

Third Session - Thirty-Ninth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS

Official Report
(Hansard)

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The Honourable George Hickes
Speaker*

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Ninth Legislature

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ALTEMEYER, Rob	Wolseley	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
BJORNSON, Peter, Hon.	Gimli	N.D.P.
BLADY, Sharon	Kirkfield Park	N.D.P.
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BRIESE, Stuart	Ste. Rose	P.C.
CALDWELL, Drew	Brandon East	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CULLEN, Cliff	Turtle Mountain	P.C.
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EICHLER, Ralph	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
GERRARD, Jon, Hon.	River Heights	Lib.
GOERTZEN, Kelvin	Steinbach	P.C.
GRAYDON, Cliff	Emerson	P.C.
HAWRANIK, Gerald	Lac du Bonnet	P.C.
HICKES, George, Hon.	Point Douglas	N.D.P.
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WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 19, 2009

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

INTRODUCTION OF BILLS

**Bill 236—The Child and Family Services
Amendment Act**

Mrs. Bonnie Mitchelson (River East): I move, seconded by the Member for Steinbach (Mr. Goertzen), that Bill 236, The Child and Family Services Amendment Act, be now read a first time.

Motion presented.

Mrs. Mitchelson: This bill requires the Child and Family Services agency to do the following things: When in the absence of child protection concerns, it proposes to remove a child from the care of a caregiver, prepare a written plan, notify the caregiver in writing about its intentions and explain to him or her its reasons for the proposal and its assessment of factors relevant to determining how the proposed move may affect the child; once the final decision is made to carry out the proposal, give the caregiver a written decision and give the authority under whose mandate the agency operates copies of the notice and decision given to the caregiver.

Mr. Speaker, this legislation would implement recommendation No. 47 of the Gage Guimond report, which is common sense social work practice to protect the safety and well-being of vulnerable children in care and to support foster families.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? *[Agreed]*

PETITIONS

Winnipeg Regional Health Authority

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

The background to this petition is as follows:

Manitoba's Premier and his NDP government have not recognized the issues of public concern related to the Winnipeg Regional Health Authority.

The WRHA is building an administrative empire at the expense of bedside care.

Winnipeg Regional Health Authority needs to be held accountable for the decisions it is making.

Health-care workers are being pressured into not being able to speak out no matter what the WRHA is doing or has done.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Premier (Mr. Doer) and the NDP government to call a meeting of a standing committee of the Legislature and invite representatives of the WRHA to appear before it.

Mr. Speaker, this is signed by L. Rosko, R. Keyser, R. Slayen and many, many other fine Manitobans.

Mr. Speaker: In accordance with our rule 132(6), when petitions are read they are deemed to be received by the House.

**Parkland Regional Health Authority—
Ambulance Station**

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition:

The communities of Eddystone, Bacon Ridge and Ebb and Flow First Nation rely on emergency medical services personnel based in Ste. Rose, which is about 45 minutes away.

Mr. Speaker, these communities represent about 2,500 people. Other communities of similar size within the region are equipped with at least one ambulance, but this area is not. As a result, residents must be transported in private vehicles to the nearest hospital if they cannot wait for emergency personnel to arrive.

There are qualified first responders living in these communities who want to serve the region but need an ambulance to do so.

A centrally located ambulance and ambulance station in this area would be able to provide better and more responsive emergency services to these communities.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to consider working with the Parkland Regional Health Authority to provide a centrally located ambulance and station in the area of Eddystone, Bacon Ridge and Ebb and Flow First Nation.

This petition is signed by Rob Rempel, Clayton Houle, Matt Houle and many other fine Manitobans.

Long-Term Care Facilities—Morden and Winkler

Mr. Peter Dyck (Pembina): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

Many seniors from the Morden and Winkler area are currently patients in Boundary Trails Health Centre while they wait for placement in local personal care homes.

There are presently no beds available for these patients in Salem Home and Tabor Home. To make more beds in the hospital available, the regional health authority is planning to move these patients to personal care homes in outlying regions.

These patients have lived, worked and raised their families in this area for most of their lives. They receive care and support from their family and friends who live in the community, and they will lose this support if they are forced to move to distant communities.

These seniors and their families should not have to bear the consequences of the provincial government's failure to ensure that there are adequate personal care home beds in the region.

We petition the Legislative Assembly of Manitoba as follows:

To urge the Minister of Health (Ms. Oswald) to ensure that patients who are awaiting placement in a personal care home are not moved to distant communities.

To urge the Minister of Health to consider working with the RHA and the community to speed construction and expansion of long-term care facilities in the region.

This is signed by Louise Dewitt, Anna Voth, Susan Elias and many, many others.

PTH 15

Mr. Ron Schuler (Springfield): Mr. Speaker, I wish to present the following petition to the Legislative Assembly of Manitoba.

These are the reasons for this petition.

In 2004, the Province of Manitoba made a public commitment to the people of Springfield to twin PTH 15 and the floodway bridge on PTH 15, but then in 2006, the twinning was cancelled.

Mr. Speaker, injuries resulting from collisions on PTH 15 continue to rise and have doubled from 2007 to 2008.

In August 2008, the Minister of Transportation (Mr. Lemieux) stated that preliminary analysis of current and future traffic demands indicate that local twinning will be required.

The current plan to replace the floodway bridge on PTH 15 does not include twinning and, therefore, does not fulfil the current or future traffic demands cited by the Minister of Transportation.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Minister of Transportation consider the immediate twinning of the PTH 15 floodway bridge for the safety of the citizens of Manitoba.

Signed by John Toews, Christine Bredin, Sandra Searle and many, many others.

Photo Radar

Mrs. Bonnie Mitchelson (River East): I wish to present the following petition to the Legislative Assembly.

These are the reasons for this petition.

It is important to protect the safety of construction workers who are on the job by having reduced speeds in construction zones when workers are present.

The provincial government handed out tickets to thousands of Manitobans who were driving the regular posted speed limit in construction zones where there were no construction workers present.

A Manitoba court has ruled that the reduced speed zones in construction areas were intended to protect workers and that the tickets that were given when no construction workers were present were invalid.

The provincial government has decided not to collect unpaid fines given to motorists who were ticketed driving the normal posted speed limit when no construction workers were present.

The provincial government is refusing to refund the money to the many hardworking, law-abiding Manitobans who have already paid the fine for driving the regular speed limit in a construction zone where no workers were present.

We petition the Legislative Assembly of Manitoba as follows:

To request that the Attorney General (Mr. Chomiak) consider refunding all monies collected from photo radar tickets to motorists driving the regular posted speed limit in construction zones where no workers were present.

Signed by Ed Scrapneck, Paul Duncan, Kendra Jackson and many, many other Manitobans.

Introduction of Guests

Mr. Speaker: Prior to oral questions, I'd like to draw the attention of honourable members to the public gallery where we have with us from St. James Assiniboia International Students Program 20 grades 11 and 12 students under the direction of Ms. Alexandra Humphries. This school is located in the constituency of the honourable Minister of Science, Technology, Energy and Mines (Mr. Rondeau).

Also in the public gallery we have from St. Joseph the Worker School 23 grades 4 and 5 students under the direction of Ms. Judy Pacheco. This school is located in the constituency of the honourable Member for Radisson (Mr. Jha).

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

*(13:40)

ORAL QUESTIONS

Photo Radar Decisions of Deployment

Mr. Hugh McFadyen (Leader of the Official Opposition): As all members of the House know, many Manitobans are asking questions about the operation of the photo radar program under this NDP government.

I wonder if the Premier can indicate for the House and to all Manitobans: How are decisions

made as to where mobile photo radar units are deployed?

Hon. Gary Doer (Premier): Well, Mr. Speaker, the member opposite will know that there was a bill passed in 1997 by the former government that provided a photo radar machine only for red lights. Since then, the police asked for unfettered photo radar in the early part of this decade. We said that we would have the law include it for deployment of the photo radar in intersections, in construction sites, schools and playgrounds, and that's the law.

There's an agreement, obviously, between the City of Winnipeg—for the operation of photo radar—and the Province of Manitoba, and the deployment of photo radar has got to be within that provision of law.

Tabling of Deployment Records

Mr. Hugh McFadyen (Leader of the Official Opposition): Many members of this House, including the Premier and various ministers, expressed some concern at the time photo radar was initially introduced and at various points as it's been expanded that it could be misused as a revenue grab as opposed to being something aimed at public safety. In fact, in the Premier's own meetings with officials of the City of Winnipeg, he was very personally involved in and interested in how deployment decisions would be made with respect to the mobile units.

I want to ask the Premier if he is prepared to table the deployment record of the mobile photo radar units which are documented every day. Is he prepared to table the record of those deployments for the past two years?

Hon. Gary Doer (Premier): The member should do some more research. I did meet with the mayor and the chief of police on photo radar. I did not meet with officials of the City of Winnipeg on photo radar. On the deployment issues, I'll take that as notice.

We obviously have provided a law. It was criticized for not going far enough. We provided a law to allow for photo radar machines as opposed to a police officer holding a photo radar gun—or a photo radar device, they're called—and we think that that's a sensible use of police officers' time. Obviously, the former government thought it should be restricted only to intersections with red lights. That wouldn't allow it to operate.

Use in School Zones

Mr. Hugh McFadyen (Leader of the Official Opposition): We will certainly look forward to having those records tabled for the House and for the review by Manitobans, Mr. Speaker.

There is obviously, I think, a legitimate concern, one, in fact, that was voiced by the Attorney General (Mr. Chomiak) on May 6 when he said that the credibility of photo radar and its use is on the line because it appears to the public that it looks more like a fine and cash issue than a safety issue, and I think that's consistent with comments that have been made by many others, including the Premier, over the years. I think it's up to the government to satisfy Manitobans that deployments are being made on the basis of safety rather than revenue.

I just want to ask the Premier whether he's aware of the fact that the majority of elementary school zones during school hours have never had a photo radar vehicle deployed to them, because those vehicles are instead being deployed to areas of maximized revenue to governments.

Hon. Gary Doer (Premier): Well, Mr. Speaker, I'm aware that the member opposite said that we don't need them at schools at all, period, and, obviously we provide—it's enabling legislation. It enables the City, through the Winnipeg city police force, to provide the deployment of those machines. It's not the Province of Manitoba. It's not the Minister of Justice (Mr. Chomiak) that deploys them.

Mr. Speaker, I would also point out that the City has to provide an annual report on the use of photo radar. It also has to include in that that the revenues from photo radar are to go to police services—and their budgets have been increased by the City of Winnipeg—and for safety programs. Those have to be documented.

But I would point out that there has been revenue generated. There have been police budgets increased by the City of Winnipeg, and I think that's good. There has been a Justice Department increase in expenditures made in our side in government as well, Mr. Speaker.

Photo Radar Tabling of Deployment Records

Mr. Kelvin Goertzen (Steinbach): Mr. Speaker, the Minister of Justice spoke in this House about two weeks ago about the need to maintain credibility of the photo radar program.

From the hundreds of e-mails, the letters, the phone calls that his office has been receiving over the last couple of weeks, it's clear that the decision that the court said should take place, not to refund the tickets to the 60,000 or so individuals who got tickets where there were no construction workers in place, that that strikes at the credibility of photo radar and this government more than anything else.

But today he has an opportunity and that's an opportunity to commit to provide the deployment statistics for photo radar over the last two years. Will he provide the records of deployment for photo radar over the last two years, so credibility can at least be examined properly?

Hon. Dave Chomiak (Minister of Justice and Attorney General): Part of the difficulty with this whole issue has been members opposite trying to make political hay out of an issue, trying to get it off the ground, making misstatements such as that photo radar wasn't needed for 135 years.

We're going to take photo radar out of schools zones, repay 60,000 tickets, on a Tory Web site. To say that the Tories have been a little bit political on this is like to say that a porcupine doesn't have pines—doesn't have quills.

You know, Mr. Speaker—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Chomiak: The entire last election campaign it was crime, crime, crime, crime. We reduced traffic theft down—

Mr. Speaker: Order.

Mr. Goertzen: Mr. Speaker, there are a number of ways—some are subtle; some are not so subtle—for photo radar to go from an issue of safety to go to an issue of a cash grab. The public learned that the hard way when this government allowed for the massive deployment of photo radar in construction zones where there weren't construction workers and tickets increased by 2,000 percent from one year to the next.

Another way to increase revenue would be to decrease the tolerance of photo radar so that more tickets could be given for lower speeds.

Can the minister indicate whether or not there was a recent examination to increase revenue that would have resulted from the reduction of tolerance in photo radar?

Mr. Chomiak: Mr. Speaker, our department does not deploy photo radar. We do not deploy photo radar.

We didn't do it 135 years ago when the member said it wasn't around schools. We don't do it in school zones where the member says it should be removed. We don't do it at construction sites. We don't deploy it. We are the court and the administrative aspect of it.

The City of Winnipeg deploys it. I have one, two, three, four, five press releases from Winnipeg Police Service. Traffic enforcement in construction zones: May 23, photo enforcement in construction zones; August 15, photo enforcement in construction zones; Friday, July 4; May 23; Monday, May 5, photo enforcement, from the City of Winnipeg police warning Winnipeg drivers where they're going to deploy photo—

Mr. Speaker: Order.

Mr. Goertzen: The minister says he doesn't deploy it, and yet the Premier (Mr. Doer) says they have an agreement with the City. The minister sits there in a press conference with the City in making decisions.

Here's a clear question: Can he provide the deployment record of photo radar over the last two years so we could look at the credibility? Does he know whether or not there was a study done on the reduced tolerance of photo radar, and, while we're at it, the Premier talked about an annual report that had to be provided by the City each and every year. I understand that's supposed to be brought forward April 1 of every year.

Does he have the 2008 report from the City on photo radar and will he provide that to the House?

Mr. Chomiak: Mr. Speaker, the Leader of the Opposition (Mr. McFadyen) worked for the mayor. He was his campaign manager. He could pick up the phone and talk to the mayor. You could talk to a lot of your—*[interjection]* I talked to the mayor. I said to the mayor, will you pay back that money? They said, no, we have no legal right. We're not touching it. It's \$10 million. We're going to take it out of our police budget.

Now you want to go to the City of Winnipeg. You ask them to take \$10 million out of their police budget. You ask them to do that. If the City of Winnipeg agrees to do that, if the police chief agrees to cut back on photo radar, you come back here and tell us to do that. We'll do that then if you get that

agreement, Mr. Speaker. They are talking to the wrong people. They're making politics *[inaudible]*

Mr. Speaker: Order.

Mr. Chomiak: —the wrong way, and the Leader of the Opposition laughs. It's not funny, Mr. Speaker, when you try to twist the facts *[inaudible]*

Mr. Speaker: Order.

* (13:50)

Mining Industry Economic Challenges

Mr. Cliff Cullen (Turtle Mountain): Well, Mr. Speaker, it's pretty clear this *[inaudible]*

Mr. Speaker: Order.

Mr. Cullen: —any responsibility for its lack of inaction.

