



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

---

**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

---

37 Elizabeth II

---

*Published under the  
authority of  
The Honourable Denis C. Rocan  
Speaker*



**VOL. XXXVII No. 33 - 10 a.m., FRIDAY, SEPTEMBER 9, 1988.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fourth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, September 9, 1988.

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### INTRODUCTION OF BILLS

**Mr. Jim Maloway (Elmwood)** introduced, by leave, Bill No. 26, The Consumer Protection Amendment Act; Loi modifiant la Loi sur la protection du consommateur.

**MOTION presented.**

**Mr. Speaker:** I should remind the Honourable Member that, under our Rule 85 and Beauchesne's 717, at first reading, a Member is permitted only to provide a concise explanation of the purpose of his Bill. The Honourable Member for Elmwood (Mr. Maloway), with a brief explanation.

**Mr. Maloway:** Thank you, Mr. Speaker. I think that I can certainly keep within the five minute—

**Mr. Speaker:** Order, please. There is no mention of the five minutes. It is a brief explanation.

**Mr. Maloway:** Just checking, Mr. Speaker.

I am very pleased to be introducing amendments to The Consumer Protection Act. The original Act was passed by the Schreyer Government back in 1969 and was certainly far ahead of its time at that time. It deals with warranties, collection practices, credit terms and direct sellers' licensing and bonding. The Act, however, needs to be improved in several areas and these amendments deal with three at this particular time.

The first amendment will extend the four-day cooling-off period on direct sales, in Section 61, to seven days. We feel this is reasonable, in view of the fact that Saskatchewan, our neighbouring province, has a 10-day cooling-off period in which people can cancel contracts and have their money returned in door-to-door sales situations.

\* (1005)

The second amendment, Mr. Speaker, will add a new section dealing with prepaid services. Many consumers have lost hundreds of dollars due to sudden closures of health spas, dance studios and martial arts schools, other similar type companies, and often people have prepaid for contracts extending for years or a lifetime. Now, this amendment should reduce consumers' exposure to potential losses by restricting the length of time to one year, with a minimum of two payments.

The third amendment will provide a new section again, requiring car dealers to keep the manufacturer's suggested retail price stickers on the car until it is sold. Now this is the law in Ontario. However, Manitoba

dealers remove these factory-installed stickers when the cars get to Manitoba and they draw up their own documents which tend to show a higher price. Requiring the stickers will provide a referral price for buyers to consider when bargaining for a new car. This legislation has been lobbied for by consumer groups in the province and should have a widespread appeal. I urge all Members to support these important amendments.

**QUESTION put, MOTION carried.**

### ORAL QUESTION PERIOD

#### Child and Family Services Services and Administration Cuts

**Mr. Reg Alcock (Osborne):** On Wednesday, I asked a question to the Minister of Community Services (Mrs. Oleson) about staff cuts in Child and Family Services in Central Manitoba, and the Minister said that in response to my question, she said, no, I am not aware of any staff cuts in Central Manitoba. Yesterday, my Leader gave the Minister an opportunity to correct the record. In response to a similar question, the Minister again stated there is no cut, to my knowledge, of staff at that agency.

I have a copy of a letter which is signed by the Minister and which was given to the president of that agency on Tuesday, in the third paragraph of which it states: "Funding for your agency will be reduced by the equivalent of three direct service positions." Can the Minister explain the apparent conflict in her statements?

\* (1010)

**Hon. Charlotte Oleson (Minister of Community Services):** I have explained to the Members opposite on several occasions the reasons for the cut in funding to the central agency, the reason being that we were desperately in need of three positions in the Northwest Family Services Agency. The Central Manitoba Agency has a surplus and, for this year, we would take the funds from that. It was the equivalent of three staffpersons. I have not been informed by the agency of Central Manitoba that they have actually cut staffpersons. If they decide to do that, that is their decision, but I see no reason for them to do so because they have funds available to keep staff.

**Mr. Alcock:** Now that would be an acceptable answer if in the same letter she did not also freeze all control over the surpluses. Paragraph four on the second page: "Therefore, effective immediately, the existing surplus retention policy is suspended." Can she please explain why they cut the service and administration grant by three staff positions?

**Mrs. Oleson:** The whole policy of surplus and deficits is being reviewed by my department. It seems rather

illogical to have funds built up in one agency, while another agency suffers from lack of staff. This is all taxpayers' money, and this is one way that I am trying to get some accountability back into this department which has been sadly lacking for many years.

**Mr. Alcock:** I would remind the Minister that this is the third day that we have given her an opportunity to respond to this question. The cut is in the service and administration funding; the cut is not in the surplus. She has cut both. She has taken the surpluses into her department and she has cut the service and administration funding.

**Mr. Speaker:** Question.

**Mr. Alcock:** I would ask the Minister how reducing services in Central Manitoba that allows that agency to provide preventative services, that allows them to have a low caseload, represents an improvement in services in Central Manitoba.

**Mrs. Oleson:** Central Manitoba has not been asked to cut services. They have been asked to accept this reduction this year in order that we can supply extra staff to Northwest. What it does in essence is change the staffing ratio which was 18 to 1 in central, and something as high as 36 to 1 and 40 to 1 in some of the other agencies in Winnipeg.

So we did not really feel that was a fair way to be doing things, and this is a change, will cause a change in staffing ratio. The agency has not contacted me to tell me that they will need to be cutting staff because of this, and I see no reason for them to do so.

**Mr. Alcock:** I would ask the Minister to in future read the letters that she signs. I can assure her that the agency would indeed—no, this is the second question, I might remind the Member, Mr. Speaker.

I can assure the Minister that the agency will be contacting, not only her but also all of the members in the area represented by that agency. That agency, like the agency in Brandon, has created surpluses by the efficient deployment of staff in the schools, in the community groups that allow them to get on top of problems before they require care.

Now, what this agency has done . . . .

**Hon. James Downey (Minister of Northern Affairs):** Point of order.

**Mr. Speaker:** Order, please. The Honourable Minister of Northern Affairs.

**Mr. Downey:** Mr. Speaker, the Opposition House Leader has been in the House long enough to understand during the Question Period that he has the opportunity for a question and two supplementaries. If this was a second question, I wish he would get on with it. That was not even a preamble; it was a speech.

**Mr. Speaker:** The Honourable Minister does not have a point of order. I would like to remind the Honourable

Minister that I have recognized the Honourable Member for Osborne (Mr. Alcock) on a new question. The Honourable Member for Osborne, would he kindly put his question?

\* (1015)

### Child and Family Services Management Centralization

**Mr. Reg Alcock (Osborne):** Mr. Speaker, I would be delighted to ask the question. I have a question for the Premier (Mr. Filmon). His Minister of Community Services (Mrs. Oleson) has now centralized control over all preventative funding in her office. Now, any principle of good management suggests that you leave management decisions in the hands of those people who are closest to the problem. I ask the Premier how this represents good management. Does he not trust the boards of the agencies that are elected to make these decisions?

**Hon. Gary Filmon (Premier):** Mr. Speaker, certainly with respect to management principles, and the Member opposite not having been a manager may have read about these things, but the fact of the matter is what we are doing is attempting to make the most efficient and effective use of the scarce tax dollars we have available.

Even in social services, even a 9 percent increase is not assurance of the fact that we get all of the services that we want, particularly when we are dealing with areas in which there may be duplication. There are many strengths, for instance, in the decentralization of services in child welfare, allowing the delivery out in the community, responding to community needs. But when it comes to attracting innovative ideas, it may be that two or three agencies are working on the same type of innovative development of programming. So I think there is a need for some central supervision to take a look at whether or not we are duplicating efforts and spending the same dollars twice for the same thing.

