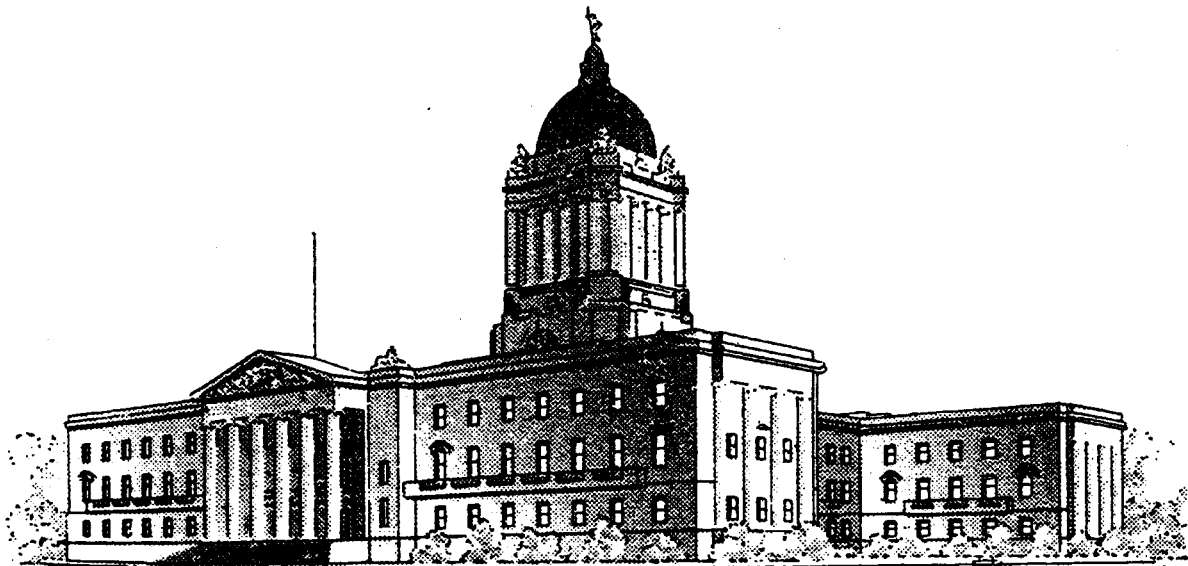




First Session - Thirty-Sixth Legislature  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**  
**(Hansard)**

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The Honourable Louise M. Dacquay  
Speaker*



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

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 10, 1995

The House met at 1:30 p.m.

*PRAYERS*

## ROUTINE PROCEEDINGS

## PRESENTING PETITIONS

**Emergency Health Care Services—  
Community Hospitals**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I beg to present the petition of Cristina Brucal, Alfredo Brucal, Bill Mackay and others requesting the Legislative Assembly to urge the Minister of Health (Mr. McCrae) consider making a commitment to the people of Manitoba that emergency health care services in Winnipeg's five community hospitals will remain open seven days a week, 24 hours a day.

## READING AND RECEIVING PETITIONS

**Emergency Health Care Services—  
Community Hospitals**

**Madam Speaker:** I have reviewed the petition of the honourable member for Inkster (Mr. Lamoureux), and it complies with the rules and the practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Yes.

**Madam Speaker:** Yes. The Clerk will read.

**Mr. Clerk (William Remnant):** The petition of the undersigned residents of the province of Manitoba humbly sheweth

THAT emergency health care services are the core of Manitoba's health care system.

THAT Manitobans deserve the greatest possible access to this care.

THAT the government is considering reducing access to emergency services.

WHEREFORE your petitioners humbly pray that the Legislative Assembly urge the Minister responsible for Health (Mr. McCrae) consider making a commitment to the people of Manitoba that emergency health care services in Winnipeg's five community hospitals will remain open seven days a week, 24 hours a day.

**Federal Immigration Policies**

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

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*WHEREAS Manitoba has been immeasurably enriched socially, economically and culturally by immigrants and their families; and*

*WHEREAS it was for this reason that successive provincial and federal governments have encouraged immigration to Manitoba; and*

*WHEREAS since 1993, the current federal Liberal government has reversed these policies by instituting a series of changes making immigration more difficult; and*

*WHEREAS the 1994 changes in quotas for family reunification class of immigrants were unfair and punitive; and*

*WHEREAS the fee increases for immigrants instituted in the 1995 federal Liberal budget are neither fair nor justifiable and border on racism; and*

*WHEREAS the new \$975 fee being imposed on adult immigrants is more than many immigrants make in*

*their home country in an entire year, and will make it even more difficult for people from these countries to immigrate to Canada;*

*WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request that the Government of Canada cancel these fee increases and instead institute policies that will encourage immigration to Manitoba.*

### TABLING OF REPORTS

**Hon. Jack Reimer (Minister responsible for Seniors):** Madam Speaker, I would like to table the Annual Report for 1994-95 for the Seniors Directorate.

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I am pleased to table the report of Manitoba Public Insurance for the Nine Months Ended July 31, 1995.

### ORAL QUESTION PERIOD

#### Health Sciences Centre Emergency Services

**Mr. Gary Doer (Leader of the Opposition):** My question is to the First Minister (Mr. Filmon).

On the first day of Question Period in this Chamber, we tabled with you a copy of a letter from Dr. Ludwig, head of the Emergency Department at the Health Sciences Centre.

In that letter, a letter that he had written in June to the provincial government, Dr. Ludwig talked about the pending crisis at the Health Sciences Centre emergency ward. He quoted the fact that they were at their brink in terms of dealing with the crisis that they had and could no longer absorb another further cut from the government of some \$19 million.

Dr. Ludwig went on to say, Madam Speaker, that five doctors would be leaving the Health Sciences Centre emergency ward, five out of 14 physicians who are hired in that facility. Today, it has been confirmed that three of those doctors are going to Duluth or are there already.

