



Fourth Session - Thirty-Fifth Legislature  
of the  
**Legislative Assembly of Manitoba**

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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41 Elizabeth II

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**VOL. XLII No. 22 - 1:30 p.m., TUESDAY, MARCH 9, 1993**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

Members, Constituencies and Political Affiliation

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NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALLOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP
<i>Vacant</i>	Rupertsland	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, March 9, 1993

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

#### Bill 214—The Beverage Container Act

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux), that Bill 214, The Beverage Container Act; Loi sur les contenants de boisson, be introduced and that the same be now received and read a first time.

**Motion presented.**

**Mrs. Carstairs:** Mr. Speaker, I briefly want to put on the record once again, since this is not the first time our party has introduced this legislation, a piece of legislation which is long overdue.

It is very clear that in provinces where there is such a piece of legislation, 80 to 90 percent of soft drink bottles are indeed kept in circulation; they are returned. We have a voluntary system; we get back less than 50 percent. They are filling our landfill sites, they are a disgrace to the environment, and it is time we changed.

**Motion agreed to.**

#### Bill 215—The Public Schools Amendment Act (2)

**Ms. Avis Gray (Crescentwood):** Mr. Speaker, I move, seconded by the member for River Heights (Mrs. Carstairs), that Bill 215, The Public Schools Amendment Act (2); Loi no 2 modifiant la Loi sur les écoles publiques, be introduced and that the same be now received and read a first time.

**Motion presented.**

**Ms. Gray:** Mr. Speaker, this bill is being introduced to entrench in The Public Schools Act the principles which should be embodied in Manitoba's educational system.

This bill acknowledges that parents should be fully informed of the progress of their children in schools so that they are able to make informed

decisions about their children's education. Parents should have the right and the opportunity to be heard by the teacher, the school staff, school boards and the Department of Education.

This bill will also entrench a parent's right to assistance for children who have special needs.

Finally, parents have the right to expect that a school system has safeguards that govern them.

The rights which this bill proposes to entrench in The Public Schools Act are not only parents' rights, Mr. Speaker, but the rights of our children who are, after all, the future of Manitoba.

**Motion agreed to.**

### TABLING OF REPORTS

**Mr. Speaker:** Is there leave of the House to allow me to revert back to Ministerial Statements and Tabling of Reports? [agreed]

Under Ministerial Statements and Tabling of Reports, I am pleased to table, in accordance with Section 55 of The Freedom of Information Act, the report of the Ombudsman for the calendar year January 1, 1991, to December 31, 1991.

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the Speaker's Gallery where we have with us this afternoon Senator Morford-Burg from the state of South Dakota.

On behalf of all honourable members, I would like to welcome you here this afternoon.

Also this afternoon, we have seated in the public gallery, from the Grant Park High School, twenty-three Grade 9 students, and they are under the direction of Mr. Richard Dooley. This school is located in the constituency of the honourable member for Crescentwood (Ms. Gray).

On behalf of all honourable members, I would like to welcome you here this afternoon.

\* (1335)

## ORAL QUESTION PERIOD

### enRoute

#### Manitoba Employment Status

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, my question is to the Deputy Premier (Mr. Downey). Since the time that Air Canada has been privatized by the federal Conservatives in Ottawa, we have been quite concerned about the financial services jobs to be maintained in their western Canadian headquarters in Manitoba.

We have asked questions before about the status of these financial services jobs in Winnipeg. We have asked questions before about the status of enRoute, which employs about 100 people in the city of Winnipeg and the province of Manitoba, in high-tech jobs.

I would like to ask the Deputy Premier: What action has this government taken to keep those 100 jobs from enRoute located in the city of Winnipeg and the province of Manitoba?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, let me first of all indicate to the member that there have been ongoing discussions taking place with the Premier (Mr. Filmon) and Air Canada, as well as Canadian, in terms of the impact of some of the decisions that are being made, over which we basically have no control.

The member is well aware of the negotiations that have taken place initially between Canadian and Air Canada, between Air Canada and Continental, and also between Canadian and American. Representation has been made to us as government in terms of the impact that it would have on the jobs. The position we have always put forward, that the least impact economically and on the jobs in Manitoba is the position that we would be supporting.

**Mr. Doer:** Mr. Speaker, I am pleased to hear the Premier (Mr. Filmon) is actively engaged in maintaining the jobs in Manitoba and the jobs of Air Canada financial services and those jobs of enRoute.

#### Montreal Expansion

**Mr. Gary Doer (Leader of the Opposition):** Can the Deputy Premier (Mr. Downey) explain today the announcement made by Diners Club and enRoute that their operating division in Canada will be increased by 100 new jobs in the Montreal area,

which will be the service centre for enRoute and Diners Club for Canada?

How does that impact on the 100 jobs that are now located in the city of Winnipeg and the province of Manitoba?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, we are trying to get that information. I would have to take the question as notice and try and get back to him.

### enRoute

#### Manitoba Employment Status

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, I would refer the Deputy Premier (Mr. Downey) to an announcement made this morning by Citibank Canada, Diners Club and enRoute that basically says that they will expand their Montreal operation by 100 jobs to fulfill the function of the enRoute and Diners Club function.

My question to the Deputy Premier is: What is the status of the 100 jobs in Winnipeg, that are presently in Winnipeg now? Will we be losing those jobs to Quebec and Montreal as part of this decision? What has the Premier (Mr. Filmon) done to stop the loss of those jobs in the province of Manitoba?

**Hon. James Downey (Deputy Premier):** Mr. Speaker, the Minister of Highways and Transportation (Mr. Driedger) I believe has addressed the broader issue as it relates to the services provided here in Winnipeg.

Let me assure the Leader of the Opposition (Mr. Doer), unlike him and his party when they had the most unfriendly tax regime in the province of Manitoba from 1981 to 1988 that drove businesses out of this province, unlike them, Mr. Speaker, we have frozen personal income tax for five years, five budgets without any tax increase and programs which are encouraging people to come to this province, like Unitel, like Ayerst, like all those activities that have been recently announced by the Minister of I, T and T.

#### Manitoba Employment Status

**Mr. Gary Doer (Leader of the Opposition):** Well, Mr. Speaker, hot air does not keep jobs in Manitoba and create jobs in Manitoba, and many of these financial services jobs were located in the province of Manitoba under a previous government, not under this Conservative government which is losing them every day. Hot air does not tell the 100

families tonight what their status is in terms of the decision just made by Citibank.

So I ask the Deputy Premier, now that he has this little tirade off his shoulders, could he please tell Manitobans what is the status of the 100 jobs presently located in Winnipeg at enRoute? Have we lost those jobs? Have we lost those opportunities for those 100 families or is this decision on top of the 100 jobs that are presently in Manitoba? That is a very important question for those workers and their families today.

**Hon. Albert Drledger (Minister of Highways and Transportation):** Mr. Speaker, I do not have the precise information on that, and that is what we are trying to establish. There are announcements made and we are trying to establish exactly the impact that it will have. As soon as I have that information, I am prepared to share it with members here. While we are getting this information, we also want to make sure that we can take and stress the importance of these jobs to Manitoba, but we have to know the exact details in terms of the impact that it will have on us. I am going to try and get that for the member.

\* (1340)

### enRoute Manitoba Employment Status

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, the Premier (Mr. Filmon) is the Chair of the Economic Development Board of Cabinet, and he has had contact, as the Minister of Transportation has indicated, on the enRoute situation.

I would ask the Deputy Premier: When was the last time they met with the Citibank operations? What was the status of those discussions in terms of those 100 high-tech jobs in Manitoba with the Premier and the people from that corporation?

**Hon. James Downey (Deputy Premier):** Mr. Speaker, as far as any meetings or any activity as it relates to the Premier, I will have to take that part of the question as notice.

### Vision Capital Fund Advisory Committee Membership

**Hon. James Downey (Deputy Premier):** While I am on my feet, Mr. Speaker, I will respond to yesterday's question by the Leader of the Opposition as it related to the Vision Capital program, a program that was established in 1987 by

the former administration which set up the board of some six individuals who were all men. The Leader of the Opposition yesterday in his question certainly has a short memory.

The establishment of Vision Capital, Mr. Speaker, allows for those people investing in Vision Capital to have a representative on the board. The government had the opportunity to put one individual on that board and that individual is the Deputy Minister of I, T and T who is Mr. Goyan, but the initial establishment of it was set up by the NDP government, of which six people were appointed, all of them men.

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, we did have 41 percent of people on boards of commissions who were women, but if we had six men on that economic committee and you have nine men on that committee, we are both wrong and we both should change it. I do not mind admitting that. So on behalf of our previous government and that committee, I think we were wrong and we should have changed it.

### enRoute Manitoba Employment Status

**Mr. Gary Doer (Leader of the Opposition):** A final question, Mr. Speaker. This is a very serious question for the 100 families tonight that have the press release from Diners Club and enRoute and Citibank. They do not know whether these 100 new jobs announced in Montreal are going to be their jobs or are they additional jobs on top of the 100 in Winnipeg?

I would ask the Deputy Premier to immediately obtain the information that he should have today, and inform the House of whether we have lost those 100 jobs in Manitoba and what the status of that is or, hopefully, it is 100 new jobs on top of the Manitoba jobs, the enRoute jobs.

**Hon. James Downey (Deputy Premier):** Mr. Speaker, I can assure the Leader of the Opposition that when that information is available, we will make it available to the House. I can assure him as well that we will do everything we can to encourage employment and maintenance of jobs in this province.

### Vision Capital Fund Advisory Committee Membership

**Hon. James Downey (Deputy Premier):** I should further add, I was negligent in my responding to

yesterday's question, and I said I would bring this information forward. He makes reference to boards and commissions having 41 percent female when he was in government. That has now risen to some 43 percent under this government.

In 1987, Mr. Speaker, in the executive positions within government, I believe they had something like 8 percent. Eight percent of those individuals were women. That has now doubled to almost 16 percent under this government. That is in executive positions within government.

### **Economic Growth Manitoba Ranking**

**Mr. Reg Alcock (Osborne):** Mr. Speaker, I have a question for the Minister of Finance.

On the 5th of May of this year the Premier (Mr. Filmon) stated in this House that: Every single one of the forecasters is suggesting that we will be in the top three or four provinces in the country in terms of economic growth. In '92, '93 and '94, we will be in the top half of provinces. The figures demonstrate we are getting the results and the performance that we are looking for.

Well, sad to say that we are not in the top half. We are seventh in this country now. The Conference Board of Canada has just come out with its forecast and has downgraded Manitoba's position one more time. As the Leader of the Opposition (Mr. Doer) has pointed out, jobs are going elsewhere in this country, not coming into this province.

I would like to ask the Minister of Finance a very simple question. Why are his economic policies producing this result?

\* (1345)

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I acknowledge the fact that the ranking by the Conference Board for the '93 forecast is dropping. The final forecast at this time shows a number just slightly below the national average, I believe a 2.5 percent forecast of growth for the province of Manitoba.

Let me say that we still see some very encouraging signs, particularly in the investment side. Manufacturing shipments in themselves were also encouraging. Let me say that the national average, I would say, given the experience over the last two years, I would never, ever want to lay whatever claim the member wants to make at this

point in time on the basis of one snapshot in a period of time. Those forecasts changed dramatically in 1992. They changed dramatically in 1991. I would welcome an ongoing debate with the member on any series of numbers, but I say to him it is foolhardy to dwell on one number at one point in time.

**Mr. Alcock:** Mr. Speaker, the Finance minister is correct. They come out positive and then they get revised downward each year. That has happened every year since this government has been in office.

### **Out-Migration Statistics**

**Mr. Reg Alcock (Osborne):** Mr. Speaker, another indicator of how well we are doing is whether or not people are choosing to stay here. The fact is in the first three quarters of the recent year, nearly 5,000 people have chosen to move out. That is a net loss of 4,894. Last year, 7,663 and the year before that, over 10,000. Over 40,000 people have chosen to leave this province under this Finance minister's rule. Why?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, population growth from October 1, '91, to October 1, '92, totalled 4,000 people. I would say to the member that population growth in the province is stagnant, as it is in seven other provinces in the land. It is a well-known fact that the main province experiencing population growth right today is the province of British Columbia, to a lesser degree in the province of Ontario.

Mr. Speaker, after Alberta, every other province in the country is experiencing a more or less level—what we do not have of course is what is evident in Saskatchewan and that is a falling and decreasing population. So we have more or less—and I do not have to tell you, if it were not for the fact that we have policies in place that are maintaining for the most part our manufacturing sector, obviously, the wealth-creating areas of agriculture, mining and forestry, there is tremendous suffering that is going on within those sectors, and there would be even a greater stagnation of population growth if we did not have more or less a robust manufacturing industry in our province as we do.