So when it comes to trying to initiate innovation, find more efficient and effective ways and better ways to serve the needs of the children, we are looking at every possible way of assuring that. Yes, we want independence and delivery of community services at the community level and, yes, we want some central assurance that we are not duplicating services and that we are using every scarce dollar wisely.

**Mr. Alcock:** Can the First Minister (Mr. Filmon) tell us why he does not believe that the boards of these agencies, who are elected from the communities that these agencies serve, are incapable of making those decisions? These agencies work together, they plan together. They can make these decisions. Why does the Minister have to do it in her office?

**Mr. Filmon:** There is a principle in Government and that is ultimately the fact that the Minister is responsible for everything that goes on. We have seen evidence of that in this House where Members opposite want the Minister to be involved in every detail down to the

bottom line of delivery decisions made by people right on the board. Some social workers sent out a letter, and the Minister is deemed responsible by the Members opposite. We have seen it go through over all of these years. Under those circumstances, there is a role for the Minister to play in ensuring that we, as a Government, and she, as a department head, is making absolutely the best use of every dollar available.

He cannot have it both ways. He cannot say, on the one hand, that the Minister should leave all of those decisions out to the agencies and, on the second hand, be responsible for every decision and every judgment and every move made by every person in every one of those agencies.

**Mr. Alcock:** Actually, we would be delighted if they would be responsible for the decisions that they make, and the communities will hold the agencies responsible for the decisions that they make.

One of the concerns that has been raised by the agencies is the apparent interference by the staff from the Premier's Office. I would ask the Premier today, will he instruct his staff to stop interfering in the operations of the departments?

**Mr. Filmon:** If the Member for Osborne (Mr. Alcock) calls getting information from the department so that we can respond to every question he asks in this House "interference," then I disagree with him. He expects us to be informed. We are getting informed and that is the issue in here, and that is the issue with this Government. We will be responsible for the decisions we make and we will be responsible for ensuring that the departments are operating in a way that we can defend and we can support publicly.

### Child and Family Services Funding Allocations Impact

**Mr. Gary Doer (Leader of the Second Opposition):** My question is to the Minister of Community Services, and Employment and Economic Security (Mrs. Oleson). I was appalled yesterday, quite frankly, that the Minister was not aware of the impact of the reductions of some \$67,000 to the Northeast District Child and Family Services Agency and similar cuts that were made in other agencies prior to the unilateral decision of her department and indeed the Government to reduce that money.

Has she received an impact of those decisions now on a retroactive basis in terms of the cuts in the community-based preventative programs? Will she now confirm with this House that reversing that decision in terms of taking that money into the senior bureaucracy is better placed back in the communities in terms of legitimate prevention and crisis intervention in the communities, rather than in the senior bureaucracy of her department?

\* (1020)

**Hon. Charlotte Oleson (Minister of Community Services):** Yes, I took some time to inquire into this alleged problem that the Member raised yesterday.

I have not cut the program that he referred to on child abuse. I realized yesterday that he was probably talking about the community outreach grants, which I still assume is what he is referring to. When I met with the presidents of the agencies on Tuesday, when I indicated to them that these outreach grants would not be handled differently, I assured them that all their ongoing programs would be honoured. They would contact my office and we would honour commitments that were ongoing. If that program has been cut, it has been cut by the agency.

### Volunteer Program Funding Re-establishment

**Mr. Gary Doer (Leader of the Second Opposition):** Mr. Speaker, not only does the agency and the community and the volunteers and the community boards feel that the programs are cut—certainly volunteers are talking about it—the school divisions in those areas know that they are cut. We have them talking about the Touching Program that the agency now says is gone or going to be gone. Natural Helpers Program is going and gone. Parental Education in Transcona is going and gone. Mr. Speaker, my question—

**Mr. Speaker:** Would the Honourable Member ask his question?

**Mr. Doer:** —to the Minister then is: If the Government feels it is more appropriate to centralize, which I totally disagree with, why did the Minister when they announced the unilateral cut not give any guidelines or any procedures or any idea of how the agencies could reapply for some of this money through the centralized senior bureaucracy that she has established?

**Hon. Charlotte Oleson (Minister of Community Services):** As I repeat for the Member's information, I met with the presidents. I outlined to them the different policy with this grant. This grant will still be available on application. Later that day, my staff met with the directors of the agencies and that information was given to them. If they have misunderstood it, then I guess they will have to be told again.

**Mr. Doer:** That is the problem, Mr. Speaker. They must be told again, is the problem with this Minister.

The Premier (Mr. Filmon) does not understand this issue whatsoever. My question is to the Minister.—(Interjection)— Well, they get a little sensitive on this one. Is it not more appropriate to have the community-based volunteers raising some \$150,000 in the Northeast community, helped sometimes by all MLAs in this House, raising the money with volunteers, with community groups, utilizing the Government money to run the programs in the school divisions as preventative programs? Is it not more cost effective for those community agencies to run those programs when you consider that the amount of money that they were receiving that the Minister cut will work out to about two or three children in acute care in a locked setting later on if the prevention does not take place?

**Mrs. Oleson:** I will repeat again for the Member's information. The program has not been cut. I do appreciate that there are many volunteers involved in that program. The program will go on. I told the presidents that commitments that had been made will be honoured. The money will still be available. I think it is a shame that the Member comes to this House fearmongering that programs will be cut when in fact no program was cut.

**Mr. Doer:** Mr. Speaker, \$67,000 has been removed from Northeast district. Their budget has been reduced from \$114,000 to \$47,000.00.

\* (1025)

**Mr. Speaker:** Order. Will the Honourable Member kindly put his question?

**Mr. Doer:** My question to the Minister: Will she reverse the decision of centralizing with the senior bureaucracy the money for prevention? Will she reverse that decision and leave it back with the community-based volunteers, the community-based parents, the community-based school divisions, the community-based Neighbourhood Watch Programs and the community-based concept that is consistent with the six child welfare agencies in the City of Winnipeg?

**Mrs. Oleson:** Mr. Speaker, there has been no cut. The program can go on and in fact, if the agency is to apply, they may get more funds than they were getting before under this system that we are adopting. Also, there is some equity being built into the system because, prior to this, the rural agencies were not granted these funds. I do not know why the Member is bringing to this House, as I said before, fearmongering that programs will be cut when they are not being. If that agency will apply back to the department, they will find that they will be getting their funds.

### Child Welfare Agencies Outreach Funding

**Ms. Avis Gray (Ellice):** Mr. Speaker, the last few years in this province have seen a growing recognition of the importance of child welfare services and of the importance of developing a continuum of services from prevention to intervention to treatment services. In one fell swoop, this Government has cut funding to outreach programs and given a clear message to the community and to community agencies that prevention is second rate.

In a meeting with the directors of the agencies, the Minister's staff indicated that there would be a 25 percent cut in funding and that \$157,000 would be cut in outreach funding. Can the Minister of Community Services (Mrs. Oleson), will this Minister take some responsibility for her department and the delivery of outreach services, and immediately reinstate that much needed \$157,000.00?

**Hon. Charlotte Oleson (Minister of Community Services):** Mr. Speaker, I have indicated to the Member

for Concordia (Mr. Doer), who asked this question, that we are continuing with programs that were committed and that we are looking at this whole thing. We are part way through the year and, if the agencies wish to put in proposals, we will have a look at them. There is no cutting of programs through this. The programs will be honoured.

