and that still use toll roads specifically to Lac Brochet and Tadoule Lake, and although I really admire the northern entrepreneurs that make a living on those roads or work on those roads and create a good number of jobs—I am happy for that—it does, however, raise the cost of living tremendously for northerners. Now I had figures on that last year. I cannot recall them, but I believe in Tadoule Lake it adds at least another 25, 30 cents to every litre of gasoline because of the tolls.

* (1730)

I believe that some of those larger trucks are paying tolls up to say around \$7,000 or more, and I know I have seen bills from enterprises up there, toll bills that they paid to whoever constructed those roads, and the one bill was over \$100,000. So I do know that, you know, there are considerable sums of money expended bringing materials in, but the end result is that that cost ends up on the backs of people that are probably the poorest people in Manitoba.

I guess I am dreaming a little bit here, but I wish there was a way that we could still maintain northerners creating those roads and creating those jobs, because I do not want to take that away, but on the other hand that it would not be a toll road. I know we have discussed this before and I know that is one of the

recommendations out of one of your studies as well, the final report of the winter road study in 1994—that is the only one I have; there may have been a later one but that is the one that I have—also recommends that.

I guess what I am saying is: Why do we not have a comprehensive system right across the province so that northwest Manitoba, like the rest of Manitoba, would fall under the same rubric? In other words, their winter roads would be funded jointly by Manitoba and by Ottawa. In that way, the cost of living could be brought down, and the people that, by all accounts are the poorest of this province, would get a bit of a break.

Mr. Findlay: I am going to deal with a little bit of history here. You mentioned the roads that we do, the \$2 million we spend. There is some federal cost-sharing on a good portion of it. We have not made any progress with getting federal understanding that we have other roads that the same consideration needs to be given. I do not dispute what the member is saying, that those people who live on those kinds of roads pay a higher cost because they are paying for who builds the roads charging a toll, and if they are going to use the road, they have to pay it.

It is an issue that we have that is unresolved. We will do what we can, but we have to get some federal participation on this, because a lot of the properties up there and people are federal jurisdiction. It would be nice to be able to do what the member is asking, and maybe ultimately we will get there. He raises it, that it is a legitimate point. There is no defence for it the way it is in terms of fairness.

Mr. Jennissen: Right now what we have is a user-pay system. It is philosophically perhaps a direction this government likes to go in. It is not one that I would support, but it is in place now. I am just hoping we could get a system that has one tier, not a two-tier system. I guess I could maybe accept it or live with it if it was in the more affluent part of the province. Even then, perhaps it would not be fair, but that particular part of the province where unemployment rates are soaring around 90 percent, the poverty is just unbelievable and the housing is unbelievable. It just somehow does not make sense to me that the poorest of the poor have to pay another 25 cents or 50 cents for a litre of gas, or whatever the commodity is—or food, and

that is a direct result of the tolls being charged. I am not blaming the people making the roads. They have to recoup their costs too, but there must be a better way of doing it, so that all Manitobans live under the same rules.

Certainly one of the recommendations I believe it was—well, it is not a recommendation. Actually it is on page 6 of the final report, Winter Road Study, 1994 by John M. D. MacDonald. [phonetic] I have quoted this before, I am sure, on other occasions, and I will quote now: Provincial government engineers generally do not have any control over standards and specifications, nor tolls charged on winter roads constructed by the private sector.

So that is sort of the legacy that we are stuck with.

One of the recommendations in the same report, and I will read it, page 12 of the report is: That the construction and maintenance of winter roads funded by Manitoba Government should be carried out under the public tender system in the Manitoba Department of Highways and Transportation, that all winter roads constructed by the province fall under the jurisdiction of the Minister of Highways and Transportation.

That makes a lot of good sense, I guess, from an accountant's point of view, but it may not necessarily make all that much sense from an aboriginal perspective, because their costs are much higher and they want to become involved in building roads.

I know that there are arrangements with Norwin and perhaps with other groups as well. It may appear like a bit of a contradiction, because you want to get the biggest bang for your buck, I understand that, but I also plead with you that we are not just one department. There is an entire government. We have to be very conscious of our aboriginal people who live in really difficult circumstances. We would likely give them a hand up, that is we would like to see the Department of Highways as much as possible employ aboriginal people in constructing winter roads. I understand that the costs are much higher. I just would like the minister to comment on that.

Mr. Findlay: Just for the member's information, Mr. Chairman, he mentioned the Norwin, which we

negotiate with them to build I think it is 830 kilometres of road. At the same time, we negotiate with several other bands and development corporations like Pukatawagan Development Corporation, York Factory Band, Midnorth Development, Allan McLeod Construction, John Sinclair, Jr., Gilbert North, Gods Lake First Nations. So there are a number of other negotiated contracts with First Nations people. The total network there involving those eight negotiated contracts that I mentioned is 446 kilometres, so there is a fair chunk of road there too that was negotiated. It is line with what the member is talking about, about trying to get the people that live there involved and an opportunity to do some work and earn a living.

Mr. Jennissen: Yes, I believe that is a sound strategy and a direction we should be going. That maybe contradicts the Winter Road Study, page 34 recommendation that says: Job creation should not be the main factor in the department's system of awarding a contract.

That is one of their recommendations. From an accountant's point of view, that does make a lot of sense. I guess our party perhaps makes that point over and over again. That there are other considerations other than purely financial considerations that sometime we have to look at. But we cannot, obviously, ignore the limited amount of funds as well.

I know I have read some of these major recommendations from that study, but I would like to repeat them one more time for the minister. There are at least four that I think are important. The first one is—these come out of the J.M.D. MacDonald Enterprises Ltd. Winter Road Study from I believe it was 1994.

The first recommendation was: All winter roads in northern Manitoba funded by the Manitoba government should become public roads under the jurisdiction of the Minister of Highways and Transportation and be administered under The Highway Traffic Act and other pertinent acts in regard to transportation. The travelling public should have free access to all public roads in Manitoba.

Secondly, that Crown land use permit should be discontinued for community connector roads in northern Manitoba. Toll roads should not be used or considered for winter road use in Manitoba.

* (1740)

Thirdly, that there should be an overview committee consisting of the deputy ministers of Highways and Transportation, Natural Resources and Northern and Native Affairs to review all winter road proposals either public or private.

Then just one more that I would like to mention, out of 13 recommendations, is that winter road locations should be chosen, wherever possible, with a view to future permanent all-weather roads and highways, specifically in the case of a community like Pukatawagan, but also in the case of Granville Lake, where I believe Hydro has a winter road from the Suwannee corner, I believe it is, to Granville Lake to haul in their equipment. I believe they are going to use that winter road again next year to haul out their equipment. The people from Granville Lake have asked me, through their councillors, whether we could consider that an ongoing arrangement. In other words, that that winter road be kept operational in the future as well.

Mr. Findlay: On the Granville Lake road, you are referring to operational each winter as a winter road. With regard to the first recommendation that the member read, Mr. Chairman, we have had some discussion on this in the past, and there was no consensus from the First Nations communities. If you call every road a public road and everybody should have access, then everybody who uses those roads has to have a licensed vehicle. Currently, as the member I am sure is aware, there are a lot of vehicles that operate on those roads, they are outside of our regulated road system operating without licence—do not have those costs. Many of them seem to prefer it that way, at least, at this point in time.

We have already talked about the issue of toll roads and it is a matter of dollars, it is a matter of federal participation. We will continue to pursue to see if there is an ability to change the way things are done in that regard.

With regard to permanent location, I presume a permanent location, you are talking in terms of over land, consistently over land and, in some cases, that is what is done. But some locations, the over land is a lot

of rocks, a lot of up and down. It makes a very poor road. You have a much more level road if you run the road over ice, over muskeg. At least it is level as opposed to the up and down and difficult-to-build-on terrain of a permanent road. So there are pros and cons to each. I am sure it is fair to say that, the appropriate decisions are made in different circumstances as to which way to go, whether it is the ice route or whether it is a permanent road route.

I do not profess to be an expert on it, nor do I profess to have direct first-hand knowledge, but we have people that we employ to do that. I trust their judgment in the short term and the long term to make appropriate, correct decisions and in consultation, of course, with people involved who may see it differently.

Mr. Jennissen: Yes, I would like to ask a couple of questions while we are on roads at this stage, on two places where I think a road is either under construction or should be under construction. One of them is the Black Sturgeon Nation, I believe about 21 or 26 kilometres to the east of Lynn Lake. That land has been granted to the Black Sturgeon First Nation which is an offshoot from the Mathias Colomb First Nation in Pukatawagan. They have land there and a mining company built them a road, or at least a rough road, sort of the clay bed is there.

Now part of that is on the reserve about three or so kilometres, and three or four kilometres is not on the reserve, but it is from 391 to the reserve. The boundary would be, I presume, three to four kilometres. I tried to drive down it but at that time our vehicle sank out of sight so I did not actually get to see to much of that road.

The chief of Black Sturgeon and others have urged us to try and help them put gravel on that road, make that road hopefully passable, and the reason they gave is that the federal government has a perfect opportunity to delay the housing it has promised Black Sturgeon for that area because they can use the argument, well, you do not have a really good road. So they are kind of trapped in a Catch 22 situation. You know, you get your housing when you get the road, but you have not got the road; you cannot get the housing. I know it is something that probably was not built into your Estimates, something that was not built into the budget.

I have no idea how much it costs, but I think a little bit of gravel would go a long way there. I am just pleading that maybe the minister take a look at that special case.

Mr. Findlay: I do not know if the member maybe knows more than I do about this, but it seems that the mining company put the trail in?

Mr. Jennissen: I believe it was a company called Grand Duke Mining Company [phonetic]. I am not sure what the rationale was, whether it was just a gesture of good faith to the aboriginal people. I do not know; I suspect not. I think they must have been doing some mining investigation or exploration in the area, but at any rate—or maybe the band actually paid for it; I do not know. But they did build that road. I was under the impression it was built with minimal cost to the band.

Mr. Findlay: What so often happens in these kinds of cases is it is not built to what we call a full standard and it is a trail at best—pioneer road is another term we could use—which is what was often the case in many northern roads. They were put through at a point in time when there was an urgency to get a trail through, and once the trail is through, then everybody wants it to be a full-use, all-weather road, and it is difficult to put gravel or inappropriate to put gravel on something that is not built to carry gravel or is not of a sufficient construction standard that it would stand up even with gravel on it.

So a trail is not the same as a road. I think I have said this before. This was going back 30 years. So much of the road network in the North was built basically under Northern Affairs, and there were not the standards used that Highways would have used had they been responsible. Then it got turned over to Highways, and now everybody wants them to be highways and they never were built to that. It is very costly to upgrade them, whether it is 391 or 373 or this road—very costly to upgrade, and we do it step by step. Although there is a trail there, we will respond to the member by written letter to get some understanding of what the quality of the road is and what would be deemed to be the appropriate way to approach it from here on.

I know what happens. The trail is there, now we want it all weather, and it may not be as easy as just putting gravel on. We need to find that out.

Mr. Jennissen: Actually I had discussed this with the minister's special assistant, Jeff MacDonald, and in our discussion we thought maybe a compromise that could be achieved, again no promises, but it might be achieved if it was a cost-sharing with the federal government. We are talking for our portion of it three to four kilometres. We are not talking an enormously large chunk, but I am under no illusion, it will cost money. I do not want to give Ottawa any more excuses not to bring houses they have promised.

Mr. Findlay: We will follow up and get further information and detail on it. I gather that, although it is maybe not all weather in the summertime, at least in the wintertime they should be able to get their materials in for the housing for seven or eight months out of the year.

* (1750)

Mr. Jennissen: That is correct, but at the last meeting I was at in Lynn Lake with the Honourable Elijah Harper the pressure was on for Ottawa to deliver those homes by the middle of this year. That was the problem with the summertime, like, the band was not willing to wait and Ottawa, being in a peculiarly generous mood prior to the election, was actually, I think, promising those houses, with a little prodding, but they, of course, had the good argument, well, there is no road to bring the stuff. You build the road; we will get the stuff there.

So I committed to put as much pressure, I guess is the word, or impose on the minister's generosity to see if he could get a few gravel stones on that road. So, you know, I hope the minister checks that out and gets back to me particularly on the cost-sharing with the federal government.

The other road that I know I have mentioned several times—it is a repetitive theme probably—is the one to the Mathias Colomb First Nation, Pukatawagan. As I fly that part of the country, frequently I see it from the air, and where the Repap roads, the logging roads end and where Mathias Colomb starts, to me, does not look more than 25 to 40 kilometres. It is hard to judge from the air, but it is not an enormous distance. I would say 25 kilometres, maybe 40 kilometres, maybe 50.

At any rate, what I am suggesting to the minister is that, although this would cost a lot of money to build, I would point out that last year out of Mathias Colomb alone there were 308 medivacs at between \$3,000 to \$10,000 per medivac. So I am saying that it is costing us between a million and a million and a half dollars to fly people out of there. If there was a road, we could do that considerably cheaper, and if you could save even a million dollars a year, put a million dollars into a road system. I know it is maybe from a different pocket, and it is your budget you have to be concerned about, but I am saying globally a government should have to look at things a little differently and make sure that they use their money wisely.

I mean, we can keep flying people out of there forever if we want, but I would suggest that spending those billions of dollars we are spending now on medivacs be spent on road building, and I do not think it takes many millions to build 25 kilometres of gravel road. We would be better ahead, the community would be better ahead, the cost of living would be easier for those people and it would bring tremendous business and tourism to the region. It would bring business to Flin Flon for sure because Pukatawagan has approximately 2,000 population.

I think, looking at it from all angles, it is a winning proposition, but it does take a few dollars and I know the dollars are scarce, but I would like the minister to consider that.

Mr. Findlay: The part that the member refers to, Mr. Chairman, that is currently built, is a private road. It is a pretty winding road. It is a logging road. It is not a road for citizens to travel with cars, I am sure. It is difficult to give him an answer specifically, because we do not know the state of the existing road. I have no idea what we are talking about in terms of terrain to get from the existing road to Pukatawagan. It is certainly worthy of consideration, and we will get a better idea and, again, respond to the member by letter. Just because there is a trail there does not mean that it is the kind of road that people would be satisfied with. It is almost like his previous question about Black Sturgeon. The trail is not satisfactory for cars so that we are challenged to deal with the cost of upgrading to a current acceptable standard.

Again, my comments on pioneer roads, trying to make them into an all-year-round usable route for civilians, is just not as easy as it sounds. We will follow up on it.

Mr. Jennissen: I realize that, but the Sherridon road, before it was built to the same standards, I presume, and that is now a civilian road. On the map, I should point out to the minister, I think it does not show the Repap cuts. Some of those Repap roads, from the air at least, look reasonably good, and there are certainly a lot of heavy trucks on them. People from Mathias Colomb, Pukatawagan, feel, you know, any trail is better than no trail at all, and they are suggesting they would have no difficulty with that.

I know, in reality, once you are travelling it you want to upgrade it and upgrade it and you want higher standards. I am sure the minister has tangled with the 391 committee before. You want things better and better and better. I think that is logical, but at this stage all we are asking for, I think, is a land connection to Pukatawagan. Again, I point out that it would save us an enormous amount of money on medical bills alone, and I think also it would bring in tourists and allow the people of Mathias Colomb to invest a little of their effort and energy into that industry because unemployment is very high on the Mathias Colomb reservation as well.

So I hope the minister looks into that and considers that.

Mr. Findlay: We will, as previously committed, yes.

Mr. Jennissen: Now with regard to the Sherridon road, I travelled it the other day, and it does have some of the sides are more brush now, but we are still having a lot of problems with some very tight turns and especially with—the dangerous aspect is not even so much the road, it is the traffic on the road, the enormous number of pulp trucks that seem to come whipping through there in the centre of the road. I do not know if there is any way to alleviate that, but I just want to alert the minister that it is creating a lot of problems. It has created a number of accidents and fatalities and people are very unhappy with the way things are.

Again it is an example of, you have no road, you complain; you have a bad road, you complain. I am not suggesting that people are chronic complainers out there, but is there any way that the truck traffic can be regulated on it, maybe hours or days or whatever? I have travelled it, and I have run into 15 or 20 of these heavy trucks and they almost push you right off into the ditch.

Mr. Findlay: I would just say the member has also talked about creating employment and getting people working, and that is what those trucks do. So you ask for one thing, you get it, and then you look it in another way and you do not like it. There has to be an accommodation between the public and the truck drivers that are making a living, and that is one of the reasons the road is there, is to make a living. The law of the road is the law of the road. You have to drive on your side and obey speed limits and so on and so forth.

I would not want to advocate that we can keep the trucks off the road at certain times. I think the member or somebody would be on our case about limiting the ability to make a living. You cannot be all things to all people, I guess. We do try to maximize safety, and there is the rules and the law of the road.

We have the RCMP in Flin Flon, and it is their responsibility to enforce that the people using the road abide by the rules of the road. If there is a specific significance of that sort of circumstance, we can contact them if the member would like, or he can contact them and ask for some response as to whether they deem that the users of the road are properly abiding by the rules of the road.

Mr. Jennissen: To get back to Pukatawagan again and Repap cutting in High Rock and other areas fairly close to Pukatawagan, does the minister have any maps showing the Repap road system? I do not have them personally, so I cannot really tell how close, how far or what shape those roads are in.

Mr. Findlay: The answer is no, I do not have any maps of their roads.

Mr. Jennissen: The minister knows, and it is, again, a pipe dream, but I am not going to give up on it, and that is a ring road in northern Manitoba which would

connect Pukatawagan-Flin Flon, Pukatawagan-Sherridon to Lynn Lake someday. This may be many years in the future. I do not want to get into the expenditures of that or the possibility of that. I know it is far in the future, but, certainly, part of that would be the Fox Mine Road, I think it is called. I flew over that not too long ago.

What is the status of that road? Is it a provincial road? What shape is it in? Is it being maintained?

Mr. Findlay: You are talking about from Lynn Lake to Fox Point? Yes, it is a provincial road, and it is being maintained. Just a further bit of information, the road the member is talking about is a \$300-million road. It is costly.

Mr. Jennissen: Those are not the figures we use. Those are pretty discouraging figures, but even in stages maybe in the future in terms of tourism and that, it could be done. I know that this is not the appropriate time politically or financially to be even contemplating that, but on the other hand, if we were to desert the Fox Mine Road, then that one link would be gone, that possible link in the future.

Why is that road maintained? The mine is not active anymore. I could not tell from the air whether it was being maintained, and I was not sure what the reason for it was.

Mr. Findlay: It is a road that is surfaced and is maintained simply to keep it from deteriorating. I believe there is some level of exploration in the area so there is some use of it, but if you just abandon it, it would deteriorate really quickly. I would not want that to happen necessarily.

Mr. Jennissen: Well, I appreciate the foresight in keeping that road open. I was worried that it was going to deteriorate and be just left. I know it may not get maximum usage now, but I am still optimistic that 50 years from now we will see a lot of things happening in that region because that is where tourism, the pulp, the minerals, where all the good stuff is going to be happening. There is only one place to go and that is further north, I guess.

Anyway, I would like to start a new topic, but I think the time has come that perhaps the minister would like to consider this six o'clock.

Mr. Chairperson: Is it the will of the committee to call it six o'clock? [agreed]

The hour now being six o'clock, committee rise.

GOVERNMENT SERVICES

Mr. Chairperson (Ben Sveinson): 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 Government Services. When the committee last sat, it had been considering item 8.1. Administration (b) Executive Support (1) Salaries and Employee Benefits on page 63 of the Estimates book. Shall the item pass?

Ms. Rosann Wowchuk (Swan River): Mr. Chairman, I would like to take this opportunity to ask the Minister of Government Services a few questions relating to the flood with respect to the farming community.

We have heard a lot of talk about the various compensations. We heard an announcement just when the flood was getting started from the federal government that there would be funds available for unseeded acreage that farmers have not been able to seed, but no detail is available on any of that compensation.

Can the minister indicate what has been negotiated between the federal and provincial governments as far as compensation for farmers as a result of this flood?

Hon. Frank Pitura (Minister of Government Services): In response to my honourable friend's question, probably that question would be best answered by my colleague the Minister of Agriculture (Mr. Enns) whose staff have been consulting with the federal staff with regard to agricultural programs.

My understanding at this point in time is that with the federal-provincial negotiations under the Canada-Manitoba agreement, we did sign a concurrence there that there would be included under the Canada-

Manitoba agreement, a program for agricultural business restoration and for those producers who would not be able to seed their cropland this year.

Unfortunately, I do not have any of the details that the member is asking about with regard to the compensation package, because my department has not been included in those discussions.

Ms. Wowchuk: Then is the minister saying that he cannot provide any detail about even the business restoration program either, which, I understand, is \$5,000 for businesses, but what I am looking for is does that \$5,000 also apply to farmers who are not able to get their operations going and have the ability to earn an income?

Mr. Pitura: In response to the honourable member's question, the only details that I can really share with her are those that we both read in the paper, because the federal government announced this business restoration program unilaterally last Friday and had not consulted with us as to the details of the program.

To the best of my knowledge from what I read in the paper, farmers and businesses are eligible to receive the \$5,000 cash, if I read that as to be correct in the papers.

Ms. Wowchuk: If it is the case that there have been no negotiations, that it has been unilateral announcements, then I am quite disappointed to hear that. I would think that the two levels of government should be able to work together, and, in particular, the provincial government that is dealing first-hand with it should have some input into the decision making of how funds will be distributed.

I would ask the minister whether he knows anything about the implications of that. If that \$5,000 will apply also to farmers, then, surely, there must be some negotiations going on between Government Services through Emergency Measures and the Department of Agriculture as to whether this payment jeopardizes any other assistance that might be available to farmers or whether this \$5,000 is part of the money that was announced earlier on when there was supposed to be—and it was just the early part of the flood when we heard that there was money for unseeded acreage. That causes some concern that we talked about in the House

yesterday, and, certainly, those have to be dealt with by the Department of Agriculture.

Can the minister give any indication whether his department has looked at the implications to farmers? If this \$5,000 is one payment that is coming from the federal government, does this put in jeopardy anything else that has been announced by the federal government?

Mr. Pitura: The member's first comments, I quite agree. I think that it is necessary that when we started this whole process of putting together a pretty full package to address the issue of the flood, that the two levels of government should work together at all times co-operatively to make things happen.

Certainly, I was under that impression that that was going to happen as a result of the signing of that agreement, that our senior officials from both governments would be working diligently to put the entire package together and once that was put together to work co-operatively together to put the details of all the programs that were identified under that agreement with regard to the agricultural—I guess it is called the business restart program that was announced, that, again, from the newspapers that have gleaned the details, the \$5,000 that apparently is going to be paid out to farmers and businesses is net of any other program.

I am assuming that to be true. I guess I have concern that until I see the final details of the package in writing, we are not sure exactly what the impact can be or would be with those dollars as to whether they may indeed be taken as an accountable advance against some of the other programs. I would like to see the details of the program as soon as possible.

Ms. Wowchuk: I hope that when the minister receives that package, he will share it with us, so that those people who are raising concerns, we can have them addressed as well.

Mr. Chairman, we have been hearing concerns and they have been raised in this House about people in the Sanford area who had their land flooded or tell us that they had their land flooded because of cuts that were made in roads to alleviate the amount of water that was

going to come to the city of Winnipeg. So one group of people is now suffering in order that a larger group of people would be saved, and those kinds of decisions have to be made and that is acceptable, but when the decision has been made, I wonder whether this department, this government, has looked at how those people are going to be compensated.

* (1440)

Are they going to be given an additional compensation for their losses? There are some very serious losses, people who will not be able to farm for some time, and, again, are they going to be included in this business restoration, or is the government recognizing that as a result of decisions that were made, these people were put at additional risk and suffered losses more than they would have had those decisions not been made? How is the government proposing to deal with that group of people?

Mr. Pitura: Mr. Chairman, it is a fairly encompassing question. I think, with regard to the technical details of roads being cut to allow water to pass, that would probably be a question that is best answered by people in Water Resources, as they have the engineering expertise and it was basically their decision to do this in terms of managing the water. With regard to the people at the dike, I would just like to clarify for the members that the area that is affected mostly by the water is an area that is not so much in the Sanford area, but it is in the Domain area where people are along the dike.

Of course, part of the signing of this agreement, the Canada-Manitoba agreement, was in the fact that, because of the magnitude of the flood that we had and the fact that the dike had to be built and the fact that water was not allowed to go into the La Salle system freely, under this agreement my feeling was that their issues with regard to the water problems that they had or have and are facing could be and would be addressed under that Canada-Manitoba agreement. So, at this point in time, without the official blessing, I guess, of the federal government, it is a question to which we do not have an answer to tell these people as to whether or not they would be able to fit into these programs, because right now these programs are still not official.

Ms. Wowchuk: Can the minister indicate then—it is my understanding that the province puts forward proposals

of what they think should be covered, and then they will be covered by this agreement—what was the province's suggestion as to how these people should be treated and how they should be compensated and what they can expect if the federal government follows through with the agreement?

Mr. Pitura: There have been, of course, many suggestions as to how the compensation could be dealt with. However, my discussions with the producers that are along that dike are such that, certainly, they would like to see a certain level of compensation. They have come forward and said, this is the kind of dollar value we can see per acre on the land that we were not able to seed. On the other hand, they are saying, we would much rather not receive the compensation but would rather be able to seed our land.

I think that is still the hope, that the water will move off the land in time for it to dry and for them to get their seeding operations done. As well, they also recommended, too, that any type of compensation that may be put in place for producers that were caught in that area, that such a policy or program should really not be shared until after such time as they know that they will be unable to seed. They all felt very strongly that they certainly did not want that personal incentive not to seed.