I would like to ask the Premier, what action has the government taken on the letter that we tabled in the House two weeks ago, or three weeks ago, a letter that was written to the government four months ago and a matter that had been raised with the government prior to the election of the spring of 1995?

\* (1335)

**Hon. James McCrae (Minister of Health):** Madam Speaker, the problem raised by the honourable member has been accentuated in the last month or so when emergency doctors at community hospitals walked off the job, but they are back on the job. We have just been through an extremely busy, traditionally busy, weekend in emergency rooms, what with the Thanksgiving long weekend.

The issue of recruitment on the part of American health authorities is not new, although it has been on the upswing in recent months, Madam Speaker, and that is, of course, an unfortunate situation for us here, right across Canada, when the United States goes on a recruitment drive.

However, there are issues at Health Sciences Centre that need to be addressed in conjunction with a review of emergency services in Winnipeg and in moving towards an integrated system for the whole city of Winnipeg. We have made some moves in that direction, and senior department officials are meeting with the emergency doctors from Health Sciences Centre and St. Boniface to discuss that future integration of emergency services and their role in it.

Madam Speaker, that would include a discussion of the physician remuneration at those two centres and looking at alternative ways of remunerating which would make that part of the scenario perhaps more attractive to the physicians.

**Mr. Doer:** Madam Speaker, Dr. Blanchard qualified the emergency ward at the Health Sciences Centre in 1993 as being possibly the worst-condition emergency ward in Canada.

Madam Speaker, this government has had warnings after warnings after warnings about the quality of care

and the standard of care at the emergency ward at the Health Sciences Centre. The government got that warning again in June of 1995 with the Ludwig letter that we tabled in this House long before the emergency ward doctors in the community hospitals withdrew their services.

Dr. Joel Carter, a doctor mentioned and leaving for Duluth today says, it is the issue of standard of care that we are not able to give here in the city. I think that is a big factor, he says.

He goes on to say that the limited beds—very often, when he starts his shift, there are no interim care beds for people. There are no cardiac beds; there are no medical beds. When you are just starting an eight- or 12-hour shift, what are going to do with these sick people?

These are the conditions, Madam Speaker, without the closure of the hospitals' emergency wards in the community hospitals.

I would like to know from the minister, when is he going to take some specific action, action to deal with the complaints that were raised in '93, in '94, in '95, that have been put in writing, that have been tabled with the Premier? When is this government going to take action on this issue so we can keep people in our communities?

**Mr. McCrae:** Madam Speaker, we are in the process of taking action to create an integrated, city-wide emergency services program. It is felt that such an integrated service with a better co-ordinated focus to patients who need emergency care will indeed result in improvements to emergency services in the city.

A key element of that is the paramedic and ambulance service that we have to have available for people in emergency situations, and all of those programs working together, Madam Speaker, are going to be very much improved over all of those programs working independently.

**Mr. Doer:** Madam Speaker, I would like to ask the Premier (Mr. Filmon), in light of the massive turnover rate—there are six community hospital emergency ward

doctors who have resigned, we have been informed, and we have doctors now, up to five at the Health Sciences Centre—how is the government going to deal with this problem and this medical challenge for us in this community?

We have a situation now where the only action the government is taking to deal with this issue is to close five community hospitals that deal with 50 percent of the cardiac arrest cases, the serious cases, in the evening. They deal with 50 percent of the cases now that are high-risk cases according to government stats. How are we going to effectively deal with this issue when it is going in the wrong direction, Madam Speaker, under this government?

\* (1340)

**Mr. McCrae:** Madam Speaker, the honourable Leader of the Opposition in his preamble did not state whether he was in agreement with a co-ordinated, integrated approach which includes bringing everyone to the table to plan and deliver emergency services. If indeed he had done that, then his position about the community hospitals and their hours of operation would not be consistent with his support for an integrated emergency system.

We would like to have his support for that because we know that of all of those 273,000 visits to the emergency rooms in the city of Winnipeg, 4 percent of them are classified as emergencies, and 43 percent of them are classified as urgent and requiring care within a reasonable period of time.

Madam Speaker, the honourable members opposite do not keep those facts in their minds when they raise questions about emergency services. They also forgot to mention that the 42 doctors who are returning to work are returning to work, and 14 pathologists, as well, are put back into the emergency services system. We were able, with difficulty, thanks to some very hard-working people, to manage during the strike without the services of 42 emergency physicians and 14 pathologists.

We have most of those people back at work now, Madam Speaker, and, working together, I believe we

can have a better emergency system than we had before the strike.

### **Kenaston Underpass Information Tabling Request**

**Mr. Leonard Evans (Brandon East):** Madam Speaker, I have a question for the Minister of Finance responsible for the infrastructure program.

The biggest of all the infrastructure projects, Madam Speaker, was to be the proposed \$29-million Kenaston underpass which was to be located in the Premier's (Mr. Filmon) Tuxedo riding. It was a priority of this government, and in the government's haste to proceed with it, \$1.8 million was spent for design work and site preparation. The planning for this project was handled very sloppily and \$1.8 million was virtually wasted, which could have been put to better use in other projects around the province, including northern Manitoba.

Will the Minister of Finance table in this Legislature the documents showing in detail where the \$1.8 million was spent and wasted?

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I will certainly undertake to provide more details around the money that has been spent on the Kenaston underpass project.

I take exception to the member's comments that those costs are all wasted. I think a significant amount of those costs will ultimately be put to use when that facility, when that structure, is ultimately built here in Manitoba.

I think most acknowledge, and listening to the comments of Winnipeg City Council, that at some point in time there will still be a need for that underpass. One of the reasons it did not proceed was because of some of the lengthy negotiations that had to take place with Canadian National Railway and so on.

