



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PALLISTER, Brian	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, April 28, 1997

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

**Mr. Clerk (William Remnant):** I must inform the House of the unavoidable absence of Madam Speaker and call upon the Deputy Speaker to take the Chair.

(Mr. Marcel Laurendeau, Deputy Speaker, in the Chair)

### PRAYERS

### ROUTINE PROCEEDINGS

#### Point of Order

**Mr. Doug Martindale (Deputy Opposition House Leader):** On a point of order, Mr. Deputy Speaker, I would like your ruling on whether or not one of the members here today is violating the federal elections act or perhaps even Rule 17 of the Manitoba Legislature.

**Mr. Deputy Speaker:** Order, please. The matter has already been taken under advisement, and at this time I would like to bring in the ruling from Friday, if the honourable member will give me the opportunity.

#### Speaker's Ruling

**Mr. Deputy Speaker:** On April 25, the Acting Speaker took under advisement a point of order raised by the honourable member for The Maples (Mr. Kowalski) concerning the eligibility of a member who has been nominated to be a federal candidate to speak in this Chamber and clarification of what that member can do after the federal election has been called.

The member to whom I believe the point of order refers has been nominated by his party to represent it in the federal election. However, this action combined with the calling of the federal election does not automatically make the member a nominated candidate in the federal election or render him ineligible to sit in this House.

A person becomes a candidate at a federal election by filing nomination papers with the returning officer for the electoral district in which he or she is seeking election. However, a returning officer cannot accept nomination papers from any person who is a member of a provincial Legislature.

In summary, it is my understanding that a member is entitled to continue as a member of this House until he or she resigns as an MLA in order to file nominations papers as a federal candidate, and I have not received a resignation.

\* \* \*

**Mr. Brian Pallister (Portage la Prairie):** Mr. Deputy Speaker, if I may have leave, I would like to put a few words of thanks on the record. In a few moments, I will be travelling to the Speaker's office to—

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

**Mr. Deputy Speaker:** Order, please. Does the honourable member for Portage have leave to make a statement?

**Some Honourable Members:** No.

**Mr. Deputy Speaker:** No. Leave has been denied.

\* (1335)

#### Point of Order

**Mr. Pallister:** If I may, I would like to say, Mr. Deputy Speaker, that my understanding has been that other members preceding me in this House who have made the decision to leave have been allowed to put a few words of thanks on the record, and I would like to do that.

First of all, I would like to thank the members opposite—

**Mr. Deputy Speaker:** I have to interrupt the honourable member because he is now up on a point of

order, and he is referring to the statement which the House has denied him the opportunity to bring forward. So the honourable member cannot be recognized at this time for his statement. He does not have a point of order.

## PRESENTING PETITIONS

### Mobile Screening Unit for Mammograms

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, I beg to present the petition of Tracy Yuri, Brenda Zachedniak, Pam Chetyrbus and others requesting 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

**Mr. Deputy Speaker:** I have reviewed the petition of the honourable member for Dauphin (Mr. Struthers). It complies with the rules and practices of the House. Is it the will of the House to have the petition read? 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.*

**Mr. Deputy 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:** Read.

**Mr. Deputy Speaker:** Read. The Clerk will read.

**Mr. Clerk (William Remnant):** The petition of the undersigned citizens of the province of Manitoba, humbly sheweth that:

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

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

**Mr. Deputy Speaker:** Order, please. If the members want this statement read, I would appreciate it if they listen.

The honourable Clerk, to continue.

**Mr. Clerk:** *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.

## MINISTERIAL STATEMENTS

### Flooding Emergency Response Plans

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, I would like to provide an update on flood conditions. With the leave of the House, I do not have printed materials to distribute. This will be similar to last week in order to provide the most up-to-date information that we were receiving over the noon hour.

The levels of the Red River are continuing to rise but at a slower rate. This is due to the growing size of Lake Morris. Rises in the last 24 hours have ranged from over a foot near the floodway inlet to a third of a foot at Ste. Agathe and less than one quarter of a foot from Morris southward, and there has been little change at Emerson or at Selkirk. Levels will continue to rise slowly until crest elevations are reached in late April or early May.

There is no change in the forecasted crest stages and dates for the Red River except at St. Jean where the crest is expected to be about one foot lower than was

earlier predicted. There is no change in predicted levels from Morris north. The levels of the Pembina River and the Assiniboine River continue to decline, and downtown Winnipeg levels are rising because of the levels of the Red River. The levels at Shellmouth Reservoir are quite rapidly rising. They are within 3 feet of summer target levels and we may expect some increased flows from that area later in the week, but they are not expected to cause any additional flooding problems.

Flooding continues on many of the Red River tributaries, either due to water backup from the Red River or due to excessive flows. However, levels are declining slowly on stream locations not affected by the Red River. They are unusually high in the Seine River near Grande Pointe, where the river rose overnight due to strong winds. The winds have caused PTH 59 to be overtopped near Grande Pointe, and overflows will end tonight, we believe, when the wind changes to a more westerly direction.

\* (1340)

On behalf of my colleague the Minister of Government Services (Mr. Pitura), I would like to report on some of the issues that his department are responsible for. In relationship to the states of emergency, we have 17 communities, towns and cities, including the city of Winnipeg, that now have a local authority and date of declaration of emergency. Under evacuations, we now have 10 communities and the city of Winnipeg where evacuation orders have been implemented and where evacuation plans are being exercised. They include Emerson, Letellier, St. Jean Baptiste, Dominion City, De Salaberry, St. Pierre-Jolys, Rhineland, Morris, the R.M. of Morris, St. Adolphe, Ste. Agathe, Roseau River Reserve and the city of Winnipeg, where there is a limited and in some cases mandatory evacuation.

We now have reached the trigger point in regard to the construction of the dike at Brunkild. We had indicated that when the water reached Highway 302, that would be considered a trigger point for the people who would be affected by that, protected by what is now known as the Z-dike, and they will be placed on 24-hour alert for evacuation. The water is reported crossing Highway 305 this morning due to high winds,

and we are very concerned about the integrity of some of the personal dikes in the valley. All nonessential personnel as well in the evacuated areas of the valley—all those nonessential people are expected to be relieved today in accordance with Natural Resource officers and local authorities' direction. I emphasize that we are working in conjunction with the local authorities. I would like to indicate that there are about 2,500 armed forces personnel presently deployed within the area.

The Department of Agriculture reports that they, in conjunction with the Prairie Farm Rehabilitation Act, are co-ordinating relocation of livestock that are at risk. Particularly today in the R.M. of Macdonald, that work is proceeding. I would report that the Department of Natural Resources has 168 personnel deployed in the threatened communities. Essential personnel in the ring-dike communities include Natural Resources in consultation with local authorities to deal with the evacuation requirements.

I would remind all of us that Highways and Transportation has been taking the lead and has accomplished a considerable feat in construction of the 16-mile dike north and east of Brunkild to keep the Morris River from flowing into the La Salle. I report that the levels at that site are just about complete to the predicted levels, but I want to remind everyone that the intention is to continue construction to provide some freeboard and some erosion protection.

The Beausejour area has received some flooding from the Whitemud River due to ice jamming, but we are not able to report yet on the extent of that flooding.

The Seine River has peaked east of Lorette, and we have now been informed that there have been about 50,000 inquiries made on the net site that is established to provide information, so that is another source of information for the public, Mr. Deputy Speaker.

Social services have opened their emergency offices in Altona, Steinbach, Winnipeg and St. Malo. We are also receiving the assistance of amateur radio emergency service that has been established, a network in communities within the flood area to provide backup and supplementary communications.

Emergency health services have now been established in 10 communities, including St. Norbert within the city of Winnipeg. I want to thank all of the volunteers and all of the professionals out in the field who are working so hard to deal with the issues they are being presented with hourly.

\* (1345)

**Mr. Stan Struthers (Dauphin):** Since we last met here Friday, many things have happened over the weekend. I thank the minister for bringing us up to date on the activities as of today and the conditions. I also want to note that over the weekend many more examples of Manitobans coming together and helping out were evidenced in all the radio line phone calls that came in and all the reports through the media. I am sure we all heard of the instances as we went back to our constituencies and helped out in this time of need. I think the people of Manitoba should be congratulated wholeheartedly for the way they are pulling together in the flood of 1997.

Indeed, it is good news that the levels in the Pembina and Assiniboine rivers seem to be on their way down and the tributaries as well. We still have a time to go before the Red River itself crests, and we need to keep our eyes on the levels and the height of the water that we are eventually going to be dealing with through the next couple of weeks.

I wish everyone well who is evacuating communities all along the Red River. Of course our thoughts are with them as they move out of their homes and are placed elsewhere. Again, too, I think a great deal of credit and congratulations need to be sent to the volunteers and the people who are working on the Z-dike at Brunkild. It is going to be very important that we keep the Morris River out of the La Salle, something that has a great impact not only on the city of Winnipeg but the area out in Brunkild and that whole area west of the Red River.

Just to wrap up, I want to point out a few examples that I came across on the weekend of people who are helping out in different communities in Roblin and Fork River, in Winnipegosis and Dauphin and I notice in Neepawa, just to name a few of Manitobans coming together, getting sleeping bags and clothing and helping

out with the consternations in different ways just from that area. I am very, very pleased and heartened to see the way that people of Manitoba who are a fair distance away from the actual evacuation sites are taking it upon themselves to help out in this time of crisis, and they deserve our congratulations.

Thank you, Mr. Deputy Speaker.

### TABLING OF REPORTS

**Hon. Eric Stefanson (Minister of Finance):** I have two reports to table. The first one is revised Schedule 5 and Chart 4 of pages 15 and 17 of the Supplementary Information for the Legislative Review for the Department of Finance.

The second is the Supplementary Information for Legislative Review, Departmental Expenditures for Canada Manitoba Infrastructure Works for 1997-98.

### INTRODUCTION OF BILLS

#### Bill 27—The Public Schools Amendment Act

**Hon. Linda McIntosh (Minister of Education and Training):** I move, seconded by the Minister of Justice (Mr. Toews), that leave be given to introduce Bill 27, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, and that the same be now received and read a first time.

**Motion agreed to.**

\* (1350)

#### Bill 201—The Workplace Safety and Health Amendment Act

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that leave be given to introduce Bill 201, The Workplace Safety and Health Amendment Act; Loi modifiant la Loi sur la sécurité et l'hygiène du travail, and that the same be now received and read a first time.

**Motion presented.**

**Mr. Reid:** I am pleased to be able to introduce this bill for first reading. For some time the wrong message has

been sent to those who break The Workplace Safety and Health Act. The message sent said that if you break the law, the penalties were minor and could be considered just a part of the cost of doing business. The maximum fine for a first offence, even a loss of life, is currently a minuscule \$15,000. The maximum was rarely, if ever, applied. Why? Largely because the Crown attorney's office looked at the fine structure and recognized that the lawmakers did not place importance on such tragedies. One example is the Power Vac prosecution wherein the Crown did not even ask for the \$15,000 fine on each offence and then did not appeal the low fine imposed.

Given the number of deaths in workplace accidents, 67 in the last three years including some 27 in 1996 alone, including several miners, and the annual high levels of workplace accidents, the time has come for a stronger message to be sent. We are proposing that fines for accidents causing or likely to cause death or serious injury be set at a maximum of one-half million dollars. Where life-threatening injury or death occurs, or through a workplace accident, those found guilty would also be subject to further sanctions including time in jail. To encourage working people to identify and report unsafe workplaces without fear of retribution, such protection also forms a part of this bill. The message must be clear for those who break The Workplace Safety and Health Act and for the judicial system charged with enforcing the legislation.

We think this bill will address the serious weaknesses in the current legislation, and we all must do our part to ensure workplace deaths and injuries are prevented.

**Motion agreed to.**

### ORAL QUESTION PERIOD

#### Flooding Z-dike Status

**Mr. Gary Doer (Leader of the Opposition):** My question is to the Minister of Natural Resources. Mr. Deputy Speaker, we have a copy of the map that we received last Monday, and, of course, the map that has been updated and circulated over this last weekend with some dramatic changes obviously due to the water flow and some dramatic changes in terms of the potential

overflow area that has been dealt with with the construction of the so-called Z-dike or Brunkild dike.

I would like to know from the government, first of all, what is the status of that very, very important dike; and secondly, how could we have a situation where heaven and earth and all machinery in Manitoba must be moved to build this dike, because a week ago we did not know that the water would go ahead northeast into that area and create this very, very tremendous challenge for all of us.

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, first of all, I believe the first update that the Leader of the Opposition is referring to is the area of inundation within the valley. He will note that most of the predicted elevations are very much within the predictions of the Department of Natural Resources and the Water Resources branch. What we have seen, however, is at these levels the waters begin to spread and form Lake Morris, which is very wide and which has some very unpredictable landscape in terms of the volumes that are in place as it comes across the border. In fact, the predictions of the elevations have remained stable, but there are other influences—timing and, of course, the sheer volume from the entire region where that last storm event went through—that have given some volumes of water that have reached the outside edge of the predictions.

\* (1355)

### Floodway Capacity

**Mr. Gary Doer (Leader of the Opposition):** First of all, I hear from media reports that Emerson is doing very, very well, and of course we applaud the people in that community and hope that they continue to do well against the crest and wind conditions of today.

On April 26, the media release from the Department of Natural Resources and EMO stated that the floodway will be operated to keep the remainder of the city at 24.5 feet at James Street. Over the weekend, again we heard that the flow could be as high as 25 feet at the James Street pumping station.

Will it be the policy or does the government have the flexibility and capability of operating the floodway

beyond the 60 percent capacity to keep the commitment to the 24.5 feet at James Street as articulated in the press release of April 26 at 3 p.m.?

**Hon. Glen Cummings (Minister of Natural Resources):** Yes, that is the intention. The elevation was raised slightly in order to provide some additional flexibility in operation of the gate, but of course that assumes that we do not get a backwash in the La Salle, but everything going according to predictions, the 25 feet at James Street is in fact achievable.

**Mr. Doer:** My question was dealing with if the floodway will be operated to keep the remainder of the city at 24.5 pursuant to the press release of April 26.

### Water Levels—Selkirk

**Mr. Gary Doer (Leader of the Opposition):** I have a further question to the minister.

Last week, on Wednesday I believe, we asked the question to the government about the predictions in Selkirk, and we were hearing from people in the local community—in fact, the member for Selkirk (Mr. Dewar) raised the question to the minister that in fact Selkirk would be two feet over last year's flood heights at the crest. That information was taken from the minister, and then again the minister confirmed that it would be at the same levels as last year. The media is now reporting that Selkirk will be two feet higher than last year.

Can the minister, because it is not in any of the press releases over the weekend, clarify the situation at Selkirk? Is it going to be two feet over last year's projected now, and what are the impacts on the Selkirk community?

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, when the question was originally asked, recall that the water had dropped about a foot and a half at Selkirk at that time. I did not incorporate that into my answer, and I think that accounts for the fact that we still intend to see it two feet higher than it was at that juncture easily. The predictions that the department is still making for the water levels at Selkirk is that forecasted peak of 727 to 728. Last year's high level was 727.5, so it is still very



close to last year's maximum levels. In fact, and perhaps I should be very cautious about putting this information on the record, and I will couch it in that context, some of the ice-jam elevations that were created last year probably exceeded that, but they were not recorded for the purposes of forecasting. I believe that these numbers are correct.

### **Flooding—Institutions Communication Flow**

**Mr. Dave Chomiak (Kildonan):** Mr. Deputy Speaker, we are quite aware that the Department of Health is working at full tilt in order to deal with this emergency situation. We are pleased to see that there have been 10 emergency medical units established to deal with the crisis.

There are numerous rumours and concerns that are emanating in the community that range from particular institutions that may be at risk, the degree they may be at risk and the extent that certain procedures are being cancelled or not cancelled. I am sure the information is being communicated directly to those affected.

I am wondering if there is a procedure that the minister can provide us with in order to provide us and the public generally with an update on a regular basis as to what is happening at the major institutions in terms of informing the public as to what the developments are.

**Hon. Darren Praznik (Minister of Health):** I appreciate very much the concern and question from the member for Kildonan. With respect to flow of information, any updates from Manitoba Health are being included in the regular EMO briefing material that comes out from the province. With respect to city facilities, some of them have issued press releases. St. Boniface, I believe, issued one today to ensure that its community has the detailed information on a first-hand basis.

To date, I am pleased to say in all of the steps that have been taken by facilities throughout the upper Red River Valley and in Winnipeg, where we have evacuated the St. Norbert personal care home, we have done so well in advance of any risk, and all has gone well and successfully for the care of those people. The

communication we appreciate, and the vehicle is that regular EMO report.

\* (1400)

### **Health Care Facilities Emergency Services**

**Mr. Dave Chomiak (Kildonan):** Mr. Deputy Speaker, we have heard reports that emergencies have been diverted from Health Sciences Centre because of the backflow in terms of diversions from St. Boniface Hospital. I am wondering if the Department of Health is considering something similar to that which occurred during the emergency room crisis of a year and a half ago, if perhaps alerting the public in general on an ongoing basis as to which emergency rooms are open and which are not, because while we recognize that the transporters, the ambulance services are aware of that, the general public may not be aware of that. It may assist the public in terms of access in particular institutions.

**Hon. Darren Praznik (Minister of Health):** Mr. Deputy Speaker, absolutely. I think currently the only emergency room in the city that has been reducing its operation, and I believe that is quoted in the press release from St. Boniface today, where they are only taking—they are not diverting any ambulance that arrives, but they are not functioning on their emergency system. If, as this develops—we are in regular contact with the CEOs of the facilities. My deputy minister, Mr. DeCock, spoke with them this morning in a conference call, and should the need arise to have a greater control mechanism for directing use of emergency facilities, we will look at an alternative communication vehicle to ensure that the citizens of Winnipeg are aware of those changes. I appreciate his advice on this matter.

### **Flooding—Evacuees Vacant Housing Authority Property**

**Ms. Marianne Cerilli (Radisson):** Mr. Deputy Speaker, one month to four weeks will be a long time for many Manitobans to be evacuated from their homes and communities, especially if they are staying in arenas or other mass accommodation. We realize there is a wide variety of different accommodations being

made available, including many Manitobans opening their homes to evacuees.

My question is for the Minister of Housing or the Minister responsible for the Emergency Measures Organization. I want to ask how many of the vacant Manitoba Housing Authority properties are being made available for flood evacuees and if this is part of Manitoba's response to the flood crisis.

**Hon. Jack Reimer (Minister of Housing):** Yes, indeed, we have made instructions to our department to make every effort to try to accommodate any people that are looking for resettlement because of the flooding. We have moved people out of some of our places in areas that have been affected, as has been mentioned before, in Emerson, Dominion City, La Broquerie, Letellier, Morris, St. Jean Baptiste, Ste. Agathe, St. Adolphe. We are in the process of moving people out of Niverville, Ile des Chênes and La Salle. We have moved people to Winkler, Altona, Morden, and we have also indicated that units here in Winnipeg, if they are wanting to be utilized, we can make those units available also.

**Ms. Cerilli:** I am wanting the minister to clarify then if there are approximately 13,000 Manitoba Housing Authority properties in the province. The minister himself has often said there is approximately a 12 percent vacancy. That would leave approximately 1,500 units available. I realize we would want to use the ones that are closer to southern Manitoba, so I am wanting to see if the minister has any more detailed information of the numbers of units that are being made available to evacuated Manitobans.

**Mr. Reimer:** As needs are dictated and as the water is moving north, naturally it is forcing people to relocate. We are filling up or trying to fill the units as the need arises and as the requirements come in. As to the exact numbers of people that have been relocated into our units, I would have to get a hold of the department to get a definitive number, but I can only say the number that I could give today may be different tomorrow because of the fact that we are trying to utilize these as the need arises.

**Mr. Deputy Speaker:** The honourable member for Radisson, with her final supplementary question.

**Ms. Cerilli:** I would ask the minister to clarify his previous answer. He left the impression that it is only residents who are being evacuated from public housing in those communities that he mentioned that are being relocated in Manitoba Housing Authority properties, or are Manitoba Housing Authority properties being made available to any Manitobans who are evacuees, particularly if they have larger families so that they may stay together in a private unit.

**Mr. Reimer:** Our primary function in moving people out of our Manitoba Housing units is to try to relocate them back into our public housing units. The vacancies that would come available would be above and beyond that, but our primary function is to try to serve the people that are being forced to relocate because of the flood out of public housing. We would try to move them into vacancies first into our public housing in other areas hopefully close to where they are living.

#### **School Divisions Student User Fees**

**Ms. MaryAnn Mihychuk (St. James):** Mr. Deputy Speaker, my question is for the Minister of Education. The minister knows that last year the NDP caucus raised the issue of parents and students being charged user fees for registration in junior, senior high schools, costs of materials, busing, lunch supervision, summer school and field trips. Now we have reports from Assiniboine South School Division which is charging students to cover teachers' salaries.

Will the minister tell Manitobans whether her department has approved the practice of charging students for the costs of substitute teachers?