**Ms. Gray:** Mr. Speaker, this Minister has admitted to this House that she was not aware of what outreach funding was used for. She has admitted in Estimates that she had no idea about grant money to the Manitoba Foster Parents' Association. My question to the Minister of Community Services (Mrs. Oleson) is: Would she explain to this House why she continues to make rash, irresponsible decisions when she has no knowledge of the issues in her department?

**Mrs. Oleson:** Mr. Speaker, I reject the point that I am making rash, irresponsible decisions. That is ridiculous! One of the things that has come to light with this outreach program is that the money went to the agencies whether there was a program or not, and quite often was not used. We are looking at a better use of taxpayers' money. We are making it accessible on a more equitable basis and we think that is the way to go. There is an accumulated surplus of \$500,000 in that that had not been used. We want to be sure that the money goes to where it is needed, to programs that are most effective.

**Ms. Gray:** The Minister of Community Services (Mrs. Oleson) talks about a better use of tax dollars. The First Minister (Mr. Filmon) talks about streamlining duplication of dollars.

My question to the Minister of Community Services is: Will she consider taking the Communication Branches of which she has three that prop up her in her department, and using some of that money to go to outreach services to provide prevention services to children and families, and not take the money and provide services to that Government? Let us put it in the community where it belongs. Will the Minister consider that?

**Mrs. Oleson:** It is rather odd that, during the debate on the Estimates of Community Services yesterday, when we were discussing Communications, this was not raised. But I would like to assure the Member again that community outreach funds are still going to be used for community outreach.

\* (1030)

### Child Welfare Agencies Funding Redeployment

**Mrs. Sharon Carstairs (Leader of the Opposition):** The answers today are nothing short of incredible. The Minister by letter tells the agency it must cut positions by three. Then she stands in this House and states they do not have to make cuts if they do not want to. Will the Minister of Community Services (Mrs. Oleson) explain what funds can be used to pay for staff years,

Friday, September 9, 1988

if they have been told at the agency that the funding for the staff years has been cut?

**Hon. Charlotte Oleson (Minister of Community Services):** The agency will be able to use their surplus funds.

**Mrs. Carstairs:** But she does not understand that she cut the surplus funds, froze them in the same letter.

Mr. Speaker, can the Minister clearly state her position on innovation in that she has denied funding to agencies which have kept children in their homes and/or in their communities, which by all social measurement scales is the most effective way of dealing with children in this society?

**Mrs. Oleson:** That is our main goal, to keep children in their homes where they should be and not have to take them into care.

I would remind the Member, after her diatribe on different agencies, that not too long ago, and she can check it in Hansard if she likes, she mentioned that one of the agencies in Winnipeg had a Cadillac agency and we should be helping other agencies that were not so well off. So where does she stand on that position now?

### Ministerial Review Request

**Mrs. Sharon Carstairs (Leader of the Opposition):** Will this Minister finally admit to this House that she is unable to carry her load? Will she ask the First Minister (Mr. Filmon) to lighten that ministerial responsibility?

**Hon. Charlotte Oleson (Minister of Community Services):** No.

### Day Care Subsidies Policy

**Ms. Judy Wasylycia-Leis (St. Johns):** Four days ago, the Minister of Community Services (Mrs. Oleson) announced a major change in day care policy in this province. For four days, she has refused to answer a single question, provide any basis, any analysis for this policy shift.

**Mr. Speaker:** I am sure the Honourable Member is aware that we do not demand an answer from the Honourable Minister.

**Ms. Wasylycia-Leis:** I am not demanding an answer. After four days, I have come to expect we will not get any answers.- (Interjection)- Given the concerns expressed by day care providers right across this province and by its umbrella organization, the Manitoba Child Care Association, about the freeze on its day care operations, can the Minister confirm -(Interjection)- Is the Minister aware that over -(Interjection)- and given that for 1986 almost 4.5 million left this country to go to Alabama as part of the Mini-Skool operation here in Manitoba, and as a subsidiary of Kinder-Care, could the Minister explain -(Interjection)-

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

**Mr. Speaker:** Order, please; order, please. The Honourable Member for St. Johns (Ms. Wasylycia-Leis) was just about to put her question.

**Ms. Wasylycia-Leis:** The reaction of—

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

**Mr. Speaker:** The Honourable Member for Churchill (Mr. Cowan), on a point of order.

**Mr. Jay Cowan (Second Opposition House Leader):** One can understand the obvious sensitivity and discomfort of Members opposite when it comes to answering -(Interjection)- The Premier (Mr. Filmon) from his seat says, all they are asking me is to let her ask her question. That is all we are asking.- (Interjection)- Mr. Speaker, if there is any learning that needs to go on in this Chamber, it is on the part of Ministers opposite, who need to learn how to answer some questions, either here or in Estimates, and that is not happening. Perhaps that is one of the reasons there is the type of disorderliness in this House that we see from Members opposite. They do not know how to answer a question. They are afraid to get up and—

**Mr. Speaker:** Order, please. The Honourable Member's point of order is—what is the Honourable Member's point of order?

**Mr. Cowan:** Accordingly—Mr. Speaker, it seems as if the disease is catching.

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

**Mr. Cowan:** It seems as if the Liberals are somewhat sensitive about their position on profit-oriented day care, as well.

My point of order is that, if the Members opposite would stop trying to defend the indefensible by shouting and chirping from their sheets—from their seats—perhaps . . .

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

**Mr. Cowan:** I am not going to get into that debate. That was in the late hours of the last Session.

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

**Mr. Cowan:** It is Alabama on my mind, Mr. Speaker.

If the Government, including the Premier (Mr. Filmon), and the Premier, who would hope to be the Minister of Health (Mr. Orchard), would stop chirping from their seats, the Member could ask the question and we could proceed with the Question Period in an orderly manner but, if they are going to continue to try to disrupt and—

**Mr. Speaker:** Order, please. The Honourable Member does not have a point of order.

The Honourable Minister of Northern Affairs, on the same point of order.

**Hon. James Downey (Minister of Northern Affairs):** To the third Party House Leader (Mr. Cowan), probably it would be well-advised, if the Members want answers from the Ministers, that they ask them as it says in the Rule Book. That is very straightforward and short and I am sure that the Ministers would respond. Plus, Mr. Speaker, I think all Members should be well aware of the fact that the Minister's department is before the committee, and all these answers and questions have been going back and forth in detail for days. I am surprised that they are not asking other questions over here to important issues in Manitoba.

**Mr. Speaker:** Order, please. The Honourable Member does not have a point of order.

The Honourable Member for St. Johns would kindly put her question.

**Ms. Wasylycia-Leis:** Thank you, Mr. Speaker. It is obvious that this area has made Members opposite very uptight and very defensive about their own policy.

Could the Minister explain why, four days ago, she announced a new direction in day care policy in this province that will mean more money going to profit-making day care centres like Mini-Skool and its parent company, Kinder-Care of Alabama, and not - (Interjection) - I will just finish my question

**Mr. Speaker:** I understood the Honourable Member's question.

**Hon. Charlotte Oleson (Minister of Community Services):** Mr. Speaker, I will repeat for the information of the Member what I have been saying ever since the day I announced this, that we are giving subsidies to children. We are giving subsidies to low-income families' children. We are not subsidizing companies; we are subsidizing children.