**Mr. Alcock:** In fact, Mr. Speaker, the losses in manufacturing are greater than average.

### Education and Retraining Programs

**Mr. Reg Alcock (Osborne):** Mr. Speaker, I would like to ask the Finance minister how his policies in education to remove money from education and training in this province square with his vision of opportunities for all Manitobans.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, the member opposite says that they are my policies. I would remind, under the parliamentary system, Executive Council is given the responsibility of making decisions with respect to budgetary matters.

I invite the member, once I bring down the budget, and that probably will not be in the month of March unfortunately, but I invite the member to balance all of the decisions that will be made in the area of education with all of the other decisions being made in all of the other departments, and I would say to him, he would acknowledge that there would be tremendous balance with respect to all the decisions made in government that will be presented when the budget is brought forward.

### School Divisions Clinician Funding

**Mr. John Plohman (Dauphin):** Mr. Speaker, last week we asked the Minister of Education about cuts of nearly 70 speech pathologists, child psychologists and staff at the Diagnostic Support Centre which would affect the most vulnerable children in our communities.

The minister's position was that a \$45,000 grant for 700 students would enable divisions to hire their own clinicians and that services would not be affected.

Mr. Speaker, since the Manitoba Speech and Hearing Association has written in a recent letter, and I quote: Ms. Vodrey stated that the layoffs at the Child Care and Development Branch will not affect services. We believe this is highly erroneous.

In other words, this minister was not telling the truth in this House, Mr. Speaker.

I want to ask the minister—

\* (1350)

**Mr. Speaker:** Order, please. I would ask the honourable member for Dauphin to withdraw that remark and to rephrase his question.

**Mr. Plohman:** Mr. Speaker, I will certainly withdraw that.

**Mr. Speaker:** I would like to thank the honourable member for Dauphin.

**Mr. Plohman:** My interpretation of it is not relevant here, of those words.

I want to ask the minister whether she will now admit that hard-pressed school divisions will be unable to meet the required service levels and that in fact the information that she gave to the House was not accurate last week.

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, we have included within our ed funding finance model a provision for the hiring of clinicians within divisions because we recognized from the very beginning their importance to education for special needs young people, in fact all young people.

The member may not know that there are many young people in school who receive clinician services for a short or a longer period of time.

The member perhaps was not listening last week when I let him know, and when I let the House know and let the people of Manitoba know that in fact according to the formula, the 52 clinician positions will now be available to school divisions. By virtue of the formula, it comes out to more clinician positions, 59.5 positions.

**Mr. Plohman:** Mr. Speaker, the minister has not allowed for any operating funds. There will be at least another \$30,000 for clinician costs to divisions, an offloading of over \$2 million by this Minister of Finance (Mr. Manness) on hard-pressed divisions.

I want to ask the Minister of Finance how he can claim that this government is making decisions based on cost-effectiveness when it is obvious that the cost to the school divisions to hire these clinicians, who do not have the economies of scale that the province would have with the larger numbers, they will not be able to afford these and that there will be extremely larger costs to the school divisions.

Will the Minister of Finance justify those kinds of decisions?

**Mrs. Vodrey:** The member is not very familiar with our school funding formula, so let me provide him with some instructions. In that school funding formula, the grant provides for both the funds to pay the salary operating dollars and also the administrative dollars. That has now been rolled into one grant.

**Mr. Plohman:** Will this minister of privilege now admit that this—

**Mr. Speaker:** Order, please. I would remind the honourable member for Dauphin to refer to all honourable members as the honourable member for their constituency or the honourable Minister of Education and Training, whatever the responsibility.

**Mr. Plohman:** Mr. Speaker, will this privileged Minister of Education now admit that this ill-conceived decision for the people of Manitoba, both in terms of dollars and in terms of human costs for the children who are most vulnerable in society, will not work, will not provide the services, and will she now reverse this decision so that these families and these children will have the services that they deserve in rural areas?

**Mrs. Vodrey:** I said on the first day that we discussed this, there are already 10 rural school divisions, and one of them is the member for Thompson's (Mr. Ashton) school division, which are currently operating with their own clinician support, and they did not rely on the Department of Education to hire their clinicians. What we have done through this is to, through our clinician grant, allow individual school divisions then to hire their clinicians.

By doing so, they will then have the control and be able to provide the direction to their clinicians. But I will also remind the member that we in the Department of Education will still provide support. We will still provide the supervision support for the certification of clinicians, and that under our current formula, it will allow school divisions to hire more clinicians than previously through our department.

The member disputes the truth. That is true, and also, Mr. Speaker, divisions may decide—

**Mr. Speaker:** Order, please. I would like to remind the honourable minister that answers to questions should be as brief as possible.

### **Essential Services Reduced Workweek**

**Mr. Steve Ashton (Thompson):** There is growing confusion about exactly what this government is doing in terms of public services in this province, particularly in regard to the enforced 10 days with leave and closure policy that this government is bringing in, in terms of public services.

We saw yesterday, for example, that the Family Violence Court is not considered an essential service. I would like to ask the Minister of Finance

(Mr. Manness): What exactly is an essential service in this province as far as the government is concerned? In particular, what essential services will be maintained, and what other services will be affected by this 10-day closure policy?

\* (1355)

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, as we announced at the time of the announcement of the reduced workweek program, we would be asking each department to develop models within their departments for the delivery of service, although the general model was to go to the Friday and Christmas closure period.

That work is currently underway in each department, and we will be able to make announcements closer to the time that the reduced workweek actually comes into effect.

**Mr. Ashton:** In other words, the government does not know yet.

### **Crown Corporations Reduced Workweek**

**Mr. Steve Ashton (Thompson):** In terms of Crown corporations, since I asked questions on Hydro and MTS on Friday, I would like to ask the minister responsible for the Liquor Control Commission (Mrs. McIntosh), how are they going to enforce this 10-day-off policy. For example, are they going to be closing liquor stores for 10 days over the summer, Mr. Speaker, or do they not know what they are doing yet?

**Hon. Darren Praznik (Minister of Labour):** You know, if we had announced all the details of the plan at the moment, the member for Thompson would have accused us of not consulting with departments or applying common sense.

Mr. Speaker, we announced a principle. We have plenty of time in which to make it operational. We are consulting in departments; plans are being developed. The same rule applies to Crown corporations. They are in the process of developing plans in their own operations, and those will be announced in due course.

**Mr. Ashton:** Mr. Speaker, so the same rules are being applied so, I take it, when it comes to liquor commissions, they will not be closed on Friday if they are considered an essential service. I still do not have an answer.

### Civil Service Layoff Statistics

**Mr. Steve Ashton (Thompson):** I would like to ask another question, final question, Mr. Speaker, of the minister. I would like to ask: What is the sum total of positions that this government is eliminating? We have already received the announcement of 290, and we have seen the additional 66 clinicians. What is the total number of positions and services that those positions were going to be providing, that are going to be eliminated from the provincial Civil Service this year? What is the bottom line?

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, first of all, again, the member for Thompson somehow sees that it is a terrible process that we would go to Crown corporations and ask them to develop plans and models. Obviously, we want to avoid the situation where there is not common sense, applied in the case of the Liquor Commission, other Crown corporations that are revenue generating, and they are developing those models.

With respect to this year's budget, notice was already provided, and that is an old story of approximately 300 individuals who would be affected by this year's budget. In terms of number of positions, for that he will have to wait for the budget, but I would remind honourable members, we have had 400 applications to VSIP, and the matching process is underway. So the number of people actually affected will not be known yet.

\* \* \*

**Mr. Speaker:** The honourable Minister of Justice, responding to a question taken as notice?

**Hon. James McCrae (Minister of Justice and Attorney General):** Yes, Mr. Speaker.

I rise today again to correct some false information put on the record by the honourable member for St. James (Mr. Edwards). I have been asking him for five years not to do this—

**Mr. Speaker:** Order, please. Is the honourable minister responding to a question that he took as notice? [interjection] Yes. The honourable minister will get to the point.

### Point of Order

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, I do not recall hearing the minister saying that he was taking as

notice, and I would ask him, which question is it that he is responding to. Maybe he should have made a ministerial statement.

**Mr. Speaker:** On the point of order raised by the honourable member for Inkster, I believe the honourable minister has said he was responding to a question taken as notice, which was posed by the honourable member for St. James. Correct?

**Mr. McCrae:** On the point of order, yesterday the honourable member asked some questions about temporary absences. I said that I have to be careful with this honourable member and that I would check the facts and report, and here I am ready to go.

**Mr. Steve Ashton (Opposition House Leader):** Let us not be too cute with the words that are used. The minister did not take the question as notice, and that is the only way in which he may rise now to add additional information. If he wants to get into debate with the member for St. James about this particular issue, there are other opportunities, Mr. Speaker, but he should not waste the time in Question Period.

**Mr. McCrae:** On the same point of order, I will cease and desist if honourable members do not want the correct information.

**Mr. Speaker:** I was recognizing the honourable minister because I thought he was responding to a question taken as notice.

\* (1400)

### Domestic Abusers Discretionary Passes

**Mr. Paul Edwards (St. James):** Mr. Speaker, I have absolutely no fear of placing a question to the Minister of Justice, never have and I doubt ever will.

Mr. Speaker, yesterday, I raised with the minister his failure to follow through on his spoken commitment to get tough with domestic assault. I want to raise another representative case with the minister today.

Mr. Randall Jeffrey McLean was convicted on September 17, 1992, for assaulting his partner with a weapon causing bodily harm. He was convicted at the same time for three theft offences and given a 12-month sentence. Five months into his sentence he received a discretionary 90-day, unescorted, temporary absence—unescorted, I emphasize. After that 90 days, of course, two-thirds of his sentence being up, according to statute he was automatically on parole, effectively meaning that seven out of 12 months were free and clear.

Mr. Speaker, my question to the minister is: Why are discretionary temporary absences being given in these cases of serious domestic violence, essentially to hustle convicts out the back door of Headingley Jail?

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, the honourable member's question is about temporary absences, so I would like to point out that yesterday he made reference to 108 temporary absences given to inmates as of February 23. The member then stated that of the 108, 47 failed to show up at the community release centre. Well, the member is clearly wrong.

In fact, for the months of January and February of this year, a total of 97 irregular temporary absences and 92 intermittent temporary absences were given out. Out of this total figure of 189, five individuals either failed to show up or committed another crime.

I suggest the honourable member—I have done it for five years and I am asking him again, get your—

**Mr. Speaker:** Order, please.

#### Point of Order

**Mr. Edwards:** Mr. Speaker, on a point of order, I am shocked that the minister knows so little about the department that he runs. People do not report to the community release centre. They report to Headingley Jail—

**Mr. Speaker:** Order, please. The honourable member for St. James clearly does not have a point of order.

\* \* \*

**Mr. Edwards:** Mr. Speaker, again for the same minister, I would like him to answer this question, which I will pose again, albeit, slightly differently.

Why was Mr. McLean given a 90-day unescorted pass when he had committed another assault to cause bodily harm in 1990, violated a probation order in 1989, had to be transferred to Headingley from Milner Ridge after three weeks "because he was experiencing problems with authority figures"? The police were opposed to his release. The female victim was not even contacted. Her mother said she did not want him released because he was a threat to the family—

**Mr. Speaker:** Order, please. Does the honourable member for St. James have a question? Kindly put your question.

**Mr. Edwards:** Why was he released? There was nothing going for this guy. Why was he released?

**Mr. Gary Doer (Leader of the Opposition):** Is this an appeal court?

**Mr. McCrae:** That is a good question. The honourable Leader of the Opposition asks if this is the appeal court, and I really wonder sometimes.

Mr. Speaker, again, the honourable member has brought forward a whole bunch of information, and past experience just instinctively tells me, check it out before you get brought into it with this honourable member.

He says that I, of all people, should know that they are supposed to report to Headingley Jail. Well I, of all people, know that they are supposed to report. Where they are supposed to report is where they are told to report. It is either at Headingley, it is either at a community release centre or the job site.

He, the honourable member, and a lot of other people suggest: Why do you not make prisoners work? Well, we do, Mr. Speaker. They report to the work sites. The honourable member, of course, would not grab on to that concept, because he thinks they should throw them in the can and just leave them there and hope they get better. It does not work that way.

**Mr. Edwards:** Finally, for the same minister, Mr. Speaker. Why was Mr. McLean given a temporary absence in view of the fact that he failed nine out of 10 of the listed criteria in the government's temporary absence policy? The nature of the offence and impact on the victim failed, criminal history failed—

**Mr. Speaker:** Order, please. The honourable member has put his question.

**Mr. McCrae:** Mr. Speaker, it is clear that there are going to be staff at places like Headingley who are going to feel an impact when populations are low or when absence programs are working and not keeping people in the jails. We are not going to need as many staff. I know that staff make complaints to members like the honourable member for St. James and people like Donald Campbell in the Winnipeg Free Press. They go running to those kinds of people to get their message out. The point is the policy in corrections is not only progressive, but it also works, and that is what we are about.

