



**Fourth Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

*Published under the  
authority of  
The Honourable Louise M. Dacquay  
Speaker*



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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 24, 1998

The House met at 1:30 p.m.

*PRAYERS*

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Community VLT Plebiscites**

**Mr. Doug Martindale (Burrows):** Madam Speaker, I beg to present the petition of C. Milan, D. Chorney, S. Andersen and others praying that the Legislative Assembly of Manitoba urge the Premier (Mr. Filmon) to consider permitting communities to hold plebiscites on VLTs, reducing gambling advertising and increasing funding for treatment of problem gamblers.

**READING AND RECEIVING PETITIONS**

**Winnipeg Hospitals Food Services—Privatization**

**Madam Speaker:** I have reviewed the petition of the honourable member for Broadway (Mr. Santos), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? Dispense.

*THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and*

*THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and*

*THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and*

*THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and*

*THAT people who are in the hospital require nutritious and appetizing food; and*

*THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public sector) and privatization. Invariably, privatization is more expensive."; and*

*THAT no one in Manitoba seems to benefit from this contract, especially patients.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.*

**Madam Speaker:** I have reviewed the petition of the honourable member for Elmwood (Mr. Maloway), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? No? Dispense.

*THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and*

*THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and*

*THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and*

*THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and*

*THAT people who are in the hospital require nutritious and appetizing food; and*

*THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public sector) and privatization. Invariably, privatization is more expensive.";* and

*THAT no one in Manitoba seems to benefit from this contract, especially patients.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.*

**Madam Speaker:** I have reviewed the petition of the honourable member for Selkirk (Mr. Dewar), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? No? Dispense.

*THAT the Urban Shared Services Corporation (USSC) has announced plans to privatize laundry, food services and purchasing for the Winnipeg hospitals; and*

*THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with many more privatized in the next two or three years; and*

*THAT under the terms of the contract, Ontario businesses will profit at the expense of Manitoba's health care system; and*

*THAT after construction of a food assembly warehouse in Winnipeg, chilled, prepared food will be shipped in from Ontario, then assembled and heated before being shipped to the hospitals; and*

*THAT people who are in the hospital require nutritious and appetizing food; and*

*THAT the announced savings as a result of the contract have been disputed, and one study by Wintemute Randle Kilimnik indicated that, "A considerable number of studies have compared costs of service delivery in health care between self-operation (public*

*sector) and privatization. Invariably, privatization is more expensive.";* and

*THAT no one in Manitoba seems to benefit from this contract, especially patients.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY that the Legislative Assembly of Manitoba urge the Minister of Health to put an end to the centralization and privatization of Winnipeg hospital food services.*

### Community VLT Plebiscites

**Madam Speaker:** I have reviewed the petition of the honourable member for Burrows (Mr. Martindale), and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? No? Dispense.

*THAT in 10 years the current government has increased gambling revenues from \$55 million to more than \$220 million annually; and*

*THAT the introduction and the proliferation of video lottery terminals in virtually every licensed premises across the province has resulted in Manitoba having nearly 5,000 VLTs, the most per capita in the country; and*

*THAT gambling is now the Manitoba government's third largest revenue source behind only income tax and sales tax; and*

*THAT the provincial government doubled lottery advertising in 1996; and*

*THAT the Manitoba government has become more dependent upon gambling revenues than any other province; and*

*THAT the number of the tragedies involving people who have lost their savings, homes and in some cases their lives following gambling addiction continues to grow; and*

*THAT the provincial government spends less than 1 percent of its VLT profits on gambling treatment programs; and*

*THAT the Manitoba Lottery Policy Review Working Group amongst many others have requested that communities be allowed to hold plebiscites on banning VLTs as is allowed in Alberta and Saskatchewan.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY THAT the Legislative Assembly of Manitoba urge the Premier (Mr. Filmon) to consider permitting communities to hold plebiscites on VLTs; reducing gambling advertising and increasing funding for treatment of problem gamblers.*

**PRESENTING REPORTS BY  
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on Law Amendments  
Fifth Report**

**Mr. Jack Penner (Chairperson of the Standing Committee on Law Amendments):** I beg to present the Fifth Report of the Committee on Law Amendments.

**Madam Speaker:** Dispense.

*Your committee met on Friday, June 19, 1998, at 9:30 a.m. in Room 255 of the Legislative Building and Monday, June 22, 1998, at 10 a.m. in Room 255 and Monday, June 22, 1998, at 7:30 p.m. in Room 255 to consider bills referred.*

*At the Friday, June 19, 1998, meeting at 9:30 a.m., Mr. Tweed was elected as Vice-Chairperson. At the Monday, June 22, 1998, meeting at 7:30 p.m., Mr. Tweed was elected as Vice-Chairperson.*

*On Monday, June 22, 1998, Bill 47 was transferred from Economic Development to your committee for clause-by-clause consideration.*

*Your committee heard representation on bills as follows:*

*Bill 30—The Pharmaceutical Amendment Act; Loi modifiant la Loi sur les pharmacies*

*Stuart Wilcox, Manitoba Pharmaceutical Association*

*Bill 31—The Regulated Health Professions Statutes Amendment Act; Loi modifiant diverses lois sur les professions de la santé réglementées*

*David M. Sanders, Private Citizen*

*Bill 35—The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives*

*Ken Melnyk, Private Citizen*

*Carlyn Mackey, Families Advocating Timely and Appropriate Care and Treatment for Serious Mental Disorders*

*Dorothy Weldon, Private Citizen*

*Connie Krohn, Private Citizen*

*Colleen Cawood, Private Citizen*

*Theresa Wayne, Private Citizen*

*Maureen Koblun, Private Citizen*

*Susan Olson, Private Citizen*

*Patricia McInnis, Private Citizen*

*Mary Ann Haddad, Private Citizen*

*Joan Joyce Podolas, Private Citizen*

*Bruce Waldie, Private Citizen*

*Bill Martin, on behalf of Joan Thorogood, Private Citizen*

*Beverley Goodwin, Private Citizen*

*Louise Smendziuk, Private Citizen*

*Katherine Davis, Private Citizen*

*Beverley Hawkins, Private Citizen*

*Victor M. Dyck, Private Citizen*

*Yude Henteleff, Q.C., Private Citizen*

*Horst Peters, Private Citizen*

*Horst Peters, on behalf of Chris Summerville, Manitoba Schizophrenia Society*

*Bill Ashdown, Society for Depression and Manic Depression of Manitoba*

*Uwe Osterwald, Private Citizen*

*Harry Wolbert, Private Citizen*

*Ruth McCutcheon, Private Citizen*

*Gordon Nicholson, Private Citizen*

*Bill Martin, Canadian Mental Health Association Manitoba Division, Inc.*

*Rod Lauder, Canadian Mental Health Association - Winnipeg Division*

*Lucie Pearase, Private Citizen*

*Murray & Ellen Waldie, Private Citizen*

*Mark Waldie, Private Citizen*

*Bill 57—The Regional Health Authorities Amendment Act; Loi modifiant la Loi sur les offices régionaux de la santé*

*Gervin Greasley, The Arbitration and Mediation Institute of Manitoba*

*Written submission*

*Bill 35—The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives*

*Phyllis Wayne, Private Citizen*

*Darlene Dreilich, Community Coalition on Mental Health*

*Barbara Gommerman, Private Citizen*

*Marion Josie Palamar, Private Citizen*

*Dyla McGregor, Private Citizen*

*Yvonne Bloomer, Canadian Mental Health Association - Thompson Region*

*Kris Cummings, Private Citizen*

*Armand Manaire, Private Citizen*

*Mabel Osborne, Private Citizen*

*Gerald M. Henry, Private Citizen*

*Bernice Henry, Private Citizen*

*Lillian Keam, Private Citizen*

*Angela Blacksmith, Private Citizen*

*James G. MacInnis, Private Citizen*

*Walter Labanowich, Private Citizen*

*Leonard Crait, Private Citizen*

*Your committee also has considered:*

*Bill 11—The Treasury Branches Repeal Act; Loi abrogeant la Loi sur les caisses d'épargne*

*and has agreed to report the same without amendment, on division.*

*Your committee also has considered:*

*Bill 13—The Prescription Drugs Cost Assistance Amendment Act; Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance*

*Bill 30—The Pharmaceutical Amendment Act; Loi modifiant la Loi sur les pharmacies*

*Bill 31—The Regulated Health Professions Statutes Amendment Act; Loi modifiant diverses lois sur les professions de la santé réglementées*

*Bill 47—The Brandon University Act; Loi sur l'Université de Brandon*

*Bill 52—The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie*

*and has agreed to report the same without amendment.*

*Your committee has also considered:*

*Bill 20—The Medical Amendment Act; Loi modifiant la Loi médicale*

*and has agreed to report the same with the following amendment:*

**MOTION:**

*THAT the proposed section 63, as set out in section 7 of the Bill, be amended as follows:*

- (a) by renumbering it as subsection 63(1);*
- (b) by striking out clause (c) and substituting the following:*
- (c) to a body that governs the practice of a health profession pursuant to an Act of the Legislature, or to The Manitoba Veterinary Medical Association established under The Veterinary Medical Act, to the extent the information is required for that body to carry out its mandate under the Act;*
- (c) by adding the following as subsection 63(2):*

**Offence**

**63(2)** *A person who contravenes subsection (1) is guilty of an offence and is liable, on summary conviction, to a fine of not more than \$50,000.*

*Your committee has also considered:*

*Bill 34—The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques*

*and has agreed to report the same with the following amendment:*

**MOTION:**

*THAT section 7 of the Bill be struck out.*

*Your committee has also considered:*

*Bill 35—The Mental Health and Consequential Amendments Act; Loi sur la santé mentale et modifications corrélatives*

*and has agreed to report the same with the following amendments:*

**MOTION:**

*THAT section 27 be amended*

*(a) in subsection (5), by striking out everything after “the physician shall” and substituting “file with the medical director a statement of his or her opinion, with reasons, that the patient has regained the competence to make treatment decisions.”;*

*(b) by adding the following after subsection (5):*

**Notice**

**27(6)** *On receiving a statement under subsection (5), the medical director shall, if satisfied that the physician’s opinion is supported by the reasons given, cancel the certificate and notify the patient and the person authorized to make treatment decisions on the patient’s behalf under subsection 28(1) of the cancellation.*

*(c) by renumbering subsection (6) as subsection (7).; and*

**MOTION:**

*THAT subsection 28(7) be struck out and the following substituted:*

**Reasonable inquiries**

**28(7)** *If a physician acting on a treatment decision makes reasonable inquiries within a 72-hour period for persons entitled to make the decision, that physician is not liable for failure to request the decision from the person entitled to make the decision on the patient’s behalf.; and*

**MOTION:**

*THAT the following is added after subsection 35(5):*

**No fee**

**35(6)** *No fee shall be charged in connection with a request for a correction made under this section.; and*

**MOTION:**

*THAT section 43 be amended*

*(a) by renumbering it as subsection 43(1);*

*(b) by striking out everything after “the physician shall” and substituting “file with the medical doctor a statement of his or her opinion, with reasons, that the patient has regained the competence to manage his or her property.”; and*

*(c) by adding the following as subsection 43(2):*

**Notice**

**43(2)** *On receiving a statement under subsection (1), the medical doctor shall, if satisfied that the physician’s opinion is supported by the reasons given, cancel the certificate and notify the patient, the patient’s nearest relative and the Public Trustee of the cancellation.; and*

**MOTION:**

*THAT the following be added after subsection 46(3):*

**Patient to be informed**

**46(3.1)** *The patient’s attending psychiatrist shall inform the patient of his or her right to have a representative involved in the development of a treatment plan under clause (3)(a).; and*

**MOTION:**

*THAT clause 46(4)(d) be struck out and the following substituted:*

*(d) the treatment or care and supervision described in the leave certificate exist in the community and can and will be provided in the community.; and*

**MOTION:**

THAT subsection 47(1) be amended by striking out everything after "psychiatrist shall" and substituting the following:

(a) review the patient's condition to determine if the criteria set out in clauses 46(4)(a) and (b) continue to be met; or

(b) review the requirements for treatment or care and supervision contained in the leave certificate.; and

**MOTION:**

THAT subsection 47(2) be amended by adding "in writing" after "notify the patient".; and

**MOTION:**

THAT the following be added after subsection 47(2):

**If requirements need amendment**

47(3) If the psychiatrist determines that the requirements of the leave certificate should be amended, he or she shall amend the certificate and notify the patient, in writing, and the persons referred to in subsection 46(7) of the amendment.; and

**MOTION:**

THAT subsection 115(2) be struck out and the following substituted:

**Authority of medical director**

115(2) The medical director of a facility has responsibility for the provision and direction of psychiatric services for that facility, and may

(a) admit and detain mentally disordered persons for examination and treatment in the facility;

(b) consult with any medical and other experts that he or she considers advisable concerning patients in the facility;

(c) unless otherwise directed by the director, refuse to admit or detain any person as a voluntary patient;

(d) delegate to any suitably qualified person any of the medical director's powers, duties or functions under this Act.; and

**MOTION:**

THAT section 125(1)(g) is amended by adding "accuracy," before "retention".

Your committee has also considered:

Bill 53—The Apprenticeship and Trades Qualifications Act; Loi sur l'apprentissage et la qualification professionnelle

and has agreed to report the same with the following amendments:

**MOTION:**

THAT section 9 be amended by adding ", or for a trade or group of related trades that the board proposes to designate," after "group of designated trades".; and

**MOTION:**

THAT section 16 be struck out and the following substituted:

**Apprenticeship agreements**

16 A person who wishes to obtain a certificate of qualification in a designated trade, and an employer who undertakes to employ the person as an apprentice to learn the trade, shall enter into an apprenticeship agreement.; and

**MOTION:**

THAT subsection 17(1) be amended by striking out "may" and substituting "shall, in accordance with the regulations,"; and

**MOTION:**

THAT clause 19(2)(c) be amended by adding "and is in compliance with the regulations" after "the trade".; and

**MOTION:**



*THAT section 24 be amended*

- (a) *in clause (e), by striking out "or renewed";*
- (b) *by striking out clause (f);*
- (c) *by adding the following after clause (h):*
  - (h.1) *for the purpose of a compulsory certification trade,*
- (i) *respecting the terms and conditions under which persons are authorized to practise in the trade, including, but not limited to, minimum hours of work in the trade and upgrading requirements,*
- (ii) *governing periods of time for which authorizations to practise are valid, and*
- (iii) *governing the circumstances under which the director may suspend or cancel the right to practise in the trade;*

*Your committee has also considered:*

*Bill 57—The Regional Health Authorities Amendment Act; Loi modifiant la Loi sur les offices régionaux de la santé*

*and has agreed, on division, to report the same with the following amendment:*

**MOTION:**

*THAT section 2 of the Bill be amended by adding the following after the proposed subsection 44.4(2):*

**Limitation**

**44.4(3)** *A resolution of the minister relating to health services to be provided by or through a health corporation that is owned or operated by a religious organization must not be inconsistent with the fundamental religious principles of the religion or faith to which that health corporation adheres.*

**Mr. Penner:** I move, Madam Speaker, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be now received.

**Motion agreed to.**

**Standing Committee on Law Amendments  
Sixth Report**

**Mr. Penner:** I would ask for leave that I might present the Sixth Report as well?

**Madam Speaker:** Does the honourable member for Emerson have leave? [agreed]

**Madam Speaker:** Dispense.

*By leave, Mr. Penner, Chairperson of the Standing Committee on Law Amendments, presented its Sixth Report, which was read as follows:*

*Your committee met on Tuesday, June 23, 1998, at 6 p.m. in Room 255 of the Legislative Building to consider bills referred.*

*Your committee has considered:*

*Bill 2—The Elections Amendment Act; Loi modifiant la Loi électorale*

*and has agreed to report the same, on division, with the following amendment:*

**MOTION:**

*THAT section 52 of the Bill be amended as follows:*

(a) *in subsection (1), by striking out clauses (a) and (b); and*

(b) *in the proposed subsection 73(8), as set out in subsection (3),*

(i) *by striking out "and logo" in the section heading, and*

(ii) *by striking out everything after "under The Elections Finances Act as at the close of nominations".*

**Mr. Penner:** I move, seconded by the honourable member for Steinbach (Mr. Driedger), that the report of the committee be now received.

**Motion agreed to.****Committee of Supply**

**Mr. Ben Sveinson (Acting Chairperson of the Committee of Supply):** Madam Speaker, the Committee of Supply has considered the motion regarding concurrence, directs me to report progress and asks leave to sit again.

I move, seconded by the honourable member for Emerson (Mr. Penner), that the report of the committee be received.

**Motion agreed to.****TABLING OF REPORTS**

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I am pleased to table the Report of Amounts Paid to Members of the Legislative Assembly for the year ending March 31, 1998.

**Introduction of Guests**

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon Grade 5 and I believe some Grade 6 students from Lansdowne School.

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

**ORAL QUESTION PERIOD****Premier's Investigation  
1995 Election**

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, there have been serious new allegations made this week by Mr. Sutherland that \$4,900 was donated by the Progressive Conservative Party to his Native Voice campaign and another new revelation from Mr. Sigurdson that the Premier's principal secretary was aware of the plan and said: good work, job well done.

Mr. Sutherland stated that he met Mr. Aitken and Mr. Cubby Barrett at Mr. Barrett's home where the promise of, quote, \$5,000 was made to him.

On June 22, the Premier said: I am satisfied from my investigation that our party was not involved. I would like to ask the Premier: did he investigate these allegations with Mr. Cubby Barrett?

**Hon. Gary Filmon (Premier):** Madam Speaker, the allegations were that it was the Progressive Conservative Party of Manitoba that was involved in the scheme and that raised the money. I spoke to the people in our party who are responsible for fundraising, and I spoke to the people who are responsible for our campaign organization. They had absolutely no knowledge of the affair.

**Mr. Doer:** Madam Speaker, I would like to table minutes from a PC Manitoba Fund board meeting where it states that on that board are representatives from the Progressive Conservative Party. There is a representative named Mr. Jim Downey, a Mr. Arni Thorsteinson and a further representative, Mr. Cubby Barrett.

I asked the Premier the question of whether he had interviewed and investigated Mr. Barrett. The Premier had stated that he did investigate the people responsible for fundraising. I would like to ask the Premier again: did he investigate the allegations made about Mr. Barrett dealing with the promise of the \$5,000?

**Mr. Filmon:** As the member will know, there was no allegation made about Mr. Barrett at the time, and, no, I did not speak with Mr. Barrett about the issue. Madam Speaker, that matter is now being investigated by Elections Manitoba based on the new information that has been brought forward, and I believe that is the appropriate body in which that should take place.

\* (1340)

**Mr. Doer:** Madam Speaker, the Premier said, according to his investigation he was, quote, satisfied that these allegations were not true. Then he states that he investigated all the central fundraising people, in answer to the first question. Why did the Premier not interview and investigate Mr. Cubby Barrett, a person who is central to the Interlake Progressive Conservatives, a person who is obviously central to the Manitoba PC Fund, not the Interlake fund but the Manitoba PC Fund where the Deputy Premier (Mr.

Downey) is a member of that body? Why did he not investigate Mr. Cubby Barrett, and how can he tell us he was satisfied on the basis of his own investigation when he did not even discuss this matter with Mr. Barrett?

**Mr. Filmon:** Madam Speaker, I spoke to the people who chair the PC Manitoba Fund, the people who are—who is the chief financial officer of the party for the election, because this was a broad allegation. It did not refer to specifics. Now we have a specific allegation, and I am only too happy to have Elections Manitoba investigate that and interview the people against whom allegations have been made. That is as it should be.

#### **Premier's Investigation 1995 Election**

**Mr. Steve Ashton (Thompson):** Madam Speaker, we have seen clearly just in the last few days that there is new evidence, as confirmed in fact by Elections Manitoba, that indicates that our accusations of corruption going to the highest levels of the Conservative Party and this government deserve to be investigated. Indeed, the Premier said on Monday that he had investigated it and he was happy with that investigation.

I am wondering if, in addition to talking to Cubby Barrett, he asked either Mr. Barrett or his son, Carl Barrett, why apparently Mr. Barrett's son, Carl Barrett, was involved in putting up signs not only for the Conservative Party in the Interlake but the aboriginal voice candidate, Mr. Sutherland. Did he ask either of the Barretts about those issues?