Ms. Wowchuk: I guess every farmer, every person who is a farmer has an instinct to want to get that crop in, not to try to take advantage of a program, because, no matter what they pay you, many times you hope that you can make more from the work you do rather than from a program, and that is what farmers want, unless they were asking for a compensation that was fairly substantial.

Can the minister indicate, when he met with those farmers, what did they consider to be a fair payment for their losses if they were not able to seed?

Mr. Pitura: I would share with the member that, when I met with the producers as a group and they were putting forth their ideas, the ballpark range for the numbers that they were looking at was somewhere between \$150 and \$186 an acre, I believe. That would depend on whether they used herbicides as part of their

summer fallow program, but that was in the area that they were looking for compensation.

Ms. Wowchuk: Mr. Chairman, we would hope that they will not have to use that compensation, that they can all get out on the land.

I want to ask the minister as well. There are several farmers who agreed to have their land stripped in order to build the dike and, of course, when you have land stripped that has impact on your ability to produce a crop. Can the minister indicate whether that issue has been resolved, and what kind of compensation has been negotiated for farmers who have had their land stripped in order to build this dike?

Mr. Pitura: Mr. Chairman, I would just say to the honourable member that, with regard to taking producers land to make burrow pits to construct a dike, that in terms of that area of land, the land use has been changed now and the compensation for that land would be probably carried out under the Department of Natural Resources or the Department of Highways. So, as such, Government Services would not be a part of that except from the standpoint if disaster assistance applied.

Ms. Wowchuk: Mr. Chairman, unless I do not understand it, would disaster assistance not be involved? Would it not be covered under disaster assistance costs or part of the claim, given that the land was taken during a state of an emergency? So, surely, that is going to come under the claim of disaster assistance and will be part of the whole package that is negotiated with the federal government.

Mr. Pitura: Mr. Chairman, just let me clarify for the member. What I was referring to was if it became part of a private disaster assistance claim. We also have to remember that within the Department of Highways and within the Department of Natural Resources, we are also working in the purview of disaster assistance and federal-provincial cost-sharing. So, if it was part of the government, part of the program, it would be assumed that it would be part of that disaster assistance claim that would come from the provincial government, which would mean that they would deal directly with the landowner, and it would not be seen as a disaster assistance for the landowner as such. It would be an

issue of the acreage of land and what it was used for and how much the compensation would be for either restoring that property back to its original state or, in fact, purchasing that property for the Department of Natural Resources or the Department of Highways.

* (1450)

Ms. Wowchuk: I think the minister is saying and I hope the minister is saying that this compensation that will be paid to farmers for land will not be part of a flood victim's claim, which is up to \$100,000, that the negotiation on that land will not have anything to do with a person's claim if they happen to be also a flood victim and having a cap of \$100,000, that the negotiations to settle for land that was used to build a dike will not be part of that individual's claim. Is that accurate?

Mr. Pitura: Mr. Chairman, yes, the member is correct. It does not form part of the private individual's claim because it is part of the cost of building the entire dike. So as a result of utilizing that land for purposes of burrow pits for the dike, that would be compensated through those respective departments.

Ms. Wowchuk: Let us just clarify a little bit more. Who will pay the cost of building the dike? Will it come out of Government Services? You mentioned Natural Resources and Highways. When we want to see the price of what this dike costs, where is it going to show up? Under Government Services, Highways, Natural Resources? Where will that cost be?

Mr. Pitura: When you get into a disaster situation, of course, you get a number of government departments that become involved as part of the disaster situation. We know we have the Department of Highways, Department of Natural Resources, the Department of Agriculture, the Department of Family Services, to name a few departments that become involved. As a result of the entire disaster assistance, while the disaster is on, the various departments that are participating certainly keep track of all their expenses that they incur as a result of their roles in the disaster. Once that is all done, they accumulate that, collate it together and submit it as part of the emergency funding appropriation within the provincial government budget which is Vote 27. It is called Vote 27. Then that is all

put together as one claim that we forward to the federal government under our agreement with the federal government in terms of cost-sharing.

Ms. Wowchuk: Over the past couple of years, there have been disputes between the federal and provincial governments about what should be compensated, what costs should be shared when there is assistance being provided for a disaster and emergency. There were several outstanding issues that were not addressed, and one of them was compensation for beekeepers a couple of years ago. A few people in the eastern part of the province got compensation for losses of their bees—I believe it was in 1993 when this happened—and in other parts of the province they did not get compensation. When we raised it several times, we were told that it was because of negotiations with the federal government and the federal government was not coming through with their share of it. Just recently we heard that there was a completion of some of the negotiations and some of the outstanding issues had been resolved. Can the minister indicate whether or not that issue has been resolved and whether there is now money available to compensate those outstanding claims that leaf-cutter bee owners had been asking for?

Mr. Pitura: I can indicate to the member that with respect to the leaf-cutter bee issue, that issue was not resolved with the federal government to our satisfaction, so the standpoint in regard to that, the federal government is still standing firm on its position with regard to leaf-cutter bees.

Ms. Wowchuk: The government paid out compensation to some of the leaf-cutter bee producers. A balance of them have not been paid out. Has the minister decided how to handle that? It seems unfair that some people did get their compensation and other people are still waiting. It was the province, I believe, that paid out the funds to a portion of the people and now the others are waiting. Has the minister made any decision on how he will—and is he prepared, then, to address that outstanding issue with the Leaf-cutter Bee Association?

Mr. Pitura: Mr. Chairman, just to share with the honourable member that, yes, it is one of the issues that I consider outstanding, and I am at the present time looking at the issue. I wish to confer, though, with a lot

of the producers in the industry, as well as other colleagues in other departments, before we can officially bring the issue to a resolve. I guess I really cannot add too much more than that, except that I am looking at the issue.

Ms. Wowchuk: Mr. Chairman, it is an issue that is long overdue, and I do not believe it is that substantial amount of money that government cannot deal with it, but it has certainly caused division with people in the industry, because there are some who happen to live in constituencies that are represented by members of the government. I remember very well when one member, the present Minister of Health (Mr. Praznik) said at the time, well, you did not get the claim forms out to your people soon enough and we got our claim forms out, that is why we got compensation for our people. That is really an unfair statement to make to people. I mean, if there is a program that is available, then the leaf cutter bee people should have been notified, and they should all be treated equally.

So I encourage the minister to look very seriously at this and address something that is outstanding and not deal with it in a partisan way. I do not know that the minister, the member intended it to be that way, that they were going to deal with it in a partisan way, but that was certainly the message that we heard and that is unfair. After all, it does not matter who elected you. We are here to work for all the people of Manitoba equally. Some of these people are very small operators, and the losses that they faced in that particular year have set them back quite seriously. So I look forward to the minister working on this and addressing it and having it come to a resolve. It is going on four years now, three and a half years, four years. It is unfair that they should be treated this way. It is unfair that the federal government will not live up to their responsibility on this one either, but I look for the minister's resolution of this problem.

I want to mention one other issue before I turn it over to my colleague here, who has been so kind to let me have this time, and that is, last year in the community of Duck Bay there was a tornado that touched down and it touched down on a very small area. I realize that it may not have a real impact on the province the way the flood did that has affected many people, but by the same token, it did affect these people's livelihoods.

Some of the people that were affected were fishermen, and we had people from the Disaster Assistance Board come out to Duck Bay and indicate, yes, there would be compensation that was available. They put their claims in for their boats: some of them overturned, some of them quite badly damaged. In the end, what happened was they were told they would get \$1,000 compensation for their losses, or they would get \$1,000 to repair their boats, and some of them had greater losses than that.

* (1500)

I wonder if the minister can indicate why these people were dealt with in that way, why it was not considered a serious situation and only part of their losses would be covered. In fact, the fishermen lost nets, and they did not have nets to continue fishing with, but this was not compensated.

The minister is well aware that fishermen have a very hard time making a living, and it gets quite tough for them, and their livelihoods have been put in jeopardy. They are still struggling and do not feel they have been treated fairly on this one, so can the minister indicate why there was a ceiling of a thousand dollars set, why individual claims were not considered?

Mr. Pitura: With regard to the situation at Duck Bay, I guess there are really two issues. The first issue is the fact that the boats received damage as a result of the tornado that swept through the community. Under that policy, I am advised that my predecessor at that time approved the—in terms of the disaster or the damage that took place with the boats, that they went through the purview of the special area that the minister is able to approve under the Disaster Assistance Policy.

The issue of the nets, of course, goes back a number of years now where fishermen on the other lakes in Manitoba had been suffering net losses or net—I should not say that. How do I say it right? Losses of their nets. They were suffering losses of their nets as a result of storms. So, in May, I believe, of 1996, it was decided, established, that the policy for loss of nets would be discontinued at that time under the basis that because part of the fishing business or the fishing industry was the fact that the longer you could fish into the year, and you could actually push the end of the

season, that also the level of risk of losses of nets was much greater.

So it was deemed that if you took a look at the entire industry, part of that risk management that one would take with regard to whether you got that last catch of fish versus the loss of the nets was part of the industry itself. It is very similar to agriculture, where a farmer will take that chance on seeding even beyond the crop insurance deadline to try to get a crop, so, basically, the same thing applied.

So it was deemed that the policy that was in place at that time was to be changed, that fishermen's nets would not be recoverable as a disaster under that program, so, as a result, the fishermen at Duck Bay fell under that section of the policy.

Ms. Wowchuk: I can understand changing the policy when people are trying to extend the season and fish longer, but this is a whole different situation. This was a storm that hit, just like a storm hits in the Red River Valley; it happens to be a flood. This was a tornado that hit. They lost their nets. Even if you had found them, they were so tangled up with branches, and some of these nets were right in the boats, but because of the way the storm came in, they were lost. So I do not think that you can compare what was happening with loss of nets during fishing and what happens when a tornado comes in.

It is two different issues. I think that these people were treated unfairly, that losses of this kind should have also come under the special—if the minister recognized that it was, and it was a tornado. As I said, it did not strike a very large area, but it did affect people who should have been covered. I think that the minister should reconsider, should look at that policy and not cover this under the same policy where net insurance was taken off nets because people were fishing too long. As I say, this is a different situation. It is a storm. It is a disaster that struck them, and I would ask the minister if he would review this and look at whether or not it is possible to reconsider the net loss in this particular situation.

Mr. Pitura: It has been advised that as a result of the damage that was done to the boats at Duck Bay, it is part of the policy to establish to predisaster condition.

As such, the boats that were damaged as a result of that storm, monies have not been paid out yet as no repairs have been done to the boats as of this time. I would indicate to the member as well that I will take her comments, and I will take a look at this area again.

Ms. Wowchuk: I would just like a clarification on how coverages apply. I am told that when there is a disaster, only things that are insurable cannot be included in a claim. If a person cannot get house insurance because they live in an area, for example, again, Duck Bay, where I am told some people cannot get house insurance because they are in a flood plain. They are in such a low area that they are not allowed to get house insurance. If they cannot get house insurance, are they then covered under disaster assistance?

Mr. Pitura: Responding to the honourable member, I think the way she put her example was if her house was on a flood plain and could not get insurance. Okay, I am a little bit confused here because as far as I am concerned most of the homes that are built, and especially if they are built in a flood plain, are not able to get flood insurance.

Ms. Wowchuk: I will just clarify for the minister. I am told that there are people in Duck Bay who cannot get house insurance, and I use Duck Bay only as an example. They cannot get house insurance because of where they are situated. Nobody will insure them because they are between water on both sides, so they will not insure them. So if the insurance companies say that they will not insure them, then when a disaster strikes, as our province, do they qualify for disaster assistance just as people in the Red River Valley who cannot get flood insurance are then compensated for their losses because they are not able to buy flood insurance. So what my question is: If there are people who are denied insurance because of where they locate their home—

Mr. Pitura: All types of insurance?

* (1510)

Ms. Wowchuk: That is what they tell me. I have not checked this out with insurance companies, but they tell me that they cannot buy insurance because of where

they are located. So I am looking for clarification of what the policy would be in a situation like that. If they were unable to purchase insurance and disaster happened to strike them, whether it be flood or fire or whatever, would they then be able to qualify?

Mr. Pitura: Mr. Chairman, I am advised by staff in the department that, to our knowledge, all homes qualify for insurance. But I would ask the member that, if she does know of a situation where absolutely the home could not be covered for fire insurance or break-in or whatever, she would maybe share that information with us. I am told by my staff that we would take that under consideration at that time under the policy.

Mr. Jim Maloway (Elmwood): Mr. Chairman, since we are on this area of discussing the flood, I think we may as well just continue along the same vein. I did want to ask the minister several questions regarding the flood, but one of them, I guess, concerns the evacuation plan from the 1950 flood. I am wondering why it is that the department was asking for the evacuation plan for Winnipeg the very day that St. Norbert was being evacuated. Was that not a little bit late in the game for requesting such a plan?

(Mr. Peter Dyck, Acting Chairperson, in the Chair)

Mr. Pitura: Mr. Chairman, with regard to evacuation plans, all municipalities including the City of Winnipeg, as they have their own emergency management committee, each one of those is responsible for putting together their own evacuation plans. So it is not a provincial evacuation plan. It is an evacuation plan that would have been put together by the Emergency Management Organization in the city.

Mr. Maloway: Mr. Chairman, so the people, then, who would have been asking for the evacuation plan for the city of Winnipeg the day St. Norbert was being evacuated, then, would not be the provincial Emergency Management Organization. Is that what he is telling me?

(Mr. Chairperson in the Chair)

Mr. Pitura: Can I just get a clarification from the member? Were you talking about the 1950 flood?

Mr. Maloway: Mr. Chairman, evidently someone from the provincial Emergency Measures Organization requested a copy from the Archives of the 1950 evacuation plan called Project Blackboy, I believe it was called, requested a copy of this and it, coincidentally, was the day of the evacuation in St. Norbert. I, of course, got a copy as well of this evacuation plan, but I just wondered why it was—I could understand myself not getting it until the day the evacuation started, because I am not in charge of this operation—but you being the people who were in charge of it, I am wondering why you would be asking for the 1950's evacuation plan, '50 flood evacuation plan, so late in the game and what possible use would it be at that time.

Mr. Pitura: Mr. Chairman, I am advised that none of our staff from the provincial Emergency Measures Organization did a request for the evacuation plan; however, I am advised that the military did have an interest in that plan. In fact, just the other day, I believe, I was in conversation with an individual who had received from the military a copy of that plan. So as far as our information is, it was the military that probably requested that evacuation plan.

Mr. Maloway: So the minister is saying then that the department did not request a copy and turn it over to the military. He has now received a copy of it, I understand. Where did he get his copy from, the department?

Mr. Pitura: I was shown the copy of it. It was not in my possession, but, yes, that would have been the course, that the military requested the plan from the Archives. I do not know—like if somebody from the provincial Emergency Management Organization had requested it, it would have been purely coincidental.

Mr. Maloway: In fact several copies, my memory tells me it was five or six copies, were requested, so I just wondered who requested it and why. Let us say it was the military. Then why would they be interested in this plan at such a late date?

Mr. Pitura: I think the honourable member is probably looking for something that is not there, because a lot of people who were involved with this flood—many of the archived videos, the archived 8-

millimetre filmstrips were brought out to share with people what happened during the 1950 flood. So, basically, the main reason probably for most of these copies being asked for out of the archives was out of a purely historical interest and had really no relationship, I would think, with what occurred during the 1997 flood, but I think people were interested as to what happened in 1950 so that they could get an appreciation for history.

Mr. Maloway: I think that I could understand them asking for copies, and how relevant they were or how useful they were would be subject to debate because of the age of the documents, but we knew that the flood was going to happen long, long ago. Certainly, back in January, we knew what the snowfall amounts were in South Dakota and North Dakota.

So it seems to me that one of the first things one would do would be to, as the minister indicated, get all the tapes and stuff from past floods and the information from past floods and certainly an evacuation—certainly after the information of what was happening in Fargo and Grand Forks was made clear to us, you would think that, if there was any need for the evacuation plan from 1950, that would have been the time to get it, and that did not happen. No attempt was made to get it until the morning of the evacuation in St. Norbert. So I thought that was rather odd, and I was just curious to know as to why that happened in that particular order and what became of the plan.

Mr. Pitura: Mr. Chairman, I think the very short response is that whoever did request the evacuation plan from the archives, it might be best to ask that individual who requested it as to why they wanted that particular information on that particular day.

I do want to share with the member some of the things that have evolved with the Emergency Management and preparation over the years, and it really makes the 1950 information irrelevant to this whole situation. The Emergency Management Organization, when it works with the provincial organization, works with member municipalities and this is throughout the province. They work with them in terms of establishing a local Emergency Management Organization that is put together to be able to respond very quickly to any type of a disaster that may affect a

community, an area, and this could be anything from a flood to a fire to a chemical spill, a rail car derailment, whatever.

* (1520)

The essence of the whole Emergency Management planning then has the provincial organization basically as its mandate to work with the local organizations to ensure that they have an emergency preparation or an emergency preparedness plan in place and that includes such things as evacuation, having the necessary people around say for firefighting, emergency ambulance services, et cetera, that the whole plan is put into place. Evacuation is part of that. So with regard to any kind of emergency planning for the 1997 flood, most of the Emergency Management Organizations that are functioning through the flood plain would have those plans in place as to how they are going to do an evacuation and essentially when they would get to re-entry.

Mr. Maloway: Mr. Chairman, I think we can probably settle this by having the minister find out who was asking for the five copies and then we will know, because I do not know. That is why I am asking. I just know there were five copies requested and the minister is in a position to find out who was asking for them. What we are doing here is tying up provincial civil servants, some of whom could have been out sandbagging—and I am sure some were—tying them up xeroxing 40-year-old documents that were probably never used. So if the minister would endeavour to find out what was going on with it and get back to us next week when we are in Estimates then we would solve this problem.

Mr. Pitura: Mr. Chairman, I am not sure I am able to fulfill the member's request. However, we will give it a shot and see if we can find out who asked for the copies and get that information for the member.

Mr. Maloway: Mr. Chairman, then what was the plan, because the public was never told of the plan. I recall one of the press conferences in the latter days where members of the media did ask what the plan was and I believe the chairman of the group responded that, when the plan was developed, he would find out about it and he would let everybody know. In other words, there

was a committee that was an on-the-ground sort of a committee that was in place and they were working on an evacuation plan, and if it became necessary at that point, he was going to be told and then he would let everybody know. It was kind of a need-to-know basis, and it is probably a sensible approach. But the flood is over now and, perhaps, the minister can tell us what would have been the plan or what was the plan that was never announced for evacuation.

Mr. Pitura: Mr. Chairman, the honourable member asked a question about the evacuation plan for the city of Winnipeg and my response is that the City of Winnipeg, through its Emergency Management Committee, is responsible for putting the evacuation plan in place. So I think that question could be best put to officials of the City of Winnipeg to determine as to how extensive their plan was.

Mr. Maloway: Well, is the minister saying then that copies of the plan are not filed with his department at all, that his officials are not told what the actual plans entail for each of the areas of the province?

I mean, I understand the minister's point about the local authorities having a role in developing the plans, but he surely must be told what the plans are just in case there are some weaknesses in their individual strategies.

Mr. Pitura: I am advised by staff that with regard to the emergency measures plan that each community puts into place, that, yes, they do file those plans with the Manitoba Emergency Management Organization, and the city of Winnipeg is basically one of over 200 EMO plans that are on file.

Mr. Maloway: Well, Mr. Chairman, there you have it. You have the answer to my previous question about what was the plan that we never heard about for the city of Winnipeg, and the minister suggested that I contact the city, but he has just now admitted that a copy of the plan was filed. So can we have a copy of that plan?

Mr. Pitura: Yes, no problem.

Mr. Maloway: Mr. Chairman, when would the minister be providing us with a copy of the plan?

Mr. Pitura: How soon does the member want it?

Mr. Maloway: Well, Mr. Chairman, sometime before the Estimates of this committee are concluded which could be a long time from now, so I cannot give the minister a precise answer, but he can give me a more precise answer if he wishes.

Mr. Pitura: We will endeavour to have the plan available to you tomorrow.

Mr. Maloway: I take that to mean on Monday when we next sit. However, if the minister does have it available tomorrow, even though we are not sitting, I am available to receive it.

I would like to ask the minister whether there is any procedure for auditing the local authorities' plans, you know, after they have gone through this disaster, whether Emergency Management has some sort of a procedure in place to kind of see what went wrong and sort it all out, because there were reports of at least one municipality just north of Winnipeg where the water was rising all around it, and nothing had been done to declare an emergency. All the surrounding municipalities had declared an emergency, and one of the homeowners who looked out and saw the water coming up panicked, phoned Peter Warren, and said how come my councillors have not done this, and within an hour the municipality itself had declared a state of emergency and got around to doing whatever it was supposed to do to solve the problem.

So that is kind of an indication that not all of the local authorities would be operating at the same sort of level of alertness, I guess. I am just wondering what mechanism you do have in place for going through and finding out just who did what and whether they did the right thing at the right time.

Mr. Pitura: In a situation where there is any type of a disaster, whether it be natural and environmental, that for any type of an event there is a post-event report that is compiled, and this is a normal procedure that takes place after all the events to ensure that, No. 1, you sort of have to take a look at what has been done, certainly all the positive things that were done, but also to highlight the areas that could be strengthened for the future.

Mr. Maloway: Mr. Chairman, when does the minister expect that this report will be filed from this flood?

Mr. Pitura: Mr. Chairman, we are in the process of starting the post-event report process for the 1997 flood. However, I would ask the honourable member to appreciate the fact that because of the magnitude of the event and the number of individual local jurisdictions involved in this that the report process, although it is starting quickly—it could take some time before the report is properly compiled and comes back to government.

Mr. Maloway: Mr. Chairman, would the minister speculate as to roughly when that report might be back to government?

Mr. Pitura: Mr. Chairman, at this point in time I do not think it would be proper for me to be able to give the member a definitive time line. I think that once the report is started and the process is started and the outline of the report is put into place as to what areas will be looked at from the standpoint of the study, one might, at that time, be able to identify whether it is going to be a matter of three months or whether it is going to be six months or, indeed, longer for the report to be finished. I think it is important that all areas be looked at, and we do not employ a hurry-up process necessarily to get the report back as fast as possible.

*(1530)

Mr. Maloway: Mr. Chairman, would the minister then endeavour to provide me with a copy of the report when it is filed with him?

Mr. Pitura: Yes, that should be no problem providing that report because I think that report would even be available for the—it has to be available to all the people who were involved in the events so that they can take a look at the analysis of how they operated within this disaster.

Mr. Maloway: Mr. Chairman, I guess the biggest problem at this point is trying to quantify the loss. That is what I detect the problem is at this point. Can the minister give us some indication of how that is proceeding?

Mr. Pitura: It is very difficult to be able to supply the member with that information right now because while

for most people in the city of Winnipeg for all intents and purposes the flood is done, it is not done in rural Manitoba. Just a couple of days ago, we were just under the 1996 flood levels throughout most of southern Manitoba, so we have got a time period to go yet before the flood waters are contained or the waters are contained back within the banks of the Red River, at which time we can say the flood is officially over.

But as the waters recede, so does the damage that we are seeing on a daily basis: municipal roads, municipal bridges, culverts, provincial roads, provincial highways. You know, the damage is rearing its ugly head on a daily basis and, as such, it is very difficult at this point in time to put even a best-guess estimate together with regard to the damage. I know that there have been a number of dollar values thrown around, but every time one would mention a dollar value, somebody can always add another 50 or 100 million to that, and you would wonder whether maybe they are right and you are wrong.

Mr. Maloway: Mr. Chairman, I thought that I had heard a figure of \$150 million mentioned, and I just wondered where that figure came from. What was the basis of that figure?

Mr. Pitura: Mr. Chairman, as the flood progressed, of course, that was one of the questions that was being asked quite frequently, because there is always an interest in what are the total damages that Manitoba is going to have as a result of this disaster, but basically when you take the—you know, right now we have municipal estimates that are in, and they are basically estimates because they are done without documentation, but once the full documentation is done, we will have a better idea of what it cost municipalities, and as time goes on, they will have a better idea how their costs are coming together.

But with regard to the numbers, just the City of Winnipeg alone has indicated that their estimate of costs of damages could be anywhere from \$100 million, and I have even heard a number as high as \$400 million. So which one is the right number?

Mr. Maloway: Well, yes, the reason I am asking about it is that I recognize that the flood conditions are not over in parts of the province, and we have a desire on

the part of a number of political people especially in the province who, for all the right reasons, want to tie this thing down as quickly as possible before June 2 because of previous negative experience with federal governments who tend to be a little tight with the money when they are not pressured.

So I am wondering how the minister can square, or how we square all these announcements of, you know, \$25 million from the federal minister and other assessments of \$150 million, and how we are trying to get this thing quantified and getting it settled when in fact we are not even at the end of the flood yet.

Mr. Pitura: I guess, in response to that question, I will just outline for the honourable member that when we are talking about costs of the flood on the one side, we are talking about the actual costs of the disaster. When we are talking about trying to get an agreement on some programs, we are talking about an entirely different area that—and certainly we would like to see it happen as quickly as possible, because, for example, with the flood mitigation program with regard to ring dikes or private dikes or what have you for residences and communities, from our standpoint it is important that these programs be on the board and ready to travel in parallel with the disaster assistance program because people have to make decisions.

But, again, I clarify and say that on the disaster assistance side we are talking about an entirely different program there as compared to the Canada-Manitoba agreement.

