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DEBATES
and
PROCEEDINGS
Official Report
(Hansard)

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Eighth Legislature

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TAILLIEU, Mavis	Morris	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 19, 2005

The House met at 10 a.m.

PRAYERS

ORDERS OF THE DAY

PRIVATE MEMBERS' BUSINESS

House Business

Mr. Leonard Derkach (Opposition House Leader): Good morning, Mr. Speaker. I am wondering if, by leave, you would ask or we could consider the second reading of Bill 208.

Mr. Speaker: Is there leave to deal with Bill 208? There is agreement? [*Agreed*]

Introduction of Guests

Mr. Speaker: Prior to calling the bill, I would like to draw the attention of all honourable members to the public gallery where we have with us today members of the GRAND Society (Grandparents Requesting Access and Dignity). These visitors are the guests of the honourable Member for Minnedosa (Mrs. Rowat).

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

SECOND READINGS—PUBLIC BILLS

Bill 208—The Child and Family Services Amendment Act (Grandparent Access)

Mrs. Leanne Rowat (Minnedosa): I move, seconded by the Member for Morris (Mrs. Taillieu), that Bill 208, The Child and Family Services Amendment Act (Grandparent Access), be now read a second time and be referred to committee of this House.

Motion presented.

Mrs. Rowat: I want to welcome members of the GRAND Society for attending today. It is a very important day for not only the GRAND Society and other grandparents who are looking for access to

grandchildren's rights, but this is also my first bill that I have presented in the House, and what a great opportunity to have the support of people who have the experience and love of growth and well-being of all individuals in the province.

Mr. Speaker, I have heard from many difficult and regrettable cases where grandparents have been denied access to grandchildren. As a mother of two children and my children who have the love and support of their grandparents, in meeting with several groups and individuals throughout the province, I was just made to learn of these situations that cause hardship and pain for all members, especially for and in the best interests of our children.

In meeting with the different groups and individuals, a lot of the issues are similar. All of the grandparents and individuals who I have met with have indicated that it is critical that the role of the grandparents in the social and emotional development of our grandchildren is recognized. I think today we will speak a little bit about what my bill that I presented today will try to address through us as legislators.

The groups that I have met with, you know, Val Dixon was the individual from my constituency who first contacted me through a Brandon group and then referred me to Eileen Britton, and both of these individuals and the people who are represented with the group here today and in the communities that I represent and in the Westman area indicated that they really do want to see some significant changes and recognition given to them as individuals and a key part of family members of these children. We have to recognize and respect the significant relationship that exists between children and their grandparents, and we have to understand and appreciate that these aspects and these relationships are always in the best interests of the child.

We in the PC caucus recognize the importance of this social issue, have talked about this on several occasions and have tried to determine how best we want to help individuals and families strengthen their bonds with multigenerations. My colleague, the member from River East, while she was Minister of Family Services, who has been very, very influential

in my bringing this forward in providing her experiences and meeting with the groups that are here today and others through the province and shared with me the introduction of changes to The Child and Family Services Act that she had implemented in 1998 which allows for application for access to children by extended family defined as including grandparents where it is in the best interest of the child.

I am sorry. It was proclaimed in 1997 and is common law today.

But the member for River East has indicated that we need to move forward. We need to strengthen what she was a visionary in proclaiming in '97, and we need to move forward and to address the changing aspects of culture and family dynamics. She was very supportive in helping me pull this together in consultation with the group that are here today and the others in the communities. The NDP government has been approached, as I have been, on this very important issue and need for change.

In discussions with them, they felt that we needed to create a little bit of a push of this current government to look at this issue and to look at the importance of moving forward on strengthening the act in the legislation that is presently in place, and I sincerely hope that this government will support this bill so that it can be passed and become law so that we can be assured that the courts will understand and appreciate the significance of grandparents in the role of families.

Mr. Conrad Santos, Deputy Speaker, in the Chair

* (10:10)

Manitoba is lagging behind, and I have learned this through my research and in consultation with various stakeholders that other provinces have already passed similar legislation to what we are proposing here. B.C., Alberta, Yukon, Québec, New Brunswick have all taken a leadership role in moving forward and identifying the important need of moving this legislative amendment forward and understanding that the role of a grandparent is critical in sustaining the best interests of the child and the well-being of the child within the family.

Many honourable members in the House here are already grandparents or are looking forward to

being grandparents, and many of us are parents who rely on our grandparents to help secure and sustain a quality of life that we all want and appreciate.

I know that my children have, on a continual number of occasions, enjoyed my parents coming to the rescue in providing supports for me in the life that I lead as a legislator. My parents understand the importance of what I do and how it will make life better for all families. I do not know what I would do without the support of my parents as well as my husband's parents.

We all have fond memories of our grandparents and the important role they play in our lives. I think that in looking back on different family events or special occasions, both children and grandparents think most fondly of moments they spent together. I think, if anything, if we can enhance the role of this relationship, it would be a great deed for our society.

Imagining the denial of access to our grandchild or the child being denied access to their grandparent is a sad reality. Before I met with Val Dixon and Eileen Britton and the others that represent the groups, I had heard on different radio and TV stories about this situation and it saddened me. When Val Dixon called me and indicated she would love to meet with me and share her story and the stories of the others within the Brandon support group, I jumped at the chance. I wanted to see if I could provide support and see if I could do something as a legislator. I thought what an opportunity it would be for me to provide a legacy that would create stronger families, stronger relationships with families.

The intent of this bill is to allow grandparents reasonable access to grandchildren. Its intent is to build and enhance the relationship of love, affection and similar ties that exist between children and grandparents, building intergenerational ties, and by ties I mean the culture, the history, the community. Providing and enhancing and securing visitation with grandparents provides stability for children who may be facing changes in their life.

Often this bill will be looking at situations where families are in a turmoil. There may be a divorce occurring. There may be a sad situation where a family member or one of the parents has died unexpectedly or has a serious illness. I think we need to communicate and ensure there is flexibility in ensuring that families do receive the support of

others. It is important that the courts recognize the importance of the flexibility in visitation and the communication that comes with that.

When communication between parents and grandparents degrades or is severed, it is often the grandchildren who suffer. Again, in the best interests of children, it is important to make sure children are not used as pawns in unfortunate circumstances. I think my children often believe what I tell them and as others tell them. It is important that grandchildren are treated with love and respect and the words of wisdom that are shared from the grandparents and from families are positive, but that is not always the case.

I think this bill will be proactive in addressing possible future behavioural problems in children. Having the opportunity to learn the importance of love and respect for all generations, for all members of society, is critical to creating healthy and wise children. Preventative measures in that grandparental visitation provide an important source of support for children. The more support a child has, the less likely they are to fall into bad circumstances and make poor choices. I think that is why it is important. As we indicate, I think, quite often, it takes a village to raise a child. I think it is important that grandparents are a key piece of this.

I know in the day care in Souris where I live we have several grandparent type of individuals who play a key role in the quality of life children receive in that centre. I think by having seniors and grandparents, who may have grandchildren that live out of province or out of the community, have an opportunity to work within the centre to provide love and support for these children, again, it is showing the importance of that piece.

The love grandparents feel for their grandchildren is unconditional. I think that is often showed through many cultures, through my background of Ukrainian culture, the First Nations, the Mennonite. I think every culture has great, great history and great opportunities they provide that are unique and are important for a child to learn about. I know my daughter is very interested in Ukrainian dance, and through my husband's side, is very interested in Scottish traditions and opportunities. I think this is where the grandparents' piece is critical as well.

Back to the bill. This amendment will promote flexibility and communication between family members. I think communication is key whenever an individual or a family is in crisis. If you are not able to communicate, then often the crisis can fester and grow and cause more hardship and hurt.

Grandparents should not need to turn to the judicial system to seek reasonable visitation with grandchildren, but when they do, we need these measures to be in place. We need a system, when the families have to go to court and when there are visitation issues and families are having to face the courts, we need to be assured that the court system is looking at the best interests of the child, that the court system will recognize the importance of the relationship between a grandparent and their grandchild that has been established, that it is retained.

I think it is in the best interests of a child to have as much commonality in the situation or comfort in a situation when a crisis occurs, and that the children know they are being loved and supported unconditionally. I think this bill will provide that piece that I think is required within the judicial system to understand and recognize and take notice of the importance of all factors in the children's life.

Interim orders will allow judges to grant interim orders regarding grandparent's access while an application is pending. It is important this relationship does not stop. I think it is important that grandchildren know if there is a crisis occurring, they are going to be receiving love and support from all members of the family. We need to provide children with the avenues of support and love that are available to them.