**Hon. Gary Filmon (Premier):** Madam Speaker, I have no idea what the member opposite is trying to make of this. There are people who put up signs; there are people who knock down signs. There are people who are involved in all sorts of ways in campaigns. Come on now.

Madam Speaker, this is a thing that ought to be investigated. Any of the allegations he wants to make about whether or not a person has the legal right to put up signs for two parties, good heavens, we have people in this House who have run for different parties. The

member for Crescentwood (Mr. Sale) has run for different parties. The Leader of the Opposition (Mr. Doer) was meeting with all three parties prior to the 1986 election campaign, shopping around whether or not he could run for all those parties. If he wanted to have investigations, let us investigate all of this.

#### **Judicial Inquiry 1995 Election**

**Madam Speaker:** The honourable member for Thompson, with a supplementary question.

**Mr. Steve Ashton (Thompson):** With a supplementary. I am wondering when the Premier, who now obviously has indicated that his so-called investigation was absolutely bogus, will acknowledge the seriousness of this whole thing, which is key Conservative officials, people like Mr. Barrett, a key fundraiser for the party, his son and others, running a bogus campaign in the Interlake, something that has been called now by a constitutional authority in this province, potentially an extremely serious scandal.

When will he indicate this needs an investigation through an independent judicial inquiry to get to the bottom of the kind of corruption we are seeing at the highest levels of the Conservative Party?

**Hon. Gary Filmon (Premier):** Madam Speaker, I did not pursue calling everybody in the party in the province, all 23,000 members, because Elections Manitoba took over the investigation then. They announced that they were going to investigate, and that is as it should be. That is what has happened, of course, this week as a result of the allegations that are put forward by the members opposite. Elections Manitoba has taken on the responsibility, as they should, to do an impartial, nonpartisan investigation.

#### **Premier's Investigation 1995 Election**

**Mr. Steve Ashton (Thompson):** My supplementary, once again, is in regard to the statement from the Premier: "I am satisfied from my investigations." I am wondering, given the fact that this has been described as a violation of political morality of the highest order, political fraud: who did the Premier

meet with and when? Will he now acknowledge that this corruption goes right to the top of the Conservative Party—Mr. Sokolyk, Ms. Val Hueging and others, key operatives of the Conservative Party? It goes right to the Premier himself.

\* (1345)

**Hon. Gary Filmon (Premier):** Madam Speaker, we on this side of the House will put our faith in the investigation of Elections Manitoba. They will take into account all the new information that has been brought forward, all the allegations that members opposite have brought forward, and they will deal with it on a nonpartisan basis, as they should.

#### Judicial Inquiry 1995 Election

**Ms. Becky Barrett (Wellington):** While the previous Elections Act was silent on making findings of investigations of election irregularities public, it was only Elections Manitoba policy not to report those findings. Under the new Elections Act that is before the Legislature, Elections Manitoba is prohibited from making public any of its findings of election irregularities.

Will the Premier not agree that the public's right to know and have confidence in the electoral system, which has been severely shaken by the events and the accusations and allegations of the last few days, requires not a secret Elections Manitoba investigation but a full, open, public, judicial inquiry?

**Hon. Gary Filmon (Premier):** Madam Speaker, if we were to respond every time the members opposite wanted a full, open, public, judicial inquiry, we would have had half a dozen already this year. That is the typical response of members opposite to serve their own political interest. I say to the members opposite that all of the changes in the act—and the member opposite supported the position that we ought to in fact support those recommendations put forward by the Chief Electoral Officer, and we have done so in the act.

**Ms. Barrett:** Since the new Elections Act before the Legislature prohibits the initiation of an investigation—[interjection]

**Madam Speaker:** Order, please. Would the honourable member please pose her question now.

**Ms. Barrett:** Thank you, Madam Speaker. Since Elections Manitoba, under the new legislation, cannot open an investigation because it has been three years since the alleged incidents occurred in April of 1995, why will the Premier not call a public, independent, full, judicial inquiry, given the serious nature of these offences and given the fact that The Elections Act cannot deal with it under the law?

**Mr. Filmon:** Madam Speaker, the member opposite sets herself up as judge and jury. She is talking about offences when what she really means is allegations. That is why we have Elections Manitoba there, to look at, to look into and to investigate to the fullest extent possible to get to the bottom of this.

**Ms. Barrett:** Given that the Premier refuses to acknowledge the limitations of The Elections Act before the Legislature, does it not make sense that people who are saying to us, people from the public are saying that the only reason that the Premier is stonewalling on calling for a public, open, judicial inquiry, which is the only way we can come to the bottom of this, is because he is afraid of the results of that open public inquiry?

**Mr. Filmon:** Madam Speaker, I have indicated that all of us on a nonpartisan basis, on an apolitical basis have set up Elections Manitoba to investigate these things. I say that after the last election campaign, as a result of allegations, charges were laid in Minnedosa by Elections Manitoba. They have the ability, they have the power, and I say to them, to the members opposite, that they are the appropriate body, and we will abide by anything they do and co-operate in any way possible.

\* (1350)

#### Elections Manitoba Investigation 1995 Election

**Mr. Gord Mackintosh (St. Johns):** To the Premier. Yesterday the Premier apparently suffered a momentary lapse when he said that he was interested in, and I quote: whatever it takes to get to the bottom of this.

I now ask the Premier: will he not admit that it is his understanding that if Elections Manitoba pursues an investigation, it cannot lead to a prosecution, it is prevented from initiating a prosecution? The time limit of six months under the Criminal Code and The Elections Act today has gone by; the time limit of two years under The Elections Finances Act has gone by. It is a sterile, infertile investigation.

**Hon. Gary Filmon (Premier):** Madam Speaker, I mean, I find this difficult to accept from a member of the party that sat on this for three years presumably and in fact sat on what they consider to be new evidence for more than five months. So you have to question whether or not there is any sincerity whatsoever in their urgings to get to the bottom of this when we can see where the political motivations are for the timing and the orchestration that is behind this.

**Mr. Mackintosh:** Would the Premier, who like Mr. Sutherland should have been forthcoming on Monday, admit that under the laws of Manitoba, The Elections Act, The Elections Finances Act, Elections Manitoba is embarking on an investigation which is going to be private and, second of all, will not lead to any consequences? No one will be exonerated, no one will be prosecuted even if the allegations are proven true. Would the Premier acknowledge that it is an underground tunnel, a tunnel with no end?

**Mr. Filmon:** Madam Speaker, we will place no restrictions on Elections Manitoba. They will have whatever ability they want to be able to make public whatever they want.

**Mr. Mackintosh:** Will the Premier not admit that he favours Elections Manitoba looking at this because, from this point forward, Elections Manitoba is prohibited from divulging any results of any investigation and no prosecution is now possible. The time is up; the investigation is nothing but a black hole. Will he now admit that is why he is satisfied with this kind of an investigation?

**Mr. Filmon:** No, Madam Speaker, I will admit nothing of the sort.

\* (1355)

### **Chief Electoral Officer LAMC Meeting Attendance**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, my question is also for the Premier. Having had the opportunity last night to correspond or communicate with Elections Manitoba, in particular the Chief Electoral Officer, there is no doubt that a great deal of concern is out there that the public has. The official opposition has legitimate concerns. But we do, in fact, support the independence of the Elections Manitoba office.

Having said that, my question to the Premier is: given the amount of concern that not only the official opposition has but we have and many members of the public have, will the Premier agree to having or requesting an all-party discussion with the Chief Electoral Officer in the format of LAMC, because the Chief Electoral Officer does meet on occasion with that committee. Will he be in favour of that?

**Hon. Gary Filmon (Premier):** Madam Speaker, if the Chief Electoral Officer would like to come to LAMC and have such a discussion, I would be very happy to have that happen.

**Mr. Lamoureux:** Madam Speaker, I think that this is very important, and I would ask then for the Premier to make it very clear that at the next LAMC meeting—which is an in camera meeting for members of the opposition, government, and we do sit in as an observer—that this government's position is that they would like to see the Chief Electoral Officer present for that meeting.

**Mr. Filmon:** Madam Speaker, I am informed that the Chief Electoral Officer comes to LAMC from time to time to discuss various requirements of his office. I know that he does that at his initiative. He is not seen to be responding—

**An Honourable Member:** You just said you are going to give him powers.

**Mr. Filmon:** We will take away no powers from him. He can do what he wants on it.

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

**Madam Speaker:** Order, please.

**Mr. Filmon:** Madam Speaker, I know that none of us would want to see the Chief Electoral Officer as being responsive to demands or requests, demands by any party in this House. If he wants to, as a result of what he is observing, what he is seeing, come there and have a discussion, I think that that would be certainly up to him and not anything that any of us would stand in the way of.

I would say, as well, that if there is a matter under investigation, I am sure that all of us would understand that he might not want to discuss that while it is under investigation. So I think there are limitations to which we can go without treading on the independence of the office.

**Mr. Lamoureux:** Madam Speaker, I would ask the Premier, in essence, to recognize that it is in fact the Speaker who sets the agenda, and I would ask the question to the government House leader: is the government House leader prepared to, through the Speaker's office, on behalf of all three political parties, request that the Chief Electoral Officer come before LAMC just so that MLAs will be provided the opportunity to express the concerns that they have so that we can feel somewhat assured that Elections Manitoba's office is in fact addressing the concerns that have been raised over the last couple of days?

\* (1400)

**Hon. James McCrae (Government House Leader):** Madam Speaker, the honourable member for Inkster has just about as much experience with the Legislative Assembly Management Commission as I do or as the member for Thompson (Mr. Ashton) has and knows that, while Madam Speaker is the Chair of that commission, the members of the commission are quite at liberty to ask the commission to put something on the agenda if this is the result of a request from somebody or some agency.

So the honourable member for Inkster knows how that system works. If there is a will to have a discussion about something, as long as it does not impinge on something that Elections Manitoba is at present looking into, that kind of discussion is possible. It would result from informal discussions amongst the leadership of the three parties represented here. It

would end up on the agenda and be discussed as and when the honourable member might wish.

### Premier's Investigation 1995 Election

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, very serious allegations have been made as to the role that the Progressive Conservative Party made in the elections in the Interlake, in Swan River and in Dauphin. The Premier on Monday said that he was satisfied with his investigation and that his party and his central campaign were not involved.

I want to ask the Premier whether he personally did that investigation or whether his staff did the investigation and whether he gave the opportunity for Nelson Contois and Carey Contois to also have a say in it. Did he investigate with those people whether they had any involvement with the Conservative Party?

**Hon. Gary Filmon (Premier):** Madam Speaker, virtually hours after I had an opportunity to ask some people in the senior level of our party about whether or not there was any knowledge of this, the Chief Electoral Officer announced that he was going to initiate an investigation. After that, my involvement stopped. I mean, why would I take it any further when the authority that we have set up to do this on a nonpartisan basis has taken over the investigation? Why would I pursue it?

**Ms. Wowchuk:** Madam Speaker, the minister indicated on Monday that he had done an investigation; now he says he stopped his investigation. Will the minister table any documents or any information he has of the people that he interviewed to satisfy him that it was an adequate investigation done on this matter and that the Conservative Party was not involved?

**Mr. Filmon:** Madam Speaker, let us face it, it would not matter what investigations I did, they would not be acceptable to the members opposite. That is why we have in place a Chief Electoral Officer, who on a nonpartisan basis, on an apolitical basis, is put in place as the officer with the authority to be able to investigate and lay charges on behalf of any Manitoban.

So whether it is the Contoises or whether it is the member for—and I should remind her that it was her

party that made the allegations. It was the campaign manager in Interlake, Mr. Billie Uruski. It was a member of the New Democratic Party who laid the allegation in Minnedosa that resulted in a charge being laid. Those are the reasons why we have somebody who is nonpartisan doing that, and that is the process that should take place and did take place.

### **Judicial Inquiry 1995 Election**

**Madam Speaker:** The honourable member for Swan River, with a final supplementary question.

**Ms. Rosann Wowchuk (Swan River):** Will the Premier admit that the answers he has given are completely unsatisfactory, and what we need is a public judicial inquiry to clear all of these facts, to clear the names of the candidates that were involved, clear the names of the people who have put evidence forward? It is time for a judicial inquiry.

**Hon. Gary Filmon (Premier):** Madam Speaker, I will acknowledge that the answers that I give in the House to virtually every question that New Democrats ask, those answers are seen to be unsatisfactory to them. That is one of the realities of the partisanship which is being displayed every day here.

### **Elections Manitoba Investigation 1995 Election**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, the Premier conducts an investigation and he is satisfied, although today he said he really did not conduct an investigation. Elections Manitoba conducts an investigation; the Premier is satisfied. Now, when we find out that Elections Manitoba did not even interview one of the key figures—the key figure—in the event, what does the Premier do? He sends it back to Elections Manitoba to investigate. Is the Premier not aware that if we had a trial or any other judicial forum and the judge or the court failed to deal with any of the witnesses in trial—would you send it back to the same judge, the same group? Would you do that? Why does the Premier do that?

**Hon. Gary Filmon (Premier):** Madam Speaker, again the member assumes that there are charges that have been laid. He arrives at conclusions of people's guilt.

The fact of the matter is the reason that we have a nonpartisan office like the Chief Electoral Officer to look at these issues is so that it is not done on the basis of allegations, it is not done on the basis of partisanship; it is done on the basis of somebody who is independent from all of us being able to look at the matter. The Chief Electoral Officer has not reopened the investigation because I have instructed him to. He has done it because he has looked at the information that has been provided, and he has decided that there ought to be further investigation.

### **Judicial Inquiry 1995 Election**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, would the Premier not agree that under Section 83(1) of The Manitoba Evidence Act it is most appropriate and most proper that a commission be appointed under the Lieutenant Governor to—"the election of a member to the Legislative Assembly or any alleged attempt to corrupt a candidate at any such election." "Or any alleged attempt to corrupt a candidate at any such election" is in The Manitoba Evidence Act. The Premier has the power, and this is the appropriate vehicle to conduct an investigation into this issue, not to go back to the body that investigated it in the first place.

**Hon. Gary Filmon (Premier):** Madam Speaker, we have oftentimes seen evidence of, where investigations were made and then new evidence or new information comes up, those investigations are reopened. We have seen that happen time and time again in our society. We have in place an appropriate body that all of us have supported in the past to look into allegations of wrongdoing in the electoral process. That is Elections Manitoba. They now have new information that they have decided that they ought to investigate, reinvestigate. Based on that, they are doing now a new investigation, taking into account the new information. Not only is that not inappropriate, it is the appropriate way that these matters are handled.

### **Elections Manitoba Investigation 1995 Election**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, how does the Premier state what he just stated, that

there is new evidence, when in fact the two key elements—[interjection] New information, the Premier says from his seat. new information—when the \$5,000 on the election return was provided to Elections Manitoba, and they had that, and when the name Mr. Darryl Sutherland was provided to Elections Manitoba, and they had that, they neither investigated Darryl Sutherland nor the \$5,000. How can the Premier say it is new information when they failed to conduct an investigation audit in the first place? The Premier is wrong.

**Hon. Gary Filmon (Premier):** Madam Speaker, Elections Manitoba, their investigator interviewed just a couple of hours ago on radio, indicate that they did contact Mr. Sutherland. So I would rather have Elections Manitoba put forward their investigation and review. I would rather have Elections Manitoba make those judgments and decisions and not jump at conclusions as members opposite are wanting to do.

\* (1410)

#### **Premier's Investigation 1995 Election**

**Mr. Steve Ashton (Thompson):** Madam Speaker, I think we are now getting to the root of the problem here, and it is a lack of recognition by anyone in this government of the depths they have sunk to in terms of political ethics and morality in this province. The Premier today has said that when he became aware—assuming he did not know this beforehand—of these allegations, he talked to a few people; he has not said who. Then, as soon as he heard Elections Manitoba was investigating it, he did not ask Taras Sokolyk, his chief of staff and campaign manager; or Allan Aitken, one of the key players in this who was the campaign manager in the Interlake; or Cubby Barrett, another one of the key players, a key Tory fundraiser; or Val Hueging, the PC party secretary; or Kim Sigurdson, his own candidate in St. Boniface.

Will the Premier now admit that the real root of the problem here is the complete misunderstanding of any concept of ethics on the part of this Premier and this government? They do not understand the concept of political fraud.

**Hon. Gary Filmon (Premier):** Madam Speaker, the various individuals to whom the member opposite refers—one of them in particular was widely quoted in the newspaper and put on the record his information as to what his role was in this. The matter then was taken over by Elections Manitoba.

Why would I want to in any way interfere with or be seen to be even—you know, the members opposite would say, if I attempted to talk to one of those people, that I was trying to influence them, as they alleged this week. They cannot have it both ways. I am either seen to be influencing those people, or I am seen to be legitimately getting information. They cannot have it both ways. This matter is one in which we have tremendous politics being played by the members opposite. They are entitled to do that; that is part of what we normally expect from them. But we have a process in place, and we have a nonpartisan body in place called Elections Manitoba who, we are now seeing, is going to open up their investigation and look at it further based on new information. I am happy to accept that.

**Madam Speaker:** Order, please. The honourable member for Thompson, with a supplementary question.

**Mr. Ashton:** Is the Premier then saying that he had so little concern, given the accusations of corruption of the electoral process and political fraud in 1995, that he did not, Madam Speaker, as we have seen, investigate, that in fact he did not ask questions of people like his campaign manager, his party secretary, the campaign manager for the Interlake, a key fundraiser as well, Cubby Barrett, that he did not see anything wrong with what was happening, that as Leader of the party and Premier in charge of these people, he did not bother to ask them what the truth was about these accusations of political fraud?

**Mr. Filmon:** Madam Speaker, absolutely to the contrary. I said I regarded the allegations as serious, and I wanted them investigated by a nonpartisan body. Elections Manitoba undertook that on their own volition because they regarded them as being serious. They took the investigation on, and that, as far as I was concerned, was the appropriate matter. I did not further pursue it because the nonpartisan group that is mandated by legislation to do it took it over.



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

**Mr. Ashton:** Madam Speaker, will the Premier then admit that what he said on Monday about this so-called investigation was not true, and the Premier did not see anything wrong with what was happening to the point that he as Leader of the party, he as Premier for whom Taras Sokolyk was the chief of staff, did not see even the need to ask them, indeed, whether there was substance to these extremely serious accusations of political fraud and corruption? Does he not see a problem with that?

**Mr. Filmon:** Madam Speaker, I did not say that at all. I did ask the relevant people, and after that point, almost immediately after that point, Elections Manitoba undertook a thorough review. In fact, that is precisely the way it was characterized by Elections Manitoba. It was referred to as an extensive review and investigation by the Chief Electoral Officer. So that is the ultimate authority that all of us respond to, that all of us are responsible to, and that is why I certainly did not go beyond that because I did not want to interfere with their investigation.

**Madam Speaker:** Order, please. Time for Oral Questions has expired. Members' Statements. The honourable member for—

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

**Madam Speaker:** Order, please. Time for Oral Questions has expired. Members' Statements. I was attempting to recognize the honourable member for Sturgeon Creek.

## MEMBERS' STATEMENTS

### Silver Heights Musicians

**Mr. Gerry McAlpine (Sturgeon Creek):** Madam Speaker, I would like to recognize the recent accomplishments of the Silver Heights Senior Jazz Ensemble and the Symphonic Band. Some 62 students attended the Mid-West Music Maestro Please Festival in Chicago, and the Silver Heights musicians competed against the bands from right across the United States. The fact that for the first time in the 17-year history of

the festival one school received two gold awards bodes well for our young, aspiring musicians.

A noted musician is trumpet player John Pittman who received the outstanding musician award. John is also a member of the three-day band at Sturgeon Creek United. This band has recently released their first CD and is offered a tremendous future in music.

I want to thank and congratulate Mr. Jim Mackay at Silver Heights Collegiate who, again, was successful in achieving greatness with yet another great band at Silver Heights Collegiate.

I would like to encourage all of the talented musicians that we have in Manitoba to pursue their talents. Music is a great way to learn to work as a team. It is always **an honour to share with my** colleagues of the House the great achievements **taking** place in the constituency of Sturgeon Creek. Thank you, Madam Speaker.

\* (1420)

### Judicial Inquiry—1995 Election

**Mr. Conrad Santos (Broadway):** If I may, Madam Speaker, paraphrase Alexander Pope, who said: fools may contest **whatever** government is best, but whatever is best administered **is best**.

No governments can be better than the people who run them. The basic guide is not legality. When our social institutions are governed by a basic framework of fundamental rules and those rules are tampered with and the political process is brought into disrepute, it is high time now that we awake.

