

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 7, 1979

Time: 2:30 p.m.

**OPENING PRAYER** by Mr. Speaker.

**MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell):** Before we proceed, I should like to draw the attention of the honourable members to the gallery, where we have students of Grade 6 standing from the St. Avila School under the direction of Mrs. Sidkalo. This school is in the constituency of the Honourable Member for Fort Garry, Minister of Health and Community Services.

We also have 22 students of Grade 7 standing from the Grosse Isle School under the direction of Mrs. Cosens. This school is in the constituency of the Honourable Member for Lakeside, the Minister of Government Services and Highways.

On behalf of all the honourable members, we welcome you here this afternoon.

Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MR. SPEAKER:** The Honourable Minister of Fitness and Amateur Sport.

**HON. ROBERT (Bob) BANMAN (La Verendrye):** Mr. Speaker, I'd like leave to make a non-political statement and draw to the members' attention the first annual Manitoba Marathon. We have put kits on the members' desks to show the different functions that will be taking place. I would like to say that this particular Manitoba First has sort of a dual function; it does provide an opportunity for fitness in the province of Manitoba, and will also, I understand, raise a substantial amount of money for the mentally retarded in Manitoba.

I would ask all members of the Legislature to either participate by sponsoring somebody in the run, or join myself and the Minister of Finance and a few colleagues like the Member for Crescentwood in the run, to run four miles, to exemplify the fit shape that the members of the Legislature are in. So I would like to say, Mr. Speaker, it would exemplify the fact that not only can we speak well, we can also run well.

So Mr. Speaker, I join all the members of the Legislature in participating in this event in one way or another. Thank you.

**MR. SPEAKER:** Notices of Motion. . . Introduction of Bills.

## ORAL QUESTIONS

**MR. SPEAKER:** The Honourable Leader of the Opposition.

**MR. HOWARD PAWLEY (Selkirk):** Mr. Speaker, my question is to the Minister of Education. Can the Minister of Education advise as to whether or not any plans are in the works for providing additional funding insofar as the educational needs are concerned of the children in Winnipeg's core area?

**MR. SPEAKER:** The Honourable Minister of Education. 3

**HON. KEITH A. COSENS (Gimli):** Mr. Speaker, we provide a special grant for that particular situation, and we provided it last year. We are in the process of considering it again this year. As well, we have increased the amount of our funding to many of the institutions that cater to the needs of some of the problems that exist in that particular area of the city.

**MR. PAWLEY:** Mr. Speaker, in view of the fact that that special grant has remained frozen at \$1 million since 1977 and prior thereto, and in view of the fact that the Chairperson of the Winnipeg School Division, Mira Spivak has expressed her concern over the continued neglect by this

in order to provide extra funding in order to deal with the educational needs of the children in the core area, my question to the Minister is whether or not we can expect any action in the forthcoming special Session of the Legislature to deal with the problem of children in the core area of the city of Winnipeg.

**MR. COSENS:** Mr. Speaker, the word "neglect" is an exaggeration. I believe the Chairman of the School Board in question of course was suggesting that there could be more funding, I think that is rather characteristics of School Board Chairmen. They always feel that more funding could be forthcoming from governments, whether it's this particular year, four years ago, three years ago, or two years hence. I think that is rather characteristic, Mr. Speaker. I've mentioned to the Leader of the Opposition we are providing particular funding there in the form of the \$1 million grant, as well as increasing the funding of other particular programs that exist in Winnipeg School Division No. 1.

**MR. PAWLEY:** Mr. Speaker, despite the Minister of Education's concern about the Chairmen of various school divisions in the province of Manitoba and their alleged dissatisfaction over his government's financial assistance, can the Minister advise whether that grant of \$1 million, so frozen since 1977, will be increased in order to provide additional assistance?

**MR. COSENS:** Mr. Speaker, as I mentioned earlier, we do have that matter under consideration.

**MR. SPEAKER:** The Honourable Member for Transcona.

**MR. WILSON PARASIUK:** My question is directed to the Minister of Health and Social Development. Can the Minister indicate if the Manitoba Medicare system is functioning so that all Manitobans in need of medical care, as defined by doctors, have adequate access to the medical and health care required as prescribed?

**MR. SPEAKER:** The Honourable Minister of Health.

**HON. L. R. (Bud) SHERMAN (Fort Garry):** Yes, Mr. Speaker.

**MR. PA. If SIUK:** A supplementary to the Minister that's the case, can the Minister indicate why women who have been panelled for therapeutic abortions in Manitoba are being forced to go to North Dakota, Minnesota, or other parts outside of Manitoba, in order to have operations performed on them before such times as their lives are endangered?

**MR. SHERMAN:** Mr. Speaker, that question has nothing to do, or certainly very little to do with whether Medicare is functioning the way it should be functioning in Manitoba. The honourable member knows that there is a particular situation, a somewhat unique situation, I might say, with respect to abortions and terminations of pregnancy in the Winnipeg health market, the Winnipeg medical market, and we are working on that problem, Mr. Speaker.

**MR. PARASIUK:** Yes, Mr. Speaker, since people who have been panelled in Manitoba have to go outside the province, is the minister saying that a Medicare system which is becoming inferior to that of North Dakota and other parts in the United States is the level of care that he and his government are aiming for as a standard of what was once the best Medicare system in Canada?

**MR. SHERMAN:** Mr. Speaker, I don't accept for one second that the system in Manitoba is becoming inferior to that of North Dakota or any State in the American Union. As a matter of fact, as my honourable friend knows, there's considerable envy shared among American jurisdictions for the system that we have in Canada and the system that remains unimpaired in Manitoba.

**MR. SPEAKER:** The Honourable Member for Emerson.

**MR. ALBERT DRIEDGER:** Mr. Speaker, I have a question to the Minister of Agriculture. The southeast part of my constituency known to the Minister of Agriculture as the new agricultural frontier is starting to develop, could the minister indicate whether he is considering a Finance Program under MACC for the purpose of brushing and breaking to make the land arable and productive?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**HON. JAMES E. DOWNEY (Arthur):** Mr. Speaker, to inform the member and the House there is a loan program for that particular type of work already in place through the Manitoba Agriculture Credit Corporation.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. SAMUEL USKIW:** Yes, Mr. Speaker, pursuant to the last question, could the Minister of Agriculture tell me when in the last 20 or 30 years there wasn't a program of financing for such projects?

**MR. DOWNEY:** Mr. Speaker, I think the Member for Lac du Bonnet should be well aware that the Manitoba Agriculture Credit Corporation has not been in operation that long; it was something like in the early '60s or late '50s that it's been in operation, and he referred to 30 years— there's quite a difference between 30 and 20.

**MR. USKIW:** Mr. Speaker, I would like to now ask a serious question. —(Interjection)— That's right. It was in the same spirit as the Member for Emerson had put his question, Mr. Speaker.

I would like to ask the Minister of Recreation and Sport whether he can confirm or deny a report in the Beausejour paper that he threatened to close down the Beausejour Government Office Building?

**MR. SPEAKER:** The Honourable Minister of Fitness, Recreation and Sport.

**MR. BANMAN:** No, Mr. Speaker, I would not confirm that statement. Maybe the member is pushing for that type of move, I don't know.

**MR. USKIW:** Well, Mr. Speaker, could the minister tell the House what the report really means when they refer to the minister threatening to move the building, or closing the building down, rather, if continued agitation with respect to the operations of Government Services in that building continue? What was his reference to agitation that the minister would . . . ?

**MR. BANMAN:** Mr. Speaker, I think what we're witnessing here is a classic example of somebody turning around and using for their own political purposes, certain hypothetical and certain allegations.

Mr. Speaker, during the last federal election, the NDP candidate for that particular area ran several ads, campaigned on this, and even went so far as to say "A vote for Jake Epp is a vote for Steinbach" to try and get this feeling across in Beausejour that that particular thing was going to close.

Mr. Speaker, to date, I believe there has been one person that has been transferred out of that particular office; there has been a report found by the Minister of Agriculture which says that the Agricultural Office should have been in Steinbach in the first place. Mr. Speaker, there are a number of decentralization efforts as announced by the Minister in charge of the Planning Group in Winnipeg here where we will be decentralizing a number of offices, and Mr. Speaker, if the member opposite, who represents that area, wants to say that we're going to close down the Beausejour office, or is propagating that kind of a rumor, that's his business, but I know nothing of that.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Well, perhaps the Minister didn't fully understand my question, Mr. Speaker. I did not allege that that was the case; I asked the Minister to confirm or deny a report in the June 6th issue of the Manitoba Beaver that he had threatened the mayor of Beausejour, that if there was agitation with respect to the government's role in that office building that he would close down the building. I simply ask for a confirmation or denial.

**MR. SPEAKER:** The Honourable Minister of Fitness and Amateur Sport.

**MR. BANMAN:** Well, Mr. Speaker, I'm going to have a good look at the article and I'll talk to the mayor about this, but Mr. Speaker, if the member is referring to that particular paper, I will

have a look at it and see what the mayor is talking about.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet with a postscript.

**MR. USKIW:** Yes, Mr. Speaker. When the Minister has an opportunity to peruse the paper, would he then confirm for the House whether he confirms the report or whether he denies it?

**MR. BANMAN:** Well, Mr. Speaker, I'll look at it, but I'm not going to start replying to all the newspaper comments with regards to all kinds of allegations and things that people are going to print in the Press because we'd be back and forth here all day long.

**MR. USKIW:** Mr. Speaker, the Minister obviously misunderstood my question. I asked if he would confirm for the benefit of members of the Assembly whether that story is correct or incorrect' not to the newspaper.

**MR. SPEAKER:** Order please. May I suggest to the Honourable Member for Lac du Bonnet that he check Citation 362 of Beauchesne where it states, "It is the member's duty to ascertain the truth of any statement before he brings it to the attention of the Legislature." The Honourable Member for Lac du Bonnet.

**MR. USKIW:** Mr. Speaker, I believe that would be the first time that that kind of interpretation was applied to that kind of a question since I've been in this House, but you are the presiding judge over the operations of our Assembly.

I would like to ask the Minister of Health, Mr. Speaker, whether or not the province is continuing to provide health-saving drugs on a free basis to Manitoba citizens. Life-saving drugs.

**MR. SHERMAN:** Yes, Mr. Speaker.

**MR. USKIW:** Mr. Speaker, in that category, would insulin be included?

**MR. SHERMAN:** I'm quite sure it is, Mr. Speaker, but I'll take the question as notice.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. SIDNEY GREEN:** Mr. Speaker, I would like to ask the Minister of Finance whether he has notified Host Rent-A-Car, who have indicated that its Head Office is going to be moved to Calgary, that there are no Estate Taxes in the Province of Manitoba and that they therefore should change their mind about moving to Calgary.

**MR. SPEAKER:** The Honourable Minister of Finance.

**HON. DONALD W. CRAIK (Riel):** Mr. Speaker, if I were to do that, I'd probably have to advise them that the Province of Alberta has no Estate Taxes either.

**MR. GREEN:** Mr. Speaker, accepting the fact that the elimination of Estate Taxes is not going to keep business in the Province of Manitoba, would the Minister of Finance advise Host Rent-A-Car that whatever taxes they pay, he will use some Order-in-Council or ministerial approval to see that they don't pay it so they don't have to go to Calgary.

**MR. CRAIK:** Mr. Speaker, the Member for Inkster may have more information than I have. The information indicated through the media is that Host Rent-A-Car has been bought out. If that's the case, I suppose unless the member wants to see an attempt to apply the Foreign Investment Review Agency to transactions between Manitoba and Alberta, that we'll have difficulty in doing anything about it.

**MR. SPEAKER:** The Honourable Member for Inkster with a final supplementary.

**MR. GREEN:** Yes, Mr. Speaker, would the Minister inquire of those legal people who know, and his friend next to him should be one of them, that the purchase of the shares of a corporation does not change its head office.

**MR. CRAIK:** Mr. Speaker, I think that's self evident.

**MR. SPEAKER:** The Honourable Member for Brandon East.

**MR. LEONARD S. EVANS:** Thank you, Mr. Speaker. I'd like to address a question to the Honourable, the Minister without Portfolio in charge of the Manitoba Telephone System, and ask the Minister whether the government of Manitoba will oppose an application of the Association of Cable Operators of Manitoba to the CRTC, to build a private microwave system in order to bring cable service to the 25 communities in western Manitoba?

**MR. SPEAKER:** The Honourable Minister responsible for Manitoba Telephone System.

**HON. EDWARD MCGILL (Brandon West):** Mr. Speaker, I'm not aware that there has been an application filed to CRTC for this purpose.

**MR. EVANS:** Well, Mr. Speaker, I wonder if the Honourable Minister could indicate whether the government of Manitoba would take a position in this particular matter, in as much as it has a very great bearing on the role of the MTS in the province of Manitoba?

**MR. MCGILL:** Mr. Speaker, I can assure the member that if such an application is filed the Manitoba government will take a position.

**MR. EVANS:** Can the Honourable Minister in charge of the Telephone System advise the House, Mr. Speaker, whether the granting by the CRTC of a private microwave system, and should this come to pass, whether the putting in place of such a system would undermine the Manitoba Telephone System as the wholesaler of cable service in this province?

**MR. MCGILL:** Mr. Speaker, I would point out to you that the Member for Brandon East's questions are based upon a hypothesis and I'm not prepared to make any statement of policy based upon a hypothetical fact.

