



Fourth Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 15, 1998

The House met at 1:30 p.m.

## PRAYERS

## ROUTINE PROCEEDINGS

## PRESENTING PETITIONS

## Winnipeg Hospitals Food Service—Privatization

**Mr. Jim Maloway (Elmwood):** Madam Speaker, I beg to present the petition of Sonia Taylor, Ken Cox, Bill Griffin and others praying that the Legislative Assembly of Manitoba urge the Minister of Health (Mr. Praznik) to put an end to the centralization and privatization of Winnipeg hospitals food services.

**Mr. George Hickes (Point Douglas):** Madam Speaker, I beg to present the petition of Devin Reid, D. Prazno and Adrien Dancer praying that the Legislative Assembly of Manitoba urge the Minister of Health (Mr. Praznik) to put an end to the centralization and privatization of Winnipeg hospitals food services.

## READING AND RECEIVING PETITIONS

## Winnipeg Hospitals Food Service—Privatization

**Madam Speaker:** I have reviewed the petition of the honourable member for Elmwood (Mr. Maloway). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**Madam Speaker:** Dispense.

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

*THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with*

*many more privatized in the next two or three years; and*

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

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

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

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

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

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

**Madam Speaker:** I have reviewed the petition of the honourable member for Point Douglas (Mr. Hickes). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**Madam Speaker:** Dispense.

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

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

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

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

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

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

**Madam Speaker:** I have reviewed the petition of the honourable member for Wolseley (Ms. Friesen). It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**Madam Speaker:** Dispense.

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

*THAT it is estimated that more than 1,000 health care jobs will be lost over the next year as a result, with*

*many more privatized in the next two or three years; and*

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

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

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

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

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

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

\* (1335)

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

### Committee of Supply

**Mr. Marcel Laurendeau (Chairperson):** Madam Speaker, the Committee of Supply has adopted a certain resolution, directs me to report the same and asks leave to sit again.

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

**Motion agreed to.**

## TABLING OF REPORTS

**Hon. Bonnie Mitchelson (Minister of Family Services):** Madam Speaker, it is my pleasure to table the Fourth Annual Report of the Children's Advocate for 1996-97.

**Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship):** Madam Speaker, I am pleased to table the Supplementary Information for Legislative Review of the Manitoba Status of Women.

### Introduction of Guests

**Madam Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon twenty-three Grades 11 and 12 students from the Vincent Massey Collegiate Exchange Program and directly from the Lycée Ste-Marie Des Champs from Toulouse, France, under the direction of Mrs. Lorraine Carter. This school is located in the constituency of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey).

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

## ORAL QUESTION PERIOD

### Flood Compensation Premier's Apology

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, the Ernst & Young report on the 1997 flood gave credit to the people of Manitoba for their fight across our communities on behalf of their fellow citizens, but was very critical of the Filmon government, the Conservative government opposite in the way in which they handled a number of the elements of the flood. They were so critical in fact that the government chose to release the report on the afternoon of the federal budget to escape public accountability.

The report talked about the human elements not given proper consideration. It stated that people endured unnecessary anxiety waiting for compensation programs to get them back on their feet. I would like to

ask the Premier today: will he apologize today in this Chamber for the criticisms that have been made by an independent review, the Ernst & Young review, and apologize to those victims of the flood that suffered through the lack of consideration of the human elements of this flood?

**Hon. Gary Filmon (Premier):** Madam Speaker, first and foremost, this government is always interested in improving what it has done and what it does do throughout its period of time in office, and therefore, we did commission the Ernst & Young report to give us a thorough review of all the things that were done during that flood event.

Madam Speaker, I know that all Manitobans understand very well that this flood, which was the worst civil disaster in this province's history, was indeed a flood of epic proportions that had not been seen this century in Manitoba, obviously stressed all of the various elements of our ability to respond.

Madam Speaker, we have a Manitoba Emergency Management Organization that I believe consists of about 14 staff on a normal basis that was required to marshal the efforts of not only some tens of thousands of volunteers, but 18 different government departments, 17 municipal governments, federal public service that included areas such as Transport Canada, Department of National Defence and so on and so forth. It was an enormous effort.

I have had people from all over Canada, including people from the military, tell us what an incredible job was done, that not one single life was lost, that above all, people's health and safety and circumstances were put first and foremost, that no effort was spared to attempt to ensure that we did everything possible to protect human life and keep it safe during that period.

During all of those efforts, Madam Speaker, obviously there was not a possibility of doing all of the paperwork, all of the administration, all of the other various aspects of it, and so if some people felt that somehow, some way a better job could have been done, I apologize to them for that effort. All I can say is that nobody spared any effort. Nobody spared any effort on the part of government or its departments to try and meet the tests, tests of challenges that had never been

faced in the history of this province, and I do not apologize for that.

I do regret, however, that the Leader of the Opposition wants to make some cheap politics of it, Madam Speaker.

**Mr. Doer:** Perhaps if the Premier followed our advice in this House early on, on some of the matters of compensation, something that took them six or eight months to follow, a lot of flood victims would have been in much better shape. Madam Speaker, the report also states that this Premier (Mr. Filmon), this government, this cabinet did not adopt a 1994 report that was placed in front of them, and it goes on in a number of places to cite the mistakes that were made.

\* (1340)

#### **Water Commission Interim Report Release**

**Mr. Gary Doer (Leader of the Opposition):** On March 31, 1998, the government received the Water Commission interim report. I would like to know why, two weeks after the report has been received by the government, the government, the Premier has not had this report released to the public. We had to work very hard to get the government to review and reveal its own evidence that was given initially in private to the government-appointed Water Commission. We found this report released on the day of the federal budget, Madam Speaker. I know the Premier was not playing politics with the release of that report, heaven forbid. Would the government now release the interim report which many flood victims are awaiting?

**Hon. Glen Cummings (Minister of Natural Resources):** Madam Speaker, I intend to release and be responding to the interim report of the Water Commission within a very few days.

#### **Flood Compensation Semenchuk Family**

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, Mr. and Mrs. Semenchuk, an 80-year-old couple, a year after the flood are still waiting to rebuild their lives and restore their situation. They still are not

able to recover from the flood, as I say, a year later. Of course, many of the reports, many of the recommendations and the analyses that were provided in the Ernst & Young report talk about the human dimensions and the lack of preparedness of the government on the rebuilding of lives for flood victims.

I would like to ask the Premier (Mr. Filmon) why a year later this family is still begging the provincial government and begging the Premier for support and help to rebuild their lives, Madam Speaker.

**Hon. Frank Pitura (Minister of Government Services):** I think, as the Premier pointed out, this flood of 1997 was probably the largest civil disaster, was the largest civil disaster this province has ever seen. And yes, we are constantly trying to work with the people trying to return to their homes to rebuild their lives, and we also, the staff of the Manitoba Emergency Management Organization, are out there with an understanding, with compassion, willing to work with the individual people whose homes are in a process of being rebuilt to help them work through the process. We have countless numbers of people from other departments that are out there in terms of counselling, working with people, trying to help them deal with the aftermath of the flood. So, Madam Speaker, this government has done everything it can do in terms of trying to help people get back on their feet.

#### **Manitoba Telecom Services Annual Meeting—Minister's Proxy**

**Mr. Gary Doer (Leader of the Opposition):** With a new question, Madam Speaker. Last week we asked what action the government took pursuant to their golden share at last year's annual meeting, and 20 times yesterday—we went back through Hansard—we asked: did the minister or a representative hold the golden share by proxy at the 1997 meeting?

Madam Speaker, would the Premier (Mr. Filmon) today confirm that Mr. Jules Benson was in fact the person that attended the annual meeting in 1997 and held the proxy vote as designated by the minister responsible for the golden share?

**Hon. Eric Stefanson (Minister of Finance):** Well, Madam Speaker, I thank the Leader of the Opposition

for that question, and I am prepared to go one step further today and to table a copy of a proxy, issued on behalf of the Province of Manitoba for use at the 1997 annual and special meeting of the shareholders of Manitoba Telecom Services, appointing Mr. Julian D. Benson or, failing him, J. Patrick Gannon to represent the Province of Manitoba.

As I have indicated on many occasions, it does give very specific direction on the voting of the special share, and it goes on to suggest that the persons above-named are specifically directed to vote on behalf of the undersigned in the following manner: on the election of directors, vote for the four persons nominated by the Minister of Finance on behalf of the Crown in right of the Province of Manitoba set forth in Information Circular accompanying the notice of meeting, being Robert M. Chipman, N. Ashleigh Everett, Donald H. Penny, D. Samuel Schellenberg.

That is a copy of the proxy that I am tabling right now.

\* (1345)

**Mr. Doer:** I am extremely disappointed in the cover-up we had last week when we asked the government what action they took and yesterday—[interjection] Well, the Minister of Justice (Mr. Toews) would not know a justice issue if it hit him, Madam Speaker—

**Madam Speaker:** Order, please.

### Point of Order

**Hon. Vic Toews (Minister of Justice and Attorney General):** Madam Speaker, I would ask that the member opposite retract that. I do not think that was called for.

**Madam Speaker:** Order, please. On the point of order raised by the honourable Minister of Justice, the honourable minister does not have a point of order; however, this is a very sensitive issue, as many are in this Chamber, and I would ask all members to exercise caution when directing questions and refrain from singling out individuals so that it causes disruption in the Chamber.

The honourable Leader of the official opposition, on the same point of order.

**Mr. Doer:** Madam Speaker, you should, as Chair of this Chamber, ensure that members do not heckle in the middle of questions, which was the first intervention in the question being raised, and to cite only one side of the House again is in our view not representing all the interests of all the elected members here in this Chamber again.

**Madam Speaker:** The honourable Minister of Justice, on the same point of order.

**Mr. Toews:** Well, Madam Speaker, I simply make that point. This member consistently does that to me. The last time he criticized me it was on account of where I grew up, where I was born, my country of origin, by criticizing where I was born. You know, I do not think that is appropriate to criticize me because I was born in a country other than Canada, and yet he does that, and now he says things like this.

**Madam Speaker:** Order, please. I have repeatedly cautioned members on both sides of this House to stop having debate across the floor of the Chamber when a member has been recognized to either pose a question or respond to a question asked. I would ask once again for the co-operation of all honourable members in being more attentive to our rules to ensure that there is no disruption when one is posing a question or responding to same.

\* \* \*

**Mr. Doer:** On 20 occasions yesterday we asked the Premier (Mr. Filmon) and the Minister of Finance to inform us of who was holding the proxy vote, because under Section 10 of the act, which we raised last week, and under the by-laws, which we raised yesterday, the minister holding the golden share has a responsibility to either exercise a vote or by direction through proxy have that vote represented at the annual meeting.

I would like to ask the Premier why he allowed his Minister of Finance on 20 occasions yesterday to not answer the question dealing with the proxy vote, and why is the government not honest with the people of Manitoba that the Minister of Finance does have power

under the telecom act and does have responsibilities to either vote or exercise a proxy on issues related to the telecom company?

**Mr. Stefanson:** Madam Speaker, not surprisingly the Leader of the Opposition is dead wrong with the information he brings to this Chamber today. Again, that is a pattern that certain members of his party frequent in this Assembly. That was one of my concerns yesterday in terms of being absolutely certain when I provide information to this House—

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

**Madam Speaker:** Order, please. The honourable Minister of Finance, to complete his response.

\* (1350)

**Mr. Stefanson:** Madam Speaker, as I was going to say, to be absolutely certain, when we provide answers to questions that they are in fact 100 percent accurate. That is something we all take pride in on this side of the House.

In terms of the issue of the special share of the separate class, the only issue that that special share, separate class voted on and was entitled to vote on at the annual meeting in 1997 was to nominate and elect the four directors that I have read into the record. Those are the facts and that is the situation. The information that the Leader of the Opposition has just provided is dead wrong.

**Mr. Doer:** Is the minister trying to tell this House that he did not remember signing a document a year ago indicating that Jules Benson, a person whom we asked directly to him yesterday in Hansard in Question Period, is he trying to tell us that he did not remember giving Mr. Benson the proxy vote, Madam Speaker, or is he telling us yesterday he was trying to cover up the truth from the people of Manitoba?

**Mr. Stefanson:** Madam Speaker, what I have already told the Leader of the Opposition is, unlike some members on his side of the House, when I provide information I want to provide absolutely accurate information. I have taken the steps to provide copy of the documentation today. The Leader of the

Opposition will notice that two individuals are referenced in the proxy, the one that is directly appointed, Mr. Julian D. Benson, or failing him, the Deputy Minister of Finance, Mr. J. Patrick Gannon. So I have provided that information to the House today.

I notice, Madam Speaker, he did not come back to the issue that he raised as part of a second question where he is putting absolutely incorrect information on the record. That is the concern I had yesterday, and when I return today I return with the facts and I return with all of the accurate information.

### **Manitoba Telecom Services Annual Meeting—Minister's Proxy**

**Mr. Steve Ashton (Thompson):** Madam Speaker, we are seeing a new definition in this House of political amnesia. This minister, who a week ago could not remember signing the Order-in-Council, who yesterday was asked 20 times in this Legislature, and now expects us to believe that he was doing anything other than covering up yesterday.

I would like to ask a follow-up, now he has come forward—after being asked 20 times—with the proxy form which appointed Mr. Jules Benson. Will he also indicate that the proxy form indicates very clearly, and I quote, that this does not limit the general authorization, that in fact Jules Benson had the full power vested in him under the proxy as the representative of the minister himself in regard to the Manitoba government special share at that meeting?

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I think what the member for Thompson fails to do is to look at the act and to read Sections 10 and 11 of the act, and I encourage him to do that. It spells out very clearly where the special share from the separate class can vote separately, can effectively, for all intents and purposes, have a veto. Those are outlined very clearly and I have read them into the record before: issues like the corporation cannot change its name; it cannot amalgamate with one or more other bodies. I could go on at length, but I am sure the member can take the time to look at Sections 10 and 11.

When it came to the annual meeting in 1997, the special share separate class only voted on one issue.

That was the issue that I have already outlined in terms of both the election and the nomination of the four directors that I have read into the record. It was not entitled to vote separately on any of the other issues that were before the annual meeting at that particular point in time.

**Mr. Ashton:** Why is it this minister, who only a few days ago was trying to suggest that the only thing that was happening at that meeting was limited in terms of the appointment of the four members, why is he now admitting that indeed Jules Benson was present, represented the government as a voting share? Will he now admit the truth, that the former president of the Conservative Party, his right-hand person, was there, a close associate of Tom Stefanson, that indeed Jules Benson was very much a part of making his brother a millionaire through the stock option program?

#### Point of Order

**Mr. Ashton:** A point of order, Madam Speaker. I indeed should have said that Jules Benson was the treasurer of the Conservative Party, not the president, and I would like to correct that on the record.

\* (1355)

**Madam Speaker:** The honourable member for Thompson did not have a point of order.

\* \* \*

**Mr. Stefanson:** Well, Madam Speaker, again the member for Thompson makes my point by having to stand on that point of order and correct himself, again with misinformation that he and his colleagues continually put on the record.

I think it is very important that everybody in this House understand what the provisions of the special share do allow for. They allow us to nominate and elect four directors to MTS. We have done just that and I have named the individuals. They allow us in instances outlined in Sections 10 and 11 of The MTS Reorganization Act to vote independent of the common shareholders as a separate class but only in those instances. I encourage the member and his colleagues to read where those instances apply, and I have already

indicated at the 1997 annual meeting those instances only applied in one case and that was the nomination and election of directors. The third element that it allows us to do is to have one vote along with the 70 million other shares towards all of the operational issues. So we can have one vote out of 70 million shares.

We chose when it came to operational issues not to exercise that vote because they should be decided by the common shareholders, by the people who invested in the company. I want to tell the member for Thompson that, when it came to the ratification of the stock option plan, 93.7 percent of the people who invested in MTS, the common shareholders, voted in support of that plan. Those are the facts, and that is what happened.

**Mr. Ashton:** Since the minister is now trying to untangle the tangled web that he has been weaving, will he now confirm that last week he denied and yesterday denied the presence of anyone on behalf of the government, that today he is confirming that Jules Benson was there, Jules Benson was voting, indeed that he has not been telling the truth to this Legislature for the last week?

**Mr. Stefanson:** Madam Speaker, the only tangled web is in the mind of the member for Thompson. I did not put any incorrect information on the record, and I certainly did not lie to this Chamber. I have taken the steps to provide additional information today, to provide a copy of the proxy that outlines very clearly who the two individuals were, the one that is directly appointed and the one that is the alternate to represent the province.

I am trying to explain to these members where that special share, that separate class, has certain provisions. They do not seem to understand that. I am certainly prepared to answer as many questions as they have to ask to try to help them understand where it applies, where it does not apply. But at the end of the day when it came to the vote for the stock option plan that they are asking about, the people who invested, the common shareholders, 93.7 of those who voted, voted in favour of that stock option plan, and we, under our special share as a separate class, were not entitled to vote separately on that issue. Those are the facts.

### **Magnetic Resonance Imaging Weekend Service**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, on the weekend, both I and the minister were contacted by a family whose son required an MRI on an emergency basis over the weekend and was unable to obtain an MRI over the weekend. We raised the issue of the MRI shortages for years. We raised it in the fall; we raised it in January. The minister said he was going to do something about it. We see that we have the same amount of MRIs as not even Latin American countries. How is it that a child who required a potentially lifesaving MRI could not get it on the weekend in the city of Winnipeg?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I am not sure if the member—[interjection] Well, the member is referencing a matter. I know I was home; I was working on my house. I did not speak to the family particularly this weekend. I am not doubting that they spoke to the member for Kildonan. I would have liked an opportunity to get the specific information to be answering the member's question. As the member knows, this was a holiday weekend. There are things that happen in the system. I would like the opportunity to investigate it.

\* (1400)

**Mr. Chomiak:** Can the minister, when he gets the opportunity to investigate, explain to the people of Manitoba how it is that we have one of the lowest ratios of MRIs in the country and that last weekend, Friday, Saturday, Sunday and Monday, the MRI at St. Boniface was not operating, not available to Manitoba residents and that, for lack of staff, that is the reason why the MRI was not operating? Is that not unacceptable after year after year after year of Tory so-called health reform in this province?

**Mr. Praznik:** Madam Speaker, I thank the member for the opportunity to investigate the particular matter. This is not an issue of which I am personally aware at this point. As the member may know, the MRI, the one that is currently operating in the province, is operated by, I believe, the St. Boniface Research Foundation. I am not sure what arrangements are made in terms of having that available, and I will endeavour to check

into that because I agree with the member it is an important service. I am not sure what the specific difficulty was. It is the first time that I have heard of this particular problem, and I will endeavour to investigate it because the member is right. If there is an emergency situation in which that is required, it should be available, and we will want to make sure that it is in future.