Morality is higher than legality. Morality in principle is the core of true politics. Nothing is really viable unless it is based on ethics. Leaders who lie with their ears on the ground are harder to look up to than leaders who stand up high on the ground with visions where we should go. When the electoral process is brought into disrepute, it is high time for us to be awake. We are not only endangering the social institution, we are endangering the basic trust of the people on how they are governed, and only when there is an agreement that these fundamental rules must be preserved at all costs,

preserving the integrity of the selection process in a democracy, that we are able to preserve our system.

People who are duly elected by their constituents, they are the political salt of the earth. They are supposed to be examples of integrity, but if they themselves have lost this flavour, where shall they be salted? Madam Speaker, all I am saying is this: who will investigate the investigator if we refuse to have an independent social inquiry?

### **International Agricultural Exchange Association Program**

**Mr. David Faurschou (Portage la Prairie):** Madam Speaker, on Monday evening I had the opportunity to represent the Province of Manitoba with my attendance at the International Agricultural Exchange Association's 32nd Annual Conference. Delegates and border governor members from around the world are congregated in picturesque Gimli, Manitoba, Canada, for their deliberations.

The IAEA exchange program is well known and well respected among those of us in the agricultural community. The program offers young people from around the world the opportunity to live with host families in a new country and to help expand their agricultural and horticultural expertise.

In addition to expanding their knowledge of agriculture, they gain exposure to other ways of life and other cultures and have a chance to learn a new language and gain the understanding of the peoples of those countries. Since it began, more than 25,000 young men and women have travelled the world thanks to this program. The province of Manitoba joined the IAEA program in 1974 to host young people from across the globe.

Madam Speaker, I personally have had the privilege of being a host family for the IAEA program, and I personally can attest to the value of the experience not only for the trainees but for those of the host family. Since 1988 through 1995, young people from Denmark, New Zealand, Australia and England have been billeted at our farm in Portage la Prairie. I must say that I have benefited significantly from their culture and their ways within agricultural practices.

Madam Speaker, I want to also bring attention to the hundreds of thousands of hours of volunteer time that have gone into the success of this program. So, on behalf of all honourable members, I would like to wish the delegates attending the five-day conference in Gimli the very best as they continue to foster the program in the young people's interest in the agricultural industry. Thank you.

### **Judicial Inquiry—1995 Election**

**Ms. Becky Barrett (Wellington):** Madam Speaker, for three days in the Chamber here in the Legislature of the province of Manitoba, the people of Manitoba have been experiencing what is known in the parlance as stonewalling on the part of the Premier (Mr. Filmon) of the province. Stonewalling has a long and ignoble history going back hundreds of years. Most recently I think we all remember a former President of the United States who for two years stonewalled behind obfuscation, misinformation and sheer unwillingness to address the issues of the day, and we all know what happened to the President of the United States in August of 1974.

The Premier in the province of Manitoba today is doing the same thing. Instead of agreeing to a public, independent inquiry that could happen under the criminal inquiries act tomorrow, the Premier is hiding behind the elections Manitoba act. He is saying they have all the powers they need to investigate, they have all the powers they need to investigate allegations that even today reach into the highest echelons of the Progressive Conservative Party and the highest echelons of the government of the Province of Manitoba. And this Premier, stonewalling as he is, refuses to acknowledge the fact that The Elections Act does not allow for Elections Manitoba to initiate the kind of public, independent, clear-the-air inquiry that is essential if the people of the province of Manitoba are to retain and regain their abilities, their support, their sense that the political parties are accountable in this province.

Shame on the Premier, shame on the government that does not hold him accountable. The people will hold him accountable if he will not hold himself accountable.

**Judicial Inquiry—1995 Election**

**Mr. Steve Ashton (Thompson):** I do not think we can overstate the seriousness of the accusations that have been made, Madam Speaker, originally in the 1995 election with the new allegations and the new evidence we have seen in the last few days, accusations of political corruption that go to the very top of the Conservative Party.

I found it appalling earlier today to listen to the Premier dismiss more recent evidence we have of the fact that people like Cubby Barrett were directly involved with this. Cubby Barrett, by the way, was involved in setting up the \$5,000 but also Carl Barrett, the son of Cubby Barrett went so far as to be putting up the signs for the aboriginal Native Voice candidate, Mr. Sutherland, in the Interlake. If the Premier does not understand, we are dealing here with a bogus campaign, we are dealing with political fraud of the highest level, we see why we have a serious problem.

We now have evidence in Question Period today that essentially when the Premier said he investigated this matter on Monday, he made no investigation of any kind whatsoever. It appears he talked to a few key people. Now, I would assume one of them was Taras Sokolyk, who by the way, has been one of the ones who has been accused of being directly involved in this, directly involved with hatching this. Perhaps he talked to Ms. Val Hueging, the party secretary; perhaps he talked to Kim Sigurdson, his own candidate; perhaps he talked to Allan Aitken, the campaign manager, but we do not know. In fact, we have evidence today that it sounds pretty well like the Premier spoke to virtually no one, and then he says, well it was being investigated by Elections Manitoba.

Madam Speaker, I am proud to be a part of a party where we put integrity at the top level of our party. I cannot believe that the Premier in this province waited three years to ask any questions about the political fraud being hatched by his right-hand person and key officials in the Conservative Party. It shows how little sense of political ethics and morality this Premier and this party has.

Thank you, Madam Speaker.

**MATTER OF GRIEVANCE****Chief Electoral Officer  
Standing Committee on Privileges  
and Elections Attendance**

**Mr. Gary Kowalski (The Maples):** Madam Speaker, how much time do I have to speak on a grievance? Fifteen minutes. Thank you very much.

The recent events today in regard to the '95 election allegations of impropriety have troubled me greatly because I know coming into this field of politics, one of my mentors was Rey Pagtakhan, and I know he has always been one to see that politics should be something of high honour, that people should be held in high esteem. It was interesting yesterday morning, when I was in my constituency and I was in the local store, I asked a number of people what they thought about the situation. What do you think? I was surprised the cynicism of people saying: well, politicians, what do you expect? All is fair in love, war and politics. That you would try to split the vote, is that not what you guys do? City councillors, many of them get lots of candidates to run against them to split the vote. This is nothing unusual. This is nothing spectacular.

I find that disturbing, that these lowered expectations of integrity the public has for politicians concerns me greatly, but separate from the issue of the actual allegation of impropriety and investigation is another subject. What has happened is now the very competency, if not the integrity, of the chief returning officer for the province of Manitoba has been called into question. Regardless of what this investigation turns out to be, regardless if it is proven or disproven, we now have a chief returning officer coming up into an election year that his competency, if not his integrity, has been questioned. We cannot allow that to go ahead into another election with the same returning officer unless that issue is resolved, so that chief returning officer has to come before his bosses. We are the bosses of the Chief Electoral Officer, this entire Chamber, and his competency has been called into question. We have to resolve that issue.

\* (1430)

Now my colleague from Inkster has suggested one remedy to that, and, again, I separate that issue from the investigation of what went on in the Interlake. The issue of the competency and integrity of the Chief Electoral Officer should be brought before LAMC so that this person has a chance to defend what he did, to defend his investigation, so that all parties represented in this Chamber could go into the next election with complete faith in that person, so that every voter in Manitoba in the next election will know that is a fair election, that no one could affect the impartiality of that returning officer.

Now one of the advantages I see to that suggestion made by the member for Inkster (Mr. Lamoureux) by having it at LAMC, and there were questions, oh, closed doors, closed doors, but the advantage to that is then it becomes almost nonpolitical in the sense that it does not become a media event. We are not doing it to win votes, to create a big media campaign. We are doing it for a purpose, so that everyone at LAMC, so all parties in this Chamber feel confident and could question the returning officer on what he did in that investigation and why he did what he did.

If that is not acceptable, if now this has sullied all politicians and the view the public holds about politicians, then maybe we have to have it in public. So there is an alternative. What if we called the Committee on Privileges and Elections and had that returning officer come before it so that at this public meeting of Privileges and Elections all parties could ask the returning officer questions about the investigation?

I move, seconded by the member for Inkster (Mr. Lamoureux), that the Privileges and Elections committee be directed to meet this week and that the chief returning officer for the province of Manitoba be requested to attend the committee meeting and be available to answer questions and report on the investigation of the allegation of the finance of the 1995 provincial election campaign of Mr. Sutherland.

**Madam Speaker:** Order, please. Regretfully, the honourable member for The Maples is not permitted to introduce the motion. A grievance is an opportunity to speak on a subject matter only, so therefore the motion would be out of order.

**An Honourable Member:** Madam Speaker, I would ask if I could have leave by this Chamber to bring that motion forward.

**Madam Speaker:** Does the honourable member for The Maples (Mr. Kowalski) have leave to bring forward a motion under his grievance?

The honourable acting government House leader, on a point of order.

### Point of Order

**Hon. James Downey (Acting Government House Leader):** Madam Speaker, no, I do not, because I think it was stated earlier in Question Period quite clearly that the Chief Electoral Officer of the province will be carrying out work on behalf of the members of the Legislature and the people of Manitoba, which in fact we would not want to see interfered with, and it is not appropriate to accept a motion at this particular time as the matter will be dealt with in another matter.

**Madam Speaker:** Order, please. On the point of order raised by the acting government House leader, he does not have a point of order. The member asked only for leave, and I was trying to establish whether indeed there was leave to permit the member to introduce his motion.

\* \* \*

**Madam Speaker:** Is there leave? No? Leave has been denied.

**Mr. Kowalski:** Well, I am saddened by that because both the member for Inkster (Mr. Lamoureux) and myself have tried to be constructive, and I have separated the issue—if the Deputy Premier (Mr. Downey) would have listened—from the investigation. We are talking about the competency and integrity of the returning officer of Manitoba, and regardless of that investigation, this is an election year coming up and we have to deal with that issue.

The member for Inkster and myself have offered two alternatives, not for partisan purposes, not for media attention, but to resolve the issue, and I am saddened that members—and I heard no voices not giving leave on

this side of the House, but I heard many voices on that side of the House, when we were trying to be constructive, trying to resolve this issue in a productive way, that the Conservative caucus members would not give leave. I am saddened by that. We still have this issue, and I have not decided if I am going to run in the next election, but if I do run, I want to know that the returning officer is competent. I know that he cannot be influenced. I want to know that, if someone tries to influence someone to run against me, he will take the appropriate action, and I have offered two ways that I could be reassured that, and the people of Manitoba. I do not hear an alternative coming from the government side, and I deeply regret that, Madam Speaker.

\* \* \*

**Hon. James McCrae (Government House Leader):** Madam Speaker, would you be so kind—

**Madam Speaker:** Order, please. I believe, with the indulgence of the government House leader, there are committee changes.

#### Committee Change

**Mr. Edward Helwer (Gimli):** I move, seconded by the member for Pembina (Mr. Dyck), that the composition of the Standing Committee on Law Amendments for June 24 at 3 p.m. be amended as follows: the member for Rossmere (Mr. Toews) for the member for St. Norbert (Mr. Laurendeau); the member for River Heights (Mr. Radcliffe) for the member for Brandon West (Mr. McCrae); and the member for Gladstone (Mr. Rocan) for the member for Sturgeon Creek (Mr. McAlpine).

**Motion agreed to.**

#### ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Madam Speaker, would you please call Bill 46.

#### DEBATE ON SECOND READINGS

##### Bill 46—The Correctional Services Act

**Madam Speaker:** To resume adjourned debate on second reading, on the proposed motion of the

honourable Minister of Justice (Mr. Toews), Bill 46, The Correctional Services Act (Loi sur les services correctionnels), standing in the name of the honourable member for St. Johns (Mr. Mackintosh).

\* (1440)

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, after several weeks of waiting for the Minister of Justice to fulfill his obligation and promise to provide the explanatory notes, we received these two days ago and have reviewed those explanatory notes, made further inquiries and are now prepared to debate this bill.

We want to outline at second reading a number of concerns that we have about the bill as currently before the House. I want, first of all, to acknowledge, however, that the principles in the bill contain some good provisions. I look, for example, to those provisions which talk about the need to protect society and ensure accountability and responsibility of offenders and that shall be given paramount consideration in decisions made under the act. I also note that the principles acknowledge the importance of reparation to victims and to the community and that that should be to the fullest extent possible. The principles also talk about the need to encourage offenders to participate with victims and the community for that purpose. It is, in part, with those thoughts in mind that I will make comments and enumerate our concerns.

First of all, Madam Speaker, it is well known that we believe that dealing with organized criminal gangs should be recognized as a unique challenge for the justice system, for one system in particular. It is time to rethink the justice system, to acknowledge this tremendous challenge of street gangs and to rejig our systems to better counter that threat. Unfortunately, in this bill, there is no protocol set out which specifically deals with gangs or gives tools to the Correctional Services to suppress gang activity. There is no particular direction as far as supervision goes to deal with gangs. There are no particular consequences that can come to bear as a result of gang activity, and I think in particular of the serious threat and problem and challenge of recruitment to criminal gangs that takes place in correctional institutions.

Second, the legislation in section after section talks about contracting out. It clearly enables the Department of Justice to move full steam ahead on privatization schemes. We are aware of the useful role from time to time of contracting out with social service agencies to provide programs that are both preventative and correctional in nature, to change the behaviour of offenders for the better. But this legislation enables the privatization of prisons, a phenomenon that has occurred elsewhere with mixed results, if not dubious results. The former Minister of Justice, indeed, assured members of this House that the government had no plans whatsoever to move towards the privatization of correctional services. So I ask why is it in this statute enabling provisions which will allow this government to privatize in the area of corrections.

I also look at the area of probation. In the area of probation, the ability to contract out and privatize is evident in the bill. It is important that our probation service be full time, be comprised of career public servants who will learn from experience, who will develop a body of expertise, who will enjoy a career path and ensure not only effective probation services at an entry level but at the highest management levels possible.

I think, for example, of the intensive supervision program to deal with young offenders, a program that we support in principle but which has, as one of its salient features now, people on contract positions. I believe there are about six people on contract serving that program. Those people come and go. The public is unable to enjoy the benefit of accumulated knowledge and expertise. If the government is committed to that intensive program and to our safety through vehicles like that, it should be committed to a public service not a private service, a full-time probation service.

The third issue we raise is our serious concern that nowhere in this legislation are probation officers acknowledged. The current legislation acknowledges the important role and function of probation officers. By reading this legislation, one would come to the conclusion that probation officers do not exist in Manitoba. As a result of that omission, there are a number of consequential concerns.

The legislation removes the current provision acknowledging that probation officers are officers of the court. The reason that probation officers are officers of the court is because they have accountability and responsibility to the court. They have an obligation in law, both as a result of their status and their position, to help ensure the safety of Manitobans and respond to orders of the court. So what is the effect, Madam Speaker, of removing the fact that probation officers are officers of the court? We would like answers from the minister in that regard. Are probation officers now to be responsible first and foremost to the administration and the government and to resourcing issues, to administrative directives which may supersede the order of the court? I do not know. It is a serious question I have for the minister.

Why are probation officers now described as correctional officers? In this province correctional officers are known for their duties and responsibilities in correctional facilities, mainly with regard to ensuring security and duties relating to management units. But the duties and responsibilities of correctional officers as we now know them differ significantly from the duties and responsibilities of probation officers. Why does this legislation appear to treat correctional officers and probation officers as though they were one and the same? Is there some intention on the part of government to make probation officers and what we now know as correctional officers subject to one position description, subject to the same duties and responsibilities, even though the duties and responsibilities differ and differ significantly?

The other concern, of course, is just the plain lack of recognition of probation officers in this legislation. Probation officers in Manitoba are on the front lines, Madam Speaker. They have a tough job. Whether it is through supervision and programming, the preparation of presentence reports, whether it is the preventative as well as their correctional duties, probation officers have risen to the challenge and I would say against the odds and under a government that has been blind to the need to ensure that the probation services receive the support they need to do their job.

\* (1450)

We have talked in public about the caseloads of probation officers in Manitoba as compared to the caseloads elsewhere and the ideal caseloads. Manitoba fares poorly. So we ask where has the recognition of probation officers, as not just a career but as a profession, gone in the legislation?

Fourth, the legislation allows for the prescription of fees for programming, and while we understand—and the example is given of fees that are prescribed for programs as a consequence of drinking and driving—we are concerned that this legislation will empower the government and lead to the government instituting fees for programs that are there to change behaviour, regardless of one's ability to pay, with the result being certain offenders, and perhaps those most in need of programming, will be denied programming. Programming is there, presumably, to better protect us and to ensure a change of behaviour for the better of an offender, and we want the minister's assurance that fees will not be a prerequisite for protecting our safety and changing behaviour.

Fifth, Madam Speaker, and this has been a dominant theme in this session, and that is, again, victims are left out of this legislation. There is not recognition in this legislation of the need for victim notification of the whereabouts of an offender, in terms of what correctional facility the offender is in, the need for consultation with the victim before there is a release of an offender, before the court's prescribed release date. There is nothing in here to make it mandatory to ensure that certain officials warn victims who want this information when there is an escape or a release.

I know the government did not want to get into that in detail in their so-called victims rights act, but they should have done at least those limited recognitions of rights in this legislation. I refer, for example, to our Crime Victims' Bill of Rights that is before the House where the executive director for adult or youth corrections is specifically given the responsibility for informing the victim about the status of the offender and, as well, gives the executive director for adult or youth corrections the obligation to discuss with the victim the release of the offender from custody and the terms of the release if the offender is considered for release before the expiry of the sentenced term of incarceration and, importantly, to consider that opinion

before concluding the release and terms of the release. Of course, under our statute, the director can delegate that responsibility to another, but there is an obligation and it is therefore enforceable. We also note that information about the offender while in custody is made confidential without regard to any exemption in the interests of the victim.

The sixth area of concern is this act's movement towards leniency in the enforcement of probation orders. Can you imagine, just when it is becoming public as to the extent of breaches of probation office orders, particularly regarding young offenders, that this government makes a statement in law, in legislation, allowing greater discretion as to whether to prosecute a breach of a probation order or not.

We are aware of, for example, in the Child and Youth Secretariat report on street gangs, which this government buried, the recommendation that there be enforcement of probation orders. We know that probation officers are too often not enforcing probation orders. What is known as breaching, in other words, it is not the offender that actually breaches a probation order, it is at the call of a probation officer, and they are doing so, not out of ill will or neglect. They are doing so because the courts are not enforcing or prosecuting those breaches because of the paperwork involved and because senior officials are sending those so-called breaches back.

It is important, particularly for young offenders, to know that there is a consequence when there is a wrongdoing, that when a court makes an order, it is serious business and it must be followed. But instead, youth after youth are going through our system, are being given probation orders, are breaching those orders, and the word is out that those orders can be breached with no consequence.

It is bad enough that is happening at the administrative level, but that is being sanctioned in legislation. What reason does the government give in its explanatory notes as to why that greater discretion is given now? Because if we started enforcing probation orders, it says, and I quote: this could overwhelm the court with breach allegations. It is saying: because the courts have backlogs. Well, why do they not deal with the backlogs instead of saying, hey, your breach of

court orders, your illegality is just fine by us? What kind of administration of justice is this? This is the government that ran on tough on crime. This is a law and order government. No, they put it in a law that you can breach a probation order. It is up to the probation officer to look at that as a wide range of discretion.

The seventh point, there is nothing in here, Madam Speaker, to prevent the kind of corruption of the justice system that we saw following the Headingley riot when people sentenced to intermittent incarceration at Headingley were excused by this government at the administrative level from serving those sentences. In our view, contrary to provisions of the Criminal Code regarding drinking and driving, there should be in law, and I want to find out from the minister why there is not, an obligation on Correctional Services to abide by an order of the court.

Do you recall that circumstance where the government not only was effectively commuting those sentences but never even told the judges that intermittent sentences were a no-go? They had taken away an option that judges thought they had available to them at sentencing. What lesson was that to the public? Once again from this government the lesson that justice is a joke, that we do not stand by our word. The government is all talk, no walk in the justice system. Maybe no other place but the justice system must the system back up the law and when something is said will happen, it must happen.

The eighth area of concern regards the ability of MLAs in particular, judges as well, to go to a correctional institution to see how things are functioning, perhaps to meet with the particular inmate, perhaps to see how a public policy is being administered. Well, it was shortly after the revelation that intermittent sentences were not being delivered and administered by this government that the member for Burrows (Mr. Martindale) and myself went to Headingley Correctional Institution to see if the minister's statements that there was no room at Headingley to accommodate intermittent sentences was indeed true.