**Hon. Linda McIntosh (Minister of Education and Training):** Mr. Deputy Speaker, there always have been, throughout time, fees charged to students for student fees in high schools, for field trip fees, for a number of other fees, for gym fees, for band fees, et cetera. We have noticed in the last decade or so changes coming about in the system. Collective agreements are changing. There are opportunities now for teachers in many divisions to get lunch hours free from supervision, for example, because of the collective agreement. That then involves a cost the school division has to pick up. Many divisions now,

# Week 14: The Nervous System

The nervous system is the body's communication system. It consists of the brain, spinal cord, and peripheral nerves. The brain is the central control center, and the spinal cord and peripheral nerves carry messages to and from the rest of the body.

The nervous system is divided into two main parts: the central nervous system (CNS) and the peripheral nervous system (PNS). The CNS includes the brain and spinal cord, while the PNS includes all other nerves in the body.

The CNS is further divided into the cerebrum, cerebellum, and brainstem. The cerebrum is the largest part of the brain and is responsible for most of the higher-level functions of the brain, such as thought, memory, and emotion. The cerebellum is located at the back of the brain and is responsible for coordination and balance. The brainstem is the base of the brain and is responsible for basic life-sustaining functions such as breathing and heart rate.

The PNS is divided into the somatic nervous system and the autonomic nervous system. The somatic nervous system controls voluntary movements, while the autonomic nervous system controls involuntary functions such as heart rate and digestion. The autonomic nervous system is further divided into the sympathetic and parasympathetic systems.

The nervous system is a complex and highly organized system. It is responsible for all of the functions of the body, from basic life-sustaining functions to complex cognitive tasks. Understanding the nervous system is essential for understanding how the body works and how to treat neurological disorders.

## 1. The Central Nervous System (CNS)

The CNS consists of the brain and spinal cord. The brain is the central control center, and the spinal cord carries messages to and from the rest of the body. The brain is divided into three main parts: the cerebrum, cerebellum, and brainstem.

The cerebrum is the largest part of the brain and is responsible for most of the higher-level functions of the brain, such as thought, memory, and emotion. The cerebellum is located at the back of the brain and is responsible for coordination and balance. The brainstem is the base of the brain and is responsible for basic life-sustaining functions such as breathing and heart rate.

## 2. The Peripheral Nervous System (PNS)

The PNS consists of all the nerves in the body that are not part of the CNS. It is divided into the somatic nervous system and the autonomic nervous system. The somatic nervous system controls voluntary movements, while the autonomic nervous system controls involuntary functions such as heart rate and digestion.

The autonomic nervous system is further divided into the sympathetic and parasympathetic systems. The sympathetic system is responsible for the 'fight or flight' response, while the parasympathetic system is responsible for the 'rest and digest' response. The two systems work together to maintain the body's internal balance.



introduced here, and the public will have an opportunity to participate and advise us through legislative committee, which is a long-established practice in the province of Manitoba.

**Ms. McGifford:** Mr. Deputy Speaker, to the same minister.

I would like to ask the minister, particularly in view of the Children's Advocate's strong statements, why he will not take the good advice of his own Premier (Mr. Filmon), who promised us cutting-edge legislation which surely means a commissioner who can, in the words of the Children's Advocate, enforce compliance.

**Mr. Praznik:** Mr. Deputy Speaker, I think the Premier was right. This is very much cutting-edge, leading-edge legislation. The question with respect to the supervising authority is whatever title one gives that individual, the question is to ensure that they have the tools that they will be comfortable with in order to do the job, that there is proper public accountability. There is a host of views as to how that should happen. In Ottawa, they chose to appoint a privacy commissioner, but that privacy commissioner's roles and powers are very similar to those of an ombudsman. So one should not get caught up in the debate of nomenclature but look around the rules or powers that will be there and, in a practical sense, how those rules and powers have worked in the past in other situations, in similar situations, to resolve issues and ensure protection of the public, and that is in fact what we are examining.

### **Health Care Records Confidentiality**

**Mr. Deputy Speaker:** The honourable member for Osborne, with her final supplementary question.

**Ms. Diane McGifford (Osborne):** To the same minister: Is it not time to admit that the real reasons that this legislation lacks clout are that his corporate partner, the Royal Bank, prefers the room for maneuvering recommendations, variety of legislation, and this government wants to keep the power to contain damage, and for these reasons the government is willing to risk the confidentiality of our health care records?

\*(1420)

**Hon. Darren Praznik (Minister of Health):** Mr. Deputy Speaker, only a New Democrat who likes to put her head in the sand and not look at realities with which one deals would come up with that kind of very silly accusation.

This government is not about to risk the privacy of health records. She belongs to a party that has had the privilege of governing this province for many years, and I do not recall her party ever bringing in the kind of protection of paper records which is also important. So she stands before us in a party which is being somewhat hypocritical.

The second point that I make is that the legislation, the work that is going on, the discussions I had with the group, I think we are on track for very solid legislation. The public of Manitoba will be well protected, and one thing we do not need is this kind of statement. The member seems—because you use the term “bank” that it is somehow bad, but let her remember that the greatest protection of financial security of records has been developed by Canadian banks. There is a wealth of expertise there in developments which she would ignore for ideological reasons.

### **ManGlobe Salary Ranges**

**Mr. Jim Maloway (Elmwood):** Mr. Deputy Speaker, I would like to ask the Deputy Premier—this minister now has had some time to review the details of the agreement he made with ManGlobe, and I am hoping that his memory now is a little better than in the past—could the Deputy Premier now explain why he agreed to a proposal that the project director would receive \$240,000 salary and the project manager would receive \$120,000 salary? Does he agree that these salaries are excessive?

**Hon. James Downey (Deputy Premier):** Mr. Deputy Speaker, the numbers that the member has put forward I cannot confirm as being accurate.

**Mr. Maloway:** Well, I would ask the minister to check his figures and confirm these figures. We would like to know. Did the president of ManGlobe receive \$240,000 for Phase 1(a) of the ManGlobe project as

indicated in the ManGlobe submission to his department? He has that submission. Yes or no?

**Mr. Downey:** Mr. Deputy Speaker, as I said, I cannot confirm the salary ranges that the member is bringing to the table. The salary ranges are considerably lower for the individual that he has talked about.

**Mr. Deputy Speaker:** The honourable member for Elmwood, with his final supplementary question.

**Mr. Maloway:** Then will the Deputy Premier tell us what were the salary figures for these two individuals?

**Mr. Downey:** Again, Mr. Deputy Speaker, I hope the member would appreciate the fact that this information is within a company that is not fully open for public—because of its competitive nature. However, during the Estimates process, I will be more than prepared to provide as much information as is possible without in any way damaging the operations of the company.

**Mr. Deputy Speaker:** The honourable member for Kildonan, with a new question.

**An Honourable Member:** Elmwood.

**Mr. Deputy Speaker:** Elmwood, with a new question.

**Mr. Maloway:** On a new question to the same minister, I would like to ask the minister: Given that these figures come from the submissions that this company gave to his department, why can he not confirm that these were the figures that were the exact salaries for these people? He has their submission. He has had it for two years. He approved it.

**Mr. Downey:** Mr. Deputy Speaker, it seems strange that the member is coming to the House and asking the questions if he has all the answers that relate to the submission. I mean, I am more than prepared—as I have said previously, the numbers that he has referred to as it relates to salary, I cannot confirm them. The information that I have from the department, they are substantially lower than what he has brought to the House. He also made reference to the fact that there would be 175 people employed. He is the only one that has ever put that number on the table, but it in fact was something like 10 to 20 people, and they are still

employing probably 10 to 15 people. Again, I have a hard time finding any accuracy to what the member is bringing to the Legislature at all.

### **Contract Release**

**Mr. Jim Maloway (Elmwood):** My supplementary to the same minister is this: I would like to know when he will publicly release the contract so that we can confirm what the actual figures are. This minister has been hiding this contract for months and months and months. We have asked him many times to release it and he refuses. When will he release it?

**Hon. James Downey (Deputy Premier):** I do not know. Maybe he would give me a little more idea as to what actual contract he is referring to. When he brings his questions to the House, if he would be a little more precise, it would be helpful. I am trying to co-operate, to help. Again, as I have made reference, the company is carrying out R & D, which the province has participated in. It is a company that does not provide or is not able to provide all the information, because it is somewhat of a competitive nature, but again we will try to comply with the member and give as much information as possible.

### **Michael Bessey Role**

**Mr. Deputy Speaker:** The honourable member for Elmwood, with his final supplementary question.

**Mr. Jim Maloway (Elmwood):** Mr. Deputy Speaker, my final supplementary to the same minister is this: Rather than taking more questions as notice, could the minister today tell the House what role Mike Bessey played with Tracey Deleeuw in getting the ManGlobe project through the Economic Development Board and cabinet?

**Hon. James Downey (Deputy Premier):** The activities of anyone dealing with this particular project were carried out on a normal basis.

### **Linnet Graphics Contract Status**

**Mr. Tim Sale (Crescentwood):** Mr. Deputy Speaker, for about five years plus another year, Linnet Graphics

has had a particular understanding and agreement with the Province of Manitoba. My information is that agreement ended on March 31, 1997. I wonder if the Minister of Natural Resources could confirm whether the Linnet agreement has now ended, and what arrangements are in place to supersede that agreement.

**Hon. Glen Cummings (Minister of Natural Resources):** I learned a long time ago not to entirely trust my memory, but I believe it is correct that the arrangements have ended, and we are looking to tender services.

**Mr. Sale:** The Province of Manitoba still owns 24 percent of Linnet, unless there has been an agreement for sale which has not been released. Could the minister describe for the House the current state of the relationship between Linnet and the province and whether the province is maintaining that stake or not?

**Mr. Cummings:** I do not have that information right at my fingertips, but I will be glad to provide it.

#### Land-Related Information System

**Mr. Deputy Speaker:** The honourable member for Crescentwood, with his final supplementary question.

**Mr. Tim Sale (Crescentwood):** Mr. Deputy Speaker, it is difficult to understand the minister would not have that information.

**Mr. Deputy Speaker:** Order, please. I would like to remind the honourable member that there is no need for a preamble to his question. I would ask the member to place his question now, please.

**Mr. Sale:** Would the minister tell the House the current state of the Manitoba land-related information system which was the primary responsibility of the Linnet contract? Has that system now been put in abeyance? If it has not, who is in charge of it?

**Hon. Glen Cummings (Minister of Natural Resources):** I hope the member would appreciate that I have been focusing on a number of other issues in the last short while, and I will be glad to provide him with that information.

\* (1430)

#### Bone Density Scans Waiting List

**Mr. Leonard Evans (Brandon East):** I have a question for the Minister of Health. I have been informed by a Brandon woman who is suffering from osteoporosis that she was advised that she had to wait for two years to have a bone density scan in Winnipeg. As a result, her doctor strongly suggested that she go to Minot, North Dakota, which she did, and paid \$90 plus travel expenses. Obviously, this is an unacceptable situation and a serious gap in our health care system.

I ask the minister: Inasmuch as this could be a very important preventative program, why will you not provide more resources to eliminate this two-year waiting list for bone density scans?

**Hon. Darren Praznik (Minister of Health):** I would concur with the member for Brandon East that that is an unacceptable waiting period. In fact, upon coming into this office, the previous minister—I know the Premier (Mr. Filmon) has had an interest in this issue, and we have discussed ways of improving that. We are working on some of those plans within the department now because it is an unacceptable waiting list. I hope we are going to have some announcements a little later in the year to overcome that waiting list. [interjection]

**Mr. Leonard Evans:** I think we have the greatest system. We just need the resources to make it work.

A supplementary: Will the minister advise how many hundreds of women, not only in my constituency but across Manitoba, are on the waiting list and are being deprived of a major service that would assist in coping with this particular health problem? How many hundreds of people are waiting?

**Mr. Praznik:** I do not have, as the member may appreciate, those numbers with me today, but I know when we get into our discussions of Estimates, or at other times, I would be more than pleased to share that with him. I would indicate to him that, yes, we in Canada and certainly in Manitoba do have a wonderful health care system, and one of the great advantages of that system is the ability to direct and make best use of our resources. One of the reasons, in fact, we are in the

process of moving into regional health authorities is because that gives us better ability to better utilize resources. I know I could share with him many examples brought to my attention where current resources available within the city of Winnipeg could be better utilized to a greater maximum if we were able to organize those better, so I appreciate his advice and his comments. It is certainly what we are endeavouring to do.

**Mr. Deputy Speaker:** The time for Oral Question Period has expired.

### NONPOLITICAL STATEMENTS

#### Flooding—Teamwork and Spirit

**Mr. Brian Pallister (Portage la Prairie):** Leave for a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Portage have leave to make a nonpolitical statement? [agreed]

**Mr. Pallister:** The Red River flood of 1997 gives us all cause to reflect and perhaps to reflect on blessings that we have taken for granted. The work of families in this province to support one another, the heartfelt despair that has been experienced by too many in this province that has served not only to bring us together but to bring us together in deeds as opposed to just words and the sustaining love that those families exhibit for one another is something that I think all of us take for granted all too often. I certainly, on reflection, do appreciate the support of my own family very much over the number of years I have been able to serve in this Chamber.

I also believe this flood serves to illustrate the tremendous integrity of our constituents. All of us are honoured to be in this Chamber and to serve the constituents who have elected us, who have chosen to have us as their representatives here. When I see the conduct of the constituents whom we represent in this province through the course of this flood, I am even more honoured than I have ever been in the past.

The sacred trust that they have given to us is something that should give us all cause to reflect and to

feel honoured. The work and the commitment that members of this House do for the people of this province is something that deserves to be valued, too. I personally believe that the members of this House deserve the credit. All of us, regardless of partisan persuasion, deserve the credit and respect of the people of this province for the work they have done.

I am very impressed and I appreciate very much the work of all members in representing their constituents. I am very impressed by the work that we have done within this House when we are able to step beyond the narrow bounds of partisanship and strive together to work for Manitobans as we are doing in the flood crisis that faces this province today.

Most of all, I guess, I do not want to ever take for granted the support of my friends and my colleagues. As I see the work and the friendship that has gone on in this province, that has been displayed by the people of this province in the last few weeks and that will continue to be displayed in the days and months ahead, I am deeply honoured to have had the opportunity to serve the people of my constituency and of Manitoba for the past five years.

I thank you for the chance to get to serve the people of my constituency, and I thank you for the chance to work with people in this Chamber, all of whom I have great respect for. I want to say in closing that I appreciate, having worked with community and business and sports organizations for many years, what a good team is, and, I must say that the best team I have ever been privileged to be part of is this government.

I deeply feel appreciative of the chance to get to know so many of these fine people, and I will always value their friendship. I thank you for the opportunity to speak.

#### Early Childhood Educator Week

**Mr. Doug Martindale (Burrows):** Do I have leave to make a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Burrows have leave to make a nonpolitical statement? [agreed]



**Mr. Martindale:** The week of April 27 to May 3, 1997, has been proclaimed by the mayor of Winnipeg and the Minister of Family Services (Mrs. Mitchelson) as Early Childhood Educator Week. I want to thank the honourable Minister of Family Services for this proclamation, because it gives me the opportunity to acknowledge and thank all early childhood educators for their professionalism, their dedication and their love for children in their care. They do a tremendous job, and they need to be recognized and thanked by all of us.

If MLAs have not visited every child care centre in their constituency, I would encourage them to do so. I think you will be pleasantly surprised by the warm reception you will receive. The Manitoba Child Care Association and the Family Day Care Association of Manitoba are to be commended for their joint conference in Winnipeg last week and for the wide variety of workshops they offered their members, which I am sure will make all their members better early childhood educators. Thank you.

### Day of Mourning

**Mr. Peter Dyck (Pembina):** Do I have leave to make a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Pembina have leave to make a nonpolitical statement? [agreed]

**Mr. Dyck:** Each year in Canada, April 28 is designated as the national Day of Mourning for those who have been injured or who have died in workplace accidents in Canada. We are all in agreement that too many workers still become ill or are injured, sometimes fatally, at their place of work. All life is precious. Any workplace injury or fatality is a serious matter and of great concern to us all. All of us are touched by these tragedies, whether the person is injured, is a fellow worker old or young, male or female, who may be working as a farmer, a logger, a construction worker, miner, as a worker on an assembly line or in some other line of work. All injuries are preventable from each incident. Whether it results in a serious injury or not, we must learn what happened so that we can prevent similar occurrences and ensure that such tragedies do not happen in the future.

In Manitoba, recent years have seen significant reductions and improvement in accident rates and traumatic fatality rates. Employers and workers have been working as partners to ensure the workplaces become safer, and this must continue. As long as a single worker continues to be injured or killed in a workplace accident, there remains room for improvement. We must remain diligent in continuing to make Manitoba's workplaces even safer and healthier.

Injury and death at work brings pain and suffering to co-workers, families and friends. The Day of Mourning on April 28 gives all of us a chance to consider this serious nature of work and to set aside a few moments to think about those persons injured or killed and to think how we can all work towards the goal of eliminating all workplace accidents. Thank you.

\* (1440)

**Mr. Daryl Reid (Transcona):** Do I have leave to make a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Transcona have leave to make a nonpolitical statement? [agreed]

**Mr. Reid:** Today, April 28, is a Day of Mourning for those who were killed or injured on the job. This day is made possible through the efforts of the former Churchill M.P. Mr. Rod Murphy whose private member's bill in Parliament gave recognition to this day.

Not only is today important as the one day of the year where we recognize that we need to work more safely in our workplaces, but every day should be used to educate for workplace safety and health and to work safely.

I ask the minister himself and all members of this Legislative Assembly to join us, not only for those who are working in the flood situation in our province, Mr. Deputy Speaker, in workplaces that can in many places be dangerous but for the other workplaces of our province to continue to work safely and to educate others to prevent the loss of life and serious injury and more minor injuries as a result of workplace accidents.

So I ask all members to join together to educate each other and the public to work safely. Thank you.

### **Flooding—Volunteers**

**Mr. Gerry McAlpine (Sturgeon Creek):** Do I have leave for a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Sturgeon Creek have leave to make a nonpolitical statement? [agreed]

**Mr. McAlpine:** I would like to take this opportunity to pay tribute to all the volunteers in our city and throughout the province who have been helping in the sandbagging effort. In particular, I would like to extend my thanks to Sturgeon Creek United Church for their efforts this weekend. They sent two truckloads and two vanloads of food and drinks to be distributed to volunteers and workers who have been helping with the flood effort.

I had the opportunity to go out sandbagging with many other volunteers from the Sturgeon Creek United Church, and I have to say that I was impressed by the tremendous effort put forth in order to help our friends to the south end of the city.

I would like to pay particular thanks to Reverend Allan Saunders and Debra Schwyer, in particular, for their efforts in helping to organize this weekend's effort by Sturgeon Creek United Church. I would also like to mention the Courts IGA for their generous contribution of food and drinks for the volunteers.

Finally, I would like to commend you, Mr. Deputy Speaker, the member for St. Norbert (Mr. Laurendeau), in organizing the sandbagging effort for us to participate in your constituency in the sandbagging. The volunteers from Sturgeon Creek went out to your constituency office and were directed to homes that needed help building dikes. With about 200 volunteers involved on Turnbull Drive, our efforts were very successful and very much appreciated by the residents, in particular the Gregorlys.

Finally, I would like to thank everyone who has contributed in helping their friends and neighbours. Indeed, it makes me feel proud to be a Manitoban, and

I appreciate the opportunity to help those residents who are in need during the 1997 flood. Thank you.

### **House Business**

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, prior to entering upon Orders of the Day, I would like to ensure that certain of the arrangements made last week concerning deferral of votes in the House and in committees, the waiving of the quorum requirement in the House and in committees and the altering of the rule regarding the number of members who may request a recorded vote are in place for this week as well. We have honourable members in all parties who have very important responsibilities, not only here but outside of the Legislature as well. I think these arrangements, while we have not resolved all matters, we certainly, I think, all see eye to eye on the point that members do need to be absent from this House for obvious reasons these days, and I think it is an appropriate matter that we continue this agreement that we had last week.

**Mr. Gary Doer (Leader of the Opposition):** On a matter of House business, the agreement last week included a number of components—one, the votes; two, the private members' hour and, three, the Estimates. What we were doing is, obviously, not trying to shortchange the government's timetable on Estimates by cancelling private members' hour and incorporating that time that would normally take place on a Monday evening, cancelling Monday evening so all of us can go out and sandbag. If there are two people sitting here in the House, even in Estimates, they should be sandbagging in our communities and our constituencies. So what the minister described as the agreement last week and what he proposed today is different.

We want to be sandbagging. We can do our Estimates, we can do our sandbagging and we can come to an agreement on the votes. So the agreement last week was, one, that we would not call votes; two, that we would cancel private members' hour; three, we would have Estimates in their place; and, four, we would not sit on Monday evening. We would be where we should be, and that is out in our communities.

So if the minister wants to come back with that agreement, we are certainly willing to incorporate that

in our plans this week and we even think if things are cresting all the way along the Red River, we should look at Friday—I mean, all of us love being in the House including all of us who like asking questions, but the priorities should be in our constituencies right now. Thank you very much.