**MR. EVANS:** Yes, a supplementary then, Mr. Speaker. Would the Minister in charge of MTS use his good offices to require or request the Manitoba Telephone Service of Manitoba Telephone System to re-examine the cost estimates of approximately \$29 million, which they have provided the cable operators? Would they re-examine those cost estimates with a view to reducing them, and with the hope of therefore getting some agreement with MTS so that service can be provided forthwith for those communities in western Manitoba who are anxiously awaiting cable service?

**MR. MCGILL:** Well, Mr. Speaker, I am sure that I can say that all on this side of the House as well as on the other side are anxious that cable service be extended to these communities, for which a licence has been issued, as quickly as possible. But, Mr. Speaker, the rates which will apply are the responsibility of the Manitoba Telephone System and we would expect that these rates, when they are communicated to the cable operators, will be either accepted or rejected. If they feel the rates are not appropriate, then they have the right to apply to the Public Utilities Board of Manitoba for an examination of those rates.

**MR. SPEAKER:** The Honourable Member for Elmwood.

**MR. RUSSELL DOERN:** Mr. Speaker, I'd like to direct a question to the Minister of Tourism, and ask her whether she intends to provide a new up-to-date version of the Manitoba Vacation Guide before the summer is over?

**MR. SPEAKER:** The Honourable Minister of Tourism.

**HON. NOR L. PRICE (Assiniboia):** Yes we are, Mr. Speaker.

**MR. DOERN:** I would also like to ask the minister if she could indicate at what point in time the new guide will be available?

**MRS. PRICE:** I'd have to take that question as notice. I think it's probably the middle of next month. We can't get it out before then.

**MR. SPEAKER:** The Honourable Member for Elmwood with a final supplementary.

**MR. DOERN:** Mr. Speaker, I wanted to direct a question to the Minister of Health concerning a program that was given some widespread coverage about a month ago — an American program to help rehabilitate juveniles called "Scared Straight" — I wonder if the provincial Department of Corrections has looked into this type of a program to help combat juvenile delinquency in a life of crime?

**MR. SHERMAN:** Mr. Speaker, I can't say that the department has looked into it officially, but I have discussed it with officials in my department plus some police officers — officials of the Winnipeg Police Department — and it's something that appears to be very intriguing and perhaps with a great potential.

**MR. SPEAKER:** The Honourable Member for Swan River.

**MR. DOUG GOURLAY:** I'd like to direct a question to the Minister of Northern Affairs. It's no secret that we have many economic and social problems in many of our northern communities and since we have a new federal minister from Manitoba, responsible for Northern Affairs and Indian Affairs, I wonder if he could advise the House if he is anticipating an early meeting with this new minister to discuss some of these problems?

**MR. SPEAKER:** The Honourable Minister of Labour.

**HON. KEN McMASTER (Thompson):** Yes, I certainly will be, Mr. Speaker.

**MR. SPEAKER:** The Honourable Member for Transcona.

**MR. PARASIUK:** Yes, Mr. Speaker. In the same vein that the Member for Swan River asked a question. My question is directed to the Minister of Agriculture. Seeing as how the Prime Minister couldn't find a good enough western Canadian M.P. to name as Agriculture Minister bypassing such luminaries as Jack Murta from Manitoba, is the Minister of Agriculture confident that the agricultural interests of Western Canada will be sufficiently looked after by an Eastern Canadian M.P.?

**MR. SPEAKER:** The Honourable Minister of Agriculture.

**MR. DOWNEY:** Mr. Speaker, I'm sure that the member in asking his question is trying to instigate some type of confrontation between the province and the new Federal Government. I would say that the Prime Minister had a wealth of good people to pick from all over Canada and I think it's very refreshing that we have those types of individuals, whether they be from Eastern or Western Canada, that they are very capable of handling the jobs that they've been appointed to.

**MR. PARASIUK:** Mr. Speaker, I note that the Minister of Agriculture, Manitoba, who used to castigate the federal Liberals for having an Eastern Canadian Agriculture Minister has now changed his tune with respect to an eastern Canadian Conservative Agriculture Minister. My supplementary question, Mr. Speaker, is directed to the Minister of Health. . .

**MR. SPEAKER:** Order please. The Honourable Minister of Agriculture on a point of order.

**MR. DOWNEY:** Yes, Mr. Speaker. The allegations that the member makes about me speaking about the Minister of Agriculture from eastern Canada are totally untrue. I have never said such a thing in all my term of office. want to debate thathis govern

**MR. PARASIUK:** Mr. Speaker, I don't ment has been criticizing Whelan in the past, and now he's saying that they haven't criticized him for being an eastern Canadian. My question is directed to the Minister of Health. Earlier in the Question Period, he said that women who have been panelled by a hospital board for a legal therapeutic abortion, are members of a unique group in Manitoba who may not be able to utilize the Medicare system before their lives are endangered, because the Medicare system isn't providing sufficient access to care for them. For these women, in this unique group, to use the words of the Minister, can he please indicate . . .

**MR. SPEAKER:** Order please. The Honourable Minister of Health on a point of order.

**MR. SHERMAN:** I would ask the honourable member who said that? The Minister of Health did

not say that.

**MR. PARASIUK:** Mr. Speaker, earlier in reply to a question of mine, the Minister did indicate that people seeking abortions are members of a unique group who can't get sufficient care. I will check Hansard to determine whether that's true, but I'm quite convinced that that's what he said.

**MR. SPEAKER:** Order please. The Honourable Minister of Health on a point of order.

**MR. SHERMAN:** The Minister of Health indicated no such thing. Any misinterpretation that the Member for Transcona wants to place on my remarks, he's at liberty to do. I indicated no such thing; I deny it categorically.

**MR. PARASIUK:** Mr. Speaker, I will read Hansard and I'll bring it back before the Minister tomorrow. because Mr. Speaker, to rephrase my question, I'm quite convinced my memory is far better than the Minister of Health's, I'd like to ask the Minister what he advises these women who cannot get operations performed under Medicare in Manitoba, although they've been panelled for these operations, what does he advise these women to do so that they may get medical care before their lives are further endangered?

**MR. SHERMAN:** Well, in the first instance, Mr. Speaker, I urge them not to listen to the Member for Transcona. In the second instance, I might say that my reference to a unique, relatively specific problem here in Winnipeg had to do with the overall question of the volume of pregnancy terminations and the reasons for those, the volume at the Health Sciences Centre, and the Member for Transcona knows full well that that's what I was talking about. With respect to the overall problem which has plagued governments of Manitoba increasingly over the past 10 years with the urbanisation of population trends in Manitoba, and the heavy demand on health care in the core area, we have to meet that problem through improvements at the Health Sciences Centre, Mr. Speaker. And as I've indicated before in this House, we are very close to doing that.

**MR. SPEAKER:** The Honourable Member for Transcona with a final supplementary.

**MR. PARASIUK:** Pending these improvements, which might take one, two, or three years to bring about, what does the Minister advise women to do tomorrow, July 1st, or in the near future

**MR. SPEAKER:** Order please. The question is repetitive. Would the Honourable Member for Transcona care to rephrase his question?

**MR. PARASIUK:** I'll rephrase my question to meet your particular criteria and that is, can the Minister indicate what contingency plans he has put in place to enable women to get medical care that is required, pending the establishment of long-term facilities in the Health Sciences Centre?

**MR. SHERMAN:** Mr. Speaker, neither women nor any other members of our society comes to me for medical advice. They go to their doctors. I presume that in this case the same procedure is being followed. I'm sure that we have the professional competence in our medical profession here among our obstetricians to advise them properly, reasonably and responsibly as to what they should do.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. BRIAN CORRIN:** Thank you, Mr. Speaker. My question is also for the Minister of Health. I would ask the Minister, in light of his responses to the Member for Transcona and responses made to me, Mr. Speaker, on Monday in this same regard, whether he has had an opportunity to consult with Winnipeg hospitals who are not currently performing pregnancy termination operations in order to attempt to establish and arrange the use of their facilities for women desiring or needing high-risk pregnancy terminations. I would advise that I have contacted authorities at the Health Sciences Centre, Mr. Speaker, and I'm told that some 400 high-risk pregnancy terminations will not be able to be performed in the next 12 months as a result of the restrictions at the Health Sciences Centre facility. So I would ask whether the Minister will arrange for these 400 some-odd patients to be re-routed into the other hospitals who are currently not, as a matter of policy, allowing therapeutic abortion under the law, legal abortion within the confines of their establishments.

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Mr. Speaker, this is a complex subject that would better be debated in another forum than Question Period. But the honourable member knows, I'm sure, that there is a good deal of abortion counselling that is carried on in this city and in this community that might be, and I emphasize the word "might", might be misplaced in intention. There is, as a consequence of that, a substantial volume of this kind of medical service and medical request that devolves upon the Health Sciences Centre, and the subject is one that my officials, the Health Services Commission, the Health Sciences Centre and my office, are addressing intensively.

We believe that we have some long-term solutions at hand. As far as the short-term solutions are concerned, I'm ready to consider any possibilities within the law, Mr. Speaker, and within the particular ethical, religious and moral precepts on which this society is based, and to which I subscribe.

**MR. SPEAKER:** The Honourable Member for Wellington with a supplementary.

**MR. CORRIN:** Thank you, Mr. Speaker. Yes, the Minister, Mr. Speaker, failed to answer the specific detail of my question which was to the effect of whether or not he would consult with the hospitals in this city who are not currently affording therapeutic abortion opportunities . . .

**MR. SPEAKER:** Order please. The question is repetitive. Order please. If a member has a point of order I suggest he raise it at the end of the Question Period. Order please. The Honourable Member for Wellington.

**MR. CORRIN:** I was wondering whether that was, in fact, a ruling from the Chair or whether that was just a suggested directive, that I should withhold my point of order to the end of the Question Period.

**MR. SPEAKER:** I suggested to the honourable member that his question was repetitive. Would the honourable member care to rephrase his question?

**MR. CORRIN:** Yes, I will, Mr. Speaker. I would ask whether the Honourable Minister has, or will be consulting with hospitals throughout the province who are currently not affording therapeutic abortion facilities to patients in such need and who have been legally panelled under the law of this country?

**MR. SPEAKER:** Order please. The question is repetitive and ruled out of order. The Honourable Member for Wolseley.

**MR. ROBERT G. WILSON:** Mr. Speaker, I have a question to the Minister of Health. In light of the story, "Arms-deal Doctor Being Deported", I wondered would the Minister seek an explanation from the College of Physicians and Surgeons as to what policy or steps they are considering to certify all doctors in the province using that title of doctor, in light of the fact that this gentleman was practising medicine since 1974 in the Province of Manitoba?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Well, Mr. Speaker, there are very rigid licensing and accreditation imperatives that are applied and observed by the College. I would suspect that this is the first instance in which they've had on their roles an individual of this kind linked with this particular alleged situation, but they do maintain a constant surveillance on the licenced members of the profession as to their licence qualifications. I can investigate further in connection with this individual case, but I would expect that the individual had, or appeared to have, the accreditation necessary.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, on a point of order. In view of the fact that the Honourable Member for Wolseley has referred to a doctor who is an arms smuggler, I would think that it is a point of order as to whether a person who is acquitted of a crime, can be referred to in the Legislature as having been a person who commits that crime.

**MR. SPEAKER:** The Honourable Member for Wolseley.

**MR. WILSON:** My supplementary question. I was quoting from a newspaper article is that since this, Mr. Speaker. . .

**MR. SPEAKER:** Order please. Order please. The Honourable Member for Inkster has raised a very valid point of order and I would suggest to the honourable member that if he has, through error, used a person's name or attributed certain things to a person, that he either retract that or apologize for using. The Honourable Member for Wolseley.

**MR. WILSON:** Mr. Speaker, I have a supplementary question to the Minister of Health.

**MR. SPEAKER:** Order please. Order please. The honourable member has an opportunity to rectify an error that he may have made in the inadvertent use of a particular individual's name.

**MR. WILSON:** Mr. Speaker, I shall check Hansard. I'm sure I did not mention any individual's name. I have a supplementary question on the same subject.

**MR. WILSON:** Mr. Speaker, my supplementary question is, in light of the fact that I referred several cases at Victoria Hospital before regarding this same matter to the College of Physicians and Surgeons, would the Minister consider asking the College of Physicians and Surgeons to examine their current policy?

**MR. SPEAKER:** The Honourable Minister of Health.

**MR. SHERMAN:** Well, Mr. Speaker, I'd consider it but as I say, the College of Physicians and Surgeons regulates the medical profession and the practice of Medicine, and admission and licencing into Medicine in this province. I would find it necessary to have very good reason to invade those prerogatives. I certainly can discuss this particular situation with them unofficially.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, as a supplementary. In view of the fact that we are now talking about nobody and that nobody is to be implicated by it, will the Minister consider asking the College of Physicians and Surgeons whether in their accreditation applications they put the question, "Do you intend to smuggle arms for which you will subsequently be acquitted?"

**MR. SPEAKER:** Order please. May I suggest to the honourable member that there are certain types of questions that are allowed in the Chamber and some that probably stretch a little beyond that border. The Honourable Member for Rhineland.

**MR. ARNOLD BROWN:** Mr. Speaker, my question is to the First Minister. Because virtually all grain movement has halted because of strike action by the longshoremen in B.C., can the First Minister report on how negotiations with the longshoremen are proceeding?

