



First Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

37 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	LIBERAL
ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
CONNERY, Edward Hon.	Portage la Prairie	PC
COWAN, Jay	Churchill	NDP
CUMMINGS, Glen, Hon.	Ste. Rose du Lac	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DOER, Gary	Concordia	NDP
DOWNNEY, James Hon.	Arthur	PC
DRIEDGER, Albert, Hon.	Emerson	PC
DRIEDGER, Herold, L.	Niakwa	LIBERAL
DUCHARME, Gerald, Hon.	Riel	PC
EDWARDS, Paul	St. James	LIBERAL
ENNS, Harry	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Laurie	Fort Garry	LIBERAL
EVANS, Leonard	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen Hon.	Virden	PC
GAUDRY, Neil	St. Boniface	LIBERAL
GILLESHAMMER, Harold	Minnedosa	PC
GRAY, Avis	Ellice	LIBERAL
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HEMPHILL, Maureen	Logan	NDP
KOZAK, Richard, J.	Transcona	LIBERAL
LAMOUREUX, Kevin, M.	Inkster	LIBERAL
MALOWAY, Jim	Elmwood	NDP
MANDRAKE, Ed	Assiniboia	LIBERAL
MANNES, Clayton, Hon.	Morris	PC
McCRAE, James Hon.	Brandon West	PC
MINENKO, Mark	Seven Oaks	LIBERAL
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold, Hon.	Rossmere	PC
OLESON, Charlotte Hon.	Gladstone	PC
ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
PATTERSON, Allan	Radisson	LIBERAL
PENNER, Jack, Hon.	Rhineland	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren	Lac du Bonnet	PC
ROCAN, Denis, Hon.	Turtle Mountain	PC
ROCH, Gilles	Springfield	LIBERAL
ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, September 16, 1988.

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

Hon. Clayton Manness (Minister of Finance): I would like to table the Annual Report of Manitoba Data Services, the Annual Report of the Department of Finance, and the Quarterly Financial Report for the Province, three months, April to June 1988.

Hon. Edward Connery (Minister of Environment and Workplace Safety and Health): It is my pleasure to present the First Annual Report of the Manitoba Hazardous Waste Management Corporation for the year ending 1987.

Hon. James McCrae (Attorney-General): I am pleased to table the Fifteenth Annual Report of the Legal Aid Services Society of Manitoba for the year ending March 31, 1987.

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to oral questions, may I direct the attention of all Honourable Members to the Speaker's gallery, where we have with us here this morning, Mr. Robert Kott, who is United States Consul General.

On behalf of all Honourable Members, I welcome you here this morning.

ORAL QUESTION PERIOD

Native Justice Inquiry Research Funding

Mrs. Sharon Carstairs (Leader of the Opposition): My question is for the Attorney-General (Mr. McCrae). The Native Justice Inquiry has heard presentations for several days now. Already a theme is emerging. Native people do not perceive our justice system as being fair and just to them because there is no reflection. They believe in our justice system which responds to their cultural values and beliefs.

The inquiry will fail to do its job if the cases heard to date are considered to be isolated in nature. It is for that reason that research is essential and attendance at the hearings of the inquiry must be assured for all those individuals who have something of value to contribute. Will the Attorney-General (Mr. McCrae) reconsider his position with regard to direct funding for Native groups for research and support?

* (1005)

Hon. James McCrae (Attorney-General): Perhaps the Leader of the Opposition (Mrs. Carstairs) would like to

make a proposal and prioritize which Native groups should be given first priority for funding. Let us know how much she thinks should be made available. I have told the House, I have told others, that the inquiry is well-funded. In fact, the funding for the inquiry made available by this Government is more than double the amount made available by the last Government of this province, and demonstrates a clear commitment, on the part of the new Government, to getting the job done and getting a good job done at the Commission of Inquiry.

If the Leader of the Opposition (Mrs. Carstairs) has a proposal to put forward as to how much money she would make available to which groups and in which order of priority, maybe she should let us know.

Mrs. Carstairs: This side of the House will take over the Attorney-General's chair anytime he would like.

How does this Minister expect the Manitoba Metis Federation, the Indigenous Women's Collective, the Winnipeg Council of Treaty and Non-Status Indians, to name just three groups who represent Native and Metis groups, to present comprehensive briefs, including detailed recommendations, without research funding?

Mr. McCrae: There is a component in the inquiry's budget for research. One Native group that I met with in Brandon has expressed concern that there would be a duplication of effort and duplication of research work being done, which would be a waste of money. The Leader of the Opposition (Mrs. Carstairs) has named just three groups. I can name probably about 25.

I remind the Honourable Leader of the Opposition that the Assembly of Manitoba Chiefs has received \$325,000 from the Minister responsible for Native Affairs (Mr. Downey), as well as \$100,000 that has been made available by the federal Government. So I think the work of the commission will not be hampered at all by any shortage of research funds.

Hearings Accessibility

Mrs. Sharon Carstairs (Leader of the Opposition): It will not be possible for the inquiry to go to every reserve or Metis community in the Province of Manitoba. With unemployment rates of 75 to 80 percent in these communities, how does he expect presentations to be made if they cannot get to the hearings, and what funds have been allocated for that specific purpose?

Hon. James McCrae (Attorney-General): The Leader of the Opposition (Mrs. Carstairs) might like to get in touch with the Commissioners of Inquiry in this matter and have a discussion with them about their plans. The Honourable Member for St. James (Mr. Edwards) tells me they have.

The plans are to visit as many communities as possible. They have a rather rigorous schedule set up

to visit very, very many remote and far-flung Native communities. The commission, I am quite confident, apparently unlike the Leader of the Opposition, about the enthusiasm and the commitment of the Commissioners of Inquiry. I am very pleased with their attitude about wanting to reach as many as they can, and the Commission of Inquiry has a budget which is adequate to get the job done.

Mrs. Carstairs: By their very admission, they say they cannot reach them all.

Women Participation

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, with another question to the Attorney-General (Mr. McCrae). Many Native women have unique experiences to tell the inquiry. What child care arrangements have been made in order to ensure the full participation of Native and Metis women?

Hon. James McCrae (Attorney-General): If the Honourable Leader of the Opposition (Mrs. Carstairs) expects that every Native person in this province should be funded to come forward individually, let the Honourable Leader of the Opposition say so. Let the Honourable Leader of the Opposition tell us how much money, further funds, should be made available for this exercise.

Those who have taken an interest in these matters will have read stories about the Marshall Inquiry in Nova Scotia. They are up to \$7 million there, and counting. The latest reports I hear are that they are hearing some of the same stories over and over again. It is the same thing.

* (1010)

The Honourable Leader of the Opposition (Mrs. Carstairs) should be quite precise in what proposal she is making before she stands in this place and suggests that there is some kind of lack of funding. The fact is this Government's commitment to this inquiry is more than double the commitment of the previous Government, and I am surprised that the Honourable Leader of the Opposition should raise the matter without being specific about what she is asking for.

Mrs. Carstairs: I find it deeply regrettable that he would make allusions to a case in which a man spent 11 years in jail. Can you put a price tag on that?

Inmate Participation

Mrs. Sharon Carstairs (Leader of the Opposition): Mr. Speaker, over 50 percent of our inmates in this province are Native, and yet they are only 6 percent of our population. Why is this Government unwilling to ensure full participation of Natives with their own research into the events which have tragically altered their lives?

Hon. James McCrae (Attorney-General): The Honourable Leader of the Opposition (Mrs. Carstairs)

seems to have lost sight of something very important here. It is precisely because there is an exposure of the Native population to our justice system, which is way out of whack compared with the rest of society, that we are having this inquiry. The Leader of the Opposition seems to have lost touch with that point. It is because there is a concern about Donald Marshall that they are having an inquiry in Nova Scotia. It does not mean that you have to spend money just for the sake of spending money. It does not mean you have to have duplication of research efforts. That does not make sense.

The kind of question we are getting just demonstrates the kind of sense that the Liberal Party would apply to issues of importance to all Manitobans. It is scary, Mr. Speaker.

Mrs. Carstairs: It is scary to me that the Government does not want to hear all of the data available.

Women Participation

Mrs. Sharon Carstairs (Leader of the Opposition): Many women want to inform the inquiry of tragic events in their lives: rape, incest, sexual abuse, child abuse. What support and counselling program has been made available to these women who are facing, under the media lights, one of the most poignant times of their lives?

Hon. James McCrae (Attorney-General): As I understand the mandate of the Commission of Inquiry, the mandate is sufficiently wide; in fact, as wide as it could possibly be to allow the commissioners to run the commission in the way that they see fit. If the Honourable Leader of the Opposition (Mrs. Carstairs) had taken the time, which I really wonder about, to sit down with the Commissioners of Inquiry, she would understand how sensitive Chief Judge Sinclair and Chief Justice Hamilton are just about the very issues that she is raising.

You do not have to go much further to understand the plight of Native women in this province and the potential plight of Native women in this province than to do an examination of the case of Helen Betty Osborne and to learn about the grotesque inhumanity that there can be in this world. The Honourable Leader of the Opposition, rather than making politics out of an issue like this, should try to support the Commission of Inquiry.

Would \$25 million be enough for the Honourable Leader of the Opposition? Would \$50 million be enough for the Honourable Leader of the Opposition? What does she want?

Rafferty-Alameda Project Garrison Diversion Link

Mr. Gary Doer (Leader of the Second Opposition): Manitobans, indeed, over a number of years were successful in stopping the Garrison Diversion Program in terms of its negative impact on Manitoba, and had cooperation from a number of American citizens, including environmentalists, the Audubon organization, and a number of volunteers from Manitoba.

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My question is to the Minister of Natural Resources (Mr. Penner). Why has the U.S. Corps of Engineers placed a \$200,000 appropriation in this year's budget in terms of a further Garrison Diversion Project, and where does that fit in the strategy of the Souris River Basin Project, the secret strategy of this Government?

* (1015)

Hon. Jack Penner (Minister of Natural Resources):

I am certainly not privy to decisions that are made in the Government of United States and I simply have not had access to information as to what the American Government's plans are, whether it be on the Mississippi or in other projects that they are working on.