\* (1500)

Madam Speaker, that was important for that debate for MLAs to have access to Headingley. It was

important that the access to Headingley not be prohibited by the minister or some administrator. Well, I could go on to think of all kinds of instances where it is important that MLAs have access to a correctional facility in Manitoba. Why then does this legislation restrict that right? It restricts the right in the event of a lock-down. Even the minister in the event of a lock-down, under this legislation, is prohibited from going on to that correctional facility. Apparently, if the minister or an MLA did go, it would be subject to an offence of trespassing.

We understand that security has to come first, but to prohibit now MLAs from attending correctional institutions during lock-downs goes against the principle and the reason for letting MLAs in there in the first place. It is important, particularly during a lock-down, for the right of MLAs to be acknowledged and exercised if an MLA or indeed the minister thinks it necessary.

The ninth issue is regarding the new position created by this legislation, and that is the Commissioner of Correctional Services, and we will ask the minister who is that person. Is it creating in fact another line of authority? Will this be the assistant deputy minister of corrections, or is this a new layer? Madam Speaker, the Hughes Inquiry warned that management problems were in no small way responsible for that riot and said it is time for a hands-on approach to corrections, but hands-on approach and creating another layer may well be incompatible.

The next issue we raise is the lack of acknowledgment in the legislation of what the Aboriginal Justice Inquiry addressed, and that is that elders be granted a status equivalent to chaplains. The Aboriginal Justice Inquiry, of course, recommended the importance of the rights of aboriginal peoples to spiritual services appropriate to their culture. I would like to ask the minister and get an answer as to why that recommendation from AJI is not in here, but no surprises, I suppose, because very few recommendations have been heeded by the government opposite. I remember just after it was released, the then Minister responsible for Native Affairs, the now Minister of Industry, Trade and Tourism (Mr. Downey) said that this report will not be a doorstop at any door, and I am just wondering who got that doorstop.



The other issue we have is, again, this is legislation which gives greater powers to cabinet, taking away powers from the Legislature—a theme not unique to this government, I acknowledge, Madam Speaker. This endless devolution of power to cabinet to a minister must be checked. When are we as legislators going to ask why are we doing this? Why are we taking away the checks and balances of legislative debate and legislative approval? Why are we taking away the consistency, reliability, the foreseeability that is provided by legislation rather than by regulation? When are we going to respect that one political party is not government forever?

We note that in the minister's notes he says, and I quote: Wherever possible, the new act provides for administrative detail to be included in regulations so these can be changed as necessary without having to amend the act. Well, Madam Speaker, that kind of convenience can also be dangerous, and what is administrative detail? I saw, for example, in the victims rights act matters go under regulation which were matters of substantive rights of people, in that case victims.

So those are our concerns, and we look forward to the minister answering those concerns, and therefore we are prepared to see this matter move to committee.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading Bill 46, The Correctional Services Act; Loi sur les services correctionnels. Is it the will of the House to adopt the motion? [agreed]

#### House Business

**Hon. James McCrae (Government House Leader):** Madam Speaker, I think there might be a will to waive private members' hour today.

**Madam Speaker:** Is there leave to waive private members' hour today? [agreed]

**Mr. McCrae:** Madam Speaker, with the leave of this House, the Law Amendments committee will sit tomorrow afternoon at 3 p.m. to consider Bill 46.

**Madam Speaker:** Is there leave of the House to sit tomorrow afternoon in the Standing Committee on Law

Amendments concurrent with the Chamber to consider Bill 46? [agreed]

**Mr. McCrae:** Madam Speaker, I move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

\* (1510)

**Motion agreed to.**

#### COMMITTEE OF SUPPLY (Concurrent Sections)

##### Consideration of Concurrence Motion

**Mr. Chairperson (Marcel Laurendeau):** The committee come to order. The Committee of Supply has before it for our consideration the motion concurring in all Supply resolutions relating to the Estimates of Expenditures for the fiscal year ending March 31, 1999.

**Mr. Steve Ashton (Thompson):** I would like to ask the Premier (Mr. Filmon) some follow-up questions to the series of questions that we have been asking in this House on the very serious allegations that have been made against senior level officials and senior level members of the Conservative Party, indeed, including the Premier's campaign manager, but also the Premier's chief of staff, Mr. Sokolyk, who has been with him in that capacity since 1991.

The Premier, on Monday, indicated that he had conducted an investigation, and I want to quote. He stated: I repeat that I am satisfied from my investigations that our party and central campaign were not involved in that.

Well, Mr. Chairperson, we saw earlier today that essentially the Premier (Mr. Filmon) talked to a few people, did not specify who, and then when Elections Manitoba was indicating it would be investigating, strangely he stopped asking any questions himself. We find that hard to believe because I can tell you, if there was any accusation in our party of this kind of behaviour, I know that we would have found out

everything if we did not already know the answers, and I find it strange that the Premier did not see that as being a problem. But he did not specify whom he met with, whom he talked to in this so-called investigation, which we found out today was somewhat incomplete.

I want to ask the Premier, first of all, did he discuss this matter with Taras Sokolyk, the chief of staff in the Premier's Office, and the campaign manager? If so, what was the response from that individual? When did the discussion take place, Mr. Chairperson, and on what basis did the Premier later say he was satisfied? Did he discuss this matter with Mr. Sokolyk?

**Hon. Gary Filmon (Premier):** Mr. Chairman, I think it is only fair to point out that these are not only matters within the jurisdiction of me as the Premier or a member of government. These are matters of party politics, and those discussions, obviously, were ones that I would have as somebody who on behalf of the campaign wanted to have assurances about.

But those are private matters, and I know that the individuals to whom I spoke will be very happy to comply with and to participate in the investigations that are undertaken by Elections Manitoba. They were certainly quite prepared to co-operate with and comply with Elections Manitoba in the past, and they will be in the future, Mr. Chairperson, but I do not think that these are matters that I want to engage in or debate independently of what is a quasi-judicial independent review under the auspices of the relevant authorities.

It is not up to this Assembly to decide on guilt or innocence, on truth or falsehood, of the allegations being made. It is going to be up to an independent authority, and I place my complete trust and faith in that independent authority who is Elections Manitoba, Mr. Chairperson.

**Mr. Ashton:** Well, Mr. Chairperson, it can hardly be a private matter. Mr. Sokolyk, as the Premier's chief of staff, paid by the public, appointed by an Order-in-Council from 1991, this individual has been described as the eyes and ears of the Premier. Indeed, he was the campaign manager in the 1995 election, but he was also paid by the public of Manitoba. He is one of the highest paid government employees in this province, appointed by the Premier, and continues to sit in that

role. In fact, we have suggested that Mr. Sokolyk, if he was to do the appropriate thing since he has been implicated in the serious allegations about corruption in the electoral process that that individual resign from his position pending the result of this investigation.

I want to ask the Premier, is he saying today, then, that he will refuse to provide any information about this matter, including his discussions with Mr. Sokolyk? Let us recall that this individual has been accused of being directly part of this plot, I would say, this plot of subverting the electoral process, indeed is quoted as saying "good job" to the individuals who did this. By the way, these are not just people that the Premier would not be aware of. These are Roland Cubby Barrett, well known to the member for Lakeside (Mr. Enns) and the member for Steinbach (Mr. Driedger), Cubby Barrett, on the PC Fund, a key fundraiser, one of the key people who was involved with this, certainly well known to that individual. Allan Aitken, by the way, who has been part of this, is the PC campaign manager in Interlake. We are, of course, intrigued by Mr. Kim Sigurdson who was a candidate in St. Boniface for the Tories.

I mean, these are not New Democrats we are talking about. These are Tories, but you know, if the Premier (Mr. Filmon) will not say on the record, chooses not to put on the record the information about whom he talked to—by the way, it was he on Monday who said he conducted the investigation. He offered that information as if it was—I want to read it again: "I am satisfied from my investigations."

What investigations, Mr. Chairperson, and, in particular, what kind of discussion did he have with Mr. Sokolyk, who is one of the most highly paid public officials in this province, the chief of staff of the Premier, the eyes and ears of the Premier? Is the Premier now saying he will refuse to answer questions about this matter, including questions related to the conduct of Mr. Sokolyk?

**Mr. Filmon:** Mr. Chairperson, the member makes my case. The allegations against Mr. Sokolyk were not made against him as an employee of government. In fact, had he not taken a leave of absence to be the campaign manager and had he not been off the public payroll, he would have been violating The Elections

Act and indeed his responsibilities in this Legislature, and that would have been the subject of a charge under The Elections Act.

So the member knows full well, unless New Democrats keep their staff on the payroll while they are working on election campaigns, and if that is the case, then we would like to know that so that we could lay some charges, Mr. Chairperson.

**Mr. Ashton:** Well, Mr. Chairperson, this individual, Mr. Sokolyk, has been accused of being part of this entire plan, a plan that was to run three bogus candidates, to finance the campaign. And the Premier (Mr. Filmon) laughed about this, but I say to the Premier, I do not know of too many situations in the past where I have seen people working for the Tory campaign like Mr. Carl. But just coincidentally, you know, I can see the truck driving through the Interlake, P.C. signs on the right, native voice signs on the left. Does anybody expect us to believe that Carl Barrett was doing this out of the goodness of his heart?

\* (1520)

The Premier dismissed this. He says, bah, people put up signs all the time. I tell you, I have never seen people putting up signs for two parties. I get back to the member for the Interlake (Mr. C Evans) who talked about having to run against two Tory candidates, the official one and the bogus one that was put up by his chief of staff, Mr. Sokolyk, to try and split the vote. By the way, I give credit to the people for Interlake for the support, and in Swan River and in Dauphin, but we know what the name of the game was.

I want to ask the Premier: is he saying that he has no concerns about the fact that Mr. Sokolyk has been accused of attempting, in fact, has been accused directly, of a plan that involved corrupting the electoral process? I believe a noted constitutional authority said that it was political fraud, that if these facts are proven, it is a political scandal of the highest order. Is he saying as Premier he has no problem with Mr. Sokolyk continuing now to be his chief advisor? Presumably not only on day-to-day issues, but it was yesterday, we were in Bill 2 in the committee and I was actually expecting Mr. Sokolyk to be there. I suspect he may

have had some role in advising the Premier on The Elections Act.

I just want the people to have this picture. Taras Sokolyk is accused of a plan to subvert the electoral process. The Premier says, oh, that was his other hat on. But now he has got the role on of chief of staff, he has no problem with, what, Taras Sokolyk advising him about everything including The Elections Act?

I want to ask the Premier: does he not feel that given the accusations about the serious ethical breach on the part of Mr. Sokolyk, clear accusations, does he not feel that it is inappropriate for Mr. Sokolyk to continue to be on the payroll as his chief of staff, one of the highest paid individuals in this province when there are clear questions about Mr. Sokolyk's role in what we feel is a very unethical and corrupt plan to corrupt the electoral process? Does he not see the inconsistency?

**Mr. Filmon:** Mr. Chairman, I see this as a very serious issue, and I know that Mr. Sokolyk will co-operate fully with the investigation that is going to be done by Elections Manitoba, because I know that he regards this as a very serious issue. The only thing I would say in response to the remainder of the member's statement is that we live in a society, which I hope will not change, in which one is innocent until proven guilty and that the mere fact that political allegations are made by people who have a great deal to gain politically by making the allegations is not a basis of jumping to the conclusion that the allegations are true or that the individual who is accused is guilty.

**Mr. Ashton:** Mr. Chairman, I find the last comments of the Premier to be absolutely incredible, because the source of a significant part of this besides Mr. Sutherland who was the individual that was taken advantage of—I think most Manitobans saw that very clearly in Mr. Sutherland's case. We are talking about people, the key players in this, they are all Conservatives, not about New Democrats. We are talking about the former campaign manager in the Interlake. We are talking about Mr. Allan Aitken, Mr. Cubby Barrett, one of the key fundraisers for the Conservative party. You know, Cubby Barrett, that name has come up in this House a few times, Kim Sigurdson. I mean, he ran for the Conservatives in St. Boniface. Yes, the political axes to grind here, it just

amazes me that the Premier (Mr. Filmon) would stand in this House and suggest that. [interjection]

**Mr. Chairperson:** Order, please. Could I ask members to refrain from putting comments forward whilst—[interjection]

**Mr. Ashton:** I am getting advice from my member.

**Mr. Chairperson:** Could I ask members to refrain from talking out or giving advice while the member is speaking. It interrupts my thought process.

**Mr. Ashton:** It does not interrupt my thought process, and I appreciate the encouragement from the member for Transcona (Mr. Reid). This Mr. Kim Sigurdson was at the reception following the election in 1995. Who invited him? I can tell you, I did not invite him. The member for Transcona did not invite him. The member for Interlake (Mr. C. Evans), no, did not invite him. [interjection] Well, did not go, indeed.

You know, Mr. Chairperson, what we have essentially here are the basic accusations coming from one candidate who was involved, Mr. Sutherland; and No. 2, it comes from senior Conservative officials—I mean, the campaign manager in the Interlake, Kim Sigurdson, your candidate.

**Mr. Chairperson:** Order, please. Can I ask honourable members to put their comments through the Chair so that we have an opportunity for Hansard to pick everything up after this debate?

**Mr. Ashton:** Well, indeed, Mr. Chairperson, we see again, Kim Sigurdson. I want to quote from the transcript. Former PC candidate. This is a direct quote: What the Conservatives in my opinion were doing was trying to offset the votes by using, exploiting these three aboriginal candidates.

He went on to describe a meeting between Allan Aitken and Taras Sokolyk at a Winnipeg hotel to discuss various matters and that the subject of the Native Voice campaign came up. What did Mr. Sigurdson, the Conservative candidate, St. Boniface, say? This is on the public record. This is, to the Premier, something that has been stated publicly by one of his former candidates. We sat down and the

conversation was between Mr. Aitken and him at the time, and they started talking about giving money to three aboriginal independent candidates up North.

A job well done. I remember that term being said. The reporter asked: "A job well done. That was from Taras Sokolyk?" Mr. Sigurdson replied, and this is a direct quote: That was from Taras Sokolyk and Mr. Aitken. The reporter: In response to what? Mr. Sigurdson: As a response that the money was delivered to the aboriginal candidate.

So the accusation in this case is coming from a former PC candidate who was at the meetings. But I want to get back again to the Premier because it struck me in Question Period as the Premier put on the record that the so-called investigation he had conducted really was talking to a few key officials whom he now refuses to name in this House, a few key officials. And then when Elections Manitoba was investigating it, he said he did not follow it up anymore. I wonder what kind of sense of ethics this Premier has about his political party if there are accusations, political fraud, corruption of the electoral process involving not Joe Blow, Joe Q. Public, but the campaign manager in Interlake, the campaign manager implicated in that.

Cubby Barrett, 1995, Cubby Barrett's name became public at that time. Key fundraiser, Cubby Barrett, directly involved in funding this. That is information that the Premier would have been aware of at the time. Is he then saying, and assuming he did not know what was going on, this is all based on that assumption, because, quite frankly, the more one gets through the facts in this case, one wonders what kind of response the Premier, Mr. Sokolyk and others would give under oath on this matter because I really question, we have serious accusations about this Mr. Sokolyk, the campaign manager.

I really wonder, indeed, how the Premier (Mr. Filmon) would not know what was going on in his campaign, and he said that he asked people about it, so at some point in time he must have asked Mr. Sokolyk. I find it amazing he will not deal with that, but does the Premier not understand, even to this day, that essentially what he has shown is he had no concern about the lack of political ethics shown by this action by his party? He confirmed that. He did not investigate

it further. Presumably, he did not ask questions until we raised it in the House, until it became a major issue with new evidence. In fact, even on Monday, he was saying there was no new evidence. He said, no, I had my investigation; oh, it is dealt with. End of discussion. I repeat that I am satisfied from my investigations that our party and central campaign were not involved in that.

\* (1530)

Now, is the Premier constructing a wall now, an excuse? On Monday, it was, oh, hey, I am open, I conducted an investigation. Oh, my party did nothing wrong, I am satisfied with that. Today, it is I am not going to answer these questions because they relate to the political party not to the government of Manitoba, when one of the key players wears both hats. Is that now going to be the position of this Premier? Why is he afraid of answering these questions? Why will he not put on the record—I mean, he had no problem talking about this bogus investigation he ran on Monday. We are supposed to just take that. You know, trust me, I am sure, were about the only two words that were not in here. Let me make this perfectly clear, it was not in either. [interjection]

Well, yes, I found it interesting that the Nixon movie was on last night. I just thought it was kind of fortuitous circumstances because there was—by the way, and I just want to stress this, Richard Nixon did not order the break-in, but he knew about it, found out about it and covered it up, did not get rid of the people involved with it and lied to the Congress and would have been impeached. An interesting parallel, because what the Premier knew or did not know, we want to know what happened following that point in time.

I want to ask the Premier again: who did he talk to? Did he or did he not talk to Mr. Sokolyk about this matter at the time? I also want to ask, since the Premier intimated that he has since talked to—he said he knows that Mr. Sokolyk will be glad to testify. Now, these people talk on a daily basis. Can he confirm that he has now talked to Mr. Sokolyk? Can he put on the record what he is asking Mr. Sokolyk and what the response has been from Mr. Sokolyk? Not in 1995, if he refuses to answer, although I would like to have that on the

record. I would like to know what he said in 1995, but I want to know from the Premier, since this individual still works for him, his eyes and ears, the man behind the machine, what has he had in the way of discussion with Mr. Sokolyk, and what was his statement in 1995 and 1998?

**Mr. Filmon:** Again, Mr. Chairperson, I would assure the member opposite that it would be inappropriate for me to be discussing matters that took place or actions of an individual who was not a member of my government staff at the time of the allegations, because under our requirements, government staff cannot continue to be on the government payroll if they are working on an election campaign. The New Democrats may do that and I would like to hear more about how they handle that. If they are suggesting that they do that routinely and that is the basis upon which we should be looking at this situation, we will have that investigated by Elections Manitoba as well, if they want to say that. But the fact of the matter is that Mr. Sokolyk was not on government staff, could not be under our election rules at the time of the allegations, and therefore that is not a matter that we will have investigated here.

I will assure the member that my discussions with Mr. Sokolyk are only to the extent to be assured that he will give full co-operation to any investigation with Elections Manitoba because we want to get to the bottom of this. We do not want to have to put up with unsubstantiated allegations and political manoeuvring from the member opposite, Mr. Chairperson.

**Mr. Ashton:** Mr. Chairperson, if they want to get to the bottom of it, they will have an independent, public judicial inquiry. They do not want to get to the bottom of this. We are seeing they do not want this to be public. We are seeing today the Premier hides behind this, oh, well, you know, I mean this was not the same Mr. Sokolyk who works for me. He had a different hat on at the time, but you know he still works for this Premier.

Even the Free Press editorial the other day, Tuesday, and I do not always agree with Free Press editorials, but you know it even said, the Free Press said: Mr. Sokolyk should resign pending the result of the investigation.

I want to ask the Premier: why will he not ask Mr. Sokolyk, if he wants to clear the air, to step aside pending the result of the investigation? Is he so close to this individual that he cannot see the fact that, so long as there is this cloud hanging over Mr. Sokolyk's head, during the time of the investigation the people of Manitoba will not care whether he was working for the Premier as campaign manager at the time, they see him working for the Premier today on the government payroll? Will he ask Mr. Sokolyk to step aside pending the results of this investigation? You can suspend him. You can suspend him with pay, but how can you expect him to continue to have any sense from the public of Manitoba, any sense of integrity of this individual with these accusations being made currently? Let the investigation take place, and then let us see whether Mr. Sokolyk should be reinstated.

**Mr. Filmon:** The member opposite, certainly, if he is a New Democrat, this is a new kind of democracy that we are seeing where the individual says that people are guilty before they have been through any due process and before they have had a chance to defend themselves under the law. Quite honestly, I am offended by that. I think that the member for Thompson ought to be ashamed of himself. That is an absolute travesty for anybody who says they are a Democrat to say that a person is judged to be guilty before an investigation has even taken place.

**Mr. Ashton:** The only person who should be ashamed is this Premier who sees nothing wrong with Mr. Sokolyk continuing to be paid by the public of Manitoba when serious accusations have been made. I want to say to the Premier that he might want to follow the example of his colleagues in Ontario, for example, the Attorney General, Mr. Runciman, I believe, who stepped aside pending and has stepped aside pending the investigations of whether in this case he broke the law. There are accusations about the throne speech in which an individual was identified that led to the identification of a young offender.