The mining industry is very important to Manitoba. The industry employs 3,300 people directly with a payroll of over \$250 million. Another 10,000 indirect jobs are supported by the mining sector. In 2007, the industry represented 12.5 percent of Manitoba's exports.

The industry is now facing very difficult economic and regulatory times, and the government has chosen to ignore this industry. Why has this government refused to deal with the issues in the industry and make Manitoba a competitive jurisdiction to do business?

Hon. Greg Selinger (Minister of Finance): Mr. Speaker, I think the member missed the budget because if he would have paid attention, he would have noticed that the corporate tax rate for mining went down. He would have noticed that the capital tax is going down on the way to being eliminated. He would have noticed that the amount for the flow-through shares to get a tax credit on there has been doubled from 10 to 20 percent, and he would have noticed that the mining tax rate has gone from 18 percent, down to a three-rate structure depending on their taxable income.

So in all dimensions of the mining sector they have been made more competitive in terms of taxes inside of Manitoba, inside of the last budget, and, again, I have to remind the Legislature that the members opposite voted against it.

Mr. Cullen: Mr. Speaker, Manitoba is still the least competitive tax-structured province to do business in across Canada.

Mr. Speaker, according to Fraser Institute's annual survey of mining companies—this is a worldwide survey of mining companies—Manitoba is falling further behind other jurisdictions. In fact, under this government's watch, Manitoba has dropped from the No. 1 position worldwide to No. 8 in a matter of only two years.

Now, Mr. Speaker, there is something positive. The survey clearly indicates that Manitoba has tremendous potential relative to the other 71 jurisdictions in the survey. However, the survey shows we're on a slippery slope when it comes to the category: government relations and restrictions. In this category we slipped 22 notches over the course of only one year. Clearly, this government has lost control.

Why does this government choose to ignore this valuable industry here in Manitoba?

Mr. Selinger: Mr. Speaker, the member has just reported to the Legislature, by his own words, that Manitoba was No. 8 out of 71 jurisdictions surveyed on a global basis, and mining is a globally competitive industry. That was before the budget came down, before the budget doubled the flow-through tax break for shares, before the budget reduced the mining tax, before the budget, again, reduced the capital tax and before the budget, again, reduced the overall corporate tax rate—No. 8, with all these tax reductions, after they ranked us No. 8.

The member, again, is being a little less than transparent about how good the ranking is for Manitoba, even before the budget.

Mr. Cullen: Well, Mr. Speaker, the fact remains thousands of Manitobans rely on this industry to make a living.

Now, I don't think the minister understands how important it is to the bottom line here of the Province as well. He's talking about a mining tax reduction. Well, that's only 1 percent and we're still the highest in Canada.

In the 2008 budget we were to have—this is an estimated income—\$128 million from the mining industry. What actually happened?—\$65 million. This year's budget, \$10 million. That's the kind of hit that the industry's taking here in Manitoba.

Mr. Speaker, I believe it is important that we evaluate our performance against jurisdictions with which we compete. When companies look to invest, they look for jurisdictions with a positive track

record. Unfortunately, the latest survey of mining companies worldwide shows that Manitoba is trending the wrong way.

How does the minister plan to stop the tailspin we're in here in the industry?

Mr. Selinger: Mr. Speaker, by his own statistics, No. 8 out of 71 jurisdictions. That was before we made significant reductions in the tax rate in the budget. The tax rate on the first \$50 million of taxable income has gone from 18 percent to 10 percent. That's a very dramatic reduction in taxes. The flow-through tax dividend has been doubled from 10 percent to 20 percent. The corporate capital tax is being entirely eliminated and they get the lowest hydro rates in the world, and they don't pay any PST on the hydro rates that they get.

They are very competitive on all counts. The member has confirmed that in his statement today, that they're No. 8 out of 71 jurisdictions.

Mining Industry Aboriginal Consultation Guidelines

Mrs. Leanne Rowat (Minnedosa): I think the Member for Turtle Mountain (Mr. Cullen) was making a point. We went from No. 1 to No. 8, and this minister seems quite fine with this decline.

Mr. Speaker, we continue to hear of this NDP government's inability to meet obligations to Aboriginal people through consultation and negotiations. It is this government's responsibility to meet the duty to consult and offer economic opportunities. This government's failure to provide a coherent consultative framework is driving away mining investment and economic opportunities for Aboriginal people in this province.

Other provinces have provided a clear and coherent guideline to address the concerns of Aboriginal people and mining companies. When is the Minister of Aboriginal and Northern Affairs (Mr. Robinson) going to provide a clear consultation guideline?

Hon. Gary Doer (Premier): Mr. Speaker, I should point out that the Aboriginal Justice Inquiry report which was provided to the former government sat gathering dust for 10 years. In that report, there was a specific recommendation that mineral rights be transferred to Aboriginal people as part of their treaty rights in Manitoba.

The Tories sat on that report. I am proud of the fact that this minister in this government

implemented that and many other recommendations that gathered dust under the Tories and it's having action here in Manitoba.

Mrs. Rowat: Mr. Speaker, what we're looking for from this Province is some leadership in the area of duty to consult. Other provinces have put in strong, very clear transparent processes. This government has failed. The duty to consult is the most basic forum in the Crown's obligation to honourably deal with Aboriginal rights when it comes to the development of land and resources.

Grand Chief Shannacappo of the Southern Chiefs' organization stated just the other day, and I quote: Their idea of consultation consists of telling us what they're going to do. The Premier might as well say, you are living under my roof so follow by my rules.

These are the words of a prominent First Nation grand chief. How can this government claim that they are effectively addressing the concerns of Aboriginal people on this issue?

Hon. Eric Robinson (Minister of Aboriginal and Northern Affairs): Mr. Speaker, allow me to, first of all, thank the member for the question.

We've recently embarked upon discussions with the Assembly of Manitoba Chiefs, the Grand Chief Ron Evans, at the initial meeting of the issue.

Secondly, we are going to be hosting a round table with the Assembly of Manitoba Chiefs on how to best implement the duty to consult and the obligations that any government, including this government, has with respect to consulting First Nations on matters relating to treaty and Aboriginal rights.

Now, Mr. Speaker, this stems, of course, with section 35 considerations of the Constitution of this country. Further, it's based on the rulings of past Supreme Court decisions, including Delgamuukw and, most recently, the Sparrow decision.

Mrs. Rowat: We continually hear from First Nation communities and Aboriginal communities, Métis communities, of this government's inability to actually consult, to sit together and to consult on the issues that are important to the people. They're not happy and neither are mining communities who are worried about investing in our province.

Mr. Speaker, the Province has the ability to improve their policies to attract mining companies and provide economic opportunities for Aboriginal

people. What concrete steps is the minister going to take to develop a clear, comprehensive consultation framework quickly so that we can ensure that Manitobans are at the table and receiving economic benefits?

Mr. Robinson: Well, we're involved with discussions currently, Mr. Speaker, with the Northlands Dene First Nation and the Manto Sipi First Nation in northern Manitoba.

The government has a duty to consult First Nations prior to any developments occurring. It's not the mining companies that dictate the course of action. It's the obligation and the honour of the Crown in order to initiate discussions with the First Nations.

The work is going on. The department I have responsibility over, Aboriginal and Northern Affairs, currently has a consultation unit whose duty it is, and we're evaluating its effectiveness currently across government with other departments on how we can improve on the current consultation unit we have in this government.

* (14:00)

Trans-Canada Highway Twinning Project Status

Mrs. Mavis Taillieu (Morris): Mr. Speaker, in its last budget, the federal government announced a cost-sharing arrangement to complete the twinning of the Trans-Canada Highway through Headingley. This busy stretch of highway has seen more than a hundred accidents in the last several years. Some of them have been fatal. The Minister of Infrastructure has an important opportunity to complete this sorely needed project, and yet in Estimates he said nothing is progressing.

Mr. Speaker, can the minister indicate if his government has the political will to complete this needed project? Has he asked the engineering studies to be done?

Hon. Ron Lemieux (Minister of Infrastructure and Transportation): Mr. Speaker, it gives me an opportunity to clarify some of the comments made by the member opposite. We've done quite a bit of work on the stretch between Winnipeg and Headingley, the Cover-All, for example, the triple J stop and lights, as well as Blumberg, and we continue to work on that. The department is certainly looking at the engineering portion of what needs to

be done in that particular sector, and the member opposite knows that there are utilities to take a look at; there's land purchase.

So there are a number of different areas that the department is looking at right now.

Mrs. Taillieu: Mr. Speaker, there are a number of things to be addressed and time is of the essence. In two years, the money will be gone. There's a two-year window of timing for this funding to flow, and this year there's no construction being tendered, leaving only next year to complete this project or the opportunity is lost. This stretch of highway is one of the only remaining stretches of the Trans-Canada that's not twinned.

Mr. Speaker, will the Minister of Infrastructure, while he has the opportunity to improve public safety with the financial assistance of the federal government, will he complete this project? Will he use it or will he lose it?

Mr. Lemieux: Well, Mr. Speaker, let me just, first of all, thank Minister Baird and before him Minister Cannon for the Building Canada Fund. We're certainly pleased to partner with them as well as partnering with many, many municipalities.

Just a few short weeks ago we announced the communities component of the Building Canada Fund and many, many projects throughout the province of Manitoba, whether it be in the north, the west, the east or the southern portion of the province; many, many projects are going to be taking place very shortly. Many of them are being tendered very shortly, as I pointed out earlier.

This particular stretch of highway, Mr. Speaker, is an important stretch of road. As I mentioned, there's been a lot of work that has taken place already. We want to work with the federal government to enhance safety in that area.

Mrs. Taillieu: Mr. Speaker, I can conclude from those answers that the engineering studies have not been directed by this minister, and he knows he has to consult with Swan Lake First Nation, and that hasn't happened either. But he is responsible for getting his end of this project moving, and he's going to be held accountable to the motoring public if he fails to do this.

I'm going to ask again: Will the Minister of Infrastructure ensure that the twinning of the Trans-Canada Highway through Headingley is

completed within the two-year window, or does he simply have a lack of interest in this project?

Mr. Lemieux: Mr. Speaker, you know, every time on issues with regard to increasing the highway and transportation budget, this year by some 30 percent, members opposite have voted against it.

Mr. Speaker, with regard to safety on our roads, that's a No. 1 priority for us. It always has been. We've continually increased our budget in transportation and infrastructure throughout the last decade, and we'll continue to do so. This particular project is very, very important to us as well as the federal government and others, but as the member answered her own question, she stated there has to be some consultation with regard to some landowners. There has to be some engineering that needs to take place.

So there's still work to be done but we are committed to safety, and Manitobans know it.

Health-Care Services Specialist Wait Time

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, one of my constituents, David Salida [*phonetic*] is in the gallery with us today. He has epilepsy and has been having frequent seizures for the last number of months which have severely affected his ability to work. He needs to see a neurologist.

Can the Minister of Health explain why Mr. Salida [*phonetic*] is facing a 13-month wait to see a neurologist?

Hon. Theresa Oswald (Minister of Health): I believe the member, I'm quite certain, has corresponded with me on this issue, and we're working on endeavouring to find out more specifics about the case to try to assist this individual and indeed any individual who is facing a wait time to see a specialist here in Manitoba.

We know that we have seen a net increase of doctors in Manitoba but, certainly, admittedly, there are some pockets where we need to do additional recruitment. In this particular case of neurology, that indeed may be one, but we'll continue to work with the member—I thank her for the correspondence—and with the individual to try to expedite this process as much as we can.

Mrs. Stefanson: The letter and the correspondence that I sent were back in January. Mr. Speaker, it's now May, and Mr. Salida [*phonetic*] continues to wait to see a neurologist in our province.

He said, and I'd like to quote from a letter that Mr. Salida [*phonetic*] sent to myself, and the minister has a copy of it. I quote: We have been trying to get back on our feet for some time now and every time there is a glimmer of hope, it becomes quickly dashed to pieces. I absolutely have to get to see a neurologist, an epilepsy specialist, now and get these seizures under control. It's a matter of life and death.

Mr. Speaker, can the Minister of Health explain why she has continuously ignored Mr. Salida's [*phonetic*] pleas for help? Why must he wait more than 13 months to see a neurologist in our province?

Ms. Oswald: Again, I acknowledge that this is a serious situation. I don't believe that there's a member of this House that doesn't care about the health and well-being of all Manitobans, and indeed we're going to continue to work to try to expedite this process.

I can tell the member that, of course, people are arranged for wait time and wait lists by doctors and professionals based on medical need and medical urgency. But, again, I commit to the member and indeed to the individual in the gallery today that we will continue to focus our efforts on trying to get this person and indeed all Manitobans that need the care of a neurologist or other specialist as quickly as we can.

Mrs. Stefanson: Mr. Speaker, in fact, the Winnipeg Regional Health Authority has stated recently that it has been chronically short of neurologists for years in the province. As of March, they were short five neurologists, up from three vacancies a year ago.

What is the minister prepared to do for Mr. Salida [*phonetic*] to ensure he gets the timely access to health-care services that he desperately needs and deserves? Will she agree to meet with him today?

Ms. Oswald: Certainly we're going to continue to work on this case, on any cases that come forward that have a uniquely disproportionate wait time. I can tell the member that, of course, we've been working since 1999 to bring additional doctors to the province of Manitoba. We have seen success in this area, in the area of specialists, seeing a net increase each year, which contrasts to the record of the members opposite, I can declare.

I do commit to work with the member and with this individual on this specific case to try to get this individual the specific—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Oswald: I'm sorry, I thought the members opposite wanted to hear the answer.

I will continue to work with the individual to expedite matters as quickly as I can, bearing in mind, of course, that medical doctors are making decisions concerning prioritization of people with medical issues, Mr. Speaker.

Mental Health Bill of Rights Government Support

Hon. Jon Gerrard (River Heights): Mr. Speaker, last Thursday, I raised my concern over basic human rights for those with mental disabilities. Suicide, attempting it or succeeding, is ultimately a desperate call for help, and this morning, members of the Chamber may have seen the *Free Press* article screaming, kids killing selves. It's a very tragic situation.

This morning, members of the Chamber had an opportunity to take action, to help those who have issues of mental and brain health. A bill was presented to provide for basic and fundamental rights for those with mental or brain issues, including those who are suicidal, Mr. Speaker. Members of the Premier's (Mr. Doer) party admitted that those with mental illnesses are being discriminated against today in Manitoba, even during Mental Health Week, and yet members of the Premier's party did not allow the bill to come to a vote.

So I ask the Premier: Why did members of his party refuse to allow this bill, which is so important, to come to a vote so it could be discussed further at committee and third stage?

* (14:10)

Hon. Dave Chomiak (Government House Leader): Mr. Speaker, we work out in the House times and dates when people are available to deal with votes. Often the Liberal Party, we move things around to allow them so both of them can be present to vote. We do it for all members of the party. There's often debate that goes on for a long period of time on a number of issues. This is the second time in a week the member said, I brought forward a bill and you didn't pass my bill. That is unfair to all members of this Chamber. It's unfair to the practices we fall under, and it's unfair to the negotiations and discussions we have about bills when people can be available.