However, I think it is important to note the differences between Rafferty-Alameda and some of the other major projects that are being proposed, such as the Garrison project. The Rafferty-Alameda is a squatter storage system which will not divert water from anywhere to anywhere. It is going to store flood waters, large amounts of waters that accumulate in spring that people—farmers—will use for irrigation, townspeople will use for drinking water, that will regulate the flows of that water and which will allow the Province of Saskatchewan to put in place a power station which they sadly need to supply industry and jobs. That is something that the Members opposite have simply forgotten about this project, that we are dependent on water for the creation of jobs in this province as well as the rest of western Canada.

Mr. Doer: I would ask the Minister to get that information insofar as it affects the Souris River Basin.

Licensing Authorities

Mr. Gary Doer (Leader of the Second Opposition):

I have a new question to the Minister of Natural Resources (Mr. Penner). On June 25 of this year, following the licence released by Mr. McMillan without an independent study, we wrote the federal Minister of Environment.

We received yesterday a copy of his letter back to us in terms of an independent study, in terms of denying that independent study in terms of the licence, and denying Manitobans its environmental impact under the cross-provincial boundaries and the river authority, which, of course, is the best place to go in terms of an environmental impact.

I would ask the Minister, in light of the comments of Ms. May, in light of the comments of Mr. Halliday, in light of the comments of the hydrologist who was quoted two days ago in terms of the impact of the Souris River on Manitoba, all of which is contrary to Mr. McMillan's letter, is he satisfied with Mr. McMillan's response on the denial of an independent study before the licence was issued and denial of the independent study after we asked him, pursuant to his issuing of the licence on June 21?

Hon. Jack Penner (Minister of Natural Resources):

The provisional licence that has been extended to Saskatchewan to start construction on the Rafferty-

Alameda system is that. It is provisional on Manitoba's concerns being addressed and provided for under the terms of the licence. It is quite clear. We have expressed our concerns and are expressing our concerns.

It is interesting to note that as of May 10, when we walked into office, there had been no real concerns expressed to the federal Government or to Saskatchewan or North Dakota on the large so-called impact that the Opposition is now saying this project might have. The interesting words that are being used are "may have," which we have been accused of using but

has continually been used by the Honourable Member—"may have."

* (1020)

The Army Corps of Engineers of North Dakota, United States, has indicated fairly clearly that they see no environmental impact negative to Manitoba. However, the Wildlife Federation of North Dakota attached a little rider to that study which indicated that there may be some concerns as far as they can determine, and I think that is important to note. I am quite satisfied so far that until I have the study that is being done now, tabled on my desk, which will indicate—

Mr. Speaker: Order please.

U.S. Corps. of Engineers Report

Mr. Gary Doer (Leader of the Second Opposition):

Mr. Speaker, I will again table the letter of December 21 to the Honourable Joe Clark in light of the Minister's misleading statements on our position on this.

My question to the Minister of Natural Resources (Mr. Penner). In his reliance on the independent study of the U.S. Corps of Engineers Report, why has the Canadian Government denied the ability of the U.S. Wildlife Association and other interested bodies in obtaining the U.S. Corps of Engineers Report? I again will table a letter which indicates that the Canadian Government has objected to their release. What kind of interference has been made in terms of denying the release of that report so Manitobans can see the final draft of the U.S. Corps of Engineers Report in terms of its impact on Manitoba? Again, I will table a letter in terms of the Canadian denial of this secret information.

Hon. Jack Penner (Minister of Natural Resources):

As I have indicated before, there has been a four-Party committee struck which is looking into all aspects of the impacts of the construction of the Rafferty-Alameda Dam. We are looking forward to the tabling of the report that they are going to submit, and unless anything drastically happens, we look forward to the tabling of that report before the end of this month. Until such a time as that report has been tabled, I am satisfied that our interest so far have been addressed.

Mr. Doer: The Minister continues to change back and forth his position on this issue. In the House, he says he may table a study in this Chamber; and in the

Saskatoon Star Phoenix just a couple of days ago, and in other answers to questions in this House, he has stated that this thing has been studied to death and he does not want to spend any more money on an independent study. Indeed, in the Saskatoon Star Phoenix, he said: We have studied this thing to death; there will be no further studies on this issue.

Environmental Impact Study

Mr. Speaker: And the question is?

Mr. Gary Doer (Leader of the Second Opposition): Will the Minister of Environment (Mr. Connery), please, on behalf of Manitobans, go to the Premier (Mr. Filmon), in lieu of the fact that we have not had an independent study in Manitoba and we are relying on the federal Government, which has 90 percent of the jurisdiction in this area, and ask for an Environmental Impact Study so we can offset the information from the U.S. Corps of Engineers, which we do not have, and the Environmental Impact Study that is questionable in the Province of Saskatchewan? Will he ask for that independent study?

Hon. Jack Penner (Minister of Natural Resources): Mr. Speaker, at no time have we ruled out asking for a study, a full study. We have said we are reading the information. We are waiting for this Technical Committee to file their report. We will study that report, and if we feel that there is need for a large environmental study, if we are not satisfied that the total concerns of Manitoba are being addressed, then we will make that decision at that point.

Mr. Speaker, we have never turned our back on the needs of Manitoba and I am ashamed that we would have the Garrison scare thrown into this. They want to scare the public by saying "Garrison." I would ask Members opposite how many of them made a presentation on Garrison. I did in Portage La Prairie many years back. I was concerned about Garrison and opposed it. I will defend Manitobans' rights on the Rafferty-Alameda program.

An Honourable Member: Why do you not table the Clark letter?

* (1025)

Manitoba Intercultural Council Projects Accountability

Mr. Mark Minenko (Seven Oaks): Mr. Speaker, in the Special Audit of the Manitoba Intercultural Council, recently completed by the Provincial Auditor, the Auditor has commended the council and staff for being dedicated in playing a major role in assisting the ethnocultural communities in Manitoba. The Auditor further advises that the system for approving and dispersing grants has served all those concerned reasonably well. The Office of the Provincial Auditor has also noted that the council has recognized many of the shortcomings which are identified in the audit, and that the council has begun to address those problems on their own.

The Minister of Culture, Heritage and Recreation (Mrs. Mitchelson), in her press release yesterday, advised that she has taken immediate interim action. My question to the Minister of Culture, Heritage and Recreation is what are the future plans of this Government with regard to the Manitoba Intercultural Council, and is this body to remain the true representative body of our ethnocultural communities?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): I thank the Member for that question because, quite clearly, the Auditor's report has said those good things about MIC, and I agree wholeheartedly with the comments that were made in the audit, but the audit clearly, too, does recognize that there has been some lack of accountability for monies that have been spent.

Mr. Speaker, the Act quite clearly states that MIC is responsible to the Minister of Culture, Heritage and Recreation; and the Minister of Culture, Heritage and Recreation is responsible to the people of Manitoba to ensure that her department and that any organizations that are within her department, or his or her jurisdiction, are accountable to the people of Manitoba at large, to the taxpayers of Manitoba.

Quite clearly, there has not been much direction given to the Intercultural Council in the past. As a result of the audit, the Intercultural Council, along with the Department of Culture, Heritage and Recreation, is going to look at each and every recommendation that was made by the Auditor. The facts are there, they are there in black and white, and we are going to work together towards addressing those issues and clearly making MIC accountable to the Government and to the people of Manitoba.

Task Force Reports

Mr. Mark Minenko (Seven Oaks): My further supplemental is to the same Minister. One of the things that we keep hearing from this Government is how much different they are from the previous Government.

My question then to the Minister of Culture, Heritage and Recreation (Mrs. Mitchelson): Is this Government going to continue the previous Government's policies of selecting their own chairperson for this council, or is this Government prepared to make this body truly autonomous and change the Act to allow the council to elect its own chairperson and thereby adopting a Liberal Party policy expressed in the past election?

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): I have clearly indicated that the audit is the first of three reports that are going to deal with the multicultural community in Manitoba. That is the first report. The Task Force on Multiculturalism will be available and will be tabled very shortly. The Lottery Needs Assessment on the Lotteries distribution system in this province is due this fall, also.

All of those three reports are going to have recommendations to the Government on how we should be handling many different groups throughout the province, and MIC is going to be one of them. We are

very fortunate we have all the studies coming together at once so that we can deal with the recommendations and look at the overall picture. That decision will not be made until we have all of the facts and all of the information from all of those studies so we can make an informed, intelligent decision.

* (1030)

Staffing Recommendations

Mr. Mark Minenko (Seven Oaks): My further supplemental to the same Minister, it certainly seems that having spent the last while doing a complete audit, I would presume, of the Manitoba Intercultural Council, this Government would certainly have some directions with respect to the Council in particular. Mr. Speaker, my question is to the Minister: Will this Government also consider the recommendation made by the Council in its 1985-87 report, if she has in fact reviewed that report, which suggests the changes to the Act also by allowing the Council to select its own senior staff.

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Recreation): I think my previous answer should apply also to this question. We are looking at very closely what the future of MIC should be. I am not going to stand up here today, when I only have some information. I do not have all of the reports and I do not have all of the information. When we get that information, we will be sitting down as a Government with an Ethnocultural Committee of Cabinet that is going to be working very closely with the multicultural community. We want to know what their needs are. We are going to work together with them to provide the best possible service for them.

AIDS Village Clinic Funding

Mr. Gulzar Cheema (Kildonan): My question is for the Minister of Health (Mr. Orchard).

AIDS is becoming one of the leading causes of death and is imposing a lot of tremendous burden on patients, families and the community. Village Clinic is one of the excellent community services providing care for AIDS patients. Will the Minister tell this House when he will fund street worker physicians at Village Clinic? When will you fund the street worker positions at Village Clinic?

Hon. Donald Orchard (Minister of Health): The AIDS issue is one which Government, not only ours but other Governments across Canada, are focusing some substantial resource and program approach.

In Manitoba, part of the approach is in conjunction with the federal Government funding. My honourable friend, if he is aware of the funding circumstance with Village Clinic, it is jointly funded by both the federal and the provincial Government. That is part of the approach taken by the previous Government and will be part of the approach taken by this Government in terms of dealing with the AIDS issue and how it impacts upon the citizens of Manitoba, and will provide some

of the direction that this Government will take in order to assure a fully informed public, fully informed deliverers of service within not only the health care community but the educational community.