I think the view of Winnipeg City Council—in fact, when they provided to us a summary of their projects under the infrastructure program, Madam Speaker, a No. 1 project from the City of Winnipeg, in the letter

from the Mayor of the City of Winnipeg, was the Kenaston underpass, so I think many of those costs will ultimately have benefit and value to the City of Winnipeg when that underpass is ultimately built here in Winnipeg.

### **Infrastructure Works Agreement Selection Criteria**

**Mr. Leonard Evans (Brandon East):** Madam Speaker, will this minister assure the House that in approving future projects under the infrastructure program, the government will base its decision on the level of unemployment in the area and not on easy access to cabinet?

**Hon. Eric Stefanson (Minister of Finance):** Madam Speaker, I really take exception to the tone of questioning from the member for Brandon East. He has done this before.

He is really calling into question, I think, the people who have represented Manitobans, people from the Union of Manitoba Municipalities, people from the Manitoba Association of Urban Municipalities, people from the City of Winnipeg Council who have made—[interjection] If the member for Thompson (Mr. Ashton) has a question, he certainly has an opportunity to ask that.

Madam Speaker, \$120 million out of the \$204 million has been allocated on the advice of those people, people like Jack Nicol and Larry Walker from the Union of Manitoba Municipalities, people from the Manitoba Association of Urban Municipalities, organizations that represent the municipally elected people.

Those are the people making recommendations. We have accepted each and every recommendation they have made here in Winnipeg and in rural Manitoba, and, Madam Speaker, the Rural Advisory Committee has distributed their \$60 million for traditional programs on a per capita basis, trying to put in place equity in terms of distribution throughout our province.

\* (1345)

**Mr. Leonard Evans:** Well, the way the minister talks is that the province had no role to—

**Madam Speaker:** Order, please. I recognized the honourable member for Brandon East for a final supplementary question, for which no preamble, postamble or midamble is required.

**Mr. Leonard Evans:** Madam Speaker, will the minister, in future project approvals under this federal-provincial infrastructure agreement, assure this House that priority will be given to needed basic infrastructure, instead of other projects which may be very interesting and perhaps useful but by no stretch of the imagination can be called basic infrastructure projects?

**Mr. Stefanson:** Madam Speaker, we have adopted an approach in Manitoba that has been utilized in many provinces across Canada that blends traditional municipal requirements with other opportunities for economic development here in Manitoba.

Some of the fundamental objectives of the infrastructure program, Madam Speaker, were to create employment and to create long-term economic opportunities for all of our communities. So those kinds of opportunities are created by going beyond purely the traditional municipal requirements. We have struck a good blend. We have also been very inclusive. The member never listens to the answers or seems not to listen to the answers on occasion, because I have indicated to him the Province of Manitoba does have a role to play.

We are one element in the decision-making process. The federal government has a role to play. The Union of Manitoba Municipalities, the municipally elected people, the City of Winnipeg, they have a role to play, Madam Speaker, as do the private-sector and nonprofit organizations. We have put in place a model, Madam Speaker, that has served Manitoba very well and is being followed in many provinces right across Canada.

#### **First Nations Communities Housing Shortages**

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, my questions are for the Premier.

The community of Pukatawagan, like most reserves in Manitoba, is facing a housing crisis. Some 2,500 people are living in just 177 houses. No houses have been built in the community for two years now. The much-touted infrastructure program has failed to deal with this pressing problem.

Is the Premier prepared to make the shortage of housing on reserves a priority issue when he and senior members of his cabinet meet with representatives of the federal government?

**Hon. Gary Filmon (Premier):** The member is correct in identifying that this is an issue with the federal government, Madam Speaker. It is under their jurisdiction. I would suggest that he speak to the federal government directly and utilize his own influence with the member of Parliament for Churchill, make sure that he utilizes his influence as an elected representative to talk to the federal government. It is their issue.

**Mr. Jennissen:** Given that already over 50 families from Pukatawagan have had to move to Winnipeg, with more to come, will the Premier instruct his Minister of Housing (Mr. Reimer) to meet with the federal Minister of Housing, along with First Nations representatives, to negotiate a method which will make it possible for First Nations communities to obtain financing to build houses?

**Mr. Filmon:** Madam Speaker, certainly I am sympathetic to the needs of the people on our reserves, but I point out that even in the instance of negotiation of self-government agreements, the Assembly of Manitoba Chiefs has indicated that this is sole federal jurisdiction, that its relationships, constitutional and fiduciary relationships, are directly with the federal government and therefore the issue is with the federal government.

He would probably have more impact and more influence and be able to represent his people better if he dealt directly with the federal government and understood those relationships.

**Mr. Jennissen:** Given that the people of Pukatawagan are also residents and citizens of Manitoba, given that

the people of Pukatawagan, like residents of other reserves, want work, not handouts, can this Premier make it a priority of his government to have financing of projects on reserves made easier, so that these communities can take action on issues such as housing and infrastructure?

**Mr. Filmon:** Again, Madam Speaker, I point out that this is a federal issue, total federal jurisdiction. If he really wants to solve the problem rather than grandstand here in the House, he ought to approach the federal government.

\* (1350)

#### **First Nations Communities Social Assistance**

**Mr. Eric Robinson (Rupertsland):** Madam Speaker, residents in Manitoba are still Manitobans whether they live in Winnipeg or First Nations communities.

For some time, regrettably, the rights and obligations of aboriginal people have been tossed back and forth between the federal and provincial government. This was true earlier this year in a dispute with the communities of South Indian Lake and Granville Lake.

Can the Premier tell Manitobans what is the status of negotiations over these communities, and in how many other communities is the jurisdiction also in dispute?