I do not think saying the Premier's party is appropriate, nor do I think it's appropriate to take advantage of private members' bills and business in this House that's dealt with by private members. I take exception to the member's question, and, Mr. Speaker, if the member wants to live up to what he's talking about, why doesn't he pass the budget today or something like that? I could play the same game with him as he's attempting to do in his question.

Mr. Gerrard: Mr. Speaker, we're talking today about basic and fundamental rights for those with mental and brain health issues. The NDP party protests that they could have done something else. Well, let me put it this way to the Premier (Mr. Doer). You know, we're prepared to join others in the Legislature in bringing this bill back if the Premier will commit to have a vote in the House when we bring it back.

Will the Premier commit to supporting basic and fundamental rights for those with mental and brain issues? Will the Premier allow this bill to come to a vote if it's brought back on another occasion?

Mr. Chomiak: Mr. Speaker, I know the Liberal Party caucused last week because the House leader told me that. He should caucus with his House leader because we negotiate these things in this House. We've negotiated the passage of Liberal bills, first time ever in this House, on several bills. We're negotiating a Liberal PMR today that the Liberals said we promised them to go through. We don't have to do that. We negotiated that.

Now the member's trying to stand up in question period and take advantage of private members' hours and negotiations that we all talk about to move business forward in this House. I resent that, Mr. Speaker. I think that's bad faith. I think that's inappropriate. If the member has an issue he wants to bring forward, he can bring it forward through his House leader. We can discuss the priorities. We discuss other priorities. We gave unanimous consent to move that bill forward, but to come here and question—

Mr. Speaker: Order.

In Vitro Fertilization Programs Government Funding

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Minister of Health. The province

of Québec and the province of Ontario have moved forward in terms of providing funding for in vitro fertilization. There are many individuals who, for a wide variety of reasons, are not able to have babies without having a flicker of hope through that particular program.

My question for the Minister of Health is: Is the government prepared to bring in an in vitro fertilization program for the province of Manitoba? Given the amount of money that we spend on bureaucracy, maybe we can spend some money on actually delivering a service to Manitobans.

Hon. Theresa Oswald (Minister of Health): Like many Manitobans, the member opposite read in the newspaper recently that I'm going to be meeting with an organization of individuals who have very strong and passionate feelings about the funding of in vitro fertilization. Indeed, all members of this House can feel compassionate regarding those that are struggling to conceive and having difficulty doing so.

We know that there are only a couple of jurisdictions in Canada that currently fund in part this process. I look forward to my meeting with this group of advocates who are, you know, very well educated on the subject, are going to come to bring their issues to our office to discuss them, and, of course, my door is open to continue this conversation as we go forward.

It is a very serious issue for many families in Canada, and we need to have further discussion on it.

Interlake Flooding Victims Compensation Eligibility Expansion

Mr. Tom Nevakshonoff (Interlake): Mr. Speaker, the Leader of the Opposition (Mr. McFadyen) was on his feet, both leaders—in fact, several rural members were on their feet—and, yet, unfortunately, not one of them has put a question on behalf of the farmers of this province. So once again it's up to me to do so.

The crisis in the farm sector in the Interlake region last summer due to excessive rainfall cannot be understated. After many months of negotiation, this government was successful in convincing Ottawa that help was necessary. After several months, an important programming for feed assistance and forage restoration was finally put in place. Improvements to this programming were recently announced.

Can the Minister responsible for Agriculture, Food and Rural Initiatives brief the House as to the content of these recent changes?

Hon. Rosann Wowchuk (Minister of Agriculture, Food and Rural Initiatives): Mr. Speaker, indeed, my colleague does outline the serious challenges facing the people of the Interlake-Westlake area who were challenged because of excess moisture.

Mr. Speaker, in March of 2009, we brought in place a program that would offer assistance, but we recognized when we brought in that program that there were areas surrounding the designated area that were also feeling some of the consequences of the heavy rainfall. So I was very pleased to be able to announce and join with the federal minister that we were expanding the program to include producers who were experiencing feed shortages in the R.M.s of St. Andrews, Rockwood, Woodlands, Ochre River, Ste. Rose, Glenella, McCreary, Lakeview and Dauphin.

I would encourage those producers to go to our GO offices to get details of the program.

Lake Manitoba Water Levels

Mr. Stuart Briese (Ste. Rose): Mr. Speaker, the high volumes of water being diverted through the Assiniboine River Diversion this spring have caused levels to rise in Lake Manitoba.

Now, Mr. Speaker, we don't question the use and the need of the diversion and the protection it provides. Will the Minister of Water Stewardship confirm today that the water levels in Lake Manitoba are abnormally high?

Hon. Christine Melnick (Minister of Water Stewardship): Mr. Speaker, as you know, we have been watching very closely the very large amount of water that has been moving in and through the Assiniboine River and the Red River. We're monitoring very, very carefully, including Lake Manitoba. We're making sure that we are looking at the range, and we know we are a little above the range right now, but we know that we are monitoring it so that it will not be causing trouble for the people who are around the lake.

We know that we are using the diversion very effectively this spring, and we know that we continue to do so and continue to watch even to this moment.

Mr. Briese: Mr. Speaker, due to the high water levels in Lake Manitoba, farmland is being flooded.

Cottages and campgrounds along the lake are also experiencing shoreline erosion as we speak.

Mr. Speaker, I ask the Minister of Water Stewardship: What actions is she taking today to address these problems associated with the artificially high water levels in Lake Manitoba?

Ms. Melnick: Mr. Speaker, we are dealing with the water levels in Lake Manitoba as we are throughout all of Manitoba. We are making sure that the water is moving through areas of high population. We're making sure that we're using the Shellmouth Dam effectively, that we're using the Portage Diversion, and we continue to use the floodway.

We are monitoring the water levels. We are watching to make sure that we are balancing, so that the water can flow through the areas of the province that would be most affected. Again, we'll give the member some notice of the Red River, how we have been watching what has been coming up from the south as well.

There has been a lot of very good work done here, Mr. Speaker, and we will continue to monitor it throughout the spring.

Mr. Briese: Mr. Speaker, the minister certainly came nowhere close to even looking like she was answering my question.

Mr. Speaker, for every action there is a reaction. This spring the Portage Diversion has been operated at near capacity flows as a flood protection device to help reduce flooding in other areas of the province. As a result, property owners around Lake Manitoba are being affected because of the Province's actions.

I ask again, Mr. Speaker, the Minister of Water Stewardship: What is she doing to mitigate the problems on Lake Manitoba that are her department's responsibilities?

Ms. Melnick: Well, what part of we are watching water levels all through the province; we know they're very high and we've been working to balance with all the tools that we have, does the member not understand, Mr. Speaker.

We are continuing to use the Portage Diversion to be most effective. We know water levels are high not only on Lake Manitoba but throughout all southern Manitoba, Mr. Speaker. This is a balancing act. I want to congratulate all the communities who worked so well this spring in such a serious situation and assure the people of Manitoba that we will continue to balance the flow of water throughout all

of Manitoba, so that the populated areas are kept safe and so that we continue to move the water through from the Assiniboine River, from the Red River and all the tributaries into Lake Winnipeg.

Mr. Speaker: Time for oral questions has expired.

* (14:20)

MEMBERS' STATEMENTS

David Rourke

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, each year the Manitoba Pork Council presents awards to individuals, groups and organizations that have made significant contributions to the pork industry. Three awards have been presented in recognition of excellence in the hog industry. This year's recipients include: David Rourke, who received the Innovation Award, along with Dr. Karin Wittenberg, for the Education Award, and the Friend of the Industry Award went to the Farm Credit Corporation of Canada.

Mr. Speaker, David and Diane Rourke own many operations in an integrated management structure based in Minto, Manitoba, for which Mr. Rourke has been honoured by the Manitoba Pork Council as the recipient of their 2009 Innovation Award. The Rourke's livestock venture is Hog Hill Farms, a straw-based biotech finishing operation. Mr. Rourke is also the president of Ag-Quest Incorporated, the largest contract agriculture research facility in western Canada. Ag-Quest is responsible for small plot research in five stations across western Canada. His research and hands-on practical experience have led him to form the entity Western Feed Grain Development Co-op Limited in conjunction with farmers from across the prairies.

Mr. Rourke has long supported means to develop wheat varieties other than through kernel visual distinguishability requirements. This recent agricultural industry change has allowed his co-op to provide new, higher starch-based wheats, which have benefited all agricultural producers.

In order to conserve energy, David Rourke has built his own ethanol plant, which converts the wheat that he produces into fuel, Mr. Speaker. The ethanol plant also produces hog feed as it produces dried distillery grains, a by-product of ethanol production. Mr. Rourke then uses the valuable manure for fertilization to complement feed grain production.

Mr. Speaker, David Rourke is recognized throughout Canadian agriculture as a true innovator.

I would like to congratulate Mr. David Rourke for receiving the Manitoba Pork Council's 2009 Pork Industry Innovation Award. His contributions to the pork industry have been valuable to the Canadian pork producers, and I applaud his hard work and ingenuity. Thank you Mr. Speaker.

Provincial Mining Week

Mr. Gerard Jennissen (Flin Flon): Mr. Speaker, I rise today in recognition of an industry that continues to be an important contributor to economic development in our province. This week is Provincial Mining Week, a week where we formally acknowledge the contribution that the mining industry makes to our economy and to the people of Manitoba.

Mining is Manitoba's second-largest primary resource industry, Mr. Speaker. It is also responsible for the development of communities such as Thompson, Flin Flon, Snow Lake, Wabowden, Lynn Lake and Leaf Rapids in the north and Bissett and Lac du Bonnet in the south.

Mr. Speaker, I would like to use this opportunity to speak to the importance of the gold mining in this province. The significance of gold mining to Flin Flon goes back to the town's inception. Flin Flon is named after Flintabbatey Flonatin, the central character in an old novel, *The Sunless City*, who discovers a mountain of gold, a hidden treasure. Tom Creighton had read this novel. When Creighton, David Collins and other prospectors discovered ore at the edge of a lake, the place was named Flin Flon, a simplified version of Flintabbatey Flonatin.

The city of Flin Flon continues to be a hidden treasure. Today, HudBay in Flin Flon operates the largest gold mining operation in Manitoba and has been producing 100,000 ounces of gold a year for the last 82 years. That's roughly a staggering 250 tonnes of gold.

The industry in Flin Flon is truly a sustainable economic operation employing hundreds of people and exporting precious metals all over the world. The recent increase in the price of gold is good news for Flin Flon, as is a discovery of the Lalor deposit which will also produce a large amount of gold.

Mr. Speaker, I would ask all members to join me in acknowledging the importance of mining in Manitoba by recognizing Provincial Mining Week. I encourage members to participate in the free festivities taking place this week at The Forks as a

fun way to learn more about mining and minerals in Manitoba. Thank you.

Dan Giesbrecht

Mr. Peter Dyck (Pembina): Recently a teacher in my constituency has been recognized in teaching excellence. Garden Valley Collegiate principal, Dan Giesbrecht, was the recipient of the inaugural Outstanding School Leader Award. The Excellence in Teaching awards are presented each year to teachers in Manitoba who have inspired students to change the world for the better.

Mr. Giesbrecht has spent his entire career at Garden Valley School Division as a teacher, a sports coach, vice-principal and currently as principal. His administrative and leadership skills along with his dedication to students have made him an asset to the school division and the community. Throughout his 37 years of teaching, Mr. Giesbrecht has helped mentor thousands of students in the Garden Valley School Division.

One challenge that is faced by the Garden Valley Collegiate is the recent overflow of students due to increased immigration in the region. Mr. Giesbrecht has used his leadership skills to help come up with a variety of programs to address the growing needs and diversity of students. He has also coached and mentored a number of professional athletes and continues to coach both school and community sports teams.

Recipients of the teaching excellence awards were presented with a certificate of recognition from the Province of Manitoba, a \$500 cash award and an additional \$500 to be used by their school to go towards the schools' various projects or equipment needs.

Mr. Speaker, on behalf of my constituency, I would like to congratulate Dan Giesbrecht on receiving the Outstanding School Leader Award. His leadership skills have been a true inspiration to the students and colleagues, and his dedication to the Garden Valley School Division has made a positive impact on everyone around. Thank you.

Women in Second Stage Housing Fundraiser

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, on May 7, I was honoured to represent our government at the second annual Women in Second Stage Housing breakfast fundraiser. Women in Second Stage Housing, or WISH, is a non-profit group that

supports women and their children transitioning away from abusive relationships.

Domestic abuse is a tragic reality for too many women in Manitoba. Abused women suffer physically and mentally. They're often isolated from friends and family, are made to feel worthless and may fear reaching out for help. Women who do escape their abusive partners often feel lost or helpless. In addition, they face the challenge of providing a safe environment for their children. That's why organizations like WISH are so important.

Mr. Speaker, WISH is the largest of four residential second-stage housing programs funded by the Province's Family Violence Prevention Program, providing 11 protective, long-term residential Manitoba housing units for women and their children. By providing families with housing and counselling services, WISH offers women and children the opportunity to heal and grow away from the cycle of violence that domestic abuse perpetrates. The 12-month transition period offered by the program allows families to heal physically and emotionally, and to rebuild social and community networks in order to become independent and regain balanced perspectives on their lives.

Mr. Speaker, I'm proud to be a part of government that empowers women to seek a life free from violence. I congratulate the staff and board members for the caring, compassionate support they provide to those families affected by domestic abuse as they embark on a new journey of healing and independence. Thank you.

Jean Fisher and Jean Comte

Mr. Blaine Pedersen (Carman): Mr. Speaker, recently two of my constituents were presented with extremely prestigious awards. The 26th Annual Volunteer Awards are presented each year to exceptional volunteers in the province, and this year was no exception. One of the award winners was Jean Comte of Notre Dame de Lourdes who was awarded the 2009 Volunteer Manitoba Outstanding Community Leader Award. The other recipient from my constituency was Jean Fisher of Mariapolis, who received the 2009 Lieutenant Governor's Make a Difference Community Award.

Jean Comte has been a dedicated community leader and volunteer in Notre Dame for more than 35 years. He has contributed a large part of his time

into developing a Notre Dame Arena in 1976, and has remained an active board member for the arena ever since to ensure its long-term success. Since 1990, Mr. Comte has served as an active community hall member. As a founding member from 28 years ago, he also spends countless hours volunteering at baseball tournaments, curling bonspiels and the like. Mr. Comte is committed to promoting community spirit and maintaining grass-roots initiatives.

Jean Fisher has also dedicated her time and energy towards community development in her home town of Mariapolis. In 1967, Ms. Fisher helped start the weekly bingo, which has raised more than \$224,000 for local sports clubs, churches and other causes between 1993 and 2006. When the local 4-H club found itself without a member, Jean Fisher was asked to fill in. By becoming the new 4-H leader, she saved the 4-H club that otherwise would have closed its doors. Ms. Fisher is always willing to help out any organization that requires assistance.