**Mr. Speaker:** The Honourable Member for St. Johns, with a supplementary question.

**Ms. Wasylycia-Leis:** Mr. Speaker, given that yesterday the Minister of Community Services (Mrs. Oleson) in Estimates confirmed that this was not a subsidy for children going as a voucher to child care centres but it was a subsidy to centres and the motive behind it was for benefit to the profit-making centres, would the Minister explain why she put in place a policy that will not make it easier for parents who are eligible for a subsidy to get the necessary child care that they require, and whether or not this was simply a policy to justify their election promise based on ideological blindness, or whether or not they are following the Liberal policy, which is equally—

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

**Mrs. Oleson:** Mr. Speaker, I will repeat again for the Member. We are subsidizing children. We are giving parents some flexibility and some choice in where they acquire the care for their children.

**Mr. Speaker:** The Honourable Member for St. Johns, with a final supplementary question.

**Ms. Wasylycia-Leis:** Again, as on every issue that we have dealt with today, we are not getting a single answer. I realize I cannot demand an answer, but I think the people of Manitoba deserve an answer on this and other important social service issues.

**Mr. Speaker:** Will the Honourable Member kindly put her question, now!

**Ms. Wasylycia-Leis:** My question to the Minister is: Given the fact that she has introduced a policy that will mean basically achieving profit at the expense of care for children, at the expense of quality for children—

**Mr. Speaker:** Will the Honourable Member kindly put her question?

**Ms. Wasylycia-Leis:** Yes, I do have a question, Mr. Speaker.

\* (1040)

**Mr. Speaker:** The Honourable Member will kindly put it then.

**Ms. Wasylycia-Leis:** My question, Mr. Speaker, to the Minister is: Since every study indicates that the quality of care in non-profit centres is much higher than the care for profit centres, could the Minister explain why she is bringing in a policy, why this Government is bringing in a policy that is contrary to every one of those studies, contrary to her own colleagues in the Senate of this country, which says that money should not be going to commercial centres through capital operating grants or fee subsidies? Why, in the name of heaven, is she bringing in this policy?

**Mrs. Oleson:** We are bringing in the policy of giving subsidies to children in the centres that were licensed and regulated under her Government. So if they are substandard, they licensed them.

**An Honourable Member:** The highest standards in Canada.

**Mrs. Oleson:** Oh, okay. Well, what are you talking about then?

### Board Nominations Apologies to Women

**Mrs. Gwen Charles (Selkirk):** Mr. Speaker, my question is for the First Minister (Mr. Filmon).

Yesterday, the First Minister insulted the rural women of this province by stating that very few are actively involved as farm producers. I hope that the First Minister sees women as people with the full range of human potential who can and do participate in every aspect of the family farm business and not just as uninterested females.

Mr. Speaker, will the First Minister retract his statement and apologize here and now to all the women who do in fact make up 50 percent of this province?



**Hon. Gary Filmon (Premier):** Mr. Speaker, I find it incredible that the Member for Selkirk (Mrs. Charles), who is herself a woman, would try and twist a positive situation of my desire to have more women being appointed to our boards and commissions, and trying to assure her and her colleagues and the Members of the Legislature and the people of Manitoba that we are doing everything possible to reach out and get more women involved in our boards and commissions. I said we are 35 percent; it was not good enough. We are trying our best. We were having some difficulty in certain boards. She is trying to twist that into a negative for women and stating their role in ways that were outdated 10 and 20 and 30 years ago.

I do not accept that and I never will accept the fact, Mr. Speaker, that women should not be totally involved. We will continue to do everything possible to appoint them to boards and commissions, unlike her Leader who has relegated one of the women in their caucus to the third role in favour of a political chameleon.

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

**Mr. Speaker:** Order, please; order, please. May I remind all Honourable Members that all Honourable Members in my Chamber are Honourable Members.

**Mrs. Charles:** Can the First Minister (Mr. Filmon), as asked yesterday, indicate today how many women have been made chairpersons of Government boards? Can we assume that only Glenda Russell of the Lotteries Board, who just happens to be the president of the Kirkfield Park P.C. Association or past president and the past campaign manager of the Member for Kirkfield Park (Mrs. Hammond), is she the only woman found to be capable of fulfilling these duties of a chairperson by this insensitive Government?

**Mr. Filmon:** I will say to the Member for Selkirk (Mrs. Charles), as I will to all Manitobans, that we believe that women ought to be full and complete and equal partners in the development of this province with everybody else. We will continue to do our utmost to involve women in every aspect of the boards, the commissions and the appointments that we make. I would say that we practise what we preach and we will be doing our utmost. I have said before that I want to see more women involved in public life, more women involved in the higher echelons of business, of boards and commissions, of the management of this province -(Interjection)- Well, actions speak louder than words, and that is why the Member for Ellice (Ms. Gray) is in the back row. If she stands up and says . . .

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

**Mr. Speaker:** Order, please; order, please. The Honourable Leader of the Opposition (Mrs. Carstairs), on a point of order.

**Mrs. Sharon Carstairs (Leader of the Opposition):** Unlike the obvious leadership of the Leader of the Conservative Party (Mr. Filmon), this Leader believes in democracy in caucus and outside of caucus. The

movement of the Honourable Member for Ellice (Ms. Gray) was done at her suggestion, because she believes in collegiality . . .

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

**Mr. Speaker:** Order, please. Go ahead and try and make my day. Order, please! The Honourable Member does not have a point of order. Order, order!

The Honourable Member for Selkirk (Mrs. Charles). Oh, I am sorry, the Honourable Member for Ellice (Ms. Gray), with a final supplementary -(Interjection)- on a point of order? The Honourable Member for Ellice, on a point of order.

**Ms. Avis Gray (Ellice):** Thank you very much, Mr. Speaker. On a point of order, I take serious objections to the First Minister's (Mr. Filmon) comments about where people sit on this side of the House. I want to reiterate that I volunteered to move here. What really disturbs the First Minister is that he does not understand cooperation, and what he is really upset about is the fact that I am as effective back here as when I was sitting in the second row and the first row. And that is their problem.

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

**Mr. Speaker:** Order, please; order, please. The Honourable Member does not have a point of order. We are going to get through this yet, I know it.

The Honourable Member for Selkirk (Mrs. Charles) has time for one final question.

**Mrs. Charles:** My question is to the First Minister (Mr. Filmon). Will he, because he has now insulted women and he insulted Natives, apologize for his statements yesterday?

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

**Mr. Speaker:** Order, please. The Honourable First Minister (Mr. Filmon), on a point of order.

**Mr. Filmon:** I have not insulted women. I have repeated -(Interjection)- The Member for Selkirk (Mrs. Charles) by her comments and her demeanor is insulting to women, suggesting that they have to be treated in some special way to make them equal. They are equal and, in my judgment, they will be equal.

**Mr. Speaker:** The Honourable First Minister (Mr. Filmon) does not have a point of order.

The Honourable Member for Selkirk (Mrs. Charles) to kindly put her question.

**Mrs. Charles:** The question now is: How many women are chairpeople of these boards?

\* (1050)

**Mr. Filmon (Premier):** I do not think that has changed from before. I do not know what the point of the question

Friday, September 9, 1988

is. There are some women who are chairs of various boards and commissions in this province. We are actively pursuing adding more.— (Interjection)— No, more than one, you see, you do not know that, you have not looked at that.

Mr. Speaker, all I can say to the Members opposite and the Member for Selkirk (Mrs. Charles) is we do not think that the numbers that were there before were good enough. We are doing our best to improve those numbers. What we inherited was not good enough. We are not going to stand idly by and say that we cannot do better. We believe we can do better and we are actively pursuing doing better.

### Literacy Programs

**Mr. Darren Praznik (Lac du Bonnet):** Mr. Speaker, yesterday the federal Government made a major announcement pledging \$110 million to battle illiteracy. My question is for the Minister of Education (Mr. Derkach). I know this House, Members of this House would like to know more details on that announcement. So I would ask the Minister if he could elaborate on the details of the program and how it will affect Manitoba?