### **Health Care System Patients**

**Mr. Dave Chomiak (Kildonan):** My final supplementary on a related question: is it now government policy that the reason we have long waiting lists and people in the hallways is because that is what people want? I am quoting from the comments of the member for Pembina (Mr. Dyck), who said: I checked this out the other day. Three people lying in a hospital; they all indicated they wanted to be there. And I am visiting and a nurse comes out and says would they like to go back to their rooms as of yet and they said: no, we like it here; we like the activity that is in the hallway. Is that now government policy that in fact people want to be in the hallway because they enjoy it?

### **Point of Order**

**Hon. James McCrae (Government House Leader):** Madam Speaker, you often remind us about the guidelines that we have laid down for the conduct of the putting of questions as well as the putting of answers in this House. The honourable member for Thompson (Mr. Ashton) is always reminding us about the rules about how we are supposed to answer questions, but the honourable member for Kildonan knows the rules. He gets to ask questions in this House on almost a daily basis, and he knows that a supplementary question ought to be a question and not some rambling dissertation complete with quotations from Hansard and so on. He knows that; his seatmate, the member for Thompson, knows that. Yet the rules are better known for their breach than their observance around here, especially on that side of the House.

**Madam Speaker:** The honourable member for Thompson, on the same point of order.

**Mr. Steve Ashton (Opposition House Leader):** On the same point of order, Madam Speaker, I am not quite

sure what the government House leader was referencing, because our critic did ask about some specific statements made in the House by the member. In fact, the member went on to say that it would make a very beautiful picture out there of people lying in the hallway. I was quite surprised when I heard the comments, and I think it is fairly appropriate for our Health critic to ask if this in any way is either the personal view of the member or this is in some way some new policy on behalf of the government that people lying in hallways is actually a good thing.

**Madam Speaker:** Order, please. On the point of order raised by the honourable government House leader, I would remind the honourable member for Kildonan that indeed a final supplementary question should consist of a single question.

\* \* \*

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I would be delighted to respond to the member for Kildonan, because I think again he has taken the statement of the member for Pembina (Mr. Dyck) out of context absolutely, totally. The member for Pembina spoke to me about this matter privately and pointed out that, upon visiting a relative in a particular Winnipeg hospital where those individuals were in single rooms, during part of the day they had asked and were moved out to the hallway so they could be with other people. His comment was how easy it could be—because he visited those people during that time—for a reporter to walk in, take a picture and make a case. That is absolutely true. The member has not denied nor do we deny that we had problems in the hospital system this winter, but to take the member's comments out of statement does a disservice to anyone who respects fact and truth.

### **Video Lottery Terminals Community Referendums**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, my question is for the Minister responsible for Lotteries.

There was a Gaming Commission report that came down, and one of the recommendations was that municipalities should be allowed through some form of

referendum possibly to determine whether or not they want VLTs in their municipalities. Given that we have municipal elections coming up this year, this fall, is the government prepared to go on record as to whether or not they will support municipalities that want to have referendums in their local communities?

**Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** Madam Speaker, the member for Inkster references a report done by the Lottery Policy Review Committee chaired by Mr. Larry Desjardins. Some 14 Manitobans from a good cross-section of our communities represented on that committee made a number of recommendations and, as he knows, we have implemented a number of those recommendations. One of them did refer very specifically to the whole issue of referendums. As well, one of them was also the establishment of an independent Gaming Control Commission.

We have established that Gaming Control Commission, and one of the first items referred to them was this whole issue of a referendum, to do the necessary research, to see what is happening in other jurisdictions, to have discussion with individuals and communities affected, municipal organizations and so on. I believe that process is currently underway.

**Mr. Lamoureux:** Madam Speaker, will the Minister of Finance then indicate very clearly to municipalities that are looking at having potential for a referendum of this issue that the government would indeed respect the results of the referendum?

**Mr. Stefanson:** Madam Speaker, I think our first step should be to wait for the report from the Gaming Control Commission. They are having the consultations and discussions with individuals, communities, organizations. They are doing the research, and we should see very specifically what that report ultimately recommends.

As we have indicated to this House, one of the responsibilities of that committee is to provide research, to provide advice to this government, and we will certainly take that issue very seriously. We recognize the concerns being raised about potentially holding some referendums, and there is a need to get on with

addressing that issue. We certainly are prepared to do that as a government, and we are encouraging the Gaming Control Commission to move that issue along.

**Mr. Lamoureux:** Madam Speaker, will the Minister of Finance acknowledge the need for the government to be very clear on a very simple question of: will the government respect communities that decide through referendum that they do not want to have VLTs in those communities?

**Mr. Stefanson:** Madam Speaker, we certainly have a great deal of respect for people elected at all levels of government, whether it is municipal or school divisions or whatever, but again, I think the first step should be to wait till we get the report and the recommendations from the Gaming Control Commission. We recognize, for some of the reasons that the member mentions, there are municipal elections coming up in the fall. There are some reasons that that issue should be moved along. I believe that the Gaming Control Commission, while they have many other issues to address, are certainly addressing this issue in a very responsible fashion, and we await the report from that commission.

### **Royal Winnipeg Ballet Attendance—London, England**

**Ms. Diane McGifford (Osborne):** Madam Speaker, the annual minimum wage in Manitoba is \$11,200. A single parent on social assistance with two children lives on \$11,700. The Manitoba crafts guild struggles on \$18,000, yet the Minister of Culture (Mrs. Vodrey) and the Minister of Industry, Trade and Tourism (Mr. Downey) spent a whopping \$41,500 of taxpayers' money for their Winnipeg Ballet junket to London last October.

**An Honourable Member:** \$40,000?

**Ms. McGifford:** \$41,500. I would like to ask the Minister of Culture the question she failed to answer last December and ask her: how many other Tory MLAs, ministers and staff members attended the ballet in London, and who are they? In addition to the Premier (Mr. Filmon), of course; we know he was there.

**Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship):** Madam Speaker, the last time this was raised in the Legislature I was very happy to talk to the member about some of the work that was undertaken when I attended in both England and Scotland and had meetings with the Canadian High Commissioner, and it was in fact a very productive opportunity. I have in fact answered her in writing as well, but I attended and the deputy minister attended a performance of the ballet in London and also in Edinburgh.

\* (1410)

**Ms. McGifford:** Madam Speaker, since the minister did not answer the first question, maybe she could answer the second one she failed to answer last December. I would like to ask the minister—since we know \$41,500 does not include, for example, the Premier's expenses and presumably does not include those of other government members—if she has any idea of the total bill to the taxpayers incurred by her government last October in London.

**Mrs. Vodrey:** I have provided for the member information regarding expenses as Minister of Culture and also expenses which were required by my deputy minister. I am very happy to tell the member that, in addition to support to the Royal Winnipeg Ballet by attending a performance, which in fact is I believe a very important role for Manitoba, as well I was very happy to do other work while there: meetings with the Canadian High Commissioner, meetings with the London and Scotland arts boards, meetings with the London Film Commission, a meeting with the United Kingdom's Minister of State responsible for film and to do a great deal of work in that time period on behalf of culture, heritage, citizenship and immigration for the people of Manitoba.

### **Andrew Wade Paupanekis Reduced Sentence**

**Mr. Gord Mackintosh (St. Johns):** To the Minister of Justice, Madam Speaker. On April 3 there was a sentencing hearing in the Queen's Bench regarding a gang slaying. It was a manslaughter conviction of Andrew Ward Paupanekis where the judge, we understand, reduced the jail term down to four years by

an amount of two years based on the offender's word that he had renounced his gang affiliation, evidence that today is challenged by the gang co-ordinator himself from Stony Mountain and a sergeant of the homicide unit. My question to the minister is: since the minister likes to point fingers at the police, at judges, the federal government, who will he point fingers at for this matter, or will he take some responsibility for the outcome in this case?

**Hon. Vic Toews (Minister of Justice and Attorney General):** Madam Speaker, I am quite aware of the case. It was reported in the news media. I am advised by my deputy that our department is undertaking an appeal of that particular case.

#### **Gang Crimes Prosecution**

**Mr. Gord Mackintosh (St. Johns):** Will the minister then answer this question? Will he not admit that he has no policy or direction in place for the specialized, vigorous and aggressive prosecution of serious gang crimes, as evidenced by the fact that even when asked, his department at the trial never challenged the word of the offender, never challenged the principle underlying the reduction of the sentence, had no information about the accused and his gang affiliation, never made inquiries since 1996, never telephoned the gang co-ordinator, never asked for an adjournment and never asked for a presentence report. When will they get serious about gangs, Madam Speaker?

**Hon. Vic Toews (Minister of Justice and Attorney General):** Madam Speaker, the member for St. Johns is a member who has misrepresented the Crown attorneys' positions on a number of occasions. Indeed, the Crown attorneys' union had to write a letter and a news release asking him to clarify and to ask him to quit misrepresenting their positions.

You know, I have great faith in those Crown attorneys. I know the particular Crown attorney, a Crown attorney of over 30 years. He is a very senior Crown attorney. I have a high respect for that Crown attorney, and these people make decisions in the course of their presentations to the court.

Whatever that Crown attorney did will be reviewed by the Court of Appeal, and I will review any results at

that point. But I do not think it is appropriate to comment on this matter before the Court of Appeal hears it.

#### **Point of Order**

**Mr. Mackintosh:** A point of order, Madam Speaker. Since justice begins with truth and honesty in the minister's office, I ask the minister, and I give him this opportunity to put it on the record, that at no time had any Crown attorney or association ever said I misrepresented any position of them. In fact, is this the same association that tells me that they find observations and suggestions from me to be valuable?

**Madam Speaker:** The honourable Minister of Justice, on the same point of order.

**Mr. Toews:** On the same point of order, Madam Speaker. I can point to the exact news releases that they have made where this member has misrepresented their position, who has damaged, damaged the professional status of these Crown attorneys who dedicate their professional career to serving the people of Manitoba, and for him to make such a trite statement is disgusting.

**Madam Speaker:** The honourable member for St. Johns did not have a point of order. It is clearly a dispute over the facts.

\* \* \*

**Mr. Mackintosh:** I ask then the minister, rather than trying to deal with his thin skin, deal with the issues that Manitobans are having to deal with. Would he now put in place a policy—and we are not talking about individual Crown attorneys. We are talking about support, direction, protocol from this government for the prosecutors. Will he put in place a position for the prosecutors for specialized, aggressive, vigorous prosecutions, so these kinds of outcomes do not have to be suffered by Manitobans?

**Mr. Toews:** Madam Speaker, I want to say that my predecessor, the member for Fort Garry (Mrs. Vodrey), in fact implemented that program, and the Crown attorneys have been following that policy direction in every case where it is applicable. I have great

confidence in what those Crown attorneys are doing, and I believe that the results of what they are doing, assisted by the policies of my predecessors in these areas, have been a tremendous benefit.

You know, if there are issues of resources, we look at them; we address them. We are concerned not just about our Crown attorneys but indeed our police forces. I think our Crown attorneys and our police forces have been working together very, very well in ensuring that Manitoba is a safe place to live and work.

### Post-Secondary Education Tuition Fee Policy

**Ms. Jean Friesen (Wolseley):** Madam Speaker, the Minister of Education has repeatedly broken election promises to provide fee policies for Manitoba students. Secondly, she has been part of a government which has allowed tuition fees to rise by 10 percent, 15 percent, 20 percent and on into the millennium, and finally she is part of a government which has pursued a deliberate low-wage strategy for 10 years.

I would like to ask the minister to confirm that the result of these combined policies is that in 1988 when this government came into office a first-year student needed 11 weeks of full-time work at minimum wage. Ten years later that same student needs to find 19 weeks of full-time work at minimum wage just to pay the tuition, Madam Speaker.

**Hon. Linda McIntosh (Minister of Education and Training):** Madam Speaker, my goodness, there were so many points raised in that question I do not know where to begin, but I will begin with the first point.

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

**Madam Speaker:** Order, please. The honourable Minister of Education and Training, to complete her response.

**Mrs. McIntosh:** Thank you very much, Madam Speaker. I shall attempt to take the points point by point as I recall them arising. I should indicate, first of all, in terms of tuition fees, that colleges in Manitoba have the second-lowest tuition fees in the country. In fact, in five years—

**Madam Speaker:** Order, please. The honourable member for Wolseley, on a point of order.

### Point of Order

**Ms. Friesen:** Madam Speaker, the question had one point. In 1988, it took 11 weeks of work to pay your fees; 10 years later, it takes 19 weeks. May I simplify the question for the minister. That is the question: 11 weeks versus 19 weeks, 10 years of Tory policy. Could she now answer that question?

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

**Madam Speaker:** Order, please. The honourable member for Wolseley did not have a point of order. She was clarifying the question asked.

\* \* \*

\* (1420)

**Mrs. McIntosh:** I should indicate, if we want to take a look, for example, at NDP Saskatchewan or NDP British Columbia, that in five years time if the predictions are correct by Red River Community College, for example, in five years time Red River Community College will reach the current level in Saskatchewan and they will never reach the level in British Columbia, the current level in British Columbia. That would be the difference between the way NDP governs their colleges and the way we govern our colleges. So those comparisons that she likes to make, I think we should take a look at what the other provinces governed by her party do—much, much higher.

It is fortunate in Manitoba that during our era there are plenty of jobs for students, and I can take the question as notice because I do not know the weeks that she is referring to. I do not know that they are correct because often the information presented in the preamble is not correct. I will check it out and get back with a response to her.

**Madam Speaker:** Order, please. Time for Oral Questions has expired.

### Speaker's Ruling

**Madam Speaker:** I have a ruling for the House.

On March 24, 1998, during Question Period, the opposition House leader raised a two-part point of order respecting an answer provided by the honourable Minister of Rural Development (Mr. Derkach) to a question posed by the honourable member for Swan River (Ms. Wowchuk). In the first part of the point of order, the honourable minister was called on to table a letter he referenced in the answer, and in the second part of the point of order, it was suggested that the latter part of the answer was inappropriate editorial comment.

In reading the Hansard record, it is clear that the Minister of Rural Development did not read from a letter; therefore, he is not obligated to table it. This is based on Beauséne Citation 495(7) which indicates that when a letter, even though it may have been written originally as a private letter, becomes part of a record of a department, it becomes a public document and if quoted by a Minister in debate, must be tabled on request.

A Manitoba precedent in a Speaker's ruling given on September 18, 1989, reinforces our parliamentary practice that in order for a minister to be required to table a letter, he or she must have quoted from it. Therefore, there was no point of order respecting the tabling of the letter.

Concerning the "editorial comment" made by the minister, having read Hansard, I would concur with the opposition House leader and rule that there was a point of order. When answering questions, the minister should deal with the matter raised in the question and should not provoke debate.

### MEMBERS' STATEMENTS

#### Youth Employment

**Mr. Denis Rocan (Gladstone):** I would like to take this opportunity to raise an issue which is important to all members of this House, and that is youth employment. All of us have a vested interest in ensuring that our youth are happy and prosperous. Happy young people obtaining summer employment is one way of

achieving this goal. Right now, Manitoba's unemployment level is the lowest across Canada at 5.2 percent, and our youth unemployment rate is the second lowest across the country.

In an effort to further reduce our youth unemployment rate, I urge everyone to remember that now is the time when university and high school students are searching for summer employment. I want to encourage all business operators who may be in need of summer employees to register with the Youth Employment Service on Donald Street. Any students in need of summer employment should contact this office and should also be sure they check the job postings at the University of Manitoba and the University of Winnipeg.

I understand that there is an abundance of opportunities available to students who do not shy away from hard work. There are engineering and management jobs, as well as tree-planting and truck-driving jobs. Moreover, the provincial government is once again sponsoring the summer Green Team initiative in both rural and urban areas. Employers wishing to receive assistance employing a student under The Green Team program should contact the Department of Natural Resources for a sponsorship application.

Making sure that our young people find summer employment is a priority which all of us should take seriously. The future of Manitoba is in the hands of these young people, and we need to give them every opportunity to succeed.

#### Northern Airports

**Mr. Gerard Jennissen (Flin Flon):** The provincial government recently announced that a special fund of \$300,000 was being set up to assist 30 small southern airports. The minister rightly stated capital projects improving lighting, navigational aids, runway rehabilitation and improvements to terminals are important at such airports.

The NDP is pleased that the minister acknowledges that, in light of the abandonment of airports by the federal government, action had to be taken to ensure that safety standards are maintained at all airports.

That being said, northerners and the NDP are rightly disappointed and concerned that not one additional cent is being dedicated to ensuring that the 22 northern airports operated by the province are also up to modern standards. The northern airports are vital for most of the communities. Most have daily scheduled flights, and in many cases they are the only way in and out of the area. At times like this year, when the winter roads were cut short by warm weather, the airports are even more important.

Following the tragic air crash at Little Grand Rapids, there was unanimous desire for airport improvement. Even the minister agreed that Little Grand Rapids' airport needed to be replaced. Following our call for a task force to review the status of all northern airports, the province agreed to work with airlines, MKO and AMC. While there have been two meetings of the committee, no commitment has been made by the minister to spend additional funds this year, and no commitment has been made to act on even the Little Grand Rapids' airport. This is not what we expected last December and not what northerners need now.

Apart from Little Grand Rapids, other airports need major work. Not only must this government get active on improving northern airports but also the federal government must be brought to the table and provide assistance under the airports capital assistance program. Thank you, Madam Speaker.

### Education Week

**Mr. Peter Dyck (Pembina):** April 13 through 17 has been designated as Education Week in our province. It is a time for all of us to celebrate the positive happenings in our public schools.

I was read a remark that has long stayed with me, and I quote: It is the supreme art of the teacher to awaken the joy in creative expression and knowledge.

These words by Albert Einstein remain as true today as they were when spoken. This is a time when we all focus on our common goal, the successful awakening of the joy in learning that resides within each child. Despite our different approaches and backgrounds, we all recognize the changing world our children live in. The current communication/information revolution has

so shrunk our globe that every economic market is in some sense a global market. It is not surprising then that education is seen as a key to unlock the door to prosperity. The success of awakening the joy in learning is the result of wonderful teachers, supportive parents, committed students and hardworking administrators. Each plays a direct or indirect role in teaching and learning or in creating the conditions for these activities to occur. Their contributions must be acknowledged, and I am pleased that in my constituency the Garden Valley School Division will, on April 24, celebrate Education Week at the Southland Mall in Winkler. I would like to thank the organizers for creating this opportunity to celebrate Education Week. Thank you.

### Wolseley Gardening Society

**Ms. Jean Friesen (Wolseley):** I am pleased to draw the attention of members of this House to a national magazine, Canadian Gardening, which this month has published an article on part of my constituency of Wolseley. Canadian Gardening has published an excellent illustrated article by Wolseley writer Eva Weidman on the Wolseley Gardening Society which, with its regular summer garden tours, has become an important element in our community's institutions.

The article notes that this is a community where left-leaning politics are evident and that environmental issues and matters of the spirit are still preminent. The article goes on to say that the gardens are unique, blending colourful annuals with dependable perennials, shrubs and large shade trees that compliment the architectural details of the homes built at a time when mouldings, frames and even window boxes were custom built. There are tiny yards that have been transformed into scented retreats, meditation gardens and public spaces that invite strangers to become neighbours. Welcome to Wolseley where residents are planting the seeds of a thriving community.