Mr. Speaker, I would like to congratulate Jean Comte for receiving the 2009 Volunteer Manitoba Outstanding Community Leadership Award, and I would also like to extend my congratulations to Jean Fisher for receiving this year's Lieutenant Governor's Make a Difference in the Community Award. Both these individuals have worked extremely hard to make a difference in their communities and their contributions have not gone unnoticed. Thank you.

ORDERS OF THE DAY

(Continued)

GOVERNMENT BUSINESS

House Business

Hon. Dave Chomiak (Government House Leader): Yes, on House business, Mr. Speaker, pursuant to rule 31(8), I'm announcing that the private members' resolution to be considered next Tuesday will be one put forward by the honourable Member for Inkster (Mr. Lamoureux). The title of the resolution is Filipino Community Celebrates 50 Years of Being in Manitoba.

Mr. Speaker: It's been announced that, pursuant to rule 31(8), it's been announced that the private members' resolution to be considered next Tuesday will be the one put forward by the honourable Member for Inkster. The title of the resolution is Filipino Community Celebrates 50 Years of Being in Manitoba.

Mr. Chomiak: Mr. Speaker, I wonder if you might announce that the House will resolve into Committee of Supply to consider the resolution respecting the Capital Supply bill.

Mr. Speaker: The House will now resolve into Committee of Supply.

COMMITTEE OF SUPPLY

CAPITAL SUPPLY

Madam Deputy Chairperson (Marilyn Brick): Will the Committee of Supply please come to order. We have before us for our consideration the resolution respecting Capital Supply. The resolution reads as follows:

BE IT RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,315,979,000 for Capital Supply for the fiscal year ending March 31, 2010.

For the information of the committee, according to our rules, as the 100 hours have now expired, this resolution is not debatable.

Shall the resolution pass?

Resolution agreed to.

Committee rise. Call in the Speaker.

IN SESSION

Committee Report

Ms. Marilyn Brick (Deputy Chairperson): Mr. Speaker, the Committee of Supply has considered and adopted the Capital Supply resolution.

I move, seconded by the honourable Member for Burrows (Mr. Martindale), that the report of the committee be received.

Motion agreed to.

* * *

Hon. Dave Chomiak (Government House Leader): Yes, Mr. Speaker, I wonder if we might resolve the House into Committee of Supply.

Mr. Speaker: The House will now resolve into Committee of Supply.

Madam Deputy Speaker, please take the Chair.

COMMITTEE OF SUPPLY

Concurrence Motion

Madam Deputy Chairperson (Marilyn Brick): Will the Committee of Supply please come to order.

Hon. Dave Chomiak (Government House Leader): Madam Acting Chairperson, I move that the Committee of Supply concur in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2010, which have been adopted this session by a section of the Committee of Supply or by the full committee.

Motion presented.

Madam Deputy Chairperson: On May 14, the Official Opposition House Leader (Mr. Hawranik) tabled the following list of ministers of the Crown who may be called for questioning in debate on the concurrence motion: the honourable First Minister (Mr. Doer), the Minister of Health (Ms. Oswald) and the Minister of Family Services and Housing (Mr. Mackintosh) to be questioned concurrently.

The floor is now open for questions.

Mr. Cliff Cullen (Turtle Mountain): I have a question for the Minister of Health.

There was an interesting article in the *Winnipeg Free Press* over the weekend, dealing with emergency medical services and ambulance services across the province and, in particular, the situation that currently exists in rural Manitoba. I'm not sure if the minister had a chance to read that particular article. Certainly, there were some good points made. Not all points were completely factual, but I think the point of the article is correct in that there is quite a difference between what's happening in the city of Winnipeg and some of the larger centres such as Brandon and what's happening in rural Manitoba.

I guess what I'd like to get is a sense from the minister if there is some long-term planning in terms of what's going ahead in rural Manitoba, in terms of the EMS services because there seems to be a real lack of a long-term vision on how this whole thing is going to roll out and the role EMS is going to play with future development of emergency services, emergency in hospitals, around the province.

So I just want to get a sense if the minister has a vision on how EMS is going to roll out in rural Manitoba.

* (14:40)

Hon. Theresa Oswald (Minister of Health): The short answer, of course, is yes. Of course, there's a vision, a plan for emergency medical services in rural Manitoba and in all of Manitoba. We know that we inherited a system that was quite inequitable and certainly in need of very substantial capital investment and system improvement overall and, working in concert with the regional health authorities to provide a more uniform kind of service, we've made a number of investments in this regard.

Probably the single most important investment in co-ordinating response would be the investment of \$7.8 million at the Medical Transportation Co-ordination Centre in Brandon that's enabling us to capture data as we have never had before in Manitoba on response times, on availability of personnel. That, in addition to significant capital investments we've made in replacing the entire fleet of 160 ambulances, adding new so the fleet is some 173 today; transforming the number of full-time positions from somewhere around 200 in 1999 to over 530 today, full-time positions to help staff various EMS stations across the province; those kinds of investments, in addition to significantly increasing the EMS education program to bring, for the first time to Manitoba, the primary care paramedic program that started at Red River College last year. Those are just some of the investments that we're making in improving the system. We don't deny that we have a distance to go, and we're taking advice from paramedics and health-care professionals on how to best do that, but we do believe that we've come a significant distance from what we inherited in 1999. We're going to continue to work with our partners to build the best EMS system that we can here in Manitoba.

Mr. Cullen: I thank the minister for those comments, and we certainly would like to see how that vision is going to unfold in the future, and I think all Manitobans and those in rural areas would like to be a part of that discussion as it moves forward.

Madam Chairperson in the Chair

I think the big thing, too, is people. We can invest money in ambulances and infrastructure, but we still have to have the people that are there to be willing to commit to keeping those services running. There are, from time to time, situations where ambulance service is not available in some of the

communities because the people aren't willing to come forward. I certainly agree with the training commitment that the Province has made.

I think there are some other options that we should be looking at, though, in terms of having drivers available for situations that might help our staffing situations in rural Manitoba and also, the first responders that we have in communities now, that are trained and kind of filling the gap, if you will, when the emergency service ambulance personnel aren't available readily. We are travelling significant distances, and a lot of times it's some remote locations that ambulance people may not be familiar with. I think the first responders people play a very significant role in supporting rural communities. I know I asked the minister—we have had some correspondence back and forth with one or two municipalities and her department, on the role that first responders are going to play in the province. I'm just wondering if the minister has any update as far as our discussion about first responders within the Rural Municipality of Strathcona in particular.

Ms. Oswald: Yes, the member did provide me with a package of correspondence on an issue he wanted me to address, and that work is ongoing. I will communicate with the member with the best information that comes forward in as short a time span as possible.

I agree with the member on the subject of people. Certainly, having professionals across Manitoba that are prepared to take the education and prepare to provide the service in remote communities is a very important thing. That's why, when we invested in the primary care paramedic program, we ensured, of course, that it would be housed out of Red River College, but that there would be rotating educational programs throughout rural Manitoba. We know that paramedics themselves have told us that raising the standards for prehospital care is an absolute must, and while there may be some jurisdictions that wish that the standards had not been raised in the manner that they have, we know that all Manitobans, regardless of where they live, deserve to have their paramedics educated in the best possible way. It's not a one-size-fits-all, cookie-cutter kind of model. We know we have to work with municipalities on their unique challenges, and we're committed to do that. I'll converse further with the member when I have the information that he's seeking.

Mr. Hugh McFadyen (Leader of the Official Opposition): I just want to come back and revisit an issue with the Premier that we had covered to some extent in Estimates, and that was with respect to the way the government is reporting on levels of debt that are owing by the Province of Manitoba to holders of that debt.

I asked a number of questions previously about the apparent deduction for Hydro and Lotteries debt in excess of \$7 billion which dramatically reduced the bottom line number when it comes to the government's reporting on debt. The understanding that I now have is that, in fact, Hydro and Lotteries debt is removed from the net debt calculation, which thereby brings the net debt that is reported by the government down to in the range of \$11 billion as of the third quarter, the projections contained in the third quarter report.

I just want to ask the Premier if he thinks that it's appropriate to move Hydro and Lotteries debt off of the books, in effect have two sets of books when it comes to debt, but to move revenue from Hydro and Lotteries on to the books in order to create the impression of high revenues.

Hon. Gary Doer (Premier): The practice on the way in which entities are described in terms of debt is the whole area of tax-supported debt versus debt that is supported by the revenues of a Crown corporation.

If we were to go back, for example, to the telephone system, there was an argument that the telephone system should be sold partially because of the reason, if not almost primarily because of the reason that the debt represented too high a number on the books, while our argument was that the asset was worth more than the debt. In fact, that turned out to be true even with the small and modest price of \$13 a share which we would argue was underselling the corporation. Of course, the municipal leadership opposed the sale, but the government was able to (a) pay down the debt of the telephone system; (b) it was on the government books; and (c) have a revenue exceeding the net debt that they placed in the rainy day fund that was made.

A similar situation Hydro has with an 80 percent going down to 75 percent. The debt ratio has one number in terms of what its debt is, but in terms of its overall value—if anybody, God forbid, was going to sell it on the market, the revenues that would be generated to the government would far exceed—and I

think the member would agree—the debt level of the corporation.

So we know that in some provinces the issue of Crown corporations like Hydro is considered to be—and even the financial institutions basically acknowledge that the government is responsible for the debt of that entity, but it's not taxpayer-supported debt but rather ratepayer-supported debt. It's also an asset behind the debt. If somebody was to convert the asset in a sale, it would not only relieve the Province of the debt but it would also acquire a considerable revenue surplus similar to what happened to the telephone system.

* (14:50)

Mr. McFadyen: Madam Chairperson, we certainly understand the importance of distinguishing between taxpayer-supported debt and debt supported by ratepayers of Crown corporations. That was really behind the concerns that we raised with Bill 38 in terms of the attempt to present Crown corporations and core government as being one entity when, in fact, there are different revenue sources for core government versus Crown corps, and it certainly creates the potential for some confusion over the true state of the health of the Province's finances.

I wonder if the Premier will at least acknowledge that there's inconsistency between using a summary statement when it comes to operations, putting the Crowns and core government together, and making no distinction between tax-supported and ratepayer-supported operations and yet separating those when it comes to presenting debt, the effect of which is to inflate summary revenues and artificially deflate debt levels.

Will he at least acknowledge that it's inconsistent and look at being—if we're going to use summary statements, at least to be consistent in providing a summary statement of the Province's debt, which is far closer to \$20 billion than the \$11 billion that the government is touting to Manitobans.

Mr. Doer: Well, the whole idea of the summary financial budgeting in GAAP, under GAAP accounting, is a third issue that the member has raised. It has both advantages and disadvantages in the short term for a government, in having all revenues from all entities described as revenue and all expenditures described as expenditures in all entities of government.

It has been recommended by auditors general, you know, it's not something that we brought in

initially. We followed the more limited accounting systems under—we put all the numbers on the books, but we followed the—in terms of the balanced budget legislation we followed, for our first two terms in office, what I would call the Filmon balanced budget legislation which was only government entities.

But also, if you want to look at an inconsistency, it allowed for the government to carry over, in a rainy day fund, a sum of money and then it would then be able to show that as a revenue in subsequent fiscal years under GAAP financial budgeting. The rainy day amount of money deals with your own base operating but it can't deal with the issue of all in and all out in the fiscal year.

On some years—and the other issue with GAAP financial planning is it includes, fully, the cost of pension liability per year as well. So there are entities that the member always talks about like Hydro revenues. In a good year, and most four to five years will be good years, the revenues will exceed expenditures in Hydro but if there's two years in a row of drought, that may not happen. We had a year, I think 2003, where the revenues were quite a bit lower than the—or the expenditures were quite a bit—the revenues did not exceed the expenditures because of the drought.

There are arguments to be made all over the place on some of these issues of how you account for issues, in the sense that the balanced budget legislation under the previous government, which we agreed to follow for two terms, was under attack by auditors general and the question was, were we—if we hadn't made it a commitment to go to the Auditor General's recommendation, Mr. Singleton, and then the current Auditor General, Ms. Bellringer, we would not be in compliance with the way in which auditors general want us to account.

So I understand the point being raised by the member. You know, we certainly felt that we had made an absolute election commitment to keep the Filmon balanced budget legislation in '99, and carrying through in 2003, but we felt that the Auditor General in 2003 was quite critical of us not having gone to full summary budgeting and GAAP accounting. So that's why we went to it.

Mr. McFadyen: Consulting with colleagues, there's no recollection, on this side, of the government, of the Premier, putting a caveat on their promise to keep the balanced budget legislation, they would only do so for two terms. That seems like a little bit of revisionist history, now. We certainly don't have

any recollection of him promising to repeal it in the 2007 election campaign, although we do remember him saying in the 2007 campaign that the odds of the NHL coming back to Winnipeg were about as good as abolishing winter. We do remember that comment from the '07 campaign.

But, before I digress down that slippery slope, Madam Chair, which I don't want to do, I want to ask the Premier—and this both relates to government accounting and to delivery of health care—whether it's part of the government's plan to, in effect, take control over personal care homes in the city of Winnipeg, many of which are run by different groups and organizations that have volunteer boards, and other members from different communities that participate. Is it the intent of the government to take control over those personal care homes and seniors' assisted living facilities within the city of Winnipeg? Either through the WRHA or otherwise.

Mr. Doer: On the issue of the NHL, and then I'll get onto the issue of my election promise—I said, the next thing you're going to promise is to abolish winter. The member opposite knows that, prior to his promise—and I wouldn't have advised him to make the promise, but I think it's always important to, we have the arena now, that, of course, we feel very proud of building, but on the NHL, it wouldn't be a promise I would make. It doesn't mean to say you wouldn't want to work towards getting something. I did make the distinction—well, because I'd already said that we had met with Mr. Chipman on the NHL prior to the election. You had the *Hansard*. In fact, you asked me the question in the '07 year, I believe, if I recall correctly.

The issue of the balanced budget promise. We specifically promised to keep the, quote, Filmon government's balanced budget legislation in '99. I think the member was the campaign chair in '99, so he would know all about that. We did commit to going to the—after the '03 situation, where the Auditor General was quite critical of us at the same time as Hydro ran a drought. Nobody was critical of us for not going to GAAP and summary financial budgets before '03, but when Hydro ran a deficit through the '03-04 year, the Auditor General was quite critical of us, saying that we should have all entities of government in. At that point, the Minister of Finance (Mr. Selinger), in '05, early '05, committed us to going to GAAP financial budgeting, and if you look at our '07 election promise, it is written differently. It says we're going to balance our budget.