**An Honourable Member:** Hear, hear!

**Mr. Speaker:** The Honourable Opposition House Leader, on a point of order.

**Mr. Reg Alcock (Opposition House Leader):** I think if Ministers wish to make ministerial statements, there is a time for that prior to Question Period. I would ask that Ministers confine their statements about this. The backbencher asked for a statement. He did not ask for . . . .

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

**Mr. Praznik:** I also asked for the effects on the Province of Manitoba.

**Mr. Speaker:** Order, please; order, please. The Honourable Opposition House Leader (Mr. Alcock) does not have a point of order.

The Honourable Member for Lac du Bonnet, to rephrase his question.

**Mr. Praznik:** Thank you, Mr. Speaker. My question for the Minister of Education (Mr. Derkach) is this: Could he tell this House the effect on the Province of Manitoba of this announcement yesterday?

**Hon. Leonard Derkach (Minister of Education):** I would like to say that this matter on illiteracy is far too important for Members opposite to make light of. I would like to also indicate that I was very honoured yesterday to be present as the Minister of Education of this province and also the Chairman of the Council of Education Ministers in Canada at the announcement that was made by the Prime Minister with regard to illiteracy in this province. This is probably the largest

sum of money that has ever been devoted by any Government anywhere to combat illiteracy in a country. We are very thankful and proud of the amount of money that has been devoted to fighting illiteracy in Canada.

Mr. Speaker, this Government is now going to be developing programs which will be submitted to the Secretariat of Illiteracy under Mr. Bouchard, whereby they will be approved and then funding will flow by a negotiated agreement between this department and the federal department. The amount of money that this particular Government is going to receive, or this province is going to receive, has not been designated to this point in time.

**An Honourable Member:** Hear, hear!

**Mr. Speaker:** The Honourable Member for Kildonan (Mr. Cheema) will have time for one final question.

### St. Boniface Hospital Patient Transfers

**Mr. Gulzar Cheema (Kildonan):** My question is for the Minister of Health (Mr. Orchard). Delay in various medical procedures is a slogan for this Government and now transferring pregnant patients from one hospital to another is becoming a way of life in Winnipeg. For the last few months, the St. Boniface Hospital obstetrical floor has been closed several times, resulting in transferring pregnant patients from one hospital to another. This has caused an extreme degree of dissatisfaction and an extreme degree of fear among pregnant patients and their families. Could the Minister tell this House, is he aware of this problem and what are the causes of the serious neglect?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, with the utmost of apology to my honourable friend, I simply could not hear the question. Because of substantial background noise, I simply could not hear—

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

**Mr. Speaker:** Order, please. The Honourable Member for Kildonan. Order, please.

**Mr. Orchard:** —(Interjection)— It was not coming, Sir, from this side of the House. It was coming from that side of the House.

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

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

The Honourable Member for Kildonan will kindly put his question again.

**Mr. Cheema:** I will repeat the question again for the Minister of Health (Mr. Orchard). For the last few months, the St. Boniface Hospital obstetrical floor has been closed several times, resulting in a private patient transferring from one hospital to another. This has caused an extreme degree of dissatisfaction among

the patients and their families. Could the Minister tell the House, is he aware of this serious problem and what are the causes for the serious neglect?

**Mr. Orchard:** I thank the honourable critic of the Opposition for the question. The background to the answer is one which deserves investigation. He might recall that, approximately three-and-one-half years ago, the previous administration closed the obstetrical wards at Concordia Hospital in the northeast of Winnipeg and in Seven Oaks Hospital in the northwest of Winnipeg, ostensibly to centralize those services through St. Boniface Hospital.

Mr. Speaker, as a result of the closures imposed by the New Democrats some three-and-one-half years ago, St. Boniface Hospital has experienced occupancy rates in their maternity wards exceeding 100 percent. They have very successfully implemented an early discharge program for mother and child which to a great degree has relieved that 100 percent and 100 percent-plus use of the facilities.

From time to time, however, because they are running very efficiently in very near-maximum capacity, there are circumstances—and this is not simply a circumstance which has happened in the last three months, as my honourable friend suggests, since the change in Government. It was a circumstance which has been a natural evolution of concentrating the deliveries of children from three hospitals into one. From time to time, because of the sheer occupancy rate at St. Boniface Hospital, some mothers have been referred to other hospitals for delivery of their babies. That is not a new circumstance. That is an outflow of policy decisions made three-and-one-half years ago.

**Mr. Cheema:** My supplementary again to the same Minister, will the Minister assure this House that patients who are being transferred to those hospitals—those hospitals do not have a 24-hour coverage for anaesthesia and neonatology, and this is causing an extreme degree of problems with the patients. Will he assure this House that he will make sure those hospitals do have the coverage for anaesthesia?

**Mr. Orchard:** The question, I presume, involves some concern that my honourable friend has over patient safety. If he has that kind of concern, it is one which has not been brought to my attention by the department or by the St. Boniface Hospital and indeed any of the users of that service.

**Mr. Speaker:** The time for oral questions has expired but, due to the fact that there was an awful lot of confusion here a while ago, I neglected that I should have recognized an Honourable Member from the N.D. Party. I wonder if all Honourable Members would grant leave for me to recognize the Honourable Member for Logan (Ms. Hemphill). (Agreed)

### Employment Opportunities

**Ms. Maureen Hemphill (Logan):** My question is to the Minister of Labour (Mr. Connery). I think we have a very clear example, a very concrete example of what

seems to be a lack of consideration and what we can only assume is a lack of concern for the women in the Province of Manitoba.

Given the shocking increase in the labour force statistics for unemployment rates for young women between the ages of 15 and 24 and the fact that, when the Conservatives assumed Government, Manitoba was 10 percent below the national average with respect to unemployment and is now 10 percent higher than the rest of the country, is the Minister prepared to admit that they have no economic plan except to hand out to big corporations and that the lack of economic policies means less opportunity and fewer jobs for people in the province, particularly young women?

\* (1100)

**Hon. Edward Connery (Minister of Labour):** Mr. Speaker, when I was in Opposition, I was always concerned about the unemployment statistics and I still am. There is nobody on this side of the House who would be pleased with that, but we inherited a regime that was in decline and in disarray. With my colleague, the Minister of Business Development (Mr. Ernst), we will be increasing those jobs. I am sure the emphasis from that Honourable Minister will be to ensure that all women have an opportunity in this province and deserve an opportunity in this province.

Take a look at the Civil Service Commission that I am on and take a look at the women who are on that board to ensure that women in Civil Service have a rightful place and a rightful understanding. This Government will work to ensure that all people in Manitoba have an opportunity to work. Those in those high categories, it is a shame, and we will work to ensure that as many of those young people have an opportunity, unlike the other Government where they put in place some policies that were detrimental to young women.

**Mr. Speaker:** The Honourable Member for Logan (Ms. Hemphill) with a supplementary, but we are during leave, so kindly put her question now.

**Ms. Hemphill:** Thank you, Mr. Speaker. I think that the Minister of Labour (Mr. Connery) would have to admit that 3,000 less jobs than they were predicting in three months is not an improvement and not good news for the people of Manitoba. My question is: Will the Minister of Labour ask his Government to reconsider the foolish decisions that they have made in the past to dismantle the Jobs Fund, to discontinue the Training for Tomorrow Program, and the foolish cutbacks in the Affirmative Action program so we can get jobs for the young people and young women of Manitoba?