Mr. Maloway: But in an effort to quantify the loss, and I do not have the figures with me and I have to do it from memory, but it seems to me that, in the year 1996, of the 10 biggest catastrophe losses in the world, the reinsurance industry paid out somewhere between, I think the largest one was \$1.2 billion, which I believe was the hurricane in the United States—I forget the name of it right now. Hurricane—

An Honourable Member: Andrea.

Mr. Maloway: Andrea. That does not ring right, but it may be right. And it goes down to the smallest one being around \$150 million, I believe it is. So, if the minister is looking at figures already just for Winnipeg

of over \$150 million, this is certainly going to rank within the top 10 losses—natural disasters on a worldwide basis this year in terms of money if this is true, and that, Mr. Chairman, without any reinsurance component. What you have in these other situations is a question of reinsurance where the insurance company, while it may be paying out a dollar, is only paying out 50 cents of its own money or a different percentage of its own money, and it is collecting it through the reinsurance markets that it buys reinsurance through.

In this case, this loss is being handled 100 percent, as I understand it, by the taxpayers of Manitoba and Canada, and there has been no reinsurance bought on the worldwide market to spread this risk around on a worldwide basis. In the insurance industry, whenever there is a loss anywhere—the space shuttle Challenger blows up, the Bhopal disaster in India—every time you read about a big disaster, 1 or 2 cents of your insurance dollars are going to pay for those losses anywhere in the world. That is done by virtue of the reinsurance mechanisms and treaties that all the private insurers buy.

That is why Autopac, for example, when they have a big hailstorm like they did last summer, Autopac can in a way smile because they know that they are only going to pay a maximum of \$5 million because they have reinsured the rest of it. So they do not—well, of course, they care, but if the figure turns out to be \$100 million or \$200 million, to them it is all numbers because they have reinsured everything over \$5 million. They know that they are only going to be putting out the basic amount and it is all reinsured.

* (1540)

So that is how that system works, and that is why it is reasonably equitable, and it is sort of, in a way, socialism at its best. Every insurance policyholder worldwide is chipping in a couple of cents through the reinsurance procedures for losses somewhere else, and because this is not a covered loss, then the result is that a very small base of people have to assume the entire cost.

We do not have any taxpayers in the United States or Europe or wherever in any way helping us out here.

This whole burden is put on a million people in Manitoba and 30 million people in Canada. So this is an enormous loss, an enormous burden. I would just like to ask the minister, then, what his comments would be on that.

Mr. Pitura: The member brings a good point except for the fact that in a case of a disaster, this is a noninsurable type of loss, and it would be nice if it could be covered under a worldwide network of insurance, but, unfortunately, it is not.

When we go through a level of disaster where the costs are accumulated and you eventually get into cost-sharing, if we start at the basic entity of a municipality, for example, when a municipality's costs get up to or exceed \$5 per capita in a municipality, they are at that point cost-sharing with the province 90-10, with the province paying 90 percent and the municipality paying 10 percent.

Once that dollar value on a larger geographic area, for example, affects what we saw out here in the 1997 flood, six or eight municipalities, and the cost per capital in the province then exceeds \$5 per capita, then we are into a cost-sharing program with the federal government of 10 percent provincial, 90 percent federal, so that, in essence, probably the majority of the cost of the 1997 flood will be borne by the people of Canada, the general population in Canada. The 10 percent of the remainder will be borne by the citizens of Manitoba, whether it be through the province or whether it be through the municipality, but that is a cost that will be borne here.

Mr. Maloway: That, Mr. Chairman, is my point, that the way this system is structured, you have only 30 million people to draw from to pay the losses of a loss that is going to be within the top 10 worldwide. That is why the system will be strained because of it.

I detect that that is one of the reasons why the minister cannot give definitive answers as to how the program is going to be applied, and I will tell you why. If the loss is of such a magnitude that the monies just are not big enough, then, of course, people will get less of a settlement. If the loss is small enough and you have lots of money to cover it, then you can probably

afford to be a little more generous with your settlements.

Now, already, the federal government has increased, I believe, the amount that each person can claim to \$100,000. Now, is that where it still is, or has it gone up even higher than that?

Mr. Pitura: That is correct.

Just to clarify also, the member indicated that the federal government had increased the cap to \$100,000. I just want to clarify for him that it was the province that increased the cap to \$100,000, and, yes, it is still there.

Mr. Maloway: So I wanted, from there, to get into the deductible. We have only 30 million people to draw on here, and, sure, they are going to pay 90 percent of the costs, and then you have a million people in Manitoba paying 10 percent of the costs, and then you have the affected people who are already part of those 10 percent and 90 percent who through no fault of their own are being stuck with the deductible.

Let us examine for a few minutes what the reason for the deductible is in the first place. My understanding of a deductible, it is there to prevent nuisance claims. That is why a deductible has been around for generations. The insurance companies do not want the cost and to spend the time chasing around after nuisance claims, so they put a deductible on your policy so that you will not chase around and make claims of very little substance.

Surely, nobody is suggesting that a flood claim is going to be small enough that it is going to be a nuisance claim, and what the insurance industry normally does, or some of them do, is they have what is called disappearing deductibles. When the loss gets big enough, the deductible disappears. It only applies to small losses of \$1,000, \$2,000. Maybe after a \$5,000 loss, it starts to disappear so that if it is a \$10,000 loss, there is no deductible.

The other element you want to take a look at here is I believe a lot of insurance companies do not apply the deductible to certain losses. They apply the deductible to something like a burglary to your house or maybe

hail damage to your roof, but in the case of a fire where your whole house has burned down, they would not apply a deductible at all, because there is nothing you could have done to prevent that.

So we are talking about a different sort of animal here, and that is what the minister has essentially been saying. When this debate comes up in the House, the Premier (Mr. Filmon) has said many times, well, you know, do not think of this as conventional insurance. It is not really the same thing. It is a kind of, you know, we make it up as we go along sort of approach. We break new ground everyday. Each jurisdiction has different sets of rules and so on.

All I am saying is that I think that the province stands itself on pretty shaky ground when it tries to exact a deductible from people who, in fact, are already contributing. The Premier said, well, they are not making an insurance premium. Well, I mean, that is what your tax money is for: to cover you in case of eventualities. I mean, you go and you pay your taxes so that if you have a heart attack, you are going to be covered right away. They are not going to say, well, sorry, sir, but we have to give you a deductible here on your heart attack before we give you coverage. Is that not tantamount to, you know, in the same league as our health plan and a number of other areas?

So it is not as if people wished the flood on themselves. It is not as though the Premier—I did an interview. I think it was with the Vancouver Province. It did not appear here, but I really could not see—I thought the Premier, who is usually fairly sensible and down to earth, you know, said that people should not be building on a flood plain and stuff like that. Well, you have to recognize that the flood plain varies depending on how deep the water is. If the water is deep enough, the whole province is a flood plain, so I did not think that was a well-thought-out comment. I have not heard him make the argument again.

I guess what I am really pressing for here is to try to—and I know there are people in the Conservative caucus, too, who agree with me on this. I am not alone here; I have allies right inside the caucus who agree with me that this deductible is something that should not apply here. These people did not cause this flood. The flood occurred. They are paying for the damage through their taxes, federal and provincial, and the

deductible is just another burden that they should not have to face. Perhaps if there was going to be a deductible, it could be a graduated deductible or a disappearing deductible that would apply to only just a small loss. There are ways that the minister can go to make this a little more palatable. So I would like him to expand at length as to how he could deal with this problem and maybe alleviate the situation for all the people.

* (1550)

Mr. Pitura: Mr. Chairman, I guess maybe before I get into some of the issues that the member brought up, I might well remind him that in 1984 when his party was in power, they saw fit to bring in a deductible at that time. I am giving them the benefit that they put a lot of thought into this program when they put the deductible in, and there are some very good reasons why it was brought in. In fact, they even brought it in at a 25 percent level. Since that time, it had been dropped down to 20 percent.

I would like to just take a different approach here from the standpoint that everybody that seems to be picking up on this is actually referring to this as a deductible. So the fear from most people is that when they do have a disaster assistance claim, first they must pay the deductible and then they get the rest of the claim. I would like to put it into perspective for you that, when a disaster assistance claim is developed and the eventual claimant is notified as to the extent of the monies coming to them under the disaster assistance program, the deductible or the so-called—I prefer to call it cost-sharing, because it is indeed a cost-sharing program, where they get to take the 80 percent of the disaster award dollars and spend them first, and then they can choose to spend their share, which is the 20 percent, at the end.

So unlike an insurance program, which requires the monies at the front end of the program, this program does not require the individual to spend any monies, if they so choose, if they feel that they can get back to normal within the confines of the award from the disaster assistance program.

The member also made mention about the fact that there were some comments about people who are building on a flood plain, and I would like to just share

with the member that, if we take a look at the geological processes that have occurred in Manitoba, the entire Red River Valley is indeed lake bottom. Therefore, in essence, it is all flood plain no matter where you live in the Red River Valley. So anywhere that you live in the Red River Valley is a potential flood plain, and I think that is in essence the reasoning behind the fact that perhaps there should be some responsibility taken by individuals who choose to build on the flood plain without the proper flood protection.

Now we have many, many farmers and many, many residences in Manitoba in the flood plain that have indeed built to protective levels and, in fact, after the 1979 flood many farms raised their buildings up onto pads and others put ring dikes around their yards to protect them to the '79 level, which was the 100-year flood frequency plus two feet. Now I know as well that there are individuals who probably built since that time who thought that because the area that they were building in basically did not have any water in floods prior to '79 or did not really feel that a '79 flood would reoccur built with that in mind. The 1997 flood, of course, proved that even a 1979-plus-two dike was going to be tested in the 1997 flood. I would just share with the honourable member the fact that, as somebody who has been born and raised in that part of the country, that 100-year flood frequency seemed like something that probably would never ever happen, and '79 we thought was the 100-year frequency.

So we were pretty comfortable, and we did not think that we had to really protect ourselves much more than '79. Nobody thought that we would ever hit the 150-year flood frequency. So when we come back to thinking about how we are to adjust our thoughts with regard to future floods the question is, is the 150-year flood frequency now actually becoming our 100-year frequency, because we have had a number of floods over the past number of years, and right now there is nothing to say that we might not have another flood in 1998. I really hope not. I hope I never see another flood like this magnitude in my lifetime but, needless to say, we have to take a look at ways and means of preparing for that type of a flood to possibly occur again.

So from that standpoint, if we take a look at any kind of disaster assistance program—and that is exactly what

it is, it is an assistance program. It is not an insurance program, and so it must be always treated as an assistance program. It was never designed as a replacement program for people who were affected by disaster, but it was a program to give those people who were affected by the disaster assistance to get their possessions and to reorganize their lives so that they can continue to live in the community that they are in.

Mr. Maloway: Mr. Chairman, given that information then, why are jurisdictions allowing people to build buildings that do not have flood protection up to the 1979 levels? Why are the various jurisdictions allowing people to do these sorts of things?

Mr. Pitura: I guess that question from the honourable member might well be asked of some of the jurisdictions within the area in regard to building codes, building code specifications and their inspection program with regard to adhering to building codes. That is an important part of any program. I think that municipal councils are really starting to appreciate the fact that having a well-enforced building code program within their municipality indeed brings back tremendous benefits to them when a flood does occur, because they have that assurance that any new buildings that are built are built above that level.

Mr. Maloway: Does the province have any plans to legislate minimum standards, because if they leave it to the local jurisdictions they will get a patchwork quilt of standards I would think? I do not know that for sure, but I would guess that.

Mr. Pitura: The answer to that for my honourable friend is yes. That is, indeed, even in fact spelled out in black and white in the Canada-Manitoba agreement, that provincial land use policies and guidelines for future buildings in the Red River Valley flood plain will be looked at very closely and enforced.

Mr. Maloway: So does that agreement imply then standards that will be put in place that will have to be followed and not just suggested standards?

Mr. Pitura: I would take from the signing of the agreement that once the provincial land use guideline and accompanying policy are put into place that would have to be adhered to.

Mr. Maloway: What about retroactivity? You know, the minister spoke about land use guidelines for the future, but what about all the people that have built and got flooded in this particular instance. Are they going to be required then to adhere to some sort of standards essentially retroactively?

* (1600)

Mr. Pitura: The area that the honourable member refers to is in the area of flood proofing and flood mitigation measures for the future. Okay, now, if we take a look in terms of the Canada-Manitoba agreement, part of that agreement addresses the flood mitigation measures such as flood proofing individual residences. Residences that are built today would be subject to a flood-proofing upgrade to ensure that they would be protected against future flooding. The residences to be built will have to conform to provincial land use guidelines so that they are indeed protected to a suitable level of flood protection.

Mr. Maloway: What does the minister plan to do with the existing properties that had, say, dikes from 1950 and 1979 and proceeded to build things on top of them or remove them—as was the case in many cases—are they going to be subject to this new standard? I guess, taking the city of Winnipeg as an example again, what you have happening, as we speak, is certain homeowners are leaving their dikes up, others are taking them down, so already you see kind of a patchwork proposition. It is being left up to the discretion of the homeowner to decide whether he or she wants this thing on their property. So, in some cases, one or two of them are getting together and they are agreeing to keep the dike and grass it over and do whatever they are going to do; in other cases, people have just taken the bags out to the street and had them hauled away. So you have two dikes in a row and then you have no dikes for a few houses.

I mean, nothing has been learned by this. We are just going back to the old, you know, patchwork quilt again. At least that is what I have seen around the city. So what I want to know is: I understand having standards for future constructions, but what about all the people that have done all these buildings in the past? Are we going to go back and insist that a dike be made permanent now in these cases or that some flood

proofing be allowed to be done so we are not caught with these temporary dikes which, in many cases, were not constructed all that well and did not hold up as well as something more permanent would have?

Mr. Pitura: It is kind of a complex question the honourable member has put forward, but I will try to answer it from the standpoint that, if we are taking a look at somebody who has built a sandbag dike, I would assume that that type of a dike, just due to the nature of poly bags breaking down over time, leaving that up as a permanent dike just will not work.

For those people who have built permanent earth dikes to protect their residences, certainly under the disaster financial assistance program now, those people that have built their dikes in 1997 of earth who wish to leave them remain standing, and upon inspection would be eligible to receive their disaster assistance payment, unlike prior to 1997 where they were required to remove the dikes in order to qualify for their disaster assistance payment. I might add, that is part of the Disaster Financial Assistance Policy that has been put in place by the federal government, and that affects us here in the province.

Mr. Maloway: That certainly sounded like a sensible thing to do. In fact, I was surprised when I heard that they were requiring people to take down the dike before they paid them. I am sure there were good reasons why that idea was thought up, but, I mean, where was the genesis of that idea, and why did they—I was told it was because of property improvements; the government did not want to pay for property improvements, but I mean what kind of an idea, or how did that develop?

Mr. Pitura: I think basically, in a nutshell, the essence of the disaster assistance program that took into account that you had to remove your dikes in order to qualify for disaster assistance was the simple fact that the objective of the program was to return the property back to predisaster condition. So you had the removal of the dike, and, as well, there was some reluctance on the part of our senior partner in government here to actually pay for what could be deemed as part of landscaping. So there were the two issues there, but, basically, the objective was to return the property back to a predisaster condition, so that meant if the dike was put up during the flood, you take it away.

Mr. Maloway: I am glad that you have sorted that part out anyway. That seems to be a pretty sensible approach now to allow the dikes, permanent dikes, to be left. So it makes sense to have consistent building codes be established for future construction, but, once again, I still do not have an answer. At least if there was one there, I did not hear it, an answer to my question about what sort of enforcement is to be done to make certain that we have essentially retroactivity here, that we have flood-prevention measures being put in place, be it permanent dikes or whatever, on existing properties. I am talking about existing properties who have just gone through this experience, and every day you wait, the threat of the water wears off.

I talked to a city engineer earlier on in the game, and the city engineer confided to me that he was sure hoping that the water came up high enough to touch that dike, because if it did not come up that high, the homeowners would just wonder what they had done all this work for, you know, building this dike and the water never came up and that would be the end of it. But at least if the water touched the dike, they would be worried enough about it that they would not have to be argued with about keeping the thing up. At that time, they were proposing that the homeowners get dirt put over their sandbags when it was all over and get it all grassed over. The homeowners were busily lapping this all up and thinking this was a wonderful idea, because they had done all this work and they were going to get a permanent dike out of this whole thing.

(Mr. Edward Helwer, Acting Chairperson, in the Chair)

But, now as the threat recedes, there is a certain amount of backsliding going on, I think anyway, in people's thoughts, and I can tell you that, unless some action is taken, you are going to be seeing those dikes disappear over time and we are going to be right back to where we started from. Next year at this time we will be running around trucking truckloads of sandbags and repeating the process again.

So I want to know what sort of activities the minister has planned here for keeping these dikes in place and keeping these flood—I guess instituting a plan of flood prevention on existing, because, granted, on new construction, it will take a hundred years, but you are

going to have a lot of well-protected properties, that is what I would guess, in a hundred year's time. But what about all the ones that are here now?

Mr. Pitura: Mr. Chairman, I think the response to the member's question—of course, those are two areas, and I just want to elaborate on them again and go over them again. The one area is, under the disaster assistance program right now, if somebody had built or has built an earthen dike and would like to leave it there, they can recover monies from the disaster assistance program without having to remove the dike.

* (1610)

Now the member is asking about those residences that were affected by the flood now that do not have any kind of permanent protection for the residences. I would like to just share with the member that the major component of this Canada-Manitoba agreement is in regard to a flood-proofing program. It is our intention as government that if that program is eventually approved—and I certainly hope it will be, and the sooner the better—that we will be able to go out to people who have private residences and say, look, here is a program, you can participate or you have to participate, okay, but that is something that probably, in terms of discussion, is—what happens if somebody says absolutely, no, I am not going to or whatever? But basically the flood-proofing program would be offered to individuals to be able to establish a level of protection and to protect them against future flooding, and it would probably be a program where they would partner with the federal and provincial governments.

Now the member says that perhaps somebody who absolutely refuses to have flood proofing done to their residence—and that is something I really cannot comment on, because it is basically in the area and the realm of discussion. My hope would be that, once the program is offered, there will be no problem with uptake on the program with regard to everybody participating.

We had very good uptake in the program that occurred in, I believe, 1980, '81 throughout the valley when people were either doing ring dikes or putting their buildings up on pads. It was identified, I guess, a year ago or two years ago that, out of the total Red

River Valley, there were perhaps 200-and-some locations that could have used the program that did not. So then the question becomes: If there is flooding, what level of compensation should there be? But that is a question and, I think, a debate that could go on for years with regard to this whole area of flooding.

So the major component of that program, the Canada-Manitoba agreement, I think it is essential that that program get off the ground as quickly as possible, because we not only have people who want to preserve their residences or protect their residences, we have people who are living in communities who feel that where their houses are located right now would be an area where a so-called proposed ring dike would go. So they are saying to us, why should I come back and fix up my house, get my disaster assistance and fix up my house and then turn around and have the province expropriate my property for the dike when I should be taking my disaster assistance money, leave my house—I will sell it to the province when the time comes—and I will move and get another home.

Without that knowledge and having that program in place, individuals like that are kind of up in the air. They really will not be able to make that kind of a decision. I would be disappointed, personally, if people were forced to have to move back to their homes and repair them to predisaster condition only to find out that, sorry, you are in the way of the line of a ring dike for this community and we are going to have to expropriate your property. So they, in essence, have moved out once. They have moved back. They are going to move out again, and life is in limbo for a lot of these people.

So I hope the member can understand and appreciate why we as government here in this province would like to see this program put in place as quickly as possible, and that is to help a lot of people make some of those choices.

Mr. Maloway: The minister referenced cost-sharing for the flood proofing that is to happen under this program. Just what sort of cost-sharing did he have in mind for the various property owners?

(Mr. Chairperson in the Chair)

Mr. Pitura: It is a question that cannot be answered at this time. The program has to be signed off by the federal government, approved by the federal government, and then details such as that can be worked out.

Those details are all up in the air right now until such time as the program gets the green light to go ahead. As long as there is the inability to be able to say those are the dollars that are available in the program, one cannot very easily move ahead and say, well, this is how we are going to spend those dollars.

So the full dollar amount and the cost-sharing between the federal government and the province has to be put in place, then the details of the individual programs can be put into place.

Mr. Maloway: That, I guess, gets me back to my fundamental point, and that is that the amount of compensation and the province's ability to compensate is directly dependent on how much money is freed up in this agreement and the extent of the loss, because if the loss gets into the billion-dollar range and the amount of money under this agreement is capped or there are some limitations on it and you are only covering a certain percentage, that all of the money will cover to a certain percentage, then you are going to have to make some trade-offs as to what percentage of the loss gets covered.

Mr. Pitura: With regard to the whole area of flooding in Manitoba, and really I do not think it matters where you are in Manitoba if you are subjected to flooding, what we are really in essence attempting to do at this point in time is to put a flood-proofing program in place for those people who are on the flood plain, to get a flood-proofing program put in place for communities and to be able to talk about getting the economic activity returned to the flood area through business restoration, agricultural restoration, to get the entire economy and the people's lives within the flood area back to where they feel that they could be normal.

The important part—and I know that Minister Axworthy has talked about the IJC and now we have wait for the IJC to come back with its report before we realize what we are going to do with flood mitigation. Why argue then on the basis of the fact that if the IJC

does a study on something, we are talking about future water management in the entire Red River Valley basin, and as such, we are talking about a very long-term type of project for water management? There are measures that have to be put into place right now, and that is where I basically have my argument with the minister is the fact that we have to do things now in terms of flood-proofing individuals and communities for the future because there is no guarantee that no matter what the IJC comes up with and no matter what projects we have for water management in the future, we could still see a winter like you have never seen before and have a major, major flood.

There is no guarantee that we will never have a flood just by putting in manmade mitigation measures. There will always be that chance, but the overall essence of going in and taking a look at what future programs we can have for water management throughout the Red River Valley basin makes a lot of sense because we have basically concentrated on drainage within that basin. We have not concentrated nearly enough on overall water management from that standpoint of being able to control the flow of water at certain periods of the year so that the water entering a system does not all come at once. So it is a very important program, I believe, that in essence we are striving to have approved and put into place for the benefit of all Manitobans.

Mr. Maloway: Once again, I just want the minister to admit that the reason that he cannot tell us how much cost-sharing will be expected on the part of the homeowners or property owners for flood prevention measures, the reason he cannot tell us how much they are going to be stuck with paying here is because (a) he has not quantified the loss yet, and (b) he does not know how much money he is going to be getting as part of the agreement.

Mr. Pitura: Again, I think from the standpoint of what the honourable member is trying to drive at, the fact remains that we are functioning within a disaster assistance program, and as such, the program is there to provide assistance. It does so on a cost-sharing, and if you want to get into the specifics of it, I would like to say that it is 80 percent of eligible costs up to a total of \$100,000. That is the way the program works. That is the essence of a disaster assistance program, to provide

assistance, and it is not to provide insurance or cover complete replacement of chattels as they are referred to within the program.

* (1620)

Mr. Maloway: All I wanted the minister to admit was this was a moving target, that it was not carved in stone, and that the reason he could not give us what the cost-sharing amounts would be with the individual property owners was because he did not know how big the loss was yet. He had not quantified the loss, and he did not know how much money the federal government was going to give him. I mean that is simple. I do not think that is a pretty apolitical statement.

Mr. Pitura: Mr. Chairman, what the member says is from the standpoint of being able to quantify the losses out there. Certainly, within the disaster assistance area, quantifying the losses is going to be important with respect to any type of a review. I have to admit that there is probably—with regard to the potential damages that are present within the area, once we start to see what those damages are like will certainly tell us what degree of confidence we have in the program.

Mr. Maloway: Mr. Chairman, there have certainly been improvements made in the program, and if it had not been for the Saguenay flood situation last summer and maybe perhaps the positioning of the flood in close proximity to the election, I doubt whether we would necessarily have the configuration that we currently have. What we want to do is put as much pressure on the minister and I guess he on the federal government to get as many improvements as we can while they are still receptive, and I know he would agree with me on that score. Unfortunately, the election does not run for another six months. It is all over next week, and the federal government will be in a position to basically—well, possibly duck out of some of its responsibilities here if it wishes to. So I just want him to admit that there can be improvements to this program even at this stage of the game.

Mr. Pitura: I would just like to tell my honourable friend that, with regard to the program, certainly as the program unfolds—and he identifies issues with the federal government, and I agree that there are a number of issues with the federal government. There are a

number of issues within the disaster assistance policies the way it reads right now. For example, just to identify one issue that I can see is the fact that, since that policy was put into place, the rural agricultural scene has changed immensely where we have a number of family farm corporations now in existence in rural Manitoba. Many of these family farm corporations have more than one residence on a yard site. Under the existing disaster assistance policy it is looked at as one unit even though there are two homes and two families, but if they are owned by the family farm corporation, they are considered to be one.

Those are issues I would like to take up with the federal government. I think that, because of the fact that we do have that ability right now and, I guess, agreement from the Minister responsible for Emergency Preparedness Canada, there is a willingness, I think, to come to the table to start to take a look at some of the disaster assistance policy issues and to try and refine them and make them more responsive to what is present in today's world. If I accomplished anything as minister in this portfolio, I would like to be able to really push for that discussion to take place so that we can get some sort of meaningful national policy guidelines into place.

Mr. Maloway: What hope does the minister have that the agreements will be signed before the 2nd of June?