It says we're going to balance our budget; it doesn't say we're going to follow the Filmon balanced budget legislation. So there is a difference in our election platform, but there had been a commitment made in '05 to proceed with legislation to introduce the Auditor General's report. The member may disagree. In fact, with the Auditor General, we established a body to study it, and Deloitte Touche, and the lead partner, Mr. Olford [*phonetic*], wrote a report that advised the government on how to proceed with the balanced budget legislation under GAAP. There was some advice of how to go and some advice how not to go. So, between 2005 and 2007, we had Deloitte Touche working on how we would meld the two things together.

* (15:00)

On the personal care homes: I'm not aware of any change on the community groups running personal care homes. I'm not aware of something—there are sometimes arguments about funding and the member would know that from his previous life as chief of staff, there are always arguments about funding. It's a three-sided issue: the opposition says you're generally spending too much; then they say, on the other side, you're not spending enough on this issue. Thirdly, people that require funding from government, you know, sometimes argue that you're not spending enough as well.

Having said that, I'm not aware of any change in the ownership structure of personal care homes in Manitoba, but sometimes you find out things that are being proposed that you're not aware of. I don't think there's been any—certainly no legislation pending in this House on personal care home ownership.

Mr. McFadyen: I thank the Premier for the response. There are always issues, as the Premier said, around funding issues, but there can at the same time be issues with respect to control and management of personal care homes. The reason the question arises is that in this year's budget, owing to accounting changes, the government is claiming the revenue of personal care homes within its statements, and including personal care homes within the government reporting entity money that they have no access to since they don't control those facilities.

But the inclusion of facilities in the government reporting entity creates the impression that there is control. So it gives rise to both very real control issues and also accounting issues with respect to what the government is including within its revenues

and what it isn't. I think that there would be legitimate concerns among the many community groups currently involved in operating these facilities that, as the revenue is now, is a new government policy included within the government's GRE, that this is a step toward taking control. If the government doesn't have control, then the revenues of these organizations ought not be counted within the government reporting entity. So can the Premier just clear up whether they should be inside or outside the government reporting entity?

Mr. Doer: All these issues of bodies that—and I'm harking back to the days again when we came into office in '99, there was a whole series of deficits in health authority through the Winnipeg Regional Health Authority to hospitals. Hospitals legitimately run, say, for an example, like Concordia Hospital by a community-based board but reported when the deficit was on their books, but, technically, the Auditor General and rating agencies considered a deficit of an entity like a hospital run by a community-based group to be a liability for the Province. So I mention Concordia Hospital where, and I'm not saying it had a deficit in '99, but there were a number of health-care facilities run by community-based people that had operating deficits carried over from the 1998-99 fiscal year that we had to deal with when we came in.

There are other issues. School boards get grants from the Province, and then they raise money from taxpayers. If they run a deficit, is that a liability of the provincial government? Generally speaking, auditors general consider items like personal care homes—I'm not speaking to personal care homes—no, I was talking about hospitals, they treat them as reporting entities that the Legislature is responsible for.

In other words, they don't want a government giving a grant that's so low to a hospital that they can't help but run a deficit and then mask that deficit in terms of the overall reporting relationship of the government of the day to the taxpayers of the day through the Legislature. So, I'm not sure on the personal care homes, whether it's similar to community-based hospitals in just being reported, but I don't think there's been any change in the community-based management of those hospitals.

Mr. McFadyen: I wonder if the Premier can just, in terms of his position on it, just be clear that it's neither his intent nor the intent of the government to,

in effect, have these facilities, these community organizations be put in a position of having to give up control, the current control that they have over their facilities.

Can he just indicate that they can feel comfortable knowing that they will have ongoing control over their facilities?

Mr. Doer: Well, the treatment of revenue and expenditures on the books of the government, I want to be very careful on my comments, because they're informed by accounting practices, including by the Comptroller of the provincial government. There are more and more, as part of disclosure, there is more comprehensive requirements on all entities of government. In the old days, of course, they had some entities outside of the government, even though they were funded by the government. But, in terms of patient care, I believe there's been no change. In terms of accounting, I want to be very careful about that in my comments, because we're trying to operate in the Department of Finance with the whole area of advice from the Comptroller in the Department of Finance, who obviously works in compliance with the Auditor General.

Mr. McFadyen: Madam Chair, to be clear, I don't think anybody would have an issue with ongoing improvements in terms of disclosure and transparency and accountability for delivering services in exchange for the receipt of public grants. But there may very well be concerns about any move to then use that as a tool to, in effect, assume control over facilities that for many years have been controlled and operated to a very high level by community organizations. Sharon Home and many other facilities have outstanding boards and have come from different traditions to build and operate facilities that provide a very good level of care to seniors in our province. I think all recognize that there is both the ability and desire to continuously improve the level of care, as well as the level of accountability.

Can the Premier provide just a very clear assurance that it's not on the government's agenda to take effective control over these organizations going forward?

Mr. Doer: Well, we respect the patient care provided by community-based groups and the fundraising that takes place by these groups themselves, and partially by patients in personal care homes having some payments from patients.

The area that the government has to be concerned about, always, is how much money comes from this Legislature, what patient services does that purchase and are we accountable for those dollars that are spent, and how is it reported to the public. We're also accountable, for example, and I mentioned the case of a hospital, we're also accountable if a hospital, which is well run and with great people, if it runs a deficit. For example, if a hospital goes out and signs a collective agreement that is two or three times greater than what we can support as a provincial grant, obviously, and then that requires a deficit to be run, we have some exposure.

These are homes that get some of the revenue from the patients and some of the revenue from the Province. All of the accounting, I think, has to be fully comprehensive with the Department of Finance, especially under GAAP financial rules.

Mr. McFadyen: There's no disagreement over the need for good accounting and transparency, but we haven't yet received a clear answer from the Premier on the issue of effective control. There are many organizations in the city and many communities that have invested a great deal of their time and energy and resources into these facilities. There are, as far as I know, more than 20 of them operating in Winnipeg who are looking for clarity around the government's position on effective control.

Can the Premier just be clear that it's not the government's agenda to seize control over these facilities that have been operating very effectively in the city of Winnipeg and which continuously improve the way they operate?

* (15:10)

Mr. Doer: Madam Chairperson, our goal is to support the community-based groups that are providing good patient care in personal care homes. It's also to properly account, with full disclosure, the issues of finances that we're responsible for, and thirdly, to make sure that, for example, I just mentioned collective bargaining, but if an entity went out and settled for 50 percent with a group of employees, I'm sure the Leader of the Opposition would be the first one asking, how can that happen, and, it's just your friends in the labour movement, blah, blah, blah and we would be responding. Not that he's ever done that before, but we would be responsible for the impact of that, in the narrow

sense with the institution, and obviously in the wider sense in terms of recruitment and retention.

It's a black-and-white question without, you know, with different realities to it because we do have some responsibility for accounting, and we do have responsibility to ensure that we have some common standards on recruitment and retention and salaries. So there is some relationship between the government and personal care homes, but we still want the strength of personal care homes being the community-based groups to be running them.

Mr. McFadyen: Nobody's arguing with enhanced accountability. I think the issue is some legitimate concern about the investments that have been made by many of these groups over many years, and in many cases, wanting some clarity as to whether or not these boards and facilities face the same fate as the Grace and St. Boniface and other hospitals that have been put in a position of having to surrender control to the WRHA.

I'm not sure we're any further ahead with the Premier's responses, but I think the Premier's certainly on notice there's concern and there's some need for some comfort to be provided to these groups.

I just want to move on. I know the Premier would be just incredibly disappointed if he didn't get any photo radar questions in concurrence, and I know the Premier has also publicly expressed scepticism about photo radar in the past and has raised the concern about it turning into a cash grab. I think the experience and the recent disclosures around it would suggest that the fears initially articulated by the Premier and others may very well be coming to pass.

I want to ask him if he can update us on discussions with the City on how they intend to move forward. The Attorney General (Mr. Chomiak) indicated in question period today, somewhat to our surprise, that he had asked the City to refund the money to those who had received tickets wrongly, and if that is the position of government, it strikes us as inconsistent that they wouldn't commit to refunding the provincial revenue that's been collected improperly as a result of tickets issued in situations that the court referred to.

Mr. Doer: Well, the Attorney General sent a letter to the City of Winnipeg about the issue to review it with the City of Winnipeg, and the City of Winnipeg

responded to him. That's on the public record and the minister said he would consult with the City. He did.

Mr. McFadyen: The Attorney General said today that the City was asked by the Province to refund money, and the City's response was that they wouldn't. If that is the Province's position, that the money ought to be refunded, I guess the question is, why wouldn't they? We recognize there's a revenue impact, but past governments, as the Premier knows well, dealt with cuts to transfer payments in the scale of \$200 million in a single year. What we're talking here is not an amount even approaching that.

I want to ask the Premier why he feels they can't manage that kind of a refund process in order to rectify the problems that have been created by photo radar, problems which he had anticipated at the time that it was launched.

Mr. Doer: Well, we got advice from the police, and the City, and our own Justice Department. We made our decision and we'll stand with the police on this, who have, in four press releases, warned the public that it's not just workers in construction sites, but it's also the risk to motorists with barriers. There are people concerned about paying tickets that they—you know, we live in this community too and people are concerned and other people say, I slowed down in a construction site and I didn't get a ticket.

This is what happens when these decisions are made and we'll live with the consequences.

Mr. McFadyen: The issue is the inconsistency between the Attorney General saying to the City that they ought to refund the money and the Premier now saying that they ought not refund the money. I just wonder if the Premier can explain why he and the Attorney General are taking diametrically opposed positions on the issue of refunds.

Mr. Doer: The Minister of Justice (Mr. Chomiak) said that he would consult with the City. He did.

Mr. McFadyen: Just on the issue of deployment; the Premier indicated earlier in question period that he would look at the issue of the deployment records. Our understanding is that there's a daily record made that instructs that mobile vehicles as to where they should locate and that it's primarily revenue potential that drives these decisions. Is the Premier prepared to have all those deployment records disclosed so that we can have a proper debate on whether this is about revenue or whether it's about something else?

Mr. Doer: Well, the deployment decisions are made by the City, not by the Province. The City has to work within the law, which is restrictive as opposed to completely enabling. The members opposite will know, including that the City did—I know people like to get off on technicalities, but the City did want unfettered photo radar. In fact, they passed a by-law at City Hall before we even looked at this issue, and we actually think that—we actually believe that the police wanted it all in all places, initially former chief of police, Mr. Ewatski. The Conservative caucus's position at the time was that we should expand it more. The Justice critic criticized us for not expanding it even further. Those notes are on the record that we should go further with the police and the City and we didn't.

Mr. McFadyen: I would just want to note that the critic at the time also put on the record the attempt to ensure that it didn't turn into a cash grab, that it remain focussed on safety issues and obviously, the operation of the program since that debate took place has given rise to very legitimate concerns about what the main driver is behind the program.

So without wanting to flog this horse any further, I just want to move on to another issue, and that relates to the status of decision making around post-flood issues. The flood this year obviously gave rise to certain situations that have given rise to concerns in some parts of the province about the handling of the issue and the changing forecasts and the decision making around it.

Can the Premier just highlight what, in his view, the most important lessons learned and where things are to go from here in terms of protecting Manitobans in future scenarios and ensuring fair compensation for those who aren't protected or those who are adversely impacted by artificial flooding?

*(15:20)

Mr. Doer: Well, we passed a law. It wasn't in place in the past that artificial flooding would result in compensation. That actually has been utilized. We've changed the operating rules of the floodway to include summer operations. We've used it, I think, three times in the summer, whereas, and I think in '93 or whenever it was, there was \$150 million in damage because the floodway was not operated in that August storm. So when we do operate it—I think it was \$800,000 paid out in one summer to some market gardeners that were affected with the artificial flooding with the floodway operation, but

we think that was a fair decision of risk relative to the basements of Winnipeg.

So we have actually made some changes on the whole flood, complete flood debrief. We're meeting on it now. I haven't got all the conclusions of it. Some of the people are still working on flooding situations. Even last week, they were adjusting the operations of different flood protection systems to try to get the water at James below 17 feet with the projected rain of 25 to 35 millimetres. In fact, it was at 43 millimetres. So we're working almost daily with the City of Winnipeg and we're working with municipalities south of the floodway.

Obviously, questions were raised today about the operation at the Assiniboine diversion and the lake levels of Lake Manitoba and, potentially, we could get questions on the levels of water at Lake of the Prairies with the operation of the Shellmouth Dam. We haven't completed all the—I want to get a full report on how many farm homes were flooded. You know, there were very few communities evacuated. There were some surprises. We're already working on—one that's been perennial, the Peguis community on the Fisher River and the Fisher River First Nation. We're working with the federal government on that situation because it's happened almost every year.

Breezy Point, I think, has flooded seven out of 11 years. It was initially just small, temporary dwellings that were on there and it's gone to much more, in some cases sophisticated dwellings, in terms of residents. But it got pretty risky this year with the rescuers. We worked with the local leadership on dealing with that issue.

We're working with St. Peters Road, with the mayor of St. Clements, Mr. Strang, and Don Forfar obviously, on the other side, to try to get some of these immediate issues, because those are more acute to deal with because people's homes or cottages or dwellings were flooded, and if they start to spend money, especially in areas where there've been long-term waivers signed, they start to spend money on fixing up their dwellings, and the intent of the municipality is to proceed with getting these areas more as an ongoing area that will not have dwellings, because of the inability to protect the dwellings, then we think that the community, those people needed that advice early. One thing we heard in '97 is, having a delay was a problem in terms of being decisive.

Mr. McFadyen: The operation of the floodway was delayed somewhat because of concerns about ice

jamming this year, and it's acknowledged that there was thick ice at various points along the river. One of the issues that arose in the operation of the floodway that created the concern about ice jamming was the fact that ice was building up against bridges that were spanning the floodway channel. The first of those being the St. Mary's bridge at the south end of the city. This was something that I think validated some of the concerns that were raised by the engineers who have the cancellation of the bridge work on the floodway expansion project.

I wonder if the Premier can indicate whether they're analyzing the impact of those cancellations on the operation of the floodway this year, and what steps the government plans to take in order to address the issue of bridges over the floodway span going forward.

Mr. Doer: Well, the St. Mary's bridge—first of all, they normally operate the floodway with the least amount of ice possible. But, in '97, the floodway was operated with some ice, not nearly the ice that we had this time around. I might say it was because the hydraulics had gone, they had to have all kinds of other backup plans. I'm sure the member is aware of that.

We had a lot more jamming of ice inside Winnipeg with the meandering of the river and the Elm Park bridge jammed, the Louise Street bridge jammed, the Redwood Bridge jammed, the Kildonan bridge jammed. We had tremendous jamming of ice, more in Winnipeg, actually, than the floodway.

The floodway was operating with ice in the inlet, which of course is a berm, and with the gates going back, we had tremendous ice in the inlet, and the flow of water was between 95 and 100 percent in the floodway. We had excavators along the floodway. That wasn't in terms of ice problems. The ice problems were on the Lockport bridge before the floodway was opened, and obviously the island up there, we had to cut the ice—

An Honourable Member: Sugar Island.