I simply tell my honourable friend that there are many proposals and many options being put forward to this Government in terms of how we deal into the future with the AIDS issue. Those discussions with the interested groups and parties will no doubt lead to very progressive and very forward thinking program delivery.

AIDS Education Program Implementation

Mr. Gulzar Cheema (Kildonan): My supplementary to the same Minister, prevention is the cornerstone at combatting AIDS. When will this Minister initiate Phase 2 of the provincial AID campaign, Phase 1 of which was initiated by the persistence of my Leader last year?

Hon. Donald Orchard (Minister of Health): Indeed it is obvious it is Friday morning. The persistence of his Leader has done so much according to the Members of the Liberal Party. In reality, one should be a little more fair and not try to commandeer public credit for the implementation of programs. I give my honourable friends opposite in Government credit for implementing informational packages advertising for the delivery of an AIDS education campaign, but to stand up with the gall in this House and say that his Leader last year was responsible for forcing the Government is absolute balderdash. That program was approached in cooperation by all sides of the House. We as Opposition supported that program, and I quite frankly do not think that it was any one individual in this House who forced any Government to do anything in the delivery of AIDS.

There is a national effort in place across this nation enhanced by substantial funding, newly approved by the federal Government to bring more communication, more information to the people of Canada on AIDS. To take the position that one person did such a glorious job is balderdash.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please.

Terminal Care Services

Mr. Gulzar Cheema (Kildonan): Mr. Speaker, the Minister is very sensitive on this issue and we wonder why. It is one of the important things -(Interjection)-okay, let me just ask the question. The question is to the Health Minister (Mr. Orchard).

At present, there are no terminal care community-based facilities in Manitoba for AIDS patients who are dying with this disease. Has this Minister developed a plan to fund such a program and when will he detail those plans and tell this House, given that the other provinces such as Ontario have developed such an excellent plan, for example, Casey House?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, currently within the program service delivery to those unfortunate Manitobans who have acquired AIDS and are dying from that very serious affliction, there is a full range of hospital services.

One of the very, very well-placed arguments by those who are positively identified with the HIV virus and who have AIDS is that they do not want to be segregated in society. They do not want to be discriminated against. What we have, in my honourable friend's suggestion, is that we take and segregate and isolate AIDS victims. The very issue here is that we have within the hospital system provision of care to those individuals who are suffering terminally from AIDS. That is occurring within the hospital system and will continue to occur within the hospital system, aided and assisted by as good a medical service delivery and caring delivery of service that can be provided by the nurses and physicians so involved.

Rural By-law Amendment Fertilizer Restrictions

Mr. Ed Helwer (Gimli): Mr. Speaker, I would like to direct my question to the Minister of Agriculture (Mr. Findlay). In light of the fact that -(Interjection)-

Some Honourable Members: Oh, oh!

Mr. Speaker: Order. We all know it is Friday, and we are going to get through this yet.

Mr. Helwer: In light of the fact that the Rural Municipality of Springfield passed a by-law restricting farmers from spreading manure on their farm land, can the Minister tell this House what he has done to alleviate this problem for farmers so that they can continue to empty their pits and one thing and another on their farm lands?

* (1040)

Hon. Glen Findlay (Minister of Agriculture): Although the Members opposite want to make light of this issue, it is a very serious issue because the resolution passed by the council was extremely restrictive and prevented all livestock operators on the western two-thirds of that municipality from going through the normal practice of spreading manure on the field in the R.M. of Springfield.

In order to understand what the Council of Springfield was having as a problem, I called the reeve in last night and we had a discussion and found that what their intent was was to prevent odour problems around the Town of Oakbank and not to impact negatively on all farmers of that R.M. or all farmers of Manitoba potentially.

We have reached an agreement that they will withdraw the present by-law and replace it with a less restrictive by-law in consultation with the Departments of Municipal Affairs and Agriculture so that they can look after the odour problems around Oakbank without negatively impacting on the rest of the R.M. of Springfield.

Foreign Aid Hurricane Assistance

Mr. Jerry Storie (Flin Flon): My question is to the Premier (Mr. Filmon). We have all watched and followed the events in Jamaica following the devastation that resulted as a result of Hurricane Gilbert. I have been overwhelmed by the support of Manitobans as they volunteer and direct aid in support of the groups that are trying to assist with the rebuilding and the protection that is required in Jamaica at the current time.

I am wondering if the First Minister (Mr. Filmon) has been approached, or whether the Government has provided assistance either to the groups that are working in support of the rebuilding in Jamaica or whether the Government would consider lending some direct aid in support of the effort there, in light of the fact that other provinces are considering it and in light of the aid that has been provided by the federal Government.

Hon. Gary Filmon (Premier): I am glad to have the question from the Member for Flin Flon (Mr. Storie). I recall vividly when we were on the other side of the House and he was in Government and we asked the question about whether or not the Government of Manitoba would join with many groups in providing aid for family relief in Ethiopia, and his Government refused.

We have not had any contact from groups who are involved in the support of those in Jamaica who are in obviously great difficulty. We do provide and have committed funding this year through the Manitoba Council for International Cooperation several hundred thousand dollars of foreign aid relief money. I am quite prepared to have my Government officials or Ministers contact the Council for International Cooperation to see if some of that money can be directed towards the relief programs necessary in Jamaica and meet with other groups in Manitoba who are interested in this particular cause to see whether or not there is more that the Government of Manitoba could be doing.

Mr. Storie: I am sure that some 7,000 Jamaicans who are Manitobans would be glad to have any additional support that they might get from the Government or its agencies.

Free Trade Impact Food Industry

Mr. Jerry Storie (Flin Flon): My second question, a different question to the Minister of Industry, Trade and Tourism, yesterday, a group of food producers and food processors placed a full-page ad in the Winnipeg Free Press indicating that they felt that there were significant problems with the Free Trade Agreement and its implications for producers and for processors. In that ad, they indicated that they believed some 150,000 jobs were in danger across Canada.

Could the Minister indicate whether his department, or he, has requested an analysis of how many jobs are going to be lost in Manitoba as a result of this agreement? Are we talking about 500 jobs lost or 1,000

jobs lost? Are we talking about jobs losses in Carberry, Portage and Brandon, Winnipeg? Could he indicate whether he has done any of that research?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): Mr. Speaker, the Department of Industry, Trade and Tourism has, in fact, reviewed all economic sectors in Manitoba with respect to the Free Trade Agreement. That review indicates that there will be no major sectoral dislocation of any sector in the economy of Manitoba, that is any sector, Mr. Speaker. There may be some companies specific dislocation dependent upon the abilities of companies to compete in the market place, their financing arrangements and a variety of other things that are in the normal course of commercial activity.

The Member referred to the article in the newspaper yesterday and I want to quote one section of that article that I think really says it all. You are not going to let me quote it?

An Honourable Member: You know the rules.

Mr. Speaker: The Honourable Member for Flin Flon, with a final supplementary question.

Mr. Storie: Mr. Speaker, I have indicated before that this Government has a tendency to bluff on these issues. I have asked the First Minister (Mr. Filmon) on many occasions to table information. The Minister has referred to information he has, and I believe it behooves him to table that information so that we can all be certain of its content.

Mr. Speaker: And the question is?

Mr. Storie: Mr. Speaker, the second question is—my final question is—given that food processors have the ability to move out of this province to relocate, to build new plants in the United States where they have access to produce that is significantly cheaper, can the Minister indicate whether he has had any assurance from the companies that are operating in Canada or in Manitoba right now that we will ever again see food processing plants in this province? Can he assure Manitobans that we will benefit from this agreement in the area of agricultural production?

Mr. Speaker: Order.

Mr. Ernst: Mr. Speaker, I can say that article that appeared in yesterday's paper refers to the fact that the Free Trade Agreement says we will protect farm incomes and our marketing boards will be safe, but on the other hand, it will say we will have to competitively price our goods. These two claims claim to be at opposite ends and that is the crux of the whole argument by these food processors, particularly McCain's, because they do not want a marketing board for potatoes in this province. They want to beat the producers of potatoes in this province into the ground in order to benefit their profit line. That is the reason for this article and the Free Trade Agreement is a smokescreen.

Deportation Reversal Request Sally Espineli

Mr. Speaker: The Honourable Member for Inkster will have time for one question.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the First Minister (Mr. Filmon).- (Interjection)- A grave injustice was committed against a fellow Manitoban earlier this month. Sally Espineli was deported to the Philippines. Sally has contributed in a positive fashion for the past eight years here in Manitoba. Will the First Minister (Mr. Filmon) today make a phone call and request that the federal Minister of Immigration exercise her ministerial prerogative, as she has done some ten thousand times this year, and allow Sally Espineli to return to her home in Manitoba?

I also understand that the First Minister (Mr. Filmon) has met with the Filipino community and has written to the Minister of Immigration. I would also ask him to table that letter.

* (1050)

Hon. Gary Filmon (Premier): Mr. Speaker, I appreciate the question from the Member for Inkster (Mr. Lamoureux). I am surprised that he wants to make this a political issue and ask for tabling of letters.

If he knows that I have met with the leaders of the Philippine community, and have subsequently, at their request, written to the Honourable Barbara McDougall, the Minister of Immigration, why would he want me to further table that letter? Is he afraid that I have said something in it that he cannot support? I have asked for the Minister to exercise her powers to allow Ms. Espineli to come back to this country. If that is what he wants, then he ought to accept that and not be looking to have private correspondence between me and a Minister tabled in this House to try and facilitate his own political goals.

Mr. Speaker: The time for oral questions has expired.

NON-POLITICAL STATEMENTS

Mr. James Carr (Fort Rouge): May I have leave to make a non-political statement?

Mr. Speaker: Does the Honourable Member for Fort Rouge have leave? (Agreed) The Honourable Member for Fort Rouge.

Mr. Carr: Thank you, Mr. Speaker.

During the past several weeks, a stunned world has looked on as nature's power has taken an ugly form: first, the tragedy of flooding in Bangladesh, leaving virtually millions homeless and left vulnerable to the ravages of hunger and disease; and, this week, Manitobans have witnessed the tragic events in the Caribbean with horror and with sadness. The destructive force of Hurricane Gilbert has devastated our commonwealth friends in Jamaica and now threatens the gulf coast of Mexico and the United States.

