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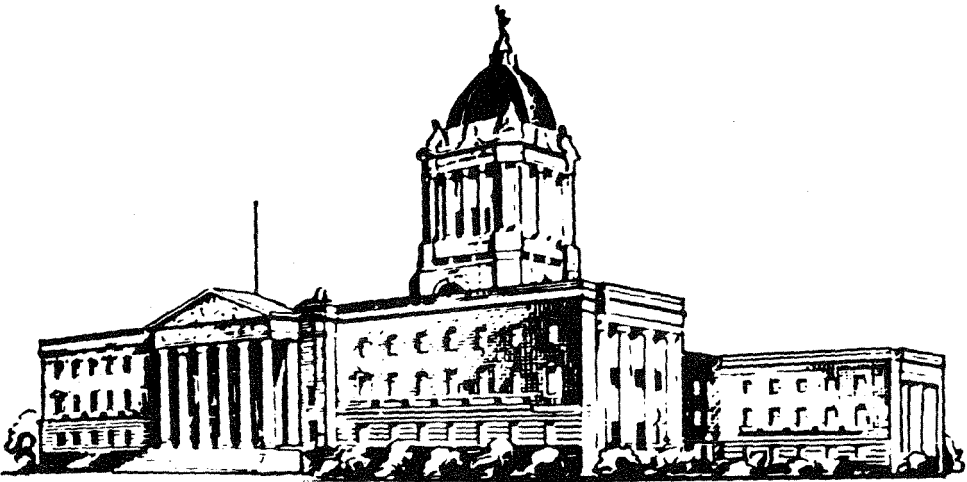
Second Session — Thirty-Fourth Legislature
of the
Legislative Assembly of Manitoba

STANDING COMMITTEE
on

LAW AMENDMENTS
(REVISED)

38 Elizabeth II

Chairman
Mr. Ed Helwer
Constituency of Gimli



VOL. XXXVIII No. 1 - 8 p.m., WEDNESDAY, JUNE 28, 1989.



**MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature**

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA
THE STANDING COMMITTEE ON LAW AMENDMENTS

Wednesday, June 28, 1989

TIME — 8 p.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Mr. Edward Helwer (Gimli)

ATTENDANCE - 10 — QUORUM - 6

Members of the Committee present:

Hon. Messrs. McCrae, Hon. Mrs. Oleson
Messrs. Alcock, Ashton, Burrell, Mrs. Charles,
Messrs. Evans (Fort Garry), Gilleshammer,
Helwer, Ms. Wasylycia-Leis

MATTERS UNDER DISCUSSION:

Bill No. 30—The Child and Family Services
Amendment Act.

* * * *

Clerk of Committees (Ms. Bonnie Greschuk): Will the committee please come to order. We must proceed to elect a Chairperson for the Committee responsible for Law Amendments. Are there any nominations?

* (2005)

Hon. James McCrae (Minister of Justice and Attorney General): I would like to nominate Mr. Ed Helwer, the Member for Gimli.

Madam Clerk: Are there any other nominations? If there are no other nominations, will Mr. Helwer please take the Chair.

Mr. Chairman (Edward Helwer): We will bring the meeting to order to deal with Bill No. 30, The Child and Family Services Amendment Act. Any opening remarks? The Honourable Minister.

Hon. Charlotte Oleson (Minister of Family Services): No, thank you.

Mr. Chairman: How shall we proceed then?

An Honourable Member: Page by page.

Mr. Steve Ashton (Thompson): I just wanted to put on the record that I appreciate the co-operation of the Government House Leader (Mr. McCrae) this afternoon in making sure this committee hearing was held. Due to a misunderstanding yesterday, the Bill had originally been passed through Committee of the Whole in the Legislature. I know it is the normal policy in Manitoba, it is our unique policy of having a Bill such as this go to standing committee, where members of the public do have the opportunity to comment on the Bill.

In this particular case actually, this Bill really is proof of the importance of consultation. Many of the concerns that were expressed last year are being accommodated this year. I think it is important to note that one of the reasons we are meeting tonight is because of the recognition of that principle.

* (2010)

I know our caucus felt strongly about it. I appreciate the co-operation of both the Government House Leader (Mr. McCrae) and certainly the Liberal House Leader (Mr. Alcock). I think it reflects the desire on the part of all three Parties in the Legislature to make sure, whether or not there actually are presentations or not, that the public does have that opportunity. Tonight, obviously, there are not presentations, but I think it is important that we continue that process wherever possible.

There are some Bills, of course, which are dealt with through the Committee of the Whole, but in matters affecting the public interest I think it is important we deal with it through this process. I think it is a statement tonight for the fact we are meeting, all three Parties in the Legislature. That is an important process.