Mr. Doer: Sugar Island. We were worried about it. We were able to cut all that ice around Sugar Island so Selkirk didn't have, except for the higher water, the protection. So, yes, we will look at all of this. But, the major issues of ice jamming and localized flooding, actually, were taking place in Winnipeg.

Then, of course, at the Assiniboine diversion, the recommendations of engineers was to build notches

for the floodway inlet. Now, the floodway inlet, the member knows there's a berm there. The question I asked is: Should we lower the berm? The amount of water going through was not a problem. One of the things that's interesting about the floodway, it's a straight line. One of the things that's more complicated in Winnipeg is the river meanders, and the ice then jams up at the bridges more dramatically.

Having said that, remember every flood event has areas that you can improve, and this one, we'll have a full report, including the notches that were also felt and recommended by engineers at the floodway inlet. It was felt that they would be more effective dealing with all the issues of water.

The question I always ask is: What about the berm? If we have the floodway gate backing up water, we did not want a situation this time around if we could help it, where people in St. Adolphe would have to be evacuated because of water backing up, because people, as you know, the gate moves the water back and then over a berm. The question I've asked is not about the St. Mary's bridge because, you know, is the question unless it came up from engineers is a problem. The question is the notches and the berm, and I'll be able to respond.

Of course, if there's anything else on the bridge, I'll respond as well. But, the engineers feel that the potential there is for the notches to maybe be improved a bit, which we built. But could we improve them? So, we're looking at that as well.

The answer to your question is—well, the first answer is, was it a perfect flood event? No. Nothing is. Was there a lot less sandbagging in Winnipeg? Yes. Were there a lot less evacuations than '97, in spite of the ice? Yes. Where are the vulnerabilities? We're already dealing with St. Peters Road in Breezy Point.

* (15:30)

Mrs. Bonnie Mitchelson (River East): I have some questions for the Minister of Family Services and Housing. Just to follow up on—and I know the Premier is quite relieved that I'm not going to be asking questions on the Disraeli but maybe later, maybe later.

Anyway, thanks, Madam Chair, and we ran out of time in the Estimates process for the Department of Family Services and Housing. I was on a line of questioning that I would just like to go back and review. I was trying to figure out the differences

between the reviews that were done at the time Phoenix Sinclair died, and I don't believe the minister was responsible for Family Services and Housing at the time, but I do know that he was responsible at the time of Gage Guimond's death, and why the processes were so different in the reviews of the two children that died in the care of Child and Family Services.

I know that the Phoenix Sinclair review, I believe, and the minister can correct me or correct the record if I'm wrong, involved the Ombudsman, the Child Advocate and some independent reviewers whereas the process for reviewing Gage Guimond's death was considerably different. I wonder if the minister could outline for me the differences and the rationale for the difference in the approach that was taken.

Hon. Gord Mackintosh (Minister of Family Services and Housing): At the time I wasn't the minister, but I was when the reports were released following their completion.

There was a review led by the Children's Advocate called, *Honouring their Spirits*, and as I recall I think it had around 80 recommendations or so focussed on a number of matters that perhaps not specific to the death of Phoenix Sinclair, but issues that were in need of addressing in the child welfare system. Some of the subjects there were suicide prevention, for example, issues of support for those affected by deaths and many other areas.

Another report was the one that was led by the Ombudsman, and it was called, I think, reaffirming the commitment, something like that—strengthen the commitment, it was called, Madam Chair. It had over 100 recommendations and it was largely around how cases should be managed in the child welfare system.

Both of those had other participants. Michael Hardy, for example, assisted, and I know that Mr. Koster assisted as well, Madam Chair. I could get that information. But I think I should note that there was a third report which was a section 4 report that looked more specifically at case management around—more specific to the issues at hand. Of course, there would have been the Chief Medical Examiner's review that would have been done earlier.

I might have some information further on the ambit and the participants of those reviews, but I think that would be a matter of public record that the member could obtain. I would have that somewhere

here, but perhaps that answers the question from the member with regard to Phoenix Sinclair.

In the case of the death of Gage Guimond, there was a section 4 review in addition to the Chief Medical Examiner's review. The section 4 review then would look at some questions that may arise around case management and administrative matters.

Mrs. Mitchelson: Madam Chair, in the instance of Gage Guimond review, there was a report released, a section 4 review report released, and it was prefaced in the release that it was a condensed version of the report for public information. We've never received even a condensed version of any report from Phoenix Sinclair's death.

Could the minister explain why, in one instance, we have a report for public consumption in the case of Gage Guimond, but we don't have one from Phoenix Sinclair, and why that would be?

Mr. Mackintosh: Madam Chair, I should probably refresh my memory, but as I recall, I believe the recommendations in the section 4 report with regard to Phoenix Sinclair were released.

Mrs. Mitchelson: And there were recommendations released in both section 4 reviews. The difference is that in Gage Guimond's case, there was a report released. For Phoenix Sinclair, there has been no report released, to date, and I'm wondering if the minister could indicate why and, if it's available for one, why isn't it available for the other. Could the minister commit to releasing a public version of the section 4 review on Phoenix Sinclair?

Mr. Mackintosh: I don't have detailed recollection of all of the considerations that went into that and the role of the Children's Advocate in particular because, as I recall, I think the Children's Advocate had a key role in that review. I can get that analysis to the member. I just don't have that recollection with me.

Mrs. Mitchelson: The minister just indicated the Child Advocate had a key role in the review of the Phoenix Sinclair case. Did the Child Advocate have the same key role in the review of Gage Guimond's case?

Mr. Mackintosh: It's my early recollection that the Office of the Children's Advocate had a role with regard to the case analysis, the specific case of Gage Guimond. In other words, the matters specific to the handling of that file.

Mrs. Mitchelson: I know that, in many of the recommendations, and a lot of things that the Child

Advocate does, she looks at the systemic issues that surround specific reviews that have been done and makes recommendations. Would she have had a role to play in looking at the system-wide aspect of the Gage Guimond review?

Mr. Mackintosh: I can look at the record and determine what the specific role of the Children's Advocate was with regard to the Gage Guimond matter and whether the Children's Advocate provided recommendations or even analyses that were system-wide, as well.

* (15:40)

Mrs. Mitchelson: In the part 1, Case Management Review of Gage Guimond, it says under Delegation of Power—and the minister and I had a significant discussion around delegation of power and authority and accountability in the last couple of days of Estimates—but it does say under Delegation of Power, that it was understood, and I'll quote right from the report. I don't know if the minister has the report in front of him; it's on page 19 of the Gage Guimond review. It was understood that in this particular instance the reviewers would submit the section 4 report for Gage Guimond directly to the Southern First Nations Network of Care.

I guess I would ask: In most section 4 reviews, where is the review normally submitted?

Mr. Mackintosh: It's my understanding that, of course, if the authority launches a review, they would be able to, and be entitled to a copy of that, or to get that review but, as well, a copy would be provided to the branch, the Child Protection branch.

Mrs. Mitchelson: We've had this discussion, and I'm not sure that I received a satisfactory answer from the minister.

What role would the branch play in taking a leadership role for the recommendations in that section 4 review? Maybe the minister could indicate to me, because he did indicate that the branch certainly did get a copy of the section 4 review. What role, then, would the branch have in holding the system accountable for the recommendations in the review?

Mr. Mackintosh: Madam Chair, the interest of the branch would be, first of all, any system-wide analyses or recommendations, and the second would be recommendations that would speak to the authority itself. In other words, recommendations that the branch and standing committee would have a

role in, and second of all, those that the authority would have a role in implementing. Of course, the branch also has a keen interest in any recommendations specific to an agency and it would then be incumbent on the branch to work with the authority to ensure the recommendations are addressed.

Mrs. Mitchelson: Again, I'll go back to some answers that the minister gave me on, I guess, it was Monday last, around the branch's role and the authority's role in releasing the progress report. I'm not sure I was satisfied with the minister's answer when he indicated that the authority would take the lead in releasing the progress report. My question to him was, why would the authority take the lead when many of the recommendations that were in the Gage Guimond report were systematic, system-wide, that would cross all authorities in the province? Certainly, there were many, many recommendations to the branch, to the Department of Family Services, in things that they should do. My concern was, and still continues to be, that the branch is reporting to the authority who is going to table the progress report.

I want to ask, again, the minister whether he, in fact—and maybe I'd just ask him to rethink that process, and ask him whether, in fact, he and his department who have written the legislation and enforced the legislation, would not take an accountability and a leadership role in releasing the progress report, and take responsibility for the action or inaction that has happened as a result of the review and the recommendations, which were pretty extensive and pretty damning in this instance, and whether he would not, given that he is responsible for the Child and Family Services system, play a leadership role in releasing that progress report and being held accountable for action or inaction that has been taken as a result.

Mr. Mackintosh: Well, I think it's only proper, and, indeed, I think it's the role of the Minister of Family Services and Housing to be accountable for actions and inactions in the child welfare system, and nothing in terms of who releases updates could ever impact on that ongoing accountability role of a minister.

The information that the southern authority is planning to make public is the status of action by the agency and the authority on the recommendations with regard to the death of Gage Guimond, as well, because there are other system-wide issues raised by

that review, recommendations that the system as a whole, consider some changes.

The department will, as well, be providing information that can be accessed through that report, Madam Chairperson. The department, of course, is accountable directly to the minister and then publicly from the minister to the public on any systemic action in any event, but it does provide a vehicle for comprehensive information on the status of some of the recommendations from the Gage Guimond report. So it doesn't make any difference in terms of the accountability mechanisms. Agencies are accountable to authorities; authorities are accountable to the branch, which is, of course, accountable to the minister and then the Legislature. So nothing changes in that regard.

What I think is important to recognize here is the role of the southern authority in having taken on the co-ordination of the section 4 review, working with the Children's Advocate too, conducted the section 4 case review under the direction of two independent reviewers, Alice McEwan-Morris and Andrew Koster.

Of course, the Child Protection branch, as well, provided a consultative role, but we're seeing, I think, an expression in this example of authorities taking a leadership role not only with regard to its agencies but its own actions, and in the course of its review making a comment on what it sees as actions that perhaps the whole system could benefit from, which should concern us all and require reporting back to the public on the status of action.

Mrs. Mitchelson: Madam Chair, I'm not going to belabour this any more, but I believe with that kind of response and answer the minister is certainly shirking his responsibility as the minister responsible for children in care and children in need of protection. It appears that he's trying to hide behind the authorities and not stand up and be held accountable for his actions. I think that's unfortunate and it's unfortunate for the children that depend on the accountability that comes through legislation. And when the minister introduces such significant changes in legislation, and then tries to hide behind the changes that he has made, and expects someone else to stand up and deflect away from the true accountability and the responsibility that the minister holds, I think, is rather disconcerting. There will be many within the community that will look at the action that is being taken by this government and this

minister and shake their heads and wonder exactly what the future of our children within the system holds when the minister can't stand up, can't order reviews in such tragic circumstances and can't take responsibility for implementing the changes and holding everyone accountable within the system.

* (15:50)

So it's unfortunate that we have a system today and a minister that would choose to deflect away from his responsibility and have someone else take the flak when something goes wrong within the system.

Madam Chairperson, I'd just like to ask some questions because I do know, when devolution was first implemented, that family of origin was the No. 1 priority when it came to placement of children. I know the legislation was changed, and the safety of children, which should have been there from the first place and should have been paramount, was added a few years later. Can the minister indicate to me what directive he has sent out to agencies to ensure that safety is first and foremost paramount for children within the system, and that other considerations are given after the safety of children, as was intended in the legislation?

Mr. Mackintosh: I think it should be remembered that, in actual fact, the devolution legislation highlighted the importance of safety and, in fact, the introductory words in the Authority's act talked about the importance that Manitobans attach to the safety and well-being of children. It was in fact The Child and Family Services Act that did not have that kind of expression right at the outset and did not have that expression of paramountcy indicated there.

So it was, as we said, when we introduced the legislation, to make it abundantly clear and beyond any question that both the devolution legislation and The Child and Family Services Act itself prioritizes the safety of children, and it just underlined for a greater certainty that priority. Of course, it is in the context of the Changes for Children agenda that the legislative change was made. The legislative change, of course, itself, is absolutely an educational endeavour of its own. It is the foundation on which the Child and Family Service system is built.

So that expression in both pieces of legislation was, in our view, very important, particularly in light of some ongoing public discussions which may leave the impression with some, including those in the system that are providing services, that devolution

may have somehow reduced the importance of safety. I think, as I said in committee, devolution was intended to enhance the importance of culture and greater Aboriginal control of children, but not to diminish the importance of safety whatsoever.

So that is the reason that the legislation was brought in and, as well, within that legislation was a commitment to developing stronger standards so that every child must be seen when a child is to be seen. And that, as well, has been buttressed by direction and training that has followed in addition to that which followed the change in legislation with regard to the safety paramountcy.

Both of the changes with the legislation are, of course, being expressed to workers through the enhanced training, through the joint training unit, and the new training initiatives that are rolling out across the province with workers. The risk assessment tool as well is a conceptualizing of the importance of safety first. The risk assessment tool that has been developed most recently in Manitoba, and it's being piloted, is one that has been based on experiences. I could think of, for example, what happened in New York, and then how Ontario adopted some of that; how Ontario learned from shortcomings. We've been informed by work in Alberta as well as other provinces. The Child Welfare League of Canada as well has helped inform how we proceed.

So that is all part of how we're proceeding along with the new funding model and all of the new standards. There are many new standards that are now going to work in Manitoba, and many of them were concluded this summer and there are more in the works again. Conceptualizing safety first also means putting in place more staff resources, and we're continuing to do that, and to address, as well, increases in the number of children coming into care.

So I think the enunciation in the legislation that safety, of course, is first—both pieces of legislation speak uniformly now to that—sends a strong message about what the priority is so there can be no mistake about that priority.

Mrs. Mitchelson: Madam Chair, it states clearly in the Gage Guimond report, and this was before the new legislation was brought in putting safety of children first, it says, and I quote: Current legislation regulations and standards require that agencies look at placement of children in care with extended family as the first priority. If that is not possible then placement within the child's community is considered the next best option—end of quote. That's

right in the report. That's the report that the experts or the people that were contracted to do the review stated.

So, in fact, the legislation wasn't clear, and the standards that were set up by this minister as a result of the devolution process were clear, I guess, that extended family was the first priority, not safety of children, but extended family. So we do know that the legislation that was set up by this government didn't place the safety of children first and foremost, and that extended family was the first priority. Has this minister made it clear that safety of children is the first priority? That is what the new legislation says. I would like to ask the minister what he has put in place, and what directive he has sent to the authorities and to every agency, that safety of children comes first and that extended family is a secondary consideration after safety is considered first.

* (16:00)

Mr. Mackintosh: It was actually the legislation that created devolution that expressed that safety was paramount. It was the older legislation, The Child and Family Services Act, that did not have that paramouncy enunciated.