**MR. SPEAKER:** The Honourable First Minister.

**HON. STERLING R. LYON (Charleswood):** Mr. Speaker, the most recent information that I have on that topic came just before the House convened when I was advised by the Premier of British Columbia who is Chairman of the Western Premiers' Conference, that he was seeking approval from our government and from the Governments of Saskatchewan and Alberta, to send a telegram to the Prime Minister asking that there be intervention by the Federal Government in this strike which is causing some considerable prejudice to the shipment of all commodities but in particular, grain products from western Canada.

I can advise the House, Mr. Speaker, that I joined with the Premier of British Columbia in the sentiments as he read them in his draft telegram, which I understand will be on its way to the Prime Minister very shortly. In addition to that, according to other information that we have received just before coming into the House, it's my information that the Federal Government have appointed a mediator who is already on his way to the west coast to intervene and to use his good offices to bring the parties together as soon as possible. Failing that, according to the news media and I have no better source at this time, failing that it would be my understanding that the Government of Canada would be prepared to recall Parliament in order to end the work stoppage if ail other

reasonable methods fail.

**MR. SPEAKER:** The Honourable Member for Inkster.

**MR. GREEN:** Mr. Speaker, in the Minister's letter asking the Government of Canada to intervene, is the type of intervention that he is considering — is the type of intervention that he is suggesting or considering or including in his letter, that he ask the companies that employ these people to pay a particular standard of wages which they don't wish to pay?

**MR. SPEAKER:** The Honourable First Minister.

**MR. LYON:** Mr. Speaker, my understanding is, and I don't have the text of the telegram in front of me because I heard it only over the telephone, my understanding is that the term "Intervention" was very general in its usage, that the Federal Government should be asked to intervene to settle as soon as possible, it being understood by the people who are subscribers to that kind of telegram, that the public interest takes precedence over private interests whether they are of management or of labour, and that the public interest must take precedence over collective bargaining or any other matters that impinge upon the integrity of this country as a trading partner in the world.

**MR. GREEN:** Yes, Mr. Speaker, I have a further question to the Honourable, the First Minister. Will he indicate, Mr. Speaker, that such intervention will not require a company to pay more wages than it wishes to, nor will it require a worker to work for less wages than he thinks he's entitled to?

**MR. LYON:** Mr. Speaker, at this stage of the discussion or of the dispute as I understand it, that is entirely a hypothetical question. It's further my understanding that the walk-out that did occur or the strike that did occur, took place on the basis of one vote which is entirely proper, but it would suggest that the parties in question are perhaps not too far apart, and I would hope that in the public interest which should be the only guide, Mr. Speaker, in matters of this sort where the fundamental position of the country and of its major products is involved, where the public interest is involved, then both parties should be asked to put aside their respective greed and do something in the public interest.

**MR. SPEAKER:** Order please. The time for Question Period having expired, we will proceed with orders of the day.

### BUSINESS OF THE HOUSE

**MR. SPEAKER:** The Honourable Government House Leader. —(Interjection)— The Honourable Member for Kildonan.

**MR. PETER FOX:** Yes, I'd like to indicate a change on Law Amendments — the Honourable Member for St. Johns to be removed and the Member for Churchill to be placed thereon.

**MR. SPEAKER:** Is that agreed? (Agreed.) The Honourable Member for Rhineland.

**MR. BROWN:** I'd like to report some committee changes; on Public Utilities the Minister of Finance replacing the Member for Swan River, and on Public Accounts, the Member for Pembina, replacing the Member for Swan River.

**MR. SPEAKER:** Are those changes agreeable? (Agreed.) The Honourable Government House Leader.

**HON. WARNER H. JORGENSON (Morris):** Mr. Speaker, I'd just like to reiterate the business of the House announced yesterday, that this afternoon we will be proceeding to deal with the bills that are currently on the Order Paper. If they're completed we will then go into Supplementary and Capital Supply. This evening the Committee on Law Amendments will be meeting to hear representations on the bills that have been referred. Tomorrow morning Public Accounts will be meeting again —(Interjection)— yes, Public Accounts will be meeting again tomorrow morning, and Public Utilities will be meeting on Saturday. Mr. Speaker, would you call . . .

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. SAUL CHERNIACK (St. Johns):** On a point of order, I was under the impression that after Speed-up the House is supposed to meet three times a day, unless I assume by unanimous leave it is waived. So are we to understand that the House will not meet either tomorrow morning or Saturday morning, or tonight, in spite of what I thought was our order under the Speed-up

**MR. JORGENSON:** Mr. Speaker, that is not an unusual practice.

**MR. SPEAKER:** Order please. Order please. The Honourable Government House Leader.

**MR. JORGENSON:** Mr. Speaker, that is not an unusual practice, that has been carried on for a number of years.

**MR. SPEAKER:** The Honourable Member for Lac du Bonnet on a point of order.

**MR. USKIW:** Has the Minister made it clear that the House is not meeting tonight, tomorrow morning, and Saturday?

**MR. SPEAKER:** The Honourable Government House Leader.

**MR. JORGENSON:** Well, if I have not made that point clear, Mr. Speaker, I will do so now. I think, generally speaking that meets with the approval of most members for the reasons that were outlined by the Member for Inkster during his remarks on the Speed-up Motion. Mr. Speaker, I wonder if you would call the Adjourned Debates on Second Reading, starting with Bill No. 30?

## ORDERS OF THE DAY

### ADJOURNED DEBATES — SECOND READING

#### BILL NO. 30 — AN ACT TO AMEND THE CHILD WELFARE ACT

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I adjourned this bill for the Honourable Member for Wellington.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I'm indeed pleased to be able to participate in the debate that will ultimately lead to some revision of what I consider to be one of the most important pieces of legislation on the record in this province.

Mr. Speaker, last weekend I attended a national conference of an international body known as Amnesty International. At that time I had the opportunity to meet people, not only from all over this country but also individuals who travel to Winnipeg from various places abroad, and, Mr. Speaker, to my shock, people were advised at the conference that children throughout this world are living in circumstances of terror . . .

**MR. SPEAKER:** Order please. I would hope that all members who want to carry on individual conversations would do so either in a very low voice or else in the corridors, so the Honourable Member for Wellington can make his presentation and we can all hear it. The Honourable Member for Wellington.

**MR. CORRIN:** Thank you, Mr. Speaker, I needed that assistance.

Mr. Speaker, as I was saying, I found that children throughout the world are known to be living in situations of terror; precarious situations that border on nightmarish proportions. Mr. Speaker, I won't even attempt to belabour the subject by detailing some of the things I learned. I can only suggest that some of the repression involves the imprisonment of young children in countries such as Uganda and Chile, and other indignities, other horrors which are simply too much to relate; simply go beyond the bonds of the imagination.

Mr. Speaker, I'd like to share with you some information relative to a law, a very similar law to our Child Welfare Act, which is in existence in the USSR. Mr. Speaker, I do this because I think it shows that any law no matter how beneficial or how virtuous its concept, can be turned to a

sort of evil purpose. This particular law, which as I said is the equivalent of the Child Welfare Act that exists in the Soviet Union deals as our Child Welfare Act does with loss of parental rights. And if I might relate information that I have in this short brief, Mr. Speaker, that was presented to me at the conference, it indicates that the form of official repression which is most feared by dissenting religious believers in the Soviet Union, is deprivation of their parental rights. It indicates that Article 19 of a law called the Fundamentals . . .

**MR. SPEAKER:** Order please. I realize that the problem of child care in the Soviet Union is very important but we are dealing with a bill in the Manitoba Legislature and I would hope the member would stay with the subject matter of the bill before us. The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I tried to establish its relevance because I can assure you that children are quite literally children of the world and, Mr. Speaker, in the Year Of The Child, I would remind you that it is exceptionally important that we be aware of how all the children of this world are treated notwithstanding whether they're in the province of Manitoba, whether they're in the nation of Canada, or whether or not they are resident in the USSR . . .

**MR. SPEAKER:** Order please. Order please. May I point out to the honourable member that if he keeps his remarks confined to the subject matter of the bill, he will not be subject to being called to order. The Honourable Member for Wellington.

**MR. CORRIN:** Yes, dealing with child welfare, being Bill No. 30, Mr. Speaker, which in Section (1), defines the best interests of the child, and throughout the content of that bill discusses parental rights and the loss thereof. I hope, Mr. Speaker, and I say this with respect, I hope that I've now satisfied the burden of proof that we are indeed discussing something that is of legitimate concern and interest.

Now, Mr. Speaker, in the Soviet Union . . .

**MR. SPEAKER:** Order please, order please. The Honourable Member for Wellington may proceed as long as he stays within the subject matter of the bill. The Honourable Member for Wellington on a point of order.

**MR. CORRIN:** On the point of order, Mr. Speaker, I would indicate that the mere reference to the state known as the USSR or the Soviet Union does not preclude the possibility that we are also referring to the bill before the House And with all respect, Mr. Speaker, I don't think you're making any effort to listen to my remarks or my explanation, and I want that on the record.

**MR. SPEAKER:** Order please. The honourable member is reflecting on the actions of the Chair which is a very serious charge, and I would suggest that if he does so he has to substantiate it. The Honourable Member for Rock Lake. **MR. HENRY J. EINARSON:** Mr. Speaker, on the same point of order. I think, Mr. Speaker, having listened to the Member for Wellington, that it is his responsibility as a member of this Legislature to speak on the subject matter which deals with Bill No. 30. While he may have an interest in the children in USSR, I don't think that has any bearing insofar as this bill is concerned, and I agree wholeheartedly with the Speaker, insofar as asking him to maintain his discussions on this particular bill.

**MR. SPEAKER:** The Honourable Member for Kildonan on a point of order.

**MR. FOX:** Yes, Mr. Speaker. Relevancy is a very illusive thing and until we have heard what the Honourable Member for Wellington has said, it is very difficult to determine whether it is relevant or not. I would hope that when we are discussing a bill in principle in respect to child welfare, that you would at least give us the latitude that we can debate the issue in principle and stay away from the specifics and if some form of relevancy has to be referred to that are without or outside of the borders of Manitoba, I don't see that it should be of any harm and that it should prevent a debate. So I ask you again sincerely, to give the Honourable Member for Wellington a chance to indicate where and when and why his relevancy, whatever debate he wishes to refer to, as long as it stays within the principles of The Child Welfare Act, which is before us.

**MR. SPEAKER:** The Honourable Member for Transcona on a point of order.

**MR. PARASIUK:** If someone is to discuss a bill in principle and is precluded by your rulings from

referring to bills that exist in other jurisdictions, and distinguishing between the bill itself and the practice, that is the implementation of the bill, then it becomes very difficult to discuss any bill in practice and I've heard references to bills in other jurisdictions brought up many times when bills were being discussed in Second Reading. So, I think that it's proper for a member to refer to legislation in a comparative manner to legislation of other jurisdictions that's been done before in the House and I would hope that it'll be continued.

**MR. SPEAKER:** The Honourable Government House Leader on a point of order.

**MR. JORGENSON:** I don't disagree with the comments that were made by the Member for Kildonan, and I know that it's sometimes difficult to define what is relevant and what isn't. But I do want to refer you to Citation 739 in Beauchesne's, which says, "On Second Reading of an amending bill, it is the principle of the amending bill, and not the principle of the Act, which is the business under consideration. Debate and proposed amendments must therefore relate exclusively to the principle of the amending bill."

Now, there is perhaps no problem in making a passing reference to what is happening outside in another jurisdiction in order to bring your remarks into focus, but what I object to, Sir, is the impertinence of the honourable member in attempting to instruct you as to what you should do and what your terms of reference are. The honourable member has no authority to do that. If he would only take the cautionary word that you exercised and agree to abide by a ruling insofar as it's possible for him to do so, I don't think there would be any objection to that.

I expect that members will stray from time to time, but when the Speaker has drawn their attention to the fact that they have strayed, then I would think that the response of that honourable member would be: that he apologize for having done so and will attempt to get back to the subject under discussion. That is the normal practice and I think the proper practice in this House. But to defy and challenge your ruling, Sir, is not the prerogative of any member of this House, unless he does it in a proper way. I would think that the honourable member would reflect on the accusation that he has made against the Speaker and attempt inasmuch as it is possible to stay within the rules that are defined by our rule books and to abide by your admonition, Sir.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Yes, Mr. Speaker. In order to placate the apprehension related by the Honourable Government House Leader, I would indicate to you and to him — and I hope that I didn't show disrespect for your ruling because it was not my intention to show disrespect for you and your position, Mr. Speaker — but, Mr. Speaker, I would indicate that I was frustrated by the ruling in that I wasn't able to express my position and to try and establish the relevance. I will try and do it now and I hope that honourable members opposite, and for that matter yourself, Mr. Speaker, will understand that there is a connection.

I would indicate that the law in the USSR, as I've said, is essentially dealing with the same subject matter and sets itself up, Mr. Speaker, as dealing with precisely the matter that is before us in this bill, the question of parental rights and their laws. Mr. Speaker, if you will leaf through the very many sections of The Child Welfare Act before us this afternoon, you will find that loss of parental rights is given extensive treatment. There are many dozens of sections dealing with the law in Manitoba relative to those sorts of situations and I'm sure, Mr. Speaker, we would all agree that that is a most important matter and one worthy of thorough debate in this Assembly.