We have seen examples of that. Even Brian Mulroney, his friend Brian Mulroney asked people like Jean Charest to step aside. There have been numerous examples across this country where, when serious allegations have been made, people have shown integrity, and they follow through with it. I say to this

Premier that you might want to recall back to somebody who had a lot of integrity, something he would do a lot to learn about, a Mr. Wilson Parasiuk who, based on nothing more than accusations made in a newspaper report, stepped aside, a cabinet minister who stepped aside pending a review of that and was reinstated. He had integrity. I remember this Premier—he talks about I should be ashamed. I remember his role in that particular incident and other incidents. I will remember the Premier's role, and I will remember, after what he has shown these few days, that it is pretty well a job for life in that government.

I do not know what it takes to be fired or asked to step aside in that government when you have Mr. Sokolyk. Even the Free Press is saying he should be asked to step aside pending the result of the investigation. To the Premier, once again the issue is not the guilt or innocence. That can be established by the judicial inquiry. The issue is how you can have this individual continue when there are serious questions about his ability to function in a way with any degree of integrity. Why will not the minister follow the same ethical standards that others have followed in similar circumstances, others who have shown integrity?

If Mr. Sokolyk will not do the right thing himself and step aside, will this Premier ask him to step aside pending the result of the investigation? Once again, the investigation will establish the guilt or innocence or culpability of this individual in this matter, but why will he not do what every other jurisdiction follows in the way of an ethical code and understand Mr. Sokolyk has got to step aside pending the investigation into this matter?

**Mr. Filmon:** I repeat, Mr. Chairperson, that this is an incident in which the investigation that is—and the allegations are alleged with respect to activities that were taken outside of government, and obviously a different matter from any of the ones that the member has referred to.

\* (1540)

**Mr. Ashton:** So, Mr. Chairperson, is the Premier saying that he does not care what Mr. Sokolyk did when he was campaign manager for his party, it has no bearing on his current role? This is the individual that

advises him on issues such as The Elections Act. He is the minister responsible. He was in committee yesterday. Mr. Sokolyk advises him on The Elections Act, advises him on The Elections Act. He does not see any difficulty with that. I am wondering, because I quoted yesterday from the Tory Talk and it is interesting, it talked about how Mr. Sokolyk was the one that got the job done, that never diverted from that. He got the job done. Now it is interesting that rhetoric because, you know, a good job. I remember when Mr. Sokolyk was supposed to in fact have said, according to his own candidate in St. Boniface, good job in setting up this aboriginal campaign.

Is he saying that he does not care what Mr. Sokolyk did? I am wondering, if that is the case, if he does not care what he did in the election, it has no relevance to what his current position, working for the Premier, being paid by the taxpayer, if he is saying that, is he not in a way indicating the root of the problem? I think what a lot of people have suspected for quite some time in this province, that this Premier and this political party will do anything to get elected, will say anything to get elected, will stoop to whatever level to get elected. Is that not the root of what happened in this case? They were willing to run three bogus candidates, three bogus candidates. They were willing to take advantage of individuals like Mr. Sutherland. I look to Mr. Cubby Barrett, who I believe has shown despicable, absolutely despicable behaviour in this matter. It is not the only matter unfortunately he has done that. Is that then the bottom line? I mean, we have suspected this since 1995 when we saw issues like the Jets. This is the same Premier that was out of the loop on the Jets, was campaigning on save the Jets, and a few days after the election was over said: oh well, you know, I did not know about this; I did not know what was going on.

We have seen on issues like MTS. We can get into the politics, but does the Premier not understand that he is now sending the message by refusing to answer questions about Mr. Sokolyk's role in this, that he does not care what he did in the election, he did not care what unethical behaviour took place, he did not even care enough—wants Elections Manitoba to launch this investigation. He did not call in Mr. Sokolyk or Mr. Aitken or Mr. Barrett or Mr. Sigurdson. He did not say what the heck is going on here. He did not call them in

and say: this is not acceptable in the PC party. He did not say: we have ethical standards in the PC party. He did not do any of that, Mr. Chairperson. What he did, he said: oh, Elections Manitoba is looking into it; I do not have to worry about it anymore. And now, in 1998, when the new evidence comes out, he says: I do not have to answer that. Mr. Sokolyk was a different Mr. Sokolyk. He was the campaign manager, but whatever he did then, that is fine by me. Whatever it takes to get elected.

Watergate started from the same mentality. I would say this is starting to turn into Filmongate here. It starts from the same mentality, and I say to the Premier, because the Premier has desperately tried to go through and he goes around saying: you know, there are no scandals in my administration. Well, I guess if you set the ethical standards so low, you set them right on the ground, it is pretty difficult for anybody to get under them. Is that not what the Premier is saying in this case? It does not matter what Mr. Sokolyk said or did in the election, he is not going to remove him. I say to the Premier, who said I should be ashamed: should the Premier not be ashamed of not ever once questioning the root lack of ethics of what was done, and now refusing to answer questions about Mr. Sokolyk's role? I say to the Premier: why does he not do the right thing and ask for Mr. Sokolyk to step aside? That individual has no credibility pending the results of what we need, an independent judicial inquiry.

**Mr. Filmon:** This is the issue right here. We have a member who has put himself up as judge and jury. He does not question what was done, and he assumes that it is all true. He assumes that it was all done. He assumes that every single allegation has been proven, and of course that is not the case. Thankfully for the public, he is not the judge and jury in this. We have independent authorities. We have independent authorities who are nonpolitical. We have independent authorities who are set up with a force of law to be able to operate without the interference of political people such as the member for Thompson (Mr. Ashton), who would have already chopped off the head of the individuals against whom accusations have been made, who does not care about whether or not the case has been proven, who does not care as to whether or not there has been a proper investigation. He has jumped at his conclusion already.

I care very deeply about the process. I care very deeply about the integrity of what happens, what happens in the campaign, what happens in my office. The member opposite is making all sorts of assumptions, none of which are true. But I will not answer to him, I will answer to Elections Manitoba. I will answer to the independent authorities who we have set up to do the investigation, and I will answer to the public. I will not answer to a political phoney like the member for Thompson.

**Mr. Ashton:** Who the heck does he think he is, this Premier? He is the one who said: Madam Speaker, I repeat, I am satisfied from my investigations.

I could say a lot more about the Premier. Coming from Thompson, our language is a bit more colourful there, but here in the city I will tell him. He laughs. He was the one who had the nerve to stand up in the House and say: I was satisfied from my investigations.

Who was the judge and the jury? Who was the investigating authority in this case? He was. What was the extent of his investigation? He talked to a few key people. We do not know who because he will not put it on the record. He is afraid to. Did he say anything after Elections Manitoba started its investigation? No. Did he call them in to make them accountable? No. I really ask this to the Premier: did he ever question the ethnics and morality of Mr. Sokolyk? Of course not. Mr. Sokolyk did what needed to be done. Remember I phrased it before? Because this is a Premier who will do anything it takes, anything possible, and we see it on this particular case.

As for me being the judge and jury on this case, he still does not get it. When accusations are made, the practice—Wilson Parasiuk did this. He stepped aside. No one said that the allegations were proven or not proven, but because of the seriousness of the allegations that were made, he understood that in order to have any credibility in this House, the appropriate thing to do was step aside pending the results of the inquiry into what had happened, and he was vindicated.

I mentioned Mr. Runciman in Ontario. Even the Mike Harris Tories have got a higher ethical standard than this Premier (Mr. Filmon). Does he not get it, that what we are asking for in this particular case, when Mr.

Sokolyk, the reason he should step aside, and I do not know if the Premier wants to throw the Free Press in as being judge and jury on this case, because they have also called for it.

**An Honourable Member:** Be careful what you ask for. You might get it.

**Mr. Ashton:** Well, the member says: careful what you ask for, you might get it. I can tell you right now if we get Mr. Sokolyk's resignation, I would be glad for that. If we get an independent judicial review, I will be glad for that.

The point of this is—and I say this to the Premier—is he then saying that Mr. Sokolyk will be in his position no matter what kind of accusations are involved, and they are very serious ones—I think the Premier will admit that whether he questions the facts of it or not—very serious allegations, that Mr. Sokolyk was involved in trying to corrupt—well, in fact, corrupting the electoral process? Is he saying that his position is unlike Ontario, unlike Manitoba with Wilson Parasiuk, unlike the Mulroney government? Now there is an ethical standard if you ever want one. You know, I have read *On the Take*. Like, boy oh boy, I do not think you have seen a federal government with a lower, lower ethical standard than that. But even that government understood when ministers and senior officials had no credibility left and should step aside.

\* (1550)

So is the Premier saying that he has invented a new ethical standard, and in this case, Mr. Sokolyk, who will remain in place in his position no matter what accusations are made, no matter what is ongoing in terms of an investigation, that Mr. Sokolyk will be in place—and we do not know, by the way, how long this investigation will take—that he expects the people of Manitoba to have any comfort now when he, for example, shepherds through The Elections Act and is advised by Taras Sokolyk about The Elections Act, somebody who has been accused of running fraudulent campaigns, corrupting the electoral process.

I mean, does he not see that? You know, even if he does not understand ethics, and I think that is a reasonable assumption here from what we see. Does he



not understand, in this particular case, that one of the reasons Mr. Sokolyk should resign pending the results of the investigation is how can anybody trust someone who potentially, in this case, has been involved in one of the most serious election scandals in many years in Manitoba? I do not remember anything of this level, and I certainly do not remember anything like this involving someone who is the Premier's chief of staff and campaign manager, his right-hand person.

Is he then saying it does not matter what accusations are made, no matter how much of a cloud hangs over Mr. Sokolyk's head, that he is going to sit there and get advice from Mr. Sokolyk on The Elections Act? I mean, The Elections Act is the most fundamental piece of legislation in this province aimed at preserving the integrity of the political process. I could think of a few analogies here, but I cannot think of anything more inappropriate than someone who has been accused of subverting the electoral process, being the key adviser to the Premier on the electoral process.

So I ask the Premier, and I am advised by the member opposite, the member for Emerson (Mr. Penner), be careful, what you ask for may happen. We are asking for a number of things here, and to begin with, we are asking for an independent judicial review and that Mr. Sokolyk step aside pending the findings of the independent judicial review. I want to ask the Premier: will he do that, ask Mr. Sokolyk to step aside while there is any question involved?

I can tell you, Mr. Chairperson, in terms of the Premier's role, he is the one who is prejudging this. He believes that Mr. Sokolyk can do no wrong. He has said that. He is satisfied with that. He is the one who said he was satisfied with his investigations. We do not know what he said. We do not know if he even has asked Mr. Sokolyk what happened. He will not name the people he has talked to. All he has said in this House is that Mr. Sokolyk said he will testify. Well, I mean, that is some great encouragement.

We do not know if he ever asked Mr. Sokolyk did you do this. We do not know with the new evidence if he has asked Mr. Sokolyk were you part of this. We do not know that. I mean, is that how desperate this Premier is that he will defend Mr. Sokolyk to the point

of not even asking him questions about this matter, of not asking him to step aside? I mean, does he not understand the political process well enough to know that if you ask people in Manitoba right now, I would say they would look at it this way. Serious accusations have been made, new evidence has been confirmed by Elections Manitoba. That is what we said on Monday. He denied it. Now it is Wednesday, very serious new allegations. Mr. Taras Sokolyk has been involved in this. That is the accusation.

Nothing the Premier can say or do takes away from the fact that it is a very senior official providing advice on The Elections Act right now, and he has been accused of serious misconduct. I would suggest to the Premier that he should be the first one to be calling for the judicial inquiry. If he is concerned about clearing the air and clearing Mr. Sokolyk and others that have been involved with this, why will he not do that? Ask Mr. Sokolyk to step aside. Why will he not call for an independent judicial inquiry? Simple question. Is the answer really that the Premier does not want all the true story to come out? Because we see that this corruption goes right to the top of the Conservative Party.

**Mr. Filmon:** The answer is that the Premier wants the entire story to come out. The Premier wants to have it done, the analysis and the investigation done by independent authority, not by the members of the New Democratic Party in this Legislature for their own cheap political purposes. The Premier wants this done thoroughly, completely and absolutely to the most complete degree possible. That is what will happen.

The member opposite, of course, wants to be antidemocratic and says that a person is guilty and have him step down and have his head chopped off, be guilty before he has even been investigated. Every example he gives me is of ministerial responsibility. Ministerial responsibility and authority are entirely different. He said that Mr. Sokolyk is shepherding the act through this Legislature. I as the minister responsible am shepherding the act through this Legislature. If he were there last evening, and he was, he would have seen that I am being advised by various members of the staff. They were all there, the law officers of the Crown, Madam Speaker. That is where I take my advice, and from the Chief Electoral Officer.

Every single one of those recommendations that is in that legislation came from the Chief Electoral Officer's office. That is how the legislation is being developed, and I am bringing it through with the consent, I believe, of all the parties who have had input to that. We have treated it on a nonpartisan basis in the past. I know the members opposite now want to trash Elections Manitoba and want to throw out that nonpartisan understanding and support of Elections Manitoba, and they can do that, but I will not engage in that. I will support the nonpartisan, nonpolitical foundation of Elections Manitoba and their actions, and I will continue to ensure that everything is done to co-operate with them, that everything is done to defend their integrity and their independence.

**Mr. Kevin Lamoureux (Inkster):** I too had a number of questions and have been waiting a few days during concurrence to ask some questions of the Premier on what I think are some really important issues.

Prior to getting into that, I did want to comment and pose a question again that comes out of Question Period from today to the Premier. I think that there are really two issues in this whole area. The one issue causes me to have great concern. In the discussions that I have had with members of the media, constituents, in a very limited way, I must say, with constituents, and others, the concern has got to be the need for independence with respect to Elections Manitoba and its office.

I think we have to establish the fact that Elections Manitoba is independent in its own nature and, as political parties, we need to support the actions of Elections Manitoba. If we do not do that, I think that we start questioning the integrity of the entire system. That is the reason why I suggested to the Premier in Question Period that the best way that we, as legislators, as political parties that are at least represented inside this Chamber is to deal with the issue of confidence, if we are questioning the confidence of Elections Manitoba, to deal with that through LAMC.

*Mr. Ben Sveinson, Acting Chairperson, in the Chair*

I do believe that would, in fact, be an appropriate mechanism. Elections Manitoba and the Chief

Electoral Officer do come before that committee in any given year. Given the serious nature of what has been happening over the last few days, I would think that it would indeed be appropriate to see if, in fact, Elections Manitoba would be prepared to come before LAMC just to hear concerns, and if it chooses to give some sort of a report, I think that would be a positive thing, Mr. Chairperson.

The issue itself that the New Democrats have brought forward is, in fact, quite legitimate. I think that the allegations are very strong. They merit attention, Mr. Chairperson, and I would applaud the New Democrats in bringing the issue to the attention of the public through this particular forum. Where I disagree is for the call of the judicial independent—or whatever it is that you want to call it—inquiry of sorts, primarily because I believe what you are doing by doing that is calling into question the integrity of the independence of Elections Manitoba, and I do not necessarily believe that that is in the long-term best interest.

\* (1600)

In listening to some Manitobans, I think that what will happen as a result of that, they will question the legitimacy of the Elections Manitoba office. I speak first-hand. I have gone through four elections now, and I have had opportunity to complain directly to Elections Manitoba on very serious—and there is a huge gray area from brochures that are being swiped out of mailboxes to election signs being torn down. There are all sorts of things that occur during a 35-day campaign. I like to believe that candidates or individuals who are in a position of authority, upon finding out information of that nature, would, in fact, rectify the problem because that is something which we should not be condoning as actions being taken, Mr. Chairperson.

But it exists. Sometimes we cross the line, and we have to use our judgment. I would like to give an example of that. In the last provincial election, I had signs that were disappearing. We followed up as to where those signs were disappearing, and we found that there was a candidate who was literally going to the doors, suggesting to individuals that they should not be having that sign, that it should be taken down. We, in fact, went to some of those homes, and we got signatures to that effect, and we submitted our

concerns, if you like, to Elections Manitoba in hopes that Elections Manitoba would deal with that issue. Were we happy with the way in which it was resolved? No, Mr. Chairperson, I would have liked, personally, to have seen something more positive from our perspective come as a result of that. But I accepted what it was and the actions that Elections Manitoba has taken because I think, all in all, with all the experiences that I have had with Elections Manitoba, they have been positive.

When we talk about concerns of this magnitude—and I think that the NDP have a concern of a far greater magnitude than what I have talked about. I think it does need to be addressed, and I would argue that there are other issues that should be addressed. My wife who happened to be at home on a couple of occasions when someone knocked on the door, the representatives who were requesting support were individuals who I would assume—because I know that they were members of a union—were from other provinces participating in that election. The whole issue of third-party advertising, all of those issues have an impact on the way in which local MLAs are, in fact, being elected.

Mr. Chairperson, I have brought issues of this nature up. I shared my concerns with Elections Manitoba in hopes that someday we will see the types of reforms that will make our whole system better. I would suggest that those are the types of examples that are very close to that line in which action has to be taken.

Well, I would argue that with the allegations that have been levelled, there is a great deal of concern. That is the reason why last night in committee I had taken the initiative upon myself to see if Elections Manitoba was aware, No. 1, and if in fact they were doing anything. I was told that Elections Manitoba had initiated on their own, as they should have. They were not told to do it. They initiated it on their own based on the integrity of preserving the integrity of that office.

I think that is an issue in which it is absolutely critical that as elected officials, as political parties that have representation inside the Chamber and for those political parties that do not have representation inside this Chamber, we allow Elections Manitoba to retain its integrity in ensuring that the system is, from my

opinion, the best in the world. It does not necessarily mean it needs changes. It needs a lot of changes.

So I think that we need to be supportive of Elections Manitoba first and foremost. But that should not take away from the issue that has been brought up from the New Democrats over the last few days. I think that is something in which I would join with the concern that has been raised. I trust that Elections Manitoba will in fact expedite, will come up with some conclusions on this issue, and I equally feel very firm that the Liberal Party will in fact support what Elections Manitoba comes up with or concludes on, because if we do not believe that Elections Manitoba is doing the job or they were negligent, it is then for us, through whatever mechanism we have, to try to ensure that integrity is restored into that particular office.

We have to look at the broader picture, and that is what I would suggest to all members of this Chamber. That is the reason why I asked that LAMC, which is an informal gathering of elected officials from this Chamber, it is a body in which the Provincial Auditor, the Provincial Ombudsman and the Chief Electoral Officer all report to. It primarily deals with budgetary matters, but it also deals with other issues such as issues relating to future elections and past elections. That is where I participated in LAMC, where we talked about the needs of Election Manitoba's financial requirements and why they need the increases for computerization and issues of that nature and where the Chief Electoral Officer does not report to a political party. It reports to more of an apolitical group of individuals, because LAMC has a tradition of voting on a consensus basis, and because it is in camera, I believe that it takes a lot of that politics outside.

*Mr. Chairperson in the Chair*

Over my 10 years I have seen very little, if any that I can recall offhand, information being leaked out of LAMC into the media. I think that is important, because then if we are in an in camera meeting, I believe that Elections Manitoba and MLAs can have more straightforward dialogue, because at times I think there might be a need to have the off-the-record discussions, and off-the-record discussions occur on numerous occasions inside LAMC.

Now, I do not want to be accused of saying that I am trying to cover it up through having an informal or the LAMC or an in camera meeting. There is another alternative, and that is going through Privileges and Elections. I would rather see it go through LAMC in order to preserve again the integrity of Elections Manitoba and that office, but if it is deemed that is not adequate enough, then I would be open to the idea of the Privileges and Elections as another alternative.

Mr. Chairperson, if we, as elected officials, believe in the integrity of the democratic process, if we really believe that the system we have, which does need some changes, is in fact the best in the world, we should be doing whatever is possible to reinforce the importance of that office, the integrity of that office.

\* (1610)

You know, I had a chance to listen to five minutes of one of the radio stations in which an individual had called in and, in disgust, condemned Elections Manitoba. I do not think we are doing a service to the whole principles as to why it is that we are here and the need for that independence by feeding into things that do not exist, because if there is a lack of confidence in Elections Manitoba, I would have assumed—you know, in the military, in my training, I first learned that you do not assume. The military NCO at the time wrote the word in large print. He broke it according to syllables, and it does not look nice if you do that.