**Mr. McCrae:** Mr. Deputy Speaker, I heard what the Leader of the Opposition said, and I think what I heard come through is that there is a need to do a number of things and certainly it is the flood efforts engaged in by honourable members in all of the parties. I think I heard the honourable member say there is no difficulty from his standpoint with respect to votes in the House and in its committees, including Committee of Supply. I also heard him say there was not a problem with issues related to quorums and altering the rule regarding the number of members who may request a recorded vote.

I do not see it as being appropriate that the honourable Leader of the Opposition and I, on our feet in the Chamber, negotiate issues around private members' hour. I did not think I heard the honourable member suggest that, for example, we could reduce the number of hours required to complete the Estimates, a long contentious item amongst honourable members on all sides. I did not hear the honourable member say that.

I rose simply, Mr. Deputy Speaker, to place on the record what I felt was agreed upon. I did not talk about private members' hour because that was not something that was the subject of agreement at this point, and it may well be later today or some such thing. I was only rising to address those matters upon which I felt there was agreement, those being matters related to votes and quorums.

**Mr. Doer:** On a matter of House business, I think with the greatest of respect, the government House leader did talk about, as we agreed to last week and then only talked about the one part of the agreement of last week. So if he will check the record, he will see that is what his words were.

If there is no agreement on private members' hour and this evening's session, if it is the government's intent to have a sitting in the evening tonight rather than having sandbagging, then we certainly will deal with this day by day and agree on the votes today, only

today, and we obviously have to have another discussion. We thought what we did last week made common sense, and we are not proposing to reduce the hours in Estimates pursuant to the rules right now and all these other—I do not think we should add up, put all these items on the table. I think we should go back to where we should be with our constituents.

What we did last week, we are willing to do this week, and if the government is not, then we are willing to go day by day on the votes.

\* (1450)

**Mr. McCrae:** For clarification, did I hear the Leader of the Opposition say that what I have put on the record might refer only to today and not to other days this week, i.e., issues related to votes and quorums relate only to today and that should the government be wanting to proceed with the day's sitting as it is set out in the standing rules of this House that all the other parts of the arrangement are off? I ask this simply for clarification. Is he talking only about today, or is he saying that there may be a vote tomorrow or that this arrangement, this understanding, would no longer apply?

**Mr. Deputy Speaker:** Order, please. We have gone far enough with this matter. At this time, I would ask the honourable government House leader to arrange this meeting with the government House leader or the Leader of the official opposition, and we can deal with this matter at a later time when you do have an agreement. I do not think this is an opportunity for debate.

I understand from what I have heard that at this time, for today, votes in the House and committees will be deferred. Is that agreed? [agreed]

I also understand that today, for today only, waiving of the quorum requirements in the House and the committees is also in agreement. Agreed? [agreed] Thank you.

## ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, I move, seconded by the

honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), that Mr. Deputy 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. Agreed?

**Some Honourable Members:** No.

(Mr. Gerry McAlpine, Acting Speaker, in the Chair)

## MATTERS OF GRIEVANCE

### Minister's Comments Gun Control Legislation

**Mr. Kevin Lamoureux (Inkster):** Mr. Acting Speaker, under our rules, we are allowed to have a grievance during this point in time, and I would request that I be given that time now.

I wanted to take this opportunity to express some concerns that I had that really came out of an article in Friday's Winnipeg Free Press, which causes me a great deal of concern as a representative of Manitobans, like all of us are inside the Chamber. There was an article written by Alice Krueger, a Free Press staff reporter, in which inside that article she is interviewing what appears to be the Minister of Justice (Mr. Toews). The Minister of Justice is talking about the gun control law that was passed in Ottawa. In it, the Justice minister indicates that the provincial government is not going to be enforcing this particular law. It is a very controversial issue. There is absolutely no doubt about that. I think that if we go into the background of the politics of this particular issue, it causes a great deal of concern with respect to what this government has done.

We have a federal election that is going on. It has been rumoured that it was going to be starting, that it was going to be kicked off, that it would, in fact, be June 2. It has been that rumour now for well over two weeks. I expected and, quite frankly, to a certain degree there would be a lot of disappointment, in fact, if there was not some political rhetoric that was being espoused by all sides of the House. I anticipate that members of all three political parties inside this Chamber will get involved in the federal election itself. I expect that to occur. I also respect the fact that there is an administration that passed a law, and that law has

to be followed, that this provincial government has a responsibility, and it is not living up to that responsibility.

I was greatly offended when I read this particular article, and had I had the opportunity to grieve on Friday, I would have grieved on Friday on this particular point, because I believe that the government has crossed the line here. Political partisanship is expected when we enter inside this Chamber, and I, for one, participate no doubt just as much as most members inside the Chamber. What I do not care for is when the government itself decides that it wants to cherry pick in terms of what laws it wants to enforce and what laws it does not want to enforce. I do not believe the government has the right to do that.

I believe that the Minister of Justice (Mr. Toews) is wrong in the statements that he has made, and an apology is owed to Manitobans, to Canadians. What sort of a precedent is this government trying to set? This current Premier (Mr. Filmon) has more seniority than every other premier across Canada. We have a government that appears to be saying, even though the federal government has passed a law, we are not going to respect that law. We are not going to enforce it. We are giving specific direction to our administration to ignore and to show a complete lack of respect for that piece of legislation.

Mr. Acting Speaker, I find that disrespectful as a Canadian, not as a Liberal, not as a politician but as a Canadian, that this government has a responsibility and if it disagrees with a policy, with something that is being done in Ottawa, it has the right to appeal it in the court as it has done with the government of Alberta. There are many other mechanisms. If it wants to spend \$5 million on a billboard campaign, if it wants to mobilize the forces, to oppose, to lobby, to do whatever necessary, it has the right to be able to do that.

Mr. Acting Speaker, that is in fact what the government has the right to do and that is in fact what the government should have done, but to ignore the law and to say that it is not going to respect this aspect of the law, I find is a complete insult to all Manitobans, in fact to all Canadians because this government is saying: We have the right to cherry pick in terms of support the laws which we believe are good, and those laws that we

do not believe are good, we have also the right to say: We are not going to respect them and not accept it.

Mr. Acting Speaker, does that then mean that, through our federation, all other provinces across Canada can follow the lead that this government is trying to demonstrate and can opt to follow a federal law that passes in the Legislature in Ottawa, that if it feels this is a bad law—maybe this antigang legislation that is brought forward, maybe there are some provinces that do not necessarily respect some of the aspects that it is talking about, they too can opt out.

Mr. Acting Speaker, one has to question in terms of the division that this administration has in terms of a federation. Is the government suggesting that the only way we can actually have federal co-operation is through a unitary system, where you have one government system and you dissolve the others or you break it up? You cannot, as a federation, decide here is a piece of law that we are going to support that is passed in Ottawa, because we believe it is good, but this one we do not believe in, so we are not going to support it.

\* (1500)

Mr. Acting Speaker, the sad part of this is the reason why that government has taken the position that it has taken on this piece of legislation or this law, is strictly politics. I would have absolutely no objection if the Premier (Mr. Filmon) is in a photo op and he is hammering in a stake that says: Vote for the Tories because of the gun registration. I have no problems with that at all. Some might argue that it might be poor judgment, but it is entirely up to the Premier and the government of the day.

That sort of action, Mr. Acting Speaker, would be in fact acceptable, but what is not acceptable is when this government headed by this Premier decides that a law that passes in the House of Commons does not deserve the respect and is not going to be accepted by a provincial administration.

Mr. Acting Speaker, I believe this government owes an apology, and then we are not talking an apology to the Liberal Party of Canada, we are talking about an apology to Canadians because this is in fact precedent

setting. I hope that at some point in time we will get an explanation from this government in terms of further expanding what its actual intent was as I in particular read the article. I hope that I in fact misread it and that some sort of explanation is being given.

As many members of this Chamber, I went through the Meech Lake crisis and the Charlottetown Accord. I am very familiar with the pros and the cons of those two pieces that were before this Chamber and Manitobans and in fact Canadians as a whole. I know that Canadians, Manitobans, the constituents that I represent want governments to co-operate. They want to see that co-operation.

In fact, a while back, back in '95, I asked a question in essence that dealt with some co-operation, dealt with things such as labour training, immigration, forestry, housing, education, health care, environment, culture and heritage, where I tried to gauge in terms of what they felt which level of government should be playing a leading role. With issues like immigration, health care and environment, for example, it was felt that the federal government should be playing a leading role, and, Mr. Acting Speaker, other areas that I just listed off, the other ones, those were the areas in which it was indicated that a majority felt that the province should be playing a leading role.

But let there be no doubt, Mr. Acting Speaker, that Manitobans who elected this government want this government to co-operate. They want them to be able to respect the laws of this land because both governments were given a mandate, both governments, and the national government which sets down aspects of the criminal law, those are expected to be followed.

Imagine this, Mr. Acting Speaker. The government has said, look, we are not going to enforce gun registration, so if there is a criminal act that occurs in which an unregistered firearm is involved, and there are a number of charges that are being laid by a provincial Crown attorney, the Crown attorney has now been instructed, even though the law is there saying that you had to have it registered, is now being instructed not to use that charge.

So if the federal government wanted that charge done, then what? Are we talking about two courts, two

court cases? Are we talking about two Crowns getting involved? Mr. Acting Speaker, you will have to excuse me for not necessarily knowing the inner depths of our legal system and having the understanding that no doubt other members of this Chamber will have, but it seems to me that there is something seriously wrong with the statement that has been made by this government, and there needs to be clarification on this issue.

I was pleased to read the remarks from the member for Dauphin (Mr. Struthers), and I look right at it in the article where the member stated that although the NDP federally and provincially does not like gun registration much either, when it is the law of the land the province is obliged to enforce it. The member for Dauphin is right.

Mr. Chairperson, the member for Dauphin is not a big supporter of gun registration. He opposed it. So does the federal New Democratic Party, from what I understand, and so does the provincial New Democratic Party, from what I understand. Does that mean that the member for Dauphin is not going to go out to a gun rally and speak against gun registration? No. Chances are when he knocks on the door, he will even cite that the gun registration from his perspective or from their party's perspective was a bad idea.

Mr. Acting Speaker, to a certain degree, I would expect that that would, in fact, be happening, and I would expect that to be happening with the Conservative Party—the Conservative Party, underline party, not the Conservative government. This government has a much higher responsibility than to the party membership or the organization that got it elected. It has a responsibility to all Manitobans, to each and every one of them. It has a responsibility to our Constitution.

This is dangerous, it is precedent setting, and the government needs to respond to what has been said. When I raised the issue, Mr. Acting Speaker, with some of my own colleagues because it is a highly political issue, it was suggested, well, maybe I should just leave it, because it is the gun registration issue.

Well, Mr. Acting Speaker, I cannot do that for the simple reason that I have gone through Charlottetown

and Meech Lake. I am a very strong nationalist. I believe in a strong federal government because I ultimately believe that a federal government that has a vision can guarantee things so that no matter where you live in this wonderful country, you are going to be able to live in the same sort of a lifestyle whether it is in the province of Manitoba or P.E.I. or whatever other jurisdiction it might be.

But, Mr. Acting Speaker, it is absolutely critical that we respect what it is that a national government sets in terms of laws even though we might disagree with them. What are we saying to other levels of government within Manitoba? If we pass a law, like we did with the school divisions in terms of limiting their ability to tax the property tax ratepayers, if they do not like it, they could just completely disregard it? Is that what we are saying, because they are a junior level of government? We did that. I wonder what the government would have said if, in fact, a school division would have decided, no, I am going to exceed that cap. I have the right to do it, and I do not like what you are doing. Can you imagine the roars and the legislation, if necessary, that would be brought down by this particular government?

Mr. Acting Speaker, the purpose was not to consume 40 minutes. The purpose of this particular grievance was to express a concern which I believe is very important to me, that this government has crossed the line and that, in fact, I look forward to having some sort of response, whether it is in writing or whether it is through the Chamber, whether it is through the Estimates or whatever other vehicle of communication the government might decide to take at responding to the issue that is not only important to me but to all Manitobans.

The issue of gun registration is secondary to the issue which I have raised, I believe, and, as I indicate, as we get more and more into the election, I look forward to the different sorts of political debates that will occur as individuals of all political parties, no doubt, will try to put their spin on whatever sort of a message that they are getting out, and I am anticipating that all members of this Chamber from all political parties to a certain degree will, in fact, participate in that.

\* (1510)

I would trust and hope that as legislators, first and foremost, as opposed to party people, that we will recognize that a line has been crossed, and those actions do have to be addressed. Whether it is now or after the election, whatever the actual timing, I know it is something which I am not going to forget about and, in fact, will pursue in terms of just to what degree the government believes that it has the right to cherry pick as to what laws in the House of Commons it is going to respect and what laws in the House of Commons it is not going to respect.

To that end, Mr. Acting Speaker, if the government really believes it has that ability, I would suggest that the government table the legislation or table a legal opinion that indicates that they do have the ability to do just that. Then I would also be interested in receiving a tabled document to show us exactly what laws that Manitobans do not have to follow. I say that particular one tongue in cheek, hoping that, in fact, the government recognizes the importance of the issue that I have just raised. Thank you.

### **Flooding—South Transcona**

**Ms. Marianne Cerilli (Radisson):** Mr. Acting Speaker, I rise on a grievance.

On my grievance, I rise today to draw attention to a situation that I have brought to this House a number of times, and it is important, now that all of us have our attention turned to this spring's flooding that is facing such a large number of Manitobans, that I have an opportunity to raise a priority in my consistency, and that is the south Transcona area and the flooding that it continues to face not only every spring but in the summer if we have a large downpour of rain. Also, they do not have an adequate drainage system to handle the large amount of water that flows into that small community from the outlying areas, the number of fields both in the city of Winnipeg and outlying into the rural municipality of Springfield.

As I said, I have raised this a number of times in the House. Not only am I raising it now because the situation in south Transcona seems to be getting worse each year in terms of the amount of water, but it also seems each year that this issue is stalled and is not handled adequately between the city and the provincial

government. I feel that I should use the opportunity to draw attention to what is occurring at this time.

The situation in south Transcona at this time last week was very urgent. Last week, or a week ago the past weekend, I and a number of other residents spent the entire weekend sandbagging homes in an effort to protect as many homes as possible from having the water that was overflowing the ditches flow right up to their house and, indeed, into their basements or around their homes and through their foundation. Now, in south Transcona, the water is receding, even though we know in other parts of the province that is not the case. The sandbagging is over for another year, but now we must turn our attention to having a long-term solution to this problem.

It is interesting when we look at the attention that is being paid now to sandbagging in many parts of Winnipeg along the river and other areas of the province to realize that many homes in south Transcona which are located along the ditches around Dugald Road on an annual basis, oftentimes more than once a year, face this threat of water coming into their homes and are surrounded by, at times, ditches which have more than six feet of water in them. The city, in the past, merely brings sandbags to the Esso station on Dugald Road, and it is up to the residents of south Transcona to fend for themselves. I was very concerned this year when the same thing was going to happen. After some phone calling and lobbying or pressure, I was happy to see that the city did agree to dispatch volunteers and sandbags directly to the homes, particularly to senior citizens in south Transcona.

But it is somewhat an indication of the attitude, I think, that somehow the water affecting south Transcona is different than in other parts of the province. I would think that if this was occurring in a constituency of one of the members opposite, that the solution would not be stalled and stalled as we are seeing now between the province and city. It has indeed become very much of a political tennis match or a political football game where the province simply tries to do something to make it appear that they are now putting the ball back into the city's court, and then the city councillors and City Hall will try to do something to make it look that it is now up to the

province to make a decision that is going to see this go forward.

This year was no different. We know that if they both really had set a priority for this flooding problem to have a solution, that it would indeed. We have seen millions of dollars, hundreds of millions of dollars, expended in this province under a number of infrastructure programs, and every time, it seems that somehow for some technicality or some problem that occurs, south Transcona is not on the priority list and does not get allocated the funds.

If we put all of the money that had over the years gone into the sandbagging in south Transcona, all the money that had gone to pay for staff—this year the city had to pay a staffperson more than 12 hours a day to sit, watch that the residents who were leaving town and going down Dugald Road did not take the sandbags that had been left for south Transcona—if all that money and all the insurance claims had gone into a long-term solution to this problem, it would have been paid for long ago. I think that says something about the way that this is being dealt with.

This year, we have yet another proposal from City Hall, where they are now proposing a retention pond, instead of inside the hamlet or the housed area, that it is going to be outside at the southeast corner of the city's land. It will catch the water before it flows into the area that has the majority of the housing. This seems logical. It seems to make sense.

There are a number of concerns being expressed by a lot of the long-time residents, particularly in that area, some of them who have lived there for more than 75 years and have seen a lot of water pass in front of their house. They claim that this proposal may not work because the point where they plan on putting this retention pond is the highest point in the south Transcona area.

A lot of those people are recommending that the provincial government and the city would fund to take the water, reversing it, rather than having all of that water from the R.M. of Springfield flow through the city of Winnipeg sewer system and contribute to the threat of sewer backup which, again, it did this year. Rather than having that situation which does not make

any sense, to flow water from the R.M. of Springfield through the Winnipeg sewer system, have that reversed and send this water to the floodway. That also makes sense. The city engineers having been saying for a number of years that does not work. It is going against the grade of the land, even though we know that is the very thing that happens with the city sewer system, which is just north of there under Kildare Avenue.

But the city engineers say it is not feasible. They were also up until this year claiming that it was going to be far more expensive than previous proposals to deal with this problem. Now we find, though, the current proposal is more than \$3 million which is what last year and the year before the engineers were telling us it would cost to funnel this water into the floodway.

So this proposal this year, it is not going to supposedly cost the local residents there an addition in their local levy in their property taxes, which makes sense to me. Those people pay the same amount of taxes as any other resident in south Transcona. They have no roads. They have no surface water drainage sewer system. It is all ditches. They have very poor services in terms of transit, in terms of even their mailboxes now are removed from their homes, and they have to travel to pick up their mail. The amount of taxes that are returned to that community is very minimal as compared to the amount that they are paying.

But there was a problem this year. When the city passed a resolution on February 12, '97, when they agreed on this proposal for a retention pond in the southeast corner of the area and proposed that the provincial government cost share it by 50 percent, they put a requirement on there that the province would make this new money over and above the amount that is already budgeted to the Department of Urban Affairs. This is where the back and forth between the province and the city is caught up now and is continuing.

\* (1520)

Some have suggested that many of the city councillors or members of the administration over at City Hall would have known full well that the province would say no to that request, that that resolution was bound to fail, that the requirement for the province to



budget over and above the Urban Capital Project Allocation, which was specified in that resolution, would not be acceptable to the Minister of Urban Affairs (Mr. Reimer) and to the cabinet. That is indeed what has happened. The province has now used this as an opportunity to bat the ball back to City Hall, and City Hall is saying, well, we will have to go back now and figure out perhaps if we can get the Department of Rural Development to fund this flood abatement project.

I have raised this in the House. The Minister of Rural Development (Mr. Derkach) was shaking his head, and the Premier (Mr. Filmon), whom I asked if he would have this considered, basically said, no, that they had already told the city that they would have to apply for the Urban Capital Project Allocation.

The Minister of Urban Affairs has said that this is the appropriate type of project for that capital fund and, indeed, if the city wants to make it a priority on their list of priorities, that is fine, but he has also said that he would make it a provincial priority.

I would suggest that if this is truly going to be a priority, then the province and the city would not be going through this back-and-forth game on this issue, and they would show some leadership and ensure that the residents of south Transcona do not have to face this problem time and time again.

Even since 1990, since I have been elected, I have seen a number of proposals for this problem of flooding in south Transcona. One of them even included a golf course for night golfing with condominiums. The retention pond, of course, would be in the golf course, and it would be fed by all the run-off water. It would be allowed for night golfing, with time- and motion-sensitive lights that would only go on when you were there to golf and then, of course, would not be on to illuminate the area and bother the residents in the surrounding area when the golf course was not in use. That is the extent that some owners of property in and around that area have gone to, to make proposals. I do not think that one is being considered any longer.

There was also a proposal, I guess, a couple of years ago. It is interesting when we see what happened with that proposal. That one was to begin the first of a series

of three retention ponds, which the first one would have been right in the backyards of many of the residents. There was going to be the need to expropriate land from residents, and some felt that they were going to turn the small community of south Transcona into a bathtub. What happened in this situation, though, is very interesting. Again, there was all this game playing back and forth with infrastructure money. That is one time when because of the way this project was handled south Transcona did not qualify for any infrastructure money. I am concerned that is what is happening again here as we see more infrastructure money being spent in Manitoba, and once again south Transcona is left off.

Here is what happened in the case of this other proposal. The Minister of Finance (Mr. Stefanson) had said it was up to the city to set the priorities under the infrastructure allocation. The city on the other hand said, well, we are not going to make south Transcona a priority for infrastructure money, because they had already allocated approximately \$1.5 million out of their capital fund, so south Transcona was not on the list.

Because it was going to be a local improvement for that particular project, a retention pond, back in 1994, the residents of south Transcona had to vote on it. Again, it was almost like a situation where they were making a proposal that was bound to fail. Under that proposal, some of the residents in that part of the city who own five-acre lots would have had to pay \$40,000 on their tax bill. In some cases that would have gone to a flood protection project that would not even affect their land. It would not have protected them from flooding at all.