In closing, this is the heart of the bill. It will direct the courts to give and provide emphasis to the love, affection and similar ties that exist between the child and the grandparent. I strongly urge the government to move on this bill, to understand and appreciate the importance of all members of the family. I think the judicial system has to recognize this, and I think we need to support this bill. I strongly urge the government today to take recognition of this and move this bill expediently through to committee.

* (10:20)

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, it is with great pleasure that I stand here to support Bill 208. I think the principle of Bill 208 is very commendable in that we do need to acknowledge the value of grandparents. The role of the grandparent has been of critical importance since the beginning of time. What we have seen time and time again, especially over the last 20, 30 years, is where the role of the grandparent has been marginalized through unfortunate situations where we see parents are dividing and these custody battles that go on.

Obviously, the most affected individual is the child having to go through this process, but there are others that are also affected. The ones that really stand out in my mind are, in fact, the grandparents. I know for one, I have two children, and they care for their grandparents. I know that their grandparents care for them as if they were their own children, Mr. Deputy Speaker. I would like to think that the grandparents, or my mother or my in-laws, would have access to be able to maintain a relationship with my children no matter what sort of circumstances that there might be in the future.

When I see Bill 208, what I see is a serious attempt from a member of this Legislature to recognize the valuable role that our grandparents play, and that relationship that is very natural and that needs to be supported by this Legislature. Unfortunately, Mr. Speaker, when we get bills of this nature brought to this Chamber, quite often they are debated in some cases, and I trust that this one will get debated, but they will die in second reading.

I would like to see Bill 208 actually go to committee stage, and hear first-hand what people have to say about Bill 208. I would welcome comments from the people that we have in the public gallery with us, for them to be able to express what it is they would like to see in terms of the legislation. The only way that we can accommodate that sort of participation is to see the bill go out of this Chamber and into the committee stage, Mr. Speaker, so that we can hear not only from grandparents. I would suggest to you that this is something that goes beyond just grandparents. This is something which grandchildren also would want to see, what parents would want to see, because we all, as a society, I believe, recognize the importance of being able to support that relationship between the grandchild and the grandparent, and why it is that we do not do what we can as legislators to advance that relationship.

At times we see the frustration. I have seen it on several occasions. I can recall one occasion, in particular, where I had an individual who brought his parents to visit with me, and they were saying that they do not have the ability to be able to communicate with their grandchild. The father, who brought the grandparents to me, was just devastated with the fact that not only can he not see his son, but nor can his grandparents.

We all, as we grew up, many of us have children, and we look forward to the days in which they are going to have children. Grandparents play that critical role, and they have this expectation, Mr. Speaker, that eventually they are going to be able to enjoy the opportunities of being able to exchange their ideas and thoughts and pass on some of their own history, some of their heritage, to be able to do so many things. Where we have the unfortunate circumstances that have led to families breaking up far too often, it is the grandparent and the grandchild that are paying as a result of poor communication from the parents' perspective.

We need to do what we can to rectify that, and that is why I think what the member from the Conservative Party has done in terms of bringing forward this bill is a bill that should receive support from all political parties. I know the late member from St. Boniface, Mr. Neil Gaudry, talked often about the importance of grandparents and reuniting grandparents with grandchildren. We like to think that all members, and that is why when the Opposition House Leader (Mr. Derkach) came to me and said, "Can we do something in terms of leave?" because we know that there is genuine concern on behalf of the Official Opposition to try to bring this bill, not only to debate inside this Chamber, but to get it beyond debate, Mr. Speaker, and get it into the committee stage, and we look to the government.

We know there are two parties in this Chamber that want to see this bill go into committee. We challenged the government to do likewise, to allow this bill to go into committee. It is amazing what this Chamber can actually do. We can send a very strong, positive message in favour of the principle of this legislation by allowing it to go into committee. Government could stand up today in its place, and we could get them on the record and then allow it to be voted upon. I suspect, Mr. Deputy Speaker, if it was voted on, it would be that of unanimous support from this Chamber. I think that is what the member

from Minnedosa wants to see, and I do not blame her. I believe she has done a wonderful thing for the Chamber by presenting this bill here, and I think we need to take it to the next step.

Mr. Speaker, grandparents play a critical role in every aspect of our society when it comes to our grandchildren, particularly in some communities, the grandparent is, in fact, the one raising the child. Quite often, when a child is taken out of custody, the first people we should be turning to are the grandparents. One cannot question the love and dedication that a grandparent has towards that grandchild. I have seen grandchildren as they get older and the affection they show towards their grandparents. It is a two-way thing here. As a Chamber, as politicians, we need to do our part. That is what we need to do. Our part is to promote and advance causes of this nature.

I did have opportunity to make reference to this bill with the Leader of the Manitoba Liberal Party prior to being able to speak on it, in the sense that I had suggested to him that we were going to allow for the leave. He did not have a problem with that because this is something we see as a piece that, in principle, we should get behind.

Mr. Speaker, my intention is not to talk at length but just to emphasize the importance of grandparents and the importance of this legislation, this proposed bill ultimately being more than just debated inside this Chamber. We would like to see it pass this Chamber so that, as opposed to political platitudes, maybe we could do something of substance. We call upon the government to stand on their feet, speak on the bill, get on the record and let us pass it to committee so then we can hear from the grandparents, from the grandchildren, from all Manitobans as to why it is, what they feel about this legislation, and ultimately, let us do something. Thank you.

Mrs. Mavis Taillieu (Morris): I, first of all, would like to congratulate the Member for Minnedosa (Mrs. Rowat) for bringing forward this bill giving access of grandparents to their grandchildren, and certainly the member from River East when she was in Family Services and her initiations of this. I also want to recognize the members from the GRAND Society in Brandon and thank them very much for making the trip here today.

It is regrettable when we learn there are children that would be denied access to their grandparents. Grandparents need the love of their grandchildren, and the grandchildren need the love of their grandparents. It is a very significant bond and relationship that exists between grandparents and their grandchildren. I remember studying social psychology at university and talking about the very special bond with grandparents and their grandchildren even more so than with their own children because, in many ways, the grandchildren are the basis of the line of their genealogy that is carrying on. They know their name, and their genes are being carried on to further generations.

* (10:30)

I would like to just make some comments about my own experiences with my grandparents or my grandparent, I should say. I only had one grandmother as I did not know the other three who had passed away before I was born. I was very fortunate to live down the street from my grandmother so any time that I needed grandma, she was very close by. It was just a very special place to go because at grandma's house you could do anything you want. She would feed you things that normally mommy would not let you have. You could dress up in her clothes and her jewellery, and she would think that was okay. You could play. I remember we used to get a pillow and run up to the top of the stairs and slide down the stairs on the pillow as fast as we could go. She thought that was okay.

Also, I remember gardening with my grandmother. She was a very avid gardener. I was very small, I think maybe just five or seven, and working in the garden with her. It was not until many, many years later, just more recently in my life, that I have taken up gardening again. When I go into gardening books and when I go into my garden, I am amazed the recall I have of the plant names and where they should be planted and how they should be grown because of what my grandmother taught me. Now this is going way back in the memory bank here, but it is amazing that if I had not had that opportunity with my grandmother as a small child, I would not, I think, have been motivated to go into my garden and be a gardener like she was and actually be able to recall the things that she taught me. I think it would be a very sad day if

grandchildren would not have the access to all kinds of things that their grandparents could teach them.

We also know that we live in different times. We are in a different age, where divorce and custody battles are something that we recognize today. With that, with divorce, many children will be torn between parents and then the grandparents of the non-custodial parent. That is a very, very sad situation, and it should always be in the best interests of the child. The child should always have access to the grandparents. Speaking for myself, I went through a divorce and remarried. My children have three sets of grandparents, very loving grandparents. So they have had an opportunity not to be denied their biological grandparents but an additional set of grandparents. All the families recognize all of the children as their grandchildren. Of course, with that there are different relationships that develop and different skills and different things that get passed down through the generations. So there is opportunity to always keep grandchildren in touch with their grandparents.

Certainly, there is just such an unconditional bond between a grandparent and a grandchild. As I was saying earlier about my grandma, I could do anything I wanted at her house and it was just fine. She would not tell my mom. I just loved to go down to her house. I could play and get away with lots of things I could not get away with at home. It was always that way with her. It is true that it takes a village to raise a child. I was born in a very small community. I had a biological grandmother, the only one I had, but I had a lot of aunts and uncles, her brothers and sisters and, of course, my parents and their friends in the community. Anywhere I went in that community, I had actually more than my grandmother because I had great aunts and great uncles who also served as role models for me and were as loving as grandparents can be.