**Hon. Gary Filmon (Premier):** Madam Speaker, I will take that question as notice on behalf of the Minister of Family Services (Mrs. Mitchelson).

#### **Housing Shortages**

**Mr. Eric Robinson (Rupertsland):** Madam Speaker, we have roughly 165 homeless families in Pukatawagan, anywhere between 15 and 40 people living in one house.

Could this Premier today give his word to the people of the Mathias Colomb First Nation that he takes their situation seriously and will do everything reasonable to find a solution to their housing crisis, perhaps initiating a meeting with the federal Indian Affairs minister?

**Hon. Gary Filmon (Premier):** I take their situation seriously, and I recommend that the member for Rupertsland contact the federal government who are the key to solving the problem.

**Mr. Robinson:** Given the \$5-million cut to CMHC in Manitoba, which is making matters worse, can the First Minister commit this government to making negotiations over public housing a priority and take a leadership role in addressing the situation with these people from Pukatawagan to meet with the federal government?

**Mr. Filmon:** The member has rightly pointed out that the cut was made by CMHC. Now that he has identified that, Madam Speaker, as the elected representative of these people, I recommend that he contact CMHC about it.

#### **Health Care System Nurse Practitioners**

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

There is no doubt that there is a need for change in health care and health care services, and when we talk about health care reform, one can ultimately argue that health care reform can be a positive thing in which we see enhanced health care services brought to our No. 1 concern, that No. 1 concern being our patients.

My question to the Minister of Health is, given what has happened in terms of the closing down of the five community emergency health care services, would the minister today make a commitment to looking at the possibility of having an expanded role for our nurses, in particular the concept of a nurse practitioner, in order to ensure that that community-based emergency health care service can, in fact, still be delivered through that sort of a venue?

**Hon. James McCrae (Minister of Health):** Madam Speaker, you can certainly see the contrast between the approach taken by the two parties opposite in the questions raised today by the Leader of the Opposition (Mr. Doer) and the very helpful approach being taken at this time by the honourable member for Inkster in the



way that he has put his question respecting the contribution nurses can and do make to our health care system.

It is interesting he should ask the question today, because it was only this morning that I was being briefed by representatives of the Youville Clinic who have been conducting a needs assessment in the St. Boniface-St. Vital area of the city, and they have identified a number of areas where their new satellite nurse-managed care centre should be looking in devising their strategies and policies for the use that will be made of the satellite nurse resource centre.

So I appreciate the honourable member's question and will take the suggestions very, very seriously as we develop a strategy for the use that nurses will be making of the services of nurses in the future in health delivery in Manitoba.

**Mr. Lamoureux:** Yes, Madam Speaker, I am wondering if the Minister of Health can indicate what sort of a time frame we would see something coming from the government regarding nurse practitioners, given that in an earlier response he talks about the 4 percent who attend emergency services are actually emergency, and these nurse practitioners could, in fact, resolve this particular problem.

\* (1355)

**Mr. McCrae:** Well, the honourable member will know that at our community health centres, we have nursing professionals at work, and we want to maximize and make the best use of those community health centres, and as I mentioned the nurse resource centre with respect to the Youville Clinic, that there are other options, as well, and we will continue to pursue those options to ensure that we maximize the use that we make of the health system.

All of those 53 percent of people who present at emergency rooms who are not either emergent or urgent in nature, their concerns, could well be presenting to their family doctor in the doctor's office which presently exists, the walk-in clinic which presently exists, the community health centre, and there are one or two other options that we are looking at as

well to make sure that we have the best variety of services available at the times that they are needed.

### **Role of Nursing Profession**

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I would ask the Minister of Health, does he have a committee that would be prepared to look at the issue of underutilization, in particular of registered nurses, but other nurses? For example, of course, for a registered nurse to give a Tylenol aspirin, for example, they need to get a doctor's permission in order to do something of that nature.

Does the minister have a committee which could address this particular issue of the expansion of roles for our nurses that would be able to report back to the Legislature in the not-too-distant future?

**Hon. James McCrae (Minister of Health):** Yes, we do, Madam Speaker. The honourable member for Kildonan (Mr. Chomiak) will no doubt back me up on this.

We have numerous committees to assist us in the planning and implementation of health services in the province of Manitoba. Certainly, a very key committee is the nurse-managed care implementation committee headed by Helen Glass, Madam Speaker, to whom I will pass on the honourable member's suggestions.

### **First Nations Communities Housing Shortages**

**Ms. Marianne Cerilli (Radisson):** My questions are for the Minister responsible for Federal-Provincial Relations, and I would hope if he will not answer these questions out of a sense of common decency and concern for people in aboriginal communities in the North, we could have him answer based on an appeal under financial considerations. I would ask the minister to confirm that Manitoba spends at least \$60 million annually for Status Indians living off-reserve in communities like Winnipeg and if it is not in the interest of the provincial government to ensure the federal government fulfills its obligation to provide adequate housing assistance on northern reserves in Manitoba.

**Hon. Gary Filmon (Minister of Federal-Provincial Relations):** Madam Speaker, if the member for Radisson had been paying attention over the last few years, she would know that is an issue that has been raised by this government time and time and time again. In fact, it has been raised by me personally at every single First Ministers' meeting I have attended, and, indeed, the federal government has not co-operated, has not recognized its obligation and has done absolutely nothing to address the issue.

The issue, since the changes were made some three or four years ago, has cost the Province of Manitoba \$86 million to this point and will cost us an additional amount of something in the range of \$23 million to \$25 million each and every year.

We are well aware of it, and we raise it every single time that I meet, that the Minister of Family Services (Mrs. Mitchelson) meets, that any of our ministers meet in federal-provincial meetings, Madam Speaker.