Mr. Pitura: The honourable member's guess is as good as mine, I guess. I really do not know. We certainly would like to have some further discussion. I have responded to or am in the process of responding to Mr. Axworthy, and I would certainly like to see us co-operate as much as possible, because basically what we are doing here is that we have to put a program into place as quickly as possible to help or to be able to respond to the needs of the people who have been in the flood area. That is No. 1, and hopefully we are putting all politics aside and are able to sit down and say, this is the program, this is the agreed upon cost-sharing. Let us do it. I think that is very important that we get that as quickly as possible. So June 2, I would hope that it would be before, but that is not to say that it will be.

Mr. Maloway: Well, we already have some misstarts in this program. We had the Prime Minister coming to

town yesterday or the day before, I believe it was, and the provincial government expecting that he was going to be in a position to sign the agreement, and then he does not do it. It does not seem that the provincial and federal governments are singing out of the same hymn book on this issue.

Like how could it be that there could be such a misunderstanding on the part of the two levels of government, given that they both want to see this thing work?

Mr. Pitura: I wish my honourable friend was right, that it was a hymn book that we were singing out of. It might have brought more results. We talked about having just the proper timing for the flood, while a federal election is on. Well, the federal election was called for the proper timing when the flood was on, so the Prime Minister did call the election after the flood was on.

The whole process, when it began and ended up with the signing of the agreement on the first, there was every intention at that time to move this forward as rapidly as possible. All politics were to be put aside on this issue, and we were to get this program off and going as rapidly, and the senior levels from each government would negotiate the fine details of the cost-sharing, which they have. So I am hoping that an understanding will take place and a feeling of being co-operative in that we will be able to get the necessary approval to go ahead to put the fine details of the program into place.

Mr. Maloway: The minister has not really answered the question as precisely as I was hoping he would. Was this just a minor miscue the other day or is there a fundamental flaw here in the relationship with the two levels of government?

Mr. Pitura: From my observation, Mr. Chairman, the feeling was that because the government M.P.s in the province had indicated that there would very quickly be an agreement in place, maybe we were presumptuous in saying that we thought this main agreement would be the one that would be put into place. However, we thought, and I guess I was quoted as saying, I thought it was a slam dunk, and I still think it is. It is a slam dunk. It still is. There was no need to quibble about

the numbers, but let us quickly agree on that and get going.

So, in essence, we were almost assured by the M.P.s, but I guess sometimes you get to the point where you put too much trust in what some people have said and assume that things are going to happen, and you find out they do not, and so basically you get let down.

* (1630)

Mr. Maloway: Can the minister tell us which M.P.s he is referring to?

Mr. Pitura: The M.P.s, I am told, were quoted in the Free Press, the M.P.s that were affected by the flood area.

Mr. Maloway: Mr. Chairman, how many claims are anticipated? I know the minister cannot, at this point, quantify the loss but certainly should be able to quantify the number of claims anticipated. Can we have that figure?

Mr. Pitura: Mr. Chairman, I am advised that we are anticipating approximately 2,500 claims for personal property damage and, of course, the number of individual claims that will come forth as a result of the evacuation will be much higher than that 2,500.

Mr. Maloway: Mr. Chairman, what is the province's previous experience high in terms of claims?

Mr. Pitura: I am informed that 1993 was a bad year with 10,000 flooded basements in 1993 in Winnipeg.

Mr. Maloway: Mr. Chairman, so what we are talking about here in terms of a caseload, we are talking about only 25 percent of the 1993 levels.

Mr. Pitura: Mr. Chairman, I have been advised that, although the number of claims in terms of the actual numbers are going to be less than in 1993, that within the scope of the disaster this year, the claims are going to be probably much more extensive in terms of dollar value. There are going to be many more claims with regard to damage to infrastructure within municipalities and within the province so that in the actual detail—and I guess maybe I had better correct that and say bring it back to municipalities because all those claims have to

go through our organization—that there would be much more complexity to the claims this year. I do not know if you can equate that on a basis with 1993 or not.

Mr. Maloway: Mr. Chairman, well, surely, you must have some rough idea of the total loss then if you can project with any degree of accuracy here the number of claims and you know from other floods roughly what kind of damages occurred. You know from the Saguenay what happened there, although it was a different situation and you would know from other jurisdictions where these things have occurred. You must have some sort of a model, and if we can have computer models that can predict where the water is going to go and how high it is going to go and all of these things, surely, we have some sort of a computer model that can predict various scenarios about what the total loss will be at the end of the day, even if it is just in a ballpark sense. I do not expect this thing to be totally on the mark. I mean I know it is going to be out, but I just want to know what the ballpark will be.

Mr. Pitura: Mr. Chairman, again, I think for my honourable friend's benefit that with the disaster assistance program, the individual claims, it is very difficult at this time to put an average or even project an average dollar figure on the claim. Until we start getting enough of a database built up with regard to the claims, we will not be able to make that projection. It is going to be very difficult at this point in time to be able to assess what the damage is going to be to the infrastructure and to the cleanup costs for flood protection so that the whole package or the whole estimate—one would hate to be able to say, well, I think it is going to be X number of dollars because you probably could be out 40 or 50 percent, maybe more. So I think it would be desirable on all our parts to be able to wait for a period of time for some of these costs to start coming in, and then we can collate them and make a better estimate of what the cost would be.

Mr. Maloway: What was the total cost, then, of the 1993 claims and how many—well, let us just deal with the cost first.

Mr. Pitura: I am advised that the 1993 total damage bill was \$25 million. That included the flooded basements in Winnipeg as well as in the Swan River Valley.

Mr. Maloway: At that time there was no problem with people hitting the cap of \$30,000, I would gather? You did not have any problems with the cap being \$30,000 at that point?

Mr. Pitura: I am advised in 1993 that no, there was no problem with that cap at that time because the average dollar value of the claim in the city was around \$2,000. It was slightly higher in the Swan River Valley, but basically there was no problem with the cap at that time.

Mr. Maloway: At that time how many appeals were made out of those settlements? You paid out an average of \$2,000 for 10,000 people. I am trying to get at the difficulty of the claim settlements themselves, whether there were a substantial number of appeals out of it or not?

Mr. Pitura: With regard to the question asked about 1993 and the appeals that were made then, I am advised that it was less than 1 percent, and because of the way the Disaster Assistance Board was set up, in a lot of cases those appeals were dealt internally with staff, and basically most of the appeals were handled satisfactorily.

Mr. Maloway: When you dealt with those 1993 claims, did you bring in adjusters from outside the province? How many adjusters did you have and where did they come from?

Mr. Pitura: I am informed that there were no adjusters brought in from outside the province by the Emergency Management Organization, and there were approximately 40 claims people working in the area of these claims in 1993. Most of their backgrounds were within the construction industry. They had knowledge of the construction industry.

* (1640)

Mr. Maloway: So what the minister is saying, these 40 claims people, how many of them would have been government civil servants?

Mr. Pitura: I am advised that all the claims people that are brought on are brought on as casual employees,

and that it is all cost-shared under the disaster assistance program.

Mr. Maloway: Mr. Chairman, so these people would not be registered adjusters then, insurance adjusters? They would be construction people that were experienced in construction, renovations and so on who would be adjusting.

Mr. Pitura: I am advised that these people are claims inspectors, and as such they are hired specifically and trained within the Emergency Management Organization to do the job of inspections on damages.

Mr. Maloway: Given that at that same time the private insurance industry was bringing in a tremendous amount of people from outside the province to adjust claims because they could not handle the volume of them here, I assume that the private insurance losses were far—well, they were far in excess of the \$25 million, so they would use their adjusters to go out and adjust these claims. Most of their claims, a very high percentage of them, would have been done on the basis of replacement cost.

So I am wondering what sort of difficulties, if any, your 40 claims people ran into trying to settle this stuff when they were doing it on the basis of ACV in dealing with expectations. That is what you have here. Over the years people now have expectations that they insure for new stuff, and when something goes wrong they get a new chesterfield rather than the old one. They get a pretty rude awakening when they have an old ACV policy, which is not very common these days, but nevertheless they do have them sometimes. If the condition of the building is not up to par, the insurance company gives them that. Then they have a loss settlement, and they find that the depreciation is taken into account, and there is really very little at the end of the day. The customer ends up owing the insurance company money after the depreciation and the deductible that are taken into effect.

Mr. Pitura: I think that in response to all these—with the claims and the claims inspectors doing their job in inspection and then the evaluation process taking place after that, basically the success of the program has been observed in the number of appeals to the program. With the number of appeals results, for the number,

satisfaction is at a high level, and so I think that in itself kind of explains the success of the program.

Mr. Maloway: I do not quarrel with the minister about his statement that in his opinion it does tell that the program is not too bad. I think that in reality though, it is people's expectations. If you approach them on the basis that this is the way it is, and you know it is an ACV policy and you cannot gain by this loss and the whole story and this is the way everyone is being treated, then I guess you get general acceptance.

It is only when you have the crossover, when you have the neighbour down the road who has the same sort of loss and that neighbour is getting the replacement cost settlement versus the ACV. That is when the stuff starts to hit the fan big time.

I just see a little different problem that you may have this time around than the last time, partly, last time, because you were dealing with smaller losses. My guess is you could afford to be a little more liberal—it may not be the word—in your claim settlements because you knew what you were up against. You knew how many claims you had; you knew they were small things, and you could afford to write the cheques a little more quickly. That was the situation then. Now, you are dealing with much bigger problems on your hands.

Certainly, in the case of people who have one- and two-year-old houses, depreciation is not going to be a big factor, because the item is not going to depreciate that much over one year. But if you are dealing with a building that is 20 or 30 years old, and you are going to follow your ACV, your actual cash value settlement process, well, you are going to be in for some big surprises when you start dealing with that one.

Let us take an example of people who buy furniture. It is a simple example. People do not normally buy their household furniture in one shot. They do it over 10, 20 years. They buy a thousand dollars' worth a year. But, while they accumulate it over 10 or 20 years, they lose it in a few minutes, it is lost overnight. So now, they have to replace the furniture. If they are simply going out and getting brand-new furniture, then that is fine and dandy if that is covered. But if you take the ACV approach, which is the approach you take, and take depreciation into effect, what you will have is that

all that furniture will be depreciated for its wear and tear and its age. So, in reality, the furniture that you paid \$20,000 for over the 20 years is probably worth garage sale rates right now. That is its actual cash value.

So, when you throw the deductible into it, they are going to owe you money. You are not going to be paying them anything. You are going to have some pretty upset people, because they are not going to be able to take that money that you are offering them and go out and buy new furniture. They will not be able to do that. They are going to have to go out and take out bank loans to do that.

So this is where you are going to have a basis of potentially a big problem. It is not going to be a problem for you on newer stuff, on newer items, newer buildings. But, certainly, in older buildings you are going to take a real beating with the public on this one, only because of expectations. If the private insurance companies were not offering it, then of course you would not have the same argument thrown up to you. So I guess your only hope other than to just hide, and governments have been pretty good at that over the last few years, is going to be to argue that, well, that is what your neighbours are getting. You are getting the same basis of settlement that your neighbours are getting. But people are not going to buy that. They are not going to buy that at all. That is my interpretation.

You had better be ready for a large number of appeals and a large number of happy people, once again, because of expectations. While the principle is sound, that you should not be able to benefit by having insurance, you should not be able to go and get a brand new car for that old car that you have, the fact of the matter is that people should expect to be put in the position they were before they had the loss or they had the accident. So that is going to be the problem that you are going to have to face.

Now, other elements that you run into in private insurance is the replacement is only there if it is actually replaced. In other words, you do not write cheques and you do not give settlements to people on a replacement basis unless they actually replace the item. The reason for that, of course, is that the private insurers have found over the years that certain trades

and so on tend to have a lot of claims around fall time at the end of the season, because they do not need the tools or whatever it is for the winter, so the tools disappear. Then, if you can get a monetary claim for this, then you can head south for the winter or wherever, then come back in the spring and buy yourself a new set of tools.

* (1650)

So what they say—and they do this with farm buildings, too—they make certain that if a farm building burns down, sometimes a person may not have liked where it was and stuff like that, if the building burns down, it has to be replaced exactly where it was before. These are kind of safeguards that you build in through experience, I guess, that the industry has built into it.

So you offer people replacement cost as long as they actually go out and replace the item. That puts them back in roughly the same position they were before, and if they do not want it replaced, you give them cash based on the actual cash value which is what your basis of settlement is right now. So I think that may be a model to look at as a way to avoiding—it is, I guess, our job as opposition to be critical of the governments on different points, but I guess if we are too effective and you do your job too well, you might be around for another term. It works against our interest if we are too effective here, you know.

I get along quite well with this minister, and I would like to see him succeed, and that is just a bit of advice I would give him right now, if it is not too late, to look at this basis of settlement as an important issue.

Mr. Pitura: I take the honourable member's comments, and I just wanted to indicate to the member that the disaster assistance program, in the 26 years that it has been in place, has basically taken that approach to replacement of the chattels within the house or residence or in the shop or whatever.

It has worked rather well over those 26 years. I believe I am fairly accurate in saying that of our appeals that we have probably had, very rarely is it on the basis of how we have the chattels, that people are complaining that they deserve to have a new fridge when the 10-year-old fridge is damaged, that they

would deserve a new one. People are willing to accept the fact that if the fridge is 10 years old and it is damaged beyond repair, that here is the money that it is worth and then they have a choice of either going and replacing it with one of comparable quality and age or putting in the extra money and purchasing new.

One of the things that you have to remember within this program is that when you do take a refrigerator, for example, that is inadvertently left in a basement in this flood and it is swamped and it is done, it is history, that to replace it with a brand new fridge, the new fridge invariably has a much longer lifetime to it than the old fridge, although it could be argued that some of the old fridges from 1950 are still operating very well, but basically that is the premise on that basis.

So the program has operated well and the chattels were not an issue.

Mr. Maloway: Well, we will have to compare notes as this thing progresses then. I see one possibility here that can save the government and the minister on this issue, and that is if the amount of money that the feds put into this thing is so enormous and the losses are quantified well below what they potentially could be, I guess, that the system is flush with money and the adjusters are wandering around being very liberal in their assessments.

To be fair, just so the minister knows, the reason, as I understand it, that the general insurance industry did, in fact, go to replacement cost is that in actual fact that is what they had been doing for the last few years. They had been getting so many complaints from people, I guess, in the '60s and '70s about the actual cash value basis of settlement that it was just a nonstarter anymore, so the adjusters de facto were, but it was up to their discretion.

When they saw what they thought was going to be a hardship case, and I guess enough of a fight was made with the adjuster, then if you stood your ground you pretty well got a replacement cost-settlement. So in around 1980 or '82, in there, the insurance company said well, we are providing it anyway, we are essentially giving—even though the contract says actual cash value depreciation. We are getting a lot of angry customers so what we are going to do is we are giving

them replacement cost anyway. Now we are going to wisen up and charge for it, and they started by charging \$10 or \$20 for replacement costs. They only gave it with certain conditions. Then after a couple of years, it was widely available at no charge and then they accepted—they took away some of the restrictions because they wanted to make sure that it was not applicable to old chesterfields and stuff like that. So the point the minister makes is well taken, that you do not want people to benefit by the loss from having an old chesterfield worth \$10 in the basement, and they get a thousand-dollar couch out of it.

Now those are the extremes and it does happen out there. Unfortunately that does happen when you have this sort of a program, but, in reality, you can build some restrictions into that. I just do not think that the public is prepared to accept and people should have to accept that they should be put into the poorhouse which is what you are going to do to them if you apply a very strict AVC settlement process.

I guess what I am saying is that if there are no complaints coming out of this program, the only way you are going to get out of it with no complaints is if there is: (a) lots of money, (b) not too big of a loss and (c) very liberal adjustments where basically if the homeowner puts up a fight you basically say, oh, calm down, we will give you a little more money. That is the way you are going to get yourself through this, but if you just apply the ACV basis that you have done in the past, then you are going to have armies of people—well, at least—now let us not say armies here, but you are going to have at least 2,500 chasing you around the building here in a couple of months. So I would ask the minister to put some final comments on the record on that point, and then we can move on to another aspect of this area.

Mr. Pitura: I thank the honourable member for his comments on this whole issue and, rest assured, if I get 2,500 people chasing after me, I will ask him for help to help me run faster.

Mr. Maloway: I had said that the minister will certainly need his helicopter if that were to happen.

The minister made a comment earlier and we got on to something else and I was not able to comment on it,

but in his effort to explain the deductible his explanation actually makes it worse than what it was before, because I was explaining that the deductibles normally are there to discourage nuisance losses or small losses. That is why they have normally been there in the first place. They either disappear with the size of the claim or they are eliminated completely if it is a fire or some serious loss now.

I mean, if a flood does not qualify for a zero deductible, I do not know what the heck should because it is not something that the homeowner could have done anything about. The homeowner did not cause the flood, so why should the homeowner have to face a deductible. Not only do we not have a disappearing deductible and not only do we not have the recognition that there should not be a deductible, but we have this deductible brought in at the end. It is a rear-end deductible. I have never heard of anything like that before. So the homeowner is expected or the property owner is going to collect first dollar from the program, and then once he gets up to the end of where the deductible would kick in, he becomes a co-insurer or, as the minister says, cost-sharing. He pays the deductible at the end. That is the craziest idea I have heard. Now what is the reason for that? If you are going to call it a deductible, then it should be brought in at the beginning of the claim. What is the purpose for putting it at the end?

* (1700)

Mr. Pitura: Mr. Chairman, first, in response to the honourable member, the cost-sharing is 20 percent. Now, when we take it—[interjection] Pardon me?

Mr. Maloway: From first dollar?

Mr. Pitura: From first dollar. So when we take a disaster assistance claim and we place a value on it, at that point in time the 20 percent is subtracted from it, and the claimant is advised that that is the value or the amount of the claim, dollars that they are eligible for. So, therefore, when I do talk about the top end, in essence, when the claimant starts to spend the dollars they are spending the disaster assistance dollars first and, if they so choose at the end, in order to get back to 100 percent of original claim, they would have to then spend their own dollars.

Mr. Maloway: Well, Mr. Chairman, they are going to have to spend a lot more than that. They are going to take the disaster assistance and they are going to pay their deductible—okay—to try to get back to where they were before, plus the element that the minister is forgetting about and that is the depreciation. So that is what they are going to have to deal with to get back to where they were before. So what are they going to buy with—once again, take an old home with older furniture and things like that and a person who is now no longer working, take a person who is retired now. They are no longer in the workforce. You are going to depreciate their home; they are going to depreciate their furniture; you are going to hit them with the deductible, and they do not have a job.

Mr. Pitura: Mr. Chairman, I would like to point out to the honourable member that, with regard to a disaster claim on a dwelling, damages done to the dwelling, including the carpeting if there is wall-to-wall carpeting, that is all considered as part of the dwelling and, as such, is not depreciated. It is fixed to predisaster conditions in terms of the claim. The only thing that has depreciated is things such as chattels. Even with chattels, if one chooses to take a washing machine, for example, that was in a foot of water in the basement as a result of this spring's flood and decides to repair the washing machine and somebody can do the repairs for them or they can do it themselves, those types of costs are not depreciated costs. They are totally at their replacement. If somebody chose to take an appliance that was down in the basement subjected to flooding and chose to replace it with an equivalent appliance, in other words, a used appliance, my understanding is that, in regard to the claim, they would be substituted without any depreciation taken into account.

Mr. Maloway: So the minister is saying, then, with regard to the building itself, for any flood damage to the basement and lower levels of the building that when the contractor is called in to fix the damage, it is done with new materials of like kind and quality, essentially on a replacement basis.

Mr. Pitura: I am advised that with regard to replacement of damaged materials within a residence that those materials are by and large covered without depreciation. I am also advised that, of course, in the

case of maybe the more fancier woodwork, it may not be replaced to that level but certainly replaced to a satisfactory level for the homeowner with regard to the compensation.

Mr. Maloway: So then the minister is saying that in effect the building owner is getting replacement cost on building only and actual cash value on the contents?

Mr. Pitura: I am advised that the repairs that are done within a dwelling as a result of a disaster would be replaced probably at a standard value that contractors may put on for an average that contractors would do in terms of assessing the dollars per square foot to say finish off a living room or a kitchen or a rec room in the basement. Those are kinds of numbers that are industry-type numbers that are put into place, so that is used as the evaluation and assessment of the damage within the home.

Mr. Maloway: If the homeowner or property owner wants a cash settlement, what happens then?

Mr. Pitura: Mr. Chairman, I have been advised that, with regard to a direct cash settlement, it is something that does not happen because, within the program, the disaster assistance program, of course its objective is to go to predisaster conditions. So we are looking at a settlement based on the individual having the work done to get to a predisaster condition or purchase the chattels to get the predisaster condition.

Now the exception is that at the end of the claim, there may be some additional monies left at the end and everything is completed. Those monies, at that point in time, are written out or given to the claimant as a cash settlement, and that is usually to recognize their equity from the standpoint of their own labour that they put into cleanup or painting or what have you within their house. So, in essence, the entire claim, as it is valued, is placed in the claimant's hands.

* (1710)

Mr. Maloway: Mr. Chairman, so what the minister is essentially saying is de facto the homeowners do have replacement costs on the building. It is just on the contents that they do not have replacement cost. That is what I understand your assessment and comments to

indicate, which explains why you did not run into a lot of trouble when you settled those 2,500 claims back in '93.

Mr. Pitura: Mr. Chairman, yes, roughly the honourable member is correct in his assessment with regard to damages to the home, and you have to remember and appreciate the fact that if you have a basement rec room that is insulated and covered with drywall, should the basement be filled with water to the ceiling, in essence all the drywall and insulation would have to be removed and replaced with new material. In fact, in some cases, the studding that is on the walls may warp as a result of the moisture, and some of the studding material may have to be replaced as well. So, again, it is replaced with new materials.

If we are taking a look at structural repairs in the upstairs area, you know, maybe a couple of feet on the main floor, you could be looking at replacement of flooring, replacement of drywall three feet up the wall and replacement of insulation in the outside walls for that area, so that all those replacements would be with new materials, as well, to do that.

So, in essence, the basic repairs to the frame structure is based on just doing the job, getting the work done and it is assigned an industry-type norm value in terms of the assessment, but for the chattels, which is the appliances and the furniture, it is done on a depreciated value basis.

Mr. Maloway: Mr. Chairman, well, then, where does a furnace come into this? Is it considered part of the building or is it considered chattels and appliances?

Mr. Pitura: Mr. Chairman, I am advised that a furnace is considered as a chattel. Because of the variability that you have in ages of products such as furnaces, it is deemed to be a chattel for the essence of the disaster assistance policy.

Mr. Maloway: The minister made reference to the sweat equity portion of this. Just out of interest, what do they pay the people for doing their own cleanup?

Mr. Pitura: I am advised that the general payment for cleanup is at minimum wage. However, I am also advised that if you get into the construction end of it and start doing your own work, you would have

compensatory wages at somewhere around the industry norm for that type of work.

Mr. Maloway: Last time around, 1993, we had contractors coming in from out of province, and I have no problem with that. We had local contractors as well, but some of the locals and some of the out-of-province contractors were taking on more work than they could handle. They were running around basically as quoting agencies almost, not doing much in the way of work but doing a whole lot of quotes. Not all of them were doing this. Some of them took one or two jobs and did a good job and finished one and started another, but a lot of them just went around and got all kinds of jobs lined up, and then for the next few months they juggled.

I guess it would be nice if you could do all this work in stages and stream it through a whole year, but it is work that has to be done almost immediately. Everybody wants their work done yesterday or as quickly as possible. So the contractors at that time were straining and stretched to the limit, and a lot of them took on more than they could handle. The result was, of course, that some shoddy work got done.

What was the department's experience last time around in '93 with the contractors and that problem that was identified by press reports at the time, and what are the anticipated problems this time?

Mr. Pitura: I am advised that, with the claims that the disaster assistance or the Manitoba Emergency Management Organization looked at in 1993, overall there was a fairly good level of satisfaction.

I would like to share with my honourable friend that for 1997 and the aftermath of the flood and people getting into the claims area of applying for disaster assistance and then getting the work done, Consumer and Corporate Affairs has been very diligent, along with the RCMP Commercial Crime unit, and has actually done a fair amount of work and publicity in informing flood victims about how to go through the process of selecting a contractor to make sure that they are a reputable contractor, perhaps getting a referral would be one of them, but there is this whole series of information that has been put out to all the flood victims who are anticipating repairs in terms of how they can go about choosing a contractor.

Mr. Maloway: Does the service keep an approved list of contractors for various types of jobs?

Mr. Pitura: The answer is no.

Mr. Maloway: Why does it not?

Mr. Pitura: I think it is general practice that it is desirable for the individual to make their own contact with the contractor, because that relationship is important, and at the same time they are advised to contact the associations, the building contractors association and the Home Builders' Association to ascertain whether the people that they have been talking to are indeed certified under that association and reputable.

So, essentially, in terms of keeping a list of all the contractors that might be available, it probably would be best to access through the Builders' Association at any rate rather than us keeping a list that may or may not be up to date. As well, you know, it may tend to make things more confusing for the claimant rather than helping. This way they can get the help that they need right through the Home Builders' Association.

* (1720)

Mr. Maloway: In 1993, when the department had all of its 10,000 claims, presumably there were contractors who did a good job and contractors who did not do a good job. It seems to me that if there was an approved list that pretty much was nonexclusionary, it simply was a list of all the people that did work on the program, and if they did not live up to standards and that, they would not be part of the approved list.

You know, I think that the homeowners are probably going to be looking for some sort of direction. I do not think that you necessarily have to order them to pick somebody on the list, but at least if you provide them with a list of people who have done a good job in the past, and then you could weed out some of the ones that have not done good jobs.