Here, in Manitoba, the generosity and compassion of our people is evident yet again as Manitobans respond to the call for help. We can only imagine the anguish and worry suffered by Canadians of Caribbean heritage as they try to make contact with their loved ones thousands of miles away. I am sure every Member of this House joins with us in offering support to all Manitobans who are personally affected by this awesome tragedy. We offer them our thoughts and our prayers.

Mr. Jerry Storie (Flin Flon): I also would like leave to make a non-political statement.

Mr. Speaker: Does the Honourable Member for Flin Flon have leave? (Agreed) The Honourable Member for Flin Flon.

Mr. Storie: I would simply like to associate myself with the remarks of the Member for Fort Rouge (Mr. Carr). Given that this hurricane is one of the most forceful in the history of modern meteorology, I know that the tragedy and dislocation and the hurt and anguish that the people of Jamaica and the Caribbean are feeling is, I suppose, heart-wrenching for all us.

I think that the First Minister's (Mr. Filmon) comments earlier today that he is prepared to allow Government departments and agencies to support the efforts of Jamaicans and other Manitobans by the thousands who are working to support the efforts of restarting the rebuilding process is important. I think, as well, it reflects well on Manitoba as a very generous, compassionate society, and anything that we can do as legislators to facilitate the aid, to facilitate the work of the aid groups, I think is worthwhile and to be commended.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you be so kind as to call the Bills, as listed on today's Order Paper, excluding Bills Nos. 21, and 23?

DEBATE ON SECOND READINGS PUBLIC BILLS

BILL NO. 4—THE RE-ENACTED STATUTES OF MANITOBA, 1988, ACT

Mr. Speaker: Debate on second readings, Bill No. 4, on the proposed motion of the Honourable Attorney-General (Mr. McCrae), The Re-enacted Statutes of Manitoba, 1988, Act; Loi sur les Lois réadoptées du Manitoba de 1988, standing in the name of the Honourable Member for Flin Flon (Mr. Storie).

The Honourable Member for Flin Flon.

Mr. Jerry Storie (Flin Flon): I would like to have that Bill stand in my name, but I am prepared to allow other Members who wish to speak on it to do so.

Mr. Speaker: Stand.

BILL NO. 5—THE STATUTE RE-ENACTMENT ACT, 1988

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 5, The Statute Re-enactment Act, 1988; Loi de 1988 sur la réadoption de lois, standing in the name of the Honourable Member for Thompson (Mr. Ashton). (Stand)

BILL NO. 6—THE FIRES PREVENTION AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Minister of Environment (Mr. Connery), Bill No. 6, The Fires Prevention Amendment Act; Loi modifiant la Loi sur la prévention des incendies, standing in the name of the Honourable Member for La Verendrye (Mr. Pankratz). (Stand)

BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine, standing in the name of the Honourable Member for The Pas (Mr. Harapiak).

Mr. Harry Harapiak (The Pas): . . . standing in my name, but the Member for Flin Flon (Mr. Storie) would like to speak, so if you will leave it standing in my name, please.

Mr. Speaker: Do we have leave? (Agreed) I understand it will stand in the name of the Honourable Member for The Pas. The Honourable Member for Flin Flon.

Mr. Jerry Storie (Flin Flon): Mr. Speaker, I know that when the Attorney-General (Mr. McCrae) introduced this Bill, he did so and said on many occasions that he did so with pride. I am particularly pleased that he took so much pride in introducing a Bill, which in the main was developed by the previous Government, by the previous Attorney-General. It was part of the continuing—I believe continuing improvement of the Small Claims Court practices.

People will know that the introduction of the Small Claims Court some many years ago was viewed as a populist important innovation in court-room practice. One does not have to be a judicial historian to know that court room practice in Canada, in the Western World, in Great Britain, in particular, but also France, was developed as a very elitist institution. Through much of the first number of centuries under which we operated our court systems, the experience, the education, the social standing of individuals had virtually everything to do with the real cause of justice in our court systems.

There are some who would say not much has changed and certainly the inquiry into aboriginal justice gives us cause to reflect on how far we have come in making

our court system responsive to the needs of average people. I, for one, believe that the Small Claims Court system could be expanded and can be used in many other areas to facilitate the delivery of justice. Justice is not a wig; justice is not a high-priced lawyer; justice is not being remanded, having court dates changed; justice means something only to the individual for whom justice is the issue.

The aboriginal people of this province have experienced the injustice of our justice system on many occasions. Anybody who has had the privilege of living, working, travelling, knowing northern Manitoba, of seeing the justice system fly in and out of our communities, knows that there are substantial problems, not problems that were overtly created but problems which are problems created by omissions, omissions of the court system, omission of legislators, omissions which are having a negative impact on the lives of thousands and thousands of Native people.

* (1100)

It is not Natives who predominantly use the Small Claims Courts. However, the principle behind the Small Claims Court is the one, I think, which all Members of this Chamber should be supporting. Small Claims Court can be used as a means of average people looking for justice in a world where corporations and large businesses and wealthy individuals can use the system to delay, to frustrate justice, to intimidate weaker opponents in that judicial battle. This system has been used to advantage by many people. I know that all of us could talk about individual cases where individuals who were wronged, who were provided shoddy services or no services, who were treated in a fraudulent manner have had some recourse to justice through the Small Claims Court system. That is not to say that it is a perfect system. I know that the previous Attorney-General raised the claims limits from some \$500 to \$3,000.00. This particular piece of legislation proposes to move that from \$3,000 to \$5,000.00.

I am sure that there are people in the judicial system itself and many laypeople who are looking at this legislation and saying, is that enough; \$5,000 is no longer a large sum of money to the majority of Manitobans who are used to paying that amount of money for rent over a year or purchasing vehicles or purchasing other large consumer items. There are many, many contracts significantly larger than \$5,000 being signed by ordinary average Manitobans, including low-income earners in the province.

I know that it is always somewhat of a dilemma when you choose a figure to use in legislation. This \$5,000 figure is somewhat arbitrarily chosen. It is larger than \$3,000, but I am sure many would argue that it should be larger. I think that is one of the things that Members on this side will want to observe. As we move through committee and hear the public on this issue, we will want to know whether the \$5,000 figure is viewed by the public as an adequate figure in terms of the Small Claims Courts procedures. That is only one of the changes that the Attorney-General (Mr. McCrae) is proposing under this particular Bill, the movement from \$3,000 to \$5,000.00.

The second part of this Act—and again I remind people that this was in preparation by the previous Attorney-General and something that was supported in principle by the NDP caucus certainly. The second principle was the introduction of a default judgment proceeding. Again, this practice really is a fall-out from other court practices which lawyers, in the main, are used to inflicting—I like to use the word “inflicting”—on unsuspecting opponents. The court system, unfortunately, is replete with examples of remands, delays, rescheduling which really frustrate the justice process. That occurs in every court, regardless of whether it is the Supreme Court or the Appeal Court or whatever. It occurs across jurisdictions. It is not simply a Manitoba problem.

The fact of the matter is that the saying that justice delayed is justice denied has as much applicability to the Small Claims Court as it does to the Supreme Court. The Attorney-General (Mr. McCrae) is introducing an amendment here which I think, quite rightly, will assist people when they seek their day in court and go expecting that a judgment, a decision is going to be arrived at.

Certainly, the Small Claims Court appearance, while it may not seem to be a traumatic event for individuals familiar with the legal system, lawyers and so forth, for the average person even an appearance in Small Claims Court is both expensive and time consuming and energy draining. It is still a frightening system in many respects to many people and, to have a situation where you have been working on a problem, unfortunately had to seek redress through the Small Claims Court, to go there and have that issue delayed, to have legal counsel for the claimant or defendant in either case say that we are not prepared to act at this time, we need more information or, even worse, not to appear at all, is not satisfactory. I do not think that it should be tolerated and anything we can do to eliminate that kind of frustration should be done.

So what the Attorney-General (Mr. McCrae) has done and what he is proposing we do is allow the magistrate, the court officials, to deny a holdover. In the event of a non-appearance of one of the parties to the action, the judge has the right to implement a judgment notwithstanding the failure to appear. I think that is an important weapon in the arsenal of our judges. That is certainly a way to prevent the abuse of the system through non-appearance. For the average workingperson, who is seeking a judgment of \$300 because his car was not fixed properly or his washing machine did not work or his or her garment was destroyed in the dry cleaners, it is not fair to have that delayed time and time again when they may be having to take time off work or to organize their family events in such a way that they can actually do that.

So if the judges are given permission or the authority to pronounce a judgment without having to have both parties in attendance, I think that would be a facilitation of the justice process, and certainly something that I would support.

I think there is an element in this, however, which is not addressed very clearly in this legislation. I am not sure whether the Attorney-General can address it but

that is the question of whether, even given that the judges have the right to pronounce judgment, are they likely to or will they in fact act without both parties being in attendance?

I know that the training of lawyers and judges and the background is such that they believe that due process means that both people should be in attendance. I only hope that those who sit in judgment in Small Claims Court understand that the intent of this legislation is to have them use that authority because, if they do not use that authority, then abuses are going to occur.

* (1110)

Then those who can, who want to delay the delivery of justice, are in fact going to do it. So I hope that, when Members speak on this Bill—and I know the Member for Lac du Bonnet (Mr. Praznik) is eagerly awaiting a chance to, already has, is not eagerly awaiting and does not want to speak on this Bill—(Interjection)—I covered all the bases, it has got to be one of those for the Member for Lac du Bonnet (Mr. Praznik). They may want to put on the record something beyond the legal wording of this Bill, to put on the record the intention of the legislators, so that if it becomes a matter of dispute at some point in the future, they can refer to the records of the Legislature and say, yes, in fact, we intended to have non-appearances dealt with by the Small Claims Court judges. We intended to have judgments given regardless of whether both of the parties to the action are in court. So it is an important principle. I am glad, I am certainly supportive of its inclusion in these amendments to The Small Claims Practices Act. It is an important amendment.