**Ms. Cerilli:** Will the Minister responsible for Federal-Provincial Relations raise it again and work co-operatively with the chief and council from Pukatawagan, as well as others interested in ensuring that the federal government does not offload its responsibility for financial assistance to northern housing and force northern Manitobans to move to Winnipeg so they can find adequate housing?

Will he raise this again and work with the chief and council in an all-party, co-operative way? [applause]

**Madam Speaker:** Order, please. I note that we have an unusually large number of visitors in the public gallery today; therefore I believe it would be in order to mention the practices of this House which apply to members of the public while in the galleries.

They are not to participate in any way in the proceedings of the House, either by applauding, criticizing or commenting on the remarks of members. They are not to display signs or placards nor throw articles onto the floor of the House.

In short, they are not to interfere in any way in the proceedings of the House.

**Mr. Filmon:** Madam Speaker, I can assure the member for Radisson that I will continue to raise it, as will all members of Executive Council when they have opportunities with their federal counterparts, not because of her political grandstanding but because of the fact that it is an issue of fairness and an issue of constitutional responsibility in which the federal government does have the responsibility for these costs.

\* (1400)

### **Health Care System Emergency Services**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, my question is to the Minister of Health.

Madam Speaker, what the minister seems to forget is, arising out of the strike, the government has not expanded anything. The government has not done anything other than to close five of the seven emergency wards at nighttime in the city of Winnipeg.

I would like the minister to explain to the members of the House today what justification he has for the closing of those wards in light of the fact that the Lerner report did not recommend it. The interim report by a group of people during the course of the strike did not recommend it. It is only the minister's dictum and his deputy minister that recommended the closing.

What justification does he have to close those five emergency wards overnight?

**Hon. James McCrae (Minister of Health):** Madam Speaker, the honourable member's question states correctly that nothing has really been added to the system except that he forgets again to acknowledge that there was a capacity in our emergency services system in Winnipeg for which there was not a corresponding need.

Now the statistics very, very clearly demonstrate that. The honourable member and his colleagues continue to push for an oversupply in this area, an oversupply in that area. Never mind what the needs are, Madam Speaker, only work on the supply side equation of health care delivery in our province.

That is what got us into all this trouble in the first place, Madam Speaker, the kind of thinking of honourable members opposite that allowed them and their friends to engage in spending in health care without any corresponding outcome to match. We should be demanding an outcome for every dollar spent on health care, a positive outcome, and that is exactly the direction we are going in.

**Mr. Chomiak:** Madam Speaker, how does the minister reconcile the political rhetoric he just delivered? How does he reconcile that with the fact that a doctor said today that beds are a problem?

You have closed 500 beds in hospitals in the province of Manitoba since 1992. You are closing emergency wards at night when emergencies most often occur. How does the minister explain that, in light of the fact that doctors are leaving and that doctors state that conditions are the worst in Canada in our own emergency rooms?

**Mr. McCrae:** Madam Speaker, we have taken a far more evolutionary approach to health reform here in Manitoba than the revolutionary approach we have seen in other provinces, notably NDP provinces. Long before Mike Harris showed up as Premier of the Province of Ontario, the Bob Rae government closed 10,000 hospital beds under the leadership of Michael Decter, who used to sit around the table with his colleagues in the cabinet room.

The honourable member does not look to the west of us, where in Saskatchewan they have closed or changed in a very radical way 52 rural hospitals, and we can go further west to NDP B.C., where the Harcourt government shut down the Shaughnessy Hospital in downtown Vancouver, a tertiary hospital they shut down there, Madam Speaker.

So let us put things in a little bit of context as we discuss health reform in this province and start to demand outcomes that you can somehow match up to the supply that you are making available to Manitoba taxpayers and consumers of health services.

**Mr. Chomiak:** Madam Speaker, can the minister table in the House the statistics that he gathered during the

strike that justify the closure of the community-based emergency rooms where physicians see patients—20 to 25 each year are seen by physicians at community hospitals where they have heart attacks and they have no pulse and they must receive care within four to six minutes—table the statistics that justify closure of those community hospitals as a result of the minister's decision? Can you table those stats?

**Mr. McCrae:** Madam Speaker, the honourable member knows very well that in a cardiac arrest situation, the most appropriate place for any patient to be is in the hands of the highest trained and best equipped doctors and hospitals that there are. Those are the Health Sciences Centre and the St. Boniface Hospital.

Despite all of the good service done every day and that remains to be done during 14 hours of each day in our community hospitals, Madam Speaker, in a cardiac situation, the best friend that you have is a well-staffed and equipped paramedic prehospital system and trauma centres of the kind we have at Health Sciences Centre and St. Boniface Hospital.

We know the performance of the community hospitals, as well as the tertiary hospitals during the strike, Madam Speaker, and I will be making information available to the honourable member.

#### **Clean Environment Commission Solid Waste Management Recommendations**

**Ms. Becky Barrett (Wellington):** Madam Speaker, on March 24, the Minister of Environment wrote to the chair of the City of Winnipeg's committee on works and operations, stating that the city had raised some very important and broad issues dealing with solid waste management in the capital region that should be heard and addressed prior to final decisions regarding any significant new solid waste facility for the region. To that end, the Clean Environment Commission hearings were held in Winnipeg in mid-August under very broad and sweeping terms of reference. We now have that report which includes four recommendations.

My first question for the Minister of Environment is, which of those four Clean Environment Commission

recommendations provides a comprehensive waste management plan, as you stated in your March 24 letter they were going to do, that looks at, and I quote again from yourself, the economic and environmental impacts of having competitive sites for receiving waste?

**Hon. Glen Cummings (Minister of Environment):** Madam Speaker, as I said from the start of the discussion of this issue, it is one that has not only environmental aspects but certainly broader planning issues that are associated and, obviously, part of the question.