\* (1430)

The author goes on to note the work of Val Perry, Marilyn Craggs, Carrie and Tom Yudai, Liz Wolff, Sally Papso, Terie Langen, Gayda and Karl Loepp, John Lepp, Eleanor Thompson and indeed all the residents of Garfield Street.

Madam Speaker, there are many more, perhaps too many to mention, such as Mr. Barchett, Kathy McIlroy and Jan Dalmy. They know their work is much appreciated and much loved in the community. What we see in Canadian Gardening is a national recognition. It is really the bloom on the rose. Thank you.

### **Bone Density Scan—Funding**

**Mr. Leonard Evans (Brandon East):** I rise to urge the government and the Minister of Health (Mr. Praznik), in particular, to provide money to the Brandon General Hospital and/or the regional health authority in Westman or in the Brandon area to provide a bone scanning machine referred to as a densitometer.

The minister may have received correspondence on this. I have received letters from many, many women in the Westman area who have indicated that there are waiting lists and there is a great need for this particular machine.

I raised this matter last year with the minister, about waiting lists and people having to go to Minot to get service, and at that time I was assured that the government would eliminate the waiting list, but I understand today the waiting list has grown again, and people are waiting as many as two years, I understand, for this kind of diagnosis.

The fact is, Madam Speaker, osteoporosis is a very serious disease, and the use of a bone scanning machine can help to detect and therefore prevent this dreaded disease that affects women in particular.

I have a letter from many people, including Miss Helen Riesberry of Brandon, and I would just read a couple of paragraphs from her letter very quickly: I am one who would benefit. I am in my 82nd year, have already broken a hip, a wrist, and a rib, three different falls, but so far no test facility is available. Brandon has a large population of seniors in need of this program. Current waiting time, I understand, is up to two years, and some patients have been advised to go to Minot. Please give consideration to our hospital's request for this equipment and its operation. Yours sincerely, Helen Riesberry.

So I take this opportunity to urge the minister to pay attention to this matter, address the matter and provide the needed money so that this vital service can be provided to help the women in Westman detect osteoporosis and hopefully prevent that dreaded disease from occurring. Thank you.

### **ORDERS OF THE DAY**

**Hon. James McCrae (Government House Leader):** Madam Speaker, would you be so kind as to call the second readings for bills listed on page 4, and after this is completed, we would then proceed to debate on second readings, and I will await word as to which bills the opposition House leader might like to have us call this afternoon.

**An Honourable Member:** Bill 4 to start with.

**Mr. McCrae:** Bill 4 would be the next one after the introductions. Thank you.

### **SECOND READINGS**

#### **Bill 20—The Medical Amendment Act**

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I would move, seconded by the honourable Minister of Natural Resources (Mr. Cummings), that Bill No. 20, The Medical Amendment Act; Loi modifiant la Loi médicale, be now read a second time and referred to a committee of this House.

#### **Motion presented.**

**Mr. Praznik:** The College of Physicians and Surgeons of Manitoba has requested a number of housekeeping amendments to this act. Although the complaints and discipline provisions of the act were repealed and replaced during the 1996 legislative session, the college has now requested that several other provisions of the act be amended to bring the act up to date. Examples are allowing the college to make a regulation respecting the amount of liability insurance that a member must have in force, increasing the fines for practising medicine without a licence or representing oneself as a medical practitioner. As well, regulatory bodies such as the college are now designated as trustees under The Personal Health Information Act. The confidentiality

provision in The Medical Act is proposed to be replaced with one which permits disclosure of information in certain circumstances such as for the purpose of the administration of The Health Services Insurance Act or The Prescription Drug Cost Assistance Act or to a regulatory body in another jurisdiction. The maximum fine level for a breach of confidentiality is proposed to be \$50,000, the same as under The Personal Health Information Act.

Madam Speaker, as I have indicated, this piece of legislation is, by and large, housekeeping, and I look forward to the support of members on all sides for its passage.

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

\* (1440)

**Motion agreed to.**

#### **Bill 21—The Communities Economic Development Fund Amendment Act**

**Hon. David Newman (Minister charged with the administration of The Communities Economic Development Fund Act):** Madam Speaker, I move, seconded by the honourable Minister of Agriculture (Mr. Enns), that Bill 21, The Communities Economic Development Fund Amendment Act (Loi modifiant la Loi sur le Fonds de développement économique local), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Newman:** I am pleased to put before the House today these amendments to The Communities Economic Development Fund Act.

Madam Speaker, CEDF is a provincial Crown corporation mandated to encourage economic development in northern Manitoba through the provision of financial and other forms of assistance. The fund is managed by a board of directors and general manager and is encouraged to apply strong business principles to both its programs and to its own administration.

The amendment proposed today reflects a change to the way in which the fund creates its by-laws. The fund creates by-laws under Section 15 of the act to (a) determine the terms and conditions upon which financial assistance may be given, including assessing the security requirements, (b) to prescribe the form in which applications are to be received and the information required therein, (c) in the event the fund contemplates equity participation in a project, the terms and conditions under which it may participate and the form of instrument it may use, and (d) to generally determine how the board will function and regulate its own procedure.

Under current legislation, by-laws are drafted and accepted by the board for approval by the Lieutenant Governor in Council. The proposed amendment allows for by-laws to be approved by the board, subject to disallowance by the government. The effect of this change is to allow the board to react to situations within the fund's business environment in a timely and fiscally prudent manner subject to legislation, while providing government with the ability to review the fund's by-laws and to react at any time if they appear to be incongruent with the direction for the fund by government. The simplified process allows the fund to act quickly to the needs of its clients and of its business and is comparable with the method in which by-laws are created in other autonomous agencies.

I urge all honourable members to support this bill.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 22—The Veterinary Services Amendment Act**

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), that Bill 22, The Veterinary Services Amendment Act (Loi modifiant la Loi sur les soins vétérinaires), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Enns:** Madam Speaker, the bill that I am presenting before consideration by honourable members on this occasion is one that has not been worked on for a number of years, that is, The Veterinary Services Act. I am advised by staff and by practicing veterinarians that as a result, there are a number of corrections to be made that understandably have created some difficulties, ambiguities and some deficiencies as the bill now stands. There is another issue that has come up in the last little while as a result of a dissolution of a veterinary district that left something to be desired in terms of the legislation on the books under those circumstances.

So, Madam Speaker, while this is not a, to quote my friend from Burrows, I believe it is, a barn burner, it is for the livestock industry and the growing livestock industry that we have and are creating in the province of Manitoba important legislation for the orderly regulation of veterinary services here in the province of Manitoba.

It does also touch, I might add—because of the close relationship that we have with the practitioners of veterinary services in Manitoba with the Department of Agriculture, in a kind of unique way, this is also an act that applies to that professional body. I will have, of course, available to the committee people from the Veterinary Services Branch to answer any specific questions that committee members have, but I commend the bill for their consideration and passage. Thank you.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 24—The Crop Insurance Amendment Act**

**Hon. Harry Enns (Minister of Agriculture):** I move, seconded by the honourable Minister of Rural Development (Mr. Derkach), that Bill 24, The Crop Insurance Amendment Act (Loi modifiant la Loi sur l'assurance-récolte), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Enns:** Madam Speaker, the bill, any bill affecting the Manitoba Crop Insurance Corporation is of significant importance to the agricultural community in the province of Manitoba. Crop insurance under this corporation has been offered to producers in Manitoba for almost 40 years now since 1960. I am pleased to acknowledge and put on the record that it was of course a Progressive Conservative government with vision, a government with understanding of the peculiar needs of agriculture that created the corporation in the first place.

I am also glad to put on the record that over the years, different proposals, different fine tuning of the legislation has resulted that in this last year, and I certainly anticipate in the coming crop year that over 80 percent of our annually seeded crop is covered by this insurance program, and that offers—I do not want to exaggerate the situation, but it certainly offers some level of support in this our major safety net program.

Madam Speaker, there are a number of issues that arise, as you expect, with an ongoing piece of legislation like the one that governs the Manitoba Crop Insurance Corporation. There are some policy changes. As we get more and more sophisticated data with respect to soil types, yields, production, some of this data becomes very valuable and is saleable. In fact, the Crop Insurance Corporation has been selling some of this from time to time and earning revenue for it, and there is nothing wrong with it provided of course that confidentiality and the likes of that are fully and totally respected.

The Crop Insurance Corporation has requested, because the act currently is silent on the issue, that in some more formalized way it be acknowledged as being a permissible activity on the part of the crop insurance management from time to time, if they see it to be advantageous to the corporation.

There are some further minor kind of housekeeping things that you would expect in an act when it is opened up, delegation of certain signing authorities, et cetera. Again, I will certainly have officials from the Crop Insurance Corporation available to committee members as we examine the details of the proposed amendments. I recommend its speedy passage in this

committee, so that it can come back to the House for final and third reading.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

\* (1450)

### **Bill 25—The Highway Traffic Amendment Act**

**Hon. Glen Findlay (Minister of Highways and Transportation):** I move, seconded by the Minister of Agriculture (Mr. Enns), that Bill 25, The Highway Traffic Amendment Act (Loi modifiant le Code de la route), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Findlay:** I am pleased to introduce this bill to the House today. The amendments in this bill are generally of a housekeeping nature, and there are four issues. I will address each individually.

The first is agreement regarding foreign licence exchange. This relates to the creation of a new provision which will authorize the Minister of Highways to enter into agreement with foreign jurisdictions regarding exchange of driver's licences. Under The Highway Traffic Act, Manitoba is limited to licence exchanges with Canadian and U.S. jurisdictions, Canadian Forces with European licences and foreign licences held by NATO personnel.

Requests from countries such as Japan, Korea, Germany and France for licence exchange agreements have been received, but Manitoba has been unable to establish such agreements due to the lack of an appropriate legislative authority. All Canadian jurisdictions other than Manitoba have bilateral or unilateral licence agreements with foreign countries like the ones I just mentioned: Japan, Korea, Germany and France.

When an individual has exchanged a foreign licence for a licence in another Canadian jurisdiction, let us say

B.C., that licence is recognized throughout Canada and may be exchanged for any other licence in any Canadian jurisdiction.

The proposed amendments will allow the Minister of Highways in Manitoba to negotiate agreements with individual foreign jurisdictions. Licence reciprocity will be considered only where there is sufficient proof that the foreign country's licence qualification procedures are at least equivalent or exceed Manitoba's current licence qualification restrictions. Reciprocity will also be limited to Class 5, which is car and light truck licences, or Class 6 licences which are for motorcyclists. If a person would like a higher class of licence to drive a taxi or a semitrailer, for example, they will be required to undergo further driver licence examinations in Manitoba.

These amendments are in keeping with government's efforts to establish Manitoba as an aggressive player in the global marketplace. Failure to provide reciprocity licences exchange agreements with foreign jurisdictions could be seen as a deterrent to trade and immigration, especially in light of the move by two such agreements by all other Canadian jurisdictions.

The second amendment proposal involves repeal of an economic regulatory measure in the trucking industry. Currently a for-hire motor carrier is required to hold a fidelity bond for COD shipments, and the bond covers the carrier's legal liability for money it collects on behalf of shippers for COD shipments.

There are a number of reasons why the department is repealing the requirement for a motor carrier to hold the fidelity bond. The two primary reasons are that the bond is an economic regulatory measure that is inappropriate in Manitoba's deregulated trucking environment, and, second is that the appeal of this requirement for the fidelity bond is consistent completely with what Alberta and Saskatchewan have just done regarding fidelity bonds there. I guess, I could throw in a third item. In 15 years of having a requirement for that fidelity bond, there are only three known instances where it was actually used in the entire industry, over 15 years.

By eliminating the fidelity bond requirement, carriers will be relieved of this unnecessary expense and

operate more efficiently. The elimination of unnecessary costs for carriers is consistent with my department's mission to provide an efficient transportation system and the province's strategy to promote economic growth by streamlining regulation and the province's desire to harmonize trucking regulations across the country.

The third issue that is to be dealt with in this bill involves the amendments to the release-of-information provision, specifically regarding medical information, to ensure that this act, The Highway Traffic Act, is consistent with the new Personal Health Information Act. The existing release of information revisions under The Highway Traffic Act do not allow a person access to their medical records unless consent is received from the physician who supplied the report. This approach is inconsistent with the individual's right of access to personal health information under the new Personal Health Information Act.

Under PHIA, an individual can only be denied access to his or her own personal health information in certain limited circumstances. These include situations where knowledge of the information could be expected to endanger the person or another person, and, secondly, disclosure of the information could be expected to identify a third party who supplied the information under circumstances where confidentiality was reasonably expected.

The department's legal counsel has advised that the release of medical information provides provisions under the HTA, The Highway Traffic Act, should be consistent with those of the PHIA, The Personal Health Information Act. Accordingly, we are making these changes necessary to eliminate the discrepancies.

The fourth and last issue of this bill relates to the repeal of some unproclaimed amendments dating back to 1985. They relate to revised definition of a commercial vehicle and the requirements regarding the registration of leased public vehicles. These amendments are no longer relevant as the vehicle registration part was rewritten in 1994 as part of MPI's Autopac 2000 project.

A complete description of the amendments I have outlined is provided in the summary to the spreadsheet

package which I will be providing to my opposition colleagues. I look forward to discussing the bill in greater detail in legislative committee, and I recommend this, Madam Speaker, to the House, and to my critic opposite for speedy passage. Thank you.

**Mr. Gerard Jennissen (Flin Flon):** I move, seconded by the member for Broadway (Mr. Santos), that debate be now adjourned.

**Motion agreed to.**

### **Bill 26—The Teachers' Society Amendment Act**

**Hon. Linda McIntosh (Minister of Education and Training):** I move, seconded by the Minister of Natural Resources (Mr. Cummings), that Bill 26, The Teachers' Society Amendment Act; Loi modifiant la Loi sur l'Association des enseignants du Manitoba, be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mrs. McIntosh:** Madam Speaker, I have the pleasure of presenting a bill which involves amendments to The Teachers' Society Act. These amendments originated from a direct request by the executive of the Manitoba Teachers' Society. The bill contains amendments which the society believes would more accurately and realistically reflect its current organization and services.

The bill before you involves amendments to the election procedures of the Teachers' Society which the society feels would enhance accountability to their general membership and democratize their organization. To that end, Madam Speaker, the society has requested that a voting by members at large be allowed, rather than voting by delegates for the election of the president. This would allow all members to be more involved in the political process of the MTS presidency. Without this amendment, the annual general meeting of the Manitoba Teachers' Society would remain as the vehicle for selection of the president.

In addition, MTS has asked that the positions of president designate and past president be eliminated.

This gives greater authority to the president, him or herself, and these proposed amendments to The Manitoba Teachers' Society Act will enable the teachers' organization to better govern its affairs according to the wishes of its members. As a result, officers and elected representatives will be more accountable to the members and equity among the different regions of the province will be improved.

At present, Madam Speaker, The Manitoba Teachers' Society Act affords the same rights, privileges and benefits of active membership to the category of associate members, including student teachers. This creates expectations that the Manitoba Teachers' Society cannot realistically fulfill. Section 6 of the act would be divided into two sections, one dealing with certified teachers who do not qualify for active membership and a second category which deals with student teachers in the Faculties of Education. As well, Section 5(5) of the act will be repealed. The proposed changes, as requested by the society, would more accurately reflect the services and benefits that the Teachers' Society believes it is realistically capable of providing to its associate members.

\* (1500)

There are also housekeeping issues which the Manitoba Teachers' Society has requested that government support. These items include amending Section 9 of the act so that the provincial council can establish new or alter the boundaries of existing teachers' electoral divisions according to the by-laws of the organization, rather than according to inspectorial divisions, as there are no longer inspectorial divisions.

In addition, the society has asked that school divisions and/or districts be required to provide teacher information; that is, teachers' names and home address, employment status, school address. They have been asked that that information be provided so that the register of members can be kept current. The Manitoba Teachers' Society feels that this proposal would provide more timely and accurate information than is presently the case.

So, Madam Speaker, I am pleased to present this bill. This bill is, I believe, something that will benefit

teachers, is desired by teachers, and supported by all of us who support teachers. Thank you.

**Mr. Doug Martindale (Burrows):** Madam Speaker, I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 27—The Manitoba Employee Ownership Fund Corporation Amendment Act**

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, I move, seconded by the Minister of Labour (Mr. Gilleshammer), that Bill 27, The Manitoba Employee Ownership Fund Corporation Amendment Act (Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Downey:** Bill 27, the amendment to The Manitoba Employee Ownership Corporation Act, will allow Crocus to operate under the same rules and procedures as funds being managed and administered under The Labour-Sponsored Venture Capital Corporations Act. A 1997 amending act adds a new definition, qualifying trust. The term is used in several provisions, but in three places it has the inadvertent effect of not allowing the purchase of shares by a retirement savings plan or the transfer of shares to a retirement savings plan or retirement income fund.

The drafter of the amending act first noticed the error on December 6, 1997. If the error is not corrected, the Crocus Fund must disclose in its prospectus and all marketing materials that the transfer of shares is restricted. As well, the fund would not be able to issue shares to reinstate the retirement savings plan. The fund advises that this would adversely affect the marketability of its shares and would place it at a disadvantage in comparison to the fund registered under the new act. The revisions have been discussed with Crocus private legal counsel, who has agreed with the amendments now being proposed to correct the problem. Thank you, Madam Speaker, and I recommend it to this House.

**Mr. Doug Martindale (Burrows):** Madam Speaker, I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

### **Bill 28—The Employment Standards Code and Consequential Amendments**

**Hon. Harold Gilleshammer (Minister of Labour):** I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 28, The Employment Standards Code and Consequential Amendments (Code des normes d'emploi et modifications corrélatives), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Gilleshammer:** Madam Speaker, I am very pleased to introduce Bill 28 which proposes to consolidate several existing statutes relating to employment standards. These would be The Employment Standards Act, which was enacted in its present form in 1957, The Vacations With Pay Act, which was enacted in 1947, and The Payment of Wages Act, which was adopted in 1970. The existing acts relate to much the same subject matter, but in many cases their definitions, methods of administration and enforcement, procedures and other provisions are redundant, outdated or inconsistent with one another. This has often resulted in difficulties for employers and employees whose rights and obligations under the legislation have not always been as clear as they might be. It has also posed problems for administrators of the legislation in terms of enforcing the law and communicating to affected parties their rights and obligations.

For these reasons it is being proposed that the three previously noted labour standards statutes be consolidated into a single unified employment standards code. The inconsistencies and redundancies in the legislation were recognized many years ago. As a result, a number of initiatives to consolidate the statutes were commenced over the last 20 years or so but were never completed.