In fact, I think it was the member opposite who introduced amendments that were accepted by this Legislature that sent a message that culture and family, extended family, for example, were to be considered as priorities. I think that there had been some mixed messages that may have been received by some who are involved in the practice of child welfare that just had to be clarified. The training does that, as well as all of the other enhancements that we see, whether, as I say, it's the training and the funding model that is under way, the quality assurance reviews, the workload relief, the risk assessment work.

But now when the member talks about the role of extended family and community, I believe that she herself had enunciated those as important issues in child welfare. Of course, culture is important, family is important, and community is important, but the legislation that was brought in here got rid of the discrepancy between the two major pieces of child welfare legislation in this province so that it was beyond doubt as a paramount consideration.

We also recognize that it's very difficult, and this was proven with the development of the risk assessment tool. It's very difficult to put checklists to

work when it comes to the role of all those considerations that go into determining whether a placement for a child is appropriate or not. Professional decision making has to occur and, of course, will always be there but, as well, there is at least now an expression in the very foundation of the child welfare system that is the legislation, and both pieces of legislation that safety is a paramount concern to Manitobans when it comes to child welfare.

Mrs. Mitchelson: Madam Chairperson, it's clear in the report that was done and released in 2008 that it was legislation under this government that had been in place, and it says current legislation regulations and standards require that agencies look at placement of children in care with extended family as the first priority.

Certainly, Madam Chairperson, culture needs to be a consideration, but through the devolution process it was understood that culture would be the first priority over safety. As a result, we saw Gage Guimond removed from a safe, caring, loving foster home to three or four different placements that were unsafe, and, as a result, we saw the death of a young child that could have been prevented if the minister and the government hadn't implemented their legislation and the devolution process.

Madam Chairperson, there is comment and recommendation—it's recommendation No. 33 in the Gage Guimond report—that says that the Department of Family Services and Housing develop human resource entry qualifications for the hiring of supervisors and managers in the system.

Can the minister indicate to me whether that has been implemented, and is he satisfied that the hiring of supervisors and managers throughout the system is being done based on qualifications?

Mr. Mackintosh: Yes, I'm awaiting the details on implementation of the recommendations in Gage Guimond. I understand that, as well, there will be a public release on the status of that, recognizing that there were no time lines, but it was thought important to address the recommendations on a planned and co-ordinated but timely basis.

But in terms of that particular recommendation, with respect to, first, qualifications, I can get back to the member on the status of that recommendation. It is always important in child welfare that we enhance training opportunities and that is being done. At the

same time, ensure that those that are being appointed to positions meet the qualifications for their relative positions. The recommendation is a reflection of that value and it's an important recommendation.

Mrs. Mitchelson: I would agree with the minister that it's a very important recommendation.

I'm hearing from those working in the Child and Family Services system, the child protection system, that supervisors are being hired today that don't have any child welfare experience. Now, this isn't one of those recommendations that went to the authority. This is a recommendation that came directly to the Department of Family Services. That's the department that this minister is responsible for and he's had this recommendation for a year.

I guess I'm surprised that he would say to me that he has to get back to me with the status of this recommendation when I did hear him say that we would be receiving a progress report from the southern authority in the very near future and that the department had fed their responses into that process. So if the department has fed their responses into that process and this minister is responsible ultimately, I would believe that he would have signed off on what has been sent to the authority to report on how good a job his department is doing.

This is a recommendation that came directly to him as the minister, and I'm asking the question today on whether he is satisfied that qualifications are being met for the hiring of supervisors and managers.

Mr. Mackintosh: Well, Madam Chairperson, the member will appreciate that I don't have all the recommendation-by-recommendation status papers with me because, for Gage Guimond alone, there were 144, I believe, recommendations and I don't have that document here in the House.

But I should just note that the supervisors in child welfare comprise responsibilities for a number of different roles. Whether direct child welfare experience is necessary for every supervisor, I would have some question around because, for example, in the area of matters that are not about protection issues but are perhaps about prevention efforts, where it's about the need to strengthen the management and human resource capacity, there may be other qualifications that are relevant.

I know I've seen many examples where a child welfare worker is promoted and then not only lost to child protection systems, but as well, may not have

all of the attributes of some other skill sets that are important in the supervisory positions. So it does depend on the nature of the supervisory position. But in terms of the status of that, I will get back to the member.

* (16:10)

Mrs. Mitchelson: As the minister responsible for the Child and Family Services system and child protection, I'd like to ask the minister what he believes the minimum requirement should be for a supervisory position in the child protection system in his department.

Mr. Mackintosh: Well, Madam Chairperson, the qualifications can be either of and a mix of education and experience. Sometimes experience is a very strong attribute for a position and should not be discounted, that it's certainly possible for supervisors in child welfare to not have an MSW and perhaps not a BSW, but to have a long history of successful and dedicated work in the child protection system. So those have to be carefully weighed when there are competitions for positions.

Mrs. Mitchelson: So is the minister saying, then, that a supervisor in the child protection stream of Child and Family Services should have either educational qualifications or significant experience in child protection? Is that what I heard him say in his last answer?

Mr. Mackintosh: Well, I guess that, in any position of supervision, it's important for a person to be well versed in the area that is being supervised, and sometimes that includes successful performance of duties in that area. It can be a combination of both education and experience. I think, ideally, it's usually a combination of the two.

Mrs. Mitchelson: I do know that there are several different processes of appeal when children are removed for protection issues. I know that the first level of appeal is to the agency. I guess the initial investigation, when there are allegations of abuse, would rest with ANCR in the city of Winnipeg, and if those that have had the child apprehended wish to appeal, they appeal first of all to the agency. If they're not satisfied with that, they go to the authority and appeal, and if they're not satisfied with the results of that appeal, they go to an adjudicative process in the Department of Family Services, which is the final appeal process.

I would like to ask the minister whether the adjudicative process is a binding decision.

Mr. Mackintosh: As I recall, under the legislation, the independent arbitrator process is an appeal of last resort. But, having said that, my experience in the law is that there can be a judicial review made to a court if there is an error in law on the record or there's otherwise a basis for judicial review in law.

So that was my understanding. I don't recall whether I've had any legal advice on whether the language in the act would prohibit judicial review. It would be my early view, without legal advice, that a judicial review would still be available.

Mrs. Mitchelson: Does the minister know how many appeals have come to the adjudicator? How many adjudicators has he appointed to review cases that might be appealed to that level?

Mr. Mackintosh: I don't appear to have those numbers at hand. I know it's not very common, but I'm sure those numbers are at hand, but not in the House.

Mrs. Mitchelson: Can the minister commit to getting that information for me?

Mr. Mackintosh: Absolutely.

Mrs. Mitchelson: Can the minister indicate to me, because it is an appeal through the branch and it's the minister that appoints the adjudicator, and if, in fact, the adjudicator determines that they are going to uphold the appeal and grant the return of children to a family, what is the role of the branch in assuring that process takes place?

Mr. Mackintosh: Well, the branch, of course, has its responsibility set on the law and in the act, but with regard to a specific appeal, I would think that could be augmented or perhaps there would be certain roles set out for the branch by the adjudicative process itself, either by an expression from the adjudicator or because some certain action is necessary in order to fulfil the conclusions of the adjudicator.

Mrs. Mitchelson: Would it be the department's role to try to assure that the adjudicator that the department appointed, which was the final level of appeal, would it be the department's role to try to assure that the adjudicator's recommendation is followed?

Mr. Mackintosh: I think that the department would have a role to facilitate the implementation of any recommendations. I'm aware of a recent decision where—and I'm just going by memory—but I think the adjudicator had actually assigned a responsibility to the branch, in which case, the responsibility is

explicit. But there may also be some implicit roles for the branch to facilitate implementation of any recommendations.

Mrs. Mitchelson: If for some reason the process that the adjudicator recommended wasn't moving ahead, what role would the branch play and would the branch be available to parties that were part of the adjudicative process to facilitate or try to get the issues resolved?

* (16:20)

Mr. Mackintosh: Well, the recent case that I'm aware of, as I recall, the adjudicator had asked that a mediator be appointed to work with the parties to ensure implementation of the recommendations in the best interests of the children. So, in that case, I think the mediator would have the primary role then, after appointment, to work with the parties because mediation is, in fact, a process whereby there's not a direction any more but rather a working out of and a resolution of matters following a dialogue with the parties. So, in that case, in that most recent case, I think once the mediator is in place and, hopefully, as envisioned by the adjudicator the mediator will address all of the outstanding issues with the parties collectively.

Mrs. Mitchelson: Is the mediator appointed by the minister and his department?

Mr. Mackintosh: No. I've not had a role because I understand that there was a suggestion of a name or names for consideration of the parties so that there is, not only first of all a mediator that is available and has the time to immediately assist the parties, but also one that would be acceptable to all the parties.

Mrs. Mitchelson: But my question was, then, who appoints the mediator? Who makes the final determination based on—on what?

Mr. Mackintosh: I think there had been an understanding in the most recent case where the mediator would be appointed by the branch after consultation with the parties so that everybody was satisfied with who the mediator was. Otherwise the mediator may not have the confidence of all the parties, but I think that was what was envisioned by the arbitrator's decision in that case.

By the way, we're going to learn from that particular case, you know, is what are the shortcomings here. I have a sense that the process can be certainly strengthened, but I think the role of a mediator is one that I'm particularly attracted to. I

often find that mediated settlements or processes are ones where there's a good satisfaction for all parties so long as the best interest of the children are always paramount and protected by the checks and balances.

Mrs. Mitchelson: So what would be the role of the branch or the minister then if the mediation process broke down?

Mr. Mackintosh: Well I—no offence, you know, it's a hypothetical and I just am confident in the mediation process generally as a mechanism. I think mediation builds into it ways to resolve different approaches to things by different parties. So I have an expectation that mediation will go to work.

Mrs. Mitchelson: Just one final question. If one side in the process felt that the mediation wasn't working what recourse would they have? It was the branch that appointed the mediator. Would they have direct access to talking to someone in the branch to try to resolve any outstanding issues?

Mr. Mackintosh: Again, it's difficult with any hypothetical, but I would hope and expect that the mediator would have an answer for that question, that there could be another resource provided to address that if it's an issue within the broader range of issues.

Mrs. Mitchelson: My question—I don't think the minister answered my question. If there was a concern with the process and the way it was developing or moving along, would either of the parties have the ability to directly speak to—I would imagine it would be the director who has delegated authority for child protection to have access to that individual to help to resolve outstanding issues if there were outstanding issues? I guess I'd just like a commitment from the minister that he is open and that his department is open to working with both sides to try to resolve issues should they occur.

Mr. Mackintosh: Yes, certainly.

Mrs. Myrna Driedger (Charleswood): There was a recent announcement from the Minister of Health (Ms. Oswald) about a cardiac surgery centre being developed. Can the minister indicate specifically at St. Boniface Hospital where that surgery centre, the cardiac centre will be placed?

Ms. Oswald: Madam Chair, yes, we were very pleased to make the announcement concerning fulfilling or further fulfilling the recommendations from Dr. Koshal on the consolidation of cardiac surgery. The program is going to be developed in

proximity to the Bergen Centre. I don't have my note in front of me, but I can get to the member to give her more specific footprint information about which rooms and where.

Mrs. Driedger: Can the minister indicate if that is in the main hospital or if that is in a separate building?

Ms. Oswald: The announcement itself did address the fact that there would be an expansion in a couple of areas within the context of the Asper building, but there's also going to be expansion in the emergency department itself following on recommendations coming from Dr. Menkis concerning dedicated cardiac observation beds and other information. Again, I don't have the detailed piece of paper in front of me, but I can get more information to the member about the specific footprint. But, certainly, the augmentations to the program will take place sort of across a spectrum of supports for cardiac patients in the hospital, not solely in one room.

Mrs. Driedger: From the announcement, it sounded like a lot of the aspects to this were going to be placed in one particular area so that everything would be happening in a very congruent way where the patients would be, you know, have diagnostic care, have surgery, recover.

So, my question, I guess, would be, if the minister is indicating it's in the Bergen Centre, or if that is how she worded it, could the minister indicate what part of the hospital that Bergen Centre is?

Ms. Oswald: Again, not having in front of me the note that gives me, you know, the specific footprint of where each of these elements of the announcement are going to take place, and I don't have the building in my mind's eye as I'm sitting here, I can let the member know that, certainly, much of the care will be conglomerated into a portion of the new building, you know, next to the Bergen Centre, but it's not exclusively that.

There are also, as I said before, adaptations and augmentations that are going to be made to emergency as well, where cardiac patients will present and will require some intensive monitoring. This is being done under the leadership of Dr. Menkis, but also with advice from people in the cardiac program. So, again, without that piece of paper in front of me, I would hesitate to put more architectural information on the record, but can commit to the member to provide her with a more

detailed analysis. Indeed, I could likely provide for her the architectural plan of the announcement. It was public information. I just don't have it with me in the Chamber today.

*(16:30)

Mrs. Driedger: Can the minister indicate whether or not the existing ORs are going to be used or if, in fact, there will separate operating rooms built just for the cardiac surgery?

Ms. Oswald: I'm going to have to check for the member about any specific construction concerning operating rooms. I do believe that there is going to be an improvement in technology, but whether or not that requires capital infrastructure in the operating room, I can't recall at this time. Again, without that piece of paper in front of me, I don't want to commit either way.

I know that the announcement itself is going to be an improvement of capacity of beds for care, an improvement of capacity for specific cardiac intensive care provision that will happen at that time in the emergency room as well. I need to get back to her about whether it's specific capital construction on OR, or adaptations to existing.

Mrs. Driedger: When the minister indicated that there was going to be an increased bed capacity, will that be happening in the current location, or will it be a takeover of other parts of the hospital, or will it be in a separate area as well?

Ms. Oswald: At the risk of driving the member crazy, I have to give the same answer and say that it's actually a subtle blend of the two. There will be additional construction that's done in existing environments and then there will be new construction done in the new building. So to be more specific: an expanded 32-bed cardiac in-patient unit; a dedicated 15-bed cardiac intensive care unit, also including isolation protection, and that's a net increase of five beds; a new six-bed chest pain evaluation unit, and that's what will be in the ED; the development of a satellite pharmacy as well to serve the cardiac unit.

Certainly, the consolidation of the surgery came from, as I said before, the Koshal report, which included the construction of the Bergen Cardiac Centre, so part of these augmentations will take place right there. Dr. Menkis's appointment was part of the Koshal report, and, of course, bringing together more

robust intensive care environments for cardiac patients and the evaluation unit will take place within the context of the Bergen Centre, in that separate building, as the member said, but also in the emergency department itself.

Again, I'll continue to commit to the member to get her a footprint of where everything goes. It is in the public domain, but I can get a drawing to the member.

Mrs. Driedger: I'll leave it at that, but I would be very interested in having that footprint, just to be able to have an indication of where this is actually occurring within the facility.

The minister also indicated that with all of these changes, there will also need to be, I guess, an ability to address more staff when there is going to be an enlarged, for instance, cardiac ICU.

Can the minister indicate where these extra cardiac ICU nurses will come from?