Mr. Speaker, the third one will ensure that matters are heard in the Small Claims Court. We know that the practice—I believe it is called the bumping up—Small Claims Court's actions to a superior court are prevalent. It happens from time to time. It is another way unfortunately of frustrating the average person who either does not want to hire the requisite legal advice, does not have the wherewithal to hire that advice, or does not want to get himself into an extended legal battle. This will allow I think for the orderly delivery of justice and will meet the requirements that we all have for that.

We know that the Small Claims Court process has been abused. I know that as Minister of Housing that many Small Court claims were bumped up, were not dealt with in the Small Claims Court process to the detriment of those who were seeking redress. Again, it goes without saying that those who stand to benefit from those loopholes in the current Act are those who have the legal training, those who have access to legal advice, those who can financially withstand delaying the proceeding, and clearly that is not everyone, and in fact that is not the majority of Manitobans who go expecting quick retribution if you will.

Once again we have a Bill that is important to the vast majority of Manitobans. Unfortunately I would suspect that again many Manitobans are not aware of the full intent of this piece of legislation. I would hope

that the Attorney-General has taken steps to inform the larger public about the intent of this Act, to inform the larger public about the amendments and the implications of all of the amendments before we proceed. We all too often in the Legislature get caught up in our own debate of the important points of the legislation but fail to inform people about our intention about the implications. I am hoping that while this is not strictly germane to the principles of this Bill, the fact of the matter is in principle we are trying to distribute justice, create a system of justice which works for us all, and clearly we are not going to have justice if people do not know the substance of this Bill.

It is very nice to have a claims court practice which supports the quick resolution of disputes but unless people know it is there, unless people understand how it works, unless people have access and feel comfortable with the process, we are not going to be achieving what we hope we will achieve.

So, Mr. Speaker, there may be some work for the Attorney-General (Mr. McCrae) when the Legislature finally has a chance to complete second reading of this Bill, send it to committee and hopefully see it pass into law sometime in the not too distant future. That job will be to establish within his department a fund to establish or provide resources to his Communications Department to see the preparation of pamphlets, brochures, informational packages to go out to the general public. Because if we are going to introduce these important amendments to the Small Claims Court, we will also want them to work.

I also had a chance to read the comments of some of the other Members who have spoken on this Bill. I notice that Mr. Roch spoke also on August 4, I believe Mr. Roch was then a Conservative. I do not think his position will have changed now that he is a Liberal, although it may have changed on many other matters. I think the point that all of the speakers made on this Bill is that the public is awaiting it, that matters that are being seen by the courts are clogging our court system. There will be two benefits from this piece of legislation. One is easier access to justice. The Attorney-General (Mr. McCrae) I am sure will acknowledge that our court system is backlogged and that many of the cases that are bumped up from the Small Claims Court—(Interjection)—The Attorney-General (Mr. McCrae) says it is not doing much better since he took over. Oh, I am sorry, I must have misunderstood him. He said it is not getting any better since the Government changed.

Mr. Speaker, the second benefit, and it is probably equally as important, is that if we prevent claims being bumped up from the Small Claims Court to a superior court, we are actually going to reduce the backlog of cases that are currently before those courts. That in itself will assist in the speedier delivery of justice. Because what it is doing really is taking what are essentially minor cases in, if you put them all in perspective, and taking those away from the court system and the backlog that are facing our courts.

So the benefits of this are many. I think that basically the three principles of the Bill as enunciated by the Attorney-General (Mr. McCrae) on August 4, mainly that

the monetary jurisdiction of the Small Claims Court will go to \$5,000, that they will introduce a default judgment proceeding and finally that they will ensure that legitimate Small Claims Court matters are dealt with in Small Claims Courts are important ones, and ones that deserve our support.

I guess we have to ask a number of other questions about what could have been included in this piece of legislation. This does not deal in the entirety with all of the issues. I have mentioned one question of the level at which the Small Claims Court should take jurisdiction and not let it pass on. We will wait to hear from the public as to whether the one proposed by the Attorney-General is the one that we should be going with. But there are also other matters that we will want to review, and that is the question of when a matter should be moved to a superior court, whether there would not be some way of expediting those matters which are transferred, new transfer jurisdictions, through that court system. If we really believe that the whole purpose of Small Claims Court is to speed the process of justice, then we should not require claims that are bumped up that do move from one jurisdiction to another, are put in a line so to speak, because we know that most of the claims that come before the Small Claims Court are not major corporations. They are individuals who need the funds, who need the support, who need the judgment to carry on with their daily lives. To request them or to have them move to another court, follow the cue, so to speak, of the justice process really again frustrates the purpose of this Bill.

* (1120)

I want to speak on another more general matter, a matter of principle that I think could be incorporated into this Bill and has been missed. Perhaps I am wrong on this and if I am, I am sure the Attorney-General will correct me. I am wondering whether all issues that could go before the Small Claims Court can in fact go before them and whether we should not be looking at changing some of the other pieces of legislation which effect who in fact can take a case before this jurisdiction. I am wondering whether in fact, for example, a dispute over legal fees can be taken to the Small Claims Court. I am wondering if the Attorney-General could indicate if there are any professional fee disputes, disputes with Governments. That would certainly, I think, open up a can of worms to one which we should be looking at. Can disputes with Governments, for example, be taken to Small Claims Courts; fees assessment, tax assessment, fees assigned to leases on property or whatever? Are there a whole range of issues which by statute are not allowed to be brought forward before Small Claims Court? An important question.

If we are going to broaden the system of justice, if we are going to make these courts accessible, if we are going to speed the process, we will want to make sure that they are as all encompassing as is possible. I think we all recognize that Governments, agencies and institutions also charge fees to individuals. Are they protected in some way that private corporations are not protected, that private individuals are not protected? It is a question that I think deserves an answer.

As I have suggested, although the three components of the Bill that the Attorney-General addresses are, I think, in accordance with the wishes of the majority of Members in this Legislature, we have to ask ourselves can it be widened? I think that is something that we want to do.

Mr. Speaker, I am trying to find the quote of the Attorney-General. The Member for Portage la Prairie (Mr. Connery) says I should prepare my notes. It is not a question of preparing my notes, it is trying to find the correct quote. I do not want to miss—(Interjection)—well I have got it highlighted, but I have got many highlighted—I apologize for taking the time.

The Attorney-General (Mr. McCrae), I think, is the one that highlighted in his speech the fact that this Bill is very likely to generate more activity. The Attorney-General says we do not know yet how much more traffic this will generate. Is the intention of the Government to proceed as quickly as possible to review the implications and resources for Small Claims Division of the Court of Queen's Bench and to proclaim these provisions as false? That is the other side of this coin. If we actually are successful, if the intent of this legislation comes to fruition and we see an improved Small Claims Court procedure, we are almost inevitably going to be faced with a significant number of additional Small Claims Court proceedings. Then we are going to be faced with the dilemma of do we have adequate staff? Are the hours of that Small Claims Court sufficient to ensure that what we really wanted—and that was speedy execution of these matters—take place?

The Attorney-General (Mr. McCrae) I do not think is doing us a great service by raising the question of are we going to have enough resources and not dealing with the matter. Clearly, if we are going to pass legislation which has ramifications, we as responsible legislators should be prepared to respond to the results of this legislation.

So for the Attorney-General to say we are not sure what is going to happen, we think it is going to create additional workload in the Small Claims Court area, but we are not sure and we are not changing our staffing pattern, I hope that the Attorney-General will endeavour to have his staff provide some estimates of the additional resources that are going to be needed. I hope the Attorney-General will undertake to provide those resources when they become necessary, and I think they will if we are successful here.

Perhaps the Attorney-General would also like to respond in the Chamber to the question of what kind of estimates have been produced by his department? Are we likely to see a twofold or a threefold increase in the number of small claims procedures, and how will we adapt to that?

The other issue is also the timing of Small Claims Court hearings. I think it is the case that the majority of those are done at night. But if we are to see a significant increase in the use, we may also want to lengthen the hours, to reestablish the hours, so that working men and women will have greater access in terms of the time that those courts are available for the delivery of justice.

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I hope all are aware that the Small Claims Court is not simply for individuals, but many landlords and many small businesses also use Small Claims Court, and they, I am sure—(Interjection)—no, I recognize that, and that is why I recognize that the Small Claims Court hearings are generally heard at night, but there may be circumstances now where, given the varying hours that people work and the fact that many people work strictly during the evenings, they want to expand or change, reevaluate at any event, the hours the Small Claims Court sits. That is simply a point I make.

The Attorney-General talks about internal resources, but there are many factors that may affect the use of these courts which are outside the purview of the Attorney-General. He will also want to consider those, because what we are trying to do is to get people to use the system, to ensure that there are not individual collective cases of abuse, financial or otherwise, which do not have access to speedy justice.

There may be other Members who want to speak on this. I will not take any further time. I hope that the Attorney-General (Mr. McCrae) takes the opportunity to consider the words that Members offered in this Chamber, who introduced amendments, if he feels so inclined, at committee stage. I would remind the Attorney-General that there is no shame in bringing in amendments. I think we have said, most of the people who have spoken at least, if I have interpreted their comments correctly, have said the intent of this legislation is admirable and we should be proceeding with it, but if there are amendments, if there are additional elements that should be addressed, I hope the Attorney-General (Mr. McCrae) will bring those forward without fear of recrimination on this side.

I can assure the Attorney-General that if he expands the mandate of this court, if he expands the opportunities of people to access this court, I, as an individual member, will be very supportive and I think that Members, generally, will be supportive of that initiative.

So bring in amendments—and if the comments that I or any of the Members have added to this debate or the review of this matter, I think that it will be time well-spent. Thank you, Mr. Speaker.

* (1130)

BILL NO. 9—STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act; Loi modifiant diverses dispositions législatives (Lois réadoptées), standing in the name of the Member for Transcona (Mr. Kozak).

On the proposed motion—(Interjection)—do you want to speak on the Bill?

Mr. Richard Kozak (Transcona): Thank you, Mr. Speaker. I adjourned debate on this Bill on behalf of the Honourable Member for Seven Oaks (Mr. Minenko) and I ask that he now be recognized.

Mr. Speaker: The Honourable Member for Seven Oaks—Bill No. 9.

Mr. Mark Minenko (Seven Oaks): This particular Bill, as all Members of the House have noticed who have in fact read this Bill—I am sure all Members on all sides have with some interest—details a number of changes through various Acts in the Re-enactment Statutes of Manitoba.