The bottom line is that this is something in which I did assume, and that is the integrity of Elections Manitoba. So I guess I would appeal to all members that we do what we can not to discredit the integrity of the Elections Manitoba office but to add to its integrity.

If we have concerns about the legitimacy of Elections Manitoba's biases or integrity and all those well-principled words that escape my mind right now, if we have concerns with respect to it, the proper protocol, I would suggest to you, is to raise the issue within LAMC, because LAMC is the only body in which we have elected representation from three political parties in which that issue can in fact be dealt with. If one of those political parties do not feel that LAMC has justifiably dealt with the issue of integrity within the office of Elections Manitoba, Mr. Chairperson, then

and only then, I would argue, should we then be challenging Elections Manitoba in public.

For political parties that do not have representation inside this Chamber, I would suggest to you that there they might have to potentially lose the one opportunity of LAMC, but they can bring the issue publicly. I would suggest that would be a vehicle for them, but for us that are inside the Chamber, we do have another vehicle which can deal with the concerns that are being raised today which call into question the integrity of the office.

Mr. Chairperson, having said what I have said, it is not to take away from what I believe is a critically important issue that the New Democrats have brought up, along with other individuals. That is the whole issue of what has been alleged, that there has been money diverted from a political party to some independent candidates in the last election. It is not to take away from that. There appears to be substantial allegations, and, no doubt, that is likely the reason why Elections Manitoba is looking into it once again. We should, as legislators, be doing what we can to hold the government, in particular, the Premier, accountable for those actions.

A part of that, Mr. Chairperson, is in fact asking questions, as the member for Thompson (Mr. Ashton) did, with respect to the chief of staff. The Premier is the one that is in the best position to make a judgment call here. If I were in the Premier's shoes, I would think—[interjection] Then there is a very good chance that I will never be there, that is a given, Mr. Chairperson, given that I am not going to be running for the leadership and so forth, so I think that is a given. Maybe someday I might be in the government benches. That is something in which I can still have dreams for. Hopefully, it will be the short term as opposed to the long term.

Having said that, I do believe that the government does have, particularly the Premier, communications with the chief of staff. The Premier has to realize that he is in fact putting himself into more of a compromised position today, if in fact Elections Manitoba comes out with a ruling after addressing or looking into the allegations. If Elections Manitoba comes out clear that the chief of staff was in the wrong,

the Premier is tying himself very closely, if not right in hands with the chief of staff, and there will be more of an obligation for the Premier to be held accountable for what the chief of staff did, even though he was not chief of staff at the time in which the so-called incident, the alleged incident, occurred.

I say that to him believing that the Premier, I trust, has had the discussion with his chief of staff and feels that confident that he is going to stand by his side through thick and thin, because if Elections Manitoba comes out taking issue with it, there are going to be a lot of unhappy Liberals, I can tell you that, that are going to be calling for a lot more of this government than what has been called to date.

Mr. Chairperson, the specific question, because I do want to narrow it down to a question for the Premier, is with respect to Question Period. In Question Period we talked about the LAMC. The government, I think, has at least indicated that it would be open to it. I think that there is some advantage in the sense that the government House leader is in a better position than I in ensuring, and it can be in the form of a note going to the chief electoral office that would go something to the effect that LAMC is prepared to make time on its next meeting on its agenda to deal with the issues raised in the last couple days, if Elections Manitoba feels it appropriate to come before the LAMC.

I think that is a reasonable request. I ask that of the Premier, because I think it can go a long way in addressing some of the concerns that members of the public—and I know that the Premier has a great deal of concern with what members and how it is being approached from the official opposition. Surely the Premier can agree that there is enough concern that this is one of the ways in which the Premier can deal with that while, at the same time, not take anything away from the integrity of the office of the Elections Manitoba and the chief electoral office. So I would ask that he would at least have that discussion with the government House leader.

**Mr. Filmon:** Mr. Chairperson, I want to thank the member for Inkster (Mr. Lamoureux) for what was, for the most part, a reasoned and reasonable assessment, I think, of the issue that we face, particularly for his

strong defence of the integrity and the independence of the Chief Electoral Officer and Elections Manitoba.

Mr. Chairperson, I think one of the great travesties of these last few days has been the tendency of New Democrats to attempt to trash the integrity and the foundation of independence of the Chief Electoral Officer and Elections Manitoba. We all need to depend on that independence and that integrity in the next election campaign, whenever that may be, and we all need to know that none of us in this Chamber can go and order, instruct or manipulate the office of Elections Manitoba. It is going to be very, very important for all of us to maintain the public's confidence in the office of Elections Manitoba, and I am appalled, quite honestly, at New Democrats' comments and, in fact, the Leader of the Opposition's (Mr. Doer) stern rebuke and criticism of Elections Manitoba. I think that will come back to haunt him as well as all of us in this Legislature as the public perceives that we are making Elections Manitoba, that he is making Elections Manitoba, a political football.

\* (1620)

So, Mr. Chairperson, I want to thank the member for Inkster for putting some of those very, very appropriate comments on the record. I also want to suggest to him that I follow everything by way of a logical process, and with respect to decisions that have to be made, it seems to me that they have to be made based on the outcome of an independent review by Elections Manitoba. If any of the accusations or allegations are accurate, then that will trigger obviously a response, a response by whomever they affect, and I am quite prepared to take full responsibility for what has to be done as a result of the outcome of any investigation.

Although I say to him that I would not in any way stand in the way of the Chief Electoral Officer coming before LAMC—in fact, if he has anything that he wants to discuss on a nonpartisan, all-party basis, LAMC is obviously the place to take it, and I certainly am keeping tuned to his position and his comments with respect to this particular investigation. If it is his recommendation that certain things need to be done better, then we will certainly abide by that, because the whole electoral process depends upon an independent office running it, an office that has the integrity and the

support of the public, as well as all the parties in this Legislature.

To this point, I believe that has been the case. We have gone through the bills that have been before committee, and the member opposite, I know, had different ideas about certain things within the bills. I said that my position would be to reflect what has been a consensus view of changes that needed to be made in The Elections Act and in The Elections Finances Act upon recommendation of the Chief Electoral Officer, and we tried as much as possible to be responsive and open to those discussions. That is what is reflected in the bills that are currently before our House, Bills 2 and 3.

I want that to carry on that way, Mr. Chairperson, so we will carry on, on that basis, and although I have not fully, fully accepted the recommendation of the member for Inkster (Mr. Lamoureux), I think I am going a long way toward saying that the Chief Electoral Officer, in my judgment, has the ability to do what the member for Inkster is suggesting if he believes it is necessary.

**Mr. Lamoureux:** I did want to change topics and go into the reason why it is I was wanting to ask questions of the Premier last week. I understood that this was the first time in which he would actually be available for concurrence.

But prior to that, I did want to emphasize the importance that we not necessarily leave the issue where it is. I raised the concerns with respect to the chief of staff and the Premier (Mr. Filmon) tying his wagon, if you like, so closely and the potential outcome of that. I think there is a lot of merit to what the member for Thompson (Mr. Ashton) was saying with respect to LAMC and Privilege and Elections. It is something in which the member for The Maples (Mr. Kowalski) and I had often talked during Question Period in terms of how we would best hold LAMC accountable—I should not say hold Elections Manitoba accountable—but to assist where we can at addressing this particular issue in a positive way.

Having said that, the Premier, over the next number of months—and I have asked these questions in the past. Sometimes it is important to repeat questions, so the next series of questions is going to be somewhat

repetitive in the sense that I think it is important to see if in fact the Premier has had the opportunity through other discussions to maybe change his views in some areas or possibly be a little bit more sympathetic to what I and many others, both from within our party and other Manitobans, want to see, I believe, happen, and that is the whole issue of the constitutional debate. It is not necessarily something which the public wants to hear at the doors, but it has always been an interest for me, and while it has bored others, it has been an interesting area for discussion for me in the past.

Having said that, I want to start off with an issue which we had talked about last year, and that was the whole idea of the offloading of responsibilities. The Premier in the past has always talked about how Ottawa has taken money away through cash transfers. He has used figures of \$140 million, \$220 million, and so forth. I do not necessarily buy into the figures. Quite frankly I think that the figures are wrong, and I would like to see where this \$360 million was deleted in the last couple of years from the federal budget and transfer payments. I do not believe that is in fact the case, and I trust that maybe someday the Premier might be able to actually find somewhere where it shows \$360 million coming out of the cash transfer payments to the province.

But I have always recognized the importance of cash transfer payments. I have recognized that it would have been much better had those cash transfer payments not been cut as dramatically as they were cut, but the difference between me and the Premier on this issue is that the Premier appears on the surface to support getting rid of the cash transfer payments in favour of tax point transfers. That concerns me greatly.

My question very specifically to the Premier is: can he indicate to us today what is his government's policy on tax point transfers versus cash transfers?

**Mr. Filmon:** I am absolutely flabbergasted to hear the member opposite say that he does not believe that the federal government has reduced the transfers to Manitoba by \$230 million per year over a two-year period.

**Mr. Lamoureux:** Two twenty and 140. It is your figures.

**Mr. Chairperson:** Order, please. Could I ask the honourable member for Inkster if he wants to put some numbers on the table, he should do it during his presentation and not enter into debate with the Premier at this time.

The honourable First Minister, to conclude his statement.

**Mr. Filmon:** We have had various projections by Ottawa, and the original projection was that over a two-year period we would lose \$220 million. I think in reality it worked out to \$230 million annual transfers. The reduction took place in two notches so that it was—[interjection]

Well, if you start adding it annually, it just keeps adding up, so that each year you add another, let us say, for argument's sake, \$115 million approximately. [interjection] No, well, over a two-year period, it resulted in a \$230-million annual loss, and that carries on year after year from now on because we are beyond the years in which the reduction took place.

**An Honourable Member:** Now it is starting to go up, is it not?

**Mr. Filmon:** No, no. The member asks whether or not it is going up now, and it is not going up. The only thing that was announced in the 1997 election campaign and then reannounced in this year's budget was that the next reduction, which was yet another I think \$16 million or so, would not take place. But the \$230 million has already taken place, and we continue to operate under CHST transfers with \$230 million a year less than we did three years ago, Mr. Chairperson.

That is kind of an interesting thing because I believe that the member for Inkster (Mr. Lamoureux) is getting sucked in by the federal arguments that say that, oh, yes, but you cannot look at that, you have to look at equalization, and because we have got more in equalization, that offsets the reduction in the CHST transfer. That is where we keep separately the equalization side from the direct transfer side on the program side because equalization is intended to offset the effect of the fact that some provinces can get a lot more out of their own-source revenues.

\* (1630)

One point of income tax in Manitoba is worth less than one point of personal income tax in Ontario or Alberta or British Columbia. In fact, there is a tremendous disparity between the value of one point of income tax. I guess the lowest is in Newfoundland, and the highest is in Alberta I think these days, and it is a tremendous difference. That is why equalization is there to offset that. So when we talk about tax point transfers, we obviously are interested in ensuring that we get the transfers with obviously the complementary equalization of those transfers continuing to take place.

I think it is interesting he should be interested in hearing it from a perspective of a province like Quebec. Quebec is not quite at the national average of the value of the tax point, but they are interested in getting it for the tax point transfers as well, even though under his theory they would not be doing as well if they got tax points, because they know that once you get tax points, the government cannot take that back from you. But when it comes to cash transfers, they went in one fell swoop, and they reduced by almost 40 percent their total transfers to the provinces. In over two years of budgets, they went from almost \$19 billion to just around \$12 billion of transfers, and that was an incredible reduction that they do just like that.

Frankly, it is the kind of thing that all governments ought to be worried about because it is too easy when we are talking about cash transfers for the federal government to make a unilateral decision, and it has not only been done by this federal government of Jean Chretien. It has been done by the previous federal government of Brian Mulroney, and prior to that by the government of Pierre Trudeau.

So we know that these things can happen unilaterally under our current system, which is why we have gone from 50-50 cost-sharing on medicare to now 15 percent being transferred to us on a cash basis. But even if we include the tax points that were transferred back 20 years ago, we are still getting less than a third of the total cost of medicare coming from the federal government, both cash and tax points, in Manitoba.

That is the kind of travesty that we are in because federal governments can too easily cut their cash

transfers. That is why many, many governments are saying, fine, as long as we have the parallel support of equalization and we are getting equalized tax point transfers to us, then we ought to take a look at having control over more things from our own tax sources because we know right now today. I mean I can do a balance sheet for member for Inkster (Mr. Lamoureux) that will show him how much more the federal government is taking out of our province than what they are putting back in, in so many sources.

In the EI account today, there is a \$300-million net transfer going out of Manitoba to the federal government in Ottawa. That is \$300 million more taken out by way of premiums by individuals and companies—[interjection]

**An Honourable Member:** On a per capita, it is a little more than any other province.

**Mr. Filmon:** Oh, it is. It is considerably more. The member opposite does not understand that, that this is now the source of a massive transference, a massive transference basically from western Canada to Atlantic Canada and Quebec through the EI account. The reason—[interjection]

**Mr. Chairperson:** Order, please. The honourable member for Inkster is getting involved in a debate. He has posed the question. I would appreciate it if he waited until the answer is complete, and he can correct what he wants after.

**Mr. Filmon:** The issue is that Manitoba is not a large economy province. Manitoba has a traditionally low unemployment rate. Therefore, the passive support to unemployed individuals coming in here has always been much less than that that has been paid into the provinces in Atlantic Canada or Quebec, for instance. In addition to that, there is not a lot of money, not that it is not a proportionately greater degree of money, going into training for people because, again, of our low unemployment rate and the economy being relatively healthy vis-a-vis other parts of Canada, particularly east of the Ottawa valley. Again, there is no justification Ottawa believes for putting money into training programs. They do not even recognize that we have specialized needs for aboriginal people living in the cities. They do not put nearly enough as they

should into those programs. But, they take out \$300 million net out of Manitoba for EI from a province that is not one of the big wealthy provinces of Canada, and it is one of the highest proportions that is being taken out of our province for Ottawa.

You take a look at fuel. They are taking something approaching \$150 million a year in fuel tax revenue out of our province and putting zero back into highways. So it is a transference, something that they can now—I laugh at the Prime Minister saying he is afraid that if he put more money into health care transfers to the provinces, we would spend them on roads. He is taking road taxes out of Manitoba, putting none of it back into roads and, in fact, using it to redistribute for programs going to other provinces in Canada. He is doing the same thing out of the EI account.

Another issue, of course, is income tax, personal income tax. For every dollar we take in personal income tax from our population, Ottawa takes two. Corporate income tax, for every \$1 that we take, Ottawa takes, I believe, about \$2.5 out of our province. GST applies to a much broader basket of goods, so for every dollar we take in PST, Ottawa takes about \$1.3 in GST out of our province. Where does it all go?

Well, not enough of it goes back into Manitoba. The member for Inkster, of course, sees himself as the defender of the Liberal government in Ottawa here. He is Ottawa's ambassador to Manitoba, Mr. Chair. [interjection] I think that the Prime Minister would say that I have not been one of his most vocal and virulent critics. I have always attempted to get along with the Prime Minister. I have always said good things about him. We have a good personal relationship. I think that the path that his government is on is seeing more and more back to the old style of Trudeau Liberals, where it is central control, redistribution is the name of the game, and you take from any area of the country that is doing well, you penalize them and you give it to other people.

We have two economies. I mean, there are some good articles written in *The Globe and Mail* not all that long ago about the two economies in Canada, which is Ottawa and the West, and Quebec and Atlantic Canada. Unfortunately, Ottawa does not see its role to try and do things to ensure that those that are doing well have



the tools to continue to do well. They see it as an opportunity for a tax grab to then just subsidize others and pay them not to work.

You do not build economies on 16-week jobs. You do not build a strong foundation for the future on 16-week jobs, yet Ottawa continues to play that game, whether it is with the son of TAGS program in Atlantic Canada, with provinces continuing to argue that they should pay fisherpeople to stay at home, and instead what they ought to be doing is getting them oriented to working where there is work.

We have skill shortages here that now number in the thousands of jobs going begging in this province today. I have not seen the circumstances that we have here today for probably more than a generation, that you can go down many, many streets and you can see signs, these mobile signs that tell people that there are jobs available, just apply within. We have so many areas of our economy in which we have jobs available. Just earlier this week, I was at Isobord. It is not even open yet, but it is hiring people. There are over 200 people working there in the final crescendo of the construction phase, and they are hiring some of the specialized people for some of their processes. I spoke to two young women who are in quality control, one just here within the last three weeks from Ontario, the second here from British Columbia, because we do not have enough people in these specialized areas to take these jobs.

\* (1640)

This is a wonderful opportunity for us, and what Ottawa is doing is attempting to undercut and undermine our ability to continue to grow that process and, in fact, keeping people at home in Atlantic Canada and Quebec who may have the skills to take these jobs. But there is no incentive for them because they are being paid to stay at home without a job with all of these different programs and these redirections. It is not right. The member opposite, I think, should take a look at a Manitoba perspective instead of just simply attempting to defend Ottawa's actions in this regard.

**Mr. Lamoureux:** Well, Mr. Chairperson, I guess, you know, in listening to the Premier's response, he addresses a number of issues which I take really quite exception to. He says, well, Manitoba gives net \$300

million more to Ottawa and how cruel it is and all this kind of stuff. When you talk about per capita, Manitoba is no worse than Alberta, no worse than B.C., no worse than Ontario.

Mr. Chairperson, a part of the Confederation and the concept of being a confederation is that at times there is a need for us to assist some of those regions. You listen to the Premier (Mr. Filmon) and you draw the conclusion that he would like to see Newfoundland close up, have all the people from Newfoundland leave the province if it is not economically viable. I would suggest to you that there are other things that have to be factored in before you start closing down a province because it is not deemed that that province has the ability to develop.

But if you listen to what the Premier is talking about, one has to start questioning whether or not he is really looking at the long-term picture for the province of Manitoba. When you talk about the transfer payments—and I look to the Premier because he is, in fact, the senior Premier in Canada, and he should at least be playing a significant role in the eventual development of any potential Constitution that is out there. This Premier should be talking about what is in the best interest not only of the province of Manitoba, but Saskatchewan, of our Atlantic provinces, provinces in which we have something in common, and that is our size.

That is the reason why it is important that we have the cash transfers. The amount of the cash transfers is important but not as important as having cash transfers. If you get rid of the cash transfers, if the federal government through Charest, who supports the cash transfers completely over, from what I understand, get rid of the cash transfers, have tax points—and so does Preston Manning, so does the Province of Alberta, from what I understand, and other possible jurisdictions. There is no wonder why. They benefit by that. Manitoba in the long term does not benefit. The Atlantic region does not benefit. I would even suggest to you the long-term best interests of Quebec does not benefit by seeing cash transfers shuffled over to tax points.

I can recall reading an article, Mr. Chairperson, where the Premier (Mr. Filmon) was quoted as saying

something to the effect that Ottawa does not contribute nowhere near as much as it does to health care. So as it gets out of health care, it should have lesser and lesser say in how health care is being administered. There is some merit to what the Premier is saying. The minister in the second bench says, yes, right on. Well, let me tell you something. If you believe in a national health care program, the only way you are going to be able to enforce any sort of national standards is there has to be a cash transfer. If there is no cash transfer, you are not going to be able to see a future Canada health act being enforced, because the Premier was right, if the feds do not give money, they are not going to listen to what the feds say when it comes to health care delivery.

So what role does this Premier (Mr. Filmon) have on this whole issue, given his time and service to Manitobans? I like to think that I can speak out just as strongly for Manitoba as the next person, but I also believe that at times we need to ensure that we look at the broader picture. I am Canadian first and foremost. I have lived in other provinces. I take great pride in what is happening in Quebec, in other areas. I like to think that the Premier of the province does also, but he is not going to sell short what is important to Manitoba, as I would not do.

But I recognize that the Premier has an obligation as the Premier of the Province of Manitoba to protect certain elements of our Confederation. One of those is the cash transfers. I would love to see that cash transfer to the Province of Manitoba to be a billion dollars a year. I would love to see that. Reality of the situation? It is not there today. Will it be there tomorrow? I sure would like to see that, but that will not happen if, in fact, we evolve toward tax point transfers as opposed to cash transfers.