But in reviewing the presentations that were made and looking at the same report that the member is referring to, it seems to be pretty apparent that the commission is saying that these decisions need primarily to be made on an environmental basis and that the jurisdictions involved should, as well, make sure that they, with the leadership of the province and working with the province, look towards larger and broader planning in the area.

**Ms. Barrett:** Madam Speaker, which of the four Clean Environment Commission recommendations—which, according to your own words, Mr. Minister, were to provide specifics for ownership and control of solid waste in the capital region and advantages and disadvantages of having regional or multimunicipality waste management—which of those four recommendations deals with those issues that you said would be dealt with in this series of hearings?

**Mr. Cummings:** Madam Speaker, this reminds me vaguely of my years in junior high. The question that the member would like me to extrapolate an answer for, which one of the four recommendations answer the concerns that were put forward, the fact is the Clean Environment Commission, reviewing the information that was put in front of them, came to the conclusion that flow control did not provide an overarching issue in this case and that the decisions should be made on the basis of environmental concerns. That is what I take from all four of the recommendations.

**Ms. Barrett:** Will the minister now postpone the Clean Environment Commission hearings scheduled

for next week as requested by the City of Winnipeg, because those recommendations from the August Clean Environment Commission hearings have not, as you said they would, identified solutions to solid waste management problems in the capital region under which the specific BFI proposal could be judged, as you stated not only in your letter of March 24, but as were stated in the Clean Environment Commission August terms of reference?

Will you now postpone those specific hearings until we do have a framework under which those guidelines can be addressed?

\* (1410)

**Mr. Cummings:** Madam Speaker, during those hearings where the commission was seeking information into the policy matter that surrounds whether or not there should be a second large landfill located within the capital region, the arguments were made about flow control, which is basically that the City of Winnipeg was asking for a monopoly over all of the waste within its boundaries. That is flow control.

That issue was presented and I would take from the recommendations that the commission made that they are saying that flow control was not an issue they were seized with and that they decided their recommendations should reference environmental responsibility and decision making.

I have always said that, going beyond that, the city and the surrounding municipalities have an opportunity, not a problem. They have an opportunity to work together to look at solving the problems. If the member thinks that it is only related to this one issue, she should look at the broader issue which is what we have been trying to do through the capital region's meetings, to make it a much wider gathering of information, so that they can decision make on a joint basis what is good for the capital region.

#### **Access Program Status Report**

**Ms. Jean Friesen (Wolseley):** Madam Speaker, my questions are for the Minister of Education.

Madam Speaker, on the one hand, the private schools indicated they might take their case to court. They did not, but they found the Tory government eager to negotiate a long-term agreement which funnelled millions of dollars into private schools.

On the other hand, we have Access students from the inner city, from the North, many of them severely disadvantaged, but who did take a case to court and received a judgment which confirmed that this government had broken a commitment with them. The minister's response in this case was to threaten to cut the entire program.

Madam Speaker, I want to ask the minister to tell us what is the ethical basis for what appears to be a double standard in education.

**Hon. Linda McIntosh (Minister of Education and Training):** In no way did I threaten to cut the program, and I really resent the implication—not the implication, the bald statement that the member has just made.

We have worked very hard as government to do everything possible that we could do to save this program after the federal government completely withdrew all its funding. The big difference with this situation, Madam Speaker, is that this was a program that was funded by the federal government, a good program. The federal government completely withdrew its funding. We moved in on very short notice to try and backfill, altered the program so that we could continue to deliver to those students who most required the help, and, indeed, that help is there. The program is stable.

The loan/bursary formula has meant that we are able to service those most in need, and those with high incomes are able to fund the program. Those who need money are given a straight gift over and above the loan of up to \$25,000, \$27,000 a year if they need it, if their needs require it. It is not repayable in any way to the Province of Manitoba.

So far from killing the program, we have done everything possible to try and save it, and we will continue to do that.

**Ms. Friesen:** Will the minister then undertake to table information in the House laying out the financial history of this program since 1988, so that we may all see the extent of the federal cuts and the level of continuous cuts that her government has made and continues to make every year to these highly successful programs?

**Mrs. McIntosh:** The member should know, if she does not already, because I understand she has been following this program or at least had alleged she was following the program and knows the federal government withdrew 60 percent of the total funding, some \$4 million per year, to this program, knows, as well, that the number of people in Access has stabilized at about 750 people, knows, as well, that we give free gifts or bursaries or grants, whatever the terminology the member cares to use, to people up to an unlimited, nonrepayable loan. Many of the students receiving \$25,000, \$27,000 a year, it does not have to be repaid because their needs require it.

All we are saying is in order to keep this program going, in order not to lose it after the federal government abdicated its responsibility, we went to the loan/bursary program, so that it would not have to die. We are very conscious that every time money is taken out of education because of federal lack of commitment, it leaves less money to deliver what we need to deliver. We are supportive of this, Madam Speaker. I think we have done a very, very good job of keeping Access accessible for people.

**Madam Speaker:** Time for Oral Questions has expired.

## MINISTERIAL STATEMENTS

### Canola-Crushing Facility—Ste. Agathe

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, I wonder if I would have leave to revert back to Ministerial Statements.

**Madam Speaker:** Does the honourable Minister of Industry, Trade and Tourism have leave to revert back to Ministerial Statements? [agreed]

**Mr. Downey:** First of all, Madam Speaker, I would like to thank members for granting me leave to make this statement.

Madam Speaker, it is with great pleasure that I congratulate Mr. Lorne Hepworth and the management team of Canadian Agra Corporation for their decision and announcement today to build a new canola-crushing facility in Ste. Agathe, Manitoba.

This project will mean an investment of \$55 million in the Manitoba Interlink Industrial Park, the creation of as many as 45 jobs when fully operational, plus an additional 300 person years of employment during the construction phase. It will pave the way for future related industrial development in this industrial park.