But, Mr. Speaker, to bring things into focus. In the USSR, parents can lose their rights, can lose their children to the state, as can happen in Manitoba under this law, Mr. Speaker, if they have done something to the extent of having neglected their duties. That is the term used in that law. We in Manitoba in this bill, Mr. Speaker, talk about the best interests of the child and we give power to the courts of our province to remove children from their parental residence if their best interests are not being served and those interests of course, Mr. Speaker, are defined in the bill before us this afternoon.

But, Mr. Speaker, I found it more than passing importance, that among the duties that Russian law requires parents show towards their children, is to educate them, and I quote from that law, "Educate them in the spirit of the moral code of the builders of communism." I thought, Mr. Speaker, my goodness, I thought, that's terrible. Imagine, a state that requires that its children be raised according to the spirit of the moral code of the builders of communism. Who could ever define that? And then I said to myself — what if our law had a clause and it almost does — that our children be educated in the spirit of the moral code of the builders of Liberal democracy. What would that mean, Mr. Speaker? And as I said, Mr. Speaker, in many respects, as I soon will establish, our law almost says that. This Bill almost says that and, Mr. Speaker, if it said that, I don't think

that I would rise and admonish the draftsman of that law and advise this Assembly that that law was iniquitous; I don't think that the precepts of the moral code of the builders of Liberal democracy could be questioned, but in the Soviet Union, Mr. Speaker, that particular precept translates into the never-ending war of that State on religious believers.

Because the builders of Communism were atheists and because they prescribed a State course of atheism and because many in that particular nation dissent, and exercise their dissent by continuing affiliation with many churches, many different religious denominations, those people, Mr. Speaker, are in peril of losing their children under this very fine law. So it could be under the law that is set down in Bill 30, a law that talks about the best interests of the child, and parents could lose custody of their children if they are not acting in the best interests of their child — and I'm quoting directly from the Bill.

And that means that if the judge decides that either the mental — and again quoting — or emotional or physical needs of the child are not being met, that he can forcibly withdraw the child from the home and put it in the charge of the State Director of Child Welfare, a government bureaucrat.

Well, Mr. Speaker, that is indeed a tremendous power to be vested in our courts. And we must remember that people who staff our courts, although they are worthy and generally of course, most honourable, are just people — people perhaps with special backgrounds and experience and training but still just men and women, flesh and blood. And so, Mr. Speaker, in dealing with this Bill No. 30, we must realize that we are delegating a tremendous responsibility and a tremendous power to individuals within the framework of our State.

Mr. Speaker, I am frightened in dealing with any law that gives such *bus omni* power to any class of citizens, to any group of individuals, even judiciary. I am frightened of the consequences that such legislation might have if it were dealt with in a manner that was not consistent with sound public policy and of course natural justice. And any discretionary law, Mr. Speaker, is capable of so being dealt with.

Mr. Speaker, I can tell you from my own experience before the courts, and Mr. Speaker, I have for the past 9 years worked in the Family Courts and dealt with I daresay scores of Child Welfare applications involving the apprehension of children from parental homes. I can tell you that there is a class of citizens within this province that are very often put in very very difficult circumstances; that are very often hard put to defend themselves when such applications are taken against them by the State. These, of course, Mr. Speaker, as I'm sure you've discerned, are native people and statistics will demonstrate that to a very large extent it is our native people who are most involved in these sorts of applications and, therefore Mr. Speaker, the impact of this particular legislation if it is proclaimed, will indeed be most felt by those people who are very often in the most vulnerable and are the least protected amongst our society, our native people.

Mr. Speaker, I can tell you that it is indeed very difficult when called upon to represent these individuals in situations when the power of this particular legislation has been or will be invoked, it is indeed difficult to explain to them the system of law that prevails in this province, it is very difficult. And, Mr. Speaker, I can tell you from long experience that it is very difficult very often, to prevail upon those who must sit in judgment and assist them to understand the nature of the society in which the native person lives. And I can tell you that, as a result of that, Mr. Speaker, there are many situations of hardship that arise.

It's not unusual, Mr. Speaker, for a native parent, when confronting this sort of application to become totally frustrated and to lash out at the courts, and for a variety of reasons, Mr. Speaker.

One of the foremost submissions or arguments I've heard, Mr. Speaker, is that the person on the bench can't possibly understand, can't possibly stand in the shoes of native people living in situations as they often are forced to in remote northern communities, or for that matter, in the inner city core of Winnipeg, that it is indeed almost impossible for any human being who has not been there, who has not walked in those shoes, to understand the difficulties, the travails that impinge daily on the lives of those individuals. And, Mr. Speaker, in times of crisis such as arise when children are apprehended by State authorities, it is indeed difficult to make children or parents understand what is happening.

Mr. Speaker, although it is perhaps a tenuous argument, I would suggest that there is a parallel between Bill No. 30, An Act to amend the Child Welfare Act, and Article 19 of the Fundamentals of Legislation of the Soviet Union. Both of them, Mr. Speaker, when looked at objectively by citizens resident within the State, citizens who are members of the establishment of the middle class, be they the citizenry of Russia or the good people of Manitoba, the good middle-class people of Manitoba will agree that both those laws are appropriate and necessary and can only be interpreted to give good effect to public policy which demands the protection of children.

But, Mr. Speaker, the reality is, that in the case of the religious dissenters of the Soviet Union

and very often in the case of the economically underprivileged native people of remote northern communities and the inner city of Winnipeg, that this law has not, and will not, always serve the ends of justice.

It is very difficult for us, as I said, to sit in judgment when we pass such a law or — not to sit in judgment, Mr. Speaker, but it's very difficult for us to put ourselves in the place of those who will be most directly affected. And, Mr. Speaker, it is for that reason that I suggest that this law is deficient in that it doesn't provide a mechanism by which those people, and those of course most primarily affected, the children, can be represented by advocates of their own direction and choosing.

I would suggest, Mr. Speaker, as I have I think on at least three occasions this Session, that it is now timely for this province to give consideration within its Child Welfare Act to enacting the same provisions as have been enacted in comparable legislation in other jurisdictions of Canada, Europe and the United States. Mr. Speaker, in those jurisdictions, as you've heard me say before, there is now provision for advocates to serve the courts and to serve the rights of children before those courts, and Mr. Speaker, I can assure you that those people who are most immediately affected are in the greatest need for such advocacy.

Mr. Speaker, there has been a presumption in this Legislature through legislation that children are well represented, that children's interests are looked after by their parents, that if their parents are not sufficiently involved that those interests will be looked after by appropriate child care agencies. And yes, Mr. Speaker, if appropriate child care agencies are not involved, they'll be represented by the state itself. But Mr. Speaker, in practice that simply hasn't been the case. No effect has been given to that belief, Mr. Speaker, in reality. In reality, Mr. Speaker, it is often the case that the children who are involved, using this best example, in cases involving their apprehension and possible removal from their parental homes, those children are most immediately vulnerable, they're unprotected, they are not being directly involved in what is transpiring relative to their lives.

Mr. Speaker, I've been in many a courtroom where the Children's Aid lawyer is saying one thing on behalf of the child care agency, but I can assure you that I've also been in many courtrooms, while at the same time they're saying it, they'll also admit that they've never met the children. Parents' lawyers very often are retained for the purpose of defending parental rights, custodial rights, and Mr. Speaker, again, I can assure you that I've been in many courtrooms where they, too, have never met the children, have never asked the children what life is like at home, have never asked the children whether they are being abused; whether they want to stay at home; where they want to live; what life has been like. And what happens, Mr. Speaker, as a result of all the various combatants neglecting the direct interest of the children and not being required to give the children's rights first and foremost interest, what happens is very often, simply unproductive from the standpoint of the child's welfare and best interests.

So Mr. Speaker, I'm saying that it's very important that we reflect on the very serious nature of the rights affected by this legislation, and we give consideration now to doing what other jurisdictions have done by enabling the appointment by the courts of special children's advocates. People who can represent, not the interests of the state or the child care agency, or the interests of conflicting parents, but the interests solely and only of the children before the court, the children who are unable to articulate very often their own concerns — they're of tender years — who need assistance, who are the ones in most need of assistance in order to assist them to articulate their concerns and needs.

Mr. Speaker, as we have found in other jurisdictions, when this happens, when child advocacy laws are enacted, it is not just children's advocates who are brought before the courts, but at the behest of the advocates, we also find that specialists trained in child psychology, child psychiatry, various specialized disciplines of social work, people who come from various walks of life, come before the courts on behalf of the children, and speak for the interest of the children. And Mr. Speaker, when that happens, I'm advised — and I'm advised by material I have read, material I have shared with other colleagues, that the entire system starts to function more efficiently.

Mr. Speaker, I can give you but one example that I think most eloquently bespeaks that particular pronouncement. In British Columbia, they created an office of the Child Advocate, and they did so by legislation. And Mr. Speaker, I am told that last year, of all the cases that came before the Family Courts of that province dealing with apprehension of children, I am told that 80 percent of the cases before the courts were settled, were settled. There was no conflict before the courts. Now, Mr. Speaker, I dare say that if we were to ask the provincial judiciary in our family courts what the settlement rate was prevailing in our courts last year, we would find that we compare most abysmally to the British Columbia rate. I daresay that we would not find that 80 percent of our cases were involved without barristers in conflict or parents in conflict, or the state in conflict with various people.

But I can tell you, Mr. Speaker, from practice, that it is very difficult for anybody to stand up against the advice given by an independent advocate, and as I suggested earlier, Mr. Speaker, not just his or her advice, but the advice of all the specialists that that person would retain on behalf of the child; it is very difficult for that person, for any person to suggest that that advice should not be adhered to by the court, should not be accepted by the court.

And so what happens, Mr. Speaker, is that people stop fighting. They stop being in conflict, because it is recognized that that person does not have a vested interest; that person does not approach the problem in a subjective manner; that person's responsibilities are solely to the child and the court that person has considerable professional competency. And I'm advised that in most states, Mr. Speaker, the people who are chosen by virtue of their own competence and qualification and their own performance before the courts, soon rise to positions of considerable stature before the courts, and it is very very seldom that those persons are drawn into conflicting situations. Generally speaking, Mr. Speaker, as I've suggested, most people will submit to the wisdom of their recommendations, and it's found that the courts are most willing to follow their recommendations, that the courts like the idea of an independent arbiter.

**MR. SPEAKER:** Order, order please. I've listened very carefully to the comments of the honourable member and while I know his comments are very worthwhile dealing with the question of a children's advocate, that is not the subject matter of the bill that's before us and I would suggest the honourable member stay within the confines of the bill.

**MR. CORRIN:** With respect, Mr. Speaker, I know you've studied the bill before us but I wish to draw your attention to some of its provisions. Mr. Speaker, this bill deals directly with circumstances when reports respecting children needing protection can be submitted to the courts and I would advise you, Mr. Speaker, that that is exactly what I am talking about. And Mr. Speaker, as I said, I regard the sections involving reporting to be deficient in that I feel that they should be drafted in such a manner as to give sufficient latitude to the possibility of the appointment of children's advocates, and I do not find that to be the case. I trust, Mr. Speaker, that you would now agree with me that my remarks were pertinent and I would draw your attention to several sections in that regard including Section 36 of the bill, Mr. Speaker.

It also, peripherally Mr. Speaker, Section 1 (a)(2), which deals with the extensive definition of best interests of the child, and I would suggest, Mr. Speaker, that in order for the court to be apprised of what is in the best interests of the child, that it is imperative that proper reports be received. So, Mr. Speaker, as I am sure you will see, the legislation, of course, does deal very specifically with what I am discussing. And Mr. Speaker, I would suggest that it would be, although it is not timely now, but it may be the case that amendments will be raised at discussion stage in Law Amendment in order to give a more extensive and pervasive interpretation and expression of latitude in that regard.

But Mr. Speaker, I would say that I am most concerned that such legislation could be enacted in this province, and not give concern to the importance for considering such opportunities as have been afforded children in other jurisdictions to gain access to advocates. It is extremely important, Mr. Speaker, because I can assure you that children are not in a position to express their own opinions. Most of them, of course, are too young and not sufficiently mature, experienced to do that.

As a matter also of interest and I think relevant, Mr. Speaker, I would also like to refer to the laws of the country of South Africa. I know, Mr. Speaker, that you are concerned that I not attenuate my remarks, and that I try and be as directly relevant in the burden of my remarks as I can to Bill 30, but I suggest again that all laws have two sides. Just as the Soviet law and our law might have two sides, the laws of South Africa and Manitoba bear comparison as well.

Mr. Speaker, in South Africa there is a law in existence which necessitates parents — well, it necessitates all people — necessitates all people of that country to have a special permit in order to allow them to travel from city to city. Excuse me, I made a mistake, Mr. Speaker, I said all people. I should have said black citizens of South Africa. It's not necessary that white citizens carry the permit. Black citizens in that country must carry a permit in order that they can travel from the place where they work to another area in the country. And Mr. Speaker, there have been cases, and I learned of them at the Amnesty International Conference I referred to earlier in my remarks, where people who are married to each other and who had families, were not able to communicate or see each other because the male member of the family could only find work in a city distant from the location of the family's residence and home. And as a result of that, Mr. Speaker, that person and his family would literally be trapped in two separate worlds. And Mr. Speaker, I was wondering, I couldn't help but wonder, under Bill 30 —(Interjection)— Well, it would be. In Manitoba it would be, Mr. Speaker. If this law, Bill 30, existed in South Africa, Mr. Speaker, given the latitude

that it currently has, Mr. Speaker, it's sad and sorry to say that a judge could determine that a child's needs . . .