It would be a sad day, I think, that we would have to approach the court system for grandparents to have access to their grandchildren. This is a right, when you have a family and they have a family, that you would be able to see these children and be part of their lives.

I am not a grandparent, but I have children that are not married, two young fellows. They are 24 and 25 years old. *[interjection]* Yes, as far as I know there are no grandchildren. I look forward to the day

that I would be a grandmother and my sons would marry and have children.

I cannot imagine, in the course of a marriage or relationship breakdown or some other cause, that I would not have access to my grandchildren. I think that I would be one of the ones with the group up there saying, "This is not good. I want to see my grandchild." So I applaud the efforts of the group today and all grandparents who stand up for their rights to have access to their grandchildren.

There is a little poem here that the member from Minnedosa has given me that I would like to read into the record. It is called *A Little Touch*.

"I sit on the doorsteps / and look out to the western sunset / I strain my ear to hear / the giggle of children's voices / I turn my eyes to heaven / Happy faces in the clouds I see / I feel the gentle breezes / On my cheek a soft kiss / Quietly I sit alone / I feel a little arm slip around my neck / Grandma, it is me / I love you / You are not alone / I turn and look / They are not there / Again my tears flow / like gently falling rain."

I should not have attempted that. It is a hard one to read.

Anyway, I would just like to say how much I support this bill and thank the member for bringing it forward and would strongly encourage all members here today to support this bill and pass it unanimously today. Thank you very much, Mr. Speaker.

Mr. Andrew Swan (Minto): I rise today to put my comments on Bill 208. I would like to welcome the grandparents who have come here today to watch the proceedings. I can tell you, Mr. Deputy Speaker, that I am a person who is lucky enough to have a close relationship with one set of grandparents, my mother's parents. I saw them every week, sometimes more. I never knew my father's parents. My grandmother died six weeks after my father was born, and my grandfather died in 1942 while in the military.

Mr. Deputy Speaker, I have got two wonderful children. They are six and four. They are able to have a relationship with both sets of grandparents. My in-laws live not even three-minutes drive away, which I can put on the record is a good thing. My parents live only ten minutes away. Often on Thursdays, my

children spend their entire day with their grandparents. I was not sure if we were going to be speaking to this bill last week. Last Thursday, apparently, my four-year-old toured my parents around the Assiniboine Park Zoo for five hours. I think they are still recovering.

Mr. Deputy Speaker, my children have the benefit of grandparents who can be there for baptisms, for church plays, for soccer games, for school events and just for reading and playing and talking. That is important to my children. It is important to my parents and my in-laws. It is important for my wife and I. Like every member in this House, I would certainly want to see every relationship between grandparents and grandchildren, indeed all relationships with extended family members, to be positive. I know, sadly, this is not the case.

* (10:40)

Mr. Deputy Speaker, before coming to this Legislature, I spent 14 years practising family law, dealing with families undergoing separation, and truly there was certainly no more difficult issue than custody and access issues. These issues are not just about division of time. Sometimes there are such difficult questions as to whether one parent should be allowed to move out of the city or out of the province or whether one parent or grandparent, for that matter, should even have access.

These issues are expensive in every sense of the word, both financially and emotionally. In the course of my practice, I had the opportunity, the privilege, to meet many grandparents. Most of the grandparents I met were supportive of their children but more importantly supportive of their grandchildren. I do believe that most grandparents fall into this category. I am aware of some heartbreaking situations. I have been privileged to speak to many of the grandparents who are here today and other grandparents across the province. I have listened to the stories, and I am going to continue to listen to the stories to see what we can do to improve the ability of children to continue to enjoy the relationship with their grandparents.

In my initial review of Bill 208, which has been presented, my concern is that it does not really get to the heart of what the grandparents are telling me. I would like to talk today about the way the act reads

at present. I would like to talk about the resources that exist in our justice system to assist grandparents to have contact with their grandchildren, and I do want to speak for a few minutes, depending on the time constraints, on the way that grandparents' rights have been dealt with in other provinces and indeed by other courts.

I know the Member for Minnedosa (Mrs. Rowat) discussed this matter with the Member for River East (Mrs. Mitchelson). There were changes in 1997 when the Member for River East was the Minister of Family Services.

The Child and Family Services Act already allows grandparents, as it does other extended family members, to apply for access to grandchildren. That application can be made at any time. There is no need to get leave from the court. There is no need for grandparents to do anything else other than to show the relationship as it exists. I am concerned that many of the grandparents I have spoken to across the province are not aware even of the existing rights, and more importantly, the existing resources to help them to exercise what they believe is in the best interest of themselves and their family.

The change in 1997 came about through a private member's bill that was brought by, then the Member for St. Boniface, Mr. Neil Gaudry. I did not know Mr. Gaudry before his death. I understand he was a man of some integrity. He brought in a private member's bill to change the threshold to bring a court application. At that time, before 1997, someone had to show extraordinary circumstances before an application for access could be made, but thanks to Mr. Gaudry, and that bill I know was supported by the Member for Inkster (Mr. Lamoureux), the then-government of the day actually incorporated the provision into changes to The Child and Family Services Act. Unfortunately, what I think was a very positive provision was put into a bill which was further gutting the child welfare system in Manitoba as occurred in the nineties, but having said that, Mr. Deputy Speaker, I think we can all agree it was a positive move.

The grandparents group, the GRAND Society was interested, and presented at the committee on that bill. The member from Burrows, at the time this provision was dealt with before the committee, asked a very specific question of the then-Minister of Family Services. What the member from Burrows

said was "if we could go into clause 78(1), I guess we could dub this the grandparents' clause. I know the minister took some time to explain this during the presentations at committee stage, but I wonder if, again just for the record, the minister could verify this new wording does what the GRAND Society was requesting from this minister." The minister answered, "Yes, this does address the issue of the GRAND Society plus it extends the opportunity for additional family to apply for access."

"If you look at the definition of family in the definitions at the front of the bill, it means the child's parent, stepparent, siblings, grandparent, aunt, uncle, cousin, guardian, person in loco parentis to a child, and a spouse of any of those persons. It is expanding it considerably so that extended family indeed can apply for access. That is the definition in the act." The minister at that time was very clear about what was occurring. There were some comments in the House when the bill was passed. I know the Member for Inkster (Mr. Lamoureux) did stand and put his comments, again, generally opposed to the other things in the act, but in support of this provision and, indeed, Mr. Gaudry also spoke to it.

So the question that I think we all want to know is, if this is in existence already, what has happened since it was passed in 1997 and proclaimed into force early in 1998. Well, we have to look at The Child and Family Services Act which contains not just a preamble, as we sometimes call it in other legislation, but something called the Declaration of Principles, which is really the guiding light, if you will, for what family judges should be doing when cases come before them.

I will just read the first few points.

"The Legislative Assembly of Manitoba hereby declares that the fundamental principles guiding the provision of services to children and families are:

1. The best interests of children are a fundamental responsibility of society.
2. The family is the basic unit of society and its well-being should be supported and preserved.
3. The family is the basic source of care, nurture and acculturation of children, and parents have the primary responsibility to ensure the well-being of their children.

4. Families and children have the right to the least interference with their affairs to the extent compatible with the best interests of children and the responsibilities of society."

There are some very strong statements in The Child and Family Services Act which make it clear that when judges hear cases of this type, or more hopefully, as I am going to get to in a few minutes, can encourage parties to resolve their matters outside of the contested hearing, the best interests of the child will be the key consideration.

Now I do not know if all the grandparents that are here today know that the bill, as it now stands, simply restates much of what is already contained in The Child and Family Services Act, and the areas which are added, unfortunately, do not do anything to avoid the need for a court proceeding, which was what the grandparents have been telling me they want to avoid for a number of very valid and very appropriate reasons. I say this because what we are doing in family law in Manitoba is doing whatever we can to reduce the number of contested court proceedings and using a whole host of other remedies to try and get a settlement and arrangement in accommodation that is in the best interests of children without people having to go and proceed to a proceeding in front of a stranger, a judge, who is going to make the determination without ever meeting the children.

Now I have spoken with many grandparents, of course. We have shared their stories. I think it is fair game, and it is appropriate the grandparents have asked us to take a look at what we are doing and we are doing that. That began. I know that my friend, the Member for Brandon East (Mr. Caldwell) met with a group of grandparents in Brandon. I know that the Member for Dauphin-Roblin (Mr. Struthers) travelled to Brandon to meet with the grandparents.

I want to talk a little bit about the remedies and services that are now available. Any grandparent in Winnipeg who wants to bring an application can do so, and now he will be guaranteed a case management conference. That was not the case in 1997 or 1998. We have moved so that every family law proceeding, whether it involves grandparents, or parents, anybody else, case management is available.