One of the Acts that has been changed in the last little while which is reflected in this Bill is The Condominium Act. As a solicitor having acted on many different House deals, I have certainly had a good grounding in the complexities and the potential complexities and problems that arise in the purchase and sale of any property, of any size, of any type in the Province of Manitoba.

I have certainly recognized that as all solicitors who do house deals in matters dealing with transactions of land, that the whole issue of transferring real property in whatever format is an incredibly important item of business for both the seller and the purchaser, because in many situations this house, this property, this condominium, represents the major item of investment in any particular household. As such, due care should be taken, and consideration, to ensure that one does receive—that the purchaser does in fact receive—that which she or he bargained for.

One of the areas of interest in the Law of Real Property is the transfer of condominiums between the seller and the purchaser. Several years back, the issue of condominiums really surfaced in Manitoba with the conversion of many apartment buildings throughout Winnipeg and throughout Manitoba into condominiums. One of the reasons for the increase and the expansion of building and provision of condominiums is that they provide an individual, a family, with secure housing that they can call their own, but also that the care associated with owning a house on a separate piece of land entails—certainly as an owner of property in Manitoba—someone who is renovating his house, a person who has worked many hours cleaning up the shrubbery around the property in order for that particular piece of property to fit much better into the community, to contribute my own efforts to the betterment of that community in which I live, that community of Seven Oaks.

I realize the many hours of toil that go in to ensuring the proper upkeep of any particular piece of property, especially from the outside, having shovelled snow, especially during the storm of November of 1986. I fully recognize that for many people is, in fact, an onerous thought. Having to ensure that your fences are straight, there are no loose boards, that again is time consuming.

Certainly for many people throughout Manitoba, either they have no time for this kind of work or because they are working at their own professions or in their own businesses, or perhaps for those people who are no longer capable of working, condominiums do form an appropriate alternative to still owning your own property and yet having the security of maintaining your maintenance costs and effort expended to ensure

the beauty of your home to a relative minimum. Condominiums, as we all recognize, provide that good alternative where the common elements are taken care of by the particular condominium corporation which is looking after that particular building.- (Interjection)-

I am glad that so many Members of the Assembly are listening so intensely to my participation in this debate on this very critical and important issue of the ownership of real property in Manitoba. Hopefully all Members throughout this House can recognize the complexities of handling real property transactions as well.- (Interjection)- As the Honourable Minister of Education (Mr. Derkach) perhaps is commenting that there are in fact only three lawyers in the Chamber, that this is a very useful exercise.

An Honourable Member: He did not say that.

Mr. Minenko: Perhaps if I have misinterpreted the Honourable Minister's comments, perhaps he could excuse me for that.

I see that the Honourable Member for Lac du Bonnet (Mr. Praznik) is in fact enjoying my comments. Having been classmates and having worked on many of the same assignments and handled many of the similar types of deals, he certainly appreciates the effort and the complexities in land transactions, real property transactions throughout the province.

Mr. Speaker, with respect to the particulars of this Act, one of the main considerations of all Members of this House or all legislators should consider is to ensure that the rights of individuals are protected. These particular amendments to The Condominium Act are in one way trying to ensure the even flow of information and understanding between the vendor and purchaser of any real property, but more specifically the purchase and sale of a condominium.

Many Members of this House having perhaps sold and purchased many forms of real estate, perhaps at once or many times, certainly understand those complexities that are involved in preparing and ultimately signing that Offer to Purchase. That Offer to Purchase is exactly that, an offer by the purchasers to the vendors to purchase a particular item of property at a particular price which includes particular items for a particular time, many of the conditions we are all familiar with.

However, one of the complexities that purchasers of single-family dwellings do not encounter, as opposed to those purchasing condominiums, are the reams of paper that enclose the condominium corporation's by-laws. These by-laws do many things. They set out the rights and obligations of the individual owners of the condominiums throughout that particular condominium corporation. Those by-laws set out the rights and responsibilities of the owners of the units with respect to the common elements and with respect to the general look and impression created by that building.

* (1140)

For example, oftentimes in these condominium by-laws are included provisions with respect to the

limitations of what a particular condominium unit owner can do to the exterior of his particular unit. Sometimes there are restrictions as to enclosing the space. Sometimes the by-laws set out different things, including what the process would be if, for example, the condominium owner wished to in fact enclose the open balcony so that he or she or the family can enjoy that extra space throughout all the seasons and not simply restrict it to the warmer weather.

May I add that certainly this is an important provision in any particular by-law considering the fact that in Manitoba the time of year that you can enjoy the outdoors is very limited, and all Members of the House, wherever they may reside, can certainly appreciate it. So this is another important provision that is included in the by-laws of any particular corporation.

Earlier, I mentioned the by-laws also deal with the rights and responsibilities of the various unit owners, as well as the corporation, as to the common elements. The common elements, as everyone in the House knows, deal with the exterior of the building, the driveway, the lawns, the landscaping, the corridors and, as the Honourable Minister for Urban Affairs (Mr. Ducharme) agrees with me, that these are important elements as well. It is again important to maintain those elements in the best condition because, of course, those are the first elements that any prospective purchaser of a condominium unit views upon entering the property, upon entering the particular unit.

The by-laws set these details out, sometimes in some detail, and perhaps, as the Honourable Minister of Urban Affairs (Mr. Ducharme) suggests, in less detail than they perhaps should, where he suggests that there are in fact many disputes over these particular aspects of the condominium.

Another thing that the by-laws contain is deal with the organization and the rights and responsibilities of the body which is elected from the various condominium unit owners to be their representatives, to ensure that their common elements and their whole building is in fact maintained in the proper manner.

(The Acting Speaker, Avis Gray, in the Chair.)

I see again, Madam Acting Speaker, that the various Members of the House are again intensely interested in my comments, and I must comment that the Minister of Urban Affairs (Mr. Ducharme) has in fact been very helpful in my comments; in fact, reinforcing many of the ideas that I am discussing today as having perhaps encountered in his own affairs.

These by-laws are included usually in approximately a 25- to 35-page document, which have, in the past, often been handed to the prospective purchaser who may have glanced at them quickly or perhaps has simply set them aside regarding them as matters irrelevant to their ownership of the condominium unit. They are, in fact, very incorrect in doing that. Their attention should indeed be focused on the provisions of those by-laws because, as I have mentioned earlier in my remarks, these by-laws do in fact set out the direction for rights and responsibilities.

In fact, if an individual did not review those by-laws, if the prospective purchaser or purchasers have not

perhaps asked their legal counsel to review them, to highlight some of those provisions that may affect that particular purchaser or purchaser's requirements, then they may in fact be purchasing something that they may not necessarily either need or want, or find ultimately that it does not give them the flexibility to be able to adjust their own particular lifestyle.

It is indeed unfortunate that sometimes people who have not sought legal advice, who have not reviewed those by-laws, are then purchasing something and later, within several months, discovering that they cannot make those changes, that they have to then convey or put that condominium back on the market.

Madam Acting Speaker, the provisions contained in this particular Bill with respect to the condominium have moved in the direction to allow purchasers that time to review the by-laws amongst the other documents that are required to be presented by the seller to the purchaser in order that they have that time to review them with some care and to consider whether the restrictions, the rights and responsibilities as set out in those by-laws and the other material is in fact in accordance to their particular wishes, desires and needs.

This particular section of Bill No. 9 further falls into line with what is happening in the marketplace. It ensures that the purchasers who, perhaps, in their excitement, as many purchasers of property of all sorts have, are indeed protected. Madam Acting Speaker, perhaps I can discuss this matter of excitement. Perhaps the need to have a person removed, a solicitor, for example, who may then be able to discuss instead of the redecoration, the new furniture that the family may require or desire for that new piece of real property, perhaps that solicitor can then redirect the focus of the purchasers of that property to being more in line with their long-term needs and desires and wishes for the use of that property.

Certainly, reflecting on my own experience, having purchased a home on historic Rupertsland Avenue in the middle of Seven Oaks constituency, where the initial excitement of viewing the home that we were looking to purchase finally as a major step in developing our own family, having only been married for a few months before, of developing a feeling of family, we were looking to this new home with some manner of excitement and joy. I am sure many first-time purchasers feel that same excitement. Reflecting upon that, I was perhaps able to, having worked in the area of the purchase and sale of real property, been able to perhaps withdraw from that initial excitement to consider what in fact the obligations were of purchasing real property, of purchasing a home. As a result, I was able to perhaps look at the matter a little bit more objectively.

Again, this reinforces the importance of having an independent third party who can review that particular offer to purchase, who can review the material required specifically in the purchase of a condominium in an aura of no excitement but of business, of purpose, of protecting your client's requirements, needs and desires.

What this particular section of Bill No. 9 does is offer to the purchasers of condominiums a cooling-off period, a period in which they can withdraw from that excitement and perhaps objectively or subjectively review that major step which they are taking. Perhaps, as I mentioned earlier, the initial excitement of purchasing their first piece of real property or perhaps the excitement of moving from familiar older surroundings to newer surroundings with the newer amenities and the various amenities available to purchasers of condominiums, including matters like workout stations, matters like swimming pools, saunas and some of the other amenities that many of us Manitobans cannot afford on our own in our own home, it allows those purchasers that time, those 48 hours to step back, to cool off and consider the future.

These changes also are of assistance to the vendors, to the sellers of property. Certainly, as a first-time purchaser of a home, I have not gone through the experience of being a seller of any property but perhaps many Members in the Chamber have gone through that process, have gone through the long waits associated with finding a purchaser for their property, the haggings, the discussions, the bargaining between the two positions with respect to matters of price, matters of chattels, matters of conditions and importantly, as I should perhaps comment to many Members of this Chamber, the issue of the surveyor's certificate, perhaps this matter of the surveyor's certificate is lost on many people. Over the last number of years, Madam Acting Speaker, we have seen the cost of a surveyor's certificate increase to in the neighbourhood of \$250.00. Now that is for property in the City of Winnipeg. That is again an approximate price and perhaps various members, if they were to rush out to their telephones and phone some surveyors, may find some variation on that price but it is approximately that amount.