So, needless to say, that proposal ended up being very divisive in the community, and it was indeed voted down, which meant that it did not qualify for the city money. Then, as it turned out, the project was not prioritized for infrastructure money, so it simply died. The residents of south Transcona since then have had two more springs and summers of flooding.

But that goes to illustrate the type of back and forth between the different governmental jurisdictions that this flood abatement project has had to face, and it is completely unacceptable. We are wanting to see some more leadership from both this government and from

City Hall to truly prioritize this project to make sure that it is done.

The members opposite have said it is a priority but, indeed, I would suggest that if it really is a priority, it would happen. Things are only a true priority when they actually occur.

One of the other things that I wanted to talk a little bit about in my grievance related to this whole area in terms of the flood problem for south Transcona is the comment by some people that, why do people live there is what you will often say. On this again, I would also come back and turn both to the provincial government and the city government, because it is the city that zones land for housing development and it is the province that approves that zoning. So there is actually the responsibility for the City of Winnipeg, once they have zoned areas for housing and once they have allowed homes to be constructed there, to ensure that those areas are safe for habitation, for people to live there.

One of the ongoing problems with this area that is making things worse is related, I believe, to the way that both the province and the city have allowed urban development and the zoning of land to proceed in our city, which has basically been to encourage urban sprawl, to have no real vision or foresight as to how we should develop our city in order to look at the existing areas where there is urbanization.

I know that as the city tries to leverage more money out of the province to cover this particular project, in some ways I can sympathize, because I agree that this provincial government has starved the city in a number of areas. There have been a number of cuts, not just through Urban Affairs, but in a number of other departments and programs that have had drastic costs for the city, increased costs, everything from social allowance and lotteries to cuts in education, health care. Across the board, the City of Winnipeg has been damaged and has suffered under this provincial government.

\* (1530)

The way that the urban area of Winnipeg has been allowed to deteriorate under this provincial government

is going to be a stone around their necks and indeed until all of us are suffering. This government has passed huge costs on to the City of Winnipeg because of the way they have allowed the city to sprawl out and grow and have both exurban sprawl and urban sprawl without any real plan for the Capital Region. So there have been huge costs that have been brought to bear on the population of Winnipeg, which is not growing to meet this larger land mass and area that is having to be serviced with both hard services and soft services.

So, in saying that, in some ways I can understand why the City of Winnipeg is coming to the province and trying to leverage additional funds, but at the same time, I cannot accept them trying to claim that the south Transcona flood abatement project is a priority if indeed they are not going to be willing to access the Urban Capital Projects Allocation and ensure that this project goes ahead.

The city has also had a number of problems, and this is where it could be interesting for ministers such as Rural Development and Urban Affairs to take some special consideration, especially as we are seeing the problems in other areas of Winnipeg where we have actually also had some deaths occur by young people falling into ditches and into culverts and that has led to their deaths.

These are very serious situations that continue to face south Transcona every year. Two weeks ago, when I was sandbagging in south Transcona, a small boy, a toddler, he could not have been more than three years old, also fell into one of the ditches, and there must have been easily four or five feet of water. He definitely would have perished. He was already being sucked under the wood sidewalk, and he definitely would have perished if all the adults who were standing around did not scoop him out of the water immediately.

The seriousness of the situation then for this provincial government and the city to ensure that the appropriate funds are in place to protect the safety of Manitobans in our urbanized areas is utmost. I believe that the situation in south Transcona and many other areas in the province and the city of Winnipeg that have ditches and culverts that are in excess, as I have said, of

six feet would not pass the building development codes as they stand right now.

What ends up happening is these culverts and ditches are not maintained. This in turn is leading to a lot more problems and is more expensive in the long run when the city has to spend a lot more money in terms of trying to prevent sewer backup, trying to do sandbagging, trying to run emergency operations, than if they would just expend the funds from the provincial government to the city to properly maintain those ditches and culverts in the first place, if they would ensure that the ditches are cleared in the fall of any grass growth, cattails and other garbage that gets collected there, so that in the spring the water could flow more freely, if they would ensure that the requirements for installation of culverts are met.

What is happening in many areas of the city as the urban development expands is areas that previously had one or two culverts in a ditch, now have all the whole way along declining size of smaller and smaller culverts, so it is no surprise when spring comes and the snow starts to melt, that the water cannot pass through. What ends up happening is, in a haphazard way, when the city does go in to clean the ditches, what ends up happening is, some of those culverts are crushed. There is never any attention paid to replacing them or repairing it, and we end up having water backups and the kind of flooding that we have seen.

So I am suggesting that the provincial government does have a role to play here in ensuring that they are adequately funding—and perhaps there should be, after this spring, some special fund that is created to do some serious upgrading of the culverts and ditches in and around not only Winnipeg but other parts of the province, to ensure that they are going to be properly maintained so we can avoid the kind of sewer backups, water backups, and very unsafe situations that have faced so many of our communities this spring, and I realize that though south Transcona is unique, south Transcona is not the only area of the city that faces this situation. It just does not make sense, Mr. Acting Speaker, to continue the kind of situation that we have.

I was driving to work this morning through St. Boniface, and it was like an obstacle course, coming down Goulet and Marion, to go around the piles of

sandbags that are over all of the manholes covering in the access to the main sewer line. I would suggest that the problem of sewer backup that so many of us are now worried about could be reduced if the province and the city would deal with this issue of having tons and tons of water from the R.M. of Springfield flow through the Winnipeg sewer system, down the Dugald ditch and into the Seine River and ultimately through our sewer system.

We were having to deal with the same situation in south Transcona where they had to put sandbags over the manhole covers, so you had the double problem or the dilemma of, on the one hand, trying to prevent water from overflowing the ditches into people's homes, so it was pooling into the middle of the road, often more than a foot deep in the middle of the road, and then swirling down through the manhole covers into the main sewer line.

The main sewer line could have assisted in reducing the amount of water that was threatening people's homes over ground. Too much water going into the main sewer line in that way could then back up into their basements through the drains in their basement floor. It just does not make sense then to continue to have such a large amount of water flowing from outside the city of Winnipeg into our Winnipeg sewer system, which, as I said, is more and more overtaxed. As we allow the city to continue to sprawl out and try to deal with more and more housing, we still have, in the centre areas of Winnipeg, the same size of sewer system. I do not think we have taken that into consideration. I do not think we have taken into consideration the more and more area in the city of Winnipeg that we pave with concrete, the less that water can soak into the ground, and the more and more we are putting stress on the existing sewer lines and sewer system.

All of this requires attention by the provincial government. They cannot simply say, as they do so often, it is a city responsibility. Even when we have asked them questions, even when we have asked this government and cabinet ministers questions about the operations of the City of Winnipeg during this emergency, they continue to try and take the attitude, well, that is their responsibility; it is not ours. So it

seems like they do not have any interest in bringing information forward and having some responsibility.

\* (1540)

The City of Winnipeg Act retains in the hands of this provincial government very large powers and authority over the City of Winnipeg. With particularly the situation in Manitoba where such a large percentage of the population of our province lives in the city of Winnipeg, we can no longer have this government ignore as they have the problems facing urban Winnipeg, the problems of urban decay, the problems of urban sprawl, the problems that are all related to the flooding that has gone on in so many areas that we are experiencing right now.

With that in mind, I think they have some serious issues to consider now that we see the disaster that is before us. There are all sorts of questions about the adequacy of the preparations that they have made in terms of the floodway, in terms of the scrambling that is going on for them to prepare the dikes on the southwest end of what is urban Winnipeg, around the St. Norbert area. I was visiting friends there the other night, trying desperately to remove—they were deciding at that point if they should bring the furniture and belongings from the basement upstairs, and that night they said, no, let us wait. Within less than 12 hours, they were given a notice that they may have to evacuate. It just boggles my mind to think that this government, through the Ministry of Natural Resources and their Emergency Measures could not have foreseen these problems of the drainage from outlying areas ending up coming into the city of Winnipeg from the Morris, and then the La Salle River.

One of the main messages of my grievance is not only to draw the attention of this government to the place of priority in south Transcona, but to look generally at this problem of land drainage around the city of Winnipeg into the Red and Assiniboine River Basin, and how it is affecting many Manitobans, and how I think that they have to take seriously now the ongoing questions that we have been asking, the serious questions about urban sprawl, and the way that this government seems to refuse to acknowledge and recognize this.

It is like there is this massive state of denial across the way when it comes to this whole issue of urban sprawl. I asked many questions in Estimates, in Urban Affairs as well as in Housing with respect to this issue, and it is like they do not want to put two and two together. They do not want to put the problems of urban sprawl in relation and connected with the problems of the decline in the urban core of Winnipeg and realize that we just cannot continue to go on this way and that they do have a responsibility. Since they approve where housing is built in this city, they have a responsibility to ensure that those areas are safe, those areas are going to be habitable, that they are going to be indeed able to have people live there without fear and constant flooding and the health problems, the financial cost, the stress and the losses, even the loss of life that goes along with that.

I would then just want to urge the government to work co-operatively with the city to end this political tennis match that has been going on with so many of these issues related to infrastructure, and to ensure that the priority is placed on making our city safe for all Manitobans, and deal with the ongoing problem in south Transcona and not simply wait for the city to respond but indeed to continue meeting. The Premier (Mr. Filmon) had said he had broken one of his rules, which is to generally not meet with city councillors, and he had met with them. I would encourage that to continue.

We cannot have this problem on an ongoing basis. At least, if there is not an agreement this year, as I hope that there will be, to fund the solution to this flood problem in south Transcona, then at least there have to be additional funds to ensure that this year the ditches and culverts are going to be maintained and replaced and cared for properly so that we do not have the problem of sewer backup. Because a lot of the people that have lived there for many, many years believe that that is all it would take, that if the ditches were brought up to standard and they were properly maintained and if culverts were put in of the proper size, that there would be no problem there, and that may very well be a much less expensive solution than what is being proposed.

If there is not the more intensive solution in terms of constructing this retention pond, then at least they must

ensure that those ditches and culverts are upgraded and the sewer system there or the drainage system there is going to be upgraded for this summer and next spring. Because I want to remind you, Mr. Acting Speaker, that this is a problem not only in the spring, but also in the summer, and we are heading into summer. I, for one, believe that we are experiencing a fairly dramatic climate change across the planet, not just here in Canada, and we may see again this summer the heavy rains that we have had last summer, and we may again experience more flooding this summer. So there is going to be lots of work to be done to ensure that the water that we have now accumulating in and around Winnipeg can flow expeditiously because we may have saturated ground and a very limited ability to handle heavy rainfall this summer.

You know, this government just does not seem to really want to look ahead, and so many of the governments, it just does not seem that there is a lot of creativity and planning into dealing with these situations. I know the member for Selkirk (Mr. Dewar) had been asking a number of questions about efforts to clear ice earlier from the Red River and into Lake Winnipeg, and it just does not make sense to me why we do not take those kinds of precautions and that kind of preventative measure. It just always seems that this government does not act until there is a crisis upon us, and we are seeing that now. So where there have perhaps been a few cost savings the last couple of budget years, whether it is cuts in the Department of Natural Resources or other departments, now we are paying the price for that big-time.

We are seeing that if money was invested at the outset into infrastructure to properly maintain the system that has been constructed here in Manitoba or that needs to be constructed, then we probably would not have the kind of situation that particularly residents of south Transcona face every year.

So I am urging, as it is my right through a grievance, that the government would indeed give its attention to the situation for south Transcona, and I would be happy and I am willing to work with them in whatever way that I can. I know that the residents down there are once again anxious and motivated again to organize themselves, and this government will be hearing from

them. They have some very legitimate grievances as well as do I, Mr. Acting Speaker. Thank you.

### **Minister's Comments Gun Control Legislation**

**Mr. Conrad Santos (Broadway):** I also rise on a matter of grievance. I would like to follow the honourable member for Inkster (Mr. Lamoureux) on the theme that he had started. I was also thinking about this, that if the Attorney General (Mr. Toews) of this province's solemn duty is to enforce the law, how can it be that he can refuse to enforce the law?

I know for a fact that the President of the United States has an oath of office which says, to uphold and enforce the law of the United States. I have no specific knowledge as to what the oath of office of the cabinet minister, particularly the Attorney General, has sworn himself into, but I suppose implicit, whatever the terminology of the oath of office may be, is the fact that he is there to be the chief enforcer of the law of the land. By law we mean statutes in whatever form and whatever level of government there is. A by-law of the City Council is just as law as any other. A statute passed by this Legislature is also law and mostly also all the laws passed by the federal Parliament in Ottawa.

\* (1550)

If it is a solemn duty of the Attorney General as the chief enforcer of the law to uphold and enforce the law and he blatantly refused it, is that not a denial of his own oath of office and negation of his basic responsibility? I know that in the United States under the Constitution, if the President of the United States refuses to enforce any law passed by Congress, regardless of whether he likes the law or not, I know that he is subject to impeachment because one of the grounds for impeaching a President of the United States is his refusal to uphold and enforce the law of the land.

How can this be done even in our own system here called parliamentary system if the Attorney General's main and basic duty is to be the chief enforcer, the first law enforcer in this province, how can he publicly and openly say that he is not willing to enforce the law that he disagrees with? I submit that it is a ground for him to either resign because he cannot enforce the law that he is duty-bound to uphold and enforce or he will be subject to the pressure of this Legislature to enforce the law.

It is not always a reason to say that I do not agree with the law and therefore I will not enforce it, because if that were the system, there would be anarchy in our society. There would be no order whatsoever. Any citizen who disagrees with any kind of tax will say, I will not pay the tax because I disagree with it. Where will order be in our society?

As Lincoln stated, whoever resists the final decision of the highest tribunal deals a deadly blow on our system of government, and that is the highest tribunal of the land, that is the Supreme Court. We are higher than the Supreme Court, I submit. We represent the people of this society, of this country. The Supreme Court is not accountable to any but themselves and the Constitution.

We are accountable to the people, and if the people so selected the members of Parliament and the members of Parliament, by due process of legislation, had passed a law and it becomes the law of the land then everybody is subject to the law of the land and every Attorney General of every province is under a solemn duty to enforce that law. Any Attorney General who refuses to enforce the law, in my own way of thinking, should resign his position because he cannot prove himself equal to the duty that is incumbent upon the office that he has assumed.

We are a government of law, not of man. That is a general principle that everybody knows. We are governed not by people's bias or decisions, we are governed by duly passed legislation and any idea, any system that had gone through the process of three readings of bills and then the signing by the Lieutenant Governor of the province, had duly passed that law. In this process of legislation, all opinions are heard. It is a process of reconciling all interest and usually it is the majority of the legislators in the proper forum that decide what shall be law.

That majority is, of course, the majority that had been elected by the people themselves and although some segments of the population, like many in western Canada, they do not believe in gun legislation. It is the will of Parliament, it is the will of this country that there be some form of gun control.

You cannot selectively enforce which law you like and which law you dislike. Your duty as Attorney

General is to enforce every law and all laws and any refusal to do it, in my own mind, is grounds for removal of the Attorney General if he refuses to enforce the law or if he does not want to be removed from office, to have the honour to resign.

This is a bad example being set before us, before the eyes of our young people, before the eyes of every other voter of this province. If you are the chief legislator and a chief enforcer of the law and you, by example, refuse to uphold and enforce the very law that you are sworn to enforce, what kind of example would that leave in the minds of our children, of our people, of our constituents? That is an example that we do not want to be established in any province, not even in Manitoba.

Of course, there is a division of jurisdiction in a federal system of government. There are certain areas of activities of this society that are primarily allotted to be the dominant area of the federal government. For example, banks, monetary systems and foreign relations, they are entrusted upon the federal government. There are other areas of activities which are entrusted primarily within the jurisdiction of the province such as civil rights, such as property rights. These are entrusted in the provincial jurisdiction. There are areas where there is overlapping jurisdiction, such as in the matter of criminal law and administration of criminal law. While the substantive law will be made by Parliament, the administration of the law, in terms of criminal justice, is entrusted to the provinces.

There are overlapping jurisdictions in other areas like agriculture, like commerce and trade but, in every case, if the law has evolved in the process of lawmaking, that law reigns supreme and the law has to be enforced. Whether you are in agreement with the law or opposed to the law or had been fighting the law, you are duty bound to obey, otherwise there will be no order in a society. If there is no order in a society, there will be anarchy. If there is anarchy in our society, how can we maintain and advance our civilization, our orderly way of life? Then everybody will do according to what he desires. If everybody has a right to do what he desires and there is no order in society, there will be a breakdown in our system. If there is a breakdown in our system, that is the end of all civilization.

Every law of course is subject to other higher law. Even Edmund Burke had said that all legislation is subject to the law of the Creator, to the law of nature, to the law of humanity, to the law of justice and equity. There are some certain schemes and certain procedures that are instituted by the lawmaker as if they were passed by statute, but some people will agree that those are immoral laws. They have no basis in justice and no basis in equity at all.

There are instances of statutes that are oppressive, but as long as they stay in the books then it is the obligation of the law enforcer, like policemen and courts, to uphold that law and then the duty of legislators like us is to amend and repeal the unjust law or the oppressive law, but as soon as it is passed, as long as it is in the statute book, it is a statute and it should be enforced. Of course, there will be deeper discretion that enters into the enforcement of the law. There are people who, if they disagree with the law that they are solemnly bound to enforce, will use their discretion and will not push it to the limit, because in the ultimate analysis it is the system of justice that should prevail, the system of fairness and not oppressiveness, because when the law becomes too oppressive then the people themselves will rise against those who are in charge of society. There will be rebellion. There will be sedition. There will be revolution. So it is to the interests of the lawmaker that the law be reasonable, be fair and be just.

\* (1600)

In matters where it is very controversial like matters of abortion, matters of death penalty, matters of gun control, where they say freedom will be restricted, there are, of course, differences of opinion, but all these differences of opinion are already taken into account when the law is debated in Parliament, when the law is debated in public forum, when the law is being debated during an election campaign. Those are already in process. All these opinions are then consolidated, and there will in the process emerge a system of governance in the form of a statute. If that statute had duly been done according to the procedure, what we call the legal processes of lawmaking, the procedural aspect of lawmaking, then it becomes legitimate. It becomes legitimate, it has authority and if it has authority it has to be enforced.

The lawmakers should not be the lawbreakers. If we are the very lawmaker in this province and we are the first ones to break our own law, how can we expect the citizens to be obedient to the law? It is inconceivable to me that the highest officer who is duty bound to enforce the law will say: I am not going to enforce the law. That is not only a bad example, he is being a lawbreaker himself. He should be put in prison because we are not, as I said, a government of men but a government of law.

When a law has been proclaimed and duly passed and has been promulgated and published in the official gazettes, then it is part of the legal system, and it is not the option of any government in power to enforce or not to enforce the law. It is their duty-bound obligation. They are bound to duty and obligation to enforce it. It includes not only the law that they themselves have passed because there are other laws broader than the provincial laws. Indeed, there are certain procedures in the court system when there is a conflict of legislation to settle all those but, if we resort to the court process, then the nonelected judges become the rule makers, and they will declare what the law is, and when the nonelected nonaccountable people become the lawmakers, that is the beginning of tyranny. Tyranny by definition is the rule of man, not the rule of law. The rule of law says that whatever is in the statute book, if it is duly promulgated according to the procedures of Parliament, that is the will of the people, and the will of the people has to be observed.

What if the law that is passed is not acceptable to the majority of the people? This is not an unusual thing that happens in democratic and parliamentary governments. I remember when there was debate in the past about capital punishment. If you surveyed and held a nationwide opinion all across the country, the people say, yes, we want capital punishment. But then the Parliament itself, in its wisdom, has passed no capital punishment, and so that is the law that is being enforced. No matter how grievous the crime that has been committed, no matter how many victims, the criminal will not be put to death as he would be across the border in the United States where there is capital punishment. So we see that the law is being obeyed, whether it is reflective or not of the population which is supposed to be represented by the people in Parliament.

That is not an ideal situation, of course. The ideal situation is when the majority of people want it, then the majority of Parliament should want it, and when the majority of Parliament should want it, that should be the system that should be in place. It happens occasionally because there are two kinds of theories about lawmakers, about representative democracy.

One theory which apparently is in operation in this country is that they are the stewards of the people. A steward is one who is given discretion. After they are given the authority, then it is up to them to look after the welfare of those who are in his stewardship. Apparently, the people are under the stewardship of Parliament, because once you elect those people in Parliament, then they are given all kinds of authority that they can, in the name of the people, do even if it is in actual fact against the wishes of the majority of the people.

I do not know why the election is being called when it is not yet time for the election. But, as you see, there are other considerations when you call the election, whether it is provincial, federal or local, and in a parliamentary system, usually the call comes from those who are in government. It is not set by constitution or by legislation as in the United States. In the United States it should be every four years no matter what, and that is what the Reform Party said we should be doing. But we are not a republican system of government. We are a parliamentary system of government. In a parliamentary system the executive is the majority party in government. The majority party is running the government. They are the ones who will call the shots. They are the ones who call the election.