**Mr. Connery:** Mr. Speaker, when we were in Opposition, we were very critical of the Government eliminating the lower wage for those younger people. We were very critical of it. We said that would eliminate a lot of those young people from the workforce.

Because I was concerned about it, I asked the department to do a survey. They did a very intensive

survey of the effects of this program on young people. Saskatchewan is in the same position as Manitoba because they had equalized that rate for the younger people, the minimum wage, where there is no lower minimum wage for those young people. In Manitoba and Saskatchewan, we have seen an increase in young people unemployed. We were critical of that program, and that has come to roost.

We are looking at now what we will have to do to ensure that young people have a job. We will come forth with some programs, but the program that they put in place is responsible for the high number of young people unemployed today and that was a disgrace.

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

### ORDERS OF THE DAY

**Hon. James Downey (Minister of Northern Affairs):** It is the intention to have you call, Sir, the Bills as they appear on the Order Paper, debates on second readings from Bill No. 4 through to Bill No. 15 and, depending on the time, Mr. Speaker, if in fact it does not take up the full time, we would proceed to committee, if enough time were left to allow that.

**Mr. Speaker:** I would like to thank the Honourable Minister.

Orders of the Day, debate on second reading. Does anybody want to -(Interjection)- that is right.

### ADJOURNED DEBATE ON SECOND READING

**Mr. Speaker:** On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 4, The Re-enacted Statutes of Manitoba, 1988, Act; Loi sur les Lois réadoptées du Manitoba de 1988, standing in the name of the Honourable Member for Interlake (Mr. Uruski). (Stand)

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

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

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

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

**Mr. Jim Maloway (Elmwood):** Unlike the Attorney-General (Mr. McCrae), I did not have any intention of standing a Bill for a month successively.

I rise, Mr. Speaker, to support Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act. This particular Bill was one that the previous Government was supportive of, so there is not that much disagreement on this side of the House as to whether or not the Bill should be supported. It makes some very, very good and needed changes to the small claims procedures in the Province of Manitoba.

As a matter of fact, the Attorney-General made reference to his commitment to this Bill during the campaign and suggested it was a promise that the Conservatives were keeping. Once again, Mr. Speaker, we have evidence that in other areas of promises, for example bed closures and so on, the Conservatives have not in fact kept pace with what they have promised during the election.

Bill No. 8 improves the operations of the Small Claims Court in three ways: (1) it raises the monetary jurisdiction of small claims division to \$5,000 from \$3,000 where it is right now; (2) it introduces a default judgment proceeding; (3) it will ensure that small claims matters are heard in Small Claims Court.

The reforms make the courts simpler and they make them easier for the average person to comprehend and deal with. In fact, specialization and professionalism are perhaps, in my opinion, two of the greatest evils in society. In fact, it has been a gradual progression over the years to rely more and more and more on professionals, on specialization in the fields. These professionals tend to closet themselves in professional organizations, protect their turf, get very, very good arrangements in terms of legislative protection, in terms of monetary reward for what they offer to society. They do so I think to a certain extent to the detriment, in many cases, of the average person.

I know there are good people in each of the professions who strive to, in the case of lawyers, make the law simpler to understand, the Legal Aid-type lawyers, but other professions have the same problem. There is always the group within the profession who strives to make the profession more exclusive and tries to exclude people from it on the basis that education is important and standards are important, and they use those basically to regulate and keep undesirables out of their profession.

There is a certain amount of merit in what they say, but what they are really doing is, I think, seeking to mystify the profession even more and protect their privileged positions.

**Mr. Speaker:** Order, please. I would like to remind Honourable Members if they would like to carry on private conversations that we do have rooms to the exterior of the chambers. I am having difficulty understanding the Honourable Member for Elmwood (Mr. Maloway).

**Mr. Maloway:** I am certain the Minister of Highways (Mr. Driedger) has been listening to my comments, and he may be the only one.

Once again, specialization and professionalism have been the trend over the last hundred years. I think they are not necessarily the proper direction to be going. I think, wherever we can check those areas, we should. I think it is a welcome relief to find the odd dissident in each and every profession who seeks to try to open the professions up and take out some of the cobwebs and make the system a little more user friendly and helpful to the people.

I would just reference at this time Bill No. 16 that would allow for legal counsel on land titles, because that Bill as well is one that will permit the individuals in this province to go in and access land titles, and allow for them to do a very important piece of business on their own to a certain extent where now they are virtually the captives. In league with the mortgage companies, they are really the captives of the legal profession.

A simplification of the law is another very important area, and my former colleague for Kildonan used to make many speeches about how the laws were drawn by lawyers and for lawyers to protect lawyers.

\* (1110)

In the insurance business in the last few years, we have seen some movement by some companies to bring in simple language insurance policies, which have been welcomed by many people in the public, because for years people were, in effect, bamboozled in some respects, or just could not really come to grips with the wording involved in these, what were essentially, legal contracts.

By some insurance companies, some more responsible elements in the insurance industry, taking the bull by the horns and translating a legal document into the English language and making it more understandable and readable, what they have done is, in effect, allowed people to have a better understanding of their insurance policy. I think these sorts of moves are helpful to our system, whenever we can make the legal system more clear to the layman.

The Attorney-General (Mr. McCrae) once again—I have said this before. I had great hopes for him when he started out, being a non-lawyer. In his comments to this Bill, he makes reference to that as something positive and I think that it was a positive move on the part of the Premier (Mr. Filmon) to make this appointment. I think it was long overdue, but I do not see any real direction from this Attorney-General in terms of carrying out what I thought he was there for. We have for the first time the opportunity for an Attorney-General to make rules, and he is sitting back and being tentative and basically a captive of his department. I think part of that is to do with the fact that he is overworked and perhaps the Premier will take care of that in the future.

At the current time, I really wonder why a person should have to hire a lawyer to deal with a very, very minor matter to have it resolved. I think that lawyers would recognize that as well. We have several in the Legislature. I do not think there has ever been a Legislature without lawyers. Perhaps there are fewer

in this one than the last time, but there is a young crowd. Normally, you find an overabundance of lawyers in the front benches in Government and in Opposition, and they all seem to have been cleaned out by the electorate in the last election. What you have is a bunch of new young lawyers, the embryo, the young chickens who are going to be developing, and we want to teach these new Members, develop them and nurture them so they do not turn out as carbon copies of the last crop that were through here.

We have the Member for St. James (Mr. Edwards) who is under 30; the Member for Seven Oaks (Mr. Minenko) who is probably under 30; as well, the Member for Lac du Bonnet (Mr. Praznik) who is under 30. I think these three lawyers should, over the next few years, take a more advocacy role towards the law and not necessarily parrot the line of the Law Society. I hope that they will show some independence in this regard.

There is plenty of work for lawyers. I think the Attorney-General (Mr. McCrae) pointed that out, that new laws are being drawn up every day. They are drawn up by the lawyers, they are drawn up for the lawyers. I made reference before to the Free Trade Agreement. Of all the different groups of people who are exempted under the Free Trade Agreement, is it any surprise to anyone that one of those groups are the lawyers? Not the accountants, not the doctors, but the lawyers managed to exempt themselves. I have often wondered why that is.