If it is a hundred million dollars or if it is a billion dollars, I believe in the importance of the cash transfers. I think it is in Manitoba's best interest that that cash transfer is going to be there in the future, Mr. Chairperson. Not only will the province of Manitoba benefit, but so will other jurisdictions. Those are the jurisdictions in which the Premier should be opening up some sort of dialogue with those smaller provinces, finding out who those allies are today. Do not wait for a constitutional discussion round in which you are in a

room for a couple days and then you come up and you say, well, look, the provinces now are going to get the tax point transfers and the provinces are going to be happy for it. I do not like the political forces and the people who are getting in bed with each other in order to try to potentially come up with a constitutional resolution. I do not like it when you have the Reform Party and you have other individuals, somewhat powerful individuals, who are advocating getting rid of the cash transfers.

I recognize the importance of it. I believe that the Premier (Mr. Filmon) should be very clearly on the record in favour of cash transfers. If he is not in favour of cash transfers, I believe then that this is an issue that has to be brought to the electorate in the next provincial election. I believe that firmly in it, Mr. Chairperson, because in the long term, Manitoba will pay and will pay dearly if, in fact, we do not ensure that any government, whether it is this one, whether it is New Democrat or, hopefully, Liberal, in the future will advocate strongly for the cash transfers.

Part of the cash transfers, and the Premier made reference to it, was the equalization payments. Well, Mr. Chairperson, the equalization payments is an excellent concept, a concept that is enshrined today. There was dialogue with respect to it on the Meech Lake issue and questioning it. [interjection] It was questioned in Meech Lake, and then in Charlottetown it was being taken out.

**An Honourable Member:** Strengthened. It was the strongest position that has ever been taken on it.

**Mr. Lamoureux:** In the Charlottetown. Well, maybe I could have it mixed up with respect to the Meech Lake discussions, because they occurred. The Premier (Mr. Filmon) says that it was strengthened to be stronger than it ever was. That is something in which I would applaud the Premier on then. That is something in which, again, we cannot afford to lose, because there is a cost to living in Canada.

Maybe it is that \$300 million net that the Premier refers to, and that allows us to have a military force. It allows us to have a foreign affairs office or embassies throughout the world which allow us the opportunity to set up things such as the Canada trade teams, which

allow us to increase exports and bring in additional imports in many cases. There is a cost to running the House of Commons itself and feeding that particular bureaucracy.

\* (1650)

Is Manitoba paying its fair share? Somewhat debatable. Are we being unduly penalized? No more than B.C. or an Alberta, I would argue, no more than an Ontario. Atlantic region? Well, at this point in time, this juncture in time, the Atlantic region is in need of serious assistance. So are we in certain areas. I would like to see more money from Ottawa coming towards social programming, programs such as literacy, more aboriginal programming. Those things are critical, but, having said that, we derive benefits of the Confederation. Today we derive the equalization, a good-sized payment, because we are a part of the Confederation, as we should, I would ultimately argue, because some provinces do not have the abilities to compete with other provinces that have the much larger treasury boards.

If you did not have a strong central government that has the ability to be able to shuffle dollars around, if you like, what you would have would be a Confederation where you would have one province with the ability to provide far superior social programming than other jurisdictions. I do not believe for a moment, and I do not believe this Premier should articulate that that should in fact be the case.

*Mr Ben Sveinson, Acting Chairperson, in the Chair*

So I bring it up because it is an important issue, important enough that if in fact the Premier of the province, the government's policy, is to shy away from those cash transfers, then I want to do what I can to ensure that it is in fact an election issue, because I know that it is only a question of time before there is going to be another constitutional discussion, round table, who knows what actual format it is going to take.

My greatest fear is that we always seem to see, in any sort of constitutional dialogue, what Ottawa should be offloading to the provinces, what the provinces should be given. I always thought the way in which Meech Lake came into being was that you had the Prime

Minister at the time sit down at a table and say: okay, what do you want, and gave every province what in essence it wanted, and because of that, Mr. Chairperson, it almost passed.

What happened of course was that the more people found out that this is going to cripple any sort of a strong national government into the future of providing certain programs, you found that there was a lot of public resentment towards it. Well, I think that we need to establish what is Manitoba's bottom line. What are we prepared to see happen as provincial legislators in any sort of a constitutional discussion? Once you have established the bottom line, then if you want to add to it you can add to it and so forth, because there has always got to be some give and take, but there have got to be some basics which this government will not accept whatsoever, and it needs to go further than that in the sense that in those areas in which it has established that bottom line, it has a responsibility to seek out other potential provinces and, to a certain degree, even Ottawa in getting support for that base. That is, in fact, what I would expect.

I really think that the government, one of the benefits—many Manitobans would argue that the government, by being in power as long as it has, has gone somewhat stale and has made a mess in certain areas. We can attest to areas like health care and so forth, where we have seen some disasters. One of the things which the Premier (Mr. Filmon) should be taking advantage of is his personal longevity, ensuring that he has some seniority amongst some of those premiers. Supposedly he has maybe garnered some savoir, if I am pronouncing the word properly, or has some ability in the whole issue of being somewhat of a statesman.

I would appeal to the Premier as somewhat of a statesman on the national scene in using that and ensuring that Manitoba's best interests are, in fact, going to be served. The best way he can do that for me right now personally, Mr. Chairperson, is by saying very clearly that this government will not accept or sign off anything that would take away from the idea of cash transfers toward the province, and I would include in that the equalization payment. Those are two fundamental things that I think are absolutely critical, and I would ask the Premier to make that commitment.

**Mr. Filmon:** Well, Mr. Chairman, I certainly would not ever support reduction of cash transfers at the expense of Manitoba. That is the whole point. I mean, I am all in favour of greater cash transfers from Ottawa. The problem is that Ottawa's performance consistently over many, many administrations has been to reduce its cash transfers. So if he can show me a way of ensuring that we are not going to get continued reductions from Ottawa, then I would welcome his suggestions, if he could bring me a paper assuring that Ottawa will never reduce its cash transfers to the provinces.

The irony of it all is that the proportionate value of the transfers from Ottawa to Manitoba is such that since the tax points were instituted, they have gone up proportionately in value and proportion of transfer, and the cash part has gone down as a proportion of—

**An Honourable Member:** Pierre Trudeau promised he would never let those cash payments fall, Pierre Elliott Trudeau, 1977-78.

**Mr. Filmon:** The member for Crescentwood (Mr. Sale) makes the point. He says Pierre Elliott Trudeau promised he would never let those cash transfers reduce, and that is what we are faced with, Mr. Chair.

I just want to assure the member opposite, getting back—and I hope this finishes the discussion about transfers from the EI account and from gasoline tax, because they are spending \$200 million and \$300 million on roads and bridges in Atlantic Canada and zero in Manitoba.

Those transfers are being done by virtue of political fiat. Those are not being done on the basis of ability to pay. We have things such as income taxes, sales taxes, ad valorem taxes that try and reflect people's abilities to pay. These are straight patronage and political decisions that are made with respect to those, and if he has a lot more confidence in that kind of redistributed effort than in just simply letting the system and the market try and respond to those on a better basis, I do not have the same confidence as he does.

I do not want to see Newfoundland reduce its size and importance. I argue that in future, Newfoundland has things on the horizon, whether it be Voisey Bay, whether it be offshore oil and other things that are

going to see it, and all you have to do is look at long-term projections. Newfoundland is going to do fine.

The difficulty with it is: why would you advocate that you pay thousands and thousands of individuals to remain unemployed for maybe two and three and five years until those jobs come around? The economies that have done best in the world are those that have the greatest labour mobility so that people move to where the jobs are, just as at times, when Manitoba has done poorly, Manitobans have moved away to get jobs. All you have to do is go into the plant at Louisiana-Pacific and talk to the workers there and find out how many of them came back to Manitoba, to Swan River Valley, which was their original home, because there were jobs there now that were not there two and three and five and 10 years ago. Literally dozens and dozens of them.

The same thing is true with respect to new developments like Isobord and so on. People should have the ability to move and the encouragement and the incentive to move to where the jobs are and not just stay on passive unemployment and encourage them to not work and expect to get a living. That is not the way that this should work, and if he wants to encourage that, I say he is wrong, and I say he is doing a disservice to Atlantic Canada by encouraging it because people can go away, take jobs, get experience and then when Voisey Bay and offshore oil and all those things produce jobs, they can come back with experience under their belts and better qualifications to be able to work in their native home province if that is their choice. That is what I want to see is strong provinces.

\* (1700)

The same thing is going to happen with Nova Scotia, with Sable Island gas and other opportunities that they are developing. If their workers, their people have to go away for a period of time when unemployment is high and opportunities are low, so be it. Then they come back with experience under their belt to get the new opportunities. That is the way it should be. Everybody benefits by that.

So I just say to him that I appreciate what he is saying, that I will certainly be glad to try and live up to his expectations if we get involved in future constitutional discussions. I will certainly try and play

the role that he wants me to play in these deliberations and discussions and to the best of my ability to use my experience in those endeavours, Mr. Chairman.

**Mr. Lamoureux:** The member for Crescentwood (Mr. Sale) brought up a good point when the Premier was responding, and he said, well, I remember Trudeau. Trudeau made a promise. He said that he would never get rid of the cash transfers. Well, what happened with the cash transfers is that you had a group of Premiers and the Prime Minister get together. They sat down and of course the provinces in good keeping said well we want to be able to have more say. We want to have the tax point transferred. That is something in fact the provinces wanted to have. As a result of that—and this really makes the point that I am trying to get to the Premier—and that is, look, if you get the Premier sitting around the table and all of a sudden someone says well look, we want more tax points as opposed to the cash transfers. On the surface you say, well yeah, look, we are going to get more money out of this. Why not? Why would we not opt for that, Mr. Chairperson?

Well, the problem with opting for that is that at the end of the day Ottawa will not have any cash transfer payments going over to the provinces, and as a result of that they are not going to be able to have any sort of say on what is happening in health care across the country because the provinces can quite just ignore it. Today they can withhold cash as a result.

So, when we look at it, we say that the Ottawa—Ottawa in itself did not want to move per se. That was something that was negotiated a number of years ago in favour of the tax points. I remember when I was first elected, people were standing in their chairs and we were criticizing Brian Mulroney and we were saying that look, by the year 2010, because of that agreement that was signed I think it was in the late '70s, Ottawa was not going to be giving one nickel towards cash transfers towards health care. That was the projection. Then we had a new government that came in, and one of the first things that they did is they established a floor for the cash transfers.

At the end of my last question, it was very, very concise and very specific and that was dealing with trying to get an idea of whether or not this Premier recognizes the importance of cash transfers, and he

does not. He does not recognize the importance. I do not know if he is just trying to play with words here in trying not to take a particular position. That is what my gut feeling is is that he understands what I am saying, but he is choosing not to take a position on the issue. I do not think that is appropriate. Given the importance of this issue, he should be addressing it head on. What does he have to lose? Why cannot he give an honest opinion as to what this government believes is important for the future of Manitobans on cash transfers versus tax points?

Just before I go to the specific question, I wanted to address another point because he has brought it up again, Mr. Chairperson, and that is when he talks about employment. He brings up Newfoundland and the subsidy. One of the first things that came to my mind, when he was talking about that, was the Crow rate. Well, the Crow rate was there to assist Prairie farmers, and members of his cabinet, at least one that I am aware of was quite supportive of the removal of the Crow rate. I believed that it was essential to get rid of the Crow rate primarily because I think the Crow rate was put into place to allow Manitoba to continue on as a hinterland, that if Ottawa had just gotten rid of the Crow rate and had no subsidy or no assistance, nothing to replace it, and they said, well, look, we are just going to get rid of it and let natural economic forces deal with it, this government would have been hollering and screaming from their seats.

*Mr. Chairperson in the Chair*

Today, Mr. Chairperson, they question the amount of money that was given in replacing the Crow rate. And that is another issue in itself, the actual dollar amount, but at least Ottawa acknowledged, as they should have, because I too would have been jumping from my seat, and I would suggest it would have been nice to have seen even more money but there was a lump sum of money that was brought forward to assist in that rural economic diversification.

So this is one area, Mr. Chairperson. So I do not necessarily buy into what the Premier is saying, that we should abandon Newfoundland or other Atlantic provinces as quickly as he might be prepared to write them off. I think that what we need to do is to get a good assessment of the situation, and I hope there is

some trust that is there. I even had a little bit of trust for the former government headed by Brian Mulroney, and it is probably a rare thing in terms of as a Manitoban. You like to think that there is some integrity in any given government.

Sometimes, I am not naive, I do believe that there is a certain amount of patronage that occurs, and I think that Winnipeg or Manitoba has been the benefit of some of it, and other provinces have been the benefit of some of it. All in all, how has Manitoba held out? Well, Mr. Chairperson, I think that there are some in Ottawa, whether it is individuals like Lloyd Axworthy or others, who have been there to protect Manitoba's interest. Does that mean that we have gotten everything that we wanted? Not necessarily. Could we have gotten more? That is quite possible, but all in all I think that we have done reasonably well.

Mr. Chairperson, the question which the Premier evades and maybe I can word it in such a way that the Premier can actually give me a direct response to it, and that is: imagine, if you will, the Premier sitting at a table where you have other Premiers and the Prime Minister, and the suggestion is that, look, today Manitoba receives X amount of dollars in cash transfers. We will replace that cash transfer and give an additional hundred million dollars, but that money will be coming through a direct tax point transfer. How would the Premier respond to that question, if posed?

**Mr. Filmon:** Mr. Chairman, I just want to say that when the member opposite was saying we should not be critical of Ottawa for the amount of money that they put into the Crow rate offset, that the Liberal government put in \$1.5 billion, and when the Conservative government was in office, Charlie Mayer was offering \$5 billion. That is three times the amount and that was criticized by the Liberals, like the member for Inkster, criticized in their ignorance because they obviously did not know when they were having a very much more reasonable offer being made.

Those are the kinds of things that we always get from the Liberals who are defending their country cousins in Ottawa, the fact that they would like us to accept a third of what was being given by the Brian Mulroney government, as much as they criticize it. So those are

the kinds of things that, I think, reduce the credibility of the member for Inkster.

With respect to his hypothetical situation, all I will tell him is that I will evaluate the offers given and I will always pick the offers that are best for Manitoba.

\* (1710)

**Mr. Lamoureux:** Mr. Chairperson, I would suggest to the Premier that if an offer of that nature came to the province of Manitoba, it would be a very big mistake if the Premier agreed to take that particular offer. I think, as I had indicated, that the Premier does in fact understand the question, and the question is: with respect to tax points versus cash transfers, and given the response that the Premier has given, am I now to believe that the government's official position is that they do in fact favour tax points over cash transfers, if the price is right?

**Mr. Filmon:** No, we have not taken that position.

**Mr. Lamoureux:** Well, maybe then the Premier can indicate what the government's position actually is.

**Mr. Filmon:** Yes, I just gave it about 30 seconds ago. We will take whatever is the best offer in the interests of Manitobans.

**Mr. Lamoureux:** Mr. Chairperson, the Premier is being somewhat coy. He says that we are going to take what is in the best interests of Manitoba, so if, in fact, you have that scenario where you have everyone sitting around the table, is the Premier now saying that if they are going to compensate the province of Manitoba, the total amount of cash transfers plus some additional dollars in tax points, but all in tax points, he is prepared to abandon the concept of cash transfers for health care. That is what the Premier is saying. Is that the best offer? Or is he going to say what I believe is absolutely critical that he would not accept the federal government not having cash transfers for things like health care.

**Mr. Filmon:** No, I am saying that I will always evaluate proposals and accept what I believe is in the best interests of the people of Manitoba and I have no fixed and firm position. I will always advocate for greater transfers from Ottawa on a cash basis. My

problem is that history has proven that Ottawa continually reduces its cash transfers to the provinces. That is harmful to us obviously.

**Mr. Lamoureux:** If Ottawa reduces cash transfers but at the same time increases tax points in replacement of that cash transfer, is that a good thing, especially if it exceeds the amount of the cash transfer?

**Mr. Filmon:** That is a hypothetical question and the problem is that I have attempted to discuss this intelligently with the member opposite in the past. Nothing can be discussed in isolation unless you include equalization, so that you make sure the province is always protected for these transfers by the equalization side of the equation, and I would not do a deal that is not in the best interests of Manitoba in the long term.

**Mr. Lamoureux:** Mr. Chairperson, I would have thought that the equalization payment would have been a given, especially when in one of the responses that the Premier gave to my first question he talked about that the equalization payment was given additional strength in the Charlottetown Accord. So I would have taken that as a given.

I am somewhat disappointed in the sense that I do believe that the government is not being clear with Manitobans on an issue that is absolutely critical. I guess for a lot of people, they might not necessarily see right upfront the benefits of seeing a Constitution that clearly defines the importance of those cash transfers. I think that, in part, if the Premier—even though he does not want to say clearly here today—does, in fact, not believe that the cash transfers are that important that they have to be included in any future constitutional debate, not debate, but constitutional document, I think that Manitobans should know about that, primarily because I think that most Manitobans believe—I should not say that. Let me just pull a number that I have.

One of the things I do is constantly survey my constituents, and one of them that I ask every so often with respect to health care is the importance of who should be playing what roles in delivering health care. What I have found interesting is that we always have—I should not say always. Every so often I put the one question about who should be playing the leading role

in certain areas, and I know that I have it here somewhere. I will just have to flip through these things.

Here is actually one that I asked of some Grade 11 high school students. It was, in your opinion, which level of government should play the leading role in the following. You will actually get the numbers. It was in health care—23 students said federal, 22 said provincial and 32 said both. Now that is just with youth, and it was a good exchange, a good positive exchange with these youth.

I have asked, I believe it is the exact question of my constituents, and hopefully, I have it here. This one actually I asked back in '96, and the question was: In your opinion, which form of government should play the leading role in the following. When it came to health care, 50 percent said the feds, 37 percent said the province, 3 percent had no opinion, 8 percent said both, and 2 percent did not answer that particular question. Now this would have been several hundred—I do not have the actual number, but in '96, I believe—well, it would have been in excess of 600-700 homes that would have responded to it.

What I learned from that particular question, Mr. Chairperson, is that both levels of government have a responsibility here. I do not put these questions to try to be mischievous to the Premier. I do believe that Manitobans want both levels of government to participate. My concern is that we cannot let Ottawa in the future—no matter what its political stripe might be—get away from that responsibility.

I am not sure, but I believe the Premier actually has others, some of his children who live outside of the province of Manitoba. We often have members of the family who live outside, and we like to think that there are certain things that make us proud to be Canadian. One of those things is our health care system. The only way in which we can preserve any sort of a national integrity in the system from one coast to the other is by having a national government that has some vested interest. I would suggest to you that the best vested interest has got to be those cash transfers. So it is not a question of trying to play a game with the Premier. I think that what I am attempting to do here is to reflect what I believe is very important to all Manitobans, and that is to see a high sense of co-operation with health

care, not only in the province of Manitoba, but in other places throughout Canada. The only way in which I can best deal with this issue, because health care is in fact the most important issue in my constituency—it is closely followed by education—the only thing in which I would put a caveat when I say the most important issue is that if I bring up the issue of crime, crime will quickly, everyone wants to deal with the issue of crime.

It is because of the importance of this issue that I raise it here today. It is because of the importance of the role that Manitoba has played in the whole development of our constitution. I know I amongst many other members of this Chamber took a great sense of pride in the Canada clause. We have played a role in constitutional development. I think that we can continue to play that role. I just think that we have to be comfortable in knowing what we just cannot at all costs bargain away. I would suggest to you that one of those things is the cash transfers. That is the reason why I bring it up in the fashion I have.

\* (1720)

**Mr. Filmon:** I will try to be brief because I think there are others that want to participate, Mr. Chairman. Firstly, I have not nor will I reject cash transfers. Number 2, three of my children did at one time live away from the province. Now three of the four live in the province, and my three grandchildren. Number 3, it has always been our position that on areas in which we have total provincial jurisdiction, health care being one of them, education being another, but federal participation through their financial involvement, that it should be a shared responsibility that we should be working together co-operatively, collaboratively to provide the best possible health care and social services to our citizens. That is the whole thing that we are working on with respect to this new social policy reform initiative, to finally make sure that there is a co-operative, collaborative approach to this, because these are the programs that Canadians value most highly and depend upon most highly. So you will not see any time at which I advocate for provincial-only responsibility in any of those areas.

**Mr. Jim Maloway (Elmwood):** Mr. Chairman, I would like to ask the Premier a few questions about the emerging scandal involving the native party in the last

election. The Premier will recall that the story evolved and developed in the last few days of the election campaign. I remember hearing about it just the day before, two days before the story appeared in the newspaper.

I would like to ask the Premier what he did, what steps did he take when he first heard when the story first came out? What actually did he do? Who did he speak to and what steps did he take to get to the bottom of this problem?