For instance, in Section 1 of the Act it suggests that the best interests of the child refers to the child's opportunity to have a parent-child relationship as a wanted and needed member within a family structure. Well, if that law were in existence in South Africa, a judge — a white judge in that case could say, Mr. Speaker, because there are no black judges in South Africa I'm told — could say that the father had neglected his responsibilities to his children, that he hadn't given them the necessary opportunity to be a wanted member of a family structure, that he had taken a job outside the area where he was supposed to live and as a result knowingly had put himself in a position where he could never visit his child. And wouldn't that be an interesting situation, and what an ironic paradox that would be, Mr. Speaker, that that could be an interpretation where a person, in order to feed his children, might also be breaking the tenure of a law and might lose his children to the State. That effectively, of course, has been what the law has done in South Africa, Mr. Speaker, anyway.

But Mr. Speaker, I can tell you from my relations in the courts in this province that I have had native people come to me, in the same circumstances, and say to me, "I went to look for a job. I was broke. I was on welfare. I was destitute. I went out to look for a job and while I was gone my family fell apart and the authorities came in and they took my children. And I've actually seen factual situations like that arise. Now there's no law in Manitoba, Mr. Speaker, that requires a permit to move between cities, towns, or villages, but there are economic laws, Mr. Speaker. There are harsh economic realities and laws. They're called "the Laws of the Jungle", and they exist within the borders of our province and Mr. Speaker, there are people who are sorely put upon because of those illegitimate laws, those unwritten laws, those laws I call "the Law of the Jungle."

So Mr. Speaker, if we pride ourselves on having better laws than the Soviet Union, and we pride ourselves on having better legislation than that that exists in South Africa, then Mr. Speaker, that is a false pride; it's in the form of what the Greeks called "hubris," and it's the pride, Mr. Speaker, that comes before the fall, the classic situation and theme of all Greek tragedy. So Mr. Speaker, I would admonish members opposite, all members, to remember that no matter how aptly a law is defined and drawn, no matter how much freedom a law gives, no matter how much discretion is vested in responsible people, no law sanctifies morality and ethical conduct. No law is capable of being drawn so precisely. So Mr. Speaker, the law of the jungles, the law of economics, the law of harsh reality very often is supreme. And Mr. Speaker, in saying that, I would suggest that there's every need for this province to consider making the law a little bit better, and in this case I would suggest the most efficacious and efficient manner of doing that is to give consideration to the implementation and provision of child advocates, children's advocates, within this bill. Because Mr. Speaker, then those who are most directly affected will know that there are people who will speak for them, that will fight for them, that will defend their rights, so that those who are the weakest and the most vulnerable will be counted, those who don't have words to speak will be given advocates and opportunities to present and articulate their positions, and Mr. Speaker, that will be a step in the right direction; it will be a step away from the Soviet Union; it will be a step away from South Africa; it will be a better law, and it will be one that is overdue and that we will praise.

It is a law that already exists in British Columbia informally through the amicus curiae provisions of the Child Welfare Act of Alberta exists there exists informally in Ontario is actively being pursued in Pennsylvania, and I believe California. It's a law whose time has come. There is now, within our society, a recognition that children's rights must be protected, and that their rights are not always consistent with adult members of society or the State itself. The State, I can assure you, Mr. Speaker, does not always place children in the best places.

I've had children taken out of abysmal homes where admittedly the parents were abysmal parents, negligent parents, neglectful parents, and put in worse situations run by the State.

**MR. SPEAKER:** The Honourable Member's time is up. Are you ready for the question? The Honourable Attorney-General.

**MR. MERCIER:** Mr. Speaker, I want to make some very brief remarks on a principle contained in one particular section of this bill, in Section 70 of the bill, amending Section 100, because it is a significant change in principle. Under the provisions of The Child Welfare Act previously, where an applicant for adoption had been divorced previously and applied with her — for example in the case of a woman — applied with a new husband for an Order for Adoption of a child of the previous marriage, a final Order of Adoption could be made by the County Court, in spite of a Queen's Bench decree of divorce, giving custody to the husband. A final Order of Adoption could be made thus terminating all rights of access by the natural parent; for example, in this case the

father, all access to the child or children of the previous marriage.

Mr. Speaker, the change in this particular subsection adopts the English practice and will allow in that case, where a divorce has occurred, the court will have the discretion still, even though having the authority to make a final Order of Adoption, will still have the right to grant access to the natural parent. I believe, Mr. Speaker, this is a significant improvement in The Child Welfare Act to give the court discretion to allow this kind of discretion and access by a natural parent. We're all aware of the increasing number of divorces in our province and in our country and North America, and I think, having seen situations where natural parents had complied with all of the conditions of an Order for Divorce in terms of maintenance and ensuring that they continue to carry out visiting rights to the children to the fullest extent possible, there's now a possibility that, even though the final Order of Adoption might be given by the County Court in the best interests of the child, that in appropriate circumstances a natural parent can still maintain and obtain an Order for access to the children of the first marriage. I think that's an important principle contained in this bill, and one which I would commend, Mr. Speaker, to members opposite.

**MR. SPEAKER:** Are you ready for the question? The Honourable Minister of Health will be closing debate. The Honourable Minister of Health.

**MR. SHERMAN:** Mr. Speaker, I want to thank both members, the Honourable the Member for Wellington and my colleague, the Honourable Attorney-General, for their contributions to the debate on this bill and to assure them and other members of the House that I look forward to continued intensive and conscientious examination of it through the Law Amendments process, and through Third Reading stage.

I must say that, although I do not for one moment dispute or challenge the motives and the well-intentioned objectives of the Honourable Member for Wellington in the approach that he took, that I think that he reads danger in the extreme into a piece of legislation that was designed carefully and deliberately to eliminate the ingredient of danger, insofar as that's possible, for those children in this province, in our society, who happen to be or to become children at risk. I might say that on the basis of his remarks I have the feeling that he sees a dictator under every bed, Mr. Speaker, and a commissar behind every tree, and I find that interesting if not amusing. On the other hand, Mr. Speaker, I do recognize what he says about the need to be vigilant where legislation is concerned, that the best-intentioned legislation is not necessarily any respecter of human values or morals because of the many possible directions and quirks of human nature that cannot be anticipated when legislation is conceived. So I repeat that I understand his motives and his well-intentioned objectives, but I do find that he has allowed himself to become perhaps unreasonably wary and skeptical of legislation that I think, Sir, is commendable to say the least and is designed to achieve precisely the opposite effects from those that he envisages as potential results.

I think that any analogy between the intention of the amendments in the bill before us to the articles in the legislation having to do with families in the Soviet Union is exaggerated in the extreme, and is not worthy of too much debate or too much discussion. In any event I raise the question when one is talking about moral precepts, and the honourable member referred to the wording in the legislation in the Soviet Union and the implications that he reads into the thrust and intention of this legislation, having to do with moral precepts of the builders of a society, I raise the question as to what he has in mind by the term moral precepts? What does he envisage by the term moral precepts when he uses it in connection with either society, or either type of legislation?

If one is talking about political precepts, that is, I think, a recognizable danger that all of us would be alert to, that all of us would object to, should there be any attempt to enshrine that sort of thing in any legislation. Moral precepts, I suggest, are in a vastly different category and just on the purely academic level of debate, I see nothing wrong with a society through which democratically elected representatives, attempting to reinforce the moral fibre of itself through the moral precepts which are recognized by all well-meaning people in that society, and which require continual reinforcement.

So I think that's an argument that would be interesting, Mr. Speaker, and one that might engage our attention and our efforts at some time, but in connection with this bill I think it is perhaps extraneous. I see none of the dangers that the Member for Wellington alludes to in a piece of legislation that is the product of four years of work by a committee of professionals and other citizens who have toiled in the field of child welfare in one discipline or another for a good deal of their adult lives. We're talking about people here who have had contact with the child at risk and his or her problems, either as lawyers, as court officials, as social workers, as police officers, as parents, or as representatives of some other disciplines, professions and occupations, and who, in some years of deliberation, have refined and distilled some recommendations here for improving our capacity to protect and rescue the child at risk.

So I can only at this juncture, Mr. Speaker, do what I did on introduction of the bill at second reading and that is commend it to the House for support. I anticipate that the alarms raised by the Honourable Member for Wellington may be raised again at Law Amendments stage, and that's as it should be. Insofar as the requirement that he sees for something in this legislation to deal with child advocates and the child advocacy concept, I would remind him that the Law Reform Commission is working with that question, studying that principle at the present time and the Juvenile Justice Committee has yet to refine and finalize its conclusions in a number of areas which bear on the whole subject of child welfare.

But what we have done here, while recognizing the Law Reform Commission and the Juvenile Justice Committee still at work on their tasks, what we have done here is develop in recognition of the International Year of the Child and in recognition of some glaring anomalies and weaknesses in our child welfare system, a proposal in legislation that will improve the procedures for protecting and rescuing the child at risk and that will go some distance to observing the rights of children in which the Member for Wellington expresses such sincere interest.

So Mr. Speaker, I look forward to reasonable but hasty approval at Law Amendments and at third reading stage of legislation that's designed on balance to eliminate dangers and eliminate difficulties for the children in our society.

**QUESTION put, MOTION carried.**

**BILL NO. 35 — AN ACT TO AMEND THE WORKERS COMPENSATION ACT**

**MR. SPEAKER:** The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I adjourned this bill for the Honourable Member for Churchill.

**MR. SPEAKER:** The Honourable Member for Churchill.

**MR. JAY COWAN:** Thank you, Mr. Speaker. Before discussing perhaps, the absolute principle of this bill, I'd like to just dwell for a moment in my initial remarks, on what this bill represents because any government when it comes into government is faced with certain choices that it must make as a government. Mr. Speaker, it is quite a momentous task for a government to find itself in the position of being a new government with new ideas, or old ideas that they want to re-implement, and have to go about to their stated goal of reworking the society in which we all live.

And this government was elected on, if not an absolute slogan of "Time for a Change", at least on the implication that it was time for a change. So that their mandate as a government is changed and change, Mr. Speaker, in this instance implies choices that they have, choices as to how to effect the change that they wish to see, how they wish to rework the society.

And that brings us in specific to Bill No. 35, An Act to amend The Workers Compensation Act, because in essence what it is, Mr. Speaker, is an act to change The Workers Compensation Act, to change it for the better they would say, some would say to change it for the worse. And there is always a third option when one deals with change, change can be for the better; change can be for the worse and change can be sort of an innocuous change, that means nothing outside of the fact that it is change.

And there is only one change worse than an innocuous type of change, Mr. Speaker, and that's a regressive change, because change can be progressive, change can be regressive. And we have both in Bill 35. We have innocuous change, and we also have regressive change. Bill 35, of course, deals with the current situation that we have in the province of Manitoba in regard to the Workers Compensation System, and I think I have to say right from the start that we have a good system of Workers Compensation in Manitoba, it's been a good system for a number of years, and changes indeed to that system, even although it is a good system, changes are necessary, that we do need changes to the current Workers Compensation Act. But we need positive and progressive-style changes. We need changes that meet the needs of today, that direct their attention to the problems of today, not changes that will attempt or will return us to the yesterdays, those are not the type of changes we would like to see.

You know the principle of Workers Compensation, Mr. Speaker, is a fairly old principle. A Royal Commission in 1928, went about to study the problems that workers were having in regard to becoming compensated and to existing financially after they had experienced a workplace accident and that Royal Commission in 1928 established the basic principles of Workers Compensation. Those are the principles that stand with us today. Those principles have endured those 50 years, 51 years, and are in the Acts that we see before us today.

The primary principle of that Workers Compensation system, Mr. Speaker, was that there should

be a system of collective liability that is administered by an independent board and funded by the employer assessment, so that they would remove the whole problem of workers becoming compensated for accidents from the jurisdiction of common law because that was indeed where most of the problems at that time were occurring, that the worker, because of limited financial resources, did not have the same access to common law or to decisions under that system, as did the employer.

And since that time it has become a living legislation. In other words, it has endured in principle because changes have been made to it on different occasions when necessary. And the Act has undergone numerous changes, some housekeeping changes, Mr. Speaker, some procedure changes, and some major modifications, but in all the time it was in keeping with the original intent and the original principles as put forth by that Royal Commission in 1928.

So that there should be amendments from this government to the Workers Compensation Act is not unusual and we must judge those amendments, Mr. Speaker, on their own merits, on their individual merits. We must not become trapped in the philosophy that change for change sake is good, we must not become trapped in the political posturing that because they are changing it, it is bad because they are capable, as a government, of positive and progressive changes on occasion, not as often as I would like to see, but —(Interjection)— the Member for St. Vital says, "on very few occasions" — but they are possible, nonetheless, so we cannot let ourselves knee-jerk react to this bill and say, because it has been brought forth by the Progressive Conservative Party that it is a bad bill. So we must investigate, we must review, and we must make some determination as to how we believe those changes will affect the Workers Compensation system of today.

There are several changes implied in this Act, and I hope I'm not straying from order when I talk about the changes, not in detail but in generalities. They have increased the levels of compensation for persons on pension and increased them, to my opinion, Mr. Speaker, not enough. Those increases that they are calling for in this Act are in most instances, less than inflation. In other words, the Workers Compensation pensions, etc., that have been in existence and have not been changed for the last couple of years have been eroded constantly and consistently by the inflation which is rampant, if I may, in the society in which we live. So that the people on Workers Compensation have been falling farther and farther behind.