The second area that the Act will be changed to deal with will be the area of default judgment proceedings. The current system is not good because, if the defendant does not appear, the court officer who hears the claim is given the choice of adjourning the matter or hearing the matter. I can recall not having had that much experience. In the last 10 years in business, I have only been involved in three small claim situations but I learned enough through that procedure to know that you want to catch your receivables before they get into that position because it is very difficult, it is not that easy—it is a fairly simple system relative to what it used to be, but it is not that easy. In fact, for the people who are not really used to the system, you have to go through the process of filing the notice on the proper papers at the proper time and going through all this procedure. When you finally get your party in courts, the chances are that, even if you get the judgment, you have not really got anything because then you have to go out and try to garnishee the wages, seize the bank account if you can find it and try to find some assets. Let me tell you that certainly, in one of the three cases, there was never any resolution to the problem.

**Mr. Speaker:** Order, please. I would like to remind the Honourable Member, I believe we are doing Bill No. 8, which is The Court of Queen's Bench Small Claims Practices Amendment Act. Therefore, on second reading, it is the principle of the Bill under consideration which is debatable. When the Bill is an amending Bill, it is the principle of that amending Bill, not the principle of the Act being amended, which is the business under consideration.

**Mr. Maloway:** Mr. Speaker, in preparation for the speech, I did have occasion to review the Attorney-

General's (Mr. McCrae) comments, and I note extensive areas where the Attorney-General has digressed from the Bill and been way out in fields of clover talking about things totally unrelated. I would not want to quote him, but I see large sections here where he has done it. But I will try to confine my remarks to the Bill, and I thought of course that I was doing that.

Under the new Act where a defendant does not appear, the hearing officer will no longer have the power to adjourn the matter. Once it has been proven that the defendant has been served, the officer can grant the default judgment and dismiss any counter claim. Now small debts court will have similar powers to other courts under the new amendments.

The defendant can still appeal the decision to the Court of Queen's Bench, but the defendant will be required to explain why he did not appear. Large corporate defendants have in the past, I believe, let the judgment go, and then they have appealed the matter through their lawyer. They have taken the matter to the Queen's Bench, and this is really nothing more than a stalling technique. You have a case of a small individual being sued, and the appeal is being taken by the big company to a larger court where it requires more legal advice and more expense and more hoops to jump through and a much more complicated cumbersome process. The changes to the Act will hopefully stop this from appearing. The lawyer will now have to explain why the defendant did not show and, if the defendant does not show, the person will have a quicker judgment than without this legislation.

\* (1120)

I also wanted to relate a problem once again of people who make excuses and never show, and that is a problem right now as well, where a small business can go to court, take a defendant to court and, at the last minute—and I had knowledge of a friend of mine in that situation, at the last minute, this was a common occurrence. He took me there one day, and he could pretty well tell me what was going to happen, because in fact what would happen is the defendant at the last minute would come up with an excuse about running out of gas or somebody being sick and having to go to the hospital. He could, in effect, drag this process out for a long time at great expense and aggravation, and great expense to the person taking him there and certainly to the court system.

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

Now once the judgment is obtained, and I have indicated this before as well, what good is it if you cannot enforce it? I think the Member for Charleswood (Mr. Ernst), I believe, alluded to this in his comments. If it cannot be enforced, then what good is the judgment? You have people who, once you have the judgment, you have to go out and get more legal documents, you have to get garnishee orders to garnish wages, seize bank accounts, and if you can find them, send out the bailiff. So even under, I suppose, a simplified system, you are going to have still a lot of problems. But I think, Mr. Speaker, that this Act is worthy of support, and I certainly believe that our side of the House will be supporting it. Thank you.

**Hon. James Downey (Minister of Northern Affairs):** Mr. Speaker, I think it is the disposition of the third Party to stand Bill No. 9, unless there are other Members wishing to speak. Is there anyone wishing to speak on Bill No. 9?

**An Honourable Member:** Bill No. 8.

**Mr. Harry Harapiak (The Pas):** I move, seconded by the Member for St. Johns (Ms. Wasylycia-Leis), that debate on Bill No. 8 be adjourned.

**MOTION presented and carried.**

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

### **BILL NO. 11—THE CHILD CUSTODY ENFORCEMENT AMENDMENT ACT**

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

**Mr. Paul Edwards (St. James):** Mr. Deputy Speaker, this Act is a short one, but I think it has very serious and important implications in the Family Law area, with specific reference to the enforcement of child custody orders. The Act, and I will just briefly because it is very brief anyway, basically states, as I read it, that the court can punish a person who continually and regularly frustrates the ex-spouse's access rights to the child of the marriage. This is in response to a great need which has been in our province for some time and indeed our nation, but has recently come to a head in our newspapers and with the formation of various groups of frustrated parents who have access rights but simply cannot enforce them except through the continual and repetitive application to court to enforce them.

There is great frustration. I think we can all sympathize with that frustration in this House, in particular, we with children, with the frustration in having to continually go to court to enforce your access rights and even then not getting them because next time you just simply stop going to court because probably you cannot afford it. The fact is that maintenance is enforced and wages are garnished to pay maintenance, and that is good.

This is, if you will, a concomitant part of that package. If you are going to enforce maintenance, there has to be some means by which access is also enforced because, as we know, what happens is fathers, and indeed mothers but primarily fathers, with access rights who are paying maintenance, when they stop getting access, they just simply stop paying maintenance, but we have the enforcement procedures in place and they are garnished. There is a high level of frustration amongst these individuals.

I am personally aware of at least two groups that have formed to deal with this, and I know that our present Attorney-General (Mr. McCrae) has spoken of a pilot project to enforce access orders. This statute is meant to buttress that pilot project which, I am led to understand, will function out of the Family Conciliation office, the pilot project to be done here in Winnipeg.

I have some concern over that pilot project in that the original press release said that it was going to be put into effect February 1. Recent information from the Family Conciliation office indicates that it will be quite a bit later. It will be some months after February before the pilot project is set up and going. I certainly want to speak in favour of that pilot project and a very quick evaluation of it once it is under way because, if in fact it has success, it should be implemented as soon as possible.

I guess, in that respect, I also want to touch on the fact of the discrepancy between rural and northern Manitoba and Winnipeg with respect to the availability of this type of service: conciliation, mediation and now this perhaps access enforcement program. We know, for instance, that there was a report in November of 1986 recommending the expansion of conciliation and mediation services and indeed recommending the expansion of the unified Family Division to the remainder of Manitoba which is left out.

The City of Winnipeg has been the recipient of a Family Division for some time. Six judges presently sit in the Family Division and have become specialists in that division. I think, by and large, that has been a good thing. I think most parties involved in the Family Law system agree that is a good thing to have a unified court which can handle all of the many aspects of a Family Law dispute, including divorce and property division and maintenance and custody and all of those things which come into it, rather than have the split between the provincial and the superior court, which causes all kinds of jurisdictional problems. The unified court has been a good idea and I look forward to the expansion of it into the rural and northern areas of Manitoba, as well as the supporting services of mediation, conciliation and now access enforcement.

It is very, very important, I think, that we take this to all corners of this province and not restrict ourselves to the City of Winnipeg. Even though we started a certain pilot project as was called "The Unified Court," which has yet to expand beyond the boundaries of the city, we have to keep in mind that we are doing this with a view to the province.

This particular piece of legislation before the House today has drawn some criticism in that, when you punish a mother, let us say for example, who has custody of a child financially, the repercussions of that financial punishment can sometimes be taken out on the child and the family has less money. That is a potential problem with this punishment in the form of costs . . .

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

**Mr. Deputy Speaker:** Order, please; order.

\* (1130)

**Mr. Edwards:** Mr. Deputy Speaker, I am not sure if it is excitement with my remarks or ~~(interjection)~~—In any event, the punishment of a family by a monetary award, there have been some concerns expressed that this will find itself to the children and that will be a bad thing.