Peterson, when he was Premier of Ontario, called an election earlier than the four years, and you know what happened. There was a sudden change of government—a message here for our present Prime Minister. I know that he came here into this province to look at the flood. But at the same time, if he is really sensitive enough to it, why should he call the election? How can the people who are flooded go to the polls and express themselves? On the other hand, I think if I were the Prime Minister—there are only 14 M.P.s in Manitoba, but there are so many M.P.s in Ontario and so many M.P.s in Quebec. Which one would I take into account? As a pragmatist I of course will do what the

expectations of the greater majority of the members of Parliament are.

Justice has been defined as the constant and perpetual will to give to every person his due. No matter what our situation in life is, whether we are high, in the middle or low on the totem pole of social hierarchy and social ranking, whether we are rich, or whether we belong to the middle class or whether we are poor, we are all governed by the same legislation, the same set of legislation. Only those laws that are duly passed according to the procedures of the law-making bodies—and if they are passed we live under those systems, and the law administrators and the law enforcers have no discretion to select the law that they will enforce, because if they will and if they do enjoy that kind of choice then they can select only those that are favourable to themselves to enforce and those laws that are against themselves they will ignore. If they can ignore it, how can the ordinary citizen be said to be duty-bound to obey all the laws?

The right of one is the right of everyone. The right of some is the right of all, and if some of us, even lawmakers and legislators would not obey the law then we cannot blame the citizens if they themselves do not obey the law, but if we expect everybody to obey the law then we should be the primary example in obedience to the law. I submit, Mr. Acting Speaker, it is wrong, it is illegal, it is perhaps unconventional, it is unconstitutional for the chief law enforcement of any province to say publicly: I am not going to enforce the law. He either should be removed from office or he should resign. Thank you.

\* (1610)

### **Flooding**

**Mr. Stan Struthers (Dauphin):** Mr. Acting Speaker, I rise in the House at a very crucial time in our province, a critical time, a time when all Manitobans are being asked to come together and work toward the benefit of each other and our communities. We in this House sometimes find ourselves in here in the Legislature under the dome talking about and discussing and debating sometimes in agitated ways, sometimes in more co-operative ways but we find ourselves debating the issues of the day, sometimes isolating ourselves from the real world out there, the real world right now that is under some very real



pressures. Of course, what I am speaking of is the condition in Manitoba, fast becoming known as the flood of the century. The spring runoff conditions of 1997 are going to go down in the history of this province as some of the most difficult times we have ever had to face as a Manitoba society.

We had some warning. We had some premonition of what was going to happen in our part of the world by watching what is happening to our neighbours further south of us. The communities of Fargo and Grand Forks, and others that live along the Red River Valley south of the Canadian-U.S. border have suffered through some devastating effects over the period of the last few weeks. In some ways their conditions are slightly different than us; their circumstances are somewhat different than ours. Fortunate for us, I think we do have a little bit more warning than what has occurred in those American communities. We have the benefit of their bad experience in dealing with the flooding conditions that those communities so valiantly fought over the course of the last number of weeks.

We in this province need to learn about the flooding conditions through the experience of those people in those communities. We need to analyze what went on in the communities south of us, and I would submit that we need to continue to learn and gather the information and analyze the information that is available to us, not just in the area of projecting floods but, in this case, in the real live happenings of what went on south of the American border.

As I said a minute ago, the situations are not exactly the same. The time frame that we are dealing with is certainly different. The American communities that were devastated by the flood conditions clearly did not have the warning that many Manitoba communities are receiving. They did not, for certain, have the kind of warning that the city of Winnipeg has had to prepare itself, to prepare its citizens, to build dikes, to have those mechanisms in place that offer us some kind of a fighting chance against a very powerful Mother Nature. Mr. Acting Speaker, my contention has always been that Mother Nature is a lot smarter than humans, that humans fool with Mother Nature at their peril. That does not preclude the human ability to ease the situation, ease the situations that Mother Nature puts us in. It does not exclude humanity's ability and

humanity's willingness to from time to time put into place those mechanisms that save us grief, that save us from devastation and in the final result save property and save lives and save Manitobans and Canadian taxpayers a whole lot of money.

One of the examples of this, clearly, is the foresight used by previous legislators in Manitoba to construct the Red River Floodway. Much of the focus of this whole episode in Manitoba's history has come to centre on this example of technology, if you will, this example of a human attempt to try to alleviate what for decades, perhaps centuries, has been a thorn in the side of people who settle at the forks of the Red River and the Assiniboine River. For many years, people living in this part of the world have devised many ways in which to try to survive the floods that have occurred over the years. Far and above any other thing, any other decision, far and above any other piece of technology that we have implemented in this area, far and above any other, stands the Red River Floodway that we have constructed for the purpose of protecting those who live in the city of Winnipeg.

Mr. Acting Speaker, earlier, when I first rose to speak, I pointed out that we need to learn the lessons that we have seen happening, hopefully that we have been taught by the experience of our neighbours to the south, south of the American border. I think the same thing applies when you talk about the operation, the usefulness of the Red River Floodway. It is my contention that we have learned much about the operation of the floodway over the period of several floods, over a time span of several floods, and we have also learned a lot before the floodway was ever constructed and opened, I believe, in 1968.

We have learned a lot during the flood of 1950 about the way the water flows on the topography of the land around Winnipeg. We have learned how it operates before it hits the Red River Floodway. We know how things react; we know how water responds when the floodway was not there offering us its protection. Those lessons are valuable to us as decision makers. Those lessons, I would submit, are crucial to us as decision makers in making the correct choices to offer the maximum amount of protection for the citizens of not just Winnipeg but the entire Red River Valley from the American border right up through to Selkirk.

I want to also point out that when the crest of this Red River does flow through the city of Winnipeg, our problems are not over. None of us look forward to the day when the water hits its crest, but I would submit to you that the sooner it hits, the smaller the crest will be and the sooner we get through this, the sooner we can move onto the horrendous task that we are all going to face of cleaning up in the wake of the 1997 flood. That is going to be, I would submit to the House, a gargantuan task.

Given the preparation that we have done, given the forethought that has been put into the fight against the Red River this spring, given the work that has gone in by citizens across the province, given the work and time and effort of all the volunteers, all the people who have taken in evacuees, given all that I would think that the cleanup we will have after the Red River has crested will be minimized. But let us not be fooled. There is still going to be a lot of work to be done once this Red River begins to subside.

My hope, and I am sure the hope of every member of this Legislature is that Manitobans will continue in the same spirit of co-operation that we have seen to this point. I fully expect, knowing Manitobans as I do, that once we move on from fighting the Red River, from all the sandbagging that we will do, all the planning that goes into fighting a flood, that once we get to the point of cleanup that once again Manitobans will rally, Manitobans will step forward and begin the massive work of cleaning up the mess of the flood.

\* (1620)

How many sandbags do you figure are going to have to be packed away back from the river now? We are not there yet. We are a week or so away from the crest of this flood. There is a lot of sandbagging that has to be done between now and next Monday just in order to get ready for this massive amount of water that is going to hit this part of the province here in Winnipeg. That is not to forget the people all along the Red River who are having to deal with this crest well before it ever hits the city, well before it ever hits Winnipeg, those people in communities such as Morris, Letellier. As a matter of fact, Letellier within a couple of days will be the next community that is going to be facing the crest of the 1997 Red River.

Once the Red River has made its impact on that community, Letellier, it will continue to move up the Red River, continue to bring anxiety to people whose houses have been left behind. The Red River crest will continue northward on the Red River to places such as St. Adolphe, where, again, it will continue to produce anxiety and nervousness and fear to the people in that community who have worked so hard to protect their homes, protect their livelihoods, the way of life that they have come to live.

Along that way, Mr. Acting Speaker, the Red River will be added to by tributaries, tributaries that will pose very many challenges to us as legislators, to the Department of Natural Resources, to the people who are working in Water Resources, because it is our responsibility to know how much water is in those tributaries, how much it is contributing to the Red River and how much of an impact that is going to have on the diking that has been done by Manitobans all throughout the Red River Valley and into the city of Winnipeg and beyond up to Selkirk.

If we do not have a good idea—as a matter of fact, it has to be better than a good idea. We have to be as precise as we can in predicting the amount of water that is coming into the Red River, so that we can inform the people living in the city of Winnipeg and towns that are north of the crest right now, so we can tell those people with some degree of confidence, some degree of accuracy that they have, in fact, built their dikes high enough to withstand the forces of the river. We have to take every step that we can to make sure that those people living along the rivers have a fighting chance to put together some type of wall of protection between themselves and the Red River.

If we as legislators cannot do that, then we are not doing our jobs. If we as legislators cannot give some kind of warning to the people living along the rivers, not just the Red River but other rivers as well, if we cannot give them that kind of assurance, then we are falling in our responsibility as elected representatives of the people of this province.

In the Question Period time of this House, every day now for several days, we have been hearing ministerial statements and updates and reports on the flood given by both the Minister of Natural Resources (Mr.

Cummings) and the Minister of Government Services (Mr. Pitura), and in our responses to the those ministers, I believe we have been very forthright in stating our willingness to co-operate. We have certainly thanked the ministers for keeping us up to date on the latest in the flood reports and the forecasts, the latest in the levels of the Red River or the Morris River or the La Salle River.

I believe we have been very honest and very co-operative in our approach, and I must admit from both sides of the House when these reports are made that there is a sense of co-operation. It is my believe that that sense of co-operation that we experience during that time of Question Period is but a mere reflection of the spirit of co-operativeness that is so evident in the communities that we represent. I believe that at that time of the day we actually reflect what our constituents are doing out there on a day-to-day, hour-by-hour, indeed minute-by-minute basis during such projects as the Z-dike that is being built near Brunkild, Manitoba. In a very short period of time, very rapidly that dike is being built.

The resources that belong to all the people of Manitoba are being mobilized very quickly in as rapid a fashion as we can to get that dike built so that we can prevent the Morris River from spilling into the La Salle River, which would give Mother Nature—if we want to see this in terms of the war or the battle zone that has been depicted in the media from time to time, in that war zone picture, if the Morris River spilled into the La Salle River and swelled its banks, the La Salle River could do an end run around the floodway, attacking, if you like, the southwest flank of the city of Winnipeg. Then the next thing we would know, Mr. Acting Speaker, is that that would mean a lot more water would flow into the city of Winnipeg and a lot more activity urgently would be required on the dikes, perhaps with not enough time to have that accomplished.

There are many challenges that we face during this Red River flood, the flood of 1997, many challenges. What I hope we have done over the last little while is alert the government to some of these challenges, pledge to them our co-operativeness in working together to help the people of Manitoba through this situation, but we must be vigilant, we must have our

eyes open, we must know what we are **fighting against**, and we must continue to work together to have the information flow back and forth from one side of the House to the next. We must deal with the facts that are out there for us to be dealt with and in that way we can offer to our citizens the maximum amount of protection and the maximum amount of comfort during this time of crisis.

So, with those words, Mr. Acting Speaker, I wrap up what I have said and will be happy with the comments that I have made so far. Thank you.

\* (1630)

### House Business

**Hon. James McCrae (Government House Leader):** Mr. Acting Speaker, I am not rising to grieve or anything like that. Earlier today on a matter of House business I raised a number of matters. Since that time, there have been discussions between House leaders, and I believe it would be agreeable to all honourable members if we agreed that the House would not sit this evening but that other matters would take place throughout the course of this week due to all of the circumstances out there in Manitoba. I think I have this accurate when I say that we are agreed that the points made earlier on about the deferral of votes and the requirement for quorums in the House and the altering of the rule regarding the number of members who might request a recorded vote remain accurate. However, we would not sit this evening. We would waive private members' hour for each of the days of this week. It had been our intention for the Committee of Supply to sit until midnight this evening, but I think that with that concession with respect to private members' hour, we have basically an hour for our replacement here, so that is what I think we need to see.

I think that some honourable members would appreciate the opportunity to be active in their constituencies if the House did not sit on Friday, and because we have agreed that there would be no requirements for quorums or recorded votes, we could sit on Thursday morning between the hours of 10 and 12 to deal with bills that are before the House. It would be my hope at that time that there would be a full discussion of the bills. I understand that some

honourable members are prepared to begin debating some of the bills.

So, very simply, the House will not sit this evening. The House will not sit on Friday. The House will sit on Thursday at ten o'clock until 12 for a special sitting to deal with bills, and there will be no private members' hour this week.

**Mr. Doug Martindale (Deputy Opposition House Leader):** Mr. Acting Speaker, as acting House leader for this caucus, I would just like to put on the record that we have agreed to the replacement of the Friday hours on Thursday and to making up the Estimates hours during private members' hour.

Now, we did not discuss no votes continuing all week. However, in view of this agreement and in light of the fact that it is the same as last week, I am going to go out on a limb here and say that we will also agree to no quorum and no recorded votes from Monday to Thursday since the government has agreed to these other measures, and it does seem to be identical to last week.

So we will extend the no recorded votes and no quorum call, as well. Thank you.

**Mr. Gary Kowalski (The Maples):** As the House leader for the three independent Liberal members here in this Chamber, this is the first I have heard of these arrangements, but because of the serious nature of the flooding and the need for us to do work in our constituencies, I could say on behalf of the three independent Liberal members in this Chamber that we have no objections to these changes to the rules.

**The Acting Speaker (Mr. McAlpine):** Just for clarification, deferral of votes in the House and committees, waiving the quorum requirement in the House and committees and the altering of the rules regarding the number of members who may request a recorded vote; not to sit this evening; to waive private members' hour this week; Thursday a.m. from 10 to 12 we will sit with a special sitting to deal with bills and not to sit on Friday morning. Agreed? [agreed]

It was moved by the honourable government House leader, seconded by the honourable Minister of Culture,

Heritage and Citizenship (Mrs. Vodrey), that the Acting Speaker do now leave the Chair and the House resolve itself—[interjection] Order, please. I will repeat that for the benefit of the members—that the Acting 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,** and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty with the honourable member for Pembina (Mr. Dyck) in the Chair for the Department of Consumer and Corporate Affairs; and the honourable member for Sturgeon Creek (Mr. McAlpine) in the Chair for Children and Youth Secretariat.

#### COMMITTEE OF SUPPLY (Concurrent Sections)

##### CONSUMER AND CORPORATE AFFAIRS

**The Acting Chairperson (Mr. Peter Dyck):** Order, please. 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 Consumer and Corporate Affairs.

When the committee last sat, it had been considering item 5.1. Administration and Finance (d) Research and Planning (1) Salaries and Employee Benefits on page 24 of the Estimates book. Shall the item pass?

**Mr. Jim Maloway (Elmwood):** I believe we left off the other day with the minister in full pursuit of information on the franchising act. I am sure that he has a lot more information he wants to impart to us, so I would like to turn the floor over to him and hear what he has come up with.

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** I would thank my honourable colleague for the opportunity of putting a few remarks on the record with regard to our position currently with franchising. I want my honourable colleague to know that, of course, I have an open mind on this issue, and I am always open to suggestions and solicitations. At the present time, we have no intention to bring forth any legislation with regard to franchising, to limiting

the scope and ambit of individuals contracting on franchise arrangements in the province of Manitoba.

My director, who is on his way to the committee room as we speak, has advised me that there is some franchise legislation in other provinces. At the current time, we feel with the arrangements that we have under the scheme referred to as NADAP, which I am told is a relationship between the dealers, the car dealers and the manufacturers, and CAMVAP, which is the arrangement between the—[interjection]This is not rocket science—that the issues which form some conflict within society between car dealers and the manufacturers can be addressed with regard to this issue, this scheme of communication and mediation, the Consumers' Bureau which governs the issue of franchising between the members of the public, and what I would perhaps euphemistically refer to as those individuals who are trying to deceive by fraudulent means our good citizens of Manitoba, that in fact we have the whole sphere of activity covered.

We have been reticent to get involved with any further relationship between the parties, the contracting parties in Manitoba. The best advice, I guess, we would give to contracting parties, because we believe so strongly in the sanctity of contract, and not wanting to upset the natural balance that exists in the marketplace between two contracting parties, is that if individuals are proposing to enter into franchise agreements that they consult legal counsel, and that legal counsel is the best line of defence that a member of the public can have for protecting themselves if there is some imbalance economically, and I would personally affirm, of course, given my background, that there is no replacing good legal counsel and advocacy.

So, on those few remarks, that sort of gives the overall philosophy, I guess, of where we are coming from on franchising, but, as I say, Mr. Chair, if my honourable colleague does have some specific issues that he thinks should be addressed, I would be delighted to hear them.

**Mr. Maloway:** Mr. Chairperson, under the Research and Planning part of the annual report '95-96, I guess it is the third paragraph from the bottom, they talk about—

**An Honourable Member:** What page is it?

**Mr. Maloway:** What page is it? It is page 8. There is reference made to franchising legislation in Canada and the United States, so I cannot see the Research and Planning department being requested to look into franchising legislation in Canada and the United States if they have absolutely no intention of looking at implementing such legislation. I mean, why would you go to all the effort and trouble of doing this research if you plan to just leave things in the free market, which is essentially what you are saying?

\* (1650)

**Mr. Radcliffe:** I am advised, Mr. Chairman, that our department did some research into what was being done in Ontario with regard to franchising and also with car dealerships in order to keep Manitoba abreast of what is being done in the rest of the country, so that we can analyze what legislation is being discussed. We felt the bottom line of the department was that they felt right now there was no need for any further action, but they did want to do the research to see that we were not being left behind.

**Mr. Maloway:** I would like to ask the minister, then, whether the department looked at the legislation that is currently in place in Alberta, and could he give us an update on what Alberta is doing in this area?

**Mr. Radcliffe:** Mr. Chair, I am advised that at the time the department reviewed the Alberta legislation which, in fact, they did—and I can confirm to my honourable colleague that they did—that the focus of attention or concern was the relationship between the car dealers and the manufacturers from a franchise point of view.

I believe that a point of irritant that was raised was the car dealership in one of the small towns in Manitoba which had had a longstanding history and was an integral part of the small rural centre, as I am told that many car dealerships do form a vigorous and essential commercial centre for some of our small centres in Manitoba, as I am sure a number of the members of this committee can attest to. The NADAP scheme was considered to replace or counterbalance and supply all the needs that were legislated in the Alberta scheme. Also, the outcomes coming from the Alberta legislation were in some doubt as they remain so at this point in time, because I believe the car

manufacturers were trying to gain some exceptions to the legislation.

That position has not yet clarified itself, but the car franchise relationship was the major issue of concern when the department was considering the issues that were set out on page 8 of the report referred to by my honourable colleague.

**Mr. Maloway:** Well, then, who requested that the department look into the franchise legislation as it relates to cars and not in general to other areas?

**Mr. Radcliffe:** Mr. Chairman, I am told that the minister of the day who was my predecessor was the person who directed the inquiry from the perspective of the car dealership, but I would add that there was an overall inquiry as well as to the general franchising situation in Canada in other provinces.

The conclusion by the department at that point in time was that there were no other areas of conflict in Manitoba of which they were aware at the time that they did the research. There was no further need to legislate or regulate in Manitoba on franchises until some need had been identified.

**Mr. Maloway:** Did the department look at Alberta, and what did it conclude by looking at the Alberta model?

**Mr. Radcliffe:** I believe the department did look at the Alberta model. Again, they felt that as the one issue that was a source of conflict in Manitoba was addressed by NADAP and that the issue with regard to the relationship between these parties in Alberta was still being negotiated and in doubt, they felt that there was no further need at that time to either recommend or introduce any of the Alberta legislation into Manitoba, that we, in fact, had a distinctive Manitoba demographic and economy and that we should not just, holus-bolus, adopt the Alberta legislation.

**Mr. Maloway:** When the department looked at the Alberta legislation, did they look at the old legislation or the new legislation?

**Mr. Radcliffe:** As a point of clarification, Mr. Chair, the old legislation being pre what year?

**Mr. Maloway:** The previous legislation being circa 1989.

**Mr. Radcliffe:** I believe the department looked at both the old and the new legislation. Some of the differences between the old and the new Alberta legislation was the level of disclosure, a demand under the new legislation that the parties deal with each other with a level of fairness and a requirement that a body enact commercial codes or regulations to deal with each other. Again, the conclusion was that there was no commercial need for this legislation yet in Manitoba.

**Mr. Maloway:** My understanding of the Alberta legislation is that the current legislation is actually weaker than the 1989 legislation. As I had indicated the other day, what impressed us about the old bill was that it required some certainties on the part of the franchise seller and some guarantees. If there were guarantees being made, they would have to be followed through, so that if a person were to purchase a franchise in Alberta, they would have certain safeguards that they would not have in other provinces.

For example, there were requirements of disclosure, there were requirements of financial statements, and, as I had mentioned the other day that most importantly there was a requirement that any promises that were made had to be adhered to. So, in other words, if a company was to promise a million-dollar advertising campaign to its franchisees in their first year of sign-up, then they would have to follow through on that. If they did not do that, then they would have penalties under the act.

There is a major problem with franchises across the country where the franchised companies, not, I do not think, deliberately, I mean some bad operators do have a—because there is a franchise organization operating in the country. I just do not know what it is called exactly, but the franchise operators, there are probably a few around who just have a history of having bad practices, but most of the indications are that a franchise operator is not deliberately trying to misrepresent or defraud people.