What happens is that early on in the proceeding a Queen's Bench Family Division judge will meet

with the parties and make every effort at that stage to try and resolve issues. The judges, of course, are experts in family law. We have a dedicated family court in Manitoba. They care about the welfare of the children and not only are many of them parents, many of them are grandparents. I can tell everyone in this Chamber, from 14 years of being in the court, when they sit down and tell people the way things are in a conference, they can be more than a little bit persuasive. If parties can work it out, that judge actually has the ability to make an order by consent without ever having to prepare for a formal hearing. If not agreed, the matter can be moved ahead to a trial.

Since we have operated the full case management program, judges tell me, I know, as a former lawyer, very few cases now go even to an interim hearing, fewer still go to trial. I know there are grandparents in Brandon. There is not the same case management system, but, again, any party can seek to go in front of a judge in a pre-trial conference who has the same remedies. Everywhere else in the province, there is either access to a Queen's Bench or to a provincial court judge who also has the right and ability to schedule pre-trial conferences.

* (10:50)

What I think is important, as we move ahead and take up some very legitimate concerns and continue to talk, is to make it clear there are other resources in our system that our government believes are very important.

There is a program through Family Conciliation services called For the Sake of the Children. That is a six-hour course which usually parents are referred to, in fact, personally, I, and I hope everyone else in this House, will encourage grandparents who encounter these kinds of difficulties to go and take the program. It contains some very useful information on how to deal with the parties, and further, how to understand what the best interests of the children are. As well, anyone who goes through the For the Sake of the Children program is entitled to enter into free mediation services provided through Family Conciliation. My experience has been that that service is quite helpful in reducing a great number of matters, without, and of course I say this as a former family law lawyer, the need for the lawyers to be spending time on the file, and unfortunately as they advocate for their clients sometimes can make a situation worse.

Now, I acknowledge that mediation is voluntary. I know that some of the grandparents have told me and will continue to tell me that they may be dealing with a son, a daughter, a son-in-law or daughter-in-law who is not prepared to mediate. If that is the case, they cannot be forced to go. I can certainly tell you that a refusal to go to mediation is something that courts do take into account when making decisions.

As well, Family Conciliation services provides not only full assessments but something called the brief consultation, where a third party can actually go, can meet the parent or parents, can meet the grandparents, go out to their home, and indeed, can talk to the children. We are never going to subject children to testifying in court about whether they want to spend more time with one parent and one grandparent. But certainly a trained worker with Family Conciliation services has the opportunity to find out what the child really thinks and report back to the court and to the parties, all with the goal of preventing a contested court proceeding, which unfortunately this bill as it now stands does not seem to do.

My time, I am afraid, is running out. I could talk about this for a long time. In conclusion, Mr. Speaker, I take this issue very seriously. As the legislative assistant to the Minister of Justice (Mr. Mackintosh), I have been asked to continue consulting. It is certainly my pleasure to do so. I am going to continue listening and hearing what people have to say. We will make sure that grandparents are given, as an important part of our children's future, an appropriate role in our society.

So I hear the comments today of the Member for Minnedosa (Mrs. Rowat) and the Member for Morris (Mrs. Taillieu) and the Member for Inkster (Mr. Lamoureux). I hope we can work together in a non-partisan way to make sure we do not just put a title of grandparent's access on a bill that is not going to accomplish everything it should, and to work together so that the people here do not have to be back here in a few years wondering what we did or did not do. Thank you, Mr. Deputy Speaker.

Mr. Drew Caldwell (Brandon East): Mr. Speaker, it is a privilege to speak in this Chamber to this issue. As my colleague from Minto has said, the member from Dauphin and I have met with the grandparents in western Manitoba. I know that my colleague from

Minto, the legislative assistant to the Attorney General, will be meeting and has had a number of telephone conversations with grandparents concerned about this issue.

All of us in this House are concerned with, first and foremost, children. I know that is the dominant sentiment, in fact more than the dominant sentiment, the sole sentiment of the grandparents I have spoken to in Brandon. Their feelings are very strong that children should be provided with every opportunity to interact with family members, particularly stable family members, as grandparents have pointed out to me that the absence of adequate access to grandchildren on the part of grandparents, is of great concern to those grandparents in that they can provide children with a degree of love, a degree of stability, a degree of intergenerational contact that is missing in the absence of the ability to interact with their grandchildren.

Very briefly, I do not want to speak long to this, Mr. Speaker, because we do have other bills to deal with here today, but I will echo the comments of my colleague from Minto who is entrusted in dealing with this issue specifically on behalf of the Attorney General (Mr. Mackintosh) and the government caucus so that we can avoid some of the pitfalls of partisanship, some of the pitfalls of making this a political football issue and deal with the nub of the question, and that is ensuring that the best interests of the children, full stop, are attended to in any legislation that passes through this House.

We do not want to be simplistic in this legislation. We do not want to have a situation that potentially could make a situation worse or more litigious or lead to more expense on the emotional and the legal and the financial side. We need to be very thoughtful and very considerate of other provinces and what other jurisdictions have done in this regard and analyze the successes and the failures of other jurisdictions as we move forward. Acting in a manner that is lacking in full consideration, or full thought on this, Mr. Speaker, may lead, and indeed would lead, to further grief and pain for all parties. That is something it is important to avoid at all cost.

I am very confident in the expertise of the Member for Minto (Mr. Swan) who—

Mr. Deputy Speaker: Point of order, being raised by the Member for Emerson.

Point of Order

Mr. Jack Penner (Emerson): I wonder whether the government of the day would be amenable to passing this bill before eleven o'clock, before we adjourn this session, to ensure that The Child and Family Service Amendment Act (Grandparent Access) could be passed today, seeing that the government is amenable to this bill and that we could approach this and approve it before the day is over.

An Honourable Member: No.

Mr. Deputy Speaker: On the same point of order?

Mr. Doug Martindale (Burrows): Mr. Deputy Speaker, on the same point of order, I would like to point out to the member from Emerson that it is normal that an opportunity be given to as many members as want to speak on this bill. I understand there are a number of people on our side, including me and the member from Brandon West, who would like to speak on this bill. That would be the normal procedure in this House. I believe that is what we should do today.

Mr. Deputy Speaker: There is no point of order.

* * *

Mr. Caldwell: My mike is not on. Thank you, Mr. Speaker. I lost my train of thought there with the interruption. I was, I think, referring to the degree of confidence that our government caucus and the Attorney General have in the Member for Minto (Mr. Swan) who, as he has suggested and stated, has practised family law for 13, 14 years in the court system in the province of Manitoba. Of any member in the House, he has the best understanding of the issues of family law from the professional perspective.

The member is working very diligently to research the situation as it exists in Manitoba, to discuss with grandparents the nuances of their own personal situations. I know he has had some conversations and will have many more, as I will, with grandparents. The member will be reviewing the personal situations as they exist in Manitoba, the legislation as it exists in other provinces, assessing the pros and cons and pitfalls, advantages, disadvantages, as it relates to family law in the province,

as it relates to the existing act that was brought forward by members opposite in 1997.

At that time, all members in Manitoba were assured that legislation was sufficient. It has been found to be deficient. We all recognize that in the Chamber here right now, even members opposite who brought it forward in the later nineties. So we will be dealing with that.

* (11:00)

Mr. Speaker in the Chair

This is a matter that needs careful consideration so that we get it right and get it right for the kids that all of us here are concerned with. Thank you, Mr. Speaker.

House Business

Mr. Leonard Derkach (Opposition House Leader): It appears that somehow we got out of order here, Mr. Speaker, because usually this matter goes back and forth between the opposition and the government.

But nevertheless, it appears from the comments that have been put on the record that there is support from the government on this legislation. In the spirit of co-operation and to ensure that parents, grandparents who are here today do, in fact, have an opportunity to see this bill move on to a committee, as is the normal process, I would move, by leave of the House, that we allow this bill to move to committee so that people who are in attendance today will see that, in fact, there is a spirit of co-operation and that we in fact can see this legislation move through the processes of this Legislature as they should.

Mr. Speaker, I know that I have probably used up the time that is available for debate. I would simply ask that we move this bill.

Mr. Speaker: Order. Our agreement is that we would switch at 11, but the honourable member had the floor, and when he was asking for leave to move it to committee, private bills, I think what the member meant was that we would continue to deal with it in the House. I think that is what the honourable member was referring to.

An Honourable Member: No.

Mr. Speaker: No?

An Honourable Member: No, on the same point of order.

Mr. Speaker: No. Just wait. I have already dealt with that point of order. We need a new one.

An Honourable Member: You did not hear from our side on the point of order.

Mr. Speaker: It is not a point of order.