This current initiative began in 1996 with the departmental development of the proposed code in

consultation with the office of Legislative Counsel. Following completion of the first draft of the code in June 1997, I requested the Manitoba Labour Management Review Committee, which consists of the representatives of employer and employee organizations in this province, to review the code and provide me with advice and recommendations. The LMRC undertook a thorough clause-by-clause review of the proposed code and reported back to me in November of 1997. The committee identified about 30 provisions with respect to which they had concerns or required clarification. As a result, further consultations between the committee and the department were undertaken to address these matters.

I am very pleased to note that in the course of the consolidative process, all concerns were addressed and that with perhaps one or two exceptions the proposed employment standards code is being endorsed by the LMRC. I would also like to note that as a result of this co-operative process, a new provision has been added to the code that will require consultation with representatives of employers and employees prior to new regulations being enacted, except in circumstances considered to be of an urgent nature. The consultative process in this case worked exceptionally well, and I am very grateful to the LMRC for its contribution to the process.

In summary, I suggest that the proposed code results in the following improvements over the existing statute it is designed to replace: It restructures and streamlines the legislation to make it easier to understand and to administer; it co-ordinates definitions and eliminates redundancies and inconsistencies; it updates the legislation and eliminates outdated provisions; it provides the opportunities for more effective and efficient enforcement of the law; it maintains the existing policy scope of the legislation; it preserves the basic balance of rights and obligations in both employers and employees; it requires consultation with representatives of employers and employees prior to the enactment of new legislation.

I would like to highlight and explain some of the specific changes contained in the code. First, the overtime provisions are being amended to allow employers and employees to be able to agree to have the employee take time off with pay instead of being

paid overtime wages. The time off would equate to 150 percent of the number of overtime hours worked. Existing legislation requires payment of time and a half for overtime hours worked and does not specifically allow for the option of taking time off with pay. This change, in fact, reflects what is the current practice in many workplaces.

A second change relates to the way vacation pay is to be calculated. Under the proposed code an employee who is entitled to a two-week vacation will be paid 4 percent of the wages earned in the year that the vacation entitlement was earned. This would be 6 percent where an employee was entitled to a three-week vacation. All other jurisdictions in Canada utilize this approach. It is easier for employers and employees to understand and facilitates its enforcement by Employment Standards officers.

Generally this change should have no significant impact on the rights and obligations of employers and employees. Employees who move from part-time to full-time work may be entitled to less vacation pay than they would otherwise be entitled to in the first year following their change of status. The opposite would be the case where an employee moved from full-time to part-time work. Requirements relating to the minimum payment to employees who are called to work on a regular day off are being modified. At present an employee must be paid for at least three hours of work at the general minimum wage rate. Under the proposed code the employee would have to be paid for three hours of work at his or her regular rate of pay. This would not apply where an employee's regular hours of work on a regular work day were less than three hours.

\* (1510)

Procedures relating to the processing of complaints involving failure to give notice of termination of employment will be standardized and streamlined. At present, employee complaints are filed and processed under The Payment of Wages Act. However, since that act does not accommodate employer complaints, any claims made by employers must be filed under the provisions of The Employment Standards Act that are somewhat cumbersome and outdated.

Under the proposed code, all complaints including those for failure to give the necessary notice of

termination of employment will be filed and processed in a uniform manner. This will make the legislation more understandable to all affected persons and will improve the administration of the code.

A new provision in the code would require the payment of administrative costs by an employer or employee against whom a payment of wages order is made. This would not apply in cases that are resolved prior to a formal payment of wages order being issued. I might point out that in practice close to 90 percent of complaints are resolved without the need to issue a formal payment of wages order. Administrative costs would be the greater of \$100 or 10 percent of the wages found owing up to a maximum of \$1,000. The general intent of provisions of this kind is to serve as a deterrent against noncompliance and to recover some portion of the costs associated with administering the law. Legislation of this kind, I might add, is enforced in several Canadian jurisdictions including Saskatchewan and Alberta.

A further new provision will require the payment of interest and unpaid wages in certain cases on any money held in trust by the director of Employment Standards. While the details will be dealt with in the regulations, interest would only be payable in cases where a formal payment of wages order has been made. As I indicated earlier, about 90 percent of complaints are resolved prior to a formal order for the payment of wages being made. This change is intended not only to serve as a deterrent against noncompliance but also to ensure that the person owed the money receives the full amount to which he or she is rightfully entitled. Several provinces, including Saskatchewan and British Columbia, have similar legislation relating to the payment of interest on unpaid wages.

Another amendment provides that claims for unpaid wages will have priority over the claims of other creditors up to a maximum of \$2,500. For amounts above this, wage claims will have the same priority as the claims of other ordinary creditors. At present, claims for unpaid wages have a priority up to a maximum of \$2,000. The change only updates the current provision.

The new code will also increase fine levels that have not been updated for 30 years or longer. There is a new

provision that requires the minister, except in case of emergency or urgent matters, to consult with representatives of employers and employees and other appropriate persons with respect to any proposed new regulations.

While this provision was not included in the original proposed code, it has been a stated policy of this government to consult with stakeholders prior to adopting any new regulations. In any case, on the recommendation of the Labour Management Review Committee, this policy will now be legislated into the code. Lastly, several additional amendments relate to improving the enforcement and administration of the legislation. These include strengthening provisions respecting the authority of the director of Employment Standards in the serving on third parties' demands for the payment of money, improving the ability of the department to enforce financing statements registered against an employer under The Personal Property Security Act, providing for the ability to file a notice claiming an interest in Crown lands where the employer has property on the land, and authorizing the director of Employment Standards to effect settlements of differences between employers and employees and to receive and pay out money in the settlement of those differences.

Those in summary are some of the more significant changes that have been included in the new code. As I indicated earlier, most of the changes are aimed at clarifying the legislation by removing redundancies and inconsistencies, by updating provisions and by streamlining procedures. Other changes will improve the administration and enforcement of the legislation and simplify the law with respect to the rights and obligations of employers and employees.

I would once again like to thank the Manitoba Labour Management Review Committee for its invaluable assistance in the preparation of the code and for its endorsement of the code. I have been made aware that a number of very talented and experienced labour relations practitioners devoted a considerable amount of time and effort to making this important legislative initiative a better product. In particular, I would like to express my gratitude to Mr. Wally Fox-Decent, the chairperson of the committee, and to Ms. Candace

Bishoff and Mr. Rob Hilliard, who represented and met with the respective constituents on many occasions.

This resulted in providing my department with sound advice and recommendations. Their efforts demonstrate how well the consolidative process can work to the mutual benefit of all stakeholders. In conclusion, I firmly believe that Bill 28 represents a very positive step towards the development of labour legislation in this province and commend it to the Assembly for approval. Thank you.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for St. Johns (Mr. Mackintosh), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 4—The Child and Family Services Amendment and Consequential Amendments Act

**Madam Speaker:** Adjourned debate on second reading, Bill 4, The Child and Family Services Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les services à l'enfant et à la famille et modifications corrélatives), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill the remain standing?  
[agreed]

**Mr. Doug Martindale (Burrows):** It is a pleasure to speak on this bill because it is a very interesting and unusual bill because of the process that it went through, namely, an all-party committee. I have been here for about seven and a half years, and it is the first time that there has been an all-party committee on anything other than constitutional change or Canadian unity. I think it is an appropriate process that we should probably use more often in this Legislature to review legislation and bring recommendations to the government, and I will comment further in my speech about the all-party committee.

Today we received the Fourth Annual Report of the Children's Advocate for 1996/97, and in his report the

Children's Advocate comments on the United Nations Convention on the Rights of the Child. I think it is very appropriate to compare our legislation and our practice to the UN Convention Rights of the Child. It is also significant, I think, that children have rights in Manitoba and in, I guess, all provinces in Canada.

*Mr. Ben Sveinsson, Acting Speaker, in the Chair*

Because of the Charter of Rights and Freedoms and because of provincial statutes, such as human rights legislation and, in several provinces, Children's Advocate legislation, children do have rights. That really distinguishes us from other countries around the world where children do not have rights, and where as a result they are subject to exploitation and oppression of many different kinds.

The Children's Advocate makes some significant observations. There is a comparison of Manitoba's child welfare system in relation to the United Nations Convention on the Rights of a Child, and it points out that if you compare the legislation with the convention, namely, if you compare The Child and Family Services Act in Manitoba with the United Nations Convention on the Rights of a Child, the legislation stands up quite well.

He says, and I quote, "If one simply does a comparative analysis of The Child and Family Services Act to the Articles of the UN Convention, there would be no difficulty in reaching the conclusion that from a strictly legislative perspective, Manitoba's Child and Family Services Act is very consistent with the UN Convention."

\* (1520)

However, he compares practice with the UN Convention, and he says a different view emerges. I would like to quote from his report because I think these are important observations. He says, "Many children, and their parents who are involved in the child and family services system, are not afforded basic dignity and respect that one would expect from a helping profession. Access to basic information and involvement in decisions which affect their lives is not always practised in a consistent manner. Over-reliance on social work jargon and complicated procedures

often leads to confusion, tension, and mistrust being"—between I guess—"clients and the system. Self-sufficiency and empowerment of both children and families does not occur unless it is fiscally viable and rewarding for the system."

We know that there are limits to the amount of money that government has to provide service to children, and government departments have to operate within budgets, and agencies that get money from government have to operate within budgets. One of the agencies of government that consistently has problems operating within its budget is Winnipeg Child and Family Services.

Now, it is probably a good thing that they still provide service when their budget runs out, and every year they come back to the government and they say, we have a deficit, will you cover the deficit. The former Minister of Family Services knows all about this because he was part of that process. And to their credit, every year the government passes a special warrant and covers the deficit, and this year it was \$8.8 million that cabinet approved by Order-in-Council to cover the deficit of Winnipeg Child and Family Services.

We agree that the agency and the government should continue to provide service for children in Winnipeg and in Manitoba, but obviously there is a problem with the budgeting, which the Provincial Auditor has commented on and the Children's Advocate has commented on, and we hope that the government will improve their budgeting process.

The Children's Advocate goes on to say the quality of care of children in some instances is very punitive in nature as opposed to offering guidance, nurturing and development. And then he says, and I quote, "I do not believe the whole system is all doom and gloom as there are many dedicated, committed and caring workers attempting to promote positive and lasting well-being for children and their families. As workers they are also confronted with many restrictions and limitations as to what they can offer."

So we know that in many cases, workers have many, many clients or children in their care, and that even though they would like to provide more service to them

such as home visits, and counselling and linking them up with resources, the workers on the front line are overburdened, as they have pointed out in their briefs to the government, and are unable to provide the kind of service and the quality of service that they would like.

He continues to say, and I quote, "In short, while Manitoba may have the legislative framework which supports the rights and interests of children and their families as envisioned by the UN Convention, much work has yet to be done on the actual implementation and changes to the practice of child welfare in this province." And then he says quite significantly, "government must remain committed to making a social investment on behalf of our children and their families. Sole reliance and the goodwill and philanthropy of neighbours, social agencies, and the communities is not enough as we prepare for the second millennium. The needs of children and families involved in the Child and Family Services system cannot be isolated from the broader social problems of poverty, unemployment, family violence, etc."

This is an interesting comment, as well, because it reflects other reports that the government has. For example, there was the report that was done by the executive directors of about 25 agencies in the city of Winnipeg whose funding comes from the United Way. They had scathing things to say about the lack of government funding and the cutbacks in recent years and the results and the limitations, really, on their ability to provide service to people in the community as part of their function of helping agencies in the community.

Also, the government has an environmental scan that was done by Winnipeg Child and Family Services, commissioned, I believe, by the agency, and certainly the government has a copy of that report. They talked about why children come into care, and they came up with three characteristics of children in care. What were they? Children living in poverty, children whose parenting is by a single parent and children who are aboriginal. Those were identified as the three at-risk groups, and if an individual has a combination of all three, their chances of being taken into care by Winnipeg Child and Family Services are extremely high.

*Mr. Marcel Laurendeau, Deputy Speaker, in the Chair*

I was told recently of a study at Headingley Jail about gang members that said that 100 percent of gang members at Headingley Jail were raised by single-parent households, single-parent individuals. Now, I do not have a copy of that study. I have not been able to verify it, but I would not be surprised if it is true. It would not be shocking in the least to know that, and this is not to blanket all single parents and condemn them because of this kind of information. It is just to say that a minority of single parents have great difficulty parenting, difficulty parenting because of things like living on social assistance and a lack of resources, and the result is that some of these children get into trouble.

The Children's Advocate has had an annual report every year, and some of these reports have been extremely critical of this government. The Children's Advocate has made numerous recommendations and has highlighted problems in the system; for example, children living in hotels of which there are a number. In fact, at one time they ran out of rooms at one hotel and they had to rent rooms in two or three hotels, sometimes at great expense, mainly because they were renting apartment suite hotels.

The Children's Advocate has commented on children dying in care. The Children's Advocate has commented on allegations of abuse; for example, in his second annual report on page 13, and I quote: statistics from the child and family support branch, as reported by agencies listed, a total of 97 allegations of abuse of children in foster care for 1994-95 resulting in the removal and re-placement of 61 children. In other words, in at least 61 cases, the allegations were considered so serious that the child was moved to another foster home placement. So we have some very serious concerns about service to children in Manitoba by the Children's Advocate.

Of course, we have constantly urged this minister to follow up on these recommendations. I have asked every year in Family Services Estimates what the minister is doing to follow up on these recommendations and whether or not they have been implemented, and every year, of course, we get a partial list of recommendations that have been implemented.

But some of them are still outstanding. For example, if one looks at the second annual report for '94-95, one of the recommendations, actually recommendation No. 5, the Children's Advocate says that child death reports provided by the Chief Medical Examiner where a child has been in care or in receipt of services from a Child and Family Services agency be made public to the extent possible within the confidentiality provisions of legislation.

I have urged the minister to develop this policy and to make it public and to implement it, and every year the minister stalls and says that she is working on it. I do not remember any of the excuses that the minister has given, but we are still waiting for this very important recommendation. The minister agrees with the recommendation, but we are still waiting for the implementation.

I would like to comment on the report of the Subcommittee of the Standing Committee on Privileges and Elections for the review of the Children's Advocate legislation, and I would like to commend the minister and commend the government and commend the member for Pembina (Mr. Dyck), who was Chair of the committee. I enjoyed working with him. He was a good Chair. We also had staff support from the Clerk's office, one of the staff who I believe is from Thompson. We had the pleasure of travelling to her hometown when we had public hearings in Thompson.

As I said before, I thought the process was good, having an all-party committee. Now, I know that the government members and the member for The Maples (Mr. Kowalski) and the Minister of Family Services (Mrs. Mitchelson) hoped that everything would go fine and there would be a unanimous report with unanimous recommendations, recommendations supported by all three parties in this Chamber. We were that close. We were very close to getting a unanimous report but, at the last minute, I sprung a surprise on the other members and we had a minority report from the NDP caucus.

The reason was that I took the recommendations, as the Family Services critic, to my caucus, and they felt that they did not go far enough. They also did not reflect some of the things that we are hearing on behalf of the public. Certainly it would have been very

difficult for us to write things in a minority report that the public did not support, but in fact the opposite was true. The things that we recommended in our minority report were items and concerns that were brought to the fore by those people who presented orally and in writing or who mailed in briefs to the all-party committee.

The public hearings were an interesting process in themselves. Not only did we have public hearings in the Legislature, which is normal, but we had video conferencing, which was a first for the Manitoba Legislature. I believe we had people in Brandon speaking to us in Winnipeg, courtesy of MTS, I believe. We had people from Brandon also making presentations to us courtesy of video conferencing. This is a very good way for us as members of the Legislature to consult the public without having the great expense of travelling outside of Winnipeg.

\* (1530)

Actually, one of the problems of our legislative process is that we expect people to come from wherever they are in Manitoba to the Legislative Building to present briefs, and that can be very expensive, especially if you are looking at return airfare from Thompson or The Pas or Flin Flon or one of these places or travel time in driving to Winnipeg. Consequently, we get very few people from outside of Winnipeg presenting briefs at the committee stage in the Manitoba Legislature. So video conferencing took care of that. People did not have to travel. They made presentations from Brandon and Dauphin.

Then, as I said before, we did travel to Thompson, and we had public hearings there as well. I think it is good for us as members of the Legislature to get out of Winnipeg and to consult with people. Sometimes we in this building are accused of having Perimeteritis, of not being able to see beyond the Perimeter Highway. So one way of overcoming this is for us to go out and hear presentations from the public outside the city of Winnipeg.

Now, the committee heard many, many excellent presentations. We were very pleased to have the number of people present to us as did. The first item that is in the all-party report has to do with the reporting

relationship. Most presenters recommended that the Children's Advocate report to the Legislative Assembly rather than to the Minister of Family Services (Mrs. Mitchelson). The people who made this recommendation said they believed that the Children's Advocate and his report would then be more independent from the government, that the advocate would not feel inhibited by reporting directly to the minister and would feel free to say whatever he or she needed to say in his or her annual report.

Now I do not think that is a problem for the current Children's Advocate, Mr. Wayne Govereau, who has felt quite free to express his opinion and to put those opinions and recommendations in his annual reports to his credit. But there is no guarantee as to who the next Children's Advocate will be, and we believe that, by providing more independence, this will protect the Children's Advocate to speak out and to speak up where necessary, and to make recommendations where necessary, on behalf of children. So the first recommendation of the subcommittee is one that we totally support.

Some of the presenters stressed the need to have the Children's Advocate appointed for a specific term of office in a manner similar to that of the provincial Ombudsman. The legislation addresses that, but we feel that it does not go far enough. The legislation recommends a term of three years, once renewable. We believe that this should be increased to five years, once renewable. The reason for that is that we need to attract the best possible candidates; and, if someone is only guaranteed three years or the possibility of six years, we may not get the best possible candidates.

This is a position that would probably be advertised across Canada. The current Children's Advocate, I believe, comes from the province of Alberta, and we think it would be much easier to attract someone who is suitable for the job and someone who would have excellent qualifications if they knew that they were going to have the job for a minimum of five years or a maximum of 10 years.

Many of the presenters commented on the scope of responsibilities of the Children's Advocate. Some presentations to the committee made reference to the fact that the existing scope of responsibilities was too

restrictive. The point was made that the mandate of the Children's Advocate should be expanded to respond to the concerns of all children who are encountering problems in their lives, whether that be in child welfare, mental health, the judicial system or the education system.

Unfortunately, we believe that the report of the all-party committee and the amendments do not go far enough, because the recommendation of the committee was that the Office of the Children's Advocate maintain its present responsibility only within the Child and Family Services system. We believe that there is a need to go further and to expand the responsibilities of the Children's Advocate so that he or she can investigate complaints from children in all areas of government.

The report that we have today, the Fourth Annual Report of the Children's Advocate, I believe, comments on that and points out that there are some areas where children have almost no rights. In fact, I think he points out that parents have no rights or very few rights in the education system. Certainly, that is one area where there are thousands of children and where they are affected by not only the policy of school divisions but the policy of the provincial government, and therefore it is appropriate that the Children's Advocate's responsibilities be expanded so that he or she could investigate complaints in the education system.