\* (1700)

What happens is the economy turns sour maybe, or they make a bad business decision somewhere along the line, or they expand too rapidly which happens quite often. They see an opening, they run for it and decide to go from 10 stores to 100 stores—that sort of thing—and they make promises. They tell a prospective franchisee: If you sign up with me, you pay your \$100,000 or your \$50,000 franchise fee; and in return, in addition to the turnkey operation that we provide, we will do the following; we will advertise \$1 million in the first six months or \$1 million in the first year; okay?

What typically happens is that they sign up a few franchisees, but they do not get beyond two or three and they expect to have 10. So cash flow problems develop and the result is they do not spend the million dollars in advertising, and because they do not do it, one feeds the other. They do not spend the money in advertising, so no more people sign up—right. So you have the existing base of franchisees who are very frustrated about this, and they have no way to be protected.

Now how did it work differently in Alberta? Simply this: that the up-front fees, be they \$10,000 for your doughnut shop or \$20,000 for whatever it is that you are putting up, be put in trust.

I appreciate the minister saying, well, if you deal with a lawyer that you can achieve the same result, but why should you make things any more cumbersome and expensive than necessary when you can have legislation like this that helps people foresee these things before? They can do their own due diligence without having to rely on the lawyer to do the due diligence for them.

So what has happened, or what did happen, was that people who were buying franchises would tend to feel more comfortable buying them in Alberta because they knew that there are up-front fees—and do not forget that these are people's life savings. I mean, there is a numerous amount of people in society today who do not wish to pursue the same career for the rest of their lives. They farm for 10 years, and they are a politician for 10 years, and then they want to go on to something else. So, typically, they leave their teaching job or their police job, and they get a big buy-out. They take their money, and this represents their whole life savings, and they walk blindly every day of the week into all sorts of

travel franchises and doughnut franchises, and you name it. They are walking right into it.

Admittedly, the franchise opportunity has got a better chance of succeeding, the statistics say, than just a general business. So they are probably better off investing in the franchise than they are just setting up on their own. But, nevertheless, the landscape is littered with experiences such as this, and we are going to see a tremendous amount more in terms of numbers in the next 10 or 20 years as an unprecedented amount of wealth changes hands as the older generation dies and the current generation takes over the wealth. So there is going to be a tremendous transfer of wealth over the next 10, 20 years—as I said, unprecedented—and what has happened is the franchising industry, I believe if you look at and read their publications—and I do not subscribe to any, I do not get any, but I do know that they project that their type of business is a growth industry.

I think that we should be looking proactively here to protect people who come through their life, and, through no fault of their own, take all their hard-earned savings, put it into a franchise and, at the end of the day, find out that, after four or five years, they have got nothing to show for their life savings. Let me tell you, it can happen to you. It is a scary proposition.

What Alberta did—and I say “did” because I am not sure that they do it now; there was a seat change in Alberta three or four years ago, and they took a hard-right turn. At that time I got the impression that they were gutting the legislation that we liked. We were very interested in knowing why it was that Tory Alberta had this most progressive legislation in the country. I would have to go back to my 1989 files, but there were some reasons for it, and I cannot—I would have to be doing it from memory right now, but there was a big bankruptcy or big trouble in Alberta to do with the dairies, or I am not sure what it was exactly.

**Mr. Radcliffe:** Mr. Chairman, was that the Principal Group failure?

**Mr. Maloway:** Well, no. But your thinking is on the line here. No, it was not that; nevertheless, there was a good solid reason why in Alberta, coming out of this big fiasco, that they developed this legislation.

So, when you think about it, does it not make sense that, more so today than even 10 years ago, because there are so many of these franchises right now, that promises made—now let us just think about now what the minister has said about leaving it in the hands of the lawyer. I mean, the cost of litigating what amounts to 50-page franchise agreements would be tremendous. I mean, the franchise company has all the money. They are the ones that draw up the agreement. The agreement has all kinds of gag orders in it; typically, that is what I found when people phone me and give me this information. You should hear some of these stories, and I am sure your Consumers' Bureau has—they have probably tons of these things too. People, typically, are embarrassed when they find out they have put money into these things. They are embarrassed about it. They also find that their agreement is worded in such a way that they really do not have much hope of winning their point. In other words, it is a buyer-beware situation that they have gotten themselves into. Right? The franchise company that is selling them says, yes, verbally I may have said I am going to spend \$1 million, but sue me. Right? Well, good luck trying to sue this guy who is not operating anyway. He has got your \$100,000. Your \$100,000 is gone. He is in financial trouble.

So what they did was, they said we will take the \$100,000 up front and put it in a trust fund. That is what a smart franchise operation buyer should do with his lawyer. His lawyer should be smart enough to say: Let us not give them the money until we do this, this and this. Well, the franchise operator would say to that lawyer, probably say: Well, I have got lots of fish in the sea here; I will go and deal with somebody else.

So the legislation gives the parameters as to how it is to be dealt with. It basically says, put the money in trust. When you fulfill your promises, then you get the money. By the way, if you do not want to wait for the money, then do not make promises. Do not say you are going to spend \$1 million if in fact you are not going to do it. So that is what it did. Now, it also had financial statements that had to be given. It had disclosure. I can certainly provide the minister with a copy of this booklet for copying purposes.

It had a whole lot of other things that we thought were kind of abnormal for a Tory government. I mean,

it was a nice blue, as you can see. It sort of had the right colour for a Tory government, but it certainly did not have the ideological content of a Tory government. This was socialism run rampant here. So we were quite pleased that we saw this piece of legislation. Alberta was the only piece of legislation that we ever found that, so we drew from Alberta. We were drawing from all over North America on different things, but nothing from Alberta except for this little piece of legislation. So we thought it was particularly good. We thought that it was so good that we went ahead and got the Legislative Counsel to draft us a bill, and because we do not have sufficient numbers to get it passed, it did not go anywhere. But we introduced it—I think it was in 1992. So I recognize that the political environment is such right now that this is a difficult row to hoe for any government that wants to be interventionist.

\* (1710)

But I am the eternal optimist here and I always think that—you know, I look back to Ed Connery, and Ed Connery did buck the government. If you look back, this government has taken opposition suggestions and brought them in. We had The Business Practices Act, and, to our horror and shock, the Tories went and copied the bill, introduced it. We could not believe that. Ed Connery would be successful in doing this, but I guess he just went into the cabinet and said, look, I have made a commitment and I am going to do it. That would not have happened with half of the cabinet over there, because philosophically they would not believe it. They do not really believe in this kind of intervention. So this government has had its brighter moments when it has done things like this.

You know, no-fault auto is another good example where we took the recommendations of the justice and made all the recommendations on Autopac, and we never thought the government would bring in no-fault auto. It just never would have happened. We went on a big campaign on the radio and even had the minister on CJOB saying, no, this is not going to happen. We thought we were in pretty good shape here because it was like a \$70-million saving, and it was a good issue for us. Lo and behold, out of the blue, the minister announces no-fault auto; he stole our best platform and brought it in. How could we argue against what was a good idea, and something they did? So it is not as if we



feel we are necessarily always talking to a brick wall here because we have had examples of where the government has just turned around and copied what we have suggested and gone ahead with it, and that is great. I mean, that is fine with us.

So I would ask you to take that in the spirit that was offered and look at it, and you can bring it out in nice blue jacket. It is okay by me if you do that. We will just make sure they are orange after 1999, and it just is something that you want to do.

Now let us deal with some of the—you know, the minister made reference to the fact that the department had not been hearing much about these kinds of things. Well, tell me why you are not hearing things about it. You had the guy out selling franchises. You mentioned it yourself the other day. I believe I can mention his name, the Walker case, because I think he has been convicted. At least I hope that is what has happened, but I believe that to be the case. I mean that is what this kind of legislation is meant to deal with, disclosure documents that if you are buying a—first of all, this man could not be out selling these things. He could not go out and sell them if you had legislation like this because you have to register all these franchise people and then they have their franchise.

You know, it is sort of almost like selling an investment. So you have to produce a prospectus, and you have to give a financial statement. You have to do this, and you have to do that. What Alberta found was the operators who were not serious always steered away from Alberta. In other words, one of the safest things to do when you were thinking of buying a franchise is to ask, are you operating in Alberta, and hear what they had to say. You should hear some of the comments that some of them would make. I mean, they would say, well, you know, geez, to operate in Alberta we need \$30,000 up-front money to get this prospectus and stuff like this. So what they did was they would set up franchises in all the little provinces across the country, and they would jump from Saskatchewan over to B.C.

They would not set up in Alberta because of this cost, and I can see that the government, being a right-wing government, on Mondays, Wednesdays and Fridays, when they get approached by the franchise organizations, the franchise organization, I know what

they would say. I know that the franchise organizations hated this legislation in Alberta; they did not like it at all. I can see them come in to the Premier (Mr. Filmon) and I can see them come in to the individual ministers, saying, look, we do not like this because it costs us money. From their point of view, why would they? I mean think of yourself being on the other side of the fence. If you are selling the thing, you want your cost of business to be as low as possible, and if no other province is doing this, well, then, you do not want to operate in an environment that requires this. But it is an excellent piece of protection.

All I can say is that, if you look at all the people that have lost of money—it might also tell you that there are people that do not feel sorry for these people because some of them—I know one fellow, you know, made a bunch of money up north in a road construction company. I do not know how much he made, but enough to fork out \$100,000 for some travel franchise at Polo Park five or six or seven years ago, and after a few months the money was gone. He is a lot wiser now and \$100,000 poorer, and I am sure that is not his last \$100,000. I do not think he is a millionaire, but I think he took a big hit. He is not about to go complaining about this to people because he is a self-reliant guy and feels foolish for having involved himself in this, but this kind of legislation would have helped him out. The other problem he had was all these gag orders in the contract. The minister is a lawyer; he knows—

**An Honourable Member:** He should know.

**Mr. Maloway:** Well, he does know what a franchise agreement is. Has he ever seen a franchise agreement that is less than 40 pages or 140 pages? I mean, these things are big, and they cover every eventuality. Some people think that it is almost slavery to have a franchise because every little detail is—that is why they are successful—is spelled out, and so, in reality, you do not really have to have a lot of talent to operate this thing because it is so reliant on the head office, on the formula. So you just fork over your money, and you follow everything they tell you, buy all the supplies from them, make the doughnuts exactly the way they tell you. So it does not take a lot of talent.

What a lot of these people will tell you privately is that they are slaves. They are tied to this thing; they

cannot get out of it. They are, some of them, making money at it, but it is hard work. It is no fun at all. It is not what the—you know, before they get into it they are all excited and so on, but talk to them after they have been in for a little while and you get a little different picture about it.

So in light of that I would like to ask the minister some more questions about this, as to why the government would not want to take another look at something like this.

**Mr. Radcliffe:** I appreciate all those remarks that my honourable colleague has placed on the record with regard to the legislation in Alberta. In fact, there are a number of issues that I guess I would like to be responsive to here.

First of all, I am familiar with restraint of trade clauses that appear in franchise agreements, but I am not familiar with a gag order. In fact, I would challenge that if there were such a clause saying that there was a gag order, if that were brought to the purview of the court, I do not think that would stand the scrutiny of any judicial interpretation.

\* (1720)

With regard to any information that a franchisee would wish to disclose on how he or she was treated with regards to commitments, guarantees, et cetera, I can tell my honourable colleague that at the present time I have a case which I cannot disclose the particulars, but all I can say is that our Consumers' Bureau is insisting that a particular operator who is trying to operate a franchise operation, I believe, in Manitoba, have a bond and be a bondable individual before they are allowed to operate in Manitoba, so that our safety net is catching some of these individuals who are perhaps trying to manufacture a business out of whole cloth in Manitoba and may well be trying to take advantage of some of our citizens.

Our Consumers' Bureau is a very assiduous group of people and is watching very, very carefully any of the developments and franchise operations that are of a spurious nature that blow into town.

My department also tells me that there is a group emanating out of Ontario dealing with interprovincial

trade which has been researching, discussing and contemplating for the last two years about how to approach the issue of franchising and commercial activity. What we in Manitoba want to do is to make sure that we do not go out on a limb to be out of touch with the rest of the provinces in Manitoba, and I can share with my honourable colleague that I vigorously espouse this in many, many different areas of my department.

For example, we had some communication with some of our colleagues in other provinces recently about the Securities Commission. There are some very, very aggressive and vigorous steps that are being taken by the different Securities Commissions across the country to harmonize their different laws, so that people who are trying to do business in Ontario or New Brunswick or Manitoba, in fact, have to meet a similar sort of threshold for disclosure, for prospectuses, for regulation for people operating in the commercial milieu.

I think that while these issues do lie wholly in the jurisdiction, the BNA division of power within the control of the provincial governments, that where possible we should all be very mindful that we should try to keep in step with each provincial jurisdiction, so that we have consistency across the country.

I believe that in the franchise world there are perhaps two issues that are at stake. There is the issue of disclosure by the enterprise that is wanting to sell the service, whatever it may be, and then there is the issue of mediation of disputes. I guess I would be responsive to my honourable colleague and say if we have somebody who is operating fraudulently, who is not going to live up to their commitments or obligations, then no matter how stringent we may be with regard to regulations on disclosure of information, we are not going to cure or save people from falling short and being aggrieved from others falling short on their commitments and guarantees and that the only place really where that can be resolved, perhaps, is the courtroom where a court can adjudicate.

I look at a franchise operation where you have a local operator who is producing revenue here in Manitoba from the enterprise, whatever it may be, and one of the integral parts of a franchise operation is that you submit

royalty to a central buying authority. So the local franchise operator does have some economic clout or power to withhold payment of royalties or purchase commitments to the central selling agency, be that Canadian Tire or cars or any hardware enterprise or grocery store enterprise where you are committed to purchasing from a central selling authority.

So it would then be up to perhaps the franchisor—I get confused, Mr. Chairman, as to which is the franchisor and which is the franchisee here. I believe the franchisee is the local person, that the franchisee could perhaps withhold payment and make the franchisor pursue him, so that the legal costs would be largely at the expense of the franchisor.

With regard to the issue of Mr. Beuckert and the issue that we were touching on last week, I can tell my honourable colleague that on the individual case that I happened to deal with this franchise operation, one of the first things I did ask for was a financial statement and a bank reference and a description of what the expectations were. Unfortunately, that individual dealing with my client had already peeled some money off from my client, but I do believe that even so there was an obligation under that contractual arrangement to withhold some of that money in a trust fund. I did recover that through the courts, albeit it did cost the franchisee some money to do that; but, of course, I submitted some very modest fees.

But I did want to add as well to my honourable colleague, and I take the praise of the Filmon government where we find it, that when my honourable colleague mentioned that we did adopt the principles and concepts of no-fault in the MPI, that in fact this is not an ideologically driven government, but it is much more a pragmatic government. It is quite prepared if there is a real issue, where small business people or citizens are being cheated of their just due, that in fact we will impose, bring regulatory power to the table in order to prevent small business people from being cheated.

However, having said that, we must be convinced that there is a real need. To date, we have not seen beyond, I guess, the reach of the Consumers' Bureau and the licensing authority that they have for direct sellers, that there has been a need for any sort of

interference by the omnipotent power of the Crown, the mailed fist of the Crown, to upset the balance of the citizens in the commercial marketplace. That power must be exercised very, very cautiously and carefully. Having said all of that, I am quite prepared to look through the legislation and review what my honourable colleague has presented. If there are cases where there is an element of society that is not being covered by the Consumers' Bureau and is not being covered by the car dealership arrangements, and that there is disclosure that is not being met and citizens are being cheated, or where there is resolution of disputes that are beyond the reach of individuals in franchising, we are certainly prepared to review it and make evaluations on it.

\* (1730)

**Mr. Maloway:** The minister made reference to the franchisee being able to withhold revenue, and I guess that probably does happen at some point along the line, but by doing that, the franchisee then violates the agreement and kicks in other punitive aspects to it. I guess where the franchisor always has the upper hand is that initial upfront fee that once they get that, then they just have the trailer fees after that, or the 3 percent or whatever it is, plus the requirement that they buy the product from the central source. I think there is basically a war going on in all of these organizations, but I guess it is probably similar to caucuses, political parties, civil servants and everybody in general. But every time I have seen inside these things, that is what essentially happened. It is the franchisor who has the upper hand. That is the way it would be, because they are the people that started the thing in the first place; are the people who had the idea. They draw the contract out, and they catch all these little guys into it.

There are cases where some franchise operators, and I know they are not all like this and some of the main line people do not appreciate these guys, because they give the industry a bad name, but they keep doing what is called refranchising where they basically select people on the basis that they are designed to fail. For example, a reputable franchise company will check out the prospective purchaser of the franchise and determine several things, including the financial ability of the person, reputation of the person and how well they are going to succeed and so on and will pick and

choose and pick only the ones that they reasonably think they can succeed with.

So if you see an operation like—I am assuming Canadian Tire would be like that or McDonald's. Their operators are probably with them for years and years and years. That would be a sign of a franchise agreement that works pretty well.

But you will see some franchise operations where they just seem to be going through people left, right and centre. I think I read something recently about a Mac's milk in the Osborne constituency or somewhere out there that had gone through a whole series. They take anybody that comes through the door pretty much. They get him, put the saddle on him, tie him down, and they work him basically for minimum wage or less, and then they walk away from it. So they lose their down payment. They work for almost free for months. Then they walk away and they just find somebody else. They just keep going, pumping people through this system.

So with that in mind I note that I had some notes here going back from 1989 or even before when I introduced the bill. So I just wanted to review them for a moment here and make sure that I had not missed any points.

One of the things that I was talking about at the time was that there were alarm franchises that were being sold for about \$5,000. I am not just certain who was selling those, but I think it was several different operators. Alarm franchisors, we ran into a few of them who were filing complaints. There was \$8,000 for a computer franchise. Now, I do not recall which one that was, but there were examples of that; \$100,000 for a travel franchise. I mentioned one of them that lost the money. I had mentioned that it required the firms to file a prospectus and that the monies paid up front would be kept in trust until the franchise company made good on any commitments to provide things like advertising.

But there was one element here that I had forgotten about. I am going to mention it now, because it was in here. It is No. 3. This is a big one, and it has to do with franchisees having a protected area. I think the minister will recall that 60 Minutes or some such program in the United States carried an example a couple of years back, and I think it was Subway.

Subway, I believe, is the largest franchise operation in the world. It has got an enormous amount of locations and very low up-front fees. They are only at \$10,000 to get into a Subway franchise or something like that. What they did, the reason they grew so fast was because they did not give people protected territories. That is what the Alberta legislation required.

The Alberta legislation said that, if you are going to operate in Alberta, you are going to do all of the other things we talked about, but you are going to specify which territory your franchisee has got. Because in Manitoba and other jurisdictions and wherever I believe it is Subway is operated, they would sell a franchise, say, right here in front of the Legislative Building. For at least five or six months you would think you had an exclusive right, but then all of a sudden there would be another one set up across the street. If you think about it or you drive around, just pay attention to that in the future. Drive around and you will see, literally, Subway franchises everywhere. Think about it; they are all over the place. In North America, it is unprecedented as to how many these people have.

The result is that some of the franchisees have been complaining very loudly, and I think there has been some legal counsel retained in some parts of the States, where they have taken it to court at great legal expense to themselves to contest this. In fact, they thought they had a protected area; they thought they were the only person who are going to be operating in Osborne Village; and next thing you know there are four or five different ones.

So basically anybody who walks through the door with \$10,000 can walk away with a franchise of that type, and there is no protection of territory. That is also vital because when you sign and give up your \$100,000, you do want to be sure that you have got that territory, the exclusivity of that territory. So protected area was another one.

Oh, another good one, and this is a real hot one as well, is consistency of contract. What you will find with these businesses is that while you have the standard 50-page contract, that standard contract gets changed all that time. Were you aware of that? Yes, I believe in Alberta there was a consistency of contract.

Whatever you were selling in Alberta, you had to sell the same contract to everybody.

What would happen in Manitoba or anywhere else is the contract would depend on, once again, what the market would bear. If the person was reasonably unsophisticated, they would charge more money, they would take \$80,000. So they would take maybe \$20,000 from one person, but the next person they would charge \$50,000 or \$80,000 for the same thing, and they would put in more punitive requirements. So, basically, it is a case of a professional operator who operates a good franchise firm that is successful, pushing the individual as far as they can to get the best terms possible.

One would think that, and I do not know this to be the case, but I would think the GM dealers or Ford dealers probably have the same contract. That would be my guess, right? It would just seem to me that all Canadian Tire stores or all McDonald's stores or all these people would have the same contract. That is what you would think. That is the requirement, certainly, well, because they carry all the same logo on their stores, they sell the same product. If the donut is the same shape and the same weight, then why is the contract different? That is what we found out. Alberta required the consistency of contract, because they were finding some people had, you know, the sweetheart deal compared to others.

So I guess they would find out on their annual meetings, or whatever, of the franchisees when they started comparing notes and finding out that one had a certain restrictive clause in their contract, another one had paid X amount of dollars and another one had—they started comparing notes and they started finding out. I know this to be the case because there have been several examples where that has happened, where unfortunately they do not find out until they are into the deal. They should know before, but they get into the deal, then they form their little association. Then they start comparing notes, and they find out they have got all sorts of different kinds of contracts, all sorts of different kinds of deals, side deals that are made. That, once again, is something you would want to put in some sort of legislation.