An Honourable Member: What is it?

Mr. Speaker: Well, let me hear from him first then. It was not a point of order. He was asking leave. That is what he was asking, leave. It was not a point of order. He was asking leave to move it on. I was just clarifying for the House.

Normally, we switch at 11. For any member to ask for it to be going to committee, what would happen is the members that wish to speak to that would not have the opportunity. So the request is for the members to—*[interjection]* Order. The request is for members to relinquish that and, because we are on second reading, to move it directly into committee. Is that what the request is?

Mr. Derkach: Thank you, Mr. Speaker. Yes. For clarification of the House and the guests who are here today who have a vested interest in this legislation, I have asked for leave of the House.

Now, I want to clarify for our visitors and for everybody in this Chamber that this does not in any way preclude members from being able to speak to this legislation because there is ample opportunity in third reading to speak to the legislation. There is ample opportunity in committee for members to raise questions with people who are presenting this legislation.

We have done this before. As a matter of fact, Mr. Speaker, when the House is ready to adjourn, which is on the 9th of June, I dare say that there will be requests for leave of this House to consider legislation in a speed-up fashion so that, indeed, we can fulfill the agenda of this Chamber.

In that spirit, Mr. Speaker, I am asking for co-operation within this House of all members to give

leave that this bill should move into committee without any further debate because we have heard from the two members who have indicated their support for the bill. So I am assuming that we are indeed in favour of seeing this bill go to a committee where further debate can take place and then having it brought back to this Chamber for third reading where more debate can take place.

Mr. Speaker, I am asking this on behalf of grandparents. I am asking this on behalf of Manitobans who want to see this legislation move.

Mr. Speaker: The honourable Member for Burrows had been up to respond to it, so I will recognize the honourable Member for Burrows because he has been waiting very patiently, and then I will go to the other members.

Mr. Martindale: Mr. Speaker, since this is House business, I will defer to our House leader, please.

Hon. Gord Mackintosh (Government House Leader): I think it is important, first of all, that people have come here in the gallery because I think that is why the request was made. People should know that in this House what was asked just now is extraordinary. It is not the way we do business. To cut off debate on an important piece of legislation at second reading when we are talking about the principle I think is short-sighted.

Second, Mr. Speaker, if the opposition actually meant for this and really wanted this to go to second reading in committee, they would have had that discussion with myself, with others. That is how things happen in this House, if you really want consent.

Mr. Speaker, the other thing is that I think that when there is a matter before the House that has actually in the legislation something that I suspect was not planned by the members opposite, but this bill appears to actually restrict grandparent access. That is why this should be debated in this House. It is an important piece of legislation, and all members should be afforded an opportunity to put remarks on the record at second reading. If they really meant it and did not want to grandstand, they would have had consultations ahead of time.

Mr. Speaker: We are not going to be getting into debate because it was a request to ask for leave. I

will allow the honourable member to add brief, very brief comments to this. Then I have to put the question because the question was, does the honourable member have leave to move this into committee.

Mr. Derkach: Thank you, Mr. Speaker, and I agree with what the House leader has said in terms of this being an extraordinary step that has been taken, but the way this bill has been dealt with today is somewhat extraordinary because the government, seeing people here from Brandon, have decided that they would enter into debate on second reading.

Mr. Speaker, usually in this House, when second reading is given to a bill, and we are talking about the principle of the bill and the sponsor of the bill has just put the remarks of the bill on record, what usually happens in this House is that the opposition, or the government in this case, will adjourn debate of that legislation. But instead, the government chose today to enter into debate on this bill.

Mr. Speaker, that gives every indication to people who are watching this debate from Brandon and from other parts of this province that, indeed, there is a will on the Legislature to move ahead with this legislation. That is the impression that is given when you enter into debate of this kind at this stage. So, when we have heard the comments from members of the government, indicating that in principle they support this bill, and that is what has been said, that is what has been put on the record, when you say that on the record, it is then reasonable for the sponsors of the bill to ask for leave of this House to move to the next stage, and the next stage of this bill is the committee stage. It does not in any way cut off any kind of debate, because we still have third reading to go through.

So, Mr. Speaker, in the spirit of co-operation, I ask this House to give leave to move this bill to committee stage.

* (11:10)

Mr. Speaker: I can only deal with one issue at a time. I have to deal with the request for leave. I have to put the question to the House, and then I will deal with the point of order.

I just want to add two things before I put leave. When members are asking, for example, leave to not

see the clock or leave whatever, it is customary that the Speaker put the question without debate. Also, if there are any negotiations between House leaders, I would very, very strongly encourage them to either do it in the loges or privacy of their offices and not to get into negotiations on the floor.

I will put the question. The honourable member has asked for leave to move this from second reading into committee stage. Is there leave?

An Honourable Member: No.

Mr. Speaker: No. Leave has been denied.

Point of Order

Mr. Speaker: The Minister of Intergovernmental Affairs, on a point of order.

Hon. Scott Smith (Minister of Intergovernmental Affairs and Trade): Mr. Speaker, it is a sad day in this House when, in fact, members opposite try to cut off debate on such an important issue that we are dealing with here today. It is unfortunate that they would use such a method to not allow this side of the House to speak and continue to speak on an issue. We have got professionalism on this side. We are meeting with grandparents. I find it very—

Mr. Speaker: Order. I am going to remind all honourable members, when up on a point of order, it should be to point out to the Speaker a breach of a rule, whatever the number of that rule is, or the departure of procedure in the House. Points of order should not be used for debate. I want to remind all honourable members. The honourable Minister of Intergovernmental Affairs does not have a point of order. It is a dispute over the facts.

* * *

Mr. Speaker: The honourable member from Russell was up on his feet for a point of order, I presume?

Mr. Derkach: Mr. Speaker, just for order of the House, have you called eleven o'clock? Are we to be into resolutions, or do I still have time for my comments on this bill?

Mr. Speaker: I reminded the House that at eleven o'clock we would be going into resolutions, and I have been dealing with points of order, and now I will call Resolution No. 6, Trans Canada Trail, in the

name of the honourable Member for St. Norbert (Ms. Brick).

I would like to advise the House that when the bill comes forward again it will remain standing in the name of the honourable Member for Brandon East (Mr. Caldwell), who has eight minutes remaining.

RESOLUTIONS—COMMITTEE SELECTION

Res. 6—Trans Canada Trail

Mr. Speaker: Now we will deal with Resolution No. 6, Trans Canada Trail.

Ms. Marilyn Brick (St. Norbert): Mr. Speaker, I move, seconded by the Member for Interlake (Mr. Nevakshonoff), that

WHEREAS the government of Manitoba recognizes the importance of healthy living as outlined in the four-year healthy living strategy; and

WHEREAS Manitoba communities and Manitobans have greatly contributed to the development of a trail system in the province; and

WHEREAS the Trans Canada Trail is a non-profit, registered charity organization, whose primary purpose is to raise funds to build a recreational trail that will wind its way through every province and territory in Canada, linking hundreds of communities along its route; and

WHEREAS the Trans Canada Trail has had remarkable success at local levels throughout the country; and

WHEREAS the provincial government, in conjunction with the Manitoba Recreational Trails Association, has played an active role in the development of the recreational trail network, linking 58 communities along its route,

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the provincial government to consider continued support for development of trail systems in Manitoba; and

BE IT FURTHER RESOLVED that the Legislative Assembly of Manitoba recognizes the commitment of Manitobans, especially volunteers, in

creating a provincial network of trail systems that link with the national Trans Canada Trail.

Mr. Speaker: It has been moved by the honourable Member for St. Norbert, seconded by the honourable Member for Interlake,

WHEREAS the government of—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Ms. Brick: Today is a momentous occasion for Canada. Being a bit of a history buff, I think I can accurately state that all eyes are focussed on Ottawa and the Canadian Parliament. Later tonight we will know if we are having an election in Canada. In many ways, politicians follow the politics of other legislative bodies more closely than the average Canadian.

Having said that, I think this incident is a little different. The analogy in the newspapers of a soap opera is undoubtedly quite accurate for many people. I think that we need to recognize, though, that politics plays a huge role in people's lives. Politicians recognize the issues that society brings forward. We address these through research, analysis of policy, drafting of legislation, formulation of regulations and then, of course, implementation.

This morning, I took the opportunity to do a little something for myself. I awoke at 5 a.m. and I made my way to Pan Am Pool, arriving there at 5:45 a.m. Mr. Speaker, by 5:50 a.m., there were many cars in the parking lot, in particular parents dropping off their children to swim in the Manta swim program, seniors enjoying a morning swim, a jogger heading to the track. By the time I left at 7 a.m., the parking lot was half full.