So it is necessary to either do one of two things, that is to allow for automatic increases that will meet the needs of the workers who are seeing their income eroded by inflation, or to make changes by legislation, by amendments to the Act when the government feels those changes are necessary. But having chosen the second course as they have in this Act, then they must ensure that those changes not only keep pace with the inflation that has occurred for the last couple of years, but they also must write into the Act enough leeway to allow for the inflation which is going to increase until they bring this sort of legislation before the House again. So they must not only make up for the workers what they have lost, but they must attempt to protect them from what we know will be occurring inflation.

The increased levels of compensation that they have brought forth, Mr. Speaker, while not keeping with inflation, are worse than that. They do nothing to better the Act. They are not positive in that sense. They are of a housekeeping procedural nature, they are necessary, not enough, but they have made an attempt. But at the same time, they could have made an attempt to write into the Act better provisions for these changes, beneficial changes in the Act could have been brought in instead of just housekeeping or procedural changes that don't keep up with the inflationary trend that we see in society at large.

Saskatchewan, our sister jurisdiction, recently brought changes forth in their legislation during the last session, of their Workers Compensation Act and I'd just like to briefly explain how those changes, which they have brought forth in another jurisdiction, could possibly act as an example for the changes that we know are necessary here. The changes they have brought about, Mr. Speaker, are as a result of a 1978 Workers Compensation Act Review Committee, which was Chaired by Judge Alistair Muir, and as a result of the recommendations and the findings of that committee, Mr. Speaker, the Saskatchewan government built in a two-part system for compensation into their new Act. One was to protect the injured worker against income loss as a result of injury. Another was to provide a recognition of permanent impairment as a result of that injury. And they built in the principle of income maintenance through automatic increases in that Act. It is progressive and a far-reaching and beneficial change to their existing Workers Compensation Act.

This government had that same choice. In keeping with their mandate for change they could have brought in these sort of progressive and far-reaching changes because our previous legislation, although good legislation and recognized across this country as good legislation and in other countries as solid legislation, only went part way. It only went part way and because at the time that it was developed, it was not the type of income eroding inflation that we are experiencing now, one can pardon the draftsman of that Act for not having built in a better system of income

maintenance for automatic increases, because it was not at that time as great a necessity as it is today.

But what automatic increases we did have in the Act, which I've just said needed change, were not in keeping with the inflationary trends of the day, are repealed by this bill. And in all fairness to the minister, Mr. Speaker, during the Labour Estimates we had mentioned that the members on this side of the House were somewhat disturbed that they had repealed the automatic yearly increase or the automatic yearly review, which usually had resulted in a yearly increase of provisions from the existing legislation. And the minister at that time indicated that amendments would be brought forth during the normal course of debate on this bill to nullify what we thought to be the repeal of the automatic yearly review. But that makes us wonder, Mr. Speaker, why it was included in the first place because it just didn't become part of the bill by osmosis. Somebody had to sit down and somebody had to say to the minister that we want this in our bill; we want to repeal the automatic yearly increases and the minister's department had to have that particular clause drafted up and had to have it printed and included in the bill.

So it makes us wonder why go to all the bother and effort and the energy that it takes to draft up a repeal of that section in the first place, only to turn around and say that that is not acceptable to the minister, and it will be repealed. It seems to be at best an inefficient use of the government's time to draft a clause and now they're going to have to draft an amendment. We do all this running, all this discussing, just to be able to stand still.

So the point that I think we have to make about this bill and about the minister's comments on this bill, is that it was drafted in perhaps a less than efficient and a less than effective manner; that if we were to be unkind it would seem that it would be drafted in a slipshod manner. It seems to be, Mr. Speaker, not the most effective use of the minister's department, to make them go through that unnecessary work. It seems a slipshod way to run a department, a slipshod way if I may, to run a government if that is what is happening, time will tell, Mr. Speaker.

I don't think that the minister knows what comes next in this particular bill. I think he's relying upon the House for its input and that's fair, we will provide him with that input. There are still other changes that the minister has indicated that he would want to amend. He brought forth the item in regard to the foster parents — the changes that have been made in regard to provisions for foster parents compensation under the Act. Somehow that slipped by him He as minister of the department. has to assume ministerial responsibility for the bills he brings forth and that is another regressive change. And to his credit the minister has said, "Look, we have problems with that particular section of this bill."

The minister has said coincidentally that he is uncomfortable with the specifics of that change to the Foster Parents Section of the bill although I have to admit that he has left the door open for action either way. He was fairly specific when he said that they would not repeal the automatic yearly increase, but he has been less specific in dealing with the changes that he wants to see made to the amendments to the Foster Parents Section of the bill, but again time will tell, Mr. Speaker,

Mr. Speaker, one thing I want to talk about to use this opportunity to discuss, is how the bill could have been made a better bill, because there is one point that has been bothering myself for some time, and has been bothering many people who are forced to exist on compensation for some time. I would like to use this opportunity to discuss it a bit so that the minister can be made aware that there is some discontent out there in regard to the way that the Workers Compensation Bill is written at the present time. If a worker should suffer an accident 20 years ago, Mr. Speaker, and at that time they would receive a pension, a certain percentage of their income at that time would be written into the percentage. In other words if they had a 50 percent disability, they would receive 50 percent of their income at that particular time. Say a person was making \$3.00 an hour 20 years ago, at a specific job — let us give them a job classification for clarification so that we know in specifics what we're talking about — say they were a welder and they were making \$3.00 an hour and they got a 50 percent disability — say that they were to receive in pension \$1.50 an hour as part of their disability to supplement the income that they would lose as a result of a compensatable accident. Say that another individual 20 years later, as a welder, should lose a leg. At the same time, they're making now \$10.00 an hour — and I think that's a fair sum to allow for discussion — they would receive for 50 percent disability \$5.00 an hour. Then each year as the increases are built in — the increases are built in on a percentage basis although it is a sliding scale in all fairness — each year the worker who was injured 20 years ago in exactly the same manner as the worker is injured this year — would fall farther and farther behind in their level of income. In other words, their income maintenance provisions of the Workers Compensation Act to them would decrease. That is a very specific problem that many older workers are experiencing today, and many younger workers it is of concern to younger workers who are injured today, because they will be experiencing it also in another few years; they will start to fall farther and farther

So that is one of the type of changes that the minister could have brought forth in this bill — and that is one that we encourage him to bring forth — an income maintenance provision based on hourly wage. Saskatchewan have done that, I'd mentioned previously in my remarks that Saskatchewan had made some major changes. They have brought forth income maintenance based on the cost of living, which is another possible manner in which to accomplish much the same effect.

So I would just encourage the minister to take a look at the changes that are necessary in the bill now and to direct his department's attention, not to drafting up amendments that they find they have to amend and reamend and withdraw, but drafting up amendments that will enact positive change that will help these workers who find themselves in those circumstances ; will help them maintain their income.

There's one other major change in the amendments that we see before us, and that is one that while I would have at first glance termed it innocuous, I would now have to say that it is regressive I would have to say that it is another step backwards and that is the reduction of the penalty for the failure to pay assessments under the Act.

The effect of that without going into detail, Mr. Speaker, is to encourage employers that have missed their first month's assessment, to hold off paying that assessment. Their money at that point, once they have missed their first month's assessment — the money that they are going to be paying out in penalty is worth more to them in the bank than they would have to pay as a penalty. So what it does, is encourages those employers who have missed one month, to continue missing. It's an incentive for them to miss paying their assessments after the first month. It encourages non-payment of late assessment after the first month. But it has to be said at this point that the reason I thought it was innocuous in the first place, was that there is little problem now with collection of assessments in Manitoba.

e have a very effective collection system. In comparison with other industrialized provinces we have very little problem, and it has been said that we have one of the lowest assessments and one of the healthiest surpluses of all the industrialized provinces in regard to moneys in Workers Compensation. So that there were very little collection problems. I thought it was innocuous, until I read over this Act and find that this opening of the door, this senseless slackening of the penalty will encourage employers who are now paying their assessments and who may miss a month, not to pay the penalty. It will encourage the system to fall apart, not to work as well. And we will find that where we have in the past had a very effective collection of assessments, we will have a less effective collection of assessments. The government is encouraging companies that miss one month, not to continue paying.

So of course, Mr. Speaker, I'm going to be relatively brief in my remarks this afternoon, because the minister has indicated that amendments are forthcoming and I think in all fairness we should wait and see what those amendments will be. Of course there will be time to discuss in detail the provisions of this Act, and I look forward to that. The minister has hinted at amendments. We welcome progressive changes Mr. Speaker, to this bill. We welcome progressive changes to the Workers Compensation Act, but I'm somewhat concerned that they're not going to be as progressive as we would like to see them.

So at this time I have to say that we must on this side vote against this Act, vote against Bill 35, An Act to Amend the Workers Compensation Act. We look at Second Reading; we must do that. The few positive changes that are contained within it — housekeeping nature, increasing the level of pensions — don't go far enough as I said. They allow or they force the workers to fall behind inflation and the remaining changes, the bulk of the bill, are regressive changes. They are steps backwards into yesterday. So, we cannot at this time at Second Reading, in light of what is contained in the bill, support this Act.

**MR. SPEAKER:** Are you ready for the question? The Honourable Minister will be closing debate.

**MR. MacMASTER:** Well, Mr. Speaker, I'll be very brief. I do believe in fact that the benefits that are proposed in this particular Act, are appropriate. I have mentioned that there most certainly will be an amendment in relationship to the formula. I did say and where the slight confusion may have come in with the member's statement in relation to the orphan's portion of the particular Act, I did say an amendment was coming in on that particular section. I also added to that, Mr. Speaker, that there is a set of circumstances that should be viewed and aired which could be in fact detrimental to the intent of the Act, and it was those that I wssh to discuss in addition to the amendment at Law Amendments Committee.

We have, in fact, spelled it out very clearly, Mr. Speaker. We have stated on several occasions that we are going to review this particular Act. I have said in general that we're going to attempt

to review large portions of the legislation in the Acts that I'm responsible for, and the entire Workmen's Compensation System and the Appeals System and the Act in itself is going to be reviewed in the forthcoming months. I've started that to a degree by spending some time talking to the Compensation Board. The administration had a fairly major meeting with the Injured Workers Association, and we'll be having meetings with others, the labour movement and the MMA and a few others that may have an interest in the procedures, as they relate to the Workmen's Compensation Act.

I make no excuse, Mr. Speaker, of not having any dramatic changes to propose at this particular time. I think there's substantial movement of proposals, and I think they're credible and I would hope that they receive the blessing of this Legislature.

**QUESTION put, MOTION carried.**

**BILL NO. 48 — AN ACT TO AMEND THE CIVIL SERVICE ACT**

**MR. SPEAKER:** Bill No. 48, an Act to amend The Civil Service Act. The Honourable Member for Kildonan.

**MR. FOX:** Yes, Mr. Speaker. I adjourned this Bill for the Honourable Member for Logan.

**MR. SPEAKER:** The Honourable Member for Logan.

**MR. WILLIAM JENKINS:** Thank you, Mr. Speaker. I just want to make a few remarks on the bill before we give it second reading.

I do want to thank the minister for giving me a copy of his speaking notes so I had an opportunity to peruse what the minister had said before Hansard came out, so it gave us an opportunity to have a look at the bill.

I must say that, in the main, Mr. Speaker, we agree with the changes that are proposed, and we agree with the changes that deal with officers of the Assembly. I think that they should have the right of appeal; I think it's something that should have been done some time ago.

I also agree with the changes that the minister is proposing with regard to the full-time Commissioner of the Civil Service Commission. I think that is something that this person should be recognized as a civil servant — perhaps if we had done that ourselves, when we were in government, we wouldn't have had the hassle that ensued with the former full-time Commissioner.

The other changes that are in the Act, basically we find no quarrel with. The one that we do find that we can't support, Mr. Speaker, and it's unfortunate that we can't support it, is the section dealing with employees who are not covered by the collective agreement, and the procedure has been, in the past, that these people had the right of appeal to the Civil Service Commission and a further appeal to the minister responsible for the Civil Service Act, and we find this to be, in our opinion, to be a regressive step and it is one that we, as the opposition, cannot support.

And with not being able to support that section of the Act, we also are not able to support the further subsection dealing with the powers under this Act, under this section. So, Mr. Speaker, I think that having made these few remarks, I commend the minister for the changes that he did make within the Act, but the section dealing with the selection appeal as it was in the old Act is one, because I think these people who are not covered by a collective agreement are not covered by the fact that they can, through their bargaining agent, which in this case would be the MGEA, get an appeal. And I'm not too enamoured with the idea of going just to the Civil Service Commission for the appeal, because I think that, given what we have seen has been happening with the Civil Service Commission in this past 18 months, I can assure you that we are not at all happy with the Civil Service Commission and the way it has operated, and therefore, I think that the final appeal that an employee, other than an employee who is not covered under the collective bargaining agreement, should at least have that one final appeal to the minister in charge of the Civil Service Commission.

Therefore, Mr. Speaker, unfortunately we cannot support the bill proceeding to second reading at this time, or it going to Committee.

**MR. SPEAKER:** Are you ready for the question? The Honourable Minister of Labour will be closing debate. The Honourable Minister of Labour.

**MR. MacMASTER:** Well, Mr. Speaker, I note that there's agreement on a majority of items proposed within the bill, and I would suspect the intent of the things that we were trying to do must meet

with the approval of members opposite.