The next area that the report comments on is compliance with recommendations of the Children's Advocate, and it says that several presenters acknowledge the fact that the Children's Advocate can exercise broad investigative powers, though the penalties for failure to comply with the recommendations from his office are nonexistent. This was another recurring theme of the presenters, that over and over again we heard that the advocate had broad powers to investigate children in the care of Child and Family Services agencies, but that, if the Children's Advocate made a recommendation, there was nothing that the Children's Advocate could do to enforce the recommendation or to force compliance with the recommendation. So a number of people urged the government to amend the legislation to allow some sort of compliance mechanism.

There were some very good suggestions made as to how to enforce compliance. Of most of the presenters,

I asked them, well, what kind of compliance mechanism would you recommend? I also made suggestions to people and said: would you be in favour of a compliance mechanism such that, where there was a failure to agree on the part of the Children's Advocate and a child welfare agency, that the use of mediation-conciliation or other culturally appropriate dispute resolution services be provided? Most of the presenters that I posed that question to said, yes, we would be in favour of using mediation-conciliation or culturally appropriate dispute resolution services. So we think that is another area where the government did not go far enough, that there should be some sort of compliance mechanism.

We also recognize that there are many aboriginal children in care in Manitoba. In fact I believe we have the highest number of children in care of any province in Canada, and many of those children are aboriginal. I have heard, and I cannot vouch for the accuracy of this, that 60 percent of children in care in Winnipeg are aboriginal. So we believe that any of these compliance mechanisms should be culturally sensitive to aboriginal people.

\* (1540)

The committee recommended that in cases where the agency and the Children's Advocate disagreed, that a referral be made to the director of Child and Family Services for resolution, but we believe that that is not appropriate because this branch is part of the Department of Family Services, and Child and Family Services agencies report to this branch. So we do not think that is going to be sufficient to resolve cases where there is disagreement between an agency and the Children's Advocate or the Children's Advocate's recommendations.

Several presenters made reference to the fact that the duties and functions of the Office of the Children's Advocate is not well known in rural and northern Manitoba, and probably that was the biggest advantage that we had of consulting people in rural and northern Manitoba, specifically in Brandon, Dauphin and Thompson. When we asked people if they had heard of the Children's Advocate office, some of the presenters said, no, they had not heard of the Children's Advocate office, in spite of the fact that the Children's Advocate

office has brochures that they mail out, including to members of the Legislature. They have posters that they mail out. I believe I have a copy of the Children's Advocate poster in the window of my constituency office on Selkirk Avenue, and it has a phone number where children can phone the Children's Advocate office.

In spite of that, we asked presenters in Thompson if they had heard of the Children's Advocate office and some of them had not, and that is regrettable. So we believe there is a great need to expand the services of the Children's Advocate. We believe there needs to be an expansion, so that children and families are better served by the advocate's office in rural and northern Manitoba. There is also a need for culturally sensitive services. What we really mean by that is when the Children's Advocate office has an opportunity, they should hire aboriginal staff, so we have aboriginal people providing assistance to aboriginal children.

Certainly this complaint is not unique or new for this particular arm of the government. I think people in rural and northern Manitoba frequently feel that they do not have the kind of access to services that people in Winnipeg have, and from time to time governments try to address this problem, and this is one area where it needs to be addressed.

The final recommendation of the committee had to do with the need to evaluate the goals and outcomes of the key components of the Child and Family Services system. It was noted that there is a need to define measures which are objective rather than judgmental, and was further suggested that the annual reports of the Children's Advocate should focus on a critique of the system. This is a recommendation that our caucus supports. It was a good idea. We would like to see it implemented. I do not think it is in Bill 4, The Child and Family Services Amendment Act; however, it is probably not appropriate to be in legislation. If we do think it is appropriate, we can always amend the bill to put it in the legislation. It is just something that is a very good idea, and the government should just do it, or authorize the Children's Advocate to do it. Perhaps they could get assistance from the Social Work faculty at the University of Manitoba, or perhaps they can hire someone to do a statistical analysis and provide that

information in the annual report. We think that would be helpful.

The bill includes a number of new items, for example, the ability of the Legislature to remove the Children's Advocate. In this case, the parallel would be the Ombudsman legislation in the Province of Manitoba, whereby with a two-thirds vote of the Legislature, the Ombudsman can be removed. This bill says to remove or suspend on a two-thirds vote, and we think that is a good idea. Obviously, there are a number of parallels here between The Ombudsman Act and the Children's Advocate sections of The Child and Family Services Act. In fact, we are making some changes here that bring the Child Advocate into line with, or we are going to make them similar to provisions of the Ombudsman legislation.

The Children's Advocate will now report to the Legislature through the Speaker. They will table an annual report. They will be an officer of the Legislature. They will be hired by a committee of the Legislature, which is quite important. It means that all of us will have a say in who the new person is, who is being hired, not just the minister and the government, and they can be removed for cause with a two-thirds vote of the Legislature. So we are in favour of that part of the legislation.

Another new part of the bill says: "The Standing Committee of the Assembly on Privileges and Elections may refer to the Children's Advocate for review, investigation and report any matter relating to (a) the welfare and interests of children." We think that is another good provision of this amendment bill. From time to time, there may be areas that need to be investigated; there may be areas that the Children's Advocate has not been able to investigate. I am not sure what these situations would be. Perhaps the Children's Advocate might want to investigate something, and they do not have the staff resources to do so, but a committee of the Legislature, if they tell them to investigate something, then they will have to do it. So we support this new clause in The Child and Family Services Act, which actually gets the Legislative Assembly, or a committee of the Legislative Assembly, more involved in children's issues. Certainly there is need for us as legislators to get more involved in children's issues, and in supporting the very important

work of the Children's Advocate, not only investigating, but upholding children's rights and making recommendations to the Legislature and to the government.

I wish that I had time to go into some detail of the presentations that came before us, but I do not have all the briefs in front of me—I wish I did. There were many excellent recommendations which are not in this bill, which are not in the minority report in any detail, which should be looked at in the future by the government and by the Children's Advocate. It is only regrettable that we cannot act on all of the very many good ideas that we heard in the public presentations and in the briefs that were sent to us.

We had some excellent recommendations from the Children's Advocate and from experts like the Faculty of Social Work at the University of Manitoba. I am just going by memory here, but the Children's Advocate, for example, recommended a new statute, a Children's Advocate law or a Children's Advocate commission, and in other provinces they have their own legislation. They are not part of The Child and Family Services Act, and that is certainly something that this government could look at. That is something that there is precedent for not only in other provinces but in Manitoba.

For example, we used to have a section of The Child and Family Services Act on adoptions, and in a recent session of this Legislature the government took those sections out of The Child and Family Services Act, and they brought in a new adoptions act and made amendments to The Child and Family Services Act. That went through a similar process except there was not an all-party committee. It was the member for River Heights who chaired a review committee, and they brought recommendations to the minister, and then new legislation resulted. So now we have a stand-alone adoption act in Manitoba.

Certainly, this is something that could be done with the Children's Advocate legislation. Other provinces have a commission or advocate legislation that is stand-alone legislation. I suppose it is probably not necessary at this time in Manitoba. If one were to broaden the powers and allow the advocate to investigate every government department or complaints from children

about any government department or agency, then maybe it would be necessary, but as long as we have a rather narrow focus for the Children's Advocate, where he or she can only investigate complaints from a child welfare agency, then it is probably sufficient to leave those sections in the existing Child and Family Services Act.

There were recommendations that the Children's Advocate not only investigate and make recommendations but that the Children's Advocate act like an ombudsperson or even like a human rights commission, and the Children's Advocate provided a lot of information to members of the committee that was very helpful. For example, the advocate provided comparison of legislation between the Children's Advocate, the director of Child and Family Services and the Ombudsman and the Public Trustee, provided a profile of Children's Advocate services in Canada, provided copies of legislation from Alberta, British Columbia, Ontario, Quebec and Saskatchewan, and it is very interesting to read all this material and to make comparisons with other provinces.

\* (1550)

For example, I was looking the other day at legislation in Quebec, and not only do they do investigations but they have an educational function which we have in Manitoba, but I believe it is much narrower simply because of lack of staff and resources. But in Quebec they have a commission. They emphasize the rights and freedoms of children and the rights of children and adolescents, and they have an advocacy role and an education role. They investigate complaints brought to them under the Charter and provide information and education. They also provide research. I am sure that that is the kind of function that the advocate in Manitoba would like to have, to be able to do research into child welfare issues. They also have affirmative action programs, so their mandate is much broader than the Children's Advocate in Manitoba.

These things, of course, are good ideas but they cost money, and it is not easy to advocate something, that legislation be broadened, without knowing what the cost implications are. One has to be careful about advocating major changes and expanding the powers of the advocate without knowing what the cost would be.

So one is always cautious in making recommendations to broaden legislation without knowing what the cost implications are.

If I could go back for a minute to the all-party committee, I think there are a number of areas where all-party committees would be a very good idea. It has been suggested, for example, that The Liquor Act, the Sunday shopping legislation, those kinds of pieces of legislation lend themselves to having all-party committees whereby you have public hearings, you listen to what the public says, and then you make an all-party report. Sometimes there might be unanimity. Sometimes you might get an all-party report where there is agreement. I know the government hopes that is what will happen this time.

Sometimes you might get an all-party committee report where there is a minority report, and then the government just has to decide whether they are going to implement only the government-majority recommendations or all of the recommendations, but I think it is easier for the government to pick and choose recommendations that may come from all three parties if it is an all-party report. All three parties in this Legislature, if they were represented on that committee, would have listened to the public and hopefully would reflect the public's opinion in their final report and final recommendations.

Unfortunately, the way our British parliamentary system works in the Manitoba Legislature is that we almost always have government reports, usually the result of a backbencher or a couple of backbenchers, touring across the province, writing a report. Sometimes it is public; sometimes it is not. It goes to the minister, and then the government brings in legislation. That tends to be the rather rigid way that we do it here, and there are other ways, and I think an all-party committee is one way to do it.

I think that the member for Pembina (Mr. Dyck) enjoyed the process. As I said before, he was a good chairperson. It is a good way to get to know people across the way that we do not always get to know, by having meetings together and travelling together and hammering out a report together. I would hope that the government would use this process again and again in the future, especially for areas which may be less

controversial or where there is the opportunity to do something new and different, because, you know, a lot of our voters think that we are too partisan here, and they think there should be more co-operation, but there are other people that do not want us to co-operate with the government at all. I mean, there are both kinds of opinion out there.

For those who think that there should be more co-operation, we can point, I think, with some pride to the all-party committee and say here is a committee where the members co-operated very well. We did not come in with a unanimous report, which I know the minister is disappointed in and the member for Pembina is disappointed in, but I think nonetheless, we wrote a good report. The government acted on it, and it is a good model for the future. It is the kind of thing that voters would like to see more often, so we would encourage the government to have all-party committees more often in the future, and, certainly, something as important as children is a very good opportunity to do this.

So, Mr. Deputy Speaker, I look forward to the government proclaiming this legislation. We look forward to seeing if there are any changes as a result of this legislation, if the Children's Advocate actually does feel more independent by reporting to the Legislature. We certainly look forward to being on the committee that either rehires the current advocate or hires a new advocate as a result of publicly advertising the position to see who it is going to be, and we are pleased that new members of the opposition will be part of that committee that hires the new advocate.

With those words, we look forward to debating this bill, and we look forward to hearing the public again in committee, because now people have a chance to comment on the government's bill, and we look forward to the comments of the public. Thank you.

**Mr. Gary Doer (Leader of the Opposition):** It is a privilege to rise on this bill, Bill 4, and make a few comments about the bill and make some more comments about kids in our society and what we should be doing collectively as a Legislature to truly eliminate many of the causes and many of the conditions that would allow for and provide for an advocate for

children to speak on behalf of the most powerless and most vulnerable in our society, and that is our kids.

We certainly believe that the Children's Advocate should be an independent person reporting to this Legislature, as a person reporting to the Legislative Assembly as opposed to a person that is reporting to the minister of the day. It is a point we raised with the former Minister of Family Services repeatedly, and, of course, in a private member's bill, but we kind of were stonewalled by recorded announcements from the former minister about why this was not good policy.

Like so many other things that we rise on in this Chamber today, it is only a matter of time before the members opposite see the wisdom of our suggestions and the wisdom of the ideas and alternatives we have been presenting, and I guess it goes without saying that it is only a matter of time that the public will see the same wisdom and, rather than wait five or six years for something that could have been put in place earlier, they will get the innovations and the creativity and the real kind of policies that make sense for the people at the earliest possible opportunity.

So we have lost a number of years, regrettably. The former minister, of course, will know that he wanted to practice the old ways of doing things in this Chamber by having the responsibility report directly to the minister and then ultimately through to this House in terms of a report, but, of course, the Schreyer years and years after that, we developed a new way of reporting and developing people and advocates for purposes of Manitobans that would not be subservient to the minister of the day but rather be a report to all the MLAs.

Regrettably, this government, after the leadership that was taken by the Schreyer government in the establishment of the original Ombudsman and the act that was passed in this Legislature where it required the Ombudsman to report to this Legislature—regrettably, the government again, the Conservatives again, as they are wont to do, go backwards. They march backwards in time. When given a choice between going forward or going backwards, they march backwards, and only after public scrutiny and public concern and public presentations do we see an act today to have the

advocate report directly to this Legislature.  
[interjection]

\*(1600)

One would think that—speaking of moving backwards, I hear some comments from the member opposite—with the evolution of the electoral officer in Manitoba, with the Ombudsman's office and the great success we have had in renewing terms by the legislative committee for two five-year terms, Mr. Deputy Speaker, that we could have built an act for the Child Advocate years ago that would have accomplished some of the amendments that are proposed today in the act.

Having said that, we support this modest step forward, and we would say hallelujah to the government because this proposal is long, long overdue. We know, of course, that once it is passed the people that will be responsible for implementing this will probably not be members opposite but ourselves, and I can guarantee you that we will accommodate the spirit of this amendment and have this act truly report to this Legislative Assembly.

When we look at—a modest hallelujah chorus for one amendment—the existing report from the Child Advocate, we should be quite concerned about what is in this report. It really speaks to some of the issues that we raised in the minority report that we provided that, regrettably again, as alternatives were not picked up by members opposite and, on behalf of kids, we did not proceed with it.

You will recall our minority report spoke of the scope of the existing Child Advocate's office and the need to have a much broader scope in terms of how we can represent kids. Do not forget we are dealing with people that are often voiceless, they are often powerless, and they need an advocate to speak directly to us and to the public about some of the needs that they have, whether it is educational, recreational, economic, social.

That is why this bill is so important for members of this Legislature, because we are dealing with often the most vulnerable kids in our society, and we need and

they need more scope for the Child Advocate's office and, therefore, a greater voice for their concerns in our society.

One would look, and I do not know how many members opposite read the report, I do not know whether the Minister of Education (Mrs. McIntosh) has read the Child Advocate report, because obviously I would believe she should have in terms of what it meant for the people. It makes the statement that matters involving educational needs and issues and parents and children have virtually no rights and limited avenues of appeal.

Now, we did not need this report, and I do not know how the Liberals voted when the minority report of the NDP came out. I know they started kind of a Stockholm syndrome in these committees to try to cooperate and come together, et cetera. Sometimes that is a healthy environment, sometimes it is not so healthy when some of the people that are not in the same room, like the kids, are not part of the same environment of coming together in consensus.

So we did something unusual, and we did write a minority report. We got some changes that we were pleased with on the Calgary Framework and the Winnipeg Framework, but on this one we did not get some changes, and I feel that we are vindicated. When I look at the existing Ombudsman's report, I feel we are vindicated from the position we took in terms of the existing advocate act, and I keep speaking in a more general way. I feel that we are vindicated on our desire to have children have a right to speak out on the education system.

I also think it is a very major concern for all of us about the number of cases that the advocate's office is dealing with and the number of issues that they have to deal with on behalf of our kids. Many kids are facing, involved in Child and Family Services, remain a constant concern for the advocate's office. We believe that when one reads through on this report, it becomes more and more obvious that many children are feeling the frustrations of this society and feel that they have to reach out to the Children's Advocate and, therefore, the Children's Advocate feels that they are limited in terms of how much they can deal with and what is the scope of what they have to deal with in this report.

We, therefore, had moved a number of amendments to the minority report prior to the introduction of this bill. Members opposite should think back over some of the concerns we have been raising in this legislature and in the public about children and their future in our society. In 1994, we had produced a policy on putting children first, a policy that talked about health, social development and education as important needs for kids. We believe the more that those needs are met, the less of the concerns will have to be raised in a Child Advocate's office and therefore come to this Legislature in the form of a report directly as proposed or indirectly as presently mandated.

We raised this in 1994 and then we produced alternatives, an 18-point plan or about a 20-point plan, for kids. And what have we heard from the government opposite about dealing with nutrition, prenatal programs, early childhood testing, early childhood diagnosis, early childhood programs, preschool programs for kids that really need them?

What have we heard from the government opposite? They feign interest, they wring their hands and say, oh, we care. But they are almost like a person out of a Dicken's novel when it comes to actual action, because it is cutback after cutback after cutback when we look at children's services and look at its impact on children's rights here in Manitoba.

When we fast forward a few months later, a few years later, it was horrific to us to have to come forward to this Chamber with the United Way report that documented case after case after case where frontline agencies were stating that young kids were losing hope. It should have been a huge alarm to members opposite that young children were losing hope, and kids as young as eight and nine years old were falling between the cracks. They condemned the provincial government for cutback after cutback after cutback. They stated, as an independent agency working with their grassroots organizations, that government cutbacks have meant more and more of a burden is being placed upon the voluntary and staff resources that the United Way supports to their credit but the United Way feel is crumbling under the weight of Tory reductions and Tory cutbacks dealing with children.

Where was the concern opposite? Well, we got the answers: oh, I want to thank my honourable friend for

that question, and then they go on and on and on. If an interpreter could go through the weasel words or their answers, you would find at the end of the answer: I would like to thank you for the question, and we are going to continue to cut back on kids' programs day after day after day until we get just close to the election campaign; then we will make a number of other announcements which we do not plan on introducing in terms of the kids; we just think it is a political issue that we have to deal with.

So that is why, Mr. Deputy Speaker, in this bill, we feel that in recognizing the independence or enhancing the independence of the Child Advocate, we have missed the children's boat, if you will, when it comes to the scope of this legislation and the ability of this Child Advocate's office to speak up and on behalf of the voiceless, the powerless and the children in our society.

I think that every area that is contained within the so-called Postl report, early childhood programs, medical programs, diagnostic programs, programs that affect the long-term dignity and the long-term ability of kids to survive in an economy and survive in our communities should be and must be, in our view, incorporated into the act and placed as a principle of scope within the Child's Advocate act here in Manitoba.