We need to pay attention to these people. They value recreation and the role it plays in their lives. The movement to create more recreational trails plays a hugely significant role in people's lives. I think, Mr. Speaker, that it is very accurate to say that recreation is really important to people.

Our government is dedicated to the expansion of recreational trails across Manitoba. We support the physical creation of Trans Canada trails as a tangible, visible and lasting asset for people of Manitoba. I think of the Trans Canada Trail, and I think of the

trail that goes through West Kildonan, the Harte Trail. That is really important to the people in West Kildonan.

As I also think of the trail that is currently being built in St. Norbert, along Cloutier Drive, I must say that that is very important to the people in St. Norbert. What it does is it links Fort Richmond with St. Norbert. It gives an opportunity for St. Norbert to highlight the very historic role it plays.

That is what happens when volunteers get together, when they get committed to an idea, and they work very hard to move that idea forward. The expansion of a network of trails is not only an important natural asset to the province, but it is also an important tool for local economic and community development through increased tourism.

Mr. Speaker, after being elected in June of 2003, I had the opportunity in February of 2004 to attend the annual general meeting of the Manitoba Recreational Trails Association. I had the opportunity to meet many reeves, city councillors and local community people who use trails.

I think we find, as we take a look at the recreational trails movement that is going across all of Canada, that it is a huge economic boom for our province. You find that it is used as an economic vehicle to help attract people into the local community.

Mr. Speaker, I think we have to look at the development of the Trans Canada Trail as a unique, cross-country initiative linking the three oceans that border Canada. It involves the co-operation of all levels of government, the private sector, communities and individual citizens.

* (11:20)

Once completed, this Trans Canada Trail will stretch from St. John's to Victoria, and north to Tuktoyaktuk and Chesterfield Inlet. It will be the longest continuous trail in the world, which is kind of an amazing feat. It will measure approximately 18 000 kilometres when completed.

Since 1992, the Manitoba Recreational Trails Association, which I must mention, Mr. Speaker, is a charitable association managed by a volunteer board of directors, has played a vital role in promoting and

co-ordinating the building of shared-use recreational trails throughout our province.

Mr. Speaker, the Province of Manitoba recognizes the importance of healthy living. We have done that through the creation of a Healthy Living Ministry that is key to encouraging people to undertake healthy living.

Since 1992, the Manitoba Recreational Trails Association has worked very hard at developing Manitoba's section of trail in conjunction with local trail associations and community groups. In 1998, the first significant length of the Trans Canada Trail in Manitoba was registered, the Rossburn subdivision, an abandoned rail line that was purchased from the CN.

Mr. Speaker, I think it is significant to note that in December of 1999 our government announced the support of the recreational trails movement with a \$2.125-million investment in provincial funding. This was used to develop Manitoba's section of the Trans Canada Trail as the province's signature millennium project. This millennium project aims to provide a lasting legacy of recreation, physical activity, heritage and natural and cultural opportunities for Manitobans and visitors to the province. Our government has been working very hard on healthy living initiatives. I think of the legislation that we passed last year on environmental tobacco. This legislation is very significant. I want to thank the member from Carman for working hard on introducing this initiative. I also want to thank our government for ensuring the passage of legislation.

Mr. Speaker, healthy living is about attitude. Sometimes it is very hard to change people's attitude. Think about what you eat every day. Think about how you move every day. Think about the opportunities that are there in nature to hike, ski, snowshoe, bike, also horseback ride. The expansion and promotion of recreational trails across Manitoba provides us with that opportunity. I think we often underestimate the value of recreation. The government of Manitoba has not been doing that. We understand the important role, as I think I do, as I saw this morning demonstrated right in front of me when I went for a swim at Pan Am Pool, of people really caring about recreation.

In March of 2000, the government of Manitoba entered into agreement with the Manitoba

Recreational Trails Association to provide financial assistance to enable the Manitoba Recreational Trails Association to carry out and complete the Trans Canada millennium signature project. As part of that agreement, the Manitoba Recreational Trails Association is responsible for managing and developing Manitoba's 1200-kilometre portion of the Trans Canada Trail as well as the future development of connecting and non-connecting spur trails.

Mr. Speaker, I feel extremely lucky to be sitting on this side of the House where our government recognizes the value of healthy living. I am also very lucky to have a cottage in the Whiteshell. As part of that cottage, I think many members know, the Trans Canada Trail has been included through the Whiteshell. It is part of the West Hawk Lake, Falcon Lake and Caddy Lake trail.

Many volunteers worked very hard to ensure that trail took place. We need to recognize the value of volunteers. It is the volunteer movement that makes recreational trails happen. Volunteers are the backbone of our community. The recreational trails movement, Mr. Speaker, helps to undertake huge initiatives here.

I think we also need to look at the Manitoba section of the recreational trail through Ontario, through West Hawk Lake, also through Lake Winnipeg's south basin. Also, I think many members know about the trail that we all hopefully get an opportunity to use once in awhile, that being The Forks. Mr. Speaker, if you walk out on any beautiful sunny day, or even sometimes in the winter, you will see people walking, biking, running. As a past marathon runner, I can say that it is hugely significant to have a safe trail to run on. Recreational trails provide this opportunity.

Mr. Speaker, as of 2004, approximately 92 percent of the trails have been designated with over 75 percent of them completed. That is a huge amazing statement. The development of Manitoba's Trans Canada Trail network includes existing trails, abandoned rail lines, provincial parks, wildlife management areas, road allowances, agreements with private landowners and important ethnic communities.

Mr. Speaker, I am thrilled to be able to move this resolution in the House with the support of my colleagues. I think we need to also recognize the

importance of recreation as it has been shown through our Healthy Living Task Force. I am talking about the Healthy Kids, Healthy Futures initiative.

Mr. Speaker, I had the opportunity all through this winter to travel across our beautiful province. I had the opportunity to visit places like God's Lake, places like Virden, and I noticed a huge, amazing sense of spirit that the people of Manitoba have and a commitment to their community. That is also demonstrated through the Manitoba Recreational Trails Association.

Mr. Speaker, I want to congratulate all the volunteers who worked so hard on behalf of this movement. Thank you very much.

Mrs. Myrna Driedger (Charleswood): I am pleased to put a few comments on the record about the Trans Canada Trail, particularly the part of it that runs through Charleswood which is called the Harte Trail.

Mr. Speaker, the Harte Trail is often called the treasure of Charleswood. It is over five kilometres of city path through bush, overgrowth, prairie and rural neighbourhood. In fact, if you look south you can see grain fields and if you look north you can see homes which adds to the ambience of Charleswood where we get the feeling of a little bit country, a little bit city.

A year-round path, the trail is used by people from all over the city for walking, cycling, skiing, jogging, horseback riding and snowshoeing, not to mention its use by many deer and other animals. In fact, there are times you can be walking on the trail and you can come face to face with a deer standing in front of you.

The Harte Trail is an abandoned rail bed built by the Grand Trunk Pacific Railroad and operated from 1894 until 1972. The historical Prairie Dog steam train saw the last use of the tracks. CN Rail transferred their right of way to the City of Winnipeg. The property was assigned to the Streets Department and was originally earmarked to become a four-lane corridor for Charleswood. There was major public opposition to the south Westdale development which would have led to street development. The city designated the trail as a public green space in perpetuity for the purpose of becoming part of the Trans Canada Trail system.

The Friends of the Harte Trail have accepted stewardship of the trail as it runs from the southwest corridor of the Assiniboine Forest to the Perimeter Highway.

Mr. Speaker, I have been honoured to be part of some of the discussions from the inception of the volunteer movement to try to preserve this Harte Trail throughout our community of Charleswood, and I have to credit the volunteers for making the trail what it is today. It was their hard work and perseverance that actually allowed this trail to exist today. By their interest in it and their commitment to it, many, many wonderful changes have happened. With the development of the trail, the maintenance of the trail and the enhancement of the trail, we now have benches, we now have a coating of the trail so that it is much more easy to walk on.

* (11:30)

Mr. Speaker, a new project that is going to begin this summer is the creation of a native species garden, including grasses, flowers, shrubs and trees. This garden is going to be named the Van Roon Gardens in honour of Len and Verna Van Roon who are staunch supports of our community and have worked very hard with the Charleswood Historical Society to preserve the history and heritage of Charleswood.

To honour them in such a way by putting a garden into this historic area of the Harte Trail means a lot to the Van Roons, and it means a lot to all of us in Charleswood. This is a wonderful way to recognize these two people. I think they are quite appreciative of it as well.