Mr. Pitura: I just wanted to share with the honourable member that when we take a look at the practicality of what he is talking about, it would be very desirable probably to do something like that. However, it is very

difficult, I think, that given the circumstances that we are under where a number of—and I tend to think more of the rural area, and there are a number of people who are probably going to, if they have the ability, do their own repairs. But there are also a number of communities that will have groups, and in fact may even have volunteers come in and help them do their repairs and not rely so much on a contractor.

Having said that, for those people who do choose to have a contractor come in, we are making sure that under the Emergency Management Organization that Consumer and Corporate Affairs have informed people of what process to go through in choosing a contractor if this is the first time they have ever done it or they just do not know what to do. So there is that ability to get as high a level of satisfaction as possible in responding to this disastrous event.

I would also point out to the honourable member that I think we would be fooling ourselves if we said that we are going to have absolutely 100 percent consumer satisfaction as a result of the contractors that are in the area. There are undoubtedly going to be some people that are not going to be happy with their contractor.

I do not think that it is possible to make it a perfect system. We are attempting to educate people as much as possible as to how to choose a contractor. We are also taking into account, and understanding that a lot of the work that is going to be done in rural Manitoba is probably going to be done by a carpenter apprentice-type person within the community, electrical and so on, individuals who the community itself, in terms of reputation, have established themselves in those communities. So basically the process, I think, that is put in place has the opportunity to work, and I think given the opportunity it will.

Mr. Maloway: Mr. Chairman, every summer we have examples of fly-by-night contractors, both in the city and in the rural areas, who drive around. The minister has probably heard of these operations. They usually target seniors and go around and do work at inflated prices and do shoddy work. In order to combat that approach to things, normally the requirements are that the contractors produce a bond and a liability policy. Those are the two things they do. That means that they have been checked out by some insurance company, so

that if they do something wrong to the person's property, a person can collect under the liability policy.

Now, in addition to this, most of the general insurers have a list of approved contractors, and I gather it is not that hard to get on the list. I mean, if you are a roofer, then you simply phone around and get on the insurance company's list. Once you have some experience at roofing, then you develop a reputation and you do work on that basis. But at least while the customer is not ordered to deal with roofer A or roofer B, he is given a list of four or five that he can go to. He is told if you want to deal with Uncle Fred or someone else, you can do that, but we would suggest you ask Uncle Fred for a bond and liability policy.

That is basically what we are doing, because if you just leave this thing to the free market, you are going to run into—just because, if you think of it in terms of a funnel, you are trying to put everything through that narrow end of the funnel which is going to be probably the months of what, June, July and August. Everyone is going to want to have their work done immediately, and you people are not going to be able to keep track of what is going on.

So you are going to find all these people coming in and doing work. They are not going to be bonded, they are not going to have liability policies, and they are not going to have experience in the field. It is going to be, basically, the law of supply and demand, also the law of the jungle that is going to prevail here. Then it is all going to come back on you when this thing does not work out the way we had hoped.

If you do adopt an approach like the general insurers do, you might solve some of your problems, I do not know. But it seems to me that if you can at least have your adjustment people talk to the people that they are dealing with and at least give them some cautions about making certain that the people they hire have liability policies and bonds, then at least they are going to have some kind of protection that if the work messes up, they will be able to come back to the insurance company and try to collect on the messed up work. I mean, you do not need them chasing you, but that is what will happen. If anything goes wrong, all the people go looking for the nearest available politician. Well, they do.

Mr. Pitura: Mr. Chairman, I just want to assure my honourable friend that a number of the things that he has said is exactly what Consumer and Corporate Affairs are doing with regard to informing claimants what to look for when they are trying to secure a contractor, and I think that the name of the publication is "After the Flood," is it not? Yes. So various steps along the way—I am advised that first they are given a sufficient amount of literature to read prior to re-entry, and when they go through re-entry into the community, they are also advised at that time.

Now there are a number of people that still have to re-enter their residences, and in fact a large number are still waiting for re-entry, but as much as possible is being done to be able to work with these people so that they go through a process when they select a contractor, that they will have some of the criteria that my honourable friend outlined in place when they sign the contract to get the work done.

Mr. Maloway: Well, Mr. Chairman, we just went through a record number of Estimates in Consumer and Corporate Affairs—I think it has been the longest in 20 years, by far—with the new minister, and I spent a lot of time with him discussing this very issue about renovation contractors. You know, while he was reasonably receptive, at the end of the day he is pretty much a free enterpriser, and he did not endeavour to make any commitments whatsoever on the regulation of renovators. He had indicated that he had met and spoken to, I think, some concerned people about that issue, but he felt that, at the end of the day water would seek its own level, and people should, you know, just take their chances. That was his general approach to it. So I did not detect any inclination on his part to be putting in bonding rules or liability policy rules or anything I expected. His attitude seemed to be that he will deal with the boondoggles as they occur.

* (1730)

Mr. Pitura: Mr. Chairman, I would just like to assure my honourable friend with regard to this process that, through the Manitoba Emergency Management Organization, every effort is being carried out and put into place with respect to keeping people knowledgeable and also providing them with some basic guidelines with respect to choosing a contractor.

I think, to ask that there be changes done with legislation to make sure that these people who are getting contractors for this disaster be required to post a bond—of course, that is an area that is part of the recommendations package to the claimant, to say to the person who is doing the work—to make sure that there is a proper contract in place and probably withholding an amount of money or a percentage of the money before the job is finished to ensure that the homeowner who is getting the work done is satisfied with the quality of work, and other things such as if a contractor comes to the door and says, I am here, we can do you basement for you and your upstairs if it is flooded—to be able to know enough to ask, well, where have you worked before and what is your phone number and to be able to check with those people to ascertain whether they have a reputation for doing good quality work. Those are the kinds of guidelines and information that we are leaving with people and giving to people when they are re-entering their communities and their homes so that they are very much aware of what is happening.

I have to say to my honourable friend, too, that Manitoba Emergency Management Organization were very quickly out of the blocks on this one to make sure that kind of information was available out there prior to anybody re-entering their flooded community. So, in essence, I give them a lot of credit for being able to keep in front of this thing, and, of course, emergency management and emergency preparedness, that is what this whole issue is all about with regard to disasters and being able to respond in a proper manner to a disaster when it falls upon us.

Mr. Maloway: Has any consideration been given or suggestions been made, for the future anyway, to look at a reinsurance component in your flood strategies? Once again, I give the example of Autopac where, every time they have a hail claim, they know once the hail starts to fall down on those cars that, at the end of the day, they wake up in the morning and they are only going to be \$5 million poorer because they have reinsured everything above \$5 million.

Has there been any consideration given to exploring that angle rather than just trying to self-insure for a flood such as this, that some effort be made to look at having the world's insurance market share in this kind of disaster?

Mr. Pitura: My honourable friend brings up a good point. However, to my knowledge and to our knowledge sitting here at this table, right now any kind of disaster assistance in Manitoba and in Canada is basically backstopped by the Canadian people, and as such it is not possible to get insurance for coverage. Therefore, it probably—and my honourable friend can correct me if I am wrong—would be impossible to buy reinsurance on a nonexistent insurance. I do not know if that is possible, but if my honourable friend has an idea here that could work, I would be most receptive to pursuing it.

Mr. Maloway: Well, I guess I would say that there is an old saying that says that everything is insurable for a price. For example, you hear examples of certain movie stars insuring parts of their anatomy and so on and so forth, violinists insuring their fingers, and I was not—yes, I was thinking of violinists here.

So it is true that for a price you can insure anything, although it is very uncommon. Sewer backup is very common here in Manitoba as a coverage, can be bought, is bought, and in fact flood coverage is available, but I am told it is only on commercial policies and so on. So there is that kind of coverage available in select areas, but, certainly, flood coverage is not something that you could normally buy on the market.

I guess what I am suggesting is that what companies do is they layer their insurance program so anything is possible. You can take your program to market, and you might find somebody willing to buy the excess of a hundred million dollars or the layer between a hundred million and two hundred million. That is basically, conceptually, how you have to think of it. In order words, MPIC or any insurance company, they only retain the first, say, \$5 million, and then they sell the reinsurance in layers over and above that. So the layer between \$5 million and \$10 million might be owned by a reinsurance company in Florida. The layer between \$10 million and \$50 million might be owned by an insurance company in England, and the layer between \$50 million and \$200 million might be owned by something else.

(Mr. Mervin Tweed, Acting Chairperson, in the Chair)

It has been so long now, and I do not recall all of the exact names, but there is insurance ceded. In other words, insurance companies that buy reinsurance, and that is all of them, a lot of them also sell the stuff. You recall MPIC was mixed up in some of that a few years back. They made some money for a while, but then they got caught on some long-tail liability claims. So just so you keep in mind that all the insurance companies that you see in town here, they reinsure a good portion of everything that they are insuring, but there are also insurance companies which not only buy reinsurance, but they sell reinsurance. They will go buy somebody else's reinsurance.

So you would have to throw it out there and say—this is not a very good example today after a flood to be doing it, but let us say you had done this five years ago, and you throw it out on the insurance market, and you say, who is interested in quoting a catastrophe loss policy to cover the layer between \$100 million and \$110 million? You will get people who will quote you on that. Some people might want the layer from \$5 million to \$10 million and not want higher than that.

So there are all these different layers. You have to talk to reinsurance people who do this stuff all the time. Autopac has them. They are reinsured up to the gills, which is why they smile whenever there is a disaster because they know they are stopgapped, I guess—the minister used that word—beyond certain levels.

Anyway, I will leave that one with you. I assume that it has never been done before in the same way, that probably funding government employees' pensions has ceased to be done after a while because we just assume that it is never going to happen, that there will never be a flood. It will be 500 years, and we will let some politicians way down the line, the next generation, worry about that kind of thing.

* (1740)

So that is my guess as to why nobody has dealt with it up until now, because it would be viewed as a silly political move, because who could conceive of a 500-year flood? Why would you pay some insurance company to buy reinsurance on the reinsurance market for a 500-year flood? It would be kind of a silly thing to do, would it not, in past years, and now it is not so

silly. Well, that is not true. I mean, in actual fact it might be reasonably cheap only because it is so rare.

At hockey games, when people shoot the little puck through the hoop, those are usually insured. It is pretty rare but an insurance company will cover that chance, that one in a million or two million, or whatever it is, that somebody will get the puck through the hoop. So that is how those things normally work.

Now, I wanted to ask the minister—well, actually I cannot see how we can finish this area on the floods today. I want to ask him about the hovercraft. I saw the film, and it sure sounded like a really good idea at the time, but why were we chasing around after this hovercraft so late in the game? Why could we not have been looking at this—I had brochures of hovercrafts that I provided, but I gather the company was no longer in business, so it did not help you out too much. The hovercraft idea, it sounded like a good idea. But why was it done in such a rush fashion at the very end, and the guy, at the end of the day, did not come here anyway.

Mr. Pitura: Mr. Chairman, again, the question that my honourable friend puts forward would be probably best put to my colleague the Minister of Natural Resources (Mr. Cummings) as that was the department that was involved with the investigation quantifying that device and taking a look at various ways of trying to prevent an ice jam from reappearing, as it did last year, on the Red River north of Selkirk or north of Winnipeg in the Selkirk area.

The idea of the hovercraft may indeed have some application in the future, and one of the things that we did find out, of course, was that in Canada there were basically only two hovercraft units available in the country, both of them owned by the Coast Guard, and we were advised by the Coast Guard in the St. Lawrence that the hovercraft can work well on breaking up ice, is quite effective on breaking up ice when the ice is adjacent to open water. So that, in essence, they thought it might be able to have application here. However, we were not able to get the hovercraft from them because they felt that they needed to use it on the St. Lawrence at about the same time that we were wanting to use it at the mouth of the Red River.

But to finalize the answer to the question, we have not given up on taking a look at hovercraft and its possible use in the future. In fact, in some discussion with my colleague the Minister of Natural Resources, indeed there might be some sources in the United States that we may be able to get a hovercraft for a period of time to be able to try it out on a trial basis, possibly as early as next spring. I would just like to assure my honourable member that we are not above taking a look at a number of venues that can aid in flood fighting efforts.

Mr. Maloway: Mr. Chairman, can the minister tell us also how successful that hole-drilling operation was around Selkirk?

Mr. Pitura: Again, I would ask my honourable friend to—that question would be best put to the Minister of Natural Resources (Mr. Cummings). It is called the Swiss-cheese effect.

Mr. Maloway: You mean he did not tell you how it resolved itself.

Mr. Pitura: Mr. Chairman, in this discussion that we had with the staff of the Department of Natural Resources, it was felt that the drilling of the holes and the way the holes were drilled, it kind of looked like Swiss cheese. So that is what it was called, the Swiss-cheese effect on the ice. From all observation, visual observation, it would appear that drilling the holes had a positive effect on the lack of ice jams, if I am saying that right. It is a positive effect from the standpoint that there were less ice jams, or none at all, on the Red River. On the other side, I would have to also advise my honourable friend that observation has taken place. It is an observed positive effect until any conclusions are made. We would have to do this for a number of years. My understanding is that this method will be carried out for a number of years in order to be able to determine the effect on the ice.

Mr. Maloway: Mr. Chairman, I wanted to ask the minister, and I understand that—well, perhaps his auditing process here with assessing the local governments' plans, or lack thereof, in this effort will tell us a little bit more about this, but the volunteers or the homeowners, in Winnipeg anyway, were given a presentation on how to build sandbag dikes. The

presentation was about, well, maybe, 15 or 20 minutes long on how to do this.

What you had was a fair amount of, I would say, largely out-of-shape homeowners, not really understanding how this poly fit into things, going to a meeting and then two or three days later trying to build this dike. So what you had was, fortunately, always one or two people in the crowd who caught on to things a little quicker than others, but there were some examples where, you know, dikes had to be taken down because people were throwing them together kind of in a rough way, and they did not appreciate that they had to be constructed right. You know, the snow had to be cleared away and they could not go through obstructions and stuff like that. By the time all this was done, it was pretty late in the game. So you had dikes that were constructed that were really not that—they were not heavily tested, but if they had been tested in a big way, I think you would have seen some major breaks in them. So what you had eventually was the backup dikes being put down the middle of the street, and that is fine, and then you had lateral dikes being put from the street to touch the dike that went along down the riverbank.

My point is that the lateral dike was constructed with absolute precision. I mean, you should have taken a picture of these lateral dikes. The volunteers that were there were not allowed to place any bags; they could only handle the bags. They were brought down, and the two professionals placed every single bag, and this was a sight to behold. It was a masterpiece when it was finished. So what you had every 10 or 12 properties, houses, was a perfect lateral dike, but then you had the dike that was holding back all the water was thrown together by a bunch of volunteers, you know, that did not look so good.

* (1750)

The irony is that if the water made its way through the dike by the river, which looked like it might happen, then, of course, it would be held back by the lateral dike. But it did not make a lot of sense; there was no consistency in having a perfectly constructed, professionally done job for the lateral dike, but then the one that really counted was the one that was being done in a nonprofessional way. I mean, I think if you wanted

to flip the coin and you were going to decide who was going to do what, you would have the professionals do the one that was going to hold back the water, right? And then you would have the lateral dike being done by the rest of us guys that did not know what we were doing. The lateral dike was the one that was there as kind of a backup to just make sure that only 12 homes got flooded and not the next pile.

I do not know how you intend to approach that, but perhaps that assessment that you are going to do would somehow take this into account that it appeared to be—and, you know, they did a terrific job, there is no doubt about it, but the point is that things like this were left primarily to the end. It was done sort of at the last minute but done sufficiently early so that the job was done all right, I guess. It was not done with a tremendous amount of planning, and there was too much leeway given to each homeowner as to what he or she wanted to do.

For example, the engineer would come along and the engineer would suggest that this was probably a decent way of doing it, and then the homeowner would do it some other way. So what you got was a fairly unsafe situation.

All I am saying is that we are very, very lucky that the diking system was not tested with higher water than it was or for a more prolonged period than it was because I do not think it would have—there were just too many weaknesses. I guess that is my point, obvious weaknesses noticed only really after the fact, and only because there was not the direct orders from the people in charge to say that this is where it is going to go and this is how it has to be done. It was done on a very kind of collegial sort of basis about, well, this is what we would recommend, but, you know, if you want to do it your way, go ahead.

That is what happened. It was like a McDonald's hamburger approach to it. Some people had pickles and some people had relish, and they kind of joined up at each end of the property, but there were sort of a lot of variations.

So I did not have a lot of confidence that these things were going to hold if the pressure really, you know, if the real true test came, that there would be some

failures. I am sure that was the case in many, many other instances, too, where a certain professionally built dike might have done a better job.

So I would ask the minister to comment on that and find out whether that sort of will show up in this audit that he is going to be doing on this program.

Mr. Pitura: Well, certainly from the standpoint of doing what my honourable friend calls an audit, the Manitoba Emergency Management Organization is in the process of putting together or at least having a post-event report done of the 1997 flood, and from the standpoint of the organization, it is going to include a number of areas with regard to the way, in terms of the way the organization functioned and also related to the other organizations out in the local jurisdictions.

It would take a look at such areas as the deployment of the military, I am sure, how effective that deployment was. It would take a look at, in terms of things such as sandbags, sand, the city working within its parameters in putting together its flood preparation plans, and, as the honourable member suggests, in the area of dikes. Certainly that would be looked at from the standpoint of were there enough detailed plans available for people to use to build dikes? Could it be better?

But it is a process for us as part of the Emergency Management Organization to evaluate ourselves as to how our organization functions and how it operated in this disaster. I think that we are not above criticizing ourselves if we feel we could be better in some areas. At the same time, I think we also have to be very forthright about saying, hey, we did some things that are really good, and we are pretty proud of what we have done in terms of being able to get a massive organization together in a relatively short period of time to put their best efforts forward to avert this natural disaster.

So from the standpoint of the entire audit, as the honourable member points out, yes, all of these things probably will be part of the process of evaluation. I am sure that once the report is finalized that a number of the recommendations that would come forth out of their report would be looked at seriously in terms of implementing the recommendations. I am not too sure

at this point in time how the format of the report is going to be set up as to whether there would be indeed some recommendations following the report or whether it would just be a straight evaluation in terms of how did we do and how did everybody else do in this effort.

But even such things, as the member points out, about sandbags and how the sandbag dikes are constructed, that indeed may show up as an area where perhaps better plans, more detailed technical workshops might be the way to go in the future. I think the honourable member also has to keep in mind that on April 1 or April 2, there probably was no need to have a technical workshop in making sandbag dikes. It easily could have been handled almost on a one-to-one basis with people in the community. On April 8, that soon changed around. So there is always that thought or at least to have as fast a response as possible to this whole issue. It will be included in this whole audit, and I am sure that the results will bear me out.

The Acting Chairperson (Mr. Tweed): The hour now being six o'clock, committee rise.

* (1430)

JUSTICE

Mr. Chairperson (Marcel Laurendeau): Good afternoon, will the Committee of Supply come to order please. This section of the Committee of Supply has been dealing with the Estimates of the Department of Justice. Will the minister's staff please enter the Chamber at this time.

We are on Resolution 4.1.(b)(1) Administration and Finance, Executive Support, Salaries and Employee Benefits \$406,200.

Mr. Gord Mackintosh (St. Johns): Yesterday when we broke we began discussing the issue of the Crown's opinion regarding the Friday book. I believe we were talking about how the Crown deals with such matters and what the role of the director of Prosecutions is in terms of vetting those kinds of opinions. Perhaps it would be best if we took it from square one today. I wonder if the minister can tell the committee what the procedure is in dealing with what may be to some

obscene materials, what the process is as between the police and the Prosecutions division.

Hon. Vic Toews (Minister of Justice and Attorney General): Mr. Chairperson, yes, I thank the member for that question. I think this question gives me the opportunity to explain generally the function of the Attorney General. It is very, very important to appreciate under our system of law that the Attorney General's department is not an investigative agency. That is not its function. Under our system of justice, that role is left to the various police forces. The police departments act usually in respect of complaints, sometimes of their own accord. That is certainly their option to investigate crimes without complaints. The issue of when, for example, and I am talking generally here, if a situation arises where a member of the public complains in respect of a certain occurrence, a certain event, a certain object, the police make the necessary investigation, that is, they are the fact-gathering agency. The Attorney General's department does not gather the facts. Once an appropriate factual basis has been established by the police, the police then have the right to lay a charge under the applicable statute. It could be provincial legislation, it could be federal legislation.

If they feel the charge that is appropriate is, for example, under the federal Criminal Code, and they are unsure of exactly the propriety of proceeding from a legal basis, not a factual one, a legal basis, they may contact the Crown attorney's office where a prosecutor renders a decision, or an opinion I think is better put, an opinion to assist the officer in applying the facts to the law.

The officer then presents the facts, the Crown attorney presents the opinion for the consideration of the police. So, for example, if the issue is obscenity, and again I am speaking generally, the Crown attorney conducts the appropriate legal research and renders that opinion. That opinion is then given back to the peace officer, but the peace officer is not directed by the Crown attorney in those ordinary situations to lay a charge.

What in fact happens is the Crown attorney, for example, will say, this is an obscene object or obscene book and that decision or that opinion then forms the basis of the police officers or one of the bases of the

police officers' consideration as to whether the facts in fact warrant a charge. So they consider the law, either as they understand it or has been clarified by a Crown attorney and apply that to the facts.

They then lay the charge. The police officer is the informant who swears the charge before the appropriate judicial official. Once that charge has been laid and the accused is then brought to the court by the appropriate process, whether through an arrest or an appearance notice or otherwise, the prosecution takes over the handling of the case. The prosecutor then is entitled to review the decision to see whether, in the entirety of all the facts and the law, a prosecution is warranted, as I indicated last date, on two bases, essentially, is there a reasonable likelihood of conviction and, secondly, is it in the public interest to proceed. I should point out our system of law under the Criminal Code, indeed, informally permits police officers to deal with situations on an informal basis.

That is not unique to one area of the law. For example, a police officer may consider that a child who has been picked up for shoplifting, it would be more appropriate to bring that child home to the parents and let the parent administer a rough and ready justice. It may be. He may consider that to be the appropriate mechanism, or if that is not the appropriate mechanism, there may be diversion through the youth justice committees, or there may be other ways of mediating these disputes before they ever get into that formal process. There is nothing improper with that. I think that is a sensible, sensitive approach for police officers to take in appropriate cases.

* (1440)

When it comes then to the Crown attorneys office, the Crown attorney then determines whether there is this reasonable likelihood of conviction and, secondly, whether it is in the public interest to do so, all of which is to say then there is a very clear distinction, although an interrelated relationship, between the peace officer on the one hand and the function of the officials in the Department of Justice and specifically the Crown attorneys on the other.

Having said that, I wish to reiterate, as well, what I stated yesterday, that the general rule and practice in

this country and certainly in the province of Manitoba is that the Attorney General is not involved in the decision as to whether or not to lay a charge or indeed whether or not a prosecution should continue or be discontinued.

The Attorney General is briefed on occasion with respect to significant charges or other matters that it is clearly in the public interest to brief the Attorney General, but, usually, that is given for the minister's information. The concern, of course, is, as I indicated yesterday, that political interference not take place in the laying of criminal charges, so we have to make that distinction within the department of the Attorney General, as well.

So I hope that outlines generally the function of the Attorney General's department with respect to any particular charge and the role of the police in relation to that.

Mr. Mackintosh: My question was in the context of the procedures in place, the process in place when questions of obscenity are raised whether by the police, Prosecutions or the public.

I guess, in particular, I ask the minister if initially he could now provide the committee with a copy of the opinion given by Crown Attorney Mahon with respect to the Friday book?

Mr. Toews: Mr. Chairperson, this question indeed gives me an opportunity to discuss I think a very important role of the Attorney General in relation to pending investigations. Often one will come to this House and a question is asked of the Attorney General, whether such and such is the case or whether so and so has been charged or what is the status of a particular investigation. Time and again, the answer, consistently, from every Attorney General should be that it would be inappropriate for the Attorney General to comment on any pending investigation and, indeed, if there is an investigation pending.

The concept is one which relates to the essential fairness of the system. The system must be perceived to be fair. For someone in the position of the Attorney General to comment on a specific investigation, to comment on a specific charge before the courts gives

the impression to the general public that the opinion of the Attorney General is what should occur in the court or that is the conclusion that the police should arrive at. It is clear that the Attorney General does not influence in a political forum the progress of investigations or the progress of any charge before the courts.

One has to look at it from a number of points of view. First of all, the police in their investigative role have to determine the facts in a fair manner, and their investigation should not be influenced by political authorities or political statements that those authorities might make, including statements from the Attorney General in respect of a specific investigation or charge.

So we have the interests then of the police to be mindful of. Secondly, we have the interests of an accused or a potential accused who faces the might of the state, or the potential might of the state, in bringing a prosecution to bear on that individual, and it is very important to ensure that the Attorney General is not seen as prejudging a case in terms of a final determination. Yes, officials in the Attorney General's department may make decisions, may render opinions, may advise on the wording of charges, may decide to directly indict in certain cases, but the ultimate decisions in our judicial process, if we proceed through the court system, is left to a judge. So then to have the Attorney General making comments and rendering opinions in a public way could be seen to influence inappropriately a judicial figure.

Having said that, it is important to note that the Attorney General may make statements, give policy directions, consult with police officers and police authorities, indeed discuss the administration of the courts with judges, but in doing so one has to always remember the various roles of the parties which I have elaborated on earlier and which I will not repeat at this time.

And so, in respect of a particular opinion rendered by a Crown attorney, that opinion has been requested by a police authority. That police authority is seeking legal advice in much the same way that private citizens seek legal advice from a lawyer. It is not exactly the same type of relationship. There are differences but, generally speaking, the confidentiality of that relationship must in fact be protected. The police must

be able to feel confident that these kinds of requests and the reply will not be made public in a manner which might jeopardize an investigation.