Now mind you, that approximately \$250 is not such a tremendous amount as compared to the amount of the purchase price. What is interesting is that small piece of paper with a relative, to the purchase price, nominal price is incredibly important and oftentimes develops into a court action. What that surveyor's certificate does is to ensure the purchaser of a piece of property that he or she has in fact purchased that which they had bargained for.

The solicitor who reviews the surveyor's certificate is obligated to review that to ensure that surveyor's certificate reflects the property that they are purchasing. That surveyor's certificate is then passed on to the appropriate authority's zoning department to further ensure that property complies with the purposes for which the purchasers intend to use that piece of property. I would like to emphasize these two points to all Members in the Chamber that this is an incredibly important aspect of any transaction dealing with real property.

The issue of the surveyor's certificate and, for many of the rural Members who may be able to better advise me as to the cost of these things, they are tremendously expensive when you are looking to survey a larger property outside the City of Winnipeg. The costs sometimes run into thousands of dollars. That

* (1150)

surveyor's certificate, that \$1,000 is still incredibly one of the most valuable expenditures that a purchaser can make to ensure that the property they are receiving in fact includes all 16 acres, all 3,000 acres that they are purchasing. Oftentimes, we look through the various reports of the court proceedings and decisions of the Court of Queen's Bench or the Court of Appeal in Manitoba and we find case after case of situations where the purchaser discovered, after taking possession of that property, that they did not receive all the property they were entitled to.

As a result, the importance of these particular aspects in a house transaction cannot be overstressed. The surveyor's certificate provides valuable information if a member of the public in Manitoba has purchased a parcel of land, a particular lot in the middle of a field that has not reached a particular step of development. What other gauge does that purchaser have as to knowing what his property is and the dimensions of the property, but for that surveyor's certificate?

That surveyor's certificate is also valuable in that if the purchasers are building a home on that property or any structure, they will be in a much better position to be able to ensure that their architect, their general contractor, is in fact complying with the particular zoning by-laws of the town, the city, the municipality in which they live.

Because I can imagine—and hopefully over the course of my profession as a barrister and solicitor in the Province of Manitoba—I will not have an opportunity to invite someone into my office and hear that their property or their home, their garage, is not built in the proper location, in the proper lot, or even that the wall of their children's bedroom is located three feet too close to the line of the lot.

What that will entail is either they have to tear down that particular structure, that home, that building, or they have to then hire a barrister in order to represent them before City Council, or Town Council, or a Municipal Board, to request a variance.—(Interjection)—For the Honourable Minister of Labour and Environment (Mr. Connery), I would like to point out that I am discussing The Condominium Act changes, part of Bill No. 9. I hope that the Honourable Minister has in fact found my comments valuable.

Having also acted on behalf of purchasers with respect to condominiums, I can also advise you that the surveyor's certificate is also an important aspect to that purchase. I need not set out the factors and the reasons for that as I am sure all Members in this Chamber understand that the factors that I have set out in the last several minutes do in fact, and can in fact, apply to the purchase of a condominium.—(Interjection)—The Honourable Minister of Highways (Mr. Driedger) says that I am setting out all these problems and so on, that I am discouraging people from purchasing property and moving into rental facilities. Well, I think there is no greater right, no greater joy, no greater excitement by any Manitoban, by any person, than to own a piece of property.

Madam Acting Speaker, may I also add this, what I have just said, that owning property is so valuable,

so important for people, and is in fact reflected in the many hundreds of years of the development of the law of real property coming from the various stages in England, of which whose country's laws we have adopted in Manitoba and Canada, where they recount the various elements of responsibility and the development of this body of law known as the law of real property.

It is in due seriousness that I am here today commenting on the purchase and the protection of the seller and the purchaser and the purchase of any type of real property, including The Condominium Act. I see that the Honourable Member for Churchill (Mr. Cowan) is in fact agreeing with my comments. Certainly he agrees with my comments before in considering the importance of this transaction.

* (1200)

All purchases of real property are not simply a matter of transferring a piece of paper from one to the other. In fact, this piece of paper which is a copy of a title coming out of the Land Titles Office here in Manitoba is simply a symbol of those rights and responsibilities flowing from ownership in real property.

These amendments to The Condominium Act do in fact also, as I mentioned earlier, protect the seller. As I mentioned, there are perhaps many Members of this Chamber who have in fact gone through that period of time of being a seller, of waiting for buyers, of bargaining rights, of bargaining items, and bargaining price. Once that agreement is accepted in the purchase of an item of real property, other than a condominium, all matters with respect to this, a purchase flow naturally there from. But in matters of condominiums, as I mentioned earlier and as I am sure all Members of this Chamber have read and are in fact aware, the reams of material that a seller must—and I must emphasize must—provide to the purchaser. The facts sometimes place an onerous task on the seller. I understand that before these particular changes, there was a potential for confusion—and by this provision in what is called the cooling-off period.

Perhaps Members further along on this side of the House would perhaps consider those particular words. It says in subsection 8.1 of this amendment to the Act that where a prospective purchaser signs an agreement to purchase a unit, the purchaser may cancel the agreement at any time within 48 hours thereafter by giving the vendor a written notice of the cancellation within 48 hours. This cooling-off period, as perhaps now as the rumbling starts and perhaps the Members from the various sides of the House want me to continue on further, this cooling-off period, Madam Acting Speaker, is very important to the process because, as I mentioned, and in conclusion of my remarks, I would hope that and I would certainly invite many Members of this Chamber to take the opportunity of reviewing some of these by-laws and the declarations and other materials supplied to see how important it is for this cooling-off period to be in place. Certainly, I have had the opportunity of reading this material and it is something that cannot be lightly taken. Thank you very much, Madam Acting Speaker.

The Acting Speaker: On the proposed motion of the Honourable Attorney-General, No. 11—

Mr. Jim Maloway (Elmwood): No, no. Madam Acting Speaker, we move, seconded by the Member for Churchill (Mr. Cowan), that debate on whatever Bill number this is be adjourned.

The Acting Speaker: On which; on No. 9? It has been moved by the Honourable Member for Elmwood (Mr. Maloway), seconded by the Honourable Member for Flin Flon (Mr. Storie), that debate be adjourned. (Agreed)

BILL NO. 11—THE CHILD CUSTODY ENFORCEMENT AMENDMENT ACT

The Acting Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), No. 11, The Child Custody Enforcement Amendment Act; Loi modifiant la Loi sur l'exécution des ordonnances de garde, standing in the name of the Honourable Member for Kirkfield Park (Mrs. Hammond).

Mrs. Gerrie Hammond (Kirkfield Park): . . . continue standing in my name, but if any other Member would like to speak today—

The Acting Speaker: . . . for the Bill to continue to stand in the name of the Honourable Member for Kirkfield Park. Leave? (Agreed) The Honourable Member for St. Johns.

Ms. Judy Wasylcia-Leis (St. Johns): I am delighted to have the opportunity to speak on Bill No. 11 and to speak generally on the whole question of Child Access and Child Custody Enforcement.

I would like to address this Bill from a status of women perspective because I think today that angle and that perspective has not been forthcoming, but I am sure, and I am sure the Attorney-General realizes, that it is really a very important analysis and perspective of this legislation and that he will be hearing a great deal from the women's organizations of this province around this particular piece of legislation. We hope and we will encourage those organizations to make presentations at the committee level.

Historically, a woman's right, her legal status and identity were closely linked to her husband or father through Family Law. I make that statement because I want to emphasize and stress the fact that Family Law is a woman's issue. In its traditional role, Family Law regulated marriage, the maintenance of dependants, adoption, separation and child custody, but today Family Law is broadly interpreted as being that area of the law which defines the rights and obligations of family members to each other. The parameters of Family Law are constantly being extended as society and families within it are clarifying attitudes, exploring new living arrangements and seeking greater equality through the courts.

Madam Acting Speaker, most Members in this House will agree with me when I say that Manitoba is at the top of the list provincially when it comes to progressive

Family Law legislation. Not all members, I am sure, will agree with me when I say it was the work of the NDP over the last number of years, particularly since 1981, that accounts for our progressive Family Law legislation. I remember, when this debate was last before us on Friday, September 9, comments were made to suggest that it was the Sterling Lyon Government that was more responsible for progressive Family Law legislation. I just want to take this opportunity to remind Members of the House that it was under the NDP, beginning in 1981, that incredible steps were taken to move us in the direction of progressive feminist Family Law. A great deal of opposition came from the Opposition at that time, the Conservative Opposition. In fact, Members will recall that the whole development around Family Law and the changes in Family Law occurred at the same time that the then-Premier Sterling Lyon was making such comments as "Of course, everyone should know; we Tories are among the best breeders."

Madam Acting Speaker, the Attorney-General (Mr. McCrae) is getting a little excited about my comments. I am simply raising them to first clarify the record; and, secondly, to frame the fact that this is very much an area that must be looked at from a feminist perspective, from a status of women perspective, and that in the past it has often not been dealt with in that way. It is for that reason that many jurisdictions often remain somewhat behind Manitoba in terms of their dealings and their developments around progressive Family Law.

* (1210)

I want to, as well, in my introductory remarks, reference some disappointment since the Attorney-General (Mr. McCrae) is here, and I would like to have the opportunity to raise this matter while he is present. I have some concern about the White Paper on Family Law. It was under the former government, the NDP administration, in fact, when Mr. Roland Penner was the Attorney-General, that a decision was made to review where we were at as a province with respect to Family Law; to look at, as I understand it, almost every aspect of Family Law; to study the different developments that had occurred since legislation had been introduced; and to determine the effectiveness of that legislation and not to restrict that White Paper and that study and that review to any one area.

So it was in that context that I wrote to the Attorney-General (Mr. McCrae) and requested information from him about his plans to table the White Paper so that we could all have a chance to review the findings of that very important study. I still look forward to that being the case. However, I do want to express disappointment at being informed on August 18 by the Attorney-General (Mr. McCrae), to hear his words, which were that the White Paper was being prepared for the previous administration and is, in part, obsolete, because the new Government has decided to proceed immediately with the Access Assistance Program. It was my understanding, certainly, that access assistance was one aspect of Family Law and the White Paper, but only one aspect, and that we would still be looking at many more areas of this public policy area.