The Van Roon Gardens are going to have pathways, a Trans Canada Trail trailhead sign, donated benches and a boulder with a plaque. The Friends of the Harte Trail feel that this is going to be a great addition to the trail, providing a lot of pleasure to area residents and trail users as well as being an educational resource on our native species, a topic that we know has always been of importance to the Van Roons.

It is a pleasure to see all of the people in Charleswood not only contributing to the trail, but also enjoying it. As we see more and more people becoming more aware of the value of recreation and fitness, we can continue to see more and more people

using the trail. It has also been adopted by a number of school children who get involved in helping to maintain the trail and also to walk the trail and read some of the signs and learn more about our environment.

I would like to congratulate the volunteers who are involved in this. There are over 150 volunteers right now who are very, very committed to working on this trail, who maintain it, who promote it, who give a lot of their free time to make sure that all of us in the community can appreciate this trail.

This particular group has had to deal with a lot of hurdles and they have done marvellous, marvellous work. I would like to acknowledge Jan Hasiuk [*phonetic*] for her interest in the beginning and Hilary Hanson and Don Seymour for their continuing work. It is because of these individuals in our community that the trail is what it is today.

I would just like to end by saying thanks to the work of so many wonderful people. The trail is going to be a legacy for many generations to come. On behalf of all of us in Charleswood that benefit from this, I am glad to see that we have people so committed to our community and willing to take part in this because certainly a community best strengthens itself from within. These wonderful volunteers in Charleswood are certainly contributing to that.

We are certainly pleased to have an opportunity in Charleswood to be part of the Trans Canada Trail and look forward to the continuing enhancement of our trail and the continuing enjoyment by all of the people of Charleswood and other parts of Winnipeg. Thank you, Mr. Speaker.

Mr. Cris Aglugub (The Maples): Mr. Speaker, it is a privilege and honour, again, to say a few words in support of this motion brought forward from the member from St. Norbert.

Mr. Speaker, the NDP government is dedicated to the expansion of a recreational trail across Manitoba and supports the physical creation of the Trans Canada Trail as a tangible, visible and lasting asset for the people of Manitoba.

In December 1999, the NDP government announced \$2,125 million in provincial funding to develop the Manitoba section of the Trans Canada

Trail as the province's signature millennium project. The millennium project's aim is to provide a lasting legacy of recreation, physical activity, heritage and natural and cultural opportunities for Manitobans and visitors to the province.

In addition to the \$2,125 million of regional funding provided in 2003, the NDP government announced further funding of \$250,000 annually over four years plus a commitment to eliminate the taxation burden on trails to allow further expansion of the trail network. In 2004, the government followed through on their commitment and eliminated taxes on trails owned by the Manitoba Recreational Trail Association and similar non-profit organizations through the amendments to The Municipal Assessment Act.

The passing of the newly proposed Recreational Trail Property Owners Protection Act by this House will further the development of recreational trails in Manitoba by encouraging landowners to allow recreational trails on their property by reducing the liability of owners. The Manitoba Recreational Trail Association was designated by the Trans Canada Trail Foundation, to develop Manitoba's section of the trail in conjunction with the local trail association and community groups.

Since 1992, the MRTA, a charitable association managed by a volunteer board, has played a vital role in promoting and co-ordinating the building of shared-use recreational trails throughout the province. Following through on funding commitments announced in 1999, the Manitoba government entered into an agreement with MRTA in March 2000, to provide financial assistance to enable MRTA to carry out and complete the Trans Canada Trail millennium signature project in Manitoba.

Mr. Speaker, in the summer of 2002, I had the privilege of representing our Premier (Mr. Doer), in the opening of one of the segments of the Trans Canada Trail Association. It is called the Pinawa Trail, and is located from the old Pinawa Dam to Seven Sisters Falls via the town of Pinawa. The Pinawa Trail runs from the old Pinawa Dam through the forests along a granite ridge and across beaver dams to reach the new suspension bridge that crosses the Pinawa Channel. It loops around the town of Pinawa on a well-developed cross-country ski trail and the interpretive Ironwood Trail along the Winnipeg River. From Pinawa, some construction is

needed to reach the dike that surrounds Natalie Lake, and serves as an excellent trail to Seven Sisters Falls.

Trail builders are experimenting with different materials to cross some deep pit bogs. Working with the recycling group, they have tried various sizes of crushed glasses to bind logs and peat together to form a base. First, the top of the bog is pulled back, the fill put in place, then the top pulled back over it. As there is little market for recycled glass, this promises to be a good solution for both groups. The trail building is done by volunteers using cross-country ski club equipment that will cut crosses up to a one-inch-deep diameter. Some Trans Canada Trail signs have gone up. Volunteers are finding their signs are a bit small to attach to the trees as they had planned.

The Pinawa Trail folks are busy working to complete the remaining portion of the section of the Trans Canada Trail system. I encourage my colleagues in the House to try the trail system, as it is a very scenic system. I did walk the trail myself. I found it interesting. I crossed the bridge, the suspension bridge, that it is talking about. I have seen that area. It is a very scenic area.

Mr. Speaker, in my community the Seven Oaks, we also opened a trail system which is unique to the neighbourhood. It is called the Seven Oaks Hearts in Motion Trail. The Seven Oaks Hearts in Motion Trail is an urban walking path meandering its way through north Winnipeg's Maples, Garden City, West and Old Kildonan areas, highlighting historical sites and other points of interest along the way.

* (11:40)

The goal of this trail is to promote a physically active lifestyle through use of the trail, but the road taken to bring the project to life has brought therapeutic benefits for the whole community. The idea for the trail has been in the works for over a year. Support began to pick after public forums were held in October and November, 2002. A committee was formed, and with each meeting the amount of residents volunteering their services grew. Everything from physical measurement measuring the trail, to researching prominent historical sites, to organizing opening ceremonies was tackled with enthusiasm.

Mr. Speaker, the trail is a co-operative effort between the Heart and Stroke Foundation and the

Seven Oaks neighbourhood resource centre which includes local businesses, seniors and youth groups, schools, and health organizations, and five residents associations, including the City of Winnipeg, the Manitoba Hydro and MTS.

The trail will also be the first of its kind in Manitoba to offer a universal trail assessment. The physical characteristics like length, width, slope, grade and direction, along with the other notable features, are compiled and documented to provide a comprehensive guide for trail users.

A Web site is in the works where this information will be easily accessed.

The launch of the trail took place on Canada Day in the year 2002. The students in the Seven Oaks School Division are going to give a trial run before then, and as part of their physical education over 2500 students have trekked the trail, during the week of June 17 to 21. The walking path runs by or close to about 21 schools in the community.

Mr. Speaker, we are encouraging people to get out in the streets to meet their neighbours and try this out. I invite and encourage my colleagues to spend a day or a weekend and see and meet the neighbourhood as it winds through The Maples and Garden City area.

I would like to conclude by congratulating the volunteers, thanking the volunteers, most notably Dana Strapazon who did most of the groundwork to bring this project together. Thank you, Mr. Speaker.

Mr. Jack Penner (Emerson): Mr. Speaker, I just want to rise and pay tribute to all the people in Manitoba that have actually spent a tremendous amount of time organizing the various aspects of the trail, and I want to pay some tribute to the Crow Wing Trail which basically connects to the Winnipeg beaches on Lake Winnipeg and then heads straight south to Fort Dufferin.

It crosses the Roseau River and at the Roseau River is quite an historical site. There is a swinging bridge that was built to accommodate school children of the original settlers to cross the river to go to school, allow them to go to school. They had a shortcut to school. Otherwise the parents would have had to travel for miles by sleigh and by buggy to get

their kids to schools. The restoration of that swinging bridge is almost complete.

Then it follows the trail to the Canada-U.S. border and crosses the river at Emerson to Fort Dufferin. Again, one of the most historical sites in Manitoba today was the original home of the RCMP, then the Northwest Mounted Police, and from there on they trekked west to Fort Whoop-Up in Alberta and followed the Boundary Commission Trail.

So the Red Coat Trail is now part of the Crow Wing Trail which was the initial trail used by our Aboriginal forefathers and ancestors in this province to transfer us from the U.S. to the Forks at Winnipeg and then on into northern Manitoba. The Boundary Commission Trail has its origin at Fort Dufferin, the original home of the Northwest Mounted Police, and from there on treks down the Boundary Commission Trail that was used initially to identify the border between Canada and the U.S. and then treks on and follows, in large part, the Red Coat Trail into western Manitoba.

Mr. Speaker, I just want to note that this trail has some very historical areas that are included in the development of the trail, and that Crow Wing Trail and the history behind that goes way beyond the white settlers.

So I want to thank all the volunteers, the municipalities, all the organizations that have got involved in establishing the trail in the southern part of the province and follow it through to the western boundaries of the province of Manitoba.