### Repap Manitoba Inc. Negotiation Deadline

**Mr. Oscar Lathlin (The Pas):** Mr. Speaker, my question is for the Minister of Finance, and it has to do with the government's stated promise that it would finally get aggressive and complete a deal with Repap, a deal that would benefit northern Manitoba and, of course, the firm itself. Last year the Minister of Finance announced a series of final deadlines only to keep postponing them.

My question is: Does the minister now have a final deadline by which he will be completing these negotiations with Repap?

**Hon. Clayton Manness (Minister of Finance):** I thank the member for the question. I take it that he is supportive of Repap and he would like to see the major projects proceed, Mr. Speaker, and I would ask that he try and convince his colleagues also to come aboard.

Mr. Speaker, as I indicated last fall and as Repap indicated, there will not be major expansion over the course of the next year and a half. The government of the time has served notice to Repap that we will take as our option and our right, an opportunity to find a venture capitalist or somebody who will partnership with Repap, given that they have tremendous financial problems to the extent they cannot borrow billions of dollars today. We therefore will give ourselves the opportunity to help find capital. If we find capital and the company chooses not to proceed, then we will make a decision at that time.

### Government Priority

**Mr. Oscar Lathlin (The Pas):** Mr. Speaker, my question is again for the Minister of Finance.

Given that the Repap takeover announcement was made four years ago this week and the same minister announced over a year ago that the province was restructuring a deal, residents of The Pas are not prepared to stand by and wait for this minister to act, Mr. Speaker. Why is this minister not putting a higher priority on this issue at a time when people in northern Manitoba need the jobs the most?

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, the member's assertion is wrong. We put a very high priority on The Pas development. Let me say, and I know the member is fully aware of this, but this industry has lost upwards of \$3.5

billion over the course of the last two years. There has been incredible consolidation within this industry throughout Canada. From recall, it seems to me that no less than a dozen facilities have closed down.

What we have is we have an operation that is on the margin financially but is still employing several hundreds of people. The sawmill today is producing well. As a matter of fact, it is providing, basically, the only net cash flow to Repap and its whole chain of plants throughout Canada.

So I say to the member, Mr. Speaker, we want that development as badly as the residents of northern Manitoba, particularly The Pas region, but I also say at least we have in place a plant which is covering its own variable costs. As I talk to Mr. Kass of Repap he tells me that, in its whole battery of plants, indeed is the one shining light. That is how difficult the circumstances are within that industry across Canada today.

\* (1410)

**Mr. Lathlin:** My final question is again to the Minister of Finance (Mr. Manness). Given that there are encouraging signs in wood prices, could I ask this minister to take the initiative along with his colleagues in government to work full out to get the deal restructured so that northerners, particularly those residents who are directly affected by the plant, can go ahead on the basis knowing that their jobs are secure?

**Mr. Manness:** We have been working more or less full out over the last two years to try and restructure the deal, but I remind the member there is not a lending institution in the land today who will put up \$1 billion, not one who will put it up unless all the environmental processes are in place, unless the native land issues are dealt with.

I say to the member, I have not seen a community—when I say community I say this in the broadest sense—willingness to work hand-in-hand with the government in a lot of respects to try and address these problems, but if they were addressed tomorrow I say to the member still, finding this capital, this \$1 billion-plus today would not be an easy matter.

That industry is going through tremendous consolidation at this point in time, so if we can just continue to see that plant operate more or less at full production over the course of the next year, the

government will continue to try and find the sources of capital.

We will also try and more fully measure and quantify the resource because that has to be done as we work towards the expansion that we all want.

### **Video Lottery Terminals Revenue Investment**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, this government has been less than honest with rural Manitobans. On April 14, 1992, the commitment to rural Manitobans was that—and I am reading from the government news release—revenues from the operations of video lottery terminals will be invested in rural Manitoba to encourage and assist economic development.

Well in excess of \$30 million has been collected out of the rural economy, and only a small fraction of that has been returned into the rural economy.

My question to the government, any minister who has the integrity to live up to a commitment that they made, the question is: Why has this government misled rural Manitobans?

**Hon. James Downey (Deputy Premier):** Mr. Speaker, unlike the party which the member is trying to represent in the upcoming leadership, we do have people who truly represent rural Manitoba. I can assure that the commitments that have been made, whether it is to deal with the removal of education taxes off of farmland, whether it is to deal with the infrastructure in the Highways program which has reached heights of which have never been seen since the previous administration was in place, our commitment to put revenues back into Manitoba is in a balanced and effective way, and I believe that the commitments that have been made will be lived up to.

**Mr. Lamoureux:** Mr. Speaker, this government has not lived up to the commitment. That is the problem.

### **Video Lottery Terminals Revenue Investment**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Minister of Family Services (Mr. Gilleshammer). The Minister of Family Services met with, I understand, an organization in which he had implied that revenues generated from the VLT revenues could in fact go to help, possibly, deficit reduction. Is that in fact true?

Did the Minister of Family Services indicate to at least one organization that the government does not know what it is going to be doing, that in fact it could go—

**Mr. Speaker:** Order, please. The honourable member has put his question.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, let me answer that question and say yes. There is a good probability that some measure of the VLTs this year will go to deficit reduction.

**Mr. Lamoureux:** Mr. Speaker, significant, in the sense now we have a change in government policy. Finally, the government is being honest. They are saying that VLT revenues are not just for rural economic development.

### **Video Lottery Terminals Revenue Investment**

**Mr. Kevin Lamoureux (Inkster):** My question now to the government is: Will it again have a change in government policy and allow 25 percent of the revenues generated from the VLT machines to be returned back to rural Manitoba, in the form of a grant to the rural municipalities which would be responsible for administering those funds?

**Hon. James Downey (Deputy Premier):** Mr. Speaker, at the time of the announcement of the VLT program, which the government introduced and which was to enhance the rural hotel industry to in fact save a lot of rural hotels that would have been in extreme financial difficulty and probably would have had to close—the returns from the VLTs have been somewhat greater than what was anticipated. It was the intent, with the knowledge of the government at the time of the introduction of the VLTs, to participate with those funds to that amount in rural Manitoba. At this point, there are other decisions that have to be made as it relates to funds over and above that.

I wonder, Mr. Speaker, if the Liberal caucus can get their act together. Yesterday, the member for Crescentwood (Ms. Gray) was speaking in opposition to putting money in Community Places and Lotteries money. I wonder if the Liberal Party would clearly state what their position is.

### **Street Kids and Youth Program Funding**

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, it is becoming common knowledge that pornography,

violent television, violent toys and books are most devastating and dangerous to children and young people. They actually teach and model the behaviour that children then practise out. In economic stress, children are often neglected and they are very vulnerable to becoming victims of the streets.

I want to ask a question, Mr. Speaker, to the Minister of Family Services. [interjection] I would encourage the government to realize this is not a laughing matter.

Will the government commit to financially supporting the Street Kids and Youth program, which is being threatened to lose its funding, and ensure that this program and service is going to remain in the city of Winnipeg?

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, as the member is well aware, we are in the midst of many discussions and deliberations on the current budget, which the Finance minister had referenced earlier. Those decisions will be announced in due course.

I would say to the member, it is not the first time that a group that has been funded through the Secretary of State at the federal level or municipal funding has their funds run out and comes to the province to backfill. I would say that we would work actively with the groups that we do fund to try and assist in any way we can and provide that service through existing organizations.

**Mr. Speaker:** The time for Oral Questions has expired.

### Committee Changes

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: the member for Emerson (Mr. Penner) for the member for Lac du Bonnet (Mr. Praznik); the member for Sturgeon Creek (Mr. McAlpine) for the member for La Verendrye (Mr. Sveinson); the member for Rossmere (Mr. Neufeld) for the member for Gimli (Mr. Helwer). [agreed]

**Mr. George Hickes (Point Douglas):** I move, seconded by the member for Swan River (Ms. Wowchuk), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Swan River

(Ms. Wowchuk) for Point Douglas (Mr. Hickes) for March 9 at 7:30 p.m. [agreed]

\* (1420)

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call second reading, Bill 14, followed by Bill 16 and, following that, if you would proceed to Debate on Second Readings, the bill numbers as shown on the Order Paper.

### SECOND READINGS

#### Bill 14—The Personal Property Security and Consequential Amendments Act

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, on behalf of the Minister of Justice (Mr. McCrae), I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 14, The Personal Property Security and Consequential Amendments Act (Loi concernant les sûretés relatives aux biens personnels et apportant des modifications corrélatives à d'autres lois), be now read a second time and be referred to a committee of this House.

#### Motion presented.

**Mr. Manness:** Mr. Speaker, the new Personal Property Security Act when enacted would resolve existing uncertainties by covering areas which are not dealt with under the present act. It will not change the basic principles of the existing act which include a public registry where secured parties can register interest in personal property and the public can conduct searches.

The existing act was passed in 1973 and brought into force in 1978. There have not been significant amendments since the legislation was proclaimed. However, over the past two decades there has been considerable study and development of personal property legislation throughout Canada. These studies resulted in the development of the western Canadian model Personal Property Security Act. This western model has been used as the basis for acts recently passed in Alberta and British Columbia and is expected to be the basis for legislation under consideration in Saskatchewan, Northwest Territories and New Brunswick.

As Manitoba's new act is also based on this western model, our legislation will be in harmony with the other western provinces and with the

direction being proposed in the Atlantic provinces and the Territories. In 1988, the Manitoba Bar Association passed a recommendation endorsing the adoption of the western model in Manitoba subject to certain amendments. The Bar Association's suggestions for amendment have been considered in the drafting of the new act.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

Madam Deputy Speaker, the area of personal property security is a complex and technical one. It deals with all kinds of financial transactions including the taking of security and items of personal property. It affects borrowers and lenders, buyers and sellers, whether they are individuals, businesses or financial institutions. The changes in the new Personal Property Security Act are so numerous and extensive that almost no section of the present act is untouched. The new act addresses questions involving conflicts of laws and enforcement processes on default. It will resolve issues that have arisen from judicial consideration of the present act. Furthermore, the new act will result in improved consumer protection.

There are a number of benefits related to having legislation that is compatible with other provinces. Uniform commercial legislation is important for businesses that operate in Manitoba as well as other provinces. It will make court decisions from other provinces with similar legislation relevant in Manitoba and will assist practitioners and judges in the interpretation of the act.

Madam Deputy Speaker, this new act has been studied in great detail and we are confident the new PPSA will be welcomed by knowledgeable practitioners within the legal and commercial financing community and other users of the system.

With these brief remarks, I recommend this bill for second reading. Thank you, Madam Deputy Speaker.

**Mr. Steve Ashton (Thompson):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

### **Bill 16—The Public Schools Amendment Act**

**Hon. Rosemary Vodrey (Minister of Education and Training):** Madam Deputy Speaker, I move, seconded by the Minister of Labour (Mr. Praznik),

that Bill 16, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mrs. Vodrey:** Madam Deputy Speaker, it is the intent of this legislation in Bill 16 to hold the increase of the special requirement of any given school division at a maximum of 2 percent. There will be exceptions for any divisions with additional funding needs resulting from enrollment increases or losses in phase-in funding.

Our government is committed to fairness, and we have included a section dealing with errors made in calculating the 1992-93 special requirement in our bill.

Introduced Friday by our government, the legislation will affect two school years and three property tax payments.

My department will continue to provide any assistance divisions may require in determining special requirements and calculating the special levy.

Our bill is based on the following principles: (1) It is fair and equitable to both school divisions and taxpayers; (2) Our bill is prospective and not retroactive; (3) It recognizes our commitment to some school divisions to react to increases in enrollments; and (4) This bill is not intended to decide the rate of tax increases. I urge school divisions to set their own upper limits.

We believe we can achieve administrative and salary savings through joint initiatives with staff. Surpluses must be examined for funds.

We, as all Manitobans, must work together to face the difficult economic challenge. Manitobans have clearly expressed their wish for no major tax increase.

We encourage school divisions to use any surplus funds available to avoid exceeding the maximum special requirement or to reduce the amount of the special levy.

We urge school boards to seriously consider adopting a version of the province's workweek reduction program, and we would expect they would look to reduce divisional administrative costs by 20 percent.

We, as all Manitobans, must work together to face the difficult economic challenge. Manitobans have

clearly expressed their wish for no major tax increases. Our intention is to control tax increases.

Madam Deputy Speaker, as the government searches for ways to trim costs instead of asking for more and more from Manitoba taxpayers, so must the divisions. We all realize controlled taxation is fundamental to our economic recovery. Our government is committed to reducing the burden on taxpayers. Our 5 percent cap on the tuition fee is an example of this commitment.