* (1450)

So the Attorney General, given that it is not his or her role to investigate but rather to advise in situations and to prosecute in others, it would be inappropriate, generally speaking, to release police reports that have been shared in confidence and indeed inappropriate for the Attorney General's department in most cases to release opinions that they have provided to those police authorities for the purposes of their investigation.

So in this situation, I do not see any reason to deviate from those general principles that I have expressed and, accordingly, I could not release that opinion from the Crown attorney to the police.

Mr. Mackintosh: I wonder if the minister can advise whether the Crown opinion opined solely on the issue as to whether the subject material was obscene under 163 alone or whether it also opined on the possible or likely accused. The reason for that question is, I noticed that the libraries are being the focus of attention by the police investigation or the warnings by the police, and I am wondering if that was part of the opinion as a subject matter. He need not, in light of his earlier answer, advise me what the conclusion was by the Crown.

Mr. Toews: I do not think I would be able to or prepared to comment beyond what is already publicly known. The important point I think that is publicly known is that there is a Crown attorney who gave an opinion that the material in question was in his legal opinion obscene, but I cannot make any further statements. I do not think it would be appropriate for me to do so.

Mr. Mackintosh: Has the Minister of Justice reviewed the opinion provided by Crown Attorney Mahon?

Mr. Toews: No, I have not. I in fact have not seen it.

Mr. Mackintosh: We all recognize, and I think the minister perhaps more than most in light of his role in the Butler case recognizes the difficult issues,

interpretive issues, that arise under Section 163. I think of phrases like "undo," "exploitation of sex," for example, even the word "undo" what that means, substantial harm to society or individuals, I believe, is another test that has to be examined, what is the dominant characteristic of the material being considered.

I notice the Supreme Court in *Butler* looked to see whether there may be exceptions. If the material is required, I think they said for the serious treatment of subject matter or theme or something like that as well raises issues of the tolerance of the community. Very difficult issues that I think, even the *Butler* decision alone, the subsequent decisions speak to. I think the concern by Manitobans right now is not whether the material that is the subject of media discussion is obscene or not. I certainly have no opinion on that. I would not have an opinion as to whether someone was guilty or innocent either. I have not read the book and I do not intend to. My only question is one of process. So, therefore, my question is given the difficult interpretive issues regarding whether a material is obscene or not under Section 163, what checks and balances are there in the Justice department to ensure that an opinion given as to whether material is obscene or not is well founded and has gone through a rigorous assessment?

Mr. Toews: I agree with the member for St. Johns that this is a very complex area. Indeed, even when you look at the wording of that particular section I must be candid. I have not read it in the last number of years, not having any occasion to require me to read that particular section, but I recall one of the arguments advanced was that the section was unconstitutional on the basis of violation of Freedom of Speech but vagueness. The doctrine of vagueness essentially falls under Section 7 of the Charter of Rights, generally speaking, and the essential question that one asks in respect of vagueness is, is the section so ambiguous, so unclear, that a reasonable person could not understand what conduct was being prescribed by the provision? That is a very quick summary of, I think, the vagueness doctrine.

The court, in that situation, replied, and in other situations have replied—because the vagueness

argument was quite in vogue a number of years ago—and in those cases the court said the difficulty of interpretation does not mean that the provision is vague or violative of the principles of natural justice or fundamental justice enshrined in Section 7.

So the courts acknowledge that the task of people who have the responsibility of interpreting the law is not always an easy one, nor can it be made an easy task. They recognize the difficulty. I think the police to their credit recognize that they, by and large, while very skilled, very knowledgeable, a lot of experience, do not have the appropriate legal expertise necessary in many cases, and so they utilize the department of the Attorney General and the counsel employed in that department to provide legal opinions. These legal opinions are provided on the basis of the expertise that the Crowns acquire over the years. I happen to know this particular Crown, a very competent Crown, as most of the Crowns. Indeed, I believe, all of the Crowns there are, each one developing areas of expertise and assisting the police in investigations or prosecutions because of their expertise.

* (1500)

In this particular case, it may be that the Crown attorney received a request or it was assigned to that particular Crown by the director because it was recognized that particular Crown had the expertise. That Crown could have then gone to a number of people to discuss it, and I know that was commonly done in the Attorney General's department when I was there, even as late as 1991, as the director of Constitutional Law. These discussions occurred on a regular basis. Sometimes a Crown attorney, feeling that he or she is unsure of the law or the law in relation to a particular set of facts, will take that on to the director of Prosecutions, but it is not necessary. It is not required. Indeed, it could be counterproductive in certain places to the professional development of these people.

One of the statements that I recall made by Mr. Justice Scollin in a case called *Thwaites* and the Director of Mental Health, in discussing the role of another profession, that of the medical profession and specifically psychiatrists, he said, and I still believe that he is correct, that ultimately no matter what kind of a law you draft, you have to rely on the professional

expertise of the people who administer the law and interpret the law. So, in the case of Thwaites and the provisions of The Mental Health Act, one had to rely on the professional expertise of a psychiatrist.

Similarly, in the department of the Attorney General or the Department of Justice, we rely on the professional skills and expertise of an individual Crown attorney. In the case of a psychiatrist, that psychiatrist may consult with a nurse, may consult with another professional, may consult with another medical doctor, may consult with another psychiatrist, but it is not necessary. I would think that in most cases if you said to a psychiatrist, you shall do this in each and every case, it would be very counterproductive.

While the director of Prosecutions in this province is the head of Prosecutions, there are other senior prosecutors that prosecutors can go to, but in many situations the position of director or senior prosecutor is to give that guidance and to give that help.

One of the very progressive moves that was made in the Attorney General's department a number of years ago was the recognition of general counsel. It was seen for years in the Attorney General's department that if you wanted to reward somebody, you needed to promote them even if they were not particularly good in the position that they were promoting them. They had to promote them into administrative positions because that was the only way they could get more money. It was realized it was a wrong way to proceed. Yes, we want to recognize the skills that these people have, but we do not want to promote them into positions simply to give them more money so that they are happy for a short period of time.

And so these positions of general counsel were created; a recognition that there are people in the Attorney General's department who do not necessarily have administrative skills such as the present director of Prosecution has or the assistant deputy minister or the deputy minister or others, but in fact that they are mentors, that they can provide good solid legal advice. We have these general counsel throughout that legal side of the Department of Justice. You find them in Constitutional Law. I remember when I was in Constitutional Law and I was the director, the general

counsel who reported to me was making more money than I was.

I believe that is an anomaly that has been straightened out, but in effect it really did not bother me that much because the point here was that general counsel was being recognized for specific skills that she had, skills that I might not have had and that she was better qualified. The department needed to recognize that in a way. So we have these general counsel positions in Constitutional Law, in Legal Services, in Criminal Prosecutions and these have served a very, very important function.

So while there is not a standard process by which people determine how charges and opinions are vetted, I think that there is a very strong network and supportive system in the Attorney General's department that, first of all, respects the independent professionalism of our Crown attorneys and yet provides them with the appropriate resources and backup in the necessary cases. I trust that answers the question.

Mr. Mackintosh: I am looking here. I have headlines in front of me: RCMP raids libraries for sex bestseller from British Columbia. I have another one in The Globe and Mail: Library ordered to pull bestseller. Winnipeg police mull porn charge. In the Free Press: RCMP raid B.C. libraries. This all comes, I understand, from the news reports, from a single opinion given by a Crown prosecutor in the Province of Manitoba, an opinion which may well be very well founded.

* (1510)

As I said, given that there is a very difficult area of law here, the definition of obscenity is a difficult one. Given that this regards a matter of freedom of speech and the balances that are required under the Charter, the minister has, I think, by his answer, a long answer, said that there are only informal at best checks and balances within the Prosecutions department when providing an opinion. I do not care about other issues but opinions on whether a material is obscene. I want him now to confirm if he can—he can just answer yes or no—is it in fact the case then, and I am to conclude that when such an opinion on obscenity is requested, there is no

requirement for a vetting or a team, a review of such an opinion, is there no requirement or formal process for any experts, for example, to be consulted as in Jorgenson, for one or any panel to be consulted? Is that correct or not?

Mr. Toews: I think that question raises a number of questions in my mind and each in turn lead to long and complex answers which I think need to be addressed here. First of all, the function of performing an opinion, the member—and I know he does not see that and is suggesting that—seems to suggest to the ordinary listener that opinions are somehow rendered in a vacuum, that a document is placed in front of someone and that person sits down and thinks about it in the way one thinks about some obtuse philosophical point. That is not how professional legal opinions are rendered.

A Crown attorney who receives a certain set of facts will look at those facts, will consider the appropriate legal authorities, including cases like the Butler decision and subsequent cases, and put his or her own expertise to the test. The member states, are there not experts that can be consulted?

I remember for many, many years the courts in this area, and this might still be the case in some obscenity cases, said we do not need experts to tell us whether something is obscene. We will make that determination. So for years judges by themselves made those types of determinations as to whether something was obscene, whether or not there was expert evidence as to whether something violated community standards. Quite commonly done.

(Mr. Daryl Reid, Acting Chairperson, in the Chair)

In terms of expertise, the member asks: Were experts not consulted? I want to assure the member that the Crown attorneys in this province are the experts. If one looks, and I had the most familiarity in the latter part of my career with the department as a lawyer, with the issue of expertise in Constitutional Law. In my opinion, there was no better group of people in the Province of Manitoba to determine many questions on an opinion basis than the lawyers themselves in that department, and I do not necessarily include myself.

Certainly, the expertise demonstrated by the other members of that branch have been recognized over and over and over again by the courts in this province, and the same thing can be said of the Legal Services lawyers who, with many years of experience, all acquire a certain expertise and have demonstrated that expertise over and over again.

In saving the criminal Crown attorneys for the last, I do not want to, in any way, belittle their expertise because, indeed, these people are the experts. I recall a colleague of mine who worked in the Attorney General's department for a number of years returned home to Australia where he wanted to practise as a lawyer, and they would not even recognize his law degree, after he had practised as a prosecutor in our courts, in Australia.

They wanted him to, in this particular state, take more courses and then rearticulate or enter into the bar through whatever process they have in place there. Then one day the state decided that they would proceed to a public prosecution system much like ours and this individual, coming from a position where his law degree was not even recognized, became the head of Prosecutions in that particular state, clearly a recognition of the quality of prosecutors that we have in this province.

(Mr. Chairperson in the Chair)

So when the member says did they not consult with experts, I think that is terribly belittling to the expertise that our Crown attorneys and my former colleagues have. These are the best in the Province of Manitoba when it comes to advising police officers in respect of opinions. I would be quite interested in the opinion of the member for The Maples (Mr. Kowalski), who served in a very distinguished capacity as a peace officer in this city, who I know consulted with members of the department of the Attorney General for many, many years. I think in cases, maybe in one case, maybe in none, but there might have been some misgivings that that police officer might have had about a particular opinion.

But there is a process. He could go to his sergeant and say, I am not happy with that Crown. They could explore that further, because this is not an exact

science. We do not want to stifle the professionalism of police officers who, through experience and education, have demonstrated their expertise over and over again in this province. Nor do we want to insult and embarrass the expertise of our Crown attorneys who, on a daily basis, demonstrate their commitment to principles of justice and the serving of the police in various capacities, or working together with the police in various capacities in the day-to-day execution of their duties.

I do not know what the member means by saying let us refer this to experts.

Point of Order

Mr. Mackintosh: Point of order, Mr. Chair. I have been in Estimates enough in this House to recognize when we are being filibustered. Now we are hearing nonsense, not just a discussion by the minister. I asked a very simple question. I think I deserve and I think the committee deserves a simple answer.

First of all, on this particular point of order I have to say that in no way did I ever say there should have been expertise. I asked whether there was. By the way, the minister should know that expertise has been the practice in his own department. I think particularly of Dr. Malamuth, who has been called in in the past giving opinions to the Crown prosecutors as to whether matters are harmful to society. If he wants to misconstrue my words, that is very unfortunate. I think we should get down to business here, answer the questions, and get going with Estimates. If he has all summer, I have all summer.

Mr. Toews: My understanding of the question was, is there a formal process by which these opinions are vetted. That was my understanding. What I was answering was exactly that process. To suggest that you can set up these administrative boxes where you can route legal opinions like sausage is nonsense. So I was simply explaining the expertise that our Crown attorneys have and the relationships that the Crowns have with the police. If I am permitted to answer the question fully, I want to get into another point that has not even been touched on by a specific issue raised by the member.

* (1520)

Mr. Chairperson: Order, please. On the point of order raised by the honourable member for St. Johns, I believe there were two points that he made. On the first point, I think he was reflecting on the amount of time the minister was taking in answering his question. For the member's information, the minister has up to 30 minutes on his responses.

On the second point that he was making, I would rule that it would be a dispute over the facts on how the minister answers his question or relates to that answer.

The honourable minister, to conclude his response.

* * *

Mr. Toews: Now, we were at the point where we talked about the relationship with the police and the Crowns. Crowns do not make these opinions in a vacuum. They rely on the expertise of the police, and they rely on the guidance given to them by the court. When an opinion then is made by one of these experts, whether it is done in consultation with outside experts which is done from time to time in the same way that a psychiatrist or medical doctor would consult for second opinions—but there are no rules when that doctor would do that; rules in a fixed and firm way—ultimately it is that Crown's opinion, it is a professional opinion of an individual that comes to bear on the matter. So then the opinion is sent back to the police, and then the police who perform the investigative role still have various options. That option includes the laying of a charge, not proceeding with charges, or seeking some alternative mechanism by which to resolve a complaint that affects members in our society.

So it is not that the Crown opinion places the police into a straightjacket of one sort or another. The police are independent in their investigative role. It is very, very important to remember that point.

Then, lastly, let us assume that a police officer decides to lay a charge, swears an information, brings the accused before the courts. What happens then? There are entirely new factors which come into play. Number 1, the Crown attorney who may be assigned to the case, which probably in most cases is not the Crown

attorney who gave the legal opinion. So you have that entire process.

Then you have the issue of the judge, who, of course, is absolutely independent of the prosecutor or the accused and the accused's counsel. So the opinion of the Crown attorney, the Crown attorney who initially gives that opinion to the police knows ultimately that his or her opinion will be tested in court. That acts as a further check on what type of opinion is rendered, or how that opinion is acquired.

Now, I do not know Mr. Mahon's specific expertise in the area of obscenity. I know that he has been a Crown attorney for a number of years, and I know that either the police had confidence enough to go to him, or that file was assigned to him by the director of Prosecutions which, in that sense, acts as a check, the one, an informal one; and the one, a more formal one, the routing of an assignment through the director of Prosecutions, which those kind of opinions usually come and are sent to the director.

But the Crown attorney, in rendering his or her opinion, knows that the independent judiciary is the ultimate check and balance in the criminal justice system. So is there a yes and no answer? No, there is no yes and no answer. Are there checks and balances? Absolutely.

Mr. Mackintosh: I think the minister has said that there are no formal checks and balances within the prosecutor's department itself. I know what he is talking about of course is the check and balance in the overall system once a matter is actually prosecuted and brought to court. My question now is—well, I think maybe this question—why, if the minister could ask his staff, was this opinion given to one prosecutor in particular? Was it because Mr. Mahon—I do not know Mr. Mahon. He is highly regarded, I know that. It is no question about the individual, but why was one particular prosecutor assigned this opinion? Was there a particular expertise on Mr. Mahon's part? Had he prosecuted and given opinions on obscenity issues before?

Mr. Toews: I want to be very careful about talking about any particular case, but I know, and I am advised by staff, that Mr. Mahon has developed a relationship

with the vice-police in terms of an ongoing series of cases, and from time to time police approach him for opinions. So it would only be natural that in any particular case involving obscenity, the Winnipeg Vice Division would go to that person, because he is recognized as being an expert Crown attorney in that particular area.

Mr. Mackintosh: Just to clarify, can the minister confirm that this particular legal opinion did not go to the director of Prosecutions before it was given to the police?

Mr. Toews: Yes, I am advised that that opinion did not go to the director of Prosecutions.

Mr. Mackintosh: The second issue, I think, beyond the issue, and the minister talked about how the system must be perceived to be fair, and so we talked about the underlying observation by Manitobans that, by golly, look at the power of one person's opinions affecting a matter of reading material in the country.

* (1530)

The second issue and observation that I think Manitobans have here is, by golly, look at the materials that are proliferating that are apparently, and I say using just a lay definition, obscene. When you look at the proliferation of X-rated videos, video stores, look at the enlistment of people to use violence in video games, for example, look at the proliferation of violence on television and other media, there is, in the media, a real obvious change over the last number of years. So the question is this: Assuming that this material is obscene, will the other materials that may well be obscene only to be looked at when a complaint is lodged? In other words, is the state's role in trying to contain obscene materials merely complaint driven?

Mr. Toews: Mr. Chairperson, I think that question is a very interesting one, and we could get into a long philosophical discussion about that. I think I made it clear at the onset that the role of the Attorney General's department is not an investigative role when it comes to investigating crimes. That is the role of the police. There are general policy directions that the Attorney General's department may give from time to time in interpreting provisions of the code which, again, are a

reflection not of the policy necessarily of a provincial government, but a reflection of the government enacting federal legislation. So the provincial Attorney General might provide policy directions or opinions or guidance in respect of legislation which he or she may not agree with. That occurs quite frequently given the delegated system of responsibility for prosecutions under the Criminal Code. I emphasize that it is a delegated responsibility by one level of government or one parliament to another.

The member also stated and talked about the power of one person's opinion. That is why I took some pains earlier to talk about that this is not one person's opinion that is somehow created in a vacuum and that there are no consequences to the rendering of this opinion. These opinions are seen in a much broader framework and operate in a much broader arena.

I find it interesting that the member would express concern about the power of one person's opinion in this context and note, with some irony, that it is five people or seven people or nine people, in effect, who are driving the entire criminal law policy in Canada. I am speaking about the Supreme Court of Canada, seven or nine or five individuals making essentially policy decisions in their interpretation of the law.

I think if one would have thought when the Charter of Rights came into effect in 1982, to talk about freedom of speech and pornography or even commercial speech in the same context, one would have had a very difficult time making that kind of argument, indeed, when the Court of Appeal dealt with either the Butler case or the reference on prostitution, which is also known as reference re Section 192 (1) (c) of the Criminal Code, I think give or take a few section or subsection numbers.

Mr. Justice Huband, I recall, brought out a book and he talked about what freedom of speech means in the context of our British parliamentary system and interpreted freedom of speech to be consistent with values that related to political speech in a narrow sense, but certainly not as expansive as including what you and I, Mr. Chair, would consider to be pornography or even political advertising. The court, as I recall, was unanimous on that point at the Court of Appeal level.

The Supreme Court of Canada offered support, certainly from past cases.

The Supreme Court of Canada talked about the purposive approach to the interpretation of sections of the Charter of Rights. That is, one interprets each section in the context of Canadian values, beliefs and opinions, and the court would make this determination. In the context, then, of Section 2(b), the court virtually did an about-face, jettisoned the purposive approach and essentially said, every time you open your mouth and utter a vowel, that is speech protected by the Charter of Rights, the implication of that then being that the Crown would have to demonstrate that every utterance made that they wish to proscribe or see in a criminal context, they would have to justify that law. So a very, very interesting approach by the Supreme Court of Canada.

* (1540)

These were seven or nine people in Canada that made that decision. These were the same seven or nine people that made the Butler decision. So now we have on a daily basis, hundreds of Crown attorneys or, perhaps on a yearly basis, hundreds of Crown attorneys looking at those sections of the Criminal Code, looking at the Supreme Court of Canada's decision and determining whether something is obscene. That is the nature of our system since the Charter of Rights.

I am not offering any judgment in that respect, whether that is right or wrong. It is what the politicians of the day and the people of Canada chose and the system that we have in respect of Crown attorneys. It is a system that has been perfected over hundreds of years. Yes, we ultimately have to rely on the professionalism, on the expertise of that Crown attorney whose conduct is governed by departmental standards, by professional standards, by the ultimate knowledge that whatever he does today may find its way to a public place.

So that Crown attorney, then, assists the police in the system of law that we have. This is getting back more directly to the point raised by the member. We see a proliferation, he says, of violence in video games. If we are going to charge in one place, what about all the others? Well, remember, the Attorney General's

department does not do the charge. That is the informant who lays the charge, usually a police officer.

It kind of reminds me of the situation where a person speeding down the highway is stopped by a police officer. No doubt the member for The Maples (Mr. Kowalski) has heard this hundreds of times. Why did you stop me? I was simply going the speed that everybody else was going, and look at them, they are all passing, and they are all speeding and you are doing nothing about it. So here we have a situation where a police officer has made a determination that he will stop a certain vehicle, whether it is complaint driven or whether he acts of his own accord or her own accord.

So the role then of the police officer is to lay that charge. It is not an excuse that everybody else is speeding or that everybody else is distributing pornography, if you are the ones who have been caught for doing it. I am not suggesting in any particular case that that is happening; I am talking generally, using that as an example. So what is the role then? Obviously, one does not charge or cannot charge everybody who speeds down the highway. That is why there are certain principles in sentencing, firstly, those principles and secondly, the function of judicial decisions.

Let us take a look at principles of sentencing; firstly, specific deterrence, and secondly, the general deterrence. It is hoped that in any particular crime the judge bears those two in mind, so that when a sentence is rendered, it is not just that individual who has been caught for breaching the law who is asked to account for his or her actions. Indeed when that sentence is rendered, it also sends out a message to a broader community that this type of conduct is not acceptable; so general and specific deterrence then, very important principles in sentencing.

Coincidentally, and we could talk about Bill C-41 for a long, long time, but that is one of the concerns I think that many people have, that some of this legislation that the federal government has passed, in fact, operates in favour of sophisticated, white-collar criminals. A bank manager, for example, who steals a half a million dollars and then is fired, well, he certainly will not be in that position to steal that half a million dollars again, so what purpose would there be to sending that individual to jail? Well, the purpose is general

deterrence, so that if there is anybody out there thinking that they might want to steal the half-a-million dollars, they have got to take into account the sentence that that person received.

Especially in the area of lawyers who have breached the law, the courts have been very stringent, and that general deterrence principle has been a very important principle. So I have dealt with that issue.

The second issue is the issue of judicial reasons. Judges do not write decisions simply because of an academic exercise. They write them to inform the public of why they are ruling the way they do. Especially in an area like, let us say, pornography where many of the purveyors of pornography are commercial people, sophisticated people, they can read, they can understand, and they can be guided by not just the actions or the wording of a very stark provision of the Criminal Code but the elaboration that the courts give through reasons for decision.

It is very important then that we see that these functions are not simply the functions of an individual Crown attorney, not simply the function of an individual police officer, but this is an entire system that operates to accomplish an end. That end, it is hoped, is what we loosely term as justice.

The other thing that we cannot lose sight of, and which needs to be emphasized again, is that the Supreme Court of Canada has repeatedly said that the exercise of discretion, that is, the exercise of judgment, is an essential part of our criminal justice system. So the police assess facts and they assess charges. The Crown counsel make many decisions. The courts often exercise decisions. The Court of Appeal exercise discretion.

So it is not the nice, clean, scientific system that perhaps many people would wish we could achieve, but it is certainly the product of many hundreds of years of development and has served us very well.

* (1550)

Mr. Mackintosh: We were just wondering why the minister is going on and on. I could write my bar exam after this.

Can the minister tell the committee whether there have been any convictions through a decision or through plea bargaining or through trial for obscenity charges since the Jorgenson or Adults Only Video case in 1994?

Mr. Toews: The member raises a good point, and with reference to the earlier question that he asked about how society changes and things occur and the proliferation he indicated of violence in video games, obviously the investigative authorities need to constantly be vigilant for new ways that this crime, pornography, may be perpetrated.

So, in respect of pornography, since the Jorgenson case, I know of at least one situation, and I am advised of that, of a police investigation in respect of computer pornography. I appreciate video violence is not exactly the same, but I think pornography is essentially, as the court said in Butler, violence against women could be violence against people. That is what pornography is all about, not necessarily in the literal-physical sense, but it violates human beings.

So in a number of cases, individual cases, separate cases in '95 or 1996, there have been approximately six convictions for this type of computer pornography. I think the police need to be commended for the efforts that they are taking in that respect. They are a difficult crime to prove. Computer frauds are often very difficult and computer pornography is no exception. It entails working closely with not just local authorities but, in fact, authorities right across Canada, because of the nature of computer systems. So that is an example where pornography laws continue to be enforced here in the province of Manitoba. This does not deal with situations where police are alerted about pornography and then may contact other police departments as a result of information that they receive for those police to investigate pornography on the computer or otherwise in situations occurring in other provinces.

As the member can appreciate, there is often a difficulty in determining exactly where crime like that would, in fact, occur. So while technology has brought many advances, many benefits, it has also created legal issues. I think that, generally speaking, police have responded very proactively, very progressively in meeting these new challenges.

Mr. Mackintosh: Is the minister now considering any new procedures, directions, or policy regarding prosecutor opinions, the role of prosecutors or police regarding obscenity charges and information?

Mr. Toews: I certainly have not reviewed any new policies in regard to the prosecution of pornography in the last number of months that I have been the Attorney General. I assume that Crowns, and I think as demonstrated by convictions in the area of computer pornography, attempt to meet these challenges by working with the investigators to ensure that these types of crimes are kept in check. Certainly, it is our hope that when we bring these very difficult situations to court, that we are able to advise the court about those difficulties and that we can appropriately advise the courts through the Crown attorney as to the importance of dealing with matters such as pornography and the difficulties associated with their prosecution.