\* (1610)

Mr. Deputy Speaker, we absolutely believe that the volumes of material and research that were contained within Postl, the recommendations that were contained in the Healthy Child report must be part of the scope of this bill.

Now, I know why members opposite are opposed to it because, of course, they are not proceeding with many of the recommendations. It was they who cut back on the diagnostic testing of early childhood people on requiring hearing, speech therapy, behaviour therapy. Do you know how long the waiting lists are now? And, of course, they are bumped back into the school programs. Do you know how long the waiting lists are now for kids in early school years, year after year after year? But you do not want that in this bill in terms of scope because this would hold you accountable for your own draconian cuts to kids and their future.

I should say that not only are these cuts draconian and heartless but they are also shortsighted, because we know and Postl demonstrates that early investment on early intervention programs will pay off through decades of kids who become young people and then adults who are going to have the skills and the capacity to make up for any shortcomings that they must deal with in terms of their own health and opportunities.

So, regrettably, this act does not deal with that. It does not provide the scope of preventing kids from getting into trouble. Again, some of the stuff that was in Postl and some of the reports we have seen from the Indian and Metis Friendship Centre and other areas talk about the need to prevent crime. This is why the Tories are so off base. On the one hand, they have bombed all the bridges of opportunity for kids in our communities. They almost have policies that breed crime, and they do not have policies then to prevent crime and give kids hope and opportunity.

Why not have this as part of the Child Advocate's scope? Why not have the issues of hope and opportunity, recreation, education, community assets and places to go, literacy programs, programs that will make a difference for kids? Why do we not have that as part of the scope of this bill as well, on behalf of the powerless and the voiceless in our society?

I suggest to members opposite that they do not want that kind of scope because they know, they know they have cut it back dramatically. So why is the Minister of Education (Mrs. McIntosh), when this bill is presented at cabinet, not fighting for education to be part of this bill? Why does she not want the scope expanded? [interjection] Well, the minister says: nice try, and I know it took us five years of stonewalling by the previous minister, five long years. Well, this bill is really saying you were wrong. [interjection] You are not surprised I am saying that. Well, it is basically saying, and it is funny that you just correct these mistakes just in time to have the next report come somewhere else, right? Just in time, you know, it is just one of these just-in-time policies of the Tories, just-in-time for delivery, just in time to deliver it after the next election campaign. How many bills and policies do we have that are just in time for the next election campaign? I mean, you can go on and on and on. I mean, whether it is hospital capital or personal care

capital or all these education capital or all kinds of other issues that they have failed the people of Manitoba for years, and all we get is just wait and just in time for something in the future.

**An Honourable Member:** You should have been a spinner, Gary.

**Mr. Doer:** I should have been a spinner. Well, I take my hat off to members opposite for spinning. They seem to have—well, of course, there is a symbiotic relationship between the media and the Conservative Party, a kind of organic relationship that they might have. We are not in that same milieu as members opposite in terms of this. Let me give you an example of this as it affects the Child's Advocate act. When we released the United Way agency report and provided a table out of this Legislature and asked questions of members opposite, would you think when the United Way was saying that children have no hope, nine-year-olds expressing real concern about their future and real frustration, one would have thought that that would have ended up in the front page of the most prominent newspaper that we have in our community.

**An Honourable Member:** And did it?

**Mr. Doer:** No, it did not. The spinners were out there. You know, the censorship was in action, the spinners were out there killing the story at the desk and killing the story with the editors and the powers that be over there. So then a couple of days later after some of the other electronic media ran the story, after some of the electronic media had the conscience to run the stories, the report was written as if we did not even raise it in the Legislature, on the op ed page of the paper three days later. What was missing from that of course was the accountability of the Tories to children, the accountability of the Tories to their own cutbacks and the accountability of the Conservative Party and the government to the future of kids in our society.

Therefore, when the Minister of Rural Development (Mr. Derkach) heckles me about spinning, we must look at the Child's Advocate bill because children do not have the right and power of spinning like members opposite do, and that is why they need a stronger Child Advocate with a much broader scope that we will be proposing in amendments that I hope are joined by

other parties as we proceed to have an act of the future rather than just correcting the mistakes of the past.

So, Mr. Deputy Speaker, we support the advocate becoming an officer of the Legislature, but we wonder why the term of office is only for a three-year period of time. We think the model at minimum, the Ombudsman's model of five years, and five years makes sense. This Legislature has the right to renew or not renew the term, and I think we believe so because we want somebody that I think it is reasonable for people to interrupt their existing careers for a 10-year period and it is a legitimate period of time to develop the expertise to develop the intellectual expertise, but as well as that the kind of public credibility that gives you power to speak out on behalf of kids over a longer period of time. We do not want somebody the minute they are getting into this office to have to be thinking about what their career will be after they are out of office in a relatively short period of time.

\* (1620)

Now we know that people's careers will change more rapidly, but we think a five-and-five year period of time, we think kids and their advocate needs should be treated on a comparable basis to the Ombudsman. If we are going to a comparable reporting system to this Legislature, then we believe that the comparability should be carried on for the term of office, and we will be proposing that obviously when it is appropriate to do so.

We have also raised some concerns about rural and northern Manitoba services, and we will be looking at proposals for this. We think, as I said before, that the Ombudsman is telling us today, or the Child Advocate is telling us today, that education must be included and considered as part of this report. We also think that the government should take note for the long-term interests of investing in children. We have suggested before that we live up to the UN Convention on children, and we find that the words are strong, but the action is somewhat wanting.

I would quote from the advocate's report today that, the government must remain committed to making a good social investment on behalf of our children and

their families. Sole reliance on good will and philanthropy of neighbours, social agencies, and community is not enough as we prepare for the next millennium. The needs of children and families involved in Child and Family Services systems cannot be isolated from the broader social problems of poverty, unemployment, and family violence. If we truly support the UN Convention on the Rights of the Child, then we must be prepared to make a fiscal investment to ensure that our families can become strong and prosperous, and the well-being of our children and our future is guaranteed.

Members opposite should understand this, because when you look at what is going on in Manitoba versus Saskatchewan, when you look at the clawback on some of the tax benefit packages for low-income families with children by this government, when you look at the programs that have been put in place for early childhood intervention, early childhood nutrition, and early prenatal programs with mothers and families, when you look at some of the work that is being conducted for both the income side, the education side, and the opportunity side, and you compare that to what has been announced in Manitoba compared to what is being announced in Saskatchewan, you will find that Saskatchewan is miles ahead of us in terms of what they are doing and how they are doing it. That is why the social council of Canada is praising the Saskatchewan government for the initiatives that they introduced, and that is before their massive introductions of new programs that they introduced along with their budget of two weeks ago.

It is regrettable that this government will talk about children's programs, but, what really it is doing is putting back a little bit of what they cut in the past. Whatever it is, they have cut it before, they have cut it before, they have cut it before. They put a little bit back, and they try to claim that this is a children's program, and they try to feign interest in children and in their well-being.

Mr. Deputy Speaker, we believe that the amendments that we have put forward today—

**An Honourable Member:** What amendments are those?

**Mr. Doer:** Okay, the amendments that we will be putting forward on this bill will make it a stronger bill for scope. It will make it stronger for purposes of term. It will call on the government to give kids and children a voice in education. It will look at the Postl report and at the inadequacies of this government. We will vote for this person, this Child Advocate reporting to the Legislature, but we will also vote with our most vulnerable and voiceless by proposing much stronger amendments to make the Child's Advocate office broader in its scope and, therefore, more sensitive to the needs of our kids moving into the next millennium. Thank you very, very much, Mr. Deputy Speaker.

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, it is actually with a great deal of pleasure that I get to stand today and speak to Bill 4. I think that a good number of the concerns that the Leader of the New Democratic Party (Mr. Doer) has put on the record I would concur with in terms of when we talk about the scope in particular of the legislation and the benefits for children in the province if in fact the government were to take a more positive, progressive move towards the protection of the rights of our children.

I can recall very clearly the discussions that took place when we first created the child advocacy office. It was quite a controversial bill at the time in the sense that the single most important criticism from what I can recall offhand was where the children's advocacy office was reporting to. We had argued that in fact it should have been reporting to the legislative Chamber. We really believed that that was absolutely critical because it would give a sense of independence to the office, much as we have a sense of independence for other offices such as Elections Manitoba, such as our Provincial Auditor, the Ombudsman's office. All of those offices are absolutely critical in modern-day democracy, if you like.

What I look at when I think of our children and the children's advocacy office is that there is little doubt, and I think that each and every one of us has said this in the past, that our children are our future. We cannot take for granted the uncomfortable situations that children are far too often put in and rely on those social structures that we have in place to alleviate those concerns.

Far too often we do take that for granted, so we do need to be more active and, as I say, progressive at ensuring that future I am making reference to, our children, that they do in fact have an advocate that is going to be there for them. Where we can broaden that, as I make reference to the broadening of the scope of potential legislation like this, I think, can be a positive. I should not say "I think"; I know it can be a positive, and we should not be reluctant to move in that direction.

When I look at Bill 4, Mr. Deputy Speaker, what I see in it is, in essence, an admission that in fact the government was wrong in not bringing in or doing it this way in the first place. I do not necessarily want to condemn the government for not doing it in the first place, because when government does something positive, I like to think that I can give a straight-across-the-board compliment.

In this particular case, they have done a good job in bringing forward the legislation that is there. The only disappointment that I would have with respect to it, and the Leader of the New Democratic Party (Mr. Doer) made reference to it, is, in fact, its scope. I say that primarily because I, like many MLAs, have opportunity to deal with a good number of youth in our community.

In one of my capacities as a volunteer, I work with different types of youth from the different socio-economic strata, if you like, and the ones that I find most challenging or most difficult in terms of trying to assist are those individuals that come from the dysfunctional family. That is really a challenge for all of us.

\* (1630)

I can recall having conversations with individuals within the community in regard to some of these problems. In particular, I can recall offhand where there was one youth that I was involved with and trying to assist, and this individual was somewhat stereotyped into a position in which their destiny has already been decided. This child, if you like, was just going to evolve right into that position where it was talked about that the individual's mother, because this one happened to be a single mom, had no idea what was happening around her; in all likelihood did not even know how

many children. I say that somewhat facetiously, Mr. Deputy Speaker, but really had no idea what was happening with her children. This particular child who was 14 years old, I was surprised at how she had to mature mentally in order to survive, not only in the outside world but also inside her home.

I look at instances such as that, and one has to wonder what role or what more maybe we could be doing as Legislatures to promote a healthier atmosphere for these children. I am not talking that the government has to come in there with their heavy hand, Mr. Deputy Speaker. I think that what really needs to happen is that we need to get the communities more involved.

That can be done in so many ways, and what needs to happen is that we have to start looking for some more tangible solutions, because if there is any area in the last nine, 10 years in which I have been around and which I think there has been a very strong failure of politicians of all levels, it has been in trying to deal with the issues facing our young people today.

I had opportunity to meet with, for example, a number of youth to which I posed a question. It was just over 200 youth. They were all Grade 9, some might have been Grade 10s, and one of the questions that I would pose to them was in the last six months how many of you have actually set foot in a community centre, and there was a lot of prodding to try to get them to put up their hands. Less than 10 percent actually indicated that, in fact, they had set foot.

Now, Mr. Deputy Speaker, I would think that it is probably higher than that in terms of the actual numbers who attend, but here, where different levels of government try to provide services and programs for our students, I am not sure if we are really hitting the mark. I think in certain areas, especially in extra-curricular activity that goes on outside of our school days such as the community facilities that we have, maybe we are not providing the type of programming that our young people want to see.

I have seen, to a certain degree, a number of young people who have said to me, for example, maybe what we would like to see is more of a social atmosphere. Maybe it is pinball machines; maybe it is some pool tables; maybe it is a hangout; an informal basketball

shoot over at the local gymnasium. There are all sorts of things which I believe could be done at that end. Well, if we take a look at our schools, I would again argue that our public schools are there to challenge the abilities of all students, whether they are the gifted or the learning disabled. If we fail to do that, quite often what will happen is they will fall through the cracks.

The reason why I bring that up is the same reason why I would bring up the community clubs and activities that go outside of the schools, and that is there is a role for us to ensure that the young people who are in our communities, who are in every community, do have challenges before them, and in many cases there are far too many children who are falling through the overall—not only public educational cracks but the cracks that are there for society. If we were talking about one or two or three students, well, maybe it would be a little bit more easy to take, but we are talking about significant percentages of young people who are, in fact, falling through this crack. It is somewhat disappointing in the sense that it does not appear that we are really addressing this particular issue.

So when I think of the child's advocacy office, Mr. Deputy Speaker, I think of that as the last stop, the opportunity for our youth in particular and society as a whole to see this particular office be what the name says, and that is an advocate for what is of critical importance, that being, as I indicated, our future, our children. That is the reason why I do not believe that we do any service by not allowing the child advocacy's office to broaden its responsibilities. What I would be interested in hearing from the minister, in particular, is more so how the minister envisions the future role of the advocacy office. To cite a specific example, it would have been very reassuring had we heard a number of years ago the then Minister of Family Services say that, yes, the advocacy office is not going to report to the Chamber but what I see happening is it reporting to the Chamber within the next few years.

*Madam Speaker in the Chair*

Madam Speaker, that would have been, I think, a positive contribution to the debate. What I would like to see from the current minister responsible for Bill 4 is for her to come out and give some sort of an idea as to

how she believes the role of the advocacy office is going to expand, hopefully, in the future but most importantly to acknowledge that there is a need for the advocacy office to continue to grow. That is what is most important, and that is what I look to the Minister of Family Services (Mrs. Mitchelson) to say, is to tell us—because I know that members of the New Democratic Party do have intentions on bringing four amendments.

\* (1640)

The Leader of the official opposition has already indicated that, and I applaud members who have been able and have the time and the resources to be able to look into it in more depth and come forward with amendments which could have a very positive impact. I would suggest to the Minister of Family Services (Mrs. Mitchelson), because to a certain part she has already expressed an open mind on this particular issue—after all, she is bringing forward this particular bill—and that is to continue with that open mind going through the committee stage and public hearings in hopes that there might be something that will come out of the committee stage in the form of amendments that could have a very positive impact on the child advocacy office, in hopes that the minister will, at the very least, seriously listen to what public and members of the opposition are saying; adopt where it is possible.

If there are amendments that are not adopted, at the very least in conclusion before it leaves committee or at her last opportunity during third reading, be able to talk about the future role of the children's advocacy office and what she sees happening over the next number of years, in order to take into account the concerns that not only members of the opposition have but members of the public, and to portray some sort of a vision that the government has with respect to this very important office.

With those few words, Madam Speaker, as I have indicated, it is actually with great pleasure that I would be voting in favour of this bill.

**Mr. Gerard Jennissen (Flin Flon):** It is indeed with pleasure that I am allowed to put a few words on record regarding Bill 4. Bill 4 attempts to implement the recommendations of the Subcommittee on Privileges

and Elections, which, as the member for Burrows (Mr. Martindale) has pointed out, was an all-party committee. I think that shows people in Manitoba that we can work together, that all factions and all groups in this House can work together. But I also point out that there was a minority report issued from that subcommittee, so, although we work together well, we obviously do not always have exactly the same opinion.

It is well known that all is not well when it comes to the rights of children, and many critics have pointed this out. We do wish to strive as much as possible to empower families and to empower children, but it is also true that, when we talk about the child advocacy office, the Children's Advocate, lack of funds or finances often narrows the scope of what we would like to do. So there is quite a difference between what we want to do, what we would like to do and what actually happens, and it is unfortunate that money often becomes a deciding factor.

As the member for Burrows has pointed out, Child and Family Services in Winnipeg itself regularly overbudgets and the government does cover the deficit, but it does point out that in the initial phases of planning we never seem to have enough dollars to address the serious situations that exist out there with regard to children and problems faced by children.

Also, as the member for Burrows has pointed out, the Child Advocate has stated that all is not doom and gloom despite the fact we all know that front-line workers are overworked and stretched way too thin, but the biggest point made, I think, by the Child Advocate was that philanthropy is not enough. Charity is not enough, and that is one of the problems. Very often, I think, especially members opposite seem to think that the charitable approach is the one that solves the problem.

We are talking about a much more systemic problem that has to be addressed much more globally and in a much more general fashion. We are dealing with broader social problems, problems of violence, poverty and unemployment, and those are linked. It is no accident that the unemployed and the poor often resort to violence, because they see that as their only option. It is unfortunate that children get caught in the same spiral or in the same atmosphere.

I am talking also of violence that children themselves perpetrate. I attempted to get to a funeral just several days ago to Lac Brochet where a young man was horribly—he was murdered in Thompson but horribly mutilated in the process. It was a terrible, terrible tragedy, and allegedly—although this is, I presume, before the courts now and perhaps these three people have been charged—but at least the allegations that are floating out there are that young people were involved in this horrible mutilation, children as young as 14 years of age. That concerns us greatly, that people that age should find their life so hopeless that they have to resort to these incredibly sadistic and violent acts.

Very often when I travel up north it is the aboriginal children who are increasingly at risk, in places such as Tadoule Lake and Lac Brochet and Brochet, Pukatawagan and other northern, isolated communities. I talk with the teachers and I talk with educators. One of the big problems faced not only in those northern communities but also in the centre of the city and other places is fetal alcohol syndrome and fetal alcohol effect. Those children face a very bleak future, and the teachers teaching those children have an incredibly difficult task on their hands.

Madam Speaker, the fourth annual report of the Children's Advocate has been delivered, and the member for Burrows (Mr. Martindale) made reference to past reports and allegations, or at least the Children's Advocate alleged that there had been quite a few abusive situations, especially in foster care. There was talk in the past of improper housing or children warehoused in hotels because of lack of proper housing for children, and so on. A whole series of ills and ailments were chronicled by the Children's Advocate. I am sure we are trying to address these situations, but as pointed out before I think it is very often a question of too little coming too late.

However, I do not want to belittle the process. Many positive recommendations have been made by concerned individuals and organizations to members of the subcommittee, and I wanted to congratulate the subcommittee members in travelling outside the city to get away from Perimeteritis, I guess is the right word, beyond the Perimeter. I am very glad that they also use technology, because I know they dealt with video conferencing. So there was fairly widespread input to

this process, and I am very happy to see that. I think that is a very democratic direction to be going.

Bill 4, Madam Speaker, establishes first of all the Children's Advocate as an independent officer of the Legislative Assembly. I think that is a positive direction. I think we need to put distance between that person and people, the one person wielding the authority of the minister, for example. It is better for us to have that person directly responsible to the Legislative Assembly. It makes the whole process much more objective and I think therefore much more credible.

Secondly, the terms of office, Bill 4 deals with terms of office for the Children's Advocate and recommends a three-year term which could be renewed once. As the member for Burrows (Mr. Martindale) has pointed out earlier, that is perhaps a fairly short term, and he had some concerns that qualified candidates might not apply for the job, because a three-year term might not seem long enough, but I am sure that could be changed either in committee stage or via amendment or whatever. But perhaps a five-year term might be more appropriate.