As this government makes tough, but what we believe fair decisions, so must the divisions. As the government faces the challenge of today's economic reality, so must the divisions. This government maintains its commitment to education and its commitment to students. We also maintain our commitment to the taxpayers of this province who have clearly said to us, they cannot afford tax increases year after year.

Those who provide the tax dollars expect leadership from government in ensuring those who consume tax dollars do so in a responsible way. While it is easy to spend public dollars in good economic times, those who spend the money must be equally prepared to share in the collective belt-tightening exercise in the tough economic times.

This legislation ensures any division-driven tax increase will be reasonable. They must be if we intend to make progress towards economic recovery. Thank you.

**Mr. John Plohman (Dauphin):** Madam Deputy Speaker, may I have leave to ask the minister a couple of questions on the bill, as is traditional in the House when requested by the critic?

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Madam Deputy Speaker, on a point of order, the tradition in this House is that it does not require leave. I believe the member was asking by courtesy. Certainly, I remember many occasions where members have asked questions on second reading without leave being required.

If the minister is denying leave by courtesy, I would ask that perhaps there be a ruling brought back to the House as to whether leave is required.

It has been a standard tradition in this House that ministers answer questions on second reading. Madam Deputy Speaker, if they are not able to do

so, we have another tradition in this House, and that is they take it as notice. On many occasions ministers have responded in closing comments to not only concerns that were expressed but also questions that were asked.

I would ask for a ruling, Madam Deputy Speaker, on this as to whether leave is required.

Perhaps I would suggest in this regard that we take some time to research the precedents in this House, because I know of many occasions where leave has not been required.

**Hon. Clayton Manness (Government House Leader):** Madam Deputy Speaker, the opposition House leader, the member for Thompson, is half right. There have been times in the past when ministers have agreed to take questions, in essence granting leave.

That rarely happens, and it only happens on matters of a technical question, but more importantly when there is a professional relationship between the critic and the minister, and when the minister is fully aware that the critic is asking the information purely on a technical basis and not to make cheap politics.

\* (1430)

On the point of order, Madam Deputy Speaker, it is fully within the purview of the minister to grant leave or to accept a question. If she feels that she has no trust in what it is the member is going ask, then obviously she will not accept a question.

**Mr. Plohman:** Madam Deputy Speaker, I cannot believe what I have heard from the Minister of Finance to try to defend the indefensible here.

Clearly this is a tradition in the House. The minister need not be afraid. She can take it as notice. I was not going to ask her a lot of technical detail in here. I had a couple of questions on principle dealing with the bill that I wanted to ask her about. I am sure she can handle them, and the Minister of Finance does not have to come to bat for her.

Remember this is a matter of tradition in this House. I am not asking for something out of the ordinary. It facilitates debate. It gives her an opportunity to come back when she is closing debate to provide us with the answers on these questions. It is very important. It also assists us if she can provide the information in written form or perhaps even today in oral form. It helps us,

Madam Deputy Speaker. [interjection] No. Now the Minister of Finance—

**Madam Deputy Speaker:** Order, please. I think I have heard quite enough in terms of justifying this as a point of order. Due to the fact that I do not have—[interjection] Order, please.

I will take this matter under advisement, indeed, and check as to what the tradition has been and report back to the House.

**Mr. Plohman:** Madam Deputy Speaker, I wanted to proceed then to ask the minister a question if I could.

**Madam Deputy Speaker:** Order, please. I have just ruled that I will take it under advisement as to what traditional procedure is.

\* \* \*

**Mr. Ashton:** I move, seconded by the member for Dauphin (Mr. Plohman), that debate be now adjourned.

**Motlon agreed to.**

## DEBATE ON SECOND READINGS

### Bill 2—The Endangered Species Amendment Act

**Madam Deputy Speaker:** To resume debate on second readings, Bill 2 (The Endangered Species Amendment Act; Loi modifiant la Loi sur les espèces en voie de disparition), standing in the name of the honourable member for Flin Flon (Mr. Storie).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Is there leave to permit the bill to remain standing? [agreed]

### Bill 3—The Oil and Gas and Consequential Amendments Act

**Madam Deputy Speaker:** To resume debate on second reading of Bill 3 (The Oil and Gas and Consequential Amendments Act; Loi concernant le pétrole et le gaz naturel et apportant des modifications corrélatives à d'autres lois), standing in the name of the honourable member for Elmwood (Mr. Maloway).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Is there leave to permit the bill to remain standing? [agreed]

### Bill 5—The Northern Affairs Amendment Act

**Madam Deputy Speaker:** To resume debate on second reading of Bill 5 (The Northern Affairs Amendment Act; Loi modifiant la Loi sur les affaires du Nord), standing in the name of the honourable member for Interlake (Mr. Clif Evans).

**An Honourable Member:** Stand.

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

**Madam Deputy Speaker:** Order, please. Will the honourable member for Dauphin (Mr. Plohman) please resume his seat. [interjection] Thank you.

Is there leave to permit the bill to remain standing in the name of the honourable member for Interlake? [agreed]

**Ms. Rosann Wowchuk (Swan River):** Madam Deputy Speaker, it gives me pleasure to take the opportunity to add comments on this Northern Affairs Amendment bill. I have a large number of Northern Affairs communities in my constituency, and I would like to address some of their concerns under this bill.

As we look at the notes from the minister's comments, this is a very minor bill, very little detail being addressed in it. That is a bit of concern in light of the fact that there are very serious problems facing Northern Affairs communities, concerns that have been raised with this government many, many times, concerns that have been raised with the Minister of Northern Affairs (Mr. Downey) when he has visited these communities, and this would have been an ideal opportunity to address many of those concerns.

Some of the concerns facing these communities, Madam Deputy Speaker, relate to housing, to roads, to economic development, education, all of these things, but very little is being addressed in this bill.

I had the opportunity to visit several Northern Affairs communities in my constituency over the last few months, and I want to say that they have raised some serious concerns. Basically, one of the biggest concerns is economic development and lack of development, lack of jobs in these communities.

I am sure the minister is well aware of these. He has had an economic task force visiting many of these communities, and hopefully he will take to heart some of the concerns that have been raised.

Also, their concerns would even be raised to a greater extent when we see what is happening under the administration of this government, particularly in education and in health care. Education is a key to these communities. If these communities are to survive, if they are going to have any growth they have to have the opportunity for education.

We are well aware there is a very high dropout rate in these communities. There are many social problems that have to be dealt with, many issues that teachers basically fill in in the community to offer supports to the children. These will not be adequately addressed now that we are going to see reductions in the number of teachers, reduction in supports, because many times it is teachers who deal first-hand with the family problems that are in these communities. It is of great concern that we are seeing the cutbacks in services.

The real issue is that if we are going to have economic growth, children have to have the opportunity for education, because the basis of economic growth is to be educated. If you are going to reduce the number of children who drop out of school, then you have economic growth and an opportunity for the children, and that is not happening by this government, Madam Deputy Speaker. That was raised, as I say, by members of the northern communities at these economic development meetings.

I had also had the opportunity to visit some more remote northern communities over the last few months and got a better understanding of what northern roads are like and how important roads are.

We in the southern part of the province and in fact even the central part of the province take roads very much for granted. It is much easier for people in our part of the province to get roads built, for councils to have the ability to build roads than the maze that Northern Affairs communities have to go through in order to get their roads built.

As I say, we take roads for granted, but in these communities they are the lifeline to the communities, and if they are not maintained properly, and particularly this year when we have the warm weather conditions, there will be many communities that are going to have difficulties.

Even in my constituency the roads into these Northern Affairs communities are very important and many times in very poor condition. There are

people—particularly I think of the fishermen in the Red Deer Lake area who are having difficulty getting a road upgraded to enable them to carry on with their activities, particularly in the fishing industry.

\* (1440)

As we look at this bill, Madam Deputy Speaker, we see that the bill is supposed to be giving more decision-making power to councils. I had the opportunity to attend the NACC meeting, and that was a real concern of many of the representatives of that body of people, the lack of authority they had, the lack of ability they had to make decisions, and the long process they had to go through to get anything to happen. So I hope that this bill, although it is a very small bill, will deal with the whole issue of local people having more input and more control of the affairs in their communities.

When we look at the section on renewing of Crown land permits, there appears there is going to be consultation in the initial part of giving out Crown land permits, but as the renewals go on there will not be a place for the communities to be consulted further. That would seem to be a problem. You would think that if they are going to have the input on it they should have the ability to review.

We will be talking further to councils throughout the area to see how they are feeling, whether this is adequate for what they are wanting to do or whether it is not. I think about the community of Camperville which is in my constituency and Duck Bay as well that have had some concerns about how the Crown lands have been allocated to different people. When these people look at expanding possibly into cattle or other types of activities, all the Crown land is taken up and they do not have the ability to expand at all. I hope this will give some power to the local communities, and they will have the ability to have some input and have some control on the affairs in their areas.

As I visited communities, Madam Deputy Speaker, it was amazing to see the quality of some of the houses and things that have fallen by the wayside, and also when you listen to councils, the difficulty they have faced in improving the standards of their houses and the difficulty they face in having people address their concerns and making the houses more adaptable to their way of life. Also, they have run into problems with getting the land to build these houses on and who has ownership of these properties. Those are all concerns. We have

to look at giving councils more authority that they can make decisions within their communities.

Madam Deputy Speaker, that is not addressing the real problem. Giving council this decision making is a step, but really if we are going to help these communities it all is based on economic development and growth in the community, jobs in the community, and we have seen none of that from this government.

Many of the residents of Northern Affairs communities, Madam Deputy Speaker, depend on the fishing industry. That has been a disaster this year. There has been very little income. There has been very little initiative taken by this government to address the concerns of the people in these communities who are facing very, very low incomes. In fact, Madam Deputy Speaker, many will not even qualify for unemployment insurance.

The Minister of Natural Resources (Mr. Enns) was in the Winnipegosis area meeting with fishermen in that area. In fact, in the Dawson Bay area, he was out there. People told him first-hand how vital it is that they have some jobs and they have some income in order that they can have some growth in their community, but none of these issues have been addressed by this government, Madam Deputy Speaker.

There is no job strategy, no plan for anything that will change the lifestyle of these people. To give some authority to councils is one step, but really, it is going to take much more from government to deal with the whole problem facing Northern Affairs communities.

Is there any opportunity for Northern Affairs communities to get more control of their resources? The member for The Pas (Mr. Lathlin) raised the whole Repap issue, and that is an interesting one, Madam Deputy Speaker, because that is having a real impact on the Northern Affairs communities in my area. There is no work. The forest is completely tied up with Repap, and even though this government said that they would renegotiate the cut area, they said if the people from the Swan River area wanted the cut area renegotiated, they would do it, none of that is happening. They have completely tied the hands of the people in that part of the province as far as economic development goes. Northern Affairs communities, many of the people also work in the logging industry, and we are not having any activity in that area whatsoever.

Another area, Madam Deputy Speaker, is the whole area of sewer and water and who is responsible for installation of sewer and water in these communities and how we are going to raise the standard of living of these people. It would be interesting to look at Northern Affairs communities and check how adequate the water and sewer supply is in those communities and what has happened over the past few years, what kind of improvements we have seen. To my understanding, we have seen very little progress and very little activity in those areas.

Madam Deputy Speaker, there is one section of the amendment that is interesting and that is to deal with the gender changes, changing from "his" to "his and her" in subsection 10(1) and replacing "letters patent" with "articles of incorporation." But I find it is interesting that only in one part is the sexist language removed. There are other subsections that have not been addressed.

We have the sexist language remaining under subsection 4 dealing with the powers of the minister, also Section 8, Minister acquiring real property. In several sections where there is an opportunity to make corrections to the act, the minister has chosen to leave those out, and I hope that he will look at those and deal with those before this bill is passed, Madam Deputy Speaker.

I find it interesting that this is being left out. I find it interesting because I want to relate to a particular community in my constituency where the legislation could be written the other way, and that is the community of Pelican Rapids where for the last, I believe, close to 20 years they have had an all-woman council. In fact, the Minister of Northern Affairs (Mr. Downey) was up in that community recognizing a Flora Campeau for her duties on council for the past, I believe, 20 or 25 years. It is a long time that women have been running that community and doing a very good job at it. It is amazing. They work co-operatively, very well. They do not seem to have the disputes that many other councils do. I am very impressed with the way they run that council.

When we talked about it to them, as to why it had happened, basically they said that was the way it was. The men were mostly out fishing and working in the bush when there was work up there, and the women fell into the role of running the community. When they realized they could do just as good a job,

if not better, than the people who were there before, they have just carried on, and for a long time.

\* (1450)

There is not the only community that has a council of all women, but I am pleased that the recognition is there, that the act is being changed not only for these women, women in other parts of the Northern Affairs communities, but in all women in government. All legislation should be changed to recognize that there are women that play a role as well, and it does not always fall onto the men.