I think, generally speaking, the courts in this province have been very, very receptive, not just in the area of pornography but in other challenges that we face. I think it is incumbent upon our Crown attorneys to keep the courts advised as they meet these new challenges. I do not know if the member is referring to any specific situation that he feels needs be addressed, but I would certainly be willing to hear from him in that respect.

Mr. Mackintosh: Is it, therefore, the minister's position that the current procedures and protocol for dealing with request for opinions, the provision of opinions and the investigation of obscenity complaints needs no change, and he is satisfied with the current regime? He can answer that without commenting on the particular instance that prompts this line of questioning, although he may want to.

Mr. Toews: I have not specifically turned my mind to that issue. I am satisfied generally by the conduct of our Crown attorneys in prosecuting crime generally, and I am satisfied that they understand the changing nature of law, court decisions, and that they take those into account. Indeed, our recent restructuring of our criminal prosecution system is an example of how we need to constantly reassess our situation and ensure that we are meeting the challenges that crime presents us with.

The system is never perfect, and I am willing to entertain suggestions, as are the administrators in the Department of Justice, to see how we can improve the enforcement of the law in this area. Again, I would suggest that if the member feels that there are some inadequacies in the way any particular case was dealt with that is indicative of a systemic failure, I would be interested in hearing that, because I do not want to manage the department on a person-by-person basis. My responsibility and the responsibility of the administrators of the department are for the administration of justice and to ensure that there is a system in place for the administration of justice.

I think one of the things that does need more attention is the apparent lack of sensitivity of the federal government in passing laws that directly impact on provincial resources without providing any additional provincial resources for those provincial Attorneys General who are responsible on a day-to-day basis for administering the Criminal Code. So I would be particularly interested in hearing from members opposite, including the member for The Maples (Mr. Kowalski), as to how we could convince the federal government that as their delegated agent in carrying out criminal law responsibilities in this province, how we can get them to also recognize that if they demand of us certain duties, there is a reciprocating responsibility on them to appropriately fund the justice system.

* (1600)

Point of Order

Mr. Gary Kowalski (The Maples): On a point of order. I am just trying to understand the minister's response. Is he recommending that the federal government decriminalize a number of activities, whether it is drugs or whatever criminal activities he is suggesting, so we do not have such a cost to the justice system? Is that his point here?

Mr. Chairperson: Order, please. The honourable member did not have a point of order. Clearly a dispute over the facts.

* * *

Mr. Chairperson: The honourable minister, to conclude his answer.

Mr. Toews: He did not have a point of order, and I agree with you, Mr. Chairperson, but he had a good point. The point is, not necessarily in respect of drugs, where the federal government has made certain changes which directly do not impact Prosecutions in the provincial Attorney General's department. They may impact in the federal Attorney General department, but let us say in the area of Corrections.

I mean, let us say that one day the federal government simply decides and says, you know, we do not think that people under the age of 18 should be going to closed custody institutions. These children should be out on the street. What we need is intensive supervision of these children out on the street on a 24-hour basis. So what they do then is, through their federal spending power, say 80 percent of all the money going to pay provincial Corrections for youth Corrections now must be in respect of intensive supervised governance of offenders outside of custodial institutions.

An Honourable Member: It is cheaper.

Mr. Toews: The member for St. Johns (Mr. Mackintosh) says, well, this may be cheaper, but let us assume that it is not cheaper. Let us assume that it costs a lot of money, because I know that in one particular case where 24-hour around-the-clock supervision, one case, has been suggested the cost is somewhere in the range of \$180,000 a year. That is what the cost is to supervise on an around-the-clock basis.

So let us say someone asks us to take a child from a closed custody to the open custody, and the federal government says that is how we are going to fund you, is there not some corresponding responsibility on the level of government that implements the policy, to also put their money where their mouth is and say, we believe in this, by funding you to the \$180,000, because after all this is our legislation?

Point of Order

Mr. Chairperson: Order, please. The honourable member for St. Johns (Mr. Mackintosh), on a point of order.

Mr. Mackintosh: This is a point of order, or else it is another good point. I would just ask the minister, is he now suggesting that when the province puts more onus on the local police authorities through changing laws under summary conviction laws or makes changes in prosecution procedures or charging procedures that the province should also be enhancing then the resources at the municipal level? Because I have heard it as a complaint, particularly from the City of Winnipeg Police Services, that additional demands are being put on the police services with no corresponding increase in funding, and that is regarding the provincial government.

Mr. Chairperson: Order, please. Clearly, the honourable member did not have a point of order. I believe the honourable member was attempting to pose a new question with that point of order.

I would just like to bring to the honourable member's attention, all honourable members, that points of order should be raised when we are moving away from the ordinary rules and not to pose questions or interrupt someone's statements.

* * *

Mr. Chairperson: The honourable minister, to conclude.

Mr. Toews: Well, that is a very good point. I think that is an excellent point, and I can demonstrate an excellent example of how the provincial government responds to the concern of municipalities by providing \$2 million every year to put—

An Honourable Member: That was because of increased crime, not changes in the rules.

Mr. Toews: To put 40 more police officers onto the street, but there it is, the province responding to policy concerns raised by a municipality and saying we have to enforce the law.

An Honourable Member: You were responding to our platform.

Mr. Toews: The members says the provincial government was responding to an NDP platform. You

know, one thing that I know the Liberals are very good at, and that many of us should be better at, is accept good ideas from wherever they come, and whether it is an NDP idea, which I do not know and I am not prepared to accept that but let us say it is for the sake of argument, an NDP idea, I think it is a great idea, and so we put these extra police officers on the street to accomplish certain policy ends because the province wants to see crime down, and suppression is one mechanism.

So there is an example, and I am saying should there not be a similar type of rapport between the federal government and the provincial government instead of a top-down federalism that says you will enforce our laws, and by the way, we are not giving you any more money, any resources, and we are not talking about it. That is what concerns me, and that I think is the essential problem in respect of the administration of justice in our country today.

An Honourable Member: I think the member for St. Johns (Mr. Mackintosh) needs five minutes to get his next question ready.

The committee recessed at 4:07 p.m.

After Recess

The committee resumed at 4:21 p.m.

(Mr. Peter Dyck, Acting Chairperson, in the Chair)

Mr. Mackintosh: We are discussing the prosecution issues as it affects several different public policy matters, and one area of concern to Manitobans on different sides of the issue is the recently introduced federal gun registration program that is part of Bill C-68.

I am aware of the minister's views as to his responsibilities under that regime. I have noted his comments in Hansard on a grievance and other comments other places, and I was interested to hear his view of the Catagas ratio from yesterday and, as well, his comments on Hansard to the effect that it was his interpretation that he had discretion as to whether he

and the province was obliged to enforce and administer the registration scheme.

I have a copy of the bill here, and I am wondering if the minister can, first of all, tell me the section number that he was making reference to when he said that when the bill talked about the designated minister, it allowed the provincial Attorney General to pass, if you will, on becoming a designated minister and that the enforcement administration could be left to another agency which in his view would be the federal government.

Mr. Toews: We must be very careful about the terms that we use here, have to be careful when we deal with a specific section of the Firearms Act. The act, which is passed by the federal Parliament, is subtitled An Act Respecting Firearms and Other Weapons. Section 2(1) of that act, in my version—I believe I have the final version unless in the dying moments some significant changes were made—it says, “provincial minister’ means (a) in respect of a province the member of the executive council of the province who is designated by the lieutenant governor in council of the province as the provincial minister, (b) in respect of a territory, the federal Minister, or (c) in respect of any matter for which there is no provincial minister under paragraph (a) or (b), the federal Minister.”

That relates to the administration of the registry, clearly setting up an option. If the Lieutenant Governor, and there can be no compulsion by one level of government to compel another jurisdiction to make a designation, this in fact respects the division in the Constitution by specifically acknowledging there is a delegation element here, so it respects the right of the provincial Lieutenant Governor in Council to designate, or not to designate, a minister in respect of the administration of the registry, because they specifically then go on and say, in respect of any matter for which there is no provincial minister, the federal minister. That is very unique.

If you take a look at the Young Offenders Act and see a very straightforward delegation which appears to leave no option on the statute to a provincial director, I think one of the delegates is referred to, and others, I do not know whether this was done as a result of the political sensitivity of this particular bill, but it clearly

contemplates an option: Lieutenant Governor in Council has a right, as they do constitutionally in any event, so this is simply recognizing, by statute, what already is implicit in the Constitution, that there is no requirement for a provincial Lieutenant Governor in Council to do anything at the request of another government.

If you look at constitutional law, one of the very important things about Canada is that it is a confederation. Now, what does that mean? That means that there is no senior level of government vis-a-vis the provinces or the federal government. There are different governments acting in legislatures who have different legislative powers, each one of them constrained by particular constitutional acts. I sometimes wonder when people talk about the equality of provinces what they are actually saying, because if they are suggesting that provinces are equal in the sense of being identical, they are wrong. Every province is different. That is why we are a confederation.

If you look at the confederating document that specifically affects Manitoba above and beyond the Constitution Act, 1867, and look at the Manitoba Act of 1870, you see all types of peculiar provisions, peculiar in the sense of singular, that is, individual, not shared by other provinces. Different rights belong to different provinces. The courts traditionally have recognized that difference.

One case which simply illustrates the point that I am making here about this being an option rather than any kind of requirement on the provincial Lieutenant Governor, because it would be unconstitutional, I would submit, otherwise is the Churchill Falls case. In the Churchill Falls case, you have the government of Newfoundland contracting with the government of Quebec in respect of a power arrangement and the sale of power to Quebec.

After Churchill Falls was developed at some cost, much of which was contributed by the Quebec government pursuant to bonds and otherwise, the Newfoundland and Labrador governments realized that they had a bad deal, that inflation was not taken into account, and they in fact were providing electricity or power to Quebec at a very low rate which Quebec then resold. They thought this was unfair. It may well be.

They took certain unilateral steps to terminate that contract. One thing that the court said in disallowing Newfoundland's attempts to get out of that contract is that in its legislative area, it is supreme; as is Quebec, it is supreme. But once they entered into this contractual relationship, they compromised that supremacy. They had compromised certain of their rights. It now affected the rights in another province, and therefore they could not unilaterally terminate that contract, clear recognition that each province was supreme in its area. Now, you say, well, but we are not talking about provinces here; we are talking about the federal Parliament and the provincial Lieutenant Governor in Council; interesting.

* (1630)

There is an interesting case called *Re Cape Breton Troops*. The Lieutenant Governor in that case called in federal troops to quell a riot of miners in Cape Breton. The federal government sent the troops under their legislation and then required the province to pay. I am going to shorten my discussion of that particular case, but what was clear from that case is that the federal government could not compel the provincial government to pay pursuant simply to the legislation. They had to rely on some kind of contractual authority but, recognizing that the federal government could not impose liabilities onto a provincial government without the consent of that provincial government, provided that each is acting within its sphere of constitutional responsibility.

Similarly, where a province provided, in another case, child welfare assistance, as I recall the case, and then attempted to bill back the federal government, the courts held that there was no right of the province then to bill that back for services that they had provided even if the federal legislation required them to provide those services.

So the point of these three cases is that one level of government in its sphere of operations cannot compel another level of government, a different jurisdiction, to do something where it involves an expenditure of money or an exercise of discretion. I think that principle is not just fundamental to Confederation, but it is fundamental to representative democracy in our entire parliamentary system.

How can you compel a government, an independent legislative body—I am leaving municipal authorities aside for the time being because they are simply a creature in a legal sense, of the Legislature. They are in a very different position as a government—but you cannot compel one level of government to spend money through your acts. It is fundamental to our democracy. It is fundamental, and it is as fundamental as the *Magna Carta*, where the king was restrained from taxing without the appropriate legislative authority signifying its consent.

So, in sort of a long way, that is exactly what is happening here. The federal government is saying, if you want you can designate a provincial minister. If you do not, it will be the federal minister who will administer the gun registry, and that is the way it should be, because we here in this Legislature determine how the money of the taxpayers of Manitoba is to be spent. It is not for a separate government, Saskatchewan, Ontario, or even Quebec, to suggest to the elected representatives, democratically elected representatives of the people of Manitoba how they should spend money. The federal government raises matters within their jurisdiction, raises monies for their matters falling within their legislative jurisdiction. Manitoba raises it for matters within its jurisdiction.

This is not to say, however, that the federal Parliament cannot say we are raising these monies, and now we will expend them for particular purposes in various provinces, and that leads us into an entire discussion of the federal spending power. It is a very important issue for many provinces how the federal spending power is exercised. Clearly, a large concern to a province like Quebec which has seen the federal spending power as a mechanism for undermining the principles by which it came into Confederation.

In many cases, it views the expenditure of money by the federal government in areas of provincial responsibility in Quebec as undermining Confederation. This legislation then, I think it is beginning to glimmer in the federal government's head that we live in a confederation, that each of us has separate legislative responsibilities, and that one separate government does not dictate to another through legislation how that other level of government is going to spend its own money.

* (1640)

It might be quite another thing if the federal Parliament said, here is an option, and, by the way, we will pay all the money for it. That might be something, if the government on a policy basis said that this legislation is good legislation. Even if they said this is good legislation, and I am leaving that whole policy discussion aside, because I do not think it is particularly helpful or relevant here, but then at least the federal Parliament is saying, we are asking you to exercise your option in favour of administration and we are paying. In this case, as in many other cases, the federal government does not appear to want to accept the financial implications of its policy and legislative actions.

So that is one of the fundamental concerns here, but they are recognizing their area of responsibility and that in order for Confederation to work, there has to be co-operation by the various levels of government. So in respect of the administration of the registry, that is the option there.

Now, if we look at the second issue—let us be very careful again here and use the correct word—the commencement of proceedings under this act, and there are a number of sections that deal with this, but Section 116 says, any proceedings in respect of an offence under this act may be commenced at the instance of the Government of Canada, and conducted by or on behalf of that government.

Very interesting proposal, or sentence, or section. If it is the government of Manitoba's responsibility to prosecute, why would the federal Parliament not have said that? Why would they not have said specifically that? But what they say is that the offence may be commenced at the instance of the Government of Canada and gives no other basis for proceeding. What the "may" here is is empowering. It allows the Government of Canada; it does not allow anyone else to.

If one contrasts that section with provisions under the Criminal Code, for example, one sees a very different, in fact, I think a more unilateral approach to federalism that the provinces may choose to accept. I do not have an issue with prosecuting under the Criminal Code. I

think that is the way our system works best, but we clearly have to continue to talk to the federal government as it continues to change the law, and, unfortunately, does so on a unilateral basis that has ramifications, financial and other, upon the provinces. How can we have in a confederation one level of government unilaterally ordering an independent level of government, in the sense of independent legislative authority, to do things?

If we talk about a province and its relationship to the municipality, it is very, very different. Municipalities are in effect creatures of the province. They are corporations like any other corporations, for the most part, even though there are some very special aspects to these municipal corporations, but they are corporations. They have no independent constitutional existence. So in this situation it is clear that in respect of the administration of the firearms registry, there is an option. The Lieutenant Governor may choose to appoint a minister, and if the Lieutenant Governor does not, then it falls to the federal Minister of Justice. If there is a prosecution, the prosecution is commenced under Section 116 by the Government of Canada.

You know, I have heard all these experts talk about, well, how can the provincial Attorney General not prosecute under a federal statute? Well, let us take a look at the Narcotic Control Act. Who prosecutes under the Narcotic Control Act? Federal legislation, enacted pursuant to the federal criminal law power, but who is the prosecutor? The Government of Canada, Her Majesty, in the name of the Government of Canada or in the right of Canada. So, again, the fact that it is a criminal process does not mean that it then becomes a provincial responsibility to prosecute, as we clearly know from the Narcotic Control Act. Under the Criminal Code, the provinces have accepted that delegation.

In the Firearms Act, the federal government has specifically allowed for an option. Now, that might seem generous to allow for an option, and I concede it is a lot better than unilaterally ordering one level of government to do its job. But what concerns me about this is the development of policy by one level of government with this half expectation that another level of government should carry it out, and yet there is no recognition of that input and the necessity for talking

and co-operating. That is the fundamental problem with acts like the Firearms Act, that there is a development of policy and an impact upon provincial resources.

We, in this province, have indicated that we have certain priorities, and we have stated all those priorities to the people of Manitoba over and over again, and our expenditures indicate what our priorities are. We go to this Legislature to ask for permission to expend monies on our priorities and then, unilaterally, a government comes along and says, we do not respect Confederation—

The Acting Chairperson (Mr. Dyck): Order, please. Time limit is up.

Mr. Mackintosh: I might want to leave this with the minister that I do not think there has probably ever been a question asking for a particular section number that ended up in the time limit expiring for the minister in his reply; but, if the minister wants to continue to pontificate for Solomon and Moses, I do not know who else may be listening or reading, I suggest that the minister is repeating comments that I said I had already read. I was asking a very specific question.

It is his option if he wants to extend the Estimates. I am sure he has other critical matters of justice to deal with in this province, but I leave that for him to think about.

My question is now, and I ask him—I think he could answer this very simply—is he then construing this legislation, the Firearms Act, not as criminal law?

Mr. Toews: Well, you see, and this is what necessitates these long answers. I specifically recognize that the federal government may pass legislation pursuant to its criminal law power. Without getting into what exactly this is, which I will get into, but it is important to make this point, is that the federal government unilaterally decides, the legislative creature that it sets up, who will prosecute under it.

* (1650)

So, in the area of the Criminal Code, which is truly criminal legislation, it basically designates, without

apparent option, the provincial Attorney General. In the Narcotic Control Act, which is criminal law as well, under the criminal law power, it designates the federal Attorney General, which is appropriate. A defence case, I believe it was Hauser and all those cases, H-A-U-S-E-R, talked about what they are doing. The defence said, why is it that the province prosecutes under one criminal law statute, and the federal government prosecutes under another? Good question.

The Supreme Court of Canada essentially answered that question. It said, it is a delegated authority. It is not a constitutional responsibility of the province to prosecute under the Narcotic Control Act or the Criminal Code. That is a delegated responsibility.

Now the question that the Supreme Court did not really address is, when you have a delegated authority or power rather than a constitutional responsibility, can the province then say, we will not prosecute? That is clearly the implication. It is clearly the implication, because any delegation may be refused. That is the nature of law unless there is some kind of a positive duty upon the person to whom it is delegated to fulfill that obligation.

The courts, in all those cases, went through it and did not find any responsibility upon the province to prosecute, in the sense, a positive responsibility. There was a right where they received that delegated power, but not a duty and an obligation.

So, in this particular case, what has the federal government done? I think it has recognized a problem that it has. The problem is that, if it pushes it too far, what would happen if a province refused to exercise the responsibilities that they always have in the last 100 years and that is to prosecute. What they have done in this particular statute, they have given an option. Yes, it is a criminal law statute, clearly made under the criminal law power, but like the Narcotic Control Act, the Criminal Code, and the Young Offenders Act, and like other criminal statutes, each one has a unique way of being dealt with in terms of its administration and in terms of its prosecution.

So, in essence, what I am saying here is that I think this is a criminal law statute which delegates the responsibility to administer on an optional basis—and

that is made specifically clear by the statute—the option to registry on the part of the province. If they exercise a statutory option, then it falls to the federal government, if they exercise that option against administering. But in terms of the prosecution, it appears that is the Attorney General of Canada.

The issue if we want to be clear, and I have said this for the purposes of argument, that is the outside. At most, this statute could be considered a criminal statute. In fact, there are many questions as to whether, in fact, this is indeed a criminal statute. For the purposes of argument, I have indicated that even if we say this is a criminal statute, I do not think it is necessary, because this is an issue that is before the courts as I am well going to get into now—[interjection]

Well, Mr. Chair, the member for Wolseley (Ms. Friesen) has an opinion to express. She believes that this is criminal law and wants to express an opinion.

Point of Order

Ms. Jean Friesen (Wolseley): Mr. Chairman, the minister should be careful to quote me accurately. I said that I thought that he had said this was a matter of criminal law, which I believe he did say earlier.

The Acting Chairperson (Mr. Dyck): The honourable member, on the point of order, it is clearly a dispute over the facts. The honourable minister to continue.

* * *

Mr. Toews: Let us make it clear for the record that even if we assume that this is a criminal law statute, that does not mean that there is any responsibility, constitutionally or even statutorily, for the province to prosecute this under this statute.

An Honourable Member: Pick and choose.

Mr. Toews: Well, the member for St. Johns (Mr. Mackintosh) says I am picking and choosing. I am simply indicating that even if this is criminal law, even if it was, that in itself is not indicative of how the federal government in other criminal law statutes has dealt with this particular issue either in terms of the

administration of a criminal law statute or in respect of the prosecution of a criminal law statute.

There are a number of issues that need to be explored in the reference in Alberta. I think our position in that is quite clear as to the nature of this particular statute, but I want to make sure that for the purposes of our discussion, it does not matter whether this is criminal law or not. For the purposes of the reference, it is clear that there are certain elements of this statute because, I mean, we are getting into a whole—another point is, what aspect of the statute are you looking at? There may be aspects that our criminal law, and again I say this for the purposes of argument, but there may be aspects of this that are outside the criminal law power but under some other valid federal head. On the other hand, the position of some of the provinces is that this is a matter of property and civil rights insofar as it relates to the registry. So we can deal with that issue further if the member for St. Johns (Mr. Mackintosh) or the member for Wolseley (Ms. Friesen) wishes.

Mr. Mackintosh: I am trying to understand exactly what the minister is saying the province is refusing to do. I hear him talk about the prosecutions, and I will leave that for now. But he said that the province is going to refuse to operate their registry. I would like the minister to tell me what section in the bill is the operative section that would otherwise have required the province to operate such a registry.

Mr. Toews: It has never been my position that there is any requirement in this bill for the province to operate the registry. In fact, that is my position, that there is no requirement. In fact, it has been the NDP's position, which they have clearly stated on the record, that if this legislation is constitutional, they will choose to enforce it. It has been their clear statement, because the criticism that was made of me is that our government has said that whether this is constitutional or not, we still have an option to exercise in respect of the gun registry. So if it is constitutional, there is no requirement for the province to administer the registry system.

* (1700)

That is like saying if the Narcotic Control Act is constitutional, there is no requirement for the province

to prosecute. So the two are separate issues. One is an issue of constitutionality; the other is an issue of how the statute is to be interpreted and who is required to do what under the statute—two separate issues. So, to automatically assume—and again we have to for the purposes of this argument; I want to make that clear—just because criminal law legislation is constitutional, the province is required to administer it and to enforce it, is wrong.

We need only look at the Narcotic Control Act, which is clearly criminal law, but there is no obligation by operation of the Constitution that the province is somehow then required to prosecute under it. In fact, the statute makes it clear under the Narcotic Control Act that it is the federal Crown who prosecutes. In this particular case, they make it clear that it is the federal government who prosecutes and the federal government, if the province does not refuse but fails to exercise an option, who then becomes responsible for the registry. That is the same position that Saskatchewan and Alberta advance. There is nothing unique about this province's position in that respect.

Mr. Mackintosh: As I said, I was not dealing with prosecution, but I would just like the minister to point out where in the legislation there is the expectation or an option, if I adopt his interpretation, for the province to administer the registry. Where is the operative section that the province has a role here that he is opting out of?

Mr. Toews: That is my point. There is no requirement for the province to administer the registry.

Mr. Mackintosh: The minister misinterprets my question. He is saying that the province is taking a position or has made a decision that it will not operate the registry. Where in the legislation is it possible even, though, for the province to operate the registry? That is my question.

Mr. Toews: Unfortunately, I do not have the whole act, because I would love to go through the entire act to explain exactly how that flows. I will do some of it from the top of my head, and you can check this against the copy of the full act that, no doubt, you have in front of you. I do not have that act in front of me.

But if you appoint the minister, designate a minister, by Lieutenant Governor in Council, Section 2(a), if you designate a minister, from that designation then, as I understand it, the minister has certain powers. One is to appoint the officials who then run the registry, in effect administer the registry. If the federal government is left with the administration by the province not appointing a minister, who then does not designate the officials, then it is the federal government or the federal minister who automatically, by virtue of the option exercised by the province, becomes the responsible minister who then designates the officials to administer. That in a nutshell is what happens in terms of the administration. If the member has a copy of the act that he wants to show me, I will go through it section by section.

I just might add that it is a long, complicated legal process. I would be happy to provide the member a copy of the factum once we file that in the court, because part of the process is the discussion of that issue.

Mr. Mackintosh: I am simply asking the minister to provide the section, the operative section, not just the definition section, which he says allows the province to opt out of an administration scheme, because all I see in here is certainly his definition section. I see his argument there about the designated minister. But I want to know what section does that definition section apply to then, because what I do see in here is certainly the creation of a role of a registrar of firearms which is a federal role. So I want to know from the minister, what is he deciding not to do that he possibly could have done other than the prosecution end? I am talking about the administration end.

Mr. Toews: Tomorrow I will bring the act here, or Monday I will bring the act here, and I will go through it section by section. In fact, if he does not want to take my word for it, he can go to the federal government. The federal government has never denied that the province has the right to opt out of the registration and the administration of that registration—has never denied that the province has an option to opt out—and, instead of the province designating these officers, it is now taking steps to designate the officers. So then these become the financial and administrative responsibility of the federal government. So we can continue this

forever. I do not have the section here, but I leave the reading of the act to the member. If he disagrees with my interpretation, with the federal government's interpretation, so be it. We are at a difference of opinion, and that is where I will leave the issue.