Thirdly, according to the content of Bill 4, the Children's Advocate can be removed only by a two-thirds vote of the Assembly. I think this appears to be a reasonable and sensible direction, because that would not place the Children's Advocate at the whim or the mercy of any particular party that happens to be in power. It is not likely that any particular party in power would have two-thirds of the members, although I guess that is possible. I prefer to see this two-thirds rather than the 50 percent plus one.

Fourthly, The Standing Committee on Privileges and Elections may refer to the Children's Advocate for reviews, investigations and report any matter relating to the welfare and interests of children or services provided to children under The Child and Family Services Act. That was the fourth point under Bill 4.

As the member for Burrows has pointed out, there are many good ideas out there and many of these ideas have been presented to the subcommittee. Many of these ideas hopefully will be put into operation, but at the same time we want to point out that the member for

Burrows did issue a minority report. So it is good to have good ideas, but that is often not enough. We need organization, we need co-operation, and we obviously need money. To safeguard children and to be serious about the rights of children may not be a cheap process.

The member for Inkster (Mr. Lamoureux) made some interesting comments, Madam Speaker. He pointed out the tragedy of so many children who are already set on their, it seems, predetermined path at a very early age. It has always bothered me as a teacher that teachers of kindergarten children or Grades 1, 2 or 3 are already able to say this child will do this; this child will become that. It is very disheartening when someone says about a six-year-old, you know, this kid will become a thief or this kid will do this or this kid will do that, and you want to shout at them and say, no, we can change this; it does not have to be that way. Sadly and unfortunately, sometimes—well, very often these predictions come true.

Now, I would also point out, Madam Speaker, that sometimes teachers are wrong about children, very often. I would like to refer to a study done in 1969 by Rosenthal and Jacobsen reported in *Scientific American*—I think it was January of 1969—where teacher expectation in that study was absolutely critical to child performance; in fact, to child intelligence, IQ. If the teacher thought the kid was a loser, then the kid would become a loser, and if the teacher thought this kid had hidden potential, that this kid was an underachiever, then the child usually did very well. So teacher expectation can have a tremendous impact on the life of a child and, of course, that of parents and of peers as well.

\* (1650)

But to get directly back to Bill 4, Madam Speaker, as my Leader pointed out, the independence of the Children's Advocate is very important, very important. The advocate should not be subservient to the minister. The advocate should be, in a sense, the servant—not the servant but be responsible to the House. It is a good democratic direction to have the Children's Advocate report directly to the Legislature. I think that is indeed the proper and democratic direction to be going.

Madam Speaker, as mentioned by several previous speakers, our member of the subcommittee issued a

minority report. It is unfortunate that many of the government members and perhaps others did not take that report seriously enough to validate his own report; in other words, to incorporate his ideas. That was unfortunate because I do believe that that minority report more directly reflects the concerns and the issues raised by the Children's Advocate, him or herself.

The members of this side of the House, Madam Speaker, believe that there are serious issues affecting children and that these issues need to be put into a proper context, into a proper frame. In other words, we have to look at it in a much more generic, general, broad-scoped way, as the member for Inkster (Mr. Lamoureux) pointed out. We cannot merely narrow it down to a very narrow focus and at the same time be overly concerned about dollars, because some of these problems are going to require a lot of money to fix.

My Leader and the member for Burrows (Mr. Martindale) made reference to the United Way report which chronicles the anger of many young children, the hopelessness, the lack of direction, and that bothers me. It bothers me a great deal that children that age do not see any sense in living or do not see any sense in becoming productive members of society. That bothers all of us in this House, Madam Speaker.

In fact, I remember—and this ties in with something that happened in 1989 or 1990. I am not exactly sure which year it was, but I was working as a consultant for Frontier School Division, and we ran a questionnaire for all our teenage students across the Frontier School Division in conjunction with a federal questionnaire. I do not have that questionnaire with me or the results, but I do remember some great discrepancies between our students, our teenagers in northern Manitoba and those of the rest of Canada.

I remember particularly the teenagers under our jurisdiction of Frontier School Division saying things in large numbers, well over 50 percent, 60, 70, 80 percent range or more, that they never in their life thought they would hold a decent-paying job. That concerns me when we have three out of four students, teenagers, saying, no, I do not think I will ever get a decent job; it is just not out there. Or even more disconcerting, Madam Speaker, were students saying they felt that their parents did not love them, and it was an

overwhelming number of students, I believe 80-some percent, totally in opposition to the national sample which was something, I believe, like 10 or 15 percent.

So we have the vast majority of students saying they do not feel wanted. They do not feel like they are important in their family, and, of course, that attitude puts an incredible strain on teachers who then have to fulfill the function of parent, in a sense. But it concerns me that there are so many children out there who have that attitude, and I do not know how you can succeed in school or succeed in this society or become a productive member if you are at that stage where you really believe that, but that seemed to be happening. At least our research indicated that was happening. There was an abysmal lack of self-esteem. It is indeed quite scary that some of those young people hold themselves in such low self-esteem.

I agree that maybe throwing dollars or money at the problem is not going to solve it instantly; but, on the other hand, nickel-and-diming things to death is not going to improve it either. I think perhaps what we are saying is that the problem is much more complex and we have to look at it in a much broader context. We have to develop a much broader scope, as both the member from Burrows (Mr. Martindale), my own Leader, and the member from Inkster (Mr. Lamoureux) have pointed out.

Therefore, the Children's Advocate needs more power. We need to see the problems that children face in the proper context. We cannot just reduce them to a simple formula. It is complex, and it has to be studied in that fashion. It is not going to be easy because all of us may have altruistic aims. We want to make the world better for children—there is no doubt about that. We want children to have a better future. But is that really happening out there? That is the question, Madam Speaker. We feel, though, that a good first step is the Children's Advocate. We just wish that the Children's Advocate would be more broad based, would have more powers as we have advocated; and, as others have said before me, we are hoping that some of those changes may yet take place in the committee stage via amendments, or perhaps by later bills.

**Mr. Conrad Santos (Broadway):** Madam Speaker, this is an opportunity for me to express and participate

in forging this legislation about the Child Advocate's office. This is an office that derives its nature from that old Scandinavian idea of Ombudsman, an old institution that is created for the purpose of solid accountability to the citizens themselves. It is important that public officials in government, appointed or elected, should have that sense of link to the people that they serve, a sense of accountability to the general welfare of the community and all the individual members of society. It is for this reason that it is important that the Child's Advocate office should be reporting directly to the Legislature, in the sense that the legislative members of this body are representing constituents and citizens in their respective districts in our province. It gives the occupant of the office a sense of importance, an independence from the government of the day in the pursuit of what he thinks to be in the public interest.

Children are one of the more important assets of any society. The children of today will be the citizens of tomorrow. Unless we are able to prepare them for the vicissitudes of life and the necessary environment for their self-improvement, we will be creating problems for ourselves to solve. Research has shown that the first few months—the first seven years, in fact—of an infant's life is most crucial to the future destiny of the child. If the child has been neglected—let us say the father, the mother are both working, and they had no time for the child and there is no sense of security or safety in the psyche of the child—the child becomes a problem child, right at the very beginning. Research has shown that even touching the child by the mother is quite different from the touch of any other stranger as far as the child is concerned, especially in the rapid development of the brain and all the senses of the child. This is important for the proper composure and proper growth and self-development of that living being. In other words, the attention and the love and caring that we show these little children is important for the present and for their future development. So it has been written that whosoever causes any one of his children to stumble—it is written in the Good Book—it is better for the person to put a heavy millstone on his own neck.

\* (1700)

**Madam Speaker:** Order, please. When this matter is again before the House—this will remain standing in the

name of the honourable member for Broadway (Mr. Santos), who has 36 minutes remaining and, as previously agreed, will also remain standing in the name of the honourable member for Transcona (Mr. Reid).

### PRIVATE MEMBERS' BUSINESS

**Madam Speaker:** The hour being 5 p.m., and time for private members' hour.

### PROPOSED RESOLUTIONS

#### Res. 13—Manitoba Legislative Task Force on Canadian Unity

**Mrs. Shirley Render (St. Vital):** Madam Speaker, I think most of us remember that right after the budget speech the Premier (Mr. Filmon) put the resolution from the all-party task force on unity on the Order Paper. Most of us had a chance to discuss it at that point, and as we know, it was passed unanimously here in the Legislature, so I do not know that we should be debating this resolution again. I would suggest that I would like to withdraw the resolution. Thank you.

**Madam Speaker:** Is it the will the House to have the honourable member for St. Vital (Mrs. Render) withdraw her private member's resolution? [agreed]

#### Res. 14—Gang Action Plan

**Madam Speaker:** We will then move to Resolution 14.

**Mr. Gord Mackintosh (St. Johns):** I move, seconded by the member for Broadway (Mr. Santos), that

“WHEREAS since 1990, violent crime in Manitoba has increased more than three times as much as the Canadian average; and

“WHEREAS crime can only be effectively dealt with through both prevention and suppression; and

“WHEREAS the tough talk of the Provincial Government has not been matched with action; and

“WHEREAS Manitobans want a positive, comprehensive response to crime and gang crime that provides alternatives for youth; and

“WHEREAS a July 1996 editorial entitled, 'The Real Solution' stated, “Help could come with improved recreation, training and employment programs and from improved support for families in trouble. Young people with no marketable skills, no job and no prospects are apt candidates for gang activity.”; and

“WHEREAS in his 1996 Report on the Headingley Riot, Justice Ted Hughes, Q.C. said, 'The difficult part of this process will be to move the governments at the federal/provincial/territorial table in the direction of "The Real Solution". What must be appreciated is the serious consequences that will occur if that movement does not commence, for failure to respond will threaten the continuance of control of our streets by lawful authorities.'; and

“WHEREAS the New Democratic Party has put forward an eighteen point plan to deal with gang crime; and

“WHEREAS this Gang Action Plan is divided into elements focused on both the justice system and families as well as schools and communities; and

“WHEREAS this fully costed plan has been the subject of widespread consultation and has been praised as a detailed plan to fight youth crime that is well thought through and constructive.

“THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba urge the Provincial Government to consider developing policies which offer hope and opportunity to provide positive alternatives to youth, as well as swift meaningful and firm consequences to members of criminal gangs; and

“BE IT FURTHER RESOLVED that this Assembly urge the Provincial Government to consider using the New Democratic Party 'Gang Action Plan' as a basis for provincial policy on organized criminal gangs.”

**Motion presented.**

**Mr. Mackintosh:** Madam Speaker, it was not any more distant than this morning that I heard some of the fallout from this horrid threat of street gangs in the city of Winnipeg. I heard about a situation where families in the inner city are now placing themselves in their homes away from their windows. They have reorganized their living spaces so the chairs are up against walls that have no windows or in corners.

I heard of situations where families have moved out of, not just the inner city, but moved out of Winnipeg, in hopes of avoiding continued involvement or new involvement of their children in street gangs and, as well, to avoid the dangerous threat that comes with both involvement in street gangs and living in the community where street gangs are apparently thriving.

Children and youth in Manitoba are staying home from school; they are staying home from their community centres. People of all ages are avoiding going out as they once did and, indeed, are even changing their behaviour in their own homes by installing alarms, by even putting bats next to their doors.

It is not just people in the city of Winnipeg that are threatened by this rise of street gang activity. This problem, like a cancer, has grown out far beyond the boundaries of Winnipeg. People from communities all across this province and, indeed, a couple of weeks ago in northwestern Ontario, there too, are reporting on street gang activity caused by gangs that once thrived only within the city of Winnipeg.

We are concerned, and rightly so, Madam Speaker, that the fallout of this threat that I describe through several examples is being increasingly felt throughout this province and even beyond. We do not need statistics, but they are valuable because they do justify the increasing fear that we have of violent crime in this province.

In 1992, there began a marked change in the violent crime rate in Canada, and the marked change was the astronomical increase in violent crime in the province of Manitoba. Indeed, by 1993, Manitoba had the highest violent crime rate of all the provinces in Canada, an unfortunate position which continued in the

years following, up to the last year for which statistics are available and that is 1996.

Within those years, Manitoba not only had the worst violent crime rate of all the provinces, but it had the highest violent crime rate ever recorded, to our knowledge, in Canadian history. That is "Friendly Manitoba," Madam Speaker. The friendly Manitoba that Manitobans increasingly fear is slipping away from them. Now, this problem of street gangs and violent crime has taken place under the current government. Is that coincidence, or is there a cause and effect?

\* (1710)

It is strange when you consider that this is the government that ran in no small way on a law-and-order, get-tough-on-crime campaign in the last provincial election. And I suppose they felt that, having been partly responsible for creating or worsening the violent crime rate, they should use that to their benefit or perhaps try and put together policies that would effectively make us safer. But what has occurred? We have not seen a significant decrease in street gang activity. In fact, the number of known street gang members, known to the City of Winnipeg Police Service, has increased from about 400 to over 1,400 today, and that is in the course of about four years. The most recent indication I had from the Winnipeg Police Service Street Gang Unit was that, although about 200 street gang members were taken off of their list of those identified because they were inactive for a period of a couple years, as I recall, there had been a net increase nonetheless. They believe that the number of street gang members in Winnipeg was still well over 1,400 and growing.

With this reality in Manitoba, this new reality, we now look at the government and its election promises, what it has done both before and after the election, and what we see is a government that continues to ignore the problem, that does not so much as mention street gangs in its throne speeches. It does not so much as mention street gangs in its budget addresses, and yet this issue is on the minds of Manitobans. It is on the minds of Manitobans to the extent that it will be raised as either their first concern or certainly in their top three concerns. While families are moving, while families are living in fear, this government continues to ignore

the realities. What that tells me is that they are not prepared, then, to provide a comprehensive response to street gangs. The first step in responding in a comprehensive way is to recognize the problem. I cannot understand what public relations plan this denial of street gangs comes from, or, is it indeed stemming from the fact that members opposite just do not understand, do not care?

I wondered, Madam Speaker, if they did not want to mention street gangs in their throne speeches and budget speeches, because they were fearful that it may impact negatively on the investment climate. I know and Manitobans know how important that is to members opposite. But when we see time after time, in the national media, reports on street gangs and violent crime in Manitoba, when we see reports on how Manitoba is the violent crime capital of Canada or the murder capital of Canada, even on their own analysis of what might be important to investors, why are they not recognizing and comprehensively dealing with this threat?

We have seen over the last number of months alone the continued pattern of a government that is either turning a blind eye or failing to put in place an aggressive policy to counter this threat. We see certainly a willingness on the part of the government to point the finger at other parties, particularly a willingness to point the finger at the federal government.

I think, for example, of the situation where a person by the name of Fabian Torres was charged as a result of a home invasion in the town of Ste. Anne. It then came to light that Mr. Torres was in fact serving a conditional sentence in the community for involvement in the death of Beeper Spence. What did the government do, both as I recall, at the ministerial level and at senior officials' level? They pointed the finger at the federal government saying what a horrid amendment to the Criminal Code; what horrible shortcomings with these conditional sentences.

Now, we join with the government in concern about that legislation, but what moral authority did the government have to point the finger elsewhere when, meanwhile, that conditional sentence posed by Mr. Justice Schwartz did not receive an expedited fast-

tracked appeal? I ask, Madam Speaker, if indeed this government believed that particular individual—and it is just one example—was a threat to the community, was it not incumbent on this government to ensure that the appeal was heard as expeditiously as possible? What we did discover was that even the transcript in that case was not obtained for four and a half months following the sentence, when we were told by officials in the department that it could have been obtained within seven days. That transcript is important because it triggers the timing of the rest of the appeal and its eventual hearing.

We saw in the papers today another example of this government's shortcomings when it comes to prosecuting gang crimes in a serious way. Gang crimes are serious, and it requires a serious response. Following the tragedy, the death of Jeff Giles, we asked this government to investigate why it was that the police had come to the conclusion that one of the accused there had to be released on bail pending weapons charges when well on probation. We asked given that this appears to be a textbook case of when someone would be denied bail: why were the police under this apprehension that this individual had to be released?

What did the minister do? Did he cause an investigation? No, Madam Speaker, he did not. Indeed, what he did do was say—well, someone can ask the city of Winnipeg police. That is not the sense of responsibility Manitobans expect of the chief law enforcement officer and the person responsible for the administration of the Criminal Code in the province of Manitoba.

This is not a time for finger pointing, Madam Speaker. It is a time for each of us looking to see what each of us can do to better ensure the safety of Manitobans and to deal with street gangs. We are putting forth positive ideas while pointing out the shortcomings but, for every shortcoming that we point out, we bring along a positive suggestion for public debate.

One of those suggestions was put in the form of our 18-point Gang Action Plan, which we began producing following the tragic death of Eric Vargas in the city of Winnipeg. This 18-point plan is not everything to

everyone, but it provides a good first start and it provides fertile ground for discussion and debate.

The plan has been discussed throughout the communities of Winnipeg in particular and elsewhere in Manitoba to very positive response, and we now ask of the government, for the sake of all Manitobans, for the sake of our safety, both real and perceived, please begin to get serious about street gangs, please look at our Gang Action Plan as a basis for action that is comprehensive, that is not simply within the justice system but also brings into the solution families, communities and schools.

\* (1720)

**Hon. Vic Toews (Minister of Justice and Attorney General):** I certainly look forward to this opportunity of putting some comments on the record. Without getting into some of the, I guess, verbiage that the member for St. Johns (Mr. Mackintosh) has put into his resolution, because it does really nothing to promote dialogue and promote solutions in this area, I want to say from the onset that this government takes ideas from any source, if those ideas are effective ideas.

That is the way that I have looked at the issue since I have been Minister of Justice, and I know my predecessors looked at it in the same way. So I am not tied to any particular philosophy, I am not tied to any particular action plan but, indeed, I think we need to look at all sources in terms of trying to find problems for what is not simply a Manitoba problem, but a national problem.

I know my colleague makes much of statistics and I have seen what he has done with statistics before; he continually twists them to serve his own ends. I am not going to get into the issue of statistics. I believe that the programs that we have implemented are effective programs.

Just in respect of the sources of ideas, I know that my colleague the member for Inkster (Mr. Lamoureux), who is a Liberal member or an independent Liberal member or an independent, in any event, has approached me on a number of occasions to talk about issues in his community, ways that my department and our government can enhance the living of people in his

community, whether that is from a safety issue or a crime prevention point of view, and, you know, I have had many good meetings with that member. In fact, it was he who came to me with the idea of the under 12 and using the youth justice committees for children under 12 on a voluntary basis. Indeed, it was that member who first of all brought home to me the importance of the youth justice committee system in Manitoba. Indeed, even though he is an opposition member, he took the time to invite me to a meeting of the youth justice committee that he is a member of, and he introduced me to the people there and talked about the issue.