Madam Deputy Speaker, there are other communities that I would like to mention briefly that would like to see more supports, more understanding, more services provided by the Northern Affairs department, which are not being acted upon.

I think about the community of Red Deer Lake. People there who have been making a living fishing off that lake and have to travel could shorten their distance by about 25 miles if they would have a road from there. It is a bush road right now that needs to be maintained, and they could shorten about 25 miles. That may not sound like a lot, but when you think about travelling that distance on a bombardier or skidoo, trying to haul your fish to the packing station at Dawson Bay, it is a long way, if you can cut down that distance that much by 25 miles.

That is something that has been raised by the community council not only of Red Deer Lake and Barrows and Baden, but they have no response from the government on it. It is not it is such a difficult thing to do, but it just seems to be that there is a bureaucratic nightmare a lot of time within the department before they get things done. I believe that if we could get things done and give the community councils more authority, that is something they are asking for, the ability to look after more of their affairs.

One of the concerns they have is that so much of their money from the department is tied up with bureaucrats and travel. Anybody in the communities that I mentioned—Barrows, Pelican Rapids—most of their administration is either done from The Pas and some of it is done from Dauphin. That is a great distance away. If more of that authority could be given to the councils where they could handle more of their affairs, we would not face the continued delays in having services provided. If local councils would be given more authority in other

areas, they would not face the length of time that it takes to pass letters back and forth.

I know the member for Flin Flon (Mr. Storie) was talking about one particular area where they were trying to set up a nuisance ground; and, to set up that nuisance ground, I believe it took about 17 signatures to get it through. These are the kinds of problems that are faced by people in Northern Affairs communities, and they must be dealt with.

But, more importantly, Madam Deputy Speaker, as I say, we have to deal with the whole economic issue of northern Manitoba, where the revenue is going and why we are not having more economic development. Although there are a lot of resources being drained out of the North, lots of revenue coming into the government, not enough of it is going back into the Northern Affairs communities.

It is not only the NACC communities that are having revenue drained out of them. All rural communities are having a lot of revenue drained. We had someone here mention the video lottery terminals; and, although I am not aware of video lottery terminals in the NACC communities, they are in many, many other communities that are suffering because of the revenue being drained out of them but not being put back into the communities.

Those are the things that are of concern, that money is going out of the North and out of rural communities, but we are not having money put back in. We are not having the economic development in these communities. We are not having the supports put in place that are needed to keep their economy going.

I would hope that, when the results of the Northern Economic Development Task Force are finally presented to government, there will be some action taken from this government, because many of the recommendations from those communities deal with economic development, but they also deal with the powers of council.

It deals with the bureaucratic nightmare that councils have to face when they try to build a road, when they try to build a community centre, when they try to get housing for their people. Every time they make an attempt to do something like this, they run into brick walls. There are always delays, always several people who have to approve, and very little authority at the local level.

So, Madam Deputy Speaker, I hope that when we get the report from the Northern Economic

Development council, when we get these reports, I hope that this government will take seriously the recommendations and that we will see some growth, that we will have the people in northern Manitoba have access to training, access to jobs right in their own community, and along with training, as I say, jobs that will support their communities.

There are many things that could be done for economic development in the North. When we look at the houses that have been built in the North, and over the years some of them have not been built very well and have not been built very efficiently. We have to look at that whole area.

If it was possible that we could put in a training program, a training program that was administered, handled by the local council, if council had that authority, they could look after things like that. If we could have a training program on how we would retrofit these homes, if you would think about the amount of money that would be saved—you would be training people, houses would be upgraded, but if those houses were upgraded to a level where they would be energy efficient and where they would meet the needs of the northern climate and of the northern people, it would cost money in the short term, but in the long term, we would end up saving tremendous amounts of money.

Along with saving money, we would also be having people who were trained, people who had skills, who could take their place in the community. Again, Madam Deputy Speaker, if more authority was given over to northern councils, they could deal with this at a more local level and have more control over their own affairs.

\* (1500)

It would be interesting if we would look at the Northern Affairs budget and just see how much it costs to administer that department, how much of the money goes to actual cost to the council and how we could turn those dollars around if it was not being spent in administration. People coming into the community, if the people in the community were trained to do the jobs right there and we could reduce some of those other costs, all of that extra money could be diverted into economic development, jobs and housing in the communities.

Madam Deputy Speaker, as I look at this bill, there are certain parts of it, as I say, that I hope will give councils more authority, I hope will deal with giving more local control but, as I say, this could have been

a much broader bill than we have right now. There is very little in it, and the Minister of Northern Affairs (Mr. Downey) could have dealt with a much broader issue here and opened up the issue of how we are going to have economic development and give more control to councils, which is not happening.

Again, there is also the section on the sexist language. I hope that the minister would go farther and clean up the act even further so that it meets the requirements of today.

Thank you very much.

### **Bill 8—The Insurance Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 8 (The Insurance Amendment Act; Loi modifiant la Loi sur les assurances), standing in the name of the honourable member for Elmwood (Mr. Maloway).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? [agreed]

### **Bill 10—The Farm Lands Ownership Amendment and Consequential Amendments Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 10 (The Farm Lands Ownership Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la propriété agricole et apportant des modifications corrélatives à d'autres lois), standing in the name of the honourable member for Point Douglas (Mr. Hickes).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? [agreed]

### **Bill 11—The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 11 (The Regional Waste Management Authorities, The Municipal Amendment and Consequential Amendments Act; Loi concernant les offices régionaux de gestion des déchets, modifiant la Loi sur les municipalités et apportant des modifications corrélatives à d'autres lois), standing in the name of the honourable member for Interlake (Mr. Clif Evans).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? [agreed]

### **Bill 12—The International Trusts Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 12 (The International Trusts Act; Loi sur les fiducies internationales), standing in the name of the honourable member for Thompson (Mr. Ashton).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? [agreed]

### **Bill 13—The Manitoba Employee Ownership Fund Corporation Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 13 (The Manitoba Employee Ownership Fund Corporation Amendment Act; Loi modifiant la Loi constituant en corporation le fonds de participation des travailleurs du Manitoba), standing in the name of the honourable member for Flin Flon (Mr. Storie).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Stand? Is there leave to permit the bill to remain standing? [agreed]

### **House Business**

**Madam Deputy Speaker:** The honourable government House leader, what are your intentions, sir?

**Hon. Clayton Manness (Government House Leader):** Madam Deputy Speaker, I did not realize that members opposite were not going to address these bills. If we have come to the end, I suggest then we go to private members' hour.

**Madam Deputy Speaker:** Is it the will of the House to move to private members' hour, call it five o'clock?

**Some Honourable Members:** No.

**Madam Deputy Speaker:** No?

### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** Madam Deputy Speaker, on a point of order, I do not believe it requires leave. If the government House leader is calling private members' hour as government business that is his prerogative. He

can call anything on the Order Paper including Private Members' Business. We certainly have no difficulty dealing with private members' hour.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Madam Deputy Speaker, on the same point of order, so that the official opposition House leader is in fact aware, now that we are done with government business we cannot automatically flow into private members' hour. We do not enter into private members' hour until five o'clock as the Rules say we enter into private members' hour. I would suggest that the government has an option. They can either bring whatever it is that they want during government business, we can recess until five o'clock, at which point in time private members will start or we can call it six o'clock.

(Mr. Speaker in the Chair)

**Mr. Speaker:** On the point of order raised, I would like to remind the honourable member for Inkster of our own Rule 20.(2):

"When government business has precedence, the government orders and private members' orders may be called in such sequence as the government determines."

The honourable government House leader does have the right. We finished with government business. If he so chooses we can just move right into private members' hour or move in such a way that we would do the bills as they are listed on the Order Paper.

**Mr. Ashton:** Mr. Speaker, I realize there is some difficulty when we get into Private Members' Business ahead of time that often people are expecting it to be dealt with at five o'clock. I would like to suggest perhaps if you would check if there is leave to deal with Resolution 7 and then leave the Order Paper as it is with the exception of Resolution 7, which would drop to the bottom of the Order Paper after being considered today. That way, I think, Mr. Speaker, we can accommodate all members of the House and proceed with the business of the House.

**Mr. Lamoureux:** Mr. Speaker, I would seek for further clarification from the Speaker as to why the Rules indicate that in fact private members' hour commences at five o'clock. If what we are saying is that the government can call private members' hour at any point in time they want, I think what we are doing is we are putting into jeopardy the private members' hour in the sense that whenever the government looks around and sees so and so is not

here, my goodness, let us call private members' hour now, and then what is going to happen?

I think that is very dangerous in terms of precedent setting, and I would suggest to you, Mr. Speaker, that it is not right. The Rules of this Chamber say that private members' hour commences at five o'clock. I would suggest to you that if the government does not have an agenda, that we recess until five o'clock or we be willing to call it six o'clock.

**Mr. Manness:** Mr. Speaker, on a point of order. Obviously, we have a lovers' quarrel between the two official opposition parties.

I resent the House leader of the Liberals saying that the government does not have material on the Order Paper. We have a significant number of bills and indeed the government was fully of the expectation that the ministers, having spoken on these bills, second reading, fully expected the opposition would use the opportunity they have available to them to debate these particular bills.

So, Mr. Speaker, we have a significant number of bills on the Order Paper. The members opposite have chosen not to address them, which is their right, but let me say when it comes to private members' hour, my belief is similar to the House leader of the Liberal Party. I thought the Rules said five o'clock. I can call for any business, but indeed unless I have the leave of the whole House, unless you have the leave of the whole House to call it five o'clock, it is not five o'clock. I take it, the Liberals were going to deny that.

So, Mr. Speaker, we have two choices here. Either the opposition can choose to debate legislation as presented or, secondly, we can call it five o'clock.

**Mr. Ashton:** On the same point of order, first of all, Mr. Speaker, let us recognize why we are in this situation. The government in bringing in second readings, the Minister of Education (Mrs. Vodrey) would not answer questions. We are not prepared to debate important bills without those questions.

Second of all, I had made a suggestion that this matter could be called. It is the prerogative of the government House leader to call any matter of business including private members' bills. It does not require leave. The Liberal House leader is missing the point that it does require leave. [interjection] If the Liberal House leader would care to check our Rules, indeed it does require leave to

call it five o'clock, but what is being suggested here is that the government House leader call as government business an item on Private Members' Business. For the Liberal House leader, that is standard practice in this House. It is part of our Rules.

I had made the suggestion, and I ask once again, is the government House leader suggesting that we not call it five o'clock, but we call some or all of the matters of business listed under private members' hour? He can do that without leave, Mr. Speaker, and I would ask for that clarification. It may assist greatly in getting us back to business instead of on these continuing points of order.

**Mr. Lamoureux:** Mr. Speaker, on the same point of order. Hearing what the government House leader was saying which made a lot more sense than what the official opposition House leader was saying which made absolutely no sense, I would suggest to the government House leader that in fact if the bills that came before us, in most part we were quite content in terms of seeing them going to the committee as a caucus. The two that were introduced today, I believe it was The Winter Roads, Bill 9, in which I understood our critic to say that there is going to be some sort a briefing done on it. The Minister of Education (Mrs. Vodrey) introduced her bill. I think that you have to give some sort of a courtesy to allow for second reading of those bills, for the opposition critic to address them, before they actually comment on them.

\* (1510)

Again I would go back to the fact that if the government would like to call some resolutions or some bills out of private members' hour, I would encourage it. Otherwise, I would suggest that we go to six o'clock, because we cannot call private members' hour, unless there is leave, until five o'clock.

**Mr. Speaker:** All right. For clarification purposes, on the point of order raised, it is quite correct. We may not call it five o'clock unless we have leave of the House to do so at this time, at which time, if we did receive leave of the House, we would automatically move into the Order Paper and deal with the different items as they are listed.

According our Rule 20(2): "When government business has precedence, the government orders and private members' orders may be called in such sequence as the government determines."

Therefore, the honourable government House leader has the right to call any business which presently is listed under Private Members' Business at this time in any sequence that he so chooses.

### House Business

**Mr. Manness:** Mr. Speaker, I will call Private Members' Business, Debate on Second Readings, Public Bills only. They are Bills 200, 203 and 205. After we have dealt with those, I am prepared to call it five o'clock.

### DEBATE ON SECOND READINGS—PUBLIC BILLS

#### Bill 200—The Child and Family Services Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Wellington (Ms. Barrett), Bill 200, The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille, standing in the name of the honourable Minister of Family Services (Mr. Gilleshammer).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Stand? Is there leave that this matter remain standing? [agreed]

#### Bill 203—The Health Care Records Act

**Mr. Speaker:** On the proposed motion of the honourable member for St. Johns (Ms. Wasylycia-Leis), Bill 203, The Health Care Records Act; Loi sur les dossiers médicaux, standing in the name of the honourable member for Emerson (Mr. Penner).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Stand? Is there leave that this matter remain standing? [agreed]

#### Bill 205—The Ombudsman Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Kildonan (Mr. Chomiak), Bill 205, The Ombudsman Amendment Act; Loi modifiant la Loi sur l'ombudsman, standing in the name of the honourable member for Niakwa (Mr. Reimer).