Ms. Oswald: Yes, of course, we need to continue on our journey of training more ICU nurses and, specifically, those with expertise in cardiac care. We have been working with the Winnipeg Regional Health Authority in particular to expand education programs for ICU nurses. Likely, one of the most significant changes that we've made—and the member and I, I believe, have talked about this earlier—is the change in remuneration for nurses that are studying for ICU. In the past, they had to take some time away from their regularly scheduled workload to do this studying, and in some cases, arguably many cases, taking this extra study was a financial barrier to an individual that might want to pursue this additional ICU training but couldn't see a loss in income as a result of doing that. We have, within the last year, implemented continuing salary for those people that are prepared to do this training, and we have seen good success with that situation. We are continually working to recruit nurses to what is, arguably, a very challenging area. The full salary replacement is a very good indicator of that, but we don't rest on the impression that we have enough currently. We know that we need to continue with not only using incentives like the salary replacement, but also by adding additional courses, which is what we are working with the Winnipeg Regional Health Authority to do.

We also know that health professionals of all varieties—doctors, nurses, health-care aides, whoever—like to work in state-of-the-art facilities,

and constructing the new centre of excellence is, in and of itself, going to help us attract even more ICU nurses. We are seeing an increased interest in nurses that want to take this course and want to be at St. Boniface. We're very encouraged by that, but know that we have to continue to be very aggressive on that recruitment because there is scarcely a province in the land that says that they have an abundance of ICU nurses. Nobody does.

Mrs. Driedger: Can the minister indicate how often ICU training courses occur and where nurses can actually take these courses?

Ms. Oswald: Not seeing this note directly in front of me in the Chamber, I'll say to the member that I believe—but I'll want to double-check—that we have increased from two sessions a year to three in the recent past, but I will want to double-check that. It might have been from three to four. Of course, the specific environments in which nurses take this training, I'll have to get back to member to let her know where the specific training components take place, how much of it might be on-site at St. Boniface Hospital, how much might be off-site in another learning environment. I'll need to double-check. I'm not certain.

Mrs. Driedger: The statistics, year after year, in terms of nursing shortage for critical care nurses, whether it's ICUs, emergency or dialysis, have actually been getting significantly worse, and there seems to be a significant problem in nurses wanting to work in those particular areas. Can the minister indicate what kind of exploration she has had in order to determine why nurses don't want to work in those particular areas?

* (16:40)

Ms. Oswald: We know that across the board we are seeing increases in our nursing work force. We have worked very hard in increasing the number of nursing seats that we have in the province of Manitoba so that we can train our nurses here at home. We also know that we have been able to repatriate nurses back to Manitoba that had left the province for whatever reason, and, as a result, we have seen very good success and a net increase of nurses every year since 1999. We know that we've recently passed the 2,000 mark in terms of a net increase of nurses to the province of Manitoba since 1999.

We know that nurses within the profession will move from one area of work to another—from ICU to

a personal care home. They might move from a hospital to personal care home, from a specialty area into a more generalized area. We work with our regional health authorities endeavouring—and with our Manitoba Nurses' Union—to track the reasons for these moves. Indeed, there are a variety of reasons, whether it's the stage of the individual's career, whether it's a desire for additional professional development. It may at times have nothing to do whatsoever with the nursing job itself but family commitments. We work with the nurses' union and with the regional health authorities to address any concerns that are raised about specific work environments and work very hard with those partners to endeavour to improve working conditions. We know that, despite the fact that we have had this significant increase of nurses to the work force, we've also added a lot of programs to the front line, programs that never existed in Manitoba before. When you add programs, you need to add staff, and in some of those programs we also know that there are very heavy workloads. Sometimes that is a reason why a nurse chooses to change her particular course of nursing into a different environment.

If the question is, do I know specifically down to a pinpoint why any individual nurse leaves a specific program, there are many individual reasons. Certainly, the nurses that work in the cardiac program, those nurses that I've spoken to, are very dedicated individuals doing very, very special work. They are not a small part of why Manitoba posts excellent statistics and excellent short wait times. It's because of the nurses and the doctors that are moving patients through in a swift but very compassionate way. As I identified, we know that we needed to augment the ICU training for nurses, not for just cardiac but otherwise. We have committed to do that. We've added the salary replacement, which has been a very important part of the step. With all of the successes that we've shown, we know that we cannot stop, and that we need to continue to be educating, recruiting, retaining nurses for all of our programs, because that's what Manitoba people expect.

Mrs. Driedger: Can the minister indicate if she has specifically asked for an analysis of why there are such high vacancy rates in ICUs, ERs and dialysis? Those numbers are quite staggering, and in those particular areas of work, which are indeed challenging areas to work in, these numbers have been consistently high over the last number of years and have been getting worse.

Yes, I agree nurses move around for a variety of reasons, but because of the significance of these areas and the acuity of the patients—these are such highly specialized areas—and because these numbers are so disconcertingly high and could then impact patient safety, I'm just asking if the minister has specifically asked for an analysis to be done to find out why nurses might like working in those areas or might not like working in those areas, and if there are answers, then, that could be gleaned from that in terms of what we need to do to incent nurses to stay in those areas. Like, should nurses that work in those particular areas—I'll just throw out something—be paid more than a nurse that works in a different area? Would that incent nurses to want to work in those areas? They are incredibly physically, mentally, spiritually challenging areas to work in, and the nurses have to give 150 percent of themselves all the time. When you're working with a nursing shortage or unfilled shifts in those areas, that is very, very problematic. I'm not trying to corner the minister looking for some political hit here. I'm really wondering what extra incentives can be put into place to incent nurses to want to work in these areas.

Ms. Oswald: The short answer to her question about, have I asked the question, is yes. Yes, I have asked the question about workload and the toll that working in an environment such as cardiac intensive care takes on a nurse.

Again, the answers cannot be categorized into one specific reason why nurses might leave that environment. There are a variety of reasons. Certainly, in asking specific questions about how we can have a greater throughput of nurses studying in ICU, the issue of the salary replacement came up immediately, and we worked hard to address that. Issues of working environments, the physical environment, have come up in the past. It may sound superficial or seemingly unimportant for me to say that we had a number of comments about lack of natural lighting, and Dr. Menkis and his team have worked very hard with the architects in this new build that is before us to ensure that not only will the patients be able to have, where appropriate, access to natural light, but staff that are in there day in and day out as much as possible will have more opportunities for that. That's no small thing when you're going to work every single day. Having more help would be a common thread, and that's, of course, what we're working to do in bringing more nurses to the work force, more hands on deck. Having to do overtime mostly when you choose to, not when you absolutely

have to, that is a challenge. I'm not going to sugar-coat that, and it's something that we really need to continue to work on.

* (16:50)

The issue of incentives is a complicated one and, of course, ultimately is addressed through collective agreements, and there are great minds that work on these particular items. There certainly is a line of thinking that would suggest that we wouldn't want to unduly pit an ICU nurse against an emergency room nurse to have a whose-job-is-harder contest, and I can see the logic in that thinking. I wouldn't want to tell a nurse that works in a personal care home, who grows attached to elderly people and their families, to have, for obvious reasons, on a regular basis, that patient pass on and go through that heartache, arguably on a regular basis—I wouldn't want to pit that nurse against a nurse working on the fourth floor at Victoria Hospital. I think the issue of incentives has to be looked at really carefully, and those people that work very diligently on collective bargaining and on the collective agreement do this with their eyes wide open on these issues.

Certainly, we've seen incentives based on geography, rural and northern, being built into those collective agreements, and we see some success with that, Madam Chair. Certainly, I don't have a closed mind whatsoever when it comes to the idea of incenting specific professionals, but there is a very over-arching, broad remuneration concept that exists in that bargaining that needs to be taken into account. So making sure that the work environment is a pleasant one physically, making sure that the team is large enough and skilled enough so that those nurses have as much help as possible, making sure that the remuneration that they do receive is competitive compared to other jurisdictions and continuing to listen to nurses in these environments, I think, will be the most important things that we can do to make sure that we continue on our trend of having net increases of nurses in Manitoba every year.

Mrs. Driedger: A questioning of the current minister, the Minister of Health, will continue at the next sitting of the committee for the Chair's information. I would also like to ask the Minister of Health if there is a follow-up report to Dr. Koshal's original report, whether there has been a follow-up report or an updated report.

Ms. Oswald: Dr. Koshal himself returned for a visit to do some examination of how things were going on his recommendations. I don't have the exact date of

his return, but I can get that for the member. His review of the progress to date was very favourable; I think he graded the progress as an A. He might have said A-plus, but I don't want to get excited there.

We know that work is ongoing on all of the recommendations. I believe that 30 of them are complete in total. They were implemented in full. *[interjection]* That's right, there were 42 in total. Thirty of them have been implemented in full and the other 12 are in flight. Some of them involved major capital construction like the one that is happening right now. The hiring of Dr. Menkis was, of course, a critical part of one of those recommendations. Dr. Menkis is doing on-going evaluations and progress reports.

I found it here. It said in the *Free Press* in September of '04, Dr. Koshal said overall he'd give the Province's efforts to implement his recommendations an A. Again, the fact that all recommendations, with the exception of the recommendation on transplants, are in flight at this time, and 30 of them have been implemented in full.

Mrs. Driedger: Can the minister indicate if there is an actual document that indicates what has been achieved and as she calls it, the ones that are still in flight?

Ms. Oswald: Certainly, I know Dr. Menkis is charged with having continuous evaluation and progress on these recommendations, Madam Chair. The regional health authority works with him and with St. Boniface Hospital to move forward on these recommendations. What is down on paper, whether it's from Dr. Koshal or otherwise from his follow-up visit, I'll check and confirm for the member what's been written most recently about the progress on the recommendations.

Mrs. Driedger: One of the major comments made by Dr. Koshal was that, once the program was up and running at St. Boniface Hospital, the issue of patients being bumped for surgery was going to be eliminated. In fact, that hasn't happened at all. There are still a significant number of surgeries being bumped, which is a grave concern because it has been patients that have been bumped in the past that have died waiting for surgery. Considering that was a major aspect of his report, that if we have a centre of excellence this bumping will be eliminated, can the minister indicate why it's still occurring?

Ms. Oswald: I'm acutely aware of that particular recommendation, and, indeed, there has been

significant progress in this area, contrary to that particular impression that might have been left there.

We know that there are reasons why patients may be bumped that may have nothing to do with the system whatsoever; issues involving patients that have not necessarily followed the protocol about eating and so forth, that can happen, and that can result in a surgery that's postponed to the next day. We know that, with the work that the cardiac program is doing, though, that has dropped very significantly.

We know that in the event that patients do get bumped—and bear in mind that the cardiac program works very significantly on emergency surgeries, I think it's approximately—I don't have a number in front of me, but Dr. Menkis and I were speaking the other day and he said it's about 45 or 46 percent of surgeries that are done on an emergency basis, so just about half of the program—and at times when those emergency surgeries might spike significantly, patients for whom it's safe to wait can wait, and bumping that happens oftentimes is rescheduled for the next day. So we are not seeing the kind of bumping that existed in the past where patients had to wait several days or a week or more for whatever reasons occur. We know that these people are very often seen—if possible, if it's not because of a specific health issue with the patient, they're very often seen the next day.

I know that Dr. Menkis and the team are working on coming as close as possible to the elimination of the bumping process. We know that it happens from time to time still. They're making efforts, certainly with the improvements that are going to happen in this new cardiac project worth 40-plus million dollars at St. Boniface Hospital, being able to build some capacity in there to deal with issues that aren't because of issues with the specific patient, but issues concerning the system. Building up some capacity to be able to address that is going to help that situation most definitely.

So I acknowledge that, indeed, that was a recommendation in Dr. Koshal's report. I acknowledge that Dr. Koshal himself has been very pleased with progress. Dr. Menkis has been pleased with progress. But the work is not finished, and, indeed, it never can be finished. Having the best possible, shortest wait times in the nation takes a lot of work. We're very proud of that, but the work is going to continue.

Mrs. Driedger: The minister indicated that it was a \$40-million project. Can the minister indicate if that is funded by debt? Is that borrowed money?

* (17:00)

Ms. Oswald: Well, it's no different than capital construction for health facilities over time and into the future. It's a similarly funded project, as would be any health capital construction, and some of that involves debt.

Madam Chairperson: The hour being 5 p.m., committee rise.

Call in the Speaker.

IN SESSION

Mr. Gerald Hawranik (Official Opposition House Leader): Mr. Speaker, I would ask that you canvass the House to see if there's agreement to not see the clock for a few moments so that I can deal with House business.

Mr. Speaker: Is there agreement to not see the clock to deal with House business? *[Agreed]*

House Business

Mr. Hawranik: Would you please canvass the House to see if there's leave to waive rule 78(4) regarding a list of ministers for concurrence consideration to be tabled in the House by 4 o'clock?

Mr. Speaker: Is there leave for the honourable Official Opposition House Leader to table the ministers requested for concurrence? *[Agreed]*

Mr. Hawranik: I'd like to, at this point, table the list of ministers to be called for concurrence for Wednesday, May 20; Minister of Finance (Mr. Selinger), Minister of Justice (Mr. Chomiak), Minister of Labour and Immigration (Ms. Allan), Minister of Health (Ms. Oswald) will be questioned concurrently.

Mr. Speaker: The list of ministers to be called for concurrence for Wednesday, May 20, 2009: Minister of Finance, Minister of Justice, Minister of Labour and Immigration, Minister of Health, who will be questioned concurrently. That's for the information of the House.

Mr. Speaker: Now, the hour being a little past 5 p.m., the House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 19, 2009

CONTENTS

ROUTINE PROCEEDINGS			
Introduction of Bills		Health-Care Services Stefanson; Oswald	2146
Bill 236–The Child and Family Services Amendment Act Mitchelson	2139	Mental Health Bill of Rights Gerrard; Chomiak	2147
Petitions		In Vitro Fertilization Programs Lamoureux; Oswald	2148
Winnipeg Regional Health Authority Lamoureux	2139	Interlake Flooding Victims Nevakshonoff; Wowchuk	2148
Parkland Regional Health Authority– Ambulance Station Briese	2139	Lake Manitoba Briese; Melnick	2149
Long-Term Care Facilities– Morden and Winkler Dyck	2140	Members' Statements David Rourke Maguire	2150
PTH 15 Schuler	2140	Provincial Mining Week Jennissen	2150
Photo Radar Mitchelson	2140	Dan Giesbrecht Dyck	2151
Oral Questions		Women in Second Stage Housing Fundraiser Brick	2151
Photo Radar McFadyen; Doer Goertzen; Chomiak	2141 2142	Jean Fisher and Jean Comte Pedersen	2151
Mining Industry Cullen; Selinger Rowat; Doer Rowat; Robinson	2143 2144 2145		
Trans-Canada Highway Twinning Taillieu; Lemieux	2145		

**ORDERS OF THE DAY
(Continued)**

GOVERNMENT BUSINESS

Committee of Supply

Capital Supply	2152
Concurrence Motion	2152

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