I hope the tabling of that report, the White Paper, which I understand is ready—has been ready for some

time—will be forthcoming very soon. I would hope that the Attorney-General (Mr. McCrae) will see fit to table that White Paper or at least share it with the critics in the Opposition Parties so that we can begin to look at the results of a very extensive process. It was a long process, because it had to be, and there was probably some cost to it.

I think it is incumbent upon this Government and the Attorney-General to inform us, to provide us with copies of the White Paper, and to provide all interested women's organizations and other organizations in the province with copies of it immediately so that we can get down to reviewing the findings of the White Paper and begin to discuss in a cooperative way where we need to go next in terms of Family Law.

All of us, I think, realize that it is an ever-changing field, ever-changing needs. I referenced the fact that families and ideas with respect to families are ever-changing, that people are always exploring new living arrangements and seeking greater equality through the courts. So, therefore, I think we are all interested in updating and progressing as the population moves us.

Having said that, I want to reference the fact that there has been a move on the part of the Conservative Government and the Attorney-General (Mr. McCrae) to proceed with The Child Custody Enforcement Act, with amendments as introduced by Bill No. 11, and to also proceed with the Child Access Pilot Program as announced in a press release dated July 29. I do not want to underestimate the significance of those two aspects of child access and child custody enforcement.

However, I think it is important to say, when looking at this whole area from the Status of Women perspective, that we would certainly not want to see it in any way overshadow the very important issues that are still unresolved or not dealt with adequately and fully in the Family Law area when it comes to Status of Women concerns such as, of course, the whole question of wife abuse, spousal assault, child abduction or inequitable maintenance decisions. Those areas must continue to be at the top of our political agendas. We must continue to find ways to resolve the unresolved issues in those areas and to bring forward legislation and programs and policies with respect to them.

I do not think, to date, that we have seen an indication from the Conservative Government that there will be major steps taken in those areas. We have received some detail from the Minister of Community Services (Mrs. Oleson) on the question of wife abuse, but the detail has stopped at simply maintaining the same budget that the NDP administration had put in place, or had recommended, and does not address the question of if there was good reason for not continuing funding of the Manitoba Committee on Wife Abuse. What is this Government planning to do in its place? How will it meet the needs of the community with respect to the very great need for an umbrella organization that coordinates policy, that works with groups, that liaises between Government and groups. I look forward very much to hearing news from this Government, the Minister of Community Services (Mrs. Oleson), about funding of some such umbrella organization.

I would also in this context recommend to all Members in the House to read some of the major work

and study that has been done by our own Manitoba Advisory Council on the Status of Women. That council, an appointed body by Government to advise on status of women matters, has spent a great deal of time looking at family law matters and, certainly when we were in Government, presented us with considerable recommendations and studies and pressure to act in this field. I am sure that the present Attorney-General (Mr. McCrae) and all of his colleagues are under the same pressure and receiving the same advice.

In particular, I refer to a report that they had tabled when I believe we were in office, which was entitled the Economic Realities of Women under The Manitoba Family Maintenance Act. I believe that study does address all of those broad family law issues which need to receive our attention on an ongoing basis.

But at the same time that the council has been forwarding recommendations generally with respect to women and their treatment under the family law provisions in this province, it has said that we should not be anything but a leader in the field of access enforcement as well. However, the council and other organizations have helped put that whole issue, that policy concept into a perspective that I want to put on the record, and hope that it is shared by many Members of this Legislative Assembly.

I think the Attorney-General (Mr. McCrae) hinted at it when he said that the Child Access Program was for children and about children, and I think that is the advice that we are getting from the Advisory Council on the Status of Women and other organizations to ensure that we do not confuse this policy area with their policy areas such as maintenance enforcement. In fact, to quote directly from a letter that the Advisory Council wrote to the director of family law when the NDP was in Government, the council states: "The development of access enforcement should avoid any comparisons with maintenance enforcement. Whereas money can be collected, divided and owned, children cannot be thus quantified. The analogy is unfortunate and comparisons are misleading."

* (1220)

I think it is equally dangerous to get into the debate, when dealing with access enforcement, about women's rights per se versus men's rights. Often this area has come forward from Governments as a policy area, as a legislative initiative because of pressure from men's rights organizations, and I would hate to see our debate around this issue become reduced to that kind of dichotomy or that kind of debate. Unfortunately, there is that tendency. There have been cases that have come forward through the media often presented in the context of a perceived bias against men, a perceived bias against fathers who fight for access of their children. I do not think that there is any statistical documentation or any analyses to suggest that there is that kind of inequity, and I think we are a long way yet from achieving equality that has been denied women for decades and decades. I think all of us are interested in ensuring that our policies and programs bring women up to that level of equality or to be in an equal position with men in terms of our court system and in terms

of access to due process and in terms of overall judicial arrangements. Let us keep that in mind as we debate this issue.

I refer, in making both points about the question of ensuring that this is an issue about children's welfare and ensuring that it in no way endorses some notion about the need to achieve greater rights for men, to a letter to the Editor in the Winnipeg Free Press on Saturday, August 20, signed by Bev Suek, the Chairperson of the Manitoba Advisory Council on the Status of Women. Just to quote a couple of paragraphs, she says—and I think these are important words when addressing this legislation and this policy area:

"Adults have to learn to cope somehow with the trauma of divorce but settlements should focus on what is best for the support of the children who are innocent victims of it all. Some say joint custody gives both parents equal ownership of the children but what happens to the children? They are trucked back and forth between two households, leaving friends and comfortable surroundings to accommodate the needs of the parents for 'ownership'. One very sensible couple I know left the children in the same house and they moved in and out, seriously inconveniencing themselves but leaving the children in the stability of their familiar environment. I am opposed to the principle of joint custody. One parent, the custodial parent, needs to be able to answer questions, make decisions and set the rules for their household so that the children know where they stand.

"Some say access enforcement will help and, in fact, the province has recently introduced a Bill, Bill No. 11, to enforce child custody orders, but you cannot enforce access as you can enforce maintenance. Money can be divided and quantified. Children cannot. Access enforcement can only be done if competent counsellors are available to the parents and children to find out what the children want and need. To enforce an access order based on a court decision five years ago without considering the child's wishes or changed circumstances is also not in the best interests of the child.

"Access has been used by some parents to either get more money or get out of paying money. Children end up being pawns in a game of getting even without anyone evaluating the detrimental effects on them. It is about time we stopped debating what are men's rights and women's rights in divorce settlements and deal primarily with what kind of environment is most nurturing and developmental for the child. Let the adults pay, not the children."

My points exactly, I said at the outset that we should neither ignore the fact that this is a child's welfare issue nor should we let it become one of a battle of men's rights versus women's rights. I did say that we needed to develop the status of women perspective when looking at family law matters, when looking at a new area like child access.

I am sure and I hope that the Attorney-General (Mr. McCrae) would not disagree with that. I think that there would be no one in this House who would deny the fact that we have not achieved full equality yet. As long

as we have not achieved full equality, we need to hear the women's perspective. We need to hear from the Manitoba Advisory Council on the Status of Women and we need to consult with them. The Attorney-General says he has, and I am pleased to see that he has been and I know that he will continue. I just hope that he will take into account some of the major considerations that they have been raising.

I refer, as I look at and want to discuss this Bill, to some of the assumptions that women's organizations have put forward as recommendations to the Attorney-General and to the Government for developing things like The Child Custody Enforcement Amendment Act and the Child Access Pilot Program. Those assumptions—I mentioned one, of course, which is that you cannot begin by comparing access enforcement with maintenance enforcement.

Also, and I hinted at this earlier, it is important to recognize that any developments in this area must also deal efficiently or sufficiently with the issue of child abuse. I think it is fair to say that, in dealing only with existing court orders, the program will not go far enough—any program will not go far enough. Like many groups have recommended, I would also suggest that legal assistance be made available to the custodial parent where enforcement of the existing order is shown to be detrimental to the child.

Also it is important to have, as an underlying assumption to developments in this area, the fact that custodial parents are usually single parents with limited resources and time. Therefore, conciliation should be done in a way that takes this reality into account. I certainly would not want to see, and I do not believe anyone in this House would want to see parents coerced into acquiescing to demands because it is less trouble or because of fear of mandatory conciliation.

I think also sometimes programs like this, and I am not suggesting this is the case with respect to the Attorney-General's pilot program or this legislation, but sometimes developments in this area assume that both parents are equal. But we know, as I have said already, that we still have a long way to go before ensuring that kind of equality on a universal basis. We know that in many relationships this is just not the case. We have heard the stats before. I think the most recent stats say one out of every seven women are victims of physical or mental abuse. I think it is important to build from this knowledge and recommend that allowances be made so that either parent could have a support person or a spokesperson present during the process that is being recommended.

* (1230)

Finally, there is a need to concern ourselves with adequate resources and proper timing around this legislation and proposal and this pilot program before proceeding too quickly. That is not to say I do not want to move quickly. I think we are all interested in seeing the pilot program under way soon so that we can measure the results and determine effectiveness and build from there and, hopefully, build towards moving from a pilot project to an entrenched Government-

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supported program. However, I think it would be a mistake to move, even with respect to the pilot project, unless adequate resources are in place, adequate resources which would be allocated to the program.

In all of my readings from all of the different organizations, there is a strong recommendation that we need to ensure proper sessions are scheduled, that they are scheduled at a time when working parents can be accommodated, and that there are enough conciliators involved to handle cases quickly and sensitively. It is obvious that takes a certain amount of resources. Without adequate resources, the program might and the pilot project might make the situation worse. We do not want to start off on the wrong foot with respect to the pilot project in such an important area.

Building on this question of the basic principles and assumptions behind any legislation or programs with respect to access enforcement, it is important that we take a look at some of the recommendations that have been coming forward not only from the Advisory Council on the Status of Women but also from a very important group here in Manitoba, the Charter of Rights Coalition, an organization that I am sure the Attorney-General (Mr. McCrae) is quite familiar with and no doubt met with. I think that is important, given the fact that it is an umbrella organization.

The Acting Speaker: The hour being 12:30 p.m., I am interrupting proceedings according to the Rules. When this motion is again before the House, the Honourable Member will have 15 minutes remaining.

The House is now adjourned and stands adjourned until 1:30 p.m., Monday.