One thing that has occurred to me and that I will look forward to discussing in the committee stage is what else we can put in place to enforce these access awards and bring it home to parents that access awards must be respected. We all know, I think, those of us in this House with children, that all of us will spend our last penny on our children. Generally, we will spend that money to keep them and to have access if in fact we have those rights. So it is a terrible thing, I think, to bankrupt the parent with access rights who simply is frustrated in his or her attempts to enforce them.

One thing that has occurred to me, as I say and I look forward to discussing in the committee stage, is: What else is available? Perhaps custody at some point should become an issue. If you continually frustrate the rights of the parent with access rights, perhaps your custody rights should at some point become at issue again. That is a very, very drastic thing to do to put into question the custody rights which have been given by a court of law but, if the parent with access rights is continually frustrated in those access rights, perhaps at some point it shows that the parent with custody is not a very good parent and does not respect the ability of two parents to share in the development and in the growth of a child, the product of the marriage.

In this, I want to refer briefly to the Divorce Act, the new Divorce Act, which I think has some interesting things which we can learn from and which I do not see in this present Act before us. The Divorce Act has a provision, being Section 16(10), which states that in making an order—and this is the section dealing with the orders for custody—in making an order under this section, the court shall give effect to the principle that a child of the marriage should have as much contact with each spouse as is consistent with the best interests of the child and, for that purpose, shall take into consideration the willingness of the person for whom custody is sought to facilitate such contact. I think that is an extremely enlightened section in the new Divorce Act. I think that we should consider putting that in our Family Maintenance Act.

When a court gives a custody award, perhaps one of the factors they should look at is whether or not the spouse who is not going to have custody is going to get access and that the parent with custody should be assessed in that regard with respect to giving custody. Will that person cooperate and give access? That should be a factor in deciding whether or not that parent gets custody.

I also note in the Divorce Act, Section 17(9), which goes forward on this theme and states that, in making a variation order varying the custody order, the court shall give effect to the principle that a child of the marriage should have as much contact with each former

spouse as is consistent with the best interests of the child and, for that purpose, where the variation order would grant custody of the child to a person who does not currently have custody, the court shall take into consideration the willingness of that person to facilitate such contact.

Again, with respect to variation orders, the same principle is put forward that should be an issue when custody of the child is given to one of the parents. Again, when that custody order is going to be varied, the same principle should be looked at, which is the principle of willingness to accept that two parents have a role to play in the raising of a child. Even though a divorce occurs or a separation, the child has a right to access to both parents where that relationship can be healthy and productive. One parent, the parent with custody, should not be able to frustrate the other parent's access rights, regardless of what has happened between them.

I think that it is important that these thoughts of the new Divorce Act be put into our Family Maintenance Act. I hope that we can discuss that in the committee stage, and I look forward to hearing the Attorney-General's (Mr. McCrae) thoughts on that.

In that vein, let me say that while Bill No. 18 certainly makes progress and is a good move, I am eagerly awaiting the pilot project to see what form it will take, what it is going to do. If it is simply going to bring people in for the mediation and conciliation services and attempt to force them to do that, I will have some concern. While you can force someone to the bargaining table, you cannot force a deal. If parents are at each others throats, as it were, as they most often are by the time they enter a court of law and they have to be forced to come to mediation and conciliation, then I have very little hope that you are going to get an amicable and workable arrangement when you have basically brought them by force to the bargaining table.

In that regard, I want to make some brief comments on our Maintenance Enforcement Program and the great successes that it has had, and the need for that maintenance enforcement to go coast to coast. Unfortunately, there are not the Canada-wide provisions available so that maintenance enforcement can be done coast to coast. We in Manitoba have been leading this country, and I think the NDP Government can and should take credit for that -(Interjection)-

Sorry, I missed the comment from the Member for Kirkfield Park (Mrs. Hammond).

**An Honourable Member:** She was responsible for it.

**Mr. Edwards:** I am not aware that the Conservative Government of Sterling Lyon had anything to do with that but, if they did . . .

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

**Mr. Deputy Speaker:** Order, please; order, please.

**Mr. Edwards:** Let me say this, whoever had responsibility for setting up the Family Maintenance

Enforcement Program, I will take my hat off—it already is off, but I will do it again—to that Government. It has obviously been a good idea. I hope that this pilot project receives the same attention and the same concern with respect to the enforcement of access orders.

One of the things that is not addressed, certainly in this legislation—and whether or not it could be is debatable jurisdictionally, but perhaps this Government should be looking to the federal counterparts to do that—is Canada-wide enforcement of access orders.

What is going to happen when the access orders are frustrated by a parent outside of the Province of Manitoba? The province will lose jurisdiction and, at that point, I think we have the same problems that we do with maintenance enforcement. Similarly, what is going to happen when the parent with custody is, for instance, with the armed forces, as the -(Interjection)- Yes, I see the Deputy Speaker saying here that I have lots of time, and I certainly appreciate that. Perhaps I could know exactly how much time I do have remaining.

**Mr. Deputy Speaker:** The Honourable Member has 30 minutes.

**Mr. Edwards:** Thirty minutes remaining. Well, I do not have many more comments, my honourable friends will be happy to know. I think I have posed some questions and concerns which I hope the Honourable Members across the floor will take to the Attorney-General (Mr. McCrae), who I am sure will be concerned, as I am. I hope we will be able to discuss this and fully work out the details of what can be done in addition to this Bill at the committee stage.

Let me conclude then by stating that I certainly support the theme of this Act, and I support the provisions that are there. I would like to see a more comprehensive piece of legislation dealing with some of the concerns that I have raised. I would also strongly recommend to the Government that the pilot project be given a high priority, and that the February 1, 1989 deadline be met, and that this be put into operation as soon as possible, and that the groups which have recently formed of parents who are having problems with enforcing access orders be consulted and be told what this program is going to entail. They are in the dark about it, as I am. There has been no information, no concrete proposal coming forward, and I think that it is incumbent upon the Government to inform those groups and solicit their opinions, as they are the people who have gone through this frustration which the pilot project and this piece of legislation are set up to deal with.

\* (1140)

With that, I am going to conclude my remarks on this piece of legislation and recommend that it be sent to committee stage. I look forward to the amendments which I hope will come out of the committee stage with respect to this Bill, and I look forward to discussing this with the Attorney-General (Mr. McCrae) in due course. Thank you.

**Mrs. Gerrie Hammond (Kirkfield Park):** I move, seconded by the Member for Gimli (Mr. Helwer), that debate be adjourned.



Friday, September 9, 1988

---

**MOTION presented and carried.**

**Mr. Deputy Speaker:** On the proposed motion of the Attorney-General (Mr. McCrae), Bill No. 14, The Regulations Act; Loi sur les textes réglementaires, standing in the name of the Member for St. James (Mr. Edwards). (Stand)

On the proposed motion of the Honourable Attorney-General, Bill No. 15, The Cooperative Promotion Trust Act; Loi sur le fonds en fiducie de promotion de la coopération, standing in the name of the Member for Brandon East (Mr. Evans). (Stand)

**Hon. James Downey (Minister of Northern Affairs):** In view of the fact that the next move would be to go into Estimates and in view of the time that we are now facing and to get staff here, I think it would be inappropriate and inefficient to ask them to come in at this particular time for the little time that we would have left to deal with it. I think it is the disposition of all Members that we call it 12:30 p.m.

**Mr. Speaker:** Is it the will of the House to call it 12:30 p.m.? (Agreed)

The hour being 12:30 p.m., the House is now adjourned and stands adjourned until 1:30 p.m. on Monday.