I note the one point that seems to be causing the particular problem is the appeal from the Civil Service Commission on through to the minister. I suppose there's several ways you can look at that, Mr. Speaker.

I understand originally that it was the Members of the Opposition that put that particular section in, and the government chooses to recommend that it come out, Mr. Speaker. I think that the Commission should be the final stop; I don't think that there should be a political decision involved in this particular regard, and it's for that very reason that I think the appeal to the minister in this particular case should come out.

I would ask that the Legislature support this bill; I think there's a lot of good things in it that are very worthy and needy of implementation.

Thank you, Mr. Speaker.

**QUESTION put MOTION carried.**

**BILL NO. 56 — AN ACT TO AMEND THE FAMILY MAINTENANCE ACT**

**MR. SPEAKER:** Bill No. 56, an Act to amend The Family Maintenance Act. The Honourable Member for Kildonan.

**MR. FOX:** Mr. Speaker, I adjourned this Bill for the Honourable Member for St. Johns.

**MR. SPEAKER:** The Honourable Member for St. Johns.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I, of course, was interested to have the opportunity to read the bill as it was presented by the Honourable Attorney-General.

I want first to, even though he's not in the Chamber at the moment, maybe I should save my compliments for awhile, because I did want to compliment him for bringing it in, but I gather he's on his way.

Mr. Speaker, the Family Maintenance Bill has been on the books about a year and, as it does with many laws of a complicated nature, it will certainly take time for the courts to build up a body of jurisprudence on what was, and I think continues to be, a very progressive measure, but one which has challenged the concepts of many many people who had views on family maintenance, on what should entitle a person to family maintenance, on what the duties of the spouses are, one to the other. And therefore, because of the fact that the law has only been on the books for about a year, as I understand it there has really not been very much by way of review by the courts that has been reported. We will, of course, have to wait to see more about it.

I sometimes regret, Mr. Speaker, that we don't have the ongoing review that could well take place on an Act such as The Family Maintenance Act, where we could sit in committee, without a bill before us necessarily, but to discuss with various persons who have some experience with the Act, as it stands, to advise us on the way the courts are interpreting the words that we, in our wisdom, passed and enacted; to be able to compare whether the intent, as we expressed it in debate, was interpreted by the courts as being the law that we passed and, therefore, enforced by the courts.

It would be of value, I think, for legislators to have that kind of opportunity to sit in committee and have briefs presented to it, to bring them up-to-date on how the law is being interpreted and enforced. We don't have that procedure, and it would take quite a revolutionary approach to bring that procedure in, but I'm sure that members of this House can adjust to revolutionary approaches, and I suppose it might be a good idea in the future to study how best we can serve our constituents and serve the people of Manitoba and one of the ways, I think, is to enable us in committee, maybe inteseessionally, to study the impact of the laws we passed, of the extensive kind, such as our Family Maintenance Act and, of course, the Marital Property Act which is a companion to this Act itself.

So as I say, Mr. Speaker, we're not really fully aware of the impact of The Family Maintenance Act as it was passed last year on the community of Manitoba, and therefore, we can't really do too much to discuss other changes that should be brought about. The interesting thing would have been if we could actually deal with case histories on those contentious issues where, as a Legislature, we split in opinions and where we actually had votes where the majority succeeded in asserting its point of view on certain of the issues, and then find out whether hardship was done. It would be interesting to be able to do that and, I suppose as time goes on and we get more court decisions we will learn what the impact has been.

To deal a little more specifically, Mr. Speaker, with the legislation before it, I will no longer hold

back my complimentary words for the Attorney-General, even though he's not yet arrived, but state that I commend him for having come forward with this additional bill, which is an attempt on his part to deal with one of the important aspects of family maintenance which was not dealt with before.

We had a number of briefs and we had speeches saying that it is important that there be enforcement provisions in the legislation, and these speeches were made by the Conservative Party members when they were in Opposition, and again by New Democrats when they were in Opposition, and I'm glad that the Attorney-General who's now come in and, for his benefit, I think that I will . . . He says he wouldn't want to miss what I have to say, and he did miss some of what I had to say, although I cannot say that it was of too great an import because I intend to repeat the very short statement that I made and that was that I wanted to commend the Attorney-General for bringing this legislation before us in an attempt to fill a void, in an attempt to bring in those features of the Maintenance Acts previously passed, or the bills previously passed that did not have enforcement provisions and which we all deplored when we found that they didn't have it.

And, as I said and I think the minister was here when I said that the lack of enforcement provisions was brought to the attention of the Legislature by the Opposition, first when it was a Conservative Opposition, and again when it was the New Democrat Opposition. So I'm glad that we now have before us a bill which attempts to deal with enforcement . We must explore and probably more in committee than in debate on Second Reading, whether or not they are adequate and measure up to the need, because the fact that they are brought in, although it's commendable, does not necessarily mean that it is adequate, and I I hope we will discuss it.

So having recorded that position, I would like to deal with the bill in more specifics and I guess really talk about what is not in the bill more than what is in the bill, and at the same time invite the Minister when he closes debate on this bill to give us some idea of the establishment of personnel or the provisions in his own administrative department that will be made to make this bill work in practise, because it carries with it a burden and responsibility on the Attorney-General to make this work. Passing the bill will not make it work. It is the Attorney-General and the directions he gives to the people whom he appoints to deal with it that will determine how well enforcement will work, and the good thing is that bringing it in this way makes it necessary for him the next time around when we deal with his estimates to report on what has been done and for him to justify the fact that it was done in the fullest measure.

Because the responsibility it puts on the Minister and on the designated officer, and on whatever staff he assigns to the designated officer, is to make sure that when an order is made for maintenance that it is treated seriously and honoured by the person against whom it is made. And for that reason the Minister has brought in penalties for default and provisions for the court to order that the person who is in default shall remedy the default or pay a fine or go to jail. I would like to get clarification from the Minister that each case of default will carry with — and I'm supposing — it its separate penalty, so that if a person defaults, say two months in a row, there will be two charges and two penalties. I assume that's what is intended and the Minister will, no doubt, be able to elaborate on that.

We then deal, Mr. Speaker, with the provisions for the responsibilities assigned to the designated officer. Those provisions are that the person who is required to make the payments under an order shall remit each payment to the designated officer and the designated officer shall pass it on to the person entitled to receive it. We, of course, must make sure that there is no delay in that remittance. As I recall it there are provisions now in the Family Court which make it possible for payments to be made to the Court and then paid out by the Court, and there are delays that relate to the fact that a cheque probably is not issued until it is sure that a cheque received is honoured by the bank. That's an understandable delay but not one which is necessarily understandable to the person entitled to the money and who is waiting to get it; usually people in this position are people who live from cheque to cheque, and the timing does become important.

I refer for a moment to the provisions later on which sort of provisions — opting in, opting out provisions, are "in again, out again" which may prove awkward but I suppose if payments are being made regularly it would be better not to encumber the courts, or the court officer rather, the designated officer, with a need to keep books on cheques that come in a routine way from spouse to spouse, and therefore why encumber the process as long as we understand that the opting-in provision carries with it an immediate response by the designated officer. I'm not sure that the bill provides that information given to the designated officer on an opting-in is something on which he acts immediately. For example, suppose a husband and wife separate for whatever reason and an Order is made for the husband to pay the wife a certain sum monthly; the husband promises, and the wife's belief in his promises are such that she knows the payments or believes the payments will be made regularly, and they are made regularly for 9 months, 10 months, but then there is default. The wife's choice is to opt in and to notify the designated officer that she wants him to

protect her for the payment now.

What is the procedure? I am not clear from the bill, nor have I studied the bill to such an extent that I can claim that it's not in the bill or in the provisions, but I'm not clear that the designated officer must immediately take charge of the case and the lack of payment in order to start enforcement. As a matter of fact I am not clear, and I would like the Attorney-General to make clear to us what time procedure will be carried out by the designated officer, as he, the Attorney-General, will no doubt have to instruct him to do. Because one of the sections says, "where the designated officer ascertains that default in payment has occurred, he shall take such lawful steps as he deems requisite for the purposes of enforcing payment," which might be, Mr. Speaker, an instruction to a secretary to send form letter No. 1 to the defaulting spouses and 10 days or two weeks later send out form letter No. 2 as a reminder, some days or weeks later a further reminder, and then a threat and finally an application to the court. I think that it probably is very important that the designated officer act promptly so that the defaulting spouse knows that there will be immediate action and that would then mean that the defaulting spouse should know that either the payment is made or an explanation must be given in lieu of payment explaining the reason for default and that unless that explanation is received in lieu of default the designated officer should consider, in the wording of the section, that he deems it requisite to take lawful steps immediately, which to me would mean going to court. Because the one thing we cannot expect of the designated officer and his staff is to keep books and then keep track of, why didn't so and so make payment; we ought to get in touch with the defaulting spouse, and we ought to make sure that there was no reason for that person not to have made the payment. I'm not sure that the bill provides that and therefore we'll have to rely on the Attorney-General to assert and assure us that the designated officer will have an routine set for him which will make him or her act quickly and responsibly so as to recognize the need of the person who is expecting payment to receive payment promptly.

I'm not too happy about the opting-out procedure, I think I called it "in again, out again," and I suppose it applies not only to Finnigan but to other people who may be inclined to make peace and then opt out and then get mad at each other and opt in — I'm not sure whether the opting-out should not have a delay in it which would make sure that the spouse, who may be the defaulting spouse in the future, is aware that his record is being kept and carried on. It may be that this will have to wait for experience to show, and for that reason I would hope that the Attorney-General will be able to bring to us the experience of the Family Court in those cases where the court now ensures payments to be made through the court. And I say that, Mr. Speaker, because I've been away from the active practice of law in this field of marital relations for so long that not only am I not familiar with the procedure, but I'm certainly not up to date on how effective it is, and how it's being managed now, and I would like very much if the Attorney-General will, on closing debate, give us a sort of a report on how it works now, to the limited extent it's carried on, and if he cannot do that, to make sure that someone will be present at Law Amendments to inform the Committee in that regard.

Mr. Speaker, we had many, many presentations, or is the word representations, made to us when we were in Committee studying the Family Maintenance Acts of 1977 and 1978, and the meetings that preceded them, and I think that they were found to be very useful, and they were made by a number of people who were very knowledgeable both in experience and in family relations, and when we received our copies of this bill I sent the bill to one of the people who had appeared before us, who impressed me, for one, and I think other members of the Committee, with her knowledge, her interest, and her concern. I sent it to her and invited comments and I not only received comments from her, but I received permission to quote her comments to the Attorney-General and to the Committee so that we should be forewarned. Mr. Speaker, in saying that, I must say that knowing Miss Alice Steinbart as I do, I am sure that she will appear anyway, and should appear before the Committee, but I did tell her that I wanted to put her comments on record so that the Attorney-General will have received an advance review of it and will, I hope, be prepared to respond to her suggestions and to those of other members who may speak on this bill, with the possibility of amendments that will improve the measures which he has brought, and for which I've already commended him. Mr. Speaker, I mustn't do that too often because I don't want him to feel too comfortable with the bills he brings. I think he should always feel that he must face the challenge of close review.

Well, Miss Steinbart — well, I should say she also states that she feels that the proposed amendments a good first step, as I have said, but she points out that there are some gaps, and some areas of concern, and deals with the problem of delay, as I have done. But she speaks more about the enforcement by the designated officer, and states her opinion that it will take at least a month, and possibly even as much as three months or more, before the proceedings are completed and the money is received and paid out. That estimate of time, Mr. Speaker, is in accord with

what I recollect was the time it used to take when I was actively practising law in this field, and I would guess from the fact that Miss Steinbart's memo is very recent that that still might be her experience, and if that is the case, then that would be an unfortunate thing because it's not enough to go through a court process, one must realize the impact or effect of delay on the person who is waiting for that monthly cheque to come.

She comes back to discussions that were held last year on the Family Maintenance Act, and particularly with Section 25 where we debated whether or not it should be a requirement that there be a deposit made by the person against whom the Order is granted, or a bond required, or some security given which is equal to three months' maintenance. You will recall, Mr. Speaker, I have no doubt that you will recall, Mr. Speaker, that the Attorney-General did not feel that it was necessary to impose that as a requirement, but did leave that requirement as a discretionary and up to the court.

Now, Mr. Speaker, I might say, in my experience, that if it was left up to the court in the way it was, that the court would have to consider that it would be an exceptional case, which would have to be presented to the court to justify its decision to exercise the discretion and to make a deposit or a bond a requirement. The result is, as I am told, and Miss Steinbart confirms it, that there is not too often — there have not been too many cases where a deposit or bond, or other security, is made a requirement. Now, I would argue again that this might create an undue hardship on the paying spouse, that if it were to create an undue hardship on the paying spouse, then the court should vary and exercise a discretion not to impose the requirement for a deposit, and not the other way around, because the undue hardship is very likely, and logically, one that will happen to the spouse who has not received the payment, and that's the protection we need' so that the court really ought to be required to impose the deposit requirement or the security requirement, and should be able to, at its discretion, vary such mandatory requirement by suspending the bond or the security, and that the legislation should read that way. It should not be a great hardship to put up security in most cases, but if the husband cannot pay a deposit, then possibly the security could be required on the proceeds of the sale of a house if there's a property settlement, or enable the building up of a security deposit over a period of time by the husband, or the paying spouse having to contribute some small amount each month until the deposit is built up.