Mr. Mackintosh: What view or comment has the federal government made to the provinces and to the minister particularly about the provincial government's expected responsibility in administering the legislation? Has the province, in fact, been asked to administer the legislation, because what I see here is a Registrar of Firearms, which is not a provincial position?

Mr. Toews: There are a couple of issues, and perhaps the member for St. Johns has as much trouble reading the legislation as the former Attorney General Mr. Penner had in reading the legislation. The federal government approached our officials and asked us to make an option or elect an option, whether by June I we had to tell them whether we were going to administer the registration system or not. They went to every province and asked every province that. Some indicated yes, some indicated no. Manitoba has indicated no. I consider that the exercise of an option.

* (1710)

The option was yes, which means that the province would then have to administer the registration. If we say no, that is another option, and then we do not administer it. You know, I think the member is as confused about this issue as, perhaps, and maybe I should not equate the member and the former Attorney General, because the member may not be confused. He may be asking the questions for other purposes.

Mr. Penner indicated in a letter to the Free Press, and he has talked about Catagas, that the Chief Justice Freedman at the time condemned a policy adopted by certain NDP ministers of the Crown not to prosecute Indians who violated the Migratory Birds Convention Act, which, of course, as far as I am concerned, is a little strange. Under the Migratory Birds Convention Act, I thought it was the federal government, and I do not ever remember a federal NDP government, but that is one concern with Mr. Penner's; perhaps it is just a revision of history. That is the first thing that struck my attention on quickly reading this letter, because it is the

federal government who prosecutes Migratory Birds. [interjection]

Well, the point is, here he says it is the NDP cabinet minister who said they would not prosecute Indians under the Migratory Birds Act, and I thought to myself, well, how does a provincial government, because the NDP were in power at one time in Manitoba. There were NDP cabinet ministers, but they would not have made any decision to prosecute under the Migratory Birds Act. So he then goes on to say, quite rightly, the Crown may not suspend laws or the execution of laws without the consent of Parliament. Yes, that is correct. So if there is a positive constitutional duty upon the Crown to carry out legislative activities, of course it has to carry it out. That is what Catagas says. And although Chief Justice Freedman indicated in a very articulate way, most if not all lawyers understand that the Attorney General, if he has a specific constitutional statutory duty to do something, must do it. The issue here has got nothing to do with the constitutional duty or the statutory duty of the provincial Attorney General. First of all, there is no constitutional duty. Secondly, there is no statutory responsibility to do it.

I am just wondering if it would be of assistance to this committee if I go through the statute section by section and explain the basis for the opinion that I have given and, you know, I may be corrected by the courts if I am wrong, that there is no obligation on the province to administer or enforce this act. Now, here we have a former Attorney General saying I am under some kind of responsibility to enforce and administer this act. What I would say to this individual, Mr. Roland Penner, as I am saying to the member for St. Johns (Mr. Mackintosh), there is no duty upon a provincial Minister of Justice to administer this act, the registry. There is an option that we were presented with by the federal government, who said, are you going to administer the registration or not? We said, no, that is your act, you administer it.

So we differ sharply from the NDP, who say that if it is constitutional they will enforce it and administer it. We say, if it is constitutional, it does not matter, we still will not expend our taxpayers' dollars in the administration if the federal government wants to do it. I would rather spend our money on health care, on education, on social services and on public safety

initiatives that in fact make a difference when it comes to controlling crime.

Mr. Mackintosh: Well, first, I mean, the minister makes this argument that, oh, if the province administered this scheme, assuming it had that ability. I take his word that the federal government offered that option. I say to the minister that any cost that the province would incur in the administration under this act appears to be compensable under Section 95. In other words, the provincial government can enter into an agreement with the federal government which presumably would follow if the provincial government started to administer this act. The minister seems exercised by that.

I am looking at Section 95, and it says, the federal minister may enter into agreements with the governments of the provinces. So when he says that if he administered this act, all of a sudden the taxpayers of Manitoba would be out, I am not sure that would be the case if in fact an agreement could be entered into with the federal government, which I presume would be a precondition of any administration of the federal law. Now, if the minister wants to comment on that, is that observation not correct?

Mr. Toews: This gets right back into that whole issue about the federal spending power. This is exactly what that issue is. Here it is, and this is exactly the trap that the federal government has laid over and over and over again for provincial governments. This reminds me of Lucy, with the football, saying to Linus or Charlie Brown or whoever it is, come and kick the football. I am not going to take it away, honest. Here is the football, give it a good kick. And just as you are giving it a good kick, Lucy pulls the football away. Now the member—and I am surprised at his naivety, and I do not believe he is that naive. I believe he is simply doing this for effect. The issue is this, and I am not faulting simply the Liberal government. There have been past Tory governments who have done exactly the same thing.

We have made agreements, province to federal government, not only agreements in respect of that. In respect of funding where it is an issue of the federal government says to us, look, you carry out the service and equate that to the administration here. You carry

out the service and we will enter into an agreement with you for the funding of the service. I mean, look at health care, look at social services for natives off reserves, look at any number of areas, look at the CAP agreement. We are not only dealing with an agreement, but we are dealing with a statute where a specific statute said this is the basis upon which we will share dollars if you deliver the program.

So the province says, what a wonderful opportunity. Here we are getting fifty-cent dollars, and they race all over each other to get into these fifty-cent dollars to start delivering the programs, and then at the expiration of one or two or three years or the expiration of an agreement the federal government says, you know, we have kind of changed our minds. We really do not think that this is our responsibility. So those fifty-cent dollars suddenly become seventy-cent dollars and they become eighty-cent dollars, insofar as the province is concerned.

Indeed, in certain services such as social services to off-reserve natives, it has become a hundred percent dollars where the province suddenly is faced with a responsibility of paying for programs that the federal government used to fund entirely and said to the province, oh, we will enter into agreement with you, and you deliver the service, and trust me on this one, we will hold the football in place.

So here the member for St. Johns is saying, you know, trust the federal government on this one. Why do you not enter into an agreement with the federal government? Why do you not say to the federal government, well, you will pay 100 percent of it, we will administer it? What a wonderful agreement, and then suddenly they start withdrawing the funding. Well, if there is going to be an agreement, the province should not pay more than a dime. They should pay nothing, and if the province is not paying anything, why should they enter into an agreement, let the federal government. If they are carrying out the program or all the cost, why should the province administer it?

* (1720)

So the only equitable solution, even if one were inclined to enforce this as the NDP are inclined to, it should be 100 percent federal funding. Well, if it is

100 percent federal funding, why would you say, oh, we will carry out your orders for you, we will carry out the program. Why not let them carry it out? So the reference to Section 95 makes absolutely no sense.

Mr. Mackintosh: I think the minister either misunderstood my question or is just off, I do not know, today.

I would like the minister to describe for Manitobans—the Manitoba gun owners—what is the practical difference of his statement that he would not administer or prosecute this legislation versus the federal government doing it. What is the difference? Are they not still going to be charged the same fees? Are they still not going to face the same sanctions and so on?

Mr. Toews: This is fundamental to the question of Confederation. It is fundamental to the question of Confederation. The question is this: If one government can do it all, why do we have 10 different provinces? It is not simply history. There are valid cultural and religious reasons—

Ms. Friesen: That is history.

Mr. Toews: The member for Wolseley (Ms. Friesen) simply says that religion is history. I do not believe that. I believe there is a much greater significance to religion than simply history, but that is her belief. I respect her belief. I do not agree with her belief.

Ms. Friesen: You are deliberately misquoting. You are misinterpreting it. Religion is part of history. Religious freedom is a part of the historical basis of Canada.

Mr. Toews: If she wants to give us a quote and a recitation of what she believes a religion to be in the greater scheme of things, she has a right to do it at an appropriate time. Right now, I am answering the question—

Ms. Friesen: Oh, no, I do not think so. You were back to launching 30 minutes of—

The Acting Chairperson (Mr. Dyck): Order, please. The honourable minister is attempting to give an answer.

Mr. Toews: And so I feel that it is fundamental to Confederation that the unique differences of each province are recognized as they were from the beginning. When we look at Quebec, for example, it came into Confederation under very strict conditions. There were a series of conditions that had to be met. Similarly, Ontario had similar conditions. Indeed, Manitoba had very specific concerns. For example, the reason that we have bilingual editions in our statutes is a direct result not of history, because if it was simply history, then 100 years might expunge that, but the courts were very clear that this is not a matter of history, this is a matter of Constitution, legal obligation to certain groups of people, minorities or other in the province that had to be recognized.

And so, each province came into Confederation with different expectations, different rights to be protected, and that was very, very important, and those rights and differences continue to a large extent.

I mean, talk to the SFM. If you think that the Societe Franco-Manitobaine do not think that French is important in Manitoba today and that it is more than a matter of history, the issue of French language and French culture is fundamental to those people, and they have certain rights under our Constitution.

It is not just a matter of history. It is a matter of constitutional obligation. The issue then is, he said, well, what difference does it make if the federal government enforces a law or the province enforces a law? It is fundamental to the operation of Confederation, because laws are a reflection of policy, and that policy is put through and is found in the law. So then to say that one government, a separate, independent, in a legislative constitutional sense, government, must carry out policy directives of another independent legislative authority, yes, within the context of Canada, but an independent legislative authority that the courts have recognized over and over again, destroys the very underpinning why and on what conditions these provinces entered into Canada. So for the member to even ask the question demonstrates a serious lack of understanding of what Confederation means.

I happen to have a great respect for individual provinces in Canada and, you know, equality is very,

very important, but equality in what sense? Equality in the sense of being identical? No. Provinces in Canada have never been equal in the sense of identical, but they have been equal and must continue to be equal in the sense that each province has a substantive voice in the confederation and, as much as people want to belittle the Senate, that was one of the original goals of the Senate, to ensure that there was this voice and this authority in Ottawa to ensure that the voices of the provinces were heard in the halls of those legislative bodies.

So I say that it is not simply an issue of legislation being carried out by one government or another. I see nothing wrong with that where the government consents, but to state that, well, simply because the Canadian government orders another province to do something, that province should do it or the Attorney General should do it, is not correct. What would happen if Ottawa said to Quebec, we are going to order you to do something which is properly in the constitutional and statutory jurisdiction of the Quebec government to decide. So the issue to begin with then fundamentally is, those who are responsible for legislation are the ones who enact that legislation because it is their policy goals that have driven that legislation through their legislative bodies.

So that is the first part of the answer. Maybe I have satisfied the member with my answer, but I am prepared to continue along that line.

Mr. Mackintosh: The minister better put away his summer vacation plans. We are going to be here for a while I think.

* (1730)

My simple question was: Could he tell ordinary Manitoba gun owners what the difference is for them if his government refuses to administer or prosecute under the legislation. Is it not the case that the ordinary Manitoba gun owner will continue to face the same kind of administration and the same kind of fees, the same kind of sanctions as initially contemplated by the federal government under the legislation anyway?

Mr. Toews: I do not understand. If the member does not understand that there is a difference between the

federal government carrying out a policy and utilizing resources and giving directions and the provincial Attorney General making appointments and administering the system, then I cannot help him. It is like saying, well, what is the difference between the federal government carrying out health care policy directly or the provincial government carrying out health care policy directly. Well, we know that there is a difference in the level of health care in each province, despite the fact that there are national standards. There are differences that develop simply by the administration, and one of the things I know that this government is very concerned about is to ensure that there are appropriate standards of health care in this province. We administer the service perhaps not in an identical way as Saskatchewan, and yet we operate under the same legislative authority. So there is a clear example of how administration by two different governments under the same legislation may result in differences.

So I am not going to speculate as to what differences may occur in the future. I do not know, but I know from the past that policy, which is a creature of the government administering a certain plan, will affect the delivery of any service, whether it is in the administration or otherwise. I do not know what the member's reference here is. It might be a veiled threat to put away my summer vacation plans. If the member has questions to ask, I will answer those questions, which I have been doing; and, if the member wants to sit and ask questions all summer and if that is within the rules, he can do that all summer. I do not mind.

Mr. Mackintosh: Is the minister aware whether the federal government so much as even cares whether the province administers and enforces this legislation? Has it expressed any opinion one way or the other on that one, or has it just simply said to the provinces: if you want, you could take over the administration, and we will pay you for it?

Mr. Toews: I have had occasion to raise this a couple of times with Justice Minister Rock. I have made it clear that, even if the courts held this legislation to be constitutional, our government would not be changing its mind in terms of this registration issue. He said, even if the court declares it to be constitutional? I said

yes, because the one has nothing to do with the other, and that was the extent of our conversation on that.

So, whether Alan Rock cares, I do not know, but it is not a policy of our government. That is all I am saying. You know, there might be all kinds of legislation that are wonderful, that are great, and maybe the province should be administering that. There are many situations where the government of Manitoba enters into agreements with the Government of Canada. For example, the provision of Workplace Safety and Health officers in certain areas of the province that come under federal jurisdiction. There might be agreements, and the people who work in some of those mines are Manitoba citizens or residents. So we enter into these agreements because they are an efficient way of doing things and they advance mutually beneficial policy goals. But, in this particular case, and I want to make reference to a letter that our prior Attorney General sent to Justice Minister Rock, and if you will bear with me just for a moment, I will find this letter and take some quotes from it just to indicate why we disagree with the federal government. And this was last year that our former Attorney General wrote—

Point of Order

Mr. Mackintosh: On a point of order, I ask that the rule of relevance be applied here. I am not asking the minister anything about the reasons that the provincial government may have or concern about the federal scheme. I simply asked a question as to whether the federal government was concerned about the provinces or this particular province not administering or endorsing the act. That is all. I think for him to go off on all the arguments that have been canvassed well in this House and outside of this House, I do not think is relevant to the question.

The Acting Chairperson (Mr. Dyck): On the point of order, I would encourage the minister to, in the best way possible, try and answer the question.

* * *

Mr. Toews: I certainly do intend to answer that question. I think this letter is relevant to that issue and to other questions that the member has been asking. Our policy is to ensure that legislation in the area of

criminal law in fact addresses the problem. How can we justify to our taxpayers the setting up and the participation of us as a provincial government with a registry that has nothing to do with crime prevention and, indeed, nothing that I can see to do with criminal law? This is simply, at best, a mental health provision, because if you hear the federal minister talk about it and if you hear other proponents of this, they say that the purpose of this is to keep guns out of the hands of mentally unbalanced people. So we set up a multimillion dollar registry system to keep guns out of the hands of mentally unstable people, when there is absolutely no evidence that this will in fact do this.

I note that the Justice minister has long since abandoned the argument that this has anything to do with preventing crime, which is another clear indication that this has nothing to do with criminal law. What we have made clear to Justice Minister Rock is that it is an unproven and ineffective means to reduce violence.

An Honourable Member: What is the argument here?

Mr. Toews: The member asked what the reaction of Justice Minister Rock was to our position. [interjection] All I can indicate is that in the conversations that I have had with him, I have indicated our position, indicated very clearly, and he has indicated nothing.

* (1740)

Mr. Mackintosh: The minister a couple of weeks ago made statements that this province will not enforce and administer this scheme. It was an act of defiance. It was an act of saving taxpayer dollars. I think many Manitobans are under the impression that the scheme may not even be enforceable now because the province is not going to take a role. When in actual fact, and I am pursuing this, the federal government did not care less whether the province administered and enforced the legislation. In fact, they intended all along really it was going to be a federal scheme. It was going to be run like the Narcotic Control Act; the prosecution is that way, the federal registrar. The feds never intended the province to pick up the cost because under Section 95, if the province did get involved, if it wanted to, for whatever reasons, the cost would be compensated, so in fact nothing really has changed here. There was no

great act of defiance because life is going on as contemplated by the federal government in any event.

I leave that observation with the minister, because I think that a lot of the reaction to what the minister said was based on the assumption that the provinces were actually obliged to administer and enforce the scheme.

Mr. Toews: My point exactly. The Free Press reporter came to see me on this issue and said, what is your position on gun registration? I indicated to her my position has not changed from Rosemary Vodrey's, the former Attorney General. I gave the Free Press reporter a copy of the letter that I was going to refer to to clearly set out what our position was.

The Free Press reporter indicated to me, well, why are you defying the law? I sat down with her and indicated to her that I am not defying the law. I am glad to see that the member for St. Johns understands more than the Attorney General Roland Penner did about the format of this act and certainly much more than the Free Press reporter did.

I never indicated that this was a matter of defiance. I indicated that this was an option that the province had under the legislation, under Section 2 and Section 116, it was a federal responsibility, and that we were not going to take the risk of tying up provincial dollars into this because, if the federal government wants to spend dollars, that is their business, but they will not be getting any dollars out of us on any agreement.

Mr. Mackintosh: But you would be compensated.

Mr. Toews: The member says, oh, you will be compensated. I have heard this from Liberal governments and from other federal governments for years, and that is the concern.

Mr. Mackintosh: How good was your agreement?

Mr. Toews: It does not matter how good the agreement is, because the courts have ruled that the federal government can unilaterally terminate agreements and indeed statutes that recognize specific obligations, CAP for example. That is the big case where not only an agreement was in place, a solid, five-year, no-cut contract deal backed up by a statute that

had particular provisions governing how you would get out of the contract, and what did the federal government do? Unilaterally terminated it by statute.

And now the member for St. Johns is saying, well, go ahead, kick the football, see what happens, an analogy going back to the Lucy scenario. Well, I am not prepared to kick the football in the sense of signing the agreement so that the province gets back on the hook in terms of delivering this when the feds then decide to get out of this and for the province to sit there and answer all the concerns of all the hunters and saying, why are you bothering us, and all the farmers saying, why do you want to throw us in jail?

Well, I tell you, my problem is not with law abiding hunters and with farmers who use guns as part of the way of their life and with our aboriginal hunters. I do not have a problem with people who use guns for legitimate purposes, but obviously the federal government does, because they want them all registered, and they want them all treated as criminals. I say a law that turns our law abiding citizens into criminals is not a law that I would choose to enforce.

The member says I expressed defiance. I never did. I simply indicated to the Free Press reporter, who then came out with a large headline saying, Toews blanks gun control. These are the reporter's words. If you go through the entire article, you will find she does not even quote me. These are all statements, and I find it surprising, because she taped me throughout the whole interview, I assume, because the little tape was going, I am surprised she did not quote me as to what I said. Why did she not mention my position in respect of Section 2 and Section 116. I laid it all out before her and indicated I know what my responsibilities are; I know what my duties are in my office. But for some reason the reporter felt that this was an act of defiance and reported it in that way.

You know, I understand they have to make a living. What concerns me is that this whole issue is off on the wrong foot. It has nothing to do with Toews defying the law. What it has to do with is the province saying this is a foolish way to control crime. We do not want to make criminals out of otherwise law-abiding citizens, such as farmers and hunters. And if there is an option, we are certainly not opting in to enforce this as the

member for Dauphin (Mr. Struthers) indicated in the same interview with the reporter from the Free Press.

So I want to make certain that the member for St. Johns at least understands what my position is, that it is not one of defiance but one of the legal exercise of rights under a statute, even if that legislation is constitutional. So let us assume that it is constitutional for the purposes of this argument. There is still no act of defiance when we say to the federal government, no, we will not exercise that option, and if it is unconstitutional, we do not even have to talk about this because the entire registry system will fail because there is no criminal law purpose to the legislation.

Mr. Mackintosh: So I get back to my original question is where is the provincial administration of the Firearms Act possible under the legislation? Can the minister simply give me the section number?

Mr. Toews: By virtue of Section 2(a) by the province designating a minister, the minister then has certain powers to appoint officers who then administer it as a provincial program not a federal program. Because if it was a federal program, why would there have to be any agreement between the feds and the province in terms of money? So it becomes a provincial program if the provincial government decides to opt in by designating a minister.

Mr. Mackintosh: I think the minister used the phrase "opting in" and I think a note should be made of that. I asked the minister this question. I am posing questions, by the way, and he is trying to construe that I am taking certain positions as I go here. I cannot recall about kicking footballs and so on, and I do not believe that is the case. I want the minister though to canvass, for a moment, whether by the province not opting in, as he said, the province may lose some discretion that could be available only in the event of provincial administration and whether it may lose the ability to apply local sensitivities, if you will, to the registration scheme.

Mr. Toews: The entire position of gun registry as formulated under this particular piece of legislation is a concept that our government does not agree with. It is wrong. It is a wrong approach. Essentially, universal firearms registration is unproven and it is an ineffective

means of reducing violent crime. What we would see if we moved into the administration is the province becoming responsible for delivery of that service—if you want to call it that—and this is exactly what has happened in the area of health care where the federal government says you are the service provider. You will then deal with all the issues and the problems and the concerns, and the federal government slowly backs away from the agreements that it has made. [interjection]

* (1750)

The member for The Maples (Mr. Kowalski) says this is like regional health boards. A fundamental difference between that and regional health boards, and I am sure that when he has a chance in Estimates to discuss that with the Minister of Health (Mr. Praznik), the Minister of Health will explain how in fact that is a much more responsive system of dealing with health care needs. More fundamentally, it is still the provincial government that is ultimately responsible for the delivery of the service—yes, through the mechanism of the health boards, and the health boards have certain powers which the minister does not interfere with.

But the federal Parliament has enacted this registry system and then, through a designation, attempts to get the province to carry out its responsibilities. In the area of the regional health boards, those regional health boards still are within the provincial jurisdiction. Here what we see the federal Parliament doing is moving its responsibilities to another level of government in an effort to avoid dealing with its responsibilities. What we in fact are doing on the regional health boards is not to avoid responsibilities but to ensure that services get delivered. That is the fundamental difference. But I was sidetracked there for a moment. Maybe another question.

Mr. Mackintosh: Well, the minister never came near the answer that I was looking for in my question. I simply asked whether he has not considered whether a provincial administration of this scheme would actually afford greater discretion and some local autonomy, local sensitivities. For example, I look at one section of the act here that gives the provincial minister the ability to allow an exemption in certain circumstances, and yet that power does not seem to be also available to a

federal minister. I wonder if that has been canvassed. In other words, has the minister canvassed whether provincial administration of this legislation may, in fact, be fairer?

Mr. Toews: What an interesting proposition. It is like asking somebody would you like to go to jail. We will give you a colour TV if you voluntarily sit in jail for 10 years, and you can do all kinds of things in jail that ordinary people who are sentenced prisoners could not do. What I am saying is, why would I want to get into the jail when I have more important things to do in terms of dealing with real issues outside of that jail? And so I prefer to allow the federal government to administer its own registration plan, and similarly the governments of Saskatchewan and Alberta are opting out of the—

An Honourable Member: Are not opting in.

Mr. Toews: Well, opting in, opting out, I think the point here is there is a choice, and they are choosing not to administer, as opposed to choosing to administer, so is that opting in or opting out? I think it is opting out. But in this situation the government of Manitoba, government of Saskatchewan, the government of Alberta and I believe one or two of the territories. I believe the Yukon is opting out as well.

The point here is: Should our government take over responsibilities of the federal government? It is answerable through its M.P.s for the legislation it passes. What I do not want is the MLAs here to be responsible for federal legislation and federal responsibilities, so that is a fundamental question and a fundamental issue in our Confederation.

I want to say that even if the federal government mistakenly goes ahead and proceeds with the gun registration, if the courts say this is constitutional, then the issue it becomes, will the government of Manitoba advocate to ensure that the effects of this law do not work in justices or the residents of this province? Of course. We have a responsibility to continue to say to the federal government, what you are doing is wrong or what you are doing is hurting innocent people. We will continue to make our views known. We do not abdicate responsibility for the things that affect our

residents simply because the fact that what is causing the damage comes from another government.

That would be as foolish as to say that, well, we do not care about the flood waters, because they come from the United States, 80 percent of them. It is not our responsibility. Obviously, our government has a responsibility to, as much as possible, deal with the consequences of dangers or problems wherever they come from, and I do not think that that is any different with bad laws from federal parliaments.

Mr. Kowalski: Is the minister going to allow police officers in Manitoba, whether they are under provincial contract paid by the provincial government, under municipal police forces who normally enforce laws, whether they are passed by city councils, whether they are passed by provincial government, whether they are passed by federal government, to enforce the law? Or, is he going to be aiding and abetting people to break the law by giving direction to police officers not to charge people, not law-abiding farmers or hunters but those who choose to break the law by not registering their firearms as the law will say they have to?

Is he encouraging a disrespect for the law, and is he going to direct police officers not to do their duties and enforce the law of the land?

The Acting Chairperson (Mr. Dyck): The honourable minister, with a very quick answer.

Mr. Toews: Well, this gets back to this defiance issue, and I think the member for The Maples has been reading the same article in the Winnipeg Free Press, where there is some kind of issue of defiance.

Point of Order

The Acting Chairperson (Mr. Dyck): The honourable member for The Maples (Mr. Kowalski), on a point of order.

Mr. Kowalski: I believe the minister is imputing motives in the fact that I am reacting to a Free Press article. I am asking a legitimate question, asking for a legitimate answer from the minister in charge of law enforcement for the province of Manitoba, if he is going to instruct law enforcement officers throughout

the province of Manitoba to uphold the law of the land, or, if he is going to encourage disrespect for the law because he disagrees with it.

The Acting Chairperson (Mr. Dyck): The honourable member for The Maples (Mr. Kowalski) does not have a point of order. It is a dispute over the facts.

* * *

The Acting Chairperson (Mr. Dyck): Order, please. The hour being 6 p.m., committee rise. Call in the Speaker.

IN SESSION

The Acting Speaker (Mr. Dyck): The hour being after 6 p.m., this House is adjourned and stands adjourned, as previously agreed, until 1:30 p.m. Monday.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 22, 1997

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