**Mr. Filmon:** It is interesting that the member for Elmwood is engaged in this discussion, because he has experience as the returning officer in Wolseley in an election, I think, that was controverted at one time. Well, it was challenged.

One of the famous stories was about how there was a ballot box that was supposed to have been sealed with the ballots in it, and when it was opened it had his lunch in it. So it was part of the investigation that this sealed box was somehow unsealed, and the returning officer stored his lunch in it. It was one of the famous stories of electoral history here. The member opposite was a part of it, Mr. Chairman.

I have responded to the questions that he asked in the past, and I have said to him now that the matter is being investigated by Elections Manitoba and the Chief Electoral Officer. I will place my complete faith and trust in their investigation, Mr. Chairman.

**Ms. Becky Barrett (Wellington):** I have sat through three days of Question Period and most of the afternoon this afternoon in concurrence, and I have been non-plussed, I guess is as good a word as any to use, by the Premier's, First Minister's, comments in Question Period, comments outside the House in the corridors and most particularly this afternoon where there has been a little more opportunity for extensive questions and answers, far more than you get with Question Period, how the Premier (Mr. Filmon) keeps talking about how this whole sorry mess is going to be taken care of by Elections Manitoba, I assume under The Elections Act.

Well, I would like to ask the Premier how he feels that this whole sorry mess can be clarified, how we can,



as he said, get to the bottom of all of this if he is not prepared to use a public inquiry format and continues to say he is going with Elections Manitoba, which under neither the current Elections Act nor the proposed Elections Act that is before the Legislature now for report stage coming up and third reading, under neither of those Elections Acts can the information that is gathered by Elections Manitoba be made public. How is that going to help us get to the bottom of it, when the only thing that can come out of the Elections Manitoba investigation is a letter, at maximum, saying we have found nothing wrong, which was the letter that Elections Manitoba sent after the 1995 investigation, or, yes, there is something that was wrong, but, unfortunately, under The Elections Act, either the current one or the one that is before the House, we have no authority to do anything about it.

How can the Premier say that he is prepared to get to the bottom of this, when the only vehicle he is prepared to use is a vehicle that in this situation cannot even get past the starting gate, never mind make it to the checkered flag?

**Mr. Filmon:** I want to tell the member opposite that I appreciate her using those sporting analogies, that I tend to do that myself from time to time. I am not sure if she is doing that to humour me or whether she, in fact—[interjection] It just happened, okay.

Mr. Chairman, the member opposite seems to have been eavesdropping on my scrums out there, so she may know that I did indicate that I am seeking legal advice from both the law officers of this Assembly and those of the Constitutional Law branch and others and am prepared to accept their advice with respect to the statute of limitations that is currently in the act. We may be prepared to bring forth amendments to cover her concerns.

**Ms. Barrett:** Why is the Premier—to use a phrase or a word that was coined by the Minister of Urban Affairs (Mr. Reimer) several weeks ago—pretzelizing over this issue when he has available to him Section 83(1) of The Evidence Act which allows for an independent commissioner to be appointed to investigate precisely the kinds of allegations that have been raised in this House over the last three days? He does not have to make amendments to The Elections Act. He does not

have to bring in anything new in order to have a full public inquiry. All he has to do is, under Section 83(1) of The Evidence Act, call a public inquiry himself. Is the First Minister saying that he is contemplating bringing in amendments that would not only enable Elections Manitoba—I am assuming the areas of concern are the fact that the statute of limitations, if you will, has run out and that under the current Elections Act, Elections Manitoba does not have the authority to compel evidence, et cetera, which they do under Bill 2.

Are those the only areas the First Minister is looking at, or is he looking at the fact that under The Elections Act, Bill 2, it is very clear that Elections Manitoba may not make public any of the findings of its investigation? Is he prepared to put in changes that would make it public as well?

\* (1730)

**Mr. Filmon:** I think, Mr. Chairman, that people are not concerned about making public. They are concerned with the integrity of the system, and particularly Elections Manitoba. Nobody was concerned when Elections Manitoba prosecuted the individual in Minnedosa. They believed that the system worked. They believed that the Chief Electoral Officer acted properly and they believed that the integrity of the system was evident in the outcome, so nobody was screaming for it to be made public. They, in fact, were wanting the assurance that the investigation had been properly carried out and that a proper outcome occurred, and that has been the case.

This goes back many, many years. I can remember that we changed some elements of The Elections Finances Act because technical violations resulted in prosecutions in the past because people had not overspent their total allotment but they had overspent the amount that was available for advertising, as a for instance, and things of this nature where they were not major violations but they were in fact proceeded, investigated and prosecuted. Those are the kinds of things that Elections Manitoba's integrity and independence has not been challenged by virtue of the mere fact that they have not been able to give details of the investigation to the public.

**Ms. Barrett:** The First Minister this afternoon, in answer to questions raised by the member for

Thompson (Mr. Ashton), said that he—being the First Minister—will be happy to answer to Elections Manitoba and to the public. I would just like to ask the First Minister how, under an Elections Manitoba investigation, the results of which are not made public, they are, in fact, prohibited under the new act, how he intends to answer to the public if that investigation is not made public.

**Mr. Filmon:** Obviously, Mr. Chairman, I will answer to the public by my response to Elections Manitoba's investigation: (a) I will comply totally with their investigation in any way that I can or am asked to, and (b) I will respond to their findings in an appropriate fashion, and that will assure the public that I am responsive to them.

**Ms. Barrett:** How can the Premier respond in an appropriate fashion if, as a result of the investigation—which we are not even sure is legal yet under either the current or the proposed legislation—how can he respond to—let us assume that Elections Manitoba undertakes an investigation and comes up with the fact that someone did something wrong that was a violation of The Elections Act. Under the legislation, nobody can prosecute because the time for prosecution has passed.

**An Honourable Member:** Section 94, Elections Finances Act.

**Ms. Barrett:** No, that is Elections Finances Act.

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

**Mr. Chairperson:** Order, please. Could I ask honourable members wanting to put their words on the record to wait till they are recognized by the Chair and at such time you will have that opportunity.

The honourable member for Wellington, to pose her question.

**Ms. Barrett:** Thank you, Mr. Chair.

The Minister of Justice (Mr. Toews) is now saying that access through the criminal justice system [interjection] Yes, Criminal Code. There is access through the Criminal Code if there was a finding that is indictable, but Elections Manitoba may find that it was something that would be indictable that would be a

problem or illegal under The Elections Act which is not indictable under the Criminal Code. They are not contiguous. There are offences under The Elections Act that are not Criminal Code offences.

My question to the Premier comes back to the basic situation: why will you not do the simple thing which is under Section 83(1) of The Manitoba Evidence Act which states, and I quote: Appointment of commission. Where the Lieutenant Governor in Council (the cabinet, the Premier) deems it expedient to cause inquiry to be made into and concerning any matter within the jurisdiction of the Legislature and connected with or affecting (d) the election of a member to the Legislative Assembly or any alleged attempt to corrupt a candidate at any such election, or a member of the Legislative Assembly after his election, or the payment or contribution for campaign or other political purposes, the Lieutenant Governor in Council may, if the inquiry is not otherwise regulated, (which, in this case, I am averring it would not be) appoint one or more commissioners to make the inquiry and to report thereon.

Now this is simple legislation which is already on the books which addresses the specific allegations that have been raised in this House and in the public. The Premier has said on record this afternoon that he wants to get to the bottom of this, that he wants to deal with the quasi-judicial thing, that he cares about process and integrity, that he will answer to the public, that he is prepared to do everything to facilitate getting to the bottom and answering these questions.

Why is the Premier unwilling to use Section 83(1) of The Manitoba Evidence Act, which gives him the authority immediately to do this without any pretzelizing, without any machinations, without any changes that may or not be positive in the long run for The Elections Act? Why does he not just answer and take advantage of 83(1)?

**Mr. Filmon:** Mr. Chairman, because the simplest answer is not always the best answer, and we have the—

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

**Mr. Chairperson:** Order, please. Could I ask the committee again that if they want to put something on

the record, I would rather they come through the Chair so that Hansard has the opportunity to record their statements. At this time the First Minister has the floor.

**Mr. Filmon:** I thought that the member for Inkster (Mr. Lamoureux) gave a very reasoned and reasonable explanation as to why it should be in all of our interests to preserve the integrity and the independence of the Chief Electoral Officer and Elections Manitoba, and why their interest in ensuring that matters within their competence and jurisdiction should be investigated within their competence and jurisdiction. I think I said earlier that we are seeking legal advice on this matter with respect to ways in which we can assure that happens.

**Ms. Barrett:** Let us go down the road a little bit and say that the legal authorities that Elections Manitoba and/or the government is looking at for advice now come up with a response that, sorry, cannot be done, you cannot make changes to—you cannot say that you can make the—you cannot give Elections Manitoba the authority to investigate something they have already investigated before, because it is too late or—I do not even know what legal avenues you could say. If you have been there, done that, you cannot revisit it. I do not know. The Premier does not know. Elections Manitoba announced the inquiry, the probe when they did not even know. They have admitted that they do not know whether they can do any of this stuff.

\* (1740)

What happens if the legal authorities tell you and tell Elections Manitoba, no, you cannot do it? No, you cannot go back because the statute of limitations. You cannot change the statute of limitations retroactively. No, you cannot make it public, because you have already said in Bill 2 that you are not going to make it public. Whatever the areas that the Premier is looking at—and we are not sure what areas those are—the legal people tell you, you cannot do it. Then what are you going to do? Because if those legal authorities tell you, you cannot make the changes you want to make, then you are stuck with an Elections Act that does not have a public component to it and does not allow Elections Manitoba to prosecute or to do anything of a legal nature. You have tarnished Elections Manitoba by

forcing them to go through all of this stuff when you have 83(1) of The Manitoba Evidence Act.

**Mr. Filmon:** Firstly, that is a totally hypothetical question, and I do not want to criticize the member opposite for it. She is entitled to do that. I want to tell her straight out that if she thinks that I am going to stand idly and let the members opposite smear my name and my government's reputation by the continued putting forward of allegations without a means of getting to the bottom of it, she has got another thought coming. She has got another thought coming.

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

**Mr. Chairperson:** Order, please. You know, I will keep the decorum in this Chamber today.

The honourable First Minister, to continue.

**Mr. Filmon:** All I can assure her is that we will find a means to get to the bottom of this, and we will do our best to do it within the context of maintaining the integrity and the independence of Elections Manitoba and the Chief Electoral Officer.

**Ms. Barrett:** I would like to ask the Premier how utilizing Section 83(1) of The Evidence Act does not protect the integrity and the independence of Elections Manitoba?

I can make an argument, I believe, that only by utilizing Section 83(1) of The Evidence Act do we guarantee the independence of Elections Manitoba, given the current status of the current Elections Act and even the status of The Elections Act that is before the Legislature in the form of Bill 2.

How can the Premier say that going to a public inquiry under Section 83(1) of The Evidence Act does anything but maintain the integrity of Elections Manitoba?

**Mr. Filmon:** Mr. Chairman, I am not a lawyer and all I can say is that I operate on the best advice that is available to me. I think there is some excellent advice available to us through the law officers of this Legislature, and the law officers of the Crown, the Constitutional Law branch, and so on. There are some

considerations in every solution that is selected, and I will say that the solution that she has put forward has been suggested as one of the things to be looked at, but it is not the only things that can or should be looked at, and we are going to make a determination hopefully very, very shortly with respect to the best route to follow.

**Ms. Barrett:** I would agree with the Premier that there are considerations to every potential solution as he said. I think that actually it leads me into a comment that—well, no, a question first. In his asking people for advice, people usually give advice based on the question that is asked of them. Did the Premier or his staff or whomever is doing this asking for advice ask the legal authorities about the utility of using Section 83(1) of The Evidence Act to get to the bottom of this situation? Did they ask them about what the positives were and the negatives were of the utilization of Section 83(1) of The Evidence Act or was Section 83(1) of The Evidence Act brought up in the questions in the advice seeking that the Premier and his staff have undertaken?

**Mr. Filmon:** The member is aware that I have within my caucus a number of lawyers, and certainly they are aware of that section and discussions have been held with respect to the potential of that section. My bottom line is to seek what is, on all counts, on balance, the best means of getting to the bottom of this investigation.

**Ms. Barrett:** Subsection (a) of Section 83(1) of The Evidence Act states, and I quote—again, that this is the Lieutenant Governor in Council can cause an inquiry to be made into any matter connected with or affecting, and then we get into subsection (a) “the good government of the province or the conduct of any part of the public business thereof;”

Does the Premier not see that Section (a) or Section (d), which I spoke of earlier, are perfectly legitimate, very carefully worded simple avenues that the government could take in order to ensure that all of the allegations that have been put on the record, and there are allegations that have been put on the record directly and indirectly by a number of parties either directly or indirectly affected by this situation, allegations that the First Minister himself has made impugning the good

name of several members of the Legislature and indirectly impugning the good name of other members of the public?

Why will the Premier not utilize Section 83(1) of The Evidence Act in order to put in place right now, not 90 days from now when Bill 2 would come into effect or 90 days from whenever this session ends, which is at the very least September, why will he not put into place something that is specifically designed to do what the Premier says he wants to have done, which is to get to the bottom of this? I have an answer.

I think more and more people will come to this same conclusion that, yes, there are considerations in every solution, and the consideration that is first and foremost on the minds of this Premier and his government is the consideration that under Section 83(1) of The Evidence Act, the outcome will be made public and that there is a good chance that the outcome of any public inquiry under 83(1) of The Evidence Act would point directly to the Premier's Office, directly to the leadership of the Progressive Conservative Party of Manitoba. This is something that under no circumstances will this Premier allow to have happen. That is the only logical conclusion of the three days of stonewalling and refusal to use the best avenue available to him that one can come up with and many people are saying that.

Would the Premier not agree with that analysis?

**Mr. Filmon:** No, Mr. Chairman, I reject that analysis categorically, and I would say to the member opposite that if anyone is guilty of any wrongdoing, then they will bear the consequences as a result of the fullest investigation that we can bring to bear.

**Ms. Barrett:** At this point in time, Mr. Chair, the Premier is not **prepared to undertake** the fullest investigation available to him. **The fullest investigation** available to him is Section 83(1) of The Evidence Act which is available to him now and has been available to him since he was Premier. He is not choosing to take advantage of that which would guarantee that all information would be made public, that we would know, we as a public, not just the Legislature's going to LAMC, but we as members of the public would know what had happened, who had said what, who was telling the truth, who was not telling the truth, what

actually happened, when did people know about what actually happened, is there fire with this smoke? We would then know that as a result of an inquiry under 83(1).

\* (1750)

There is no guarantee—and the Premier will admit this—that under whatever amendments he is looking to make to The Elections Act, this will happen. As a matter of fact, we, on this side of the House—having talked to lawyers ourselves—do not understand and cannot quite figure out how The Elections Act could be manipulated—and I use that word advisedly—to forward the end result that the Premier wants, which is not getting to the bottom of the situation, not finding out who knew what, when and where and who did what, when and where, for or on behalf of whom. That is not what the Premier wants.

The Premier wants this unfortunate situation to go away, and the way he makes it go away is by manipulating and pretzelizing and making a mockery of the judicial process and the legislative process in this province by not taking advantage of the specific tool that he has at his hand to do everything he says he wants to do. But, no, he is trying to say, yes, we are going to get to the bottom of this, but the reality of it is he is trying to save his government. He is trying to save his good reputation, and that is all he is trying to do. He is trying to save people in his party, because if he had a full inquiry, the chances are that there would be serious damage done to the integrity of the Premier, to the integrity of his government, to the integrity of his party.

Mr. Chair, that damage has already been done. Does the Premier not understand that by stonewalling and obfuscating and refusing to use the tools at his hand, people are beginning to say: wait a minute, why is he doing this? The only logical conclusion to his behaviour over the last three days is that he has something to hide, and the only way the Premier can put the lie to that statement is by using Section 83(1) of The Evidence Act, calling in a public inquiry immediately. The reason he will not do it is that he is afraid of what will come out of that public inquiry.

So I would like to ask the Premier one more time to do the honourable thing. He has been Premier for

longer than any standing Premier right now, longer than Duff Roblin. Is this any way to end your tenure as Premier of the Province of Manitoba? I think that is what is going on, Mr. Premier. I think you are sitting here thinking, uh-oh, I am in trouble now. We have really done it now. How am I going to get out of this? Well, I am going to get out of this by trying to be seen to be doing the right thing, to having it all come out, but the reality is that there is no way I can have it come out.

**Mr. Chairperson:** Order, please. I hate to interrupt the member when she is in full swing. When the members are ready, we can get back to it.

**Ms. Barrett:** Mr. Chair, I will actually end by asking a question. Earlier this afternoon the Premier stated in response to a question from the member for Thompson (Mr. Ashton) that he wanted to make sure that we would get to the bottom of this, that he would be answerable to the public, that the public has a right to know. He has stated that all the way through. We have proven, I believe, that The Elections Act cannot allow that to happen and that we do not think there are any legal machinations that can take place to enable that to happen.

So will the Premier now not do the logical conclusion of what he has stated, which is to bring this matter to a full public acknowledgement, to the most independent, in-depth review possible, and use Section 83(1) of The Evidence Act?

**Mr. Filmon:** Mr. Chairman, first I want to reject totally the lengthy, rambling series of allegations that the member opposite made. I do not think they do her any particular credit. I say this, that if indeed, as she says, the mere allegations have already irreparably harmed our government then she ought to be happy with that. She ought to take great glee and delight in that and she should be happy then that we are doing as we are.

I would say that we are in the process of receiving legal advice and that we will proceed based on the best legal advice to ensure that we can have this matter investigated by the proper authority in the manner that is best suited for preserving the integrity and the independence of our electoral system and Elections Manitoba.

**Ms. Barrett:** I take deep, personal exception to the Premier's comments that I ought to be happy that things are working out this way and I ought to be happy if it turns out that there has been some malfeasance in this situation. I am a partisan. The Premier knows that. There is no more partisan person in this House, with the possible exception of the Premier himself. That is a legitimate thing to be in this Legislature. That is a role we must have, both as government and as opposition. It is my duty, as it is his, to be a partisan in this Legislature, one of my duties, one of his duties. But it is also my duty, my larger duty as a member of the government, which all 57 of us are. We are supposed to be protectors of, and stewards of, the public weal. For him to say publicly that I ought to be happy that this is happening, and potentially some damage could be done to the Premier and the government and his party, puts my integrity totally at risk. In other words, he is saying to me that if something happens to the government on a partisan—that I am nothing more than a partisan.

I am not happy that this is happening. This is not something any of us should want to have happened as members of a Legislature. This is not what we should be doing in this Chamber today. We should be debating legislation. We should be debating policies. We should be talking about what the government has and has not done in its role as government. No one wants to have to spend time dealing with these allegations, but it is essential that we do it because it calls into question the integrity not only of the Premier, not only of his government, but it calls into question the integrity of us as legislators, and Lord knows we have enough problem with that as it is.

The Premier knows just as well as I do the numbers of people who put all of us in the same trash bin of

integrity, and it is because in Manitoba, in all provinces, in the federal government, we have example after example after example—small in number, but large in influence—of people who were not stewards of the public weal. What we want to ensure in this House, and what the Premier should want to ensure in this House, is that the integrity of this system is protected. That is what he says he wants to do, but his actions belie that statement. His actions say: I am a partisan first, last, and always. His actions say I am not ready to use a very important docked piece of legislation, Section 83(1) of The Evidence Act, which reflects precisely the kind of situation we find ourselves in here, which has the potential, as Bryan Schwartz said yesterday, to be the worst political and ethical scandal in the history of Canada.

Nobody should be happy that that is a possibility, but by goodness, we have to ensure that we are not all tarnished with whatever brush there is, and that the people who are responsible, if there is accuracy, if there is any substance to these allegations, the people who are responsible for that happening must be brought to the court, if not the court in the judicial system, the court of public knowledge. Only through a public independent inquiry can that happen, and I want to end by saying I hope the Premier apologizes for stating that I ought to be happy that we are in this dreadful situation.

**Mr. Chairperson:** Order, please. The hour now being 6 p.m., committee rise. Call in the Speaker.

#### IN SESSION

**Mr. Deputy Speaker (Marcel Laurendeau):** The hour being 6 p.m., this House now stands adjourned until 10 a.m. tomorrow (Thursday). Thank you, and good night.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 24, 1998

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