Now as I said, the bill provides that the designated officer can summons the person required to make the payment into court to show cause, but if that person can claim, or wishes to claim that there was a change of circumstances, and then, of course, the court would have to consider the change in circumstances. But then, what happens if the order was originally made by the Court of Queen's Bench, or by the County Court, and not by the Family Court, then where will the proceedings be launched by the designated officer, and is there not a problem that the court hearing the application by the designated officer, will not simply adjourn the hearing to enable the husband, or the person required to make the payment, to go to the court which made the original order and apply for an application for variation.

On that point, Mr. Speaker, the suggestion that has been made by Ms. Steinbart, which I support, and that is that the unified Family Court that we've talked about for some years, could be brought in and should be brought in so that we are able then, to have one locale for all the problems to be dealt with and for enforcement to be brought in. I mention that specifically because our leader, who had pledged that he would do his best to bring in the unified Family Court as soon as possible, I know was very disappointed to find that the present Attorney-General, his successor, has still been unable to bring it about and he, of course is accountable for that failure.

Now, what I'd like to get clarified from the Attorney-General is the procedure that will be required of the designated officer when he finds that there is default. Firstly, how soon after default must he act? Secondly, what will he be expected to do at that time limitation, which I suggest should be a short time. And he will then, apparently, under the Act, be expected to take such lawful steps as he deems requisite, and Mr. Speaker, I can't help but pause on the word "lawful" and wonder what kind of unlawful steps he might take, if not for the fact that he was told in the bill to take lawful steps. But then, he may, under the Act, or the bill, take investigative measures to find the person and find out where he works and find out what he earns, and then notify him that unless the amount in default is paid within a time stated, then proceedings may be taken to enforce payments.

And those proceedings are show cause, that is a hearing to show cause, which means the onus is put on the person summoned to show cause why the payment has not been made, and then proceedings can be taken to realize on the bond or security, or imposition of penalties.

During all this, does the Attorney-General accept the full responsibility of prosecuting the steps that have to be taken in a complete way? For example, will the designated officer have sufficient staff, duty, counsellor, or whatever, to ensure that when the defaulting person is brought into court, that there will be proper investigation, that there will be proper examination and cross-examination,

and that all the factors will be presented to the court just as it is now done by Crown counsel in a criminal proceeding, or will it be sufficient, from the standpoint of the Attorney-General, if his designated officer goes through the procedure of summoning the defaulting person and then, at that case, when that person comes into court, is given the opportunity to show cause, and will he then drop it and leave it to the agreed spouse to conduct the further cross-examination or presenting of argument, or hire a lawyer, which would be a hardship, or go to Legal Aid to try and get a lawyer assigned to him or her, in order to carry out that action.

I would like to get clarification from the Minister as to what he intends to do, because as I said earlier, it's not enough to pass a law giving a responsibility to a person employed by the Attorney-General, one has to be assured that it is in place and that the Attorney-General has it all planned, because what I am a little apprehensive about, but not very, is the fact that the Act does not come into force upon receiving Royal Assent, but rather on a date fixed by proclamation, which seems to imply that the Attorney-General may not yet have his procedure in place and is waiting to make sure whether or not he can pass the Act. I must tell him right now that he can rely on this bill being passed by this Legislature at this Session, and if he hasn't already done so, I would hope that he has the procedure in line and in place, ready to go as soon as the Act is passed.

There is one provision, Mr. Speaker, that I would like the Attorney-General's comments on, and that is under the enforcement proceedings subsection, the statement that the designated officer may take proceedings under The Judgments Act. In this case, Ms. Steinbart's memo confirms my recollection of The Judgments Act as being a very ponderous procedure, and in my experience, not too often used because it is, I think a difficult Act, and maybe one that should be looked at and reviewed, possibly by the Law Reform Commission as an Act which in my recollection, isn't too good and doesn't work too well.

It provides that after a judgment has been registered at the Land Titles Office against a property for over a year, then proceedings may be taken for the sale of the property, as against which, there is also an annuity provided for a spouse against the land at another section, and I am told that there has been some conflict of interpretation as to whether the rights for life annuity are exclusive under Section 9 of that Act and that there is no right to force a sale under Section 3 of that Act. But in any event, there is a long waiting period and therefore it may well be that if the Attorney-General would examine the provisions of that, that he would want to make sure that under this Act — I'm sorry, Mr. Speaker — to make sure that in enforcing the rights under this bill, that the waiting period should be eliminated or reduced substantially or that there should be other review of The Judgments Act.

**MR. SPEAKER:** Order please. The honourable member has five minutes.

**MR. CHERNIACK:** Thank you, Mr. Speaker. I'm just about through, in sufficient time, that there be a review of The Judgments Act to ensure that the ponderous procedures set out in that Act, if applied under this bill, will not frustrate the efforts of the designated officer to carry out the intent of the Act, which is to make sure that to the fullest extent possible, the rights of the person who is waiting, as I said earlier, from month to month for that cheque to come in to look after the maintenance, has been protected.

With that, Mr. Chairman, I hope that the Attorney-General will accept my comments as being positive and constructive and will consider whether or not there should be some changes made to the bill to improve its effectiveness, and that in any event, when we come into committee, that we will have representations to us by lawyers with experience, limited though they must be because of the fact that the Family Maintenance Act has not been on the Statute Books for that long, would nevertheless be able to tell us in Committee what has been accomplished up to date, what problems have arisen, and what suggestions they have made to make the Act better and stronger and more effective on behalf of those people whom we have all accepted over the last couple of years, have shown us that they are in real need of assistance, such as provided by the Act itself.

So that possibly we can benefit from the experience as it would be translated to us, or reported to us in Committee, in Law Amendments Committee, and then we will be able to improve the Act itself in such a way as clearly indicated by the Attorney-General by bringing this bill to us, that he would wish to do.

**MR. SPEAKER:** The Honourable Member for Wellington.

**MR. CORRIN:** Thank you, Mr. Speaker. I will, to the best of my ability, in the next ten minutes try and present my general response to this particular bill. I would indicate, Mr. Speaker, I've had some training, three years to be exact, in making brief responses, if not merely ejaculations with

respect to policy matters, as for three years I shared a seat with the Honourable Attorney-General, and we both had the opportunity to hone our debating skills consistent with the City Council, Winnipeg City Council rules of procedure, which allowed each speaker five minutes to discuss any particular matter before the Chamber on any given day. If you were very lucky, Mr. Speaker, I should inform you the mayor granted you an additional five minutes, but there was a proviso, that was conditional upon you not saying anything that the mayor took exception to in the course of the first five minutes. Mr. Speaker, fortunately we don't have quite the same latitude, so I should, now having used one of my ten minutes up, I should begin.

I should begin by telling the Attorney-General that I'm impressed that he has quite literally, if not only conceptually, brought to this Chamber what is, I think, aptly described as a socialist experiment. I wasn't here when members opposite were in the opposition, but I know that I read a great deal in the newspapers and heard a great deal through the media, about socialist experimentation, and how dangerous it was, Mr. Speaker. Well, Mr. Speaker, this is quite literally just that. This was something that the wild-eyed socialists, members of my side and my party started back in the early 1970s. It was a wild-eyed experiment in trying to collect maintenance. We wanted to see whether there was a better way so we came up with the idea, in conjunction with other people, of establishing an enforcement office, and retaining enforcement officers, and I should indicate, Mr. Speaker, that a recent telephone call to that office, which has been ongoing for years, notwithstanding the fact that the bill is now before us, but a call to the office determined that there are four enforcement officers all happily and gainfully employed therein, and that there are three clerks who serve the office in several different capacities, so a total of seven people are already working in the enforcement office out of the Provincial Judge's Court.

So, Mr. Speaker, we shouldn't get the idea that this is innovative; this is something that has been ongoing for some time, but now it has been legitimated, it is now in the process of being formalized.

Mr. Speaker, I, with the Member for St. Johns and other members of this side, are pleased to see that members opposite are willing to accept some, if not all, of the wild-eyed socialistic experimentation that has been ongoing in this province since 1969.

Mr. Speaker, there was no other way of doing it; we didn't know whether it would work. We had, I'm told, by members who were on the government side then, that we had a good hunch that it would, and now it has been proven to be an effective tool.

Now I said that it was also conceptually a Socialist experiment, Mr. Speaker, and I want to amplify my remark in that regard. You know Mr. Speaker, as you probably determined in my earlier references to the Child Welfare Act, Bill No. 30, I'm not always on the side of more lawyers and more legal work. I don't think we have many — or at least a good share of the answers for the ongoing operation of this society . . . I am one who believes that other people can participate effectively in the legal process, and this is a prime example. This is an example where we can use people as Enforcement Officers who are not legally trained — I've checked and apparently they're not legally trained — but people who are quite capable of handling the burden of responsibility vested in them by virtue of this legislation, and who can bring to bear experience and skill in such a conjunction that they can do an effective, efficient job while still being employed in the public service.

So as I said, Mr. Speaker, this is a Socialist experiment in the conceptual sense, too. We now have private lawyers being shunted aside, and we have public servants taking the role that they previously played. And Mr. Speaker, I applaud it — it's something that we started, and I'm glad that it's being formalized under this government. Because you know, Mr. Speaker, too much good money was being wasted with respect to the retention of very expensive legal staff, particularly lawyers retained through the Legal Aid system, when lesser paid employees, properly trained Enforcement Officers, would and could do the job. And now Mr. Speaker, that will be the case; that will be the case. And I'm proud to say that the Attorney-General was willing to put aside the burden of any philosophical dogma that he or his mates may carry, and implement something that is simply sound, efficient public policy.

I'm proud to say that members of this Assembly can all endorse that sort of approach to law-making; that's precisely the sort of attitude that gets away from the baiting days and the cat-calling of Socialist experiment and so on. It's the sort of thing that we on this side are pleased to see and it's an act of capitulation which we heartily endorse, and I can assure the minister that I hope we'll be reciprocating in kind.

Mr. Speaker, I should also say that it's only a partial solution. You know, in this land, Mr. Speaker, as you're probably aware, we still have Family Law that is bifurcated and subdivided in such a way as to maintain within the jurisdiction of ten different provinces, different rules that apply to marital breakdown, that relationship.

And Mr. Speaker, this has caused considerable hardship, and you of course could, I'm sure, conjecture as to the nature of that hardship. A simple example would be that a lady in the Maritimes might, in order to obtain maintenance for herself and her family, have to establish fault on the part of her husband; whereas in Manitoba we don't think that is any longer the case. We hope that's no longer the case. I've been scouring the law reports and we've yet to have a written decision on that point, but we don't think that's the case any more.

So, Mr. Speaker, we have gross inequities as between the various jurisdictions of this country, and as a result of that, Mr. Speaker, measures such as this are only halfway houses. What we need, what is imperative now, is uniform legislation; we need legislation from a strong federal government. It is absurd, Mr. Speaker, that the law of divorce is governed by federal regulation in law, and the law of separation and maintenance is governed by 10 desperate provincial jurisdictions. We need strong federal initiative, Mr. Speaker, notwithstanding what newly elected members of the federal government are saying about further dispersion of federal powers to the provinces. I tell you, Mr. Speaker, in this regard, we need a strong centralist position.

And, Mr. Speaker, we need something else in this country. We need a proper maintenance insurance scheme. You know, it's absurd, we have social allowance, we have unemployment insurance, but, Mr. Speaker, we don't have any protection, we don't have any real viable protection for the people who are left stranded in situations where neither social assistance or unemployment insurance are available in appropriate quantum. You know, a lot of the people who are in receipt of welfare are ladies who have been abandoned to the welfare rolls by defaulting husbands. And, Mr. Speaker, I'll tell you again from personal experience that welfare rates simply don't compete with the standard of living that most women were accustomed to enjoy in a marital relationship. And it's absurd for anybody in this country to think that that's a substitute. And it's also absurd to think that we can simply look to more efficient enforcement procedures to pick up the slack. It's just not going to work that simply in the present system, the present bifurcated, subdivided system.

So I'm suggesting that there be a public insurance scheme at least considered, the concept should at least be evaluated and considered that would at least carry women who are deserted in these circumstances to a minimum ceiling level. I think that's absolutely imperative. It's long overdue in this country and most of the money is going to come right out of the social allowance pot anyway. It's long over due and it's time. If it comes to a situation where a person can retain her dignity by virtue of receiving maintenance insurance . . .

**MR. SPEAKER:** Order please. The Honourable Member is straying from the subject matter at hand when he is introducing a subject foreign to the bill before us and I would suggest that he get back to the subject matter of the bill. The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Speaker, I would only draw your attention to the fact that we're dealing with The Family Maintenance Act which deals with support of women who are deserted, and, Mr. Speaker, I don't know what more I can say without embarrassing both of us if you don't understand the association .

**MR. SPEAKER:** Order please. The hour being 5:30, the House is adjourned and stands adjourned . . . Before we adjourn, the Honourable Member for Rhineland.

## BUSINESS OF THE HOUSE

**MR. BROWN:** We have some committee changes, Mr. Speaker. The name of Mr. Minaker to be substituted for that of Mr. McKenzie on the list of members to comprise a special committee on Public Accounts. The name of Mr. Einarson be substituted for that of Mr. Spivak on the list of members to comprise a special committee on Law Amendments. And the name of Mr. Sherman to be substituted for the name of Mr. Wilson on Law Amendments.

**MR. SPEAKER:** The hour being 5:30 the House stands adjourned until 2:30 tomorrow afternoon (Friday).