Now, the minister—I mean, there were guarantees in terms of equipment, fixtures, royalties, fees and

conditions and, once again, I am not exactly sure specifically what those refer to, but there were some problems in that area as well.

Now I am wondering if, and we never dealt with this, but whether it is possible to deal with the franchise question through almost an expanded Securities Commission role, in the sense that the Securities Commission at the moment deals with selling securities and requires prospectus and requires all these other things. Why could we not deal with it through that avenue? What are the legal implications or their practical limitations and implications to not doing it that way? Because I am going to be asking later on why you do not regulate the Grow Bonds, which are turning more or less problematic for the government with failures and so on.

We have been thinking of asking for that requirement, and we may have already asked for that requirement, but you are aware, the minister is aware, there are a dozen Grow Bonds out there, and half of them are in financial difficulty. The investors are getting their money back when these things go down, like the pea plant out in Portage la Prairie, and the investors who put their money into the Grow Bond are getting their principal guaranteed, but all the investors are out the money.

\* (1740)

So the Securities Commission—if we can make the argument with you that you should be putting these Grow Bonds, taking them out of Rural Development and putting them into the Securities Commission, then why can we not make the same argument with you that we can put these franchises under the Securities Commission, because I mean, you know, in reality, what is the difference? You have got people wandering around town right now selling—and we are all aware of the restaurant that went under, The Bombay Bicycle Club, and whatnot. I mean, I have got all kinds of complainants out of that one. I have got tons of complainants from that one who are embarrassed, but they put in money, \$7,000 or \$10,000, and they were investing in this restaurant. So they were not buying a franchise; they were investing in it, but I mean it is all kind of the same thing. It is money. We are talking about money that people have worked hard for for

years, and they have reached a kind of a preretirement age, and they run into some fast-talking operator who convinces them they should throw \$15,000 or \$20,000 into a Bombay Bicycle Club. They write the cheque, and the next thing you know the money is gone and the good times are all gone, and they do not have any money left.

So I am wondering if there is any relationship here between the sale of the franchises and what goes on under the Securities Commission, because Securities Commission does have some of these requirements, right? It has the prospectus requirement, right? It has the requirement that they have to—I am sure the Securities Commission checks people out for their backgrounds and that. They would not necessarily let a person go out and sell investments and stuff if they had criminal records.

But, anyway, I leave it to the minister right now to respond to that and then maybe I will ask another question.

**Mr. Radcliffe:** Well, Mr. Chair, my honourable colleague has raised a number of issues, and I have made note of them here, but one of the things that he has raised is that one of the integral attributes, I guess, of a franchise agreement is protected territory and exclusivity of territory. I guess that in itself is a very simple term or issue in a contractual arrangement, and I would suggest that it would be up to the wisdom of the individuals who are contracting to determine that they do have exclusivity of contract.

With regard to the consistency of contract, I can say to my honourable colleague from personal experience, not of being a Canadian Tire store operator, but having been an advocate for and a solicitor to Canadian Tire store individuals, that there are different contracts in different places for different dealers. They have to carry the same logo. They have to have a consistent quality of merchandise—in fact, they buy merchandise from a central purveyor—but the financial arrangement and the percentage of payment to the central supplier of material vary from supplier to supplier. It is based, in many cases, on the amount of business that you do.

What I think my honourable colleague, though, is touching on, when he is moving into Securities

Commission and, in fact, touching on the people who complain for making bad investment decisions, is that nobody likes to lose money, least of all myself, but I can tell my honourable colleague that I have made some horrendous investments over the years that have—[interjection] That is right—lost me significant monies, and I have made other investments that have been eminently successful. But I do not think that we as a provincial government can pass any regulation that can prevent people from losing money. I think that, if we were to do that, we would have to, in fact, put a lid on any sort of speculative investment that people would make, and I do not think that our government or any provincial government is prepared to do that. Therefore, inherent in the issue of risk when you make investments for private enterprise, you are facing the issue that some enterprises will succeed and others will not.

The Bombay Bicycle Club was an enterprise that, at one point in time, was very, very productive, very successful. Then the restaurant business being as capricious in Winnipeg as it is, the temper of the times moved on, and those individuals did lose significant money, who had put money into it. I can remember, as a solicitor, acting for feedlot individuals, farmers who were running feedlots. Two or three feedlots did nothing but make money because of the timing and the price of beef, and then there were two or three feedlots that I acted for that lost their shirts. The enterprises, the individual investors lost their shirts.

I do not think that we as a government should restrict that sort of activity. I think that you have to have a basic trust that people do look after themselves, that you cannot take away all their initiative. As well-meaning as one might want to be, and as caring as one might want to be, you have to allow people to make good decisions and make bad decisions, and to put your hand on every single investment enterprise or opportunity that they are going to make, I think, in fact, would end up overregulating the private investment enterprise. I would look to, perhaps, the stock market because if you extend my honourable colleague's argument to its logical conclusion, what he is suggesting is that we ought to regulate people's affairs in such a fashion so that they not make bad investments on the stock market, and I can point to some investments that I have made in the stock market over

the years where I have lost horrendous amounts of money, which much to my chagrin—

**An Honourable Member:** You had Bre-X too.

**Mr. Radcliffe:** My own personal Bre-X. But, with regard to the issue of the Mac's milk enterprise, I can relate to that personally because I acted in some—two operators, I think, with the Mac's milk enterprise on Broadway Avenue, which is in the area of the honourable colleague's associate from Osborne. That enterprise was based upon somebody coming up with about a \$5,000 to \$10,000 investment to buy the stock, and then the difficulty there was that one had to be a good merchandiser. One had to be prepared to make the commitment practically to work filling station hours. Those Mac's milk franchises work so long as you are prepared to be there personally, yourself, as the proprietor and that you can get a reasonable living from them, but you have to put in an incredible number of hours in order to get any decent return. That was my analysis of that business.

If you end up hiring somebody, if they have the acumen to be successful, the nature of the business being such as it was that it is largely a cash business, you have an awful problem then balancing the books and the proprietor then ends up coming up short on the till, often from the back end from your employees. This was with one particular operation, I remember, with the Mac's milk operator, but the individual client whom I represented was very successful in that operation, when he was there operating the enterprise himself. When he turned it over to other individuals, it became wholly unsuccessful.

\* (1750)

So I would suggest that it is not the issue of the franchise itself, but rather the environment in which you are having to function and the fact that you have to be there with a hands on operation in order to make money on a Mac's milk operation.

With regard to the alarm franchises, I recall personally what my learned colleague, my honourable colleague is referring to, as well. There was a whole flurry of activity in Winnipeg, oh, probably five, six, seven years ago with regard to the franchise operations.

These operators were basically trying to make castles in Spain or much ado out of nothing, and those things came and went very, very quickly.

I think that the Consumers' Bureau probably is the most effective level of control where you have people trying to sell a concept or sell a territory, such as my honourable colleague is referring to, where you perhaps have these people bonded so that if they do commit frauds or they do fail to live up to their commitments, there is somebody who is in a fallback position who can protect members of the public.

But to guarantee that you do not make a poor investment, I think, would be going beyond the bounds, the powers, the place or authority of where any government should be and, whether it be the B.C. government of my honourable colleague's stripe or the Harris government, which is perhaps philosophically more in tune with the Filmon administration in Manitoba, I do not think we would find any government in Canada today who would be willing to wade in and impose severe strictures on individuals who are wanting to make investments in private enterprise. I do not believe that is where government should be, as long as there is no fraud being committed. That, as I say, is covered very adequately from the Consumers' Bureau people who receive complaints and do go out and investigate and insist that people be bonded.

**Mr. Maloway:** The Business Practices Act deals with fair practices as between the business and individuals, and I think it is only fair that businesses have some sort of hope for fair practices as between one and the other. I think all we are asking for here is fairness, and to somehow put business on a different level and say that somehow they should be more sophisticated. As they say, there is only one taxpayer. Well, you know, there is only one consumer. These consumers are also these little franchise operators, and people tend to think of the franchise people as being really rich, but, you know, the minister has his own experience with Mac's milk and stuff like that to know that those are not rich people that are buying these franchises.

It is not only Mac's milk. I mean, there was a pizza operator around who was doing the same thing. It was just common knowledge that there are two methods of

operating, probably a lot more than two methods, but two main methods of operating in the franchise business, and one is to carefully select the people you are going to do business with and develop a long-term relationship with them.

The other method of operating is just running people through like a mill, and that is what the pizza operator was doing, and that is what it is alleged that other operators do. They know, people in the industry know who the people are that are doing this but, when you think about it, it is not such a bad operation for the franchisor. If you can run half a dozen people through in a year and pick those up-front fees up each time you go, you do not mind if you lose a little bit of your inventory and a little bit of money is missing from the till, because that gives you grounds to turf out the one guy and bring in another guy.

I mean, that is literally how some of these have operated. I am not saying these are the majority. There are a few of them who have operated around the periphery, and it is only when the people get involved in them and they have given their \$10,000 they realize there is no escape. They cannot get out and they operate, as the minister said, with gasoline station hours until they drop dead through exhaustion, and they walk. Then the next person walks in. As they walk out the back door, somebody else is walking in the front door with these visions of dreams that they are going to get rich quick.

So what I am suggesting is, No. 1, the franchise business is not just the purview of the \$100,000-plus crowd. It is the purview of working people. A lot of them just borrow the money. They borrow it from friends and relatives to buy this little \$10,000 franchise, and they essentially buy themselves a life of misery and slavery for the few months that they last, because those ones typically do not last. You are not talking years here. The lifespan of these ones are not years. The lifespans are literally months, because their fees are gone, they are out, and then they get somebody else. So if you put it in that context you are talking about an awful lot of people out there that the government should be looking at providing some protection for.

Now, you know, if the minister wants to talk and this government wants to talk about the law of the jungle, I

mean, if you want a free market, then have a free market, but you do not have a free market as it is. As one, before a legislative committee some years ago, a member of the insurance fraternity came before the committee, and I know he said that the insurance business was the most regulated business from top to bottom. Everything he did in a day was covered by some sort of regulation. He was not saying that was bad. He was just pointing it out. That is about as free market a conservative environment as you can get, the insurance business, but yet it is heavily regulated.

So I guess if you were to follow any kind of conservative ideology here of getting out of business, then you would have to ask yourself, well, why do we have—because the minister says, we cannot guarantee. We do not want to make guarantees that you are going to make good investments but, I mean, then what are we doing with the Securities Commission? Why do we not get rid of that too?

I am sure there are some neocons out there who would argue just that. Some of them are going to be elected in the next 28 days to your federal caucus who would argue that, to say that the Securities Commission is an intrusion in business, and we should get to the free market, and there should be no such—I mean, we should have a free market like Russia right now, where there are just no rules at all. That is your logical—if you want to think this thing through, that is where you are at the end of the day, when you take care of all of your protections that you have.

I think most people in this province believe in some sort of rules and regulations for business, that you have to have some sort of rules and regulations. I guess the question is how far do you go in requiring these rules. So I am not arguing that we should be in any way getting rid of any of the regulations we have. I mean, I think we need those, but I am trying to think of an efficient way to pick up some protection for this group of people who for whatever reason are not knocking on the minister's door, but certainly we have been hearing from them, and in each and every case—I mean, let us deal with Subway for a moment.

These people thought they had protected areas. They did. It was either something verbal or they really felt—yes, they did. They thought they had a protected



area, but the franchise company just plopped another one in the neighbourhood. They do not end up going to lawyers because they know it is a losing proposition for them, and the minister knows this. The minister knows that at the end of the day, what are you going to get? You are going to lose two years of your life, and you are not going to get anywhere anyway.

Have you ever tried, Mr. Minister, to enforce a judgment from the Small Claims Court? I mean, talk about an impossibility.

**The Acting Chairperson (Mr. Dyck):** Order, please. The hour being 6 p.m., committee rise.

### CHILDREN AND YOUTH SECRETARIAT

**The Acting Chairperson (Mr. Gerry McAlpine):** Good afternoon. Would the Committee of Supply please come to order. This section of the Committee of Supply has been dealing with the Estimates for Children and Youth Secretariat.

Would the minister's staff, if they are available, please enter the Chamber.

We are on Resolution 34.1 Children and Youth Secretariat (a) Salaries and Employee Benefits \$434,400.

\* (1640)

**Ms. Marianne Cerilli (Radisson):** I will just give the staff a second to take their seat and catch their breath. I want to continue discussing the issue of staffing and funding in the Youth Secretariat. We just started to get into that I believe last week, and I want to continue on. I appreciate that the booklet that is prepared for the Estimates includes the names of the staff that are working in the secretariat and the different departments that they are liaising with, but I still want to clarify in the Estimates the amount of \$434,400 that is under Salaries and Employee Benefits, and I just wanted to clarify which of the staff that is paying for.

I think this was what we were discussing when we broke last week. So whenever the minister is ready, if you can answer that question.

**Hon. Bonnie Mitchelson (Minister of Family Services):** Mr. Chairperson, I will try to clarify it. The staff salary for the CEO of the Children and Youth Secretariat, if you look at the printed Estimates, Supplementary Estimates, right on the very last page, second last page, it has Reconciliation Statement. This is in the Supplement. That is it. Okay, last page, second last page at the bottom. It says Reconciliation Statement.

What happened in the past was all of the staff years and because the former ADM of the Children and Youth Secretariat came from the Department of Health, his salary was paid for through Health. The money was—I guess all of the staff salaries were paid for and the costs were shared with all departments. What we have done this year, for the first time, is put the staff year and the salary of the CEO into the secretariat. That is the only salary that is in the secretariat's budget line.

The \$434,000 that you see further up in the Supplement relates to the staff salaries that are still paid for in departments for—am I making sense? If you look at the org chart, the position in Family Services, Justice, Education, Health, and Culture, Heritage and Citizenship, okay? Those are the five positions. They are still paid for from the department, but that is a compilation of those departments, and it also includes the support staff for the CEO, okay? Have you got that? The five departments and the support staff for the CEO, those salaries are included there.

Housing and Northern and Native Affairs have just been added, and their salaries are not included in that amount yet. It will be in next year's budget because they are permanent now, partners in the secretariat.

The three boxes underneath—Family Services-related projects, Education-related projects and Health-related projects—are positions that are not included in that \$434,000, but they are seconded staff that would be paid for by the respective departments for project-specific initiatives. Those people and those departments will change from time to time. If the secretary is placing a focus on housing, for instance, mid-year, and a project from Education is completed, you may see staff from Housing being seconded to the secretariat paid for by Housing to look at project-specific initiatives if Education is finished, but from

time to time you will see different people from different departments moving into the secretariat based on where the priority projects are happening. Also, we do have the names included from the different departments of the people who are seconded right now, but from time to time those people will change. This is not sort of a permanent thing and that is why the positions and the salary dollars are left in the departments, because there might be a different salary depending on the individual and the kind of classification they have, what the salary dollar will be. Am I making sense?

**Ms. Cerilli:** Yes, I am understanding what you are saying. To clarify then, the CEO is not paid for from that budget line for salaries and benefits. Where does it show the salary for the CEO?

**Mrs. Mitchelson:** I think if I can understand this, next year it will be very clearly spelled out in the Estimates that the CEO's position for the Children and Youth Secretariat will be a staff position paid for through secretariat-dollar allocation. It is reconciled this year because it is still this year recoverable from the Department of Health. Next year, it will show up. I guess the decision was made that the CEO will be the one stable position in the Children and Youth Secretariat, but every other position will be secondable, transferable and people will move in and out, but there will be one stable person and that will be the CEO, the head of the secretariat.

\* (1650)

**Ms. Cerilli:** Further then, the staff who are working underneath on the special projects, particularly the ones who are coming from the Department of Health and the Department of Education, because as I understand it the person who is being paid through Family Services was not previously a provincial government employee but the other two are. Am I understanding that correctly or are those other two seconded, Roberta Vyse and Elizabeth Moore, also from outside the civil service? If so, I have noted here from the other day you said that those were staff years that were added. Can you tell me what program in those departments, in Education and in Health, they have come from?

**Mrs. Mitchelson:** Yes, Dorothy Dudek has been seconded, and we will have a contractual arrangement

with the Manitoba Child Care Association for a year for her. Roberta Vyse has been seconded by Education from the River East School Division, so we are paying River East School Division her salary while she—and she was doing other projects in the Department of Education, and she is working on projects now out of the Secretariat. Elizabeth Moore is a staff position from the Department of Health, and that is to coordinate the management of the nutrition program that will be announced this fiscal year.

From time to time, there will be people that will come from the departments with certain sets of skills to either develop or help deliver or manage a program. From time to time, there will be people that will be seconded from outside of government to come in and work, and I think it just all depends on what the project is, and where we think we can get the right skills to work on that project from. So they will from time to time, whether they are a staffperson from the Department of Health or whether they are a seconded person, the respective department will pay.

The Department of Health is paying for the nutrition project. The Department of Education is paying for the education-related projects. The Department of Family Services is paying the salaries. The salaries paid to those people will come directly from the departments, whether they are seconded from the outside or staff from the inside.

**Ms. Cerilli:** Mr. Chairperson, I just wanted to let you know that I believe that the conversation from the ministers behind, on the second bench, is being picked up in the microphone, and I am having a difficult time hearing.

**The Acting Chairperson (Mr. McAlpine):** Order, please. I would like to remind all honourable members that we are in the process of Estimates. It would be appreciated if there was any discussion beyond this Estimates process that it will be done—

**An Honourable Member:** Bring the hammer down.

**The Acting Chairperson (Mr. McAlpine):** You might say that, Mr. Minister.

**Ms. Cerilli:** I appreciate it. I am wanting to clarify, then, the process for hiring those individuals, since they are secondments. Are they being bulletined through the civil service, or because they are secondments and are being paid by those departments, are they just handpicked from certain agencies or those departments? What is the process for hiring them? I am also interested in seeing where the job descriptions are available and if I could get the job descriptions?

**Mrs. Mitchelson:** At the present time, and I am not sure whether there ever will be a specific job description for anyone that comes in to the Secretariat, and I guess part of the problem or part of the issue around that is we are breaking new ground with intersectoral co-operation. Very often, even if a person is—I look at a person like Dorothy Dudek, who might come from outside but is paid for by the Department of Family Services, and probably it makes some sense because she has child care experience and expertise.

Some of the early intervention projects that she will be working on will certainly have a health component and an education component, as well as Family Services, and it might bring Housing in and certainly Native Affairs into the piece, so to say that there is a specific job description, I guess, is pretty difficult at this point in time. I believe that she will be facilitating community co-operation and co-ordination with the departments within government that will need to have some input and possibly some dollars redirected, and she will be sort of in charge of working with the secretariat to ensure that we get the projects up and running and they are successful.

As I said, it is groundbreaking and it is new. It is new for government, and I am not sure that any one job description—and as I said, it is only for a year for her at this point in time, so I guess at the end of the year, I would hope that maybe by next year at this time as we get into Estimates my honourable friend could hold us accountable for the success that we have had in utilizing that person and that position to do the job that needs to be done, and that is to get programs and projects up and running in a new way to deliver services to children and families.

I guess rather than having a specific description of what a person should do, they have got to come in, they

have got to have some leadership capability, they have got to have the ability to bring people together around the table and get the job done. The accountability will be after the fact when projects are up and running and successful.

**Ms. Cerilli:** That was a two-part question, so I was just waiting for the minister to answer the other part of the question, which was about the process for finding these people and bringing them into the positions in the new secretariat.

**Mrs. Mitchelson:** The process for the people in the first set of boxes is, I mean, we are wanting an integrated approach and there will be on a regular basis an individual from all of these departments participating in the secretariat but, as I said, it is not for a set period of time. Once they come into the secretariat, they are not there forever. They may come and go based on the department's assessment, the department and the minister and the secretariat all sort of discussing what kinds of skills are needed at any point in time to do the work that needs to be done. So in those first sets of boxes there will always be someone and the staff dollars and resources for someone from those areas, although the people will change.

\* (1700)

So it is a matter of discussion, of dialogue, trying to get a mix of people with different skill sets. Some may have some ability to research and collect data. Others may have more project-specific skills. Others may have management skills, and I guess we need a mix of all of those people with different skill sets. When someone changes in one department we get someone with a different skill set, we might want to look at changing someone in another department. So it will be flexible.

Then, when we get down to the second three boxes, as far as there is not a bulletin process, I personally approached Dorothy Dudek. We have been doing some work with the Child Care Association around the fact-finding mission. We have had lots of discussions. I meet with her on a regular basis. I think she is very much in touch with the community, understands the issues, has been very involved in lots of dialogue and I think brings some great expertise and organizational

ability to the process. So I personally approached her and asked whether she would be willing to talk to someone in the secretariat to see whether there was a role that she could play in helping us to co-ordinate and move forward around a bit of a new vision for early intervention. So in her discussions with the secretariat, she was prepared to accept a one-year secondment after discussion with her organization. I want to indicate to you that I want to see more of that. I think that we want to be able to pick those people who we believe bring expertise to the table.