**Some Honourable Members:** Stand.

**Mr. Speaker:** Stand? Is there leave that this matter remain standing? [agreed]

### House Business

**Mr. Speaker:** Is it the will of the House to call it five o'clock?

**An Honourable Member:** No.

**Mr. Speaker:** No, okay.

The honourable government House leader, what are your intentions now, sir?

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, seeing that the members do not want to debate private members' hour, I would call it six o'clock.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, on a point of order, first of all, there is no leave to call it six o'clock. Second of all, there are many other items on private members' hour business, including the resolutions.

We are prepared to speak on Resolution 7 and would ask that the government House leader—since the Liberal House leader will not allow it to be called five o'clock—call Resolution 7. We can have speakers immediately.

**Mr. Speaker:** First of all, we will deal with one matter at a time.

Is it the will of the House to call it six o'clock?

**An Honourable Member:** No.

**Mr. Speaker:** No, it is denied.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, seeing as we are going in for suggestions, I would love to see Resolution 34. I would be more than happy to speak on that resolution—

**Mr. Speaker:** Order, please. Is that a point of order?

**Some Honourable Members:** Call it five o'clock, Mr. Speaker.

**Mr. Speaker:** Is it the will of the House to call it five o'clock? [agreed]

### PRIVATE MEMBERS' BUSINESS

**Mr. Speaker:** The hour being 5 p.m., time for Private Members' Business.

## DEBATE ON SECOND READINGS—PUBLIC BILLS

### Bill 200—The Child and Family Services Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable member for Wellington (Ms. Barrett), Bill 200 (The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille) standing in the name of the honourable Minister of Family Services (Mr. Gilleshammer).

Is there leave that this matter remain standing? [agreed]

**Mr. Steve Ashton (Thompson):** I am pleased to be able to speak on this particular bill that has been brought forward by our former critic for this area, Mr. Speaker, and I would like to indicate that I think it is appropriate that this matter is still remaining in her name, even though there has been some reassignment of critic responsibilities, because it relates to a matter that she was very much involved with last session.

It relates to the fact that at that time the government made changes in terms of The Child and Family Services Act that did not reflect the broad opinion of people in the community, the Family Services community, in terms of the way in which this Legislature should be dealing in terms of its own particular power in this particular area.

Part of the problem, as we got into in debate, particularly towards the end of last session, was the fact that this government is unwilling to have the recommendations of the Family Services community accepted in legislation before this House.

We saw last year that this government would much rather have a situation in place whereby the minister is the final authority. I want to say, Mr. Speaker, I think this is, unfortunately, a comment on the kind of situation we find ourselves in because of the growing development in this country, and particularly in this province, towards the assumption that we have not a parliamentary form of government—although technically I believe we do—but rather that we have an executive form of government.

That is inherent of what the government has been doing on this and other issues. The assumption that a minister of the Crown, with whatever authority is vested in the minister of the Crown, Mr. Speaker,

should be the final authority in terms of appeals such as the ones I have mentioned before, and not the Legislature.

There is some inconsistency with that. There are other departments and agencies that report to this Legislature. I will take the example of today, the release of The Freedom of Information Act by the Ombudsman. The Freedom of Information Act was today released, reported to the Chamber. The Ombudsman reports to the House, does not report to a minister. That is one example.

The Chief Electoral Officer is another example. The Chief Electoral Officer does not report to the minister of any department but reports instead to the Manitoba Legislature.

So I ask the question, and I think this is appropriate given the fact that we spent a considerable amount of time at the end of the last session debating this particular issue. At the time we essentially found ourselves in the situation where every other item had been resolved either in terms of agreement between the parties or agreement to disagree, except this particular act.

Anyway, Mr. Speaker, I consulted again with the former critic, because I know she was very much involved with negotiations with the minister at this point in time, and I look again and acknowledge too that the Liberals express this concern. I believe another former critic, the member for Osborne (Mr. Alcock), was very vocal on this issue, as well as was the Leader of the Liberal Party (Mrs. Carstairs), and certainly our Leader (Mr. Doer) as well.

So the issue here goes beyond a technicality. It goes to the bottom line, Mr. Speaker, particularly given the benefit of hindsight. The benefit of hindsight here—this is a matter that came up in June, July of last year; we are now into March the following year; we have had close to nine months—and I ask you, and I think this is a reasonable question: Would not a government that has an open mind on such issues, after having consulted presumably, if not necessarily before they brought in the bill last year, but after the fact—would it not make sense that they might change their mind?

Would it not make sense to you, Mr. Speaker, given the fact that they had agreed to sunset this particular reporting provision, that they might now after the experience of the last number of months of talking to people in the Family Services communities and different organizations and

different individuals who have said to the government that the opposition was correct last year, the Liberal and New Democratic Party opposition was correct, in suggesting that we are dealing here essentially with a reporting mechanism that should go not to a minister of the Crown, but to the Legislature? I ask you, would that not be reasonable?

\* (1520)

It is interesting, because a lot of times the government when it is bereft of ideas, it turns around and it says to members of the opposition, as did the Minister responsible for the Status of Women (Mrs. Mitchelson) on Monday, give us some ideas. Our critic certainly gave many ideas. I think it was a comment, Mr. Speaker, that we saw how completely devoid of ideas the Minister responsible for the Status of Women has to be when she has to ask in this House formally in a statement that we the opposition members, without the access to government resources that the minister has, the significant access, should be developing the agenda for the province of Manitoba.

I want to say we are prepared to provide good ideas to this government anytime and we are prepared also to govern and to implement those ideas, which is even more important. That is exactly the same in this particular bill, Mr. Speaker. We are providing the idea, and we are indicating on the public record that we are ready, willing and able to be able to provide the kind of ideas that this government needs that it is totally lacking in.

I think it is interesting, because a lot of people may not have realized that yesterday marked the fifth anniversary of the time which this government, then under the guise of Autopac, as an opposition party defeated the previous government. It has been five years—

**Hon. Harry Enns (Minister of Natural Resources):** I remember that night.

**Mr. Ashton:** Well, the Minister of Natural Resources remembers that night, too. I remember it well. Some of us would say, Mr. Speaker, it is a day that lives in infamy certainly in terms of this province. They defeated a government based on Autopac rates, and five years later I have some satisfaction of telling a lot of my constituents I told you so, when they come to me and say look what this government is doing in terms of Autopac rates. I said at that time that, when they ran on a platform

of low Autopac rates and no political interference, they were not being forthright with the people of Manitoba. They knew they were not going to do that, and the proof was in the record.

That relates specifically to this bill, because the basic principle we are dealing with here, and this is second reading where one does deal with basic principles, is the question of political interference. Mr. Speaker, one of the intents of this particular bill is to take out the question of political interference from this very important matter because there can and there will be political interference when you have reporting to a minister, by definition, and I do not necessarily mean it will be political interference that is intended in some way to create something for some ulterior motive, create some difficulties.

Political interference in this context is referring to the fact that a politically appointed individual—and let us not forget, the Minister of Family Services (Mr. Gilleshammer) is essentially appointed by only one person, the Premier (Mr. Filmon). We are all elected to this House by our constituents, and he represents his constituency, as do all ministers of the Crown, but there is only one person who appoints that individual, the Premier. In essence, in terms of accountability, Mr. Speaker, the prime focus of the accountability of that minister is to the Premier, to other members of cabinet, perhaps in a more general sense to other members of his caucus.

That minister, Mr. Speaker, and I am not just saying that minister individually, but any minister of this or any other government, has to recognize that they essentially, when they are appointed as ministers, represent the philosophy of the government that is in power, yes, represent the philosophy of the Premier of the day that appoints them for whatever reason.

They do not by nature, by virtue of being the minister responsible, in this case, for Family Services (Mr. Gilleshammer), represent those out there providing services in terms of family services. In this particular case, they cannot, I would suggest, particularly given the political pressures—and I do not use this in a pejorative sense, Mr. Speaker—that all ministers sense.

I do not think they can say—given that lack of accountability that one has by definition of being a minister and there is a democratic accountability to a broader context other than the cabinet, or, as I

said, the fact that you are under political pressures, and I do not use that in a pejorative sense. You cannot exercise responsibilities as a minister in this particular case unless you have what we have suggested and what the other opposition party has suggested and that you have the reporting to the Legislature as a whole.

It would not require a significant increase in the budget. I do not think it would affect the budget whatever. What it would do, I think it would make a fundamental policy statement, as we have done with the Ombudsman, for example, which is a nonpolitical office, or the Chief Electoral Officer, or indeed, may I say, with the Legislative Assembly itself.

Our Legislative Assembly, once again, does not report to a particular minister. It reports, Mr. Speaker, to you as the Chair of LAMC and reports to you as Speaker of the House. That is important because there has to be a degree of nonpartisan, nonpolitical integrity maintained when you have matters that are really not ones that should be affected by political decisions in the broader context.

I mentioned the Ombudsman. I mentioned the Chief Electoral Officer. I mentioned the staff in this building. I would suggest to you that it is the same when we are talking about the situation we are dealing with here, when we are dealing with direct responsibilities under The Child and Family Services Act, what could be more appropriate, in this particular case, than to have that matter removed from even the potential of political decision making and political interference and put in the hands of this Legislature?

Let us not forget that I would suggest, and I do not mean this in any legal sense, I am not using it in the same sense, for example, when we deal with ourselves and when we file conflict of interest statements. I would suggest, Mr. Speaker, that in a political sense that you put a conflict of interest in place when you have a minister, in this case having rights and responsibilities under this act rather than the Legislature in comparison to his or her responsibilities as a minister of the Crown, in terms of providing the funding presumably through the Estimates process to the department, operating the department, making policies that affect a whole range of services offered by the department and by funded agencies.

I believe you have the potential for a conflict of interest. I say that not in the sense of any personal gain, but I say in terms of that clear focused decision-making process that is necessary when you are dealing with the Minister of Family Services.

How can you expect the Minister of Family Services (Mr. Gilleshammer), particularly in the context of this kind of budget year, when this year we are most definitely looking at unprecedented cuts in virtually every department, including Family Services, on one hand to be going before Treasury Board—and I am not aware if the minister is a member of Treasury Board so I will just use it in the context of going before Treasury Board—having to deal with budgets and having to deal with policy decisions and reflecting the fact that there are going to be cuts in services in the Family Services area? And then how can you have the minister on the other hand set up—and as the act brought in by the government last year sets the minister up to be the supposed neutral arbiter in this particular case, the individual to which the reporting takes place rather than the Legislature.

I ask that question, Mr. Speaker, because I quite frankly do not know why the Minister of Family Services (Mr. Gilleshammer), when the Minister of Family Services was bringing in this bill last year, did not listen. I quite frankly do not know how the Minister of Family Services can indeed—

**An Honourable Member:** Not a single person spoke in favour of it.

**Mr. Ashton:** —live with that kind of situation. Indeed, as our former critic in this area points out, not a single presenter before the committee spoke in favour of what the minister was proposing. I appreciate the comments from the member opposite that our former critic did an excellent job in representing the concerns, and I certainly subscribe to that, and I think it is a testimonial to that excellent job that we are dealing with this particular bill brought in in the next session, brought in prior to Christmas in the first days of this session, brought in by our former critic because we did not want to wait three or four or five years for the government to recognize the error of its ways, and we wanted the opportunity to deal with this particular matter right now.

I want to say, Mr. Speaker, it is ironic that the government House leader earlier, given the vacuum in government business that we ran into—

**An Honourable Member:** That is an understatement of the century.

\* (1530)

**Mr. Ashton:** Understatement, indeed, as pointed out by the member for Wellington. Given the vacuum in business, the fact we cannot get answers on current bills, Mr. Speaker, when ministers are bringing them in, and I think it is ironic, because today we had a minister refuse to answer questions on second reading, and I think what we are dealing with in this case is indicative of the problem this government is running into. This bill is here because they did not listen last time, and God knows what kind of bill we are going to have to try and bring in next time to deal with the problems that are developing in terms of education because we have a minister that will not answer questions, that obviously is not consulting and obviously does not know what she is doing in terms of the public policy in this House by the fact that she took the unprecedented action earlier today of refusing to answer questions.