Mr. Harry Schellenberg (Rossmere): As a former geography and history teacher of many years, I would like to speak to this resolution. I always thought it was important that we focus on the study of Canadian history and Canadian geography.

We all know that the Trans Canada Trail is a visionary, co-operative project that invites all Canadians to participate in healthy, family-oriented activities. Also, it affirms our love for nature and nurtures pride in our great country. It is a recreation trail, I agree. But it brings people together. Anything that brings people together is very worthwhile because we are such a large country.

The Trans Canada Trail is a co-operative effort of people, the private sector and government. That is

what makes it such a great project. The Trans Canada Trail is also a non-profit, registered charity organization whose primary purpose is to raise funds. That is what it does for a recreational trail that will wind its way through every province and territory in Canada. In fact, it will reach the three oceans of our country.

Mr. Speaker, the trail will also wind its way, as I said, through every province and thousands of communities along its route. It will be the longest trail in the world and a shared-use trail accommodating five potential activities: walking, cycling, horseback riding, cross-country skiing, snowmobiling and so forth. It is for physical activity.

But, Mr. Speaker, I would like to give it a different slant. We agree that it is about healthy living. I myself do the MS walk and have my route laid out where I walk almost every day, providing I am not in here or at work. But what I want to say is we should foster and focus on what brings people or Canadians together. A Trans Canada Trail is something that brings people together from across Canada. Anything that does that, I appreciate. So I see it more from a historical and geographical perspective.

Also, it encourages people to be more than just tourists. It encourages you to travel and, of course, do physical activities. We learn about our multicultural community of Canada, which is very diverse. That way, we get to know the background of our multicultural community in Canada. We have the Natives in the North, the Inuit, the people in the south. We have something in common, something that we built together. That will make a better and stronger Canada.

Mr. Speaker, I must say, we have one of the best countries in the world. We are a diverse nation. We are many thousands of miles across Canada. It is important to remain united. We as a people, we must focus on that.

Also, Mr. Speaker, I was at The Forks yesterday, Travel Manitoba, or I think it is called Explore Manitoba. That is part of the Trans Canada Trail. You realize when you go in there the richness of our province. There are brochures. There are pamphlets on the many communities and the many towns and so forth in the province. Actually, you are introduced to our province.

* (11:50)

Mr. Speaker, if we learn more about Canada, we will appreciate our country more and this will foster a sense of community. This deepens our understanding of our country. I hope it will encourage Albertans to visit Manitoba and Manitobans to visit possibly Québec, and Westerners to visit Ontario and Québec. I hope there is an exchange of people in Canada as a result of this. I hope we develop a national vision, and that is one reason I wanted to speak today. It is something across Canada.

As I prepared for this, I thought of Terry Fox who had a national vision. I thought of Sir John A. Macdonald who had a national vision to bring people together, to unite our country. All of these things started small but they all have left a great legacy. I hope these trails will leave a great legacy too.

In conclusion, Mr. Speaker, history is not only made by kings and queens, by rich people, by prime ministers, but by ordinary people, ordinary Canadians. As I was a history teacher, I was taught the people that built this country were people of all ethnic backgrounds. Everybody participated in building this country. Maybe that is why we are the best country in the world. Thank you.

Mrs. Bonnie Mitchelson (River East): I would just like to put a few comments on the record in support of this resolution, and support of the many volunteers who have made a significant contribution to try to ensure that we have the Trans Canada Trail that goes from sea to sea, Mr. Speaker, in our country.

I want to speak just very briefly about the great fortune I have had to live in the community of River East in North Kildonan for the last 32 years and have property that backs right onto Bunn's Creek which certainly is a part of the Trans Canada Trail. We have, from one end of my community to the other, trails, walking trails, jogging trails, bicycling trails that represent part of the Trans Canada Trail.

Mr. Speaker, we have seen, through the vision of city councillors in the past, the development of these beautiful trails right throughout our community. I know the Member for Rossmere (Mr. Schellenberg), whom I represent in the Legislature, the Premier (Mr. Doer), whom I represent in the Legislature, and I certainly have taken great opportunity to walk through

Bunn's Creek Park and experience the quality of life that many individuals have experienced as a result of the creek, the trails that go right from one end of my constituency through and up to the Red River at the other end. I have spent many pleasurable hours walking with neighbours, with friends and walking by myself just to experience the quietness, the serenity and get an opportunity or a chance to gather my thoughts together and just marvel at the beauty and space we have in our communities and in our province.

I know that many have spent many volunteer hours ensuring that the paths are maintained. The Green Team programs have hired students to clean up the creek bed and to ensure that trees are cut and the walking trails are maintained. I also do want to commend the volunteers because from time to time when you have open space and park property within communities, there is some vandalism. We have a very active Citizens on Patrol Program organized by volunteers right in the community that monitors the park every weekend during the summer to ensure that it stays in the condition that it is in, and there is not vandalism or anything that would prohibit the general community from being able to use the walkways.

Mr. Speaker, I know also in the winter we have tobogganing slides in the park along the trails, and there is much opportunity for people to cross-country ski. As I sit back in my kitchen and look out the back window, I see many, many in our community taking advantage of the wonderful opportunity we have to live a healthier lifestyle, to participate and to communicate.

So, Mr. Speaker, with those few comments I just want to say that I support this resolution, look forward to it passing and know that many, many Manitobans and Canadians will benefit as this trail moves forward. Thank you.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I just want to indicate that the MLA for Inkster and I as members of the Liberal caucus are in strong support of efforts to improve and enhance the trail system in this province. As a person who has been very involved in the outdoors and walking and enjoying the environment, certainly I appreciate what people have done from all across Manitoba to build and put together the Trans Canada Trail and to make sure it is functional and operational. Clearly, part of

what this resolution is indicating is that there needs to be much more development of provincial trails which will link in to the Trans Canada Trail, and this is something that I would favour very strongly.

I think it comes at a time when we need to refocus on getting physical activity as part of what we are doing in the Healthy Kids task force and, clearly, getting physical activity outdoors is valuable for all sorts of reasons in terms of improving health, keeping people physically and mentally healthy in Manitoba.

So we are strong supporters of this. We see the importance of the trail in Winnipeg as well as across the rest of Manitoba as very important, and I would just like to congratulate all those individuals and organizations who have been involved in the various segments of the trail and just say to them thank you.

Mr. Gregory Dewar (Selkirk): I just want to commend the Member for St. Norbert (Ms. Brick) for bringing forward this important resolution, and I encourage all members to support it and encourage its early passage. Thank you, Mr. Speaker.

Mr. Gerald Hawranik (Lac du Bonnet): I just want to put a few brief remarks on the record regarding the Trans Canada Trail. The trail starts near West Hawk Lake, in fact, in the Lac du Bonnet constituency from the east and proceeds from Ontario through the West Hawk Lake area, through the Whiteshell into Pinawa, Lee River and along the Winnipeg River.

So we have a great deal of the Trans Canada Trail within the constituency of Lac du Bonnet, and dare I say, Mr. Speaker, that that particular portion of the Trans Canada Trail, I believe, is obviously the most scenic in the province as it proceeds through the Lac du Bonnet constituency and along the most important rivers within the area.

It is used for hiking in the summer. In the winter it is used for cross-country skiing and snowmobiling, and it sees a great deal of use, and I, too, would like to commend all of the volunteers and all of their long volunteer hours that they put into establishing this trail and ensuring that it is there for the benefit of all

Manitobans. In the Lac du Bonnet constituency, the tourism industry is a very big part of our economy in that area, and I believe that the Trans Canada Trail will do much to support the tourism industry. After all, Mr. Speaker, we do have the Whiteshell Provincial Park within the constituency. It is the most travelled provincial park in the province with more than one million visitors coming to the park annually.

Again, thank you to the volunteers, and I know they have made the Lac du Bonnet constituency a better place to live, to work and to raise a family. Thank you.

Mr. Speaker: Any other speakers?

Some Honourable Members: No.

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is the resolution brought forward by the honourable Member for St. Norbert (Ms. Brick), the Trans Canada Trail. Is it the pleasure of the House to adopt the resolution? *[Agreed]*

Point of Order

Mr. Speaker: The honourable Member for St. Norbert, on a point of order.

Ms. Brick: Mr. Speaker, could we have that represented as unanimous? It appeared to me that it was unanimous.

Mr. Speaker: Is it agreed? *[Agreed]*

Mr. Speaker: Okay, the resolution will read that it was unanimously passed by all members.

Will the House call it twelve o'clock? *[Agreed]*

The hour being twelve o'clock, we will recess and we will reconvene at 1:30 p.m.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 19, 2005

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