So, as we move on different projects, there are many community people out there that I believe genuinely want to see the lives of families and children improved and have some wonderful suggestions on what we need to do. As well as breaking down barriers within government departments, we need to break down barriers sometimes within the community and get the community all working together. When you have that kind of facilitator and someone with that expertise, I think we want to approach them and as quickly as possible get them working with us to see what changes we can make. So that was how that position happened.

I cannot speak as much for the other two departments in detail, but I can indicate to you that Roberta Vyse was not just seconded to come to the secretariat. She was seconded by the Department of Education because of expertise that she had, and she became a valuable asset to some of the work of the secretariat. So she was, in discussion with department, deemed appropriate to move into the secretariat to work on some of the issues around education.

In the Health-related projects, the nutrition program was a program that was announced in the throne speech. There is money in the budget this year, and I think Elizabeth Moore was the kind of person that was deemed to be able to manage the program and the process to get a nutrition program up and running. It will be different in every instance and I suppose, as I said earlier, the accountability will have to be there after we have had experience for a year and are able to talk about the successes, or I suppose the failures if that happens, but we will be able to be held accountable anyway at the end of the year for the kind of work these people have done.

There was a couple of things that I undertook to provide for my honourable friend last week when we were in Estimates. The one paper I would like to provide for her is the Baby Think It Over program, the students' handbook that I would like to share.

Also, Mr. Chairperson, if I might, I put some incorrect information on the record. I want to clarify it and make sure that the right information is on the record, and it is around the Baby Think It Over program. My honourable friend had asked how many dolls we had purchased, at what cost, how many students that was to service, and I think what schools were involved. I was way off with the number of dolls. The number of dolls is 27, not 300. They are a cost of \$400 each so the total cost is around \$10,884. I see it here. The program will be delivered within the Department of Education curriculum and the schools that we have looked at. There is, I guess, one school in Thompson right now that is using the doll, but they have looked at high-risk need areas, and the individual schools that we have been working with are Lord Selkirk regional secondary school, Daniel McIntyre High School, St. John's High School, Sisler High School and Tec Voc. Those schools are committed to delivering the program. There is still an issue around the school board approval of that program, and so we have the schools that have bought in and I guess it is important that we co-opt the school divisions into believing that this is a positive program.

We are looking to the six aboriginal communities outside of Winnipeg that the Metis Federation, the Metis Women and the secretariat are going out to visit. The proposed number of people or students that would be served in a year is 750. I think I may have put a different number on the record last week. So I wanted to clarify the record and apologize to my honourable friend for the incorrect information.

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

**Ms. Cerilli:** I thank the minister for correcting the record. I will get back to the whole issue of teen pregnancy and Baby Think It Over when we get into dealing with the ChildrenFirst report, but I want to stick with asking some more questions about the department or the secretariat's staffing and budget. We had been

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**Ms. Cerilli:** This is a point of clarification. I do not mean to be disrespectful, but I have asked a question about process and the minister is just listing a number of the agencies that they are working with. What I am trying to identify on behalf of the number of agencies that I know are approaching the secretariat, who would like to be partners, is they want to understand how this works. They want to understand how do they get to be one of the agencies that are going to be selected to benefit from working with some of the program money that is available and having their agency involved in this. That is what I am trying to clarify, not the number of agencies that are already working, but how the new agencies that want to be involved are going to be able to be selected or if there is some kind of process that they go through. Is it just the merits of the ideas that they may bring, and it is the staff in the secretariat or, perhaps, the Social Services Committee of cabinet that selects? How does this work?

**Mrs. Mitchelson:** Mr. Chairperson, ultimately, there will have to be a selection process by government when any project is approved. I guess some of the criteria, if you might say, and there is nothing written down and there is not a broad application process that is going to take place, there will be selected projects based on—and I mean the secretariat has met with many, many organizations. We have worked with many. There are some that have come forward as partners, and one of the things I want to tell my honourable friend is we need community partnership in order for these projects to take place.

If you have one organization out there that is saying, we want to do this, we do not have any partners, and we do not have any other community buy in, we are probably not likely going to see projects funded in that respect. They have to be intersectoral. They have to be able to benefit the high-risk areas that we have identified in our documents. We have to be able to measure outcomes. We have to have community service organizations, private sector, other funder involvement. They need to be very co-ordinated. There needs to be a community buying in. As a result, as people come forward, many, many people phone the secretariat and say, we have an idea, we have a suggestion. We meet with them. We might say to them this sounds like a really good idea, let us develop it a little further, let us see whether there can be

partnerships developed, and let us see who else in the community is interested in buying into this project. Let us see whether there are government departments that want to contribute. Let us see if there is another funder that wants to contribute.

I see my honourable friend getting a little agitated. I want to say that there is no application process. The people that come forward with suggestions or ideas on what might be a good project, or a good program, will be worked with. If we know that there is community buy-in and if it meets the criteria for an intersectoral approach, then we will consider funding it. We have to look at the cost of the program. We have to look at whether \$50,000 or \$100,000 from the secretariat and another \$200,000 from the Department of Health and \$100,000 from the Department of Family Services, along with maybe \$100,000 from the Winnipeg Foundation, maybe \$100,000 from the private sector add up to a half-a-million-dollar project that we believe could impact or change the lives of high-risk children or families out in our community, and then we would go with that. But there have to be partners; there has to be funding committed by partners. So we are anticipating that the dollars in the secretariat will lever dollars from other sources. That is how we will develop the projects, and that is how we will work.

We would want—as we have in the Baby Think It Over program, we have the teachers, the home economists, we have the school divisions, we have my department, which believes some education for teenagers is critical in trying to delay or prevent pregnancy, is important. So, when you have got that kind of intersectoral buy-in then we can make it happen. That was not by an application process; that was from a project coming forward and our believing that it was the right thing to do.

**Ms. Cerilli:** I guess that I do have some concerns about that type of approach, but I am going to move on. I am going to now I think try to start getting into the details of some of the reports, but I am wondering if the minister can tell me, because there was a lot of talk before about the gaps in the system for kids that are high need, high system use, high risk, and in all of the materials that have been produced by the secretariat, has there been something to identify those gaps? I know there is one example that has been used a lot with

schools for example not knowing when young people who are on probation—as part of their probation they have been told they have to go to school and have 100 percent attendance, and the school never knows that. That has been a problem. So Corrections, there has to be—there is a gap between the Youth Corrections staff and the schools. That is an example.

There has been a gap identified in terms of the technology requirements for kids in the school system. Are there other specific issues like that that have been identified by the secretariat? I do not want the minister to list them all now, because we only have a half hour more today, but I want her to do is either direct me to the material that has been provided or commit to providing me with that information. I can see they are nodding, so I guess you are saying that there are gaps that have specifically been identified.

**Mrs. Mitchelson:** I will answer just briefly around a couple of areas, and then we can try to get into more detail around that. That is exactly what some of the protocols for the information sharing are all about, so that Probations and the school system are all in sync and information is shared on a timely basis when it is appropriate so that the case plan or the treatment plan for that child is complete. Very often if someone was on probation they might or could conceivably be involved in the Child and Family Services system. So we need to have a case plan developed around the best information we have on how to treat that individual, and that information has to be shared among different disciplines, so that is what some of the protocol will be about. We talked about that in detail, so I will not get into that anymore.

But the other area to where we have really identified, and it has to work in a couple of areas—it is within our school system—and that is dealing with FAS/FAE children. But the other side of the coin is, how do we prevent moms from delivering FAS/FAE children? We are dealing with it after the fact. How do we deal with it up front? Nobody is doing anything in that respect, and I am talking about all of the foundations that fund significantly community.

\* (1730)

There is not a focus, and we are all concerned about trying to find a way of early intervention so that women

are educated, boys are educated, and we are not seeing the high incidence of FAS/FAE children, but we still have to deal with those that are in the system that need our support. So that is one area that certainly has been identified as a gap when we look at all the services that are available and all the information we have that tells us how devastating this issue is going to be and what the cost is going to be in years to come.

**Ms. Cerilli:** Okay. Well, I want to turn now to the report, ChildrenFirst Strategic Plan, and I want to ask some specific questions about some of the recommendations or action plans in here. Starting with the one on page 11, 1.4 Personnel Screening: “Protocols to be developed for school division personnel who have not been screened for criminal records and listing on the Child Abuse Registry.” For a lot of these, I am wondering if they have been costed and if you can tell me what the cost is for that one, as well as some time in terms of plans for implementing that and if there have been staff already allocated to conduct that project.

**Mrs. Mitchelson:** Mr. Chairperson, in fact, many of the school divisions do have a fairly consistent policy that is in place. There are some that do not, and I guess we want that standard protocol right across the province. We will be working towards that end goal, but there is really no additional cost to getting that up and implemented. There will be some staff time, some education process, and some ensuring that the protocol is met and lived up to in all school divisions, but that is basically staff resources and time to get—because the work has gone in by school divisions into the policy. What we want to ensure is the consistency, division to division, so there will be some more work with some divisions than with others. We are not anticipating there is any real additional cost. It will just be staff time.

**Ms. Cerilli:** Is there a time commitment of when you want to have all of the school divisions and schools up to par in terms of this procedure?

**Mrs. Mitchelson:** Mr. Chairperson, we would hope to have that up and available by fall.

**Ms. Cerilli:** Okay. I am similarly interested in the program on page 13, the Multi-agency Prevention



Program: a partnership of 10 agencies to deliver comprehensive intervention assistance to youth and directed at high-risk youth. I have a similar question in terms of the allocation of resources from the provincial government, each department that has been identified in the chart for that program, and so the staffing and as well a time frame for this project.

**Mrs. Mitchelson:** I guess the whole goal or reason for being of the secretariat is to ensure that there is co-ordination, there is sharing of resources from departments. This year the co-ordination will happen with financial resources through the Department of Health. Next year, it may be the Department of Family Services that contributes the dollars to provide the co-ordination so in this way we are getting the co-ordination resources, but it will come and there will be an expectation that departments will contribute staffing resources from different areas and different departments on a year-by-year basis so that everyone buys in.

**Ms. Cerilli:** I am asking just specific amounts if this project has been costed. What the minister is saying is that for this year the Department of Health is going to cover the costs for this program for one year.

My other questions were: The staff that are going to be involved, and we just went through a long discussion on how staff are seconded for the secretariat. I want to know if the staff have been allocated for this program and when the time frame is for this to be completed.

**Mrs. Mitchelson:** This is a program that is ongoing. It has been ongoing for three years. I guess the issue was co-ordination of this program and as a result—so Justice pays for the ongoing programming. In order to co-ordinate the programming, additional staff resources are required, and, therefore, the Department of Health is contributing additionally. So there is no more cost to the program as such; it is the co-ordinating function that needs to happen. Health is doing it this year. We will ask another department to contribute the resources for the co-ordination next year and in ensuing years so that every department that has a stake in ensuring that this program continues will contribute.

**Ms. Cerilli:** So how much is the Department of Health contributing or if that is just through staff time? How

much is the Department of Justice contributing, and are we talking about the same program here? Is this the MAPP program as in Brandon or is this what we were talking about the other day, where the department is looking at expanding this to other jurisdictions in Manitoba?

**Mrs. Mitchelson:** Mr. Chairperson, it is the MAPP program in Brandon. This is not what we were talking about the other day. It is staff resources for co-ordination from Health this year, and it will be from another department next year and in ensuing years.

**Ms. Cerilli:** And the amount is? How much?

**Mrs. Mitchelson:** It is half a staff year per year.

**Ms. Cerilli:** As I have said earlier, this is one of the kinds of programs that I think the Youth Secretariat was set up to encourage, so two things: I am wondering if there is a time frame attached to what we had discussed the other day of expanding the MAPP program to other jurisdictions, as well as the amount of money that Justice is providing to provide this program for Brandon.

**Mrs. Mitchelson:** Mr. Chairperson, that is detailed information Justice would have in their Estimates in allocation for the MAPP program. What the secretariat's job to do is to ensure that it is co-ordinated in a fashion that is taking maximum advantage of the program, but we are not responsible for the day-to-day operation of the program.

**Ms. Cerilli:** Okay, so I am assuming from the minister's answer then that there is no other place in this action plan where there is a plan to expand this program to other jurisdictions, and she can clarify that.

I am going to ask similar questions about some of the other initiatives in this program or proposal. Well, we will do the one with the member for Wolseley (Ms. Friesen) here. The Families and Schools Together Program was one that was recommended from the ministers, and it says that funds have been approved for the Family Centre. The Winnipeg Foundation has provided matching funding, and the Children and Youth Secretariat will develop the reporting requirement. So I am interested in finding out the

amounts of funds that have been allocated from the Family Centre, the Winnipeg Foundation and the cost to the secretariat for developing reporting requirements as well as the time frame for implementing this program.

\* (1740)

**Mrs. Mitchelson:** Mr. Chairperson, this project has already started. It has been announced. There is \$50,000. I guess I want to indicate that part of the secretariat's responsibility is trying to ensure that there is buy-in and there is money being redirected from government departments towards these kinds of initiatives. So it is not necessarily the secretariat's responsibility for the funding, but it is trying to identify where within government these funds should come from. The Department of Family Services has contributed \$50,000. Health has contributed \$50,000; Education \$50,000; Justice \$35,000; and Culture, Heritage and Citizenship \$15,000. So that is a total of \$200,000 from government. The Winnipeg Foundation has also contributed \$200,000. So there is a total of \$400,000 for a four-year program that will serve 132 families in five different schools, so a worthwhile program.

The Family Centre of Winnipeg, the Winnipeg Foundation came forward to government. We evaluated it through the secretariat involving all departments and all departments bought into the funding. So we got a bit from everyone, which ended up being a significant amount to match the Winnipeg Foundation's funding for this program.

**Ms. Cerilli:** So how many staff have been hired? Which agencies are they working for to undertake this program? Which are the five schools that will be involved?

(Mr. Gerry McAlpine, Acting Chairperson, in the Chair)

**Mrs. Mitchelson:** The money is given to the Family Centre of Winnipeg, and they will deliver the program. So there is no staff hired anywhere within government. It is the Family Centre of Winnipeg, and they have the responsibility. The funding goes to them, and they have the responsibility for delivering the program. I

think there was an article in their newsletter that I will undertake to find and share with my honourable friend, and I think it spells out in some detail the goals and objectives of the program. There are three schools that have been identified already. One is Machray School, Machray Elementary, that is in Winnipeg 1. There are Lavallee and Greenwood Schools in St. Vital School Division, and there are still two other schools that they are trying to identify. So they have three schools on board and they are working to identify two more, but that is their decision based on where they believe the highest need is and that is working very extensively with families, parents and children to try to ensure that children do not experience failure in school, and they feel it is very important to involve the families. I am anticipating that it is going to be a very positive program.

**Ms. Cerilli:** Somehow I am just wanting to identify the funds that are allocated for the Choices program, and I am assuming they are from the Department of Education and Training. Similarly the schools involved and that is in progress already, so it should be fairly easy to identify those things.

**Mrs. Mitchelson:** Mr. Chairperson, around the Choices program, Winnipeg School Division No.1 is delivering that program. It was \$38,000 that went to Winnipeg School Division No.1 for them to hire a staff. There was a staffperson from the Department of Justice seconded to the program and the rest of the money came from the Winnipeg Development Agreement. I do not have that amount here today, but I will get it and provide it.

**Ms. Cerilli:** One of the other recommendations I am wanting to follow up on is on page 15, Recommendation 2.9: Reduction of Juvenile Prostitution. This has an implementation team to explore a number of strategies. Again I am wanting to find out the time line for this objective and the dollar amount allocated to it, where that money is coming from, and any staff positions that have been created for this project.

**Mrs. Mitchelson:** Mr. Chairperson, the working group has just started. Well, of course, the Child and Youth Secretariat is involved, the Department of Justice is involved, the Winnipeg Police Services is involved,

and the Women's Directorate is involved in that working group. I guess that working group will determine where resources might be reallocated from or whether there is a need for any additional resources, but that work has not been done and the recommendation has not been made on where to find the dollars to deliver something.

**Ms. Cerilli:** The first part of my question though was the time allocation for this objective. Is it to be by the end of the year to have at least the funding sources in place, to have identified the agencies where the staff would work from, that kind of thing? I mean, we must have some kind of objective here.

**Mrs. Mitchelson:** Mr. Chairperson, the Minister of Justice (Mr. Toews) has asked that this be worked on expeditiously, so we do have the working group in place. I cannot give you a time frame right now, but he might be able to give you more detailed information in his Estimates around this.

\* (1750)

**Ms. Cerilli:** Mr. Chairperson, this is one of the areas where there were a number of recommendations from the working group, and you picked here four of them. I would think that this is one that also deserves a high priority. I would just hope that the minister would be able to provide information at the Department of Justice Estimates. I know that my colleagues or myself will be there to ask the questions.

Following on that, one of the other areas that has been talked about a lot as a problem is the whole transition for young people involved with the child welfare system, the Child and Family Services system, and recommendations 2.12 involves this area. Again, I just want to get the time frame for the implementation of this recommendation which is to, as I first of all started, to develop more of a system to give attention to this transition and it would involve the Seven Oaks Centre.

So I am not quite clear, because it seems like the action here is different than what is in the description. The action says to co-ordinate intake and placement and discharge of child welfare—oh, residential care system. So this is only for those who are going to be in

this new centre at Seven Oaks. This is not what I was thinking which is more generally to support young people who are making the transition into and out of being in care of Child and Family Services. Similarly, though, now that I understand the clarification on this program, I just want to see what the time frame is for implementing that, the cost of this initiative and the allocations to come from each of the departments involved.

**Mrs. Mitchelson:** Mr. Chairperson, this is sort of the reallocation of about \$3.9 million, those supports that we presently provide at Seven Oaks Youth Centre which needs to be shut down. As you know, it was a facility that started out being sort of a short-term placement and has ended up holding high-needs, high-risk children for sometimes up to two years without any sort of measurable or proactive treatment program. So what has happened as a result of trying to make some sense of that whole system is that we have worked very closely with Knowles, Marymount, Macdonald Youth Services and New Directions; I guess they are the four different placement agencies. We have worked very proactively with the mental health system, MATC and children's psychiatric services to try to determine how we can better manage and treat these high-risk, high-needs children, and warehousing them is not a preferred treatment option.

So we are looking at and in the process of establishment of two crisis stabilization units within the child welfare residential care system that focus on crisis intervention and stabilization. We are looking at mobile crisis teams to provide after-hours service, seven days a week to stabilize crisis situations. So we are looking at child welfare and mental health staff that would—I was going to say man—would make up the mobile crisis team. We are looking at brief treatment teams that provide immediate follow-up, brief therapy after a crisis, after the crisis has been stabilized, and we are looking at home-based crisis intervention services and psychiatric in-patient services. Those would be the beds at Health Sciences Centre, the adolescent psychiatric beds and utilization of those.

So it is a combination of child welfare and mental health supports and working together to try to stabilize situations where families find themselves in crisis and where necessary provide the support through the mental

health system or through the treatment beds at Knowles Centre, Marymound, Macdonald Youth Services. We have all of those treatment facilities wanting to cooperate and work very proactively to see that we put better treatment services in place for these kids.

**Ms. Cerilli:** The minister gave me some detail there, but I want to know the time frame for completion of this, just quickly.

**Mrs. Mitchelson:** We are looking at moving on the girls' unit at Seven Oaks by this fall and closing that down, and we are working very proactively with Marymound around that. I guess the critical piece is, we would like to see it happen by this fall and maybe early spring for the second part, the boys' unit, but we want to make sure that the services are available in the community before we shut it down. We have some confidence around the girls' unit being shut down by fall; it may take us a little longer to solve the boys' issue.

**Ms. Cerilli:** So this is basically sort of deinstitutionalization, if you want to call it that, and the minister is assuring me that all the finances that are currently going into Seven Oaks are simply going to be reallocated into other programs that are going to be more mobile in nature and responding to crisis in the community.

I am also, because I see the time, just wanting to ask a couple of other things before I give the minister a chance to respond, and that is with regard more broadly to the secretariat's reporting. This is an agency, as we have seen through this discussion, that has got arms and legs that are reaching into all the different kinds of areas, and I think that is even more reason to have an

annual report. As it exists right now there is no requirement to have a report. I am not sure what the requirements are for reporting to this House and to the community, so I want the minister to clarify that. When can we expect to see some detailed accountability from this agency?

**Mrs. Mitchelson:** There will be an annual report for the fall or whenever annual reports are due, and they will be under the same process as departments are for reporting on an annual basis. We should have the first one available by this fall or whatever the requirements are

I guess there was a question around Seven Oaks and, yes, all of the resources around Seven Oaks will be reallocated, besides some resources from the mental health system and some additional psychiatric beds for adolescents.

**The Acting Chairperson (Mr. McAlpine):** 34.1(a) Salaries and Employee Benefits \$434,400. Shall the item pass?

**Some Honourable Members:** Pass.

**A Honourable Member:** No.

**The Acting Chairperson (Mr. McAlpine):** Order, please. The hour being six o'clock, committee rise. Call in the Speaker.

#### IN SESSION

**The Acting Speaker (Mr. McAlpine):** The hour being after 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Tuesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, April 28, 1997

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