Madam Speaker, this project has been made possible in part by the leadership and vision of this government in creating an economic environment, policies and procedures that allowed Canadian Agra to move quickly and with certainty with their decision to establish a plant here in Manitoba.

Madam Speaker, Canadian Agra will provide increased opportunities for Manitoba canola growers by processing 2,000 metric tonnes per day when fully operational. The plant will produce a pristine canola oil and high-grade canola cake that the market research has shown to be in high demand by consumers not only in Canada but around the world.

This project brings even more opportunities for Manitoba to diversify our agriculture sector and adds to our efforts to increase value of the Manitoba raw products. The establishment of a canola-crushing facility in Manitoba is a major step in that direction.

The announcement today, together with the announcement last week which was brought to this House by the Minister of Agriculture (Mr. Enns) of the J.M. Schneider company to construct a state-of-the-art pork processing plant, and recent announcement of a major expansion by McCain of Portage la Prairie, and, of course, Ayrst in Brandon and Nestlé at Carnation, is obviously good news for Manitoba's agricultural community and indeed for all Manitobans. I am encouraged by the level of co-operation and partnership

among Canadian Agra, many departments of this government and the Rural Municipality of Ritchot in making this project possible. This co-operation made it possible for the development of the necessary infrastructure for the Manitoba Interlink Industrial Park.

Madam Speaker, on behalf of this government, I would like to express my sincere thanks to the management of Canadian Agra Corporation for the confidence they have shown in Manitoba producers, workers and this government with this exciting announcement today. Thank you.

\* (1420)

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, on behalf of members on this side of the House, I would like to extend our congratulations to Mr. Lorne Hepworth and the management team from Canadian Agra Corporation on their decision to come to Manitoba.

It is certainly a welcome decision, since we have long been awaiting jobs coming to this province and particularly with the changes that we have seen in the agriculture industry and the changes that have been made by the federal government with respect to the change to the transportation payments. We have to have some support, and we certainly have to have jobs for the people in rural Manitoba to go to.

As I say, they have been long awaited, and I wish them every success. We look forward to seeing the additional jobs, as we do with all the others.

I also see that there is infrastructure money. The government is very interested in expanding infrastructure, and I look forward to announcements by this government that we will see the infrastructure in other parts of the province expanded so that people throughout the province can have the opportunity to take advantage of the value-added jobs, that we see it throughout in all areas, not in the southern part of the province.

Infrastructure is very important, and we are well aware that without infrastructure, there is very little

opportunity to have the value-added jobs coming to our region.

With any jobs, Madam Speaker, that are coming into the area, when we are using, whether it is agriculture crops or natural resources products, we would hope that the government would always be very conscientious that these jobs are sustainable, they are long term and that they have a positive effect on the communities and a positive effect on the environment so that it can all be long term.

Again, I extend my congratulations. We welcome the jobs, long-awaited jobs here in Manitoba considering the level of unemployment we have here. We look forward to the jobs and look to the value-added and look for other announcements in other parts of the province so that people throughout the province can have the opportunity to take advantage of value-added jobs.

## NONPOLITICAL STATEMENTS

### Tree Planting Program—General Byng School

**Mr. Tim Sale (Crescentwood):** Do I have leave to make a nonpolitical statement, Madam Speaker?

**Madam Speaker:** Does the honourable member for Crescentwood have leave to make a nonpolitical statement? [agreed]

**Mr. Sale:** Madam Speaker, I rise to pay a particular tribute to the students, parents and staff of General Byng School, kindergarten to Grade 9, junior high and elementary school in my riding.

These students, last spring, undertook to develop a planting program for their schoolyard in which they, through infrastructure programs and through other government programs and through their own fundraising, managed to gather enough resources to buy good quality nursery stock. The children took the trees home over the summer, provided care for them.

Last week, in company with a number of other elected officials, including the honourable Minister of Justice (Mrs. Vodrey), who shares the catchment area

of that school with me, we saw the very effective planting of the trees, a wonderful presentation by students themselves who chaired and carried out the whole afternoon and I think were a great credit to our public school system.

I want to pay tribute to them and to their staff for organizing, carrying out and now carrying through a very useful program of environmental improvement at the same time that they themselves as students learn a great deal about the environment they are going to inherit. Thank you, Madam Speaker.

**Hon. Rosemary Vodrey (Minister of Justice and Attorney General):** Madam Speaker, may I have leave for a nonpolitical statement also?

**Madam Speaker:** Does the honourable Minister of Justice have leave to make a nonpolitical statement? [agreed]

**Mrs. Vodrey:** Madam Speaker, I would like to extend my congratulations to the students and—[interjection]

**Madam Speaker:** Order, please. I am experiencing great difficulty hearing the honourable minister.

**Mrs. Vodrey:** Madam Speaker, I would like to extend my congratulations to the students and the parents and the teachers of General Byng School for their project Growing Better Together. Their project is an environmental project in which students have planted trees. They are looking at the sustainability of this environmental project, but they are also looking at the nurturing that Growing Better Together requires and have undertaken a project that is important now and will be important in some years to come in our community.

This school certainly has undertaken a number of projects to better the community as they grow better together in terms of painting away graffiti from walls within the community. I congratulate them on this project. The honourable member for Crescentwood (Mr. Sale) and I were honoured to have been present that day to be part of that project as it continues on in the years to come. Thanks very much, Madam Speaker.

**Swan River Historical Society—25th Anniversary**

**Ms. Rosann Wowchuk (Swan River):** May I have leave to make a nonpolitical statement?

**Madam Speaker:** Does the honourable member for Swan River have leave to make a nonpolitical statement? [agreed]

**Ms. Wowchuk:** Madam Speaker, I would like to take a moment to recognize the Swan River Historical Society who last Sunday celebrated their 25th anniversary.