Mr. Speaker, there is a requirement on ministers in this House, and I have seen ministers in two different governments, and I have seen the pressure that is on ministers and I do not envy the kind of responsibilities that ministers face, but one of the paramount responsibilities of a minister is that when policy decisions are made, that minister has to know what he or she is talking about, has to know the ramifications of what he or she is doing and, more particularly, I cannot believe when any minister would get to the point of making a decision of bringing in a bill not just to first reading, because you can bring a bill before this House to first reading without having a defined text, but we are talking here of bringing into second reading, we are dealing with the broad principles of the bill and ministers of this Crown do not even know how to defend their own decision-making process.

That is unacceptable. It was unacceptable last year with this particular bill. That is why we brought in this amendment and would urge all members of the House to support it.

**Mr. Enns:** Mr. Speaker, I am delighted to engage in this debate at this time.

I listened with care and with caution to the words of the House leader of the opposition and, not pretending to lay any great wisdom or expertise on the particular subject matter at hand but, as I

understood his participation in the debate, it centered on accountability, more particularly ministerial accountability and his objection to the fact that as the bill is presented, that is precisely what the bill calls for, accountability by the minister in question, the Minister of Family Services (Mr. Gilleshammer), and he feels that is wrong. He feels that is wrong that a minister should be held accountable.

Well, Mr. Speaker, I want to tell you and honourable members a little story, because there are of course two conflicting views on this one. I tend to believe that a great deal of the cynicism that the general public has about politicians in general and our system of government in general lies in the fact that just the opposite is true, that it is difficult for John Doe, the average citizen, to know who to hold accountable for actions of whatever government from time to time. I say, we do ourselves a disservice when that happens.

I appreciate that in the complex system of government, in the various regulatory agencies and boards, there are many issues that I could accept the honourable member's argument about not allowing any form or even hint of political interference to prevail. But, in principle, what are we talking about when the honourable member refers to political interference as something bordering on a disease?

Mr. Speaker, that is what we all were elected for in this House, to politically interfere hopefully in the improvement of the affairs of our province.

I want to tell the honourable member a little story, because a gentleman that once graced this House that I have a certain amount of respect for—indeed a great deal of respect for although we never had the privilege of being politically affiliated—was a senior minister of a government that the honourable members opposite were part of at some point in time. The honourable member was the former member for Inkster. He was then an honourable Minister of Natural Resources when this particular incident took place. I am referring to a gentleman who most of us know, who is still active in politics, not that successful, I might add, in the leading of a party. This person is, of course, Sidney Green, a very capable parliamentarian, a very capable lawyer and certainly one who understood ministerial responsibility.

I can recall shortly upon his party achieving power under Ed Schreyer in the then first New Democratic Party government of Manitoba, Mr. Green found out to his horror that under a certain section of, I believe it was The Water Rights Act, if certain things took place, automatically other things took place like public hearings with respect to a water issue. He was offended that the way the legislation was written there was no possible reference to the responsibility of the minister, nor did the minister have an opportunity to express or direct policy in this area. It was the kind of legislation that the honourable member for Thompson (Mr. Ashton) just now spoke in such great defence of. Ministers should not be in a position to influence; ministers should not be able to politically interfere.

Well, the same Mr. Green, I want to tell, when the New Democrats were in power, in that first session of the legislature he promptly amended the act, in this case The Water Rights Act, so there would be no misunderstanding among the people of Manitoba, and he was the Minister of Natural Resources at that time, as to who was being held accountable for matters that took place with respect to that specific act. I happen to agree with that view, because the way our system works it is, in my opinion, essential, or else who do you hold accountable? Some faceless bureaucrat, as talented as he may be, as well meaning as he may be, as wise as he may be?

Our system calls and our people from time to time clamour at the fact that they want to hold somebody specifically accountable. Under our system it is laid out constitutionally for us. It is Executive Council, it is members of the Treasury benches. Yes, you can broaden it, you can include the caucus of the governing party, and you can include in some instances all members of this Legislature when we deal with certain responsibilities that are so laid out but, in the main, in the running of the government, I have no difficulty in acknowledging what I believe to be a desirable feature of the bill that is being discussed for that simple reason. If the operation that this bill calls for, the responsibilities of the director or of the Child Advocate of the department is not being properly administered, then we do not go start pointing fingers at people who cannot defend themselves in this Chamber. No, we point the finger directly at the person who under our Constitution is responsible, the minister. If there is cause, the Premier (Mr. Filmon) does something

about it. He removes the minister. That is the way our system works and people understand that.

Mr. Speaker, that is why I have, and I appreciate that I may well be in a minority, but certainly at the time that when Canada took a quantum leap, or lurch, whatever way you want it to be, it decided to fundamentally alter parliamentary responsibility under the then Prime Minister of Canada, Mr. Trudeau, to impose a carved-in-stone Charter of Rights on the people of Canada. It was, on the one hand, understandable that most Canadians accepted that. I happen to have served the Premier at that time for whom I had a great deal of respect, particularly on the intellectual level, the then Honourable Sterling Lyon, who made sound judgments and carried it into the highest councils of this country in opposition to it. The Mother of Parliaments from which we derive our parliamentary powers from does not have a written constitution. I am referring to Great Britain.

There are solid arguments to make that we in fact made a mistake in 1982. I do not believe that unelected, faceless—well, they are not so faceless—but unelected, unrepresentative and unaccountable people, judges, in this instance, should be making serious, important issues on the lifestyle of the people of Manitoba, the people of Canada. That is essentially the argument versus the parliamentary system of accountability and responsibility and the constitutional system.

We Canadians tend to like the mix and match. We like to cherry-pick some of the better things that we see in the American congressional system and impose that on our system but not taking in account the superior points that our system provides. Our system provides, in fact, a living, breathing, constantly evolving set of rules, constitutional Charter of Rights, if you like, as we make the laws, as we pass the laws. That is why the laws are not out of date. They evolve as times change. Quite frankly, intellectually, I make the argument that that is a sounder basis than attempting to, at one snapshot point in history, decide this is what is right, this is what is wrong, and these are the rights if you—and then you set up a battery of lawyers. You clog up our legal system with a host of legal challenges as to what is right or wrong and what conduct is acceptable or what conduct is not acceptable in our country.

That is what we have now, and I say that—well, some applaud it, some feel it's great; certainly many,

many of the special interest groups have found that a way of doing an end run around the people that are from time to time elected to establish rules. I think on some very important issues and some very important moral issues, the question of abortion, the question of sexuality, other things, rights, ought not to be decided by judges. They ought to be decided by the people who are chosen from time to time to make these laws. We have forgone that, because we say, we do not want to hold the people that we elect accountable for these decisions. We put that into a charter, we put that into a document, and then we let lawyers argue about it.

Well, Mr. Speaker, I just enjoy the opportunity as I encourage private members to more fully utilize the opportunity of private members' resolutions. It is in fact an opportunity where ministers, upper benchers, opposition members are all on an equal playing field, and we do not in my opinion take full advantage that private members' resolutions offer us.

\* (1540)

I know that when I have to speak to a government bill, I am of course expected to and do speak in support of the bill. As a private member on a private member's resolution, we have far more freedom to express the individual feelings and thoughts that members bring to this Chamber from time to time and, in doing so, hopefully enrich and perhaps even raise the general level of debate.

So, Mr. Speaker, I simply close by saying that the honourable member for Thompson's (Mr. Ashton) concern about having a minister accountable, I take offence to. I think that I swear an oath as an Executive Council member to be accountable. I say that it is a failing in our system that we too often find bureaucratic ways of holding ministers not accountable, and I at least provide the counteroffer in saying that in this instance I believe that it is absolutely appropriate for the minister, in this case the Minister of Family Services (Mr. Gilleshammer), to be accountable for an important function that his department will have to supervise.

Thank you, Mr. Speaker.

**Mr. Conrad Santos (Broadway):** It is a privilege for me to participate in this debate on Bill 200, The Child and Family Services Amendment Act.

Mr. Speaker, the issue in this case is precise. Should the office of the Children's Advocate report to the Minister of Family Services as a minister of

the Crown, or should the Office of the Children's Advocate report directly to this Legislative Assembly, the Manitoba Legislative Assembly? That is the issue.

Let us analyze the problem here and see what the consequences are if we follow one option and contrast the consequences if we follow the other option. What are the consequences if the Children's Advocate reports directly and becomes accountable to a minister of the Crown? What would follow in that kind of arrangement, in that kind of arrangement which naturally obtains now in Alberta and in Ontario, which was supposed to be the model followed by the government?

The first consequence would of course be, there would be an absence of independent autonomy and discretion on the part of the Children's Advocate.

Being a subordinate officer to a political minister of the Crown, the Children's Advocate cannot in any sense of the term exercise independent discretion as to how he or she would see the welfare of the child and formulate policy accordingly. It will be impossible for him to impose his own view of his conception of what is good for the children of Manitoba on the basis of his understanding of what the public interest requires, because he has to report to a political minister of the Crown who has other factors or other considerations in mind in making policy decisions other than the welfare of the child.

Therefore, on this basis alone we can see that the formulation of policy affecting the welfare of children will of course ultimately be decided on the basis of political considerations, the Child Advocate merely being a subordinate official of a political minister to whom that Children's Advocate is administratively accountable. If you are an administrative subordinate and you report to a political superior, you can never insist on your own view or your understanding of what the public interest requires, because the political superior is the one who is elected by the people and you are just appointed. Being appointed, the power to appoint carries with it the power to remove.

If you do not follow the wishes of your political superior, of course, he can always remove you from your position despite the fact that you may enjoy Civil Service status or Civil Service security because there will always be some grounds if the political superiors are intent on removing the appointed

official. Of course, the appropriate procedure is to be followed. There has to be just and legal cause; there is to be a proper hearing and everything will have to be satisfied before you can exercise the power to remove.

This is precisely the wisdom of our system of laws that there are certain procedures that are indispensable to obtain fairness and justice. This procedure has to be observed and followed.

Now, the second consequence, what other consequence will follow if the Children's Advocate is reporting directly to a political minister? He will be subject to oversight by the minister of the Crown. The minister of the Crown can substitute his own judgment and abrogate the judgment of the subordinate.

On what basis will the political minister do this? Of course, when there are higher and more pressing political factors involved. On that basis, the political minister will exercise his discretion and substitute his judgment for the judgment of the Child Advocate.

Now, what is happening here with respect to the formulation and implementation of the children's policy? Those people who are well versed and close to the problem at hand, people have all the information at hand, people who know all the alternative ways of dealing with a problem will be suppressed by someone who is higher up and unfamiliar with the problem at issue. Because he is the political minister, he can, of course, substitute his own judgment and discretion and abrogate the judgment and discretion of the people who are knowledgeable about the problem. Therefore, what is happening in this situation is that the problem is being solved by people who have higher authority but have less knowledge and less information. Therefore, we can hardly arrive at any good or reasonable solution to the problem of children.

What about the third consequence? Being a subunit merely in the ministry of Family Services, the Child Advocate office will of course be competing with other offices and other organizational units in the same department. If it is so decided by the minister of the Crown that this particular office should not be effective, some of the resources will be reallocated to other units in the department. There will be no stability of funding or resources because that can be reallocated by the responsible minister of the Crown. Therefore, the degree of activity of the Children's Advocate will lie

entirely in the sole discretion of the minister of the Crown. These are the undesirable consequences of having the Children's Advocate office placed and directly accountable to a political minister who is responding to pressure from the Premier (Mr. Filmon), from the public at large, from his colleagues in the House, in order to protect his position as minister of the Crown.

Let us investigate the other side of the coin. What are the desirable results if the Children's Advocate is made directly accountable to this Legislature? What would happen then? He will have a mandate, and the mandate will be statutorily laid down by the Legislature. Within the parameters of the statute, he has to exercise full authority and full discretion to carry out the welfare policy of the Province of Manitoba as expressed by the Legislature of this province. Within the framework of that enabling legislation, the Children's Advocate will have full discretion and authority to pursue and carry out whatever measure and whatever policy he deems necessary and essential to carry out the welfare of the children as he sees the public interest demand. There will be the implementation of a separate principle of public administration which says, if you are to—[interjection]

\* (1550)

Listen. If you are to hold any person accountable for anything, then you must give him the necessary authority to carry out his responsibilities. In other words, accountability, responsibility must be commensurate with the authority that is given to the official if the official is expected to carry out and fulfill his mandate and his obligation. That is a basic principle of administration. Authority must be commensurate with the responsibility established if you are to hold a person accountable for what he does. This is the desirable consequence of being in an office where you are subject to know that discretion because you are subject to the legislative mandate as expressed in the enabling statute that created your office.

Second, being independent politically, the Children's Advocate will not waste his time attending to the pressure of the group or pressure of this politician or pressure of this minister, because there is no time for that. He will devote his full attention and focus his energy to the carrying out of his legislative mandate in order to implement the children's policy as the Legislature has solely stated that he should carry out. He will be more efficient in

carrying out the purpose for which the office has been created because he will not devote any more resources, he will not devote any more time needed in order to appease all these pressures that will usually impinge when you are in a political position. So the freedom from partisan pressures, from partisan insinuations and other demands, will, of course, inure to the contribution of efficiency and effectiveness of the Office of the Children's Advocate.