Mr. McCrae: Mr. Chairman, I acknowledge the remarks of the Honourable Member for Thompson (Mr. Ashton), and as I did this afternoon take my responsibility seriously, balancing my responsibilities of attempting to put Bills through the Legislature as Government House Leader, but also my responsibility to work co-operatively with the other House Leaders and the House as a whole, so that I acknowledge the reason for the committee being called. Part of the reason for it being called is that was the procedure which had been foreseen or anticipated by the other House Leaders yesterday in the Legislature. The matter was taken beyond second reading and into Committee of the Whole, and that went beyond the understanding between the House Leaders. I acknowledge that and take responsibility for it.

To you, Mr. Chairman, and the staff and everyone else involved this evening, I offer my regrets because I had felt and I still feel that this Bill was the subject of all-Party consultations, assuming that consultations were also held with outside groups and agencies. It was on that assumption that I proceeded, but in error I can admit, so that is the reason we find ourselves together this evening.

Mr. Chairman: Shall we carry on then and deal with Clause 1? Mr. Alcock.

Mr. Reg Alcock (Osborne): Mr. Chairman, am I correct in assuming then there are no public presentations?

Mr. Chairman: No, I am sorry. There are none.

Mr. Alcock: I have a few questions that are general in nature that pertain to the Bill as a whole. Then at that point we would be prepared to deal with it page by page if you want it.

Mr. Chairman: Okay, carry on. Would you like to deal with them now or deal with them as we go on the Bill?

Mr. Alcock: I could deal with them right now actually. Could I?

Mr. Chairman: Okay.

Mr. McCrae: Mr. Chairman, I suggest that the Honourable Member ask his questions until he is finished asking questions. Then we can run through the Bill fairly quickly and call it a night.

Mr. Chairman: Okay.

* (2015)

Mr. Alcock: Mr. Chairman, I referred to this in the few remarks I made on the Bill. Given that we are in committee now and the staff are here, I thought I might just get some clarification on a couple of questions that the Bill raises for me. As to the intentions of the Bill, I have no concerns at all. As I said in the House, I am very pleased that the department has taken the time to consult widely on this. I think that they have produced quite a number of improvements in the previous Bill and something that will represent an improvement over all the Child Welfare.

The concern I have though is that child welfare agencies are today heavily burdened, and today have a number of problems in terms of bringing resources to bear on the various services that they must provide. This Bill is important and it is necessary. I am fully supportive of what it is attempting to do, but it will add to the burden that the agencies already bear. There will be an increased number of investigations done, an increased number of reports prepared, an increased number of services provided to people in the community by the agencies. I am wondering if the department has had an opportunity to study the impact of the Bill in terms of increasing demands on the agencies.

Mrs. Oleson: Mr. Chairman, staff indicate to me that in discussions with the Child and Family Services agencies in preparation for this Bill, in the consultation they had with them that they did not raise this issue in relation to Bill No. 30. They did raise it in relation to Bill No. 46 from last year. They do not anticipate that there will be a great increase in cases as a result of the Bill. I will, however, say that—and I have said before—I do have regular meetings with the agency presidents. If it is a matter that they wish to raise with me, of course, they can at any time through staff or

through that process. I do meet with them regularly and any issues of concern to them get raised.

Mr. Alcock: Mr. Chairman, it is a concern. I certainly agree that this Bill is an improvement over 46 and reduces the necessity for a series of investigations that may, in fact, prove to be unnecessary in the kind of detail an agency goes through. The Bill will compel more investigations than agencies are currently doing. Child welfare being such a serious matter, it is not simply a matter of a phone call. They do have to attend, investigate and satisfy themselves that there is no substance to the concerns that lead to the investigation in the first place.

So I would simply ask that the Minister be sure that there is some monitoring of caseloads that will allow us to identify at an early stage increased demand, because I do not personally believe that the agencies have the resources to deal with it, given their existing level.

Mrs. Oleson: Yes, I will certainly take an undertaking to monitor the situation. As I said, I do meet with them regularly and of course they have close contact with staff.

The Member should be reminded that with the provision here of reporting to parents, that may in many cases create a situation where it does not need to be reported further, so that may alleviate some of the Member's concern in that regard. No, it is something that we have to be aware and watch to monitor the numbers of cases that are being reported, and certainly I am sure the agencies will raise it with me if becomes a concern.

* (2020)

Mr. Alcock: I am sure they will.

Mr. Chairman: Okay, shall we deal with the Bill then, as it stands? We have to deal with it clause by clause.

Mr. Alcock: I am prepared to deal with the whole Bill.

Mr. Chairman: Deal with the whole Bill. Is that the will of the committee? We can do it by groups of clauses but we have to—

Clause 1—pass. Can we deal with perhaps all the clauses on page 1, Clauses 1 to 3—pass; page 2, the balance of Clause 3 and Clause 4—pass; on page 3, the balance of Clause 4 and Clause 5, subsection (5)—pass; page 4, Clause 5 and Clause 6—pass; page 5, balance of Clause 6 and Clauses 7, 8, 9 and 10—pass; page 6, Clauses 11 to 15—pass; Preamble—pass; Title—pass. Bill be reported. (Agreed)

Committee rise.

COMMITTEE ROSE AT: 8:22 p.m.