It was as a result of what I saw the member for Inkster (Mr. Lamoureux) doing in his community with his citizens there that I was prompted to recommend to our government the issue of funding for these youth justice committees. So our government provided funding in the amount of \$41,000; again, very, very positive input by the member for The Maples (Mr. Kowalski). Again, he showed me an idea that we could enhance, that we could work together on, and not just benefit a government constituency, if I could use that term, but indeed enhance the well-being of all the people of the city of Winnipeg, indeed the province of Manitoba.

In that same vein, that same spirit, the member for The Maples came to me and talked about the under-12 issue. Again, I was open to the idea. The idea made sense. I asked him to go and speak to my assistant deputy minister. The assistant deputy minister and the member for Inkster (Mr. Lamoureux) went down to meet with Chief Cassels to get the police on board to work in a partnership, not just corrections, not just the political, but indeed the police.

As a result of that, we are developing a protocol to fill what I consider a very serious gap in our federal law, our Young Offenders Act, which does not allow any action to be taken against youth under age 12. I know the newspaper reported this as the Tories getting tough on crime. I found that a rather puzzling headline because when you read the story, the story was right. The story was essentially offering parents an alternative and a resource by which they could bring their children to a community committee to help them with their particular problems. Again, I want to indicate it was an

opposition member who came to us and brought us that idea and worked together with us.

I know the member for The Maples (Mr. Kowalski), again another former member of the Liberal caucus, again he has come to me with a number of ideas, and they have all been ideas that I have asked my staff to consider. The member for The Maples, he is a police officer. He understands what is going on in the streets, and the member for The Maples, he does not need to resort to statistics and twist statistics. He simply says this is the problem; how do we resolve it? Just a few minutes ago, he brought another idea to my attention, but, again, it is indicative of an attitude of an MLA who wants to work with government to enhance the lives of his constituents. That kind of positive interaction I think does well, not just for the citizens of our community but for the art of politics, as well, and the art of government, because we need to work together.

You know, there are others, I know, in the opposition who have good ideas and somehow feel reluctant to come and share those ideas with me, to come and talk with me in a positive, constructive way about how we work together with our citizens. I want to say—and this is somewhat ironic, that the Justice critic for the NDP party, the one who has the greatest interest, I would think, of all opposition members to in fact enhance safety, to enhance the living from a police point of view, never comes to me with those kinds of issues, never comes to me to say this is a good idea; why do we not work with that?

But he is not that kind of person. He takes statistics, he twists them, and then when that does not work, he criticizes the Crown attorneys, so that the Crown attorneys have to stand up and, in a public news release, have to say to the people of Manitoba: We are public servants, but we do not need to take that kind of an abuse from the member for St. John (Mr. Mackintosh). To talk about a Crown attorney fumbling the ball, for him to convict those Crown attorneys without any hearing but just for crass political purposes, to twist them, to try and ruin their careers, I mean, I think that that kind of thing is despicable. Then he stands up in the House, and he says, why, the Crowns are not critical of me. I know they come to me and say I made good comments. But you know the only one he can get blowing his horn is himself because

there is nobody else out there saying anything good about him.

So what I want that member to do is to consider that, if he has positive suggestions, the way the member for The Maples (Mr. Kowalski), the way the member for Inkster (Mr. Lamoureux), the way my caucus members—the member for Portage la Prairie (Mr. Fauschou), a relatively new member to our caucus and a wonderful addition, now this is a person who comes to me and says, Mr. Minister, I have got a particular problem in Portage la Prairie: It deals with gangs. Can we address it in some way? You know, more often than not, there are solutions.

This brings me then to the resolution. I know that the members are very impatient, but I think those introductory remarks have to be made. I welcome this opportunity as an opportunity to say to the other members that, if you have got a good idea, just come and tell me. Let us work with my department. Do not undermine my department. Do not undermine my department so that my department officials are scared to work with them. I know my department officials are not scared to work with the member for The Maples (Mr. Kowalski) or the member for Inkster (Mr. Lamoureux) because they are MLAs of integrity. That is the way they deal with the staff. They treat them as professional people, and that needs to be reminded. Our public servants, and I was a public servant, deserve the kind of respect from our election officials that all too often is not coming from the member for St. Johns (Mr. Mackintosh).

\* (1730)

Well, what I want to say is that in the so-called Gang Action Plan by the NDP—I, in fact, have read it. I refer to it from time to time, and I say: Are there things here that we should be doing, that they have brought to our attention? If we go through the Gang Action Plan, we know that many of these things have been implemented for some period of time. Some have not been implemented for reasons either they are beyond our constitutional jurisdiction or we have no ability to do something like that or they are impractical.

So I want to assure the member that this is not a government that wants to say to them that, just because

it is an NDP idea, it is not a good idea. You know, I know there are good ideas that come from MLAs who have been elected under the NDP banner. That is not a sacrilege to say. There are many who in fact have had good ideas. Sometimes their ideas are a little passé, as I would say Karl Marx's ideas, a little passé. Some of the NDP ideas similarly are a little passé, but there are still issues here raised in the Gang Action Plan that I constantly challenge my staff, and I say: Is this workable? Is this something we can do? But the member from St. Johns (Mr. Mackintosh) does not say to me: Why do we not implement this? How can we do this? Why can we not do that?

I really have not been able to get into the substance of what we have done, and I know some of my members will be talking about some of the things that we have done. But I want this to be an open invitation to the members opposite, because I know that, if we do not solve inner-city problems, they do not stay in the inner city. They come into the suburbs; they come into the country. The members from the NDP party may be surprised at this; I am not. So I want to assure them that crime is a community problem and it is a multifaceted issue.

There are issues of suppression; there are issues of alternative justice programs; there are partnerships. I want to say that community partnerships are perhaps the most effective way of dealing with all of these problems. Yes, government has to be there to supply the funding in many cases, to supply some of the professional expertise in the community area, but community ownership of the problem of crime is the most effective way of dealing with the crime.

I want to leave one last point, and that was, I was in Weston-Brooklands the other day. I know it is not represented by an MLA from this side of the House, but I met with two wonderful people who are getting together what in the country they call the COP program. It is a citizen patrol program there as well. Here were two gentlemen in this area—and I am not going to name them here publicly; I do not think it is necessary—who have gathered together people in their community to take on the issue of crime, working together with their police and working together with our Justice department. That is positive community action, and that is

the kind of positive community action that I support in addition to the issue of suppression.

**Mr. Gary Kowalski (The Maples):** Yes, I would like to put a few words on the record on this resolution. I look at the resolution, and I read the first THEREFORE BE IT RESOLVED: “that the Legislative Assembly of Manitoba urge the Provincial Government to consider developing policies which offer hope and opportunity to provide positive alternatives to youth, as well as swift meaningful and firm consequences to members of criminal gangs.” I can support that. I do not think there is anyone who cannot support that type of resolution.

But there are other parts—and I am no “patsy” of government. I do not respond to any kind words of the minister, although I always appreciate any compliments I get, and I do not think that I have ever been that partisan in this Chamber. So, when I take issue with the third WHEREAS, “WHEREAS the tough talk of the Provincial Government has not been matched with action,” I have to argue with that one. There has been action. Maybe it is not enough, maybe it has taken too long, but I have seen a number of things and been involved in a number of things that are happening. There is the last one that the minister just mentioned, the small support he has given to the COP program, which, I think, is an excellent initiative.

I know that, when I was a community constable in the Lord Selkirk development, there were many people who wanted to start that, but there just were not the funds available at that time to support such initiatives. Also, to be quite honest, I do not believe there was the support from the police to support citizens in Winnipeg doing this sort of auxiliary police work, but times have changed. So that is one of the initiatives.

I had the pleasure of being in the first class of people being trained to be family group facilitators for family group conferencing. In that class that was held at Winnipeg Police Service recruiting centre this past summer, there were members from the RCMP there, there were people from the Winnipeg Police, there were people from the Winnipeg School Division, there were people from Portage, there were probation officers, social workers. This was bringing people together to look at an alternative to our court system, family group

conferencing. Since then, I know that the training has been given to a large number of people who are volunteer probation officers in Youth and Corrections. I also know that the Justice department has brought in people from New Zealand or Australia, I am not too sure which one, to speak to a number of senior bureaucrats in the Justice department. I understand that a number of people from the judiciary were also invited but chose not to attend, to look at these new, progressive models of justice system.

I have to tell you, I am very impressed with this family group or community group conferencing method of dealing with the justice system. I perceive it as going back to the basics of a justice system for the community, by the community, without lawyers. I do not have anything personally against lawyers, but sometimes the system seems to work best with less involvement from that branch of the legal community.

So there are things being done. I know Glen Cochrane and Dawn Sealy, who are working the youth gang prevention office, and I know the support that they are receiving. I know, talking to many colleagues in the police department who of course, like anyone else in public service, are always looking for more money, for more equipment, more projects, but they are relatively pleased with the direction it is going.

So, no, the youth gang problem will not be addressed overnight. I have not put a youth gang action plan with Liberal letterhead out to the public to try to sell it, but I am out there working trying to solve the problem. I am bringing forward suggestions. I am working with everyone from the John Howard Society, Elizabeth Fry Society, the Together for Change initiative in Valley Gardens and working with a number of groups to continue to work.

This will not be solved overnight, but I believe that there is some movement by this present government. So I cannot support that third WHEREAS, that there has been no action taken. There has. There could be more, there always could be more. There always could be more money put into it, but I think we should continue to work together to try to solve this problem and not put out brochures with our political logo and then ask for support to those ideas. Thank you.

\* (1740)

**Hon. David Newman (Minister responsible for Native Affairs):** Madam Speaker, I am very pleased to have an opportunity to speak to a subject that is of great interest to me not only representing the constituency of Riel that has its share of issues which are identifiable with the core area of Winnipeg in some pocketed instances but also because of my involvement as Minister responsible for Native Affairs in the province.

I am going to speak to the resolution in ways that cannot support the resolution, unfortunately, because the subject matter is worthy of unanimous support in the Legislature, but the honourable member for St. Johns (Mr. Mackintosh) chose to take a partisan political approach on a resolution and put in negative comments about the government, not with the desire to seek unanimity or to seek an agreed-upon solution which could propel forward initiatives we, as legislators, see as important and constructive but rather chose to use the resolution to try and achieve a political advantage.

That is regrettable because, as was proven with the resolution concerning the MAI, we were able to achieve something meaningful through unanimity and a very useful debate, once the amendment was put forward by our side of the House, which facilitated and indeed engendered some very constructive thoughts on an issue where individual citizens and groups of individual citizens are seeking guidance and support.

So I have to speak against the resolution as worded, but I am going to speak to the resolution as if all the partisanship and the unconstructive parts of it were not there and address an issue which is of profound importance to the province and certainly to the city of Winnipeg.

I had the good fortune to participate recently in a launch of a publication, and I am going to give recognition to the author of that publication, a person named Richard Courchene, and the book that he has written, with the support of a far broader community and family, is called *Healthy Visions for a Healthier Future: Aboriginals of the Next Millennium*. There is a portion in that book that deals with gangs, and gangs from an aboriginal perspective and looking for a

healing solution, a holistic healing solution for aboriginal community members who are either part of gangs or could be part of gangs or people that are victimized by gangs. The kinds of thoughts that he shares in his books, and the ideas he shares, are very much consistent with the multifaceted strategy of our government which is, of course, led by the Department of Justice and the honourable minister who has just spoken to the resolution.

The three-pronged strategy, of course, does fall into the categories of suppression and intervention, prevention and partnerships. What Richard Courchene in his book speaks to is primarily the prevention end of things. That is where the long-term solutions, of course, lie. Before you move forward with prevention strategies, before you invest in a long-term way to try and impact in a multigenerational way, looking seven generations ahead, you are going to have to approach many agencies and many departments, and even different levels of government, to co-operate and become partners, and that is why partnership is a major thrust of the three-thronged strategy.

There is a need to understand the essence of the gang problem from an aboriginal perspective if there is to be a solution, and that is what Courchene starts with in his book under gangs. He makes the point that gangs and gang-related activity is a reality in impoverished inner-city living and clearly evident in the city of Winnipeg. In research findings, younger and younger children are coerced into joining gangs, but the question he poses is why.

He seeks the answers from elders and cultural teachers, and the conclusions that he comes to, which are in the book, one of the reasons, is the blotchy interfered history of the aboriginal population of this country. According to our elders, this problem goes back at least seven generations. Intergenerationally, the aboriginal youth of this country have become disillusioned and suffer lack of knowledge about what family is and what it means. In their own way, young people are finding the attractions in gangs that their families cannot and do not provide. Families are not providing unconditional love and generosity. Many children learn today that in order to get something you take it, because parents and society in general are not unconditional. The children and youth of today find

gratification with unconditional safety in gangs, which has not been provided elsewhere.

He goes on to say that when a child examines his or her family structure and looks at what the family has to offer and what a gang has to offer, quite often the gang looks more appealing. A gang offers protection, generosity and acceptance. The dynamics of a street gang includes rules and structure which a family used to offer before the disintegration of the family unit. Children look at the family and look at society. They see the wages a person makes for two weeks, and they compare it to the amount they can make in a day. Quite often, it can be 10 or 20 times more than two weeks wages, and they see that what society has to offer does not even remotely come close to what a gang has to offer, hence the attraction.

He goes on to talk about the gangs developing their own societies, and he talks about the sorts of replications of family in a gang situation filling the needs that these young people have. He goes back to look at history and says there was a time in the aboriginal community where youth learned how to be humble. There was a time when the young were taught how to be humble, and, traditionally, by being more humble on this earth, one acquired more status and more respect.

Unfortunately, that is just not how it is today. The Europolitcal way is to take power from other people and acquire as much as one can. The breakdown of traditional values has led to aboriginal children and youth pursuing gang life because it—that is gang life—offers a sense of belonging and structure to the otherwise dysfunctional lifestyles.

\* (1750)

So looking at the why, he then tries to figure out how. What is the solution? What do you do to replace this identification with gangs as a substitute for dysfunctional families? Madam Speaker, he poses the question, is this a societal problem, and if so, how should society reverse this trend? Again, he goes back to the elders for guidance, and he says according to elders and cultural teachers in the aboriginal community, one way is to reclaim lost relationships by reclaiming aboriginal values and traditions. The

nurturing acknowledgement of oneself is a process the community has to take, elders say. Courageous stances must be taken even in the face of great adversity, but if one believes in aboriginal children and youth, elders and cultural teachers say good things will occur and great things will be accomplished. Elders say children and youth must come first at all costs.

Now, what we are hearing expressed in this text are the views of a young man being almost a medium for the guidance of the cultural teachers and the elders. It is no accident that this book was launched, Madam Speaker, at the single-window office in the Aboriginal Centre on Higgins right here in the city of Winnipeg last week. The single window, which is a multi-departmental presence of the federal and provincial government addressing the needs of aboriginal people and the aspirations of aboriginal people, is contributing to the real solution dealing with gangs.

This book, given birth through that office which is given credit by the author—and I give credit to one of the staff in the Native Affairs Secretariat within my department because the author gave a specific tribute and an expression of appreciation for the work done by a mentor, Lawrie Barkwell, who works in that office and services people like Richard who are becoming leaders and educators, teachers in the aboriginal communities. So the complexity of addressing this problem is exhibited, I think, by the different ways solutions can be offered. Governments contribute to prevention by facilitating these kinds of births, by facilitating the kinds of partnerships that the Children and Youth Secretariat is identified with and is working very hard at.

All of the programs that they have that are emerging to strengthen families, whether they are positive parenting programs or Earlystart programs, the federal government's Headstart Program, whether it is the way we do child care, whether it is the way nutrition strategies and teachings are delivered, all of these things the Children and Youth Secretariat is involved in. All contribute to the real solution for gang problems.

The need is for families to strengthen and for personal development of individuals for the deepest kind of healing, an emergence with spiritual and

religious teachings involved of individual human beings, of course, particularly the young ones who have the best chance still to adjust and make that big transition and move forward positively.

This involves teachers in schools. It involves parents, relatives, grandparents, and uncles and aunts. It certainly involves people that are involved in Guides and Scouting and Cadets, and the aboriginal versions that are emerging in culturally appropriate ways to serve these kind of social and individual personal development needs.

It is developing positive citizens, equipping them, giving them the capacity to be capable of meeting the pressures to join gangs, the pressures to find the easy way out, the pressures to escape, the pressures for a quick fix, the pressures to be somebody in the gang kind of way and to stand up with the strength, the conviction and strong values and be yourself and take responsibility for your own life. These are multifaceted approaches that create this kind of individual, and in many cases it involves spiritual and religious teachings, and involvement.

In the closing portion—I just wanted to quote—he says, elders believe in the power of positive prayer and in people who walk in faith. Elders believe in prayer, the kind of prayer that changes lives. There are those in the aboriginal community who walk in faith, who have changed their lives through positive prayer and work toward achieving peace among the youth. Many elders, however, believe that they will not see peace in their lifetime, but they feel they will see a greater part of peace transpire. The elders teach: those who stand, should hold a child's hand in each hand; then, only then, will there be a future.

**Mr. Mervin Tweed (Turtle Mountain):** Madam Speaker, I, too, am pleased to rise and put a few comments on the record in regard to the resolution that has been brought forward. As I sit here day after day and listen to some of the resolutions that come forward, it certainly is enlightening as far as coming from rural Manitoba, small-town community. I think of some of the activities that take place in the communities that I represent, I guess not necessarily gang related, but certainly criminal activity to a certain degree and how it is being dealt with in those areas.

I listened carefully to what members opposite and my colleagues say. I think as much as we try sometimes to ignore the facts, it is certainly an issue that is out there, and, certainly, as I spend more time here, I become more familiar with some of the problems that face communities, not just in the larger centres but certainly all over the province.

You know, I have read in the past little while some of the things that have happened in rural Manitoba. I can remember not that long ago, activities that we used to say, well, that would never happen here, are moving closer. I think the issue that has been brought up is certainly one that is worth discussing, but I guess I have a little more concern than just in the presentation of the resolution.

I know quite often members of government are chastised by the opposition for bringing forward resolutions that are pat-on-the-back types of resolutions, and from time to time I suppose we do that. This, I guess, would be the opposition doing the same for themselves. They have brought forward a plan or a proposed plan that they feel will resolve some of the issues that are out there.

I think that as the honourable Minister for Justice (Mr. Toews) has stated, any idea that is out there, no matter who brings it forward or who formulates the

idea, if it is brought forward in a constructive, thoughtful manner, I think everybody is more interested in listening to it and hearing what is being said, and I think through debate and through conversation, quite often an idea brought forward by anybody can be turned into a very positive idea. I think that that is what this discussion today is all about.

I think that whenever we get involved in a debate where we are just congratulating ourselves for the things that we have done or, in this case, what the opposition feel they have done, it somewhat belittles the objective that were set out to discuss them and to try and come up with ideas.

I think of ideas in my communities that have taken place and, you know, again, I think in rural Manitoba quite often we are unaware of a lot of the activity that is taking place and, when you travel to communities and listen to what people are saying, you become more aware—

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Turtle Mountain (Mr. Tweed) will have 11 minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 15, 1998

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