The third desirable advantage: being a legislative office created directly by statute, of course, there will be allocation by the executive of how much resources will be devoted for this office, and that cannot be meddled with or interfered with by anybody because it is approved by the Legislative Assembly, to which the official is directly accountable; and being based on a reasonable amount of funding necessary in order to carry out his responsibilities and his duties, you will see in the Children's Advocate a devotion to the duty as we have seen in the other offices that we have created that report to the Legislature, like the office of the Boundaries Commission, the Office of the Ombudsman, the office of the auditor general. You can see how efficient and effective they are, because they do not have to devote any of their resources to political pressures and political balancing of interests. All they do is to carry out their mandate as laid down by the Legislature, and that is what they are held accountable to.

Now, all this amounts to is the question of accountability. Who will be more accountable, an appointed official who is responsible and accountable to an administrative political superior, who in turn is appointed by a higher political superior, both of them being elected by the people, like in the present system that the government wants to implement in this province, or an official who received definite tenure of office laid down by the Legislature, cannot be removed without the consent of two-thirds of the Legislature and whose mandate is clearly and legislatively mandated in the form of an enabling statute?

When you are accountable as an appointed official, your accountability takes the form of administrative accountability. That means you are subject to all the rules and regulations of the office and you are subject to the authority of your superior. When your superior imposes on you a thing that you do not like, like a gag order, you have to obey. You

have a duty to obey. If you violate that order of your administrative superior then you are endangering your own position.

So, because the administrative accountability is administrative in nature, you have to obey, the subordinate has to obey the administrative superior regardless of the reasonableness of the instruction or the order, unless of course it is illegal, unless of course it violates some of the laws and statutes and rules and regulations of the government.

On the other hand, if the Children's Advocate is directly made accountable to the Legislature, his accountability is statutory and legislative. Nobody can question him except the Legislature itself. He will be pursuing a policy that is given to him in the form of a mandate, in the framework for which the office is created, and he will have to devote his fullest energy and time in carrying out that mandate because, regardless of the difficulty of removing him, it is still possible to remove him by a two-thirds vote of this Legislature if he is not faithful to the performance of his duties and obligations, in the carrying out of his function.

Should the welfare of our children be left to the interplay of the political forces and be the political football of politicians and pressure groups and parties, or should the welfare of our children be laid squarely in the bosom of this Legislature? That is the issue, Mr. Speaker, and I think the wisest policy is to give the responsibility to this Legislature.

**Mr. Gregory Dewar (Selkirk):** Mr. Speaker, it is a pleasure to rise this afternoon and speak on Bill 200, The Child and Family Services Amendment Act, brought in by my colleague the member for Wellington (Ms. Barrett). It is unfortunate that the Minister of Family Services (Mr. Gilleshammer) is not here to listen to the wisdom of some of my colleagues, the member for Thompson (Mr. Ashton) and the member for Broadway (Mr. Santos), in their very—

**Mr. Speaker:** Order, please. I would like to caution the honourable member that we do not make reference to the fact of whether a member is in the Chamber or outside the Chamber. The honourable minister is probably having some difficulty in hearing your remarks, but I would just like to caution the honourable member for Selkirk.

**Mr. Dewar:** Thank you, Mr. Speaker, for that ruling. I was commenting on the incredible quality of the

speeches that I have just had the pleasure to hear in this Chamber.

I want to begin my discussion on this particular piece of legislation by of course demonstrating my support for this bill brought forward by the member for Wellington (Ms. Barrett). The origin of this particular Bill 200 was in response to a bill passed by the government in the last session, Bill 64, The Child and Family Services Amendment Act, also known as the Children's Advocate bill.

The purpose of that particular bill was a good one. It was to advise the Minister of Family Services (Mr. Gilleshammer) on matters relating to the welfare of children, a concern I know all members in this Chamber share, and it was also set up to review and investigate complaints.

One of the major difficulties we had with that particular legislation was that the Child Advocate is responsible to the Minister of Family Services and not to members here in the Legislature. As some of the colleagues before me had mentioned, there were many reports that have recommended that the Children's Advocate be an independent position and responsible here to the Legislature and not to the minister.

They chose to, unfortunately, ignore that advice and the Minister of Family Services did what he wanted to do. As I was mentioning, there were four different reports. All of them recommended that the Child Advocate report to the Legislature. There was the Kimelman Report, the Reid-Sigurdson Report, the Suche report and the Aboriginal Justice Inquiry.

\* (1600)

(Mr. Bob Rose, Acting Speaker, in the Chair)

As a matter of fact, I would like to quote from the Aboriginal Justice Inquiry one of their recommendations on page 747, Child Welfare, Aboriginal Peoples and the Child Welfare System in Manitoba. Here is one of the recommendations: The provincial government establish the Office of the Child Protector, responsible to the Legislature, as recommended in the Kimelman Report. This office's responsibilities would be, amongst other things: To ensure that children involved with the child welfare system have their interests and their rights protected. And second: To receive and investigate complaints about the manner of treatment of children by child welfare agencies.

A recommendation in the Aboriginal Justice Inquiry, which this government chose to ignore,

among many other recommendations from the Aboriginal Justice Inquiry which they have ignored and failed to act upon yet—that is just one of them—it is recommended right in the Aboriginal Justice Inquiry that the government set up an independent Child Protector, it is called, and be responsible and report here to the Legislature, not to the minister.

I believe last year there were extensive hearings on this particular issue and extensive debate throughout this discussion in this House. Unfortunately, the government chose not to support virtually, like I said, unanimous recommendations about this particular issue and how it relates to children in this province. It really is unfortunate.

There really is nothing complicated with this particular bill. All the government has to do is—it is a simple part of the simple mechanism to implement. Again, the legislation that was introduced by the member for Wellington (Ms. Barrett) requires no implication other than passage by the government, and the government has talked in the past about consulting. Here it has all the groups, four different groups, recommend that the Child Advocate report to us here in the Legislature instead of to the minister.

Here they had a chance to act upon some of that consultation that they have chosen to get involved with and, unfortunately, they have chosen to ignore it. I believe the Child's Advocates who currently maintain this position in other jurisdictions, Alberta and Ontario, have stated publicly that they wish their jobs were not outside the political arena, that they would be reporting not to the minister but to the Chamber as a whole, and that the Child's Advocate be an independent position, and that, again, report to the Legislature here and not to the Minister of Family Services (Mr. Gilleshammer).

Many different colleagues of mine have mentioned about other independent commissioners or independent commissions operated by the government. I think of the Electoral Boundaries Commission, which reports here to the Chamber and does not report through the political process. It is independent; it has acted quite well. I know that my particular constituency remained the same. The boundaries remained the same as they had in the '88 election. It was done in an independent fashion, and the boundaries were decided throughout the province in a very fair and equitable manner, and we feel that the Child's Advocate should be done under the same conditions, again where the individual

involved would report here to the Chamber, to the Legislature, and not to the minister.

We feel that the children in our province, their services, their safety and their security are at least as important as the drawing up of political boundaries. One of the only reasons why, of course, the minister appears not to be interested in doing this is the political health of himself, not the health of Manitobans, not the health of children in this province.

So, Mr. Acting Speaker, we know that the government will be supporting this particular piece of legislation based upon the wisdom that myself and other members of this Chamber brought forward this afternoon. On another occasion we had a chance to speak on this particular legislation that the Child's Advocate will report to the Legislature and not to the Minister of Family Services, because in that case we feel that there is an element, a chance of political interference in the operations of this particular commissioner.

The Ombudsman is an independent body which reports here to the Legislature, the Electoral Boundaries Commission, and we feel that the Child's Advocate could operate under the same situation as that, and this is why the member for Wellington (Ms. Barrett) brought forward this particular piece of legislation and why we know that all members in this Chamber will be supporting it. As it is now, there is a lack of independence on behalf of the Child's Advocate, whether it is real or perceived, and we are concerned about the potential for political interference. We know that if this legislation was to be amended by Bill 200, which would amend Bill 64 from last session, we feel would correct that glaring error.

So, Mr. Acting Speaker, I would like to conclude my remarks by saying I know that the members opposite and all members in this Chamber will be supporting Bill 200 because our children's safety and security are well worth it.

**Ms. Rosann Wowchuk (Swan River):** Mr. Acting Speaker, I would also like to put a few comments on the record on this Child and Family Services amendment that has been introduced by the member for Wellington (Ms. Barrett). The member for Wellington introduced this legislation to ensure the protection of children, and that the protection of children is undertaken through an independent body. These amendments, if adopted, will provide

that the Children's Advocate report directly to the Legislature, just as the Ombudsman does, rather than reporting to the Minister of Family Services (Mr. Gilleshammer).

Mr. Acting Speaker, the whole debate on the Child's Advocate began some 10 years ago when recommendations were made. Many reports were made, and we have had delay after delay to have this type of legislation introduced, and finally we had the introduction of Bill 68 that was to be known as the Child Advocate's bill. The purpose was to advise the Minister of Family Services (Mr. Gilleshammer) on matters related to the welfare of children. It was also to review and investigate complaints and represent the rights, interests and views of children who fall under the Child and Family Services.

The one concern we have, Mr. Acting Speaker, is that through this legislation the responsibility of dealing with this would fall with the minister rather than an independent body, and that goes against many of the recommendations that were made over the years saying that this should be an independent position. It should not be the Minister of Family Services who has the authority in this, but the minister chose to ignore that advice and did what he wanted to do, and not follow the recommendations of the many committees who have made recommendations on this.

As my colleague from Selkirk (Mr. Dewar) just indicated, there are recommendations on this in the Aboriginal Justice Inquiry, saying that the Child's Advocate should be an independent person not connected to the minister. The reason for independence is to protect the child. There is always room for some political interference in situations like this, and I am not saying that the minister would personally interfere in these types of cases, but there is always the perception out there.

If we are concerned about the welfare of the children and those children who are under the jurisdiction of Child and Family Services, we must offer them the protection that they so desperately need. They must be independent so that people who have information, people who want to make recommendations can feel free that whatever they say will not be construed in some fashion and then have political—anybody that is investigating that there will not be appearances of political interference.

One of the other serious concerns that we have with the bill is the fact that there are not adequate resources connected with the Child's Advocate. The staffing at the Child's Advocate in 1992-93 Estimates is for one Child's Advocate, one technical/professional, and two administrative support positions, a total of \$70,000 for administration, travel and expenses. If we are to have a truly independent Child's Advocate, if we are going to be able to do this job adequately to address the concerns of all children in Manitoba, the Child Advocate would have to have the ability to travel very extensively and be able to meet and consult with those people who are involved. With this limited amount of money there would be no ability to do the job properly, and this is something that has to be addressed, Mr. Acting Speaker.

\* (1610)

A Children's Advocate will be only as effective as the resources allowed for. There have to be resources to do outreach work, there have to be resources to do publicity to make people aware of the position that is there. There have to be the resources to allow the people involved to travel to rural and northern Manitoba, because in many cases it is children outside the city and in the North who are in most need of this service, and they do not have the ability to come to a centre or cannot afford to deal with these problems. It is very necessary that we have the resources there to deal with this issue if we are going to properly address the needs.

If we look at the Ontario system, it is much different from what is proposed here, and there are adequate resources in place to deal with that. The other concern that we have in the establishment of the Child's Advocate that has been established by this government is that there was a lack of consultation. According to the minister, the staff looked at the Ontario Child's Advocate system and then spent a week looking at the Alberta system, but

they did not appear to have done any consultation with other groups. They did not consult with aboriginal groups, they did not check, consult with northern groups, with the coalition on child abuse. They did not do their homework when they were establishing this. It is very important, if you are going to set up a system like this, that you do proper consultation and that all people that are involved with administering the service or who have worked in the field have the opportunity to have input and that the system be set up in such a way that it meets the needs of those people who most need the service.

(Mr. Speaker in the Chair)

There are many people who have made recommendations that it is very, very important that this position be independent of the minister's office, that it operate in the same fashion as the Ombudsman does, and we hope that this government will take seriously these recommendations and that the amendments that we are proposing, that were introduced by the member for Wellington (Ms. Barrett) be adopted, that we can have a Child's Advocate that can truly represent the needs of the people who are using the services.

It is very important that this position be independent of any government interference. In talking to some people who were involved with the Lester Desjarlais case in Brandon, there were people there who felt it was very important that there be an independent way that these kinds of things could be investigated because there were people there who felt that they must have the ability to—

**Mr. Speaker:** Order, please. When this matter is again before the House, the honourable member for Swan River (Ms. Wowchuk) will have seven minutes remaining.

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

# Legislative Assembly of Manitoba

Tuesday, March 9, 1993

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