I had an opportunity to attend their dinner and got a very good overview of the many stumbling blocks that were put in the way of the people who were attempting to start this society 25 years ago.

As a result of their work, we now have a very good history of the Swan River Valley and an excellent museum where we have a large amount of machinery preserved. That museum committee historical society is responsible for a couple of very important events in the community where young people have the opportunity to have an understanding of how agriculture began and how it was carried out in the early days.

A person by the name of Gwen Palmer gave an overview of the history of the society and the lack of vision and lack of support that they had from the community when they first began.

It was very interesting to see that in the early days nobody believed that this could become a reality, but as a result of their work and perseverance we now do have, as I say, a record of the history. We have a very nice museum in the area.

I invite members from across the way to come out to the Swan River area and view the museum and see the work that these people have done. It is very important that we have a history recorded and as a result of the work that was done by this committee, the Swan Valley Historical Society, we have a very rich history now compiled at the museum and I would like to congratulate them on their efforts.

**ORDERS OF THE DAY**

**Hon. Jim Ernst (Government House Leader):** Madam Speaker, would you please call Bills 4, 5, 10, 15, and then the balance of the bills as listed on the Order Paper.

**DEBATE ON SECOND READINGS****Bill 4—The Real Property Amendment Act**

**Madam Speaker:** To resume debate on second reading on the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 4, The Real Property Amendment Act (Loi modifiant la Loi sur les biens réels), standing in the name of the honourable member for Transcona.

**Mr. Daryl Reid (Transcona):** Madam Speaker, it is my pleasure to rise to speak to Bill 4, The Real Property Amendment Act, that was introduced first as a private member's bill and then after that bill had been introduced, the government came forward in the last session prior to the provincial election with Bill 2, and now we have Bill 4 before us which has been amended in some ways from their own Bill 2 which had been introduced prior to the election, as I indicated.

The intent of this piece of legislation, Madam Speaker—I think one which we can support in that we had raised this issue prior to the election, in fact, going back some time ago in the sense of years. We have pressed for this change since around, I believe it was in December around Christmastime in 1993 when this issue first came to our attention, or was it Christmas '92 that this issue came to our attention?

The government, when we raised the matter, did not see fit at that time to come forward with the legislation to make the necessary changes, and that necessitated the introduction of a private member's bill by members of the opposition, in fact, in particular, my colleague the member for Radisson (Ms. Cerilli). Since that time, after the member for Radisson had introduced her private member's bill, which I had the honour of seconding and supporting at that time, we have found out that there have been numerous other cases that have been drawn to our attention both through the news



media and through people contacting our constituency offices.

We have heard it said sometimes that there are not many families that are affected by the problem for which this piece of legislation is intended to correct, but I feel that it is important that, even if there is only one family that is affected by this, we need to take the necessary steps to assist that family or those families that are affected.

I want to put into context, Madam Speaker, the way in which transactions take place when we transfer properties, in particular homes, from one family to another. I want to put it into that context so we have a better understanding and appreciation.

I am sure that many of us in this House have had the opportunity to live in our own homes and to perhaps buy and sell homes maybe more than one time and are familiar with the process involved. I know that there are members of this house who have been involved in real estate in itself and that know the process probably much greater than I do.

\* (1430)

I want to put it into context in the sense of people within my own community, the community of Transcona, because that is where the original case came to our attention from an individual and his family that had moved into the community of Transcona.

The issue itself involves the time when the family home for many of us will be placed on the real estate market. Now, there are all kinds of problems that are involved when a family makes a decision to sell their home.

Of course, the reasons are varied why an individual or a family would proceed with that action and sell their own homes and look for a different housing accommodation. It could be an addition to the family. Perhaps the family is growing and the number of children have increased or members of the family have moved into the home, creating stress on the space that is in the current home, or perhaps individuals in the family may have been fortunate enough to secure a new

job or have a raise in pay that would allow them to have a change in their accommodations which they could afford.

Of course at the same time when an individual or family sells their home, it is a time for upheaval as well. There is a time of excitement, because the family senses that they are moving from the home in which they may have resided for quite a number of years and also at the same time they have mixed feelings in that there may be a certain amount of sadness when an individual or family sells their current home.

There is a sadness in leaving the current home, because that home may be filled with memories. Perhaps there were children who were born into the family when the people resided in that home. Perhaps a new couple when they were married decided that this was going to be their first home. They bought this home, and now they are choosing to move on from that home.

There is a happiness at the move. There is more space. They are looking forward to new space. They are going to get a chance to move into a new neighbourhood for which you have high expectations, and you have a chance to meet new neighbours and perhaps make new friendships in addition to the ones that you have already made in your current neighbourhood.

But along with the mixed emotions that go with the selling of your property and the moving to a new home there comes a certain amount of uncertainty or uneasiness in the move that takes place. It is a time when the families have to seek out financing for their new home. They have to go through sometimes complex negotiations for which many of us do not have a complete or full understanding of the process, and this can be unsettling for many of us who do not understand the real estate or the financial markets.

When the families are moving, of course, to the new home, they hope, if there are children in the family already, that they would be moving to a neighbourhood that has good schools. Many people have an opportunity to search out the schools that are in the neighbourhood, the shopping facilities that are

available and also the recreational facilities, so much research goes into the move from one home to another.

The uncertainties also include the fact that when you put your home on the market you are going to have real estate agents, that you have in many cases approached, come to you and have discussions and talk about market prices, what is included with the property that you are putting on the market for sale, and also the fact that you are going to have strangers that will be coming through your home and viewing your home, sometimes at a moment's notice, in an effort to try and secure a buyer for the home that you have placed on the market.

When you are moving to your new homes, another uncertainty that is in many people's minds I know, even in south Transcona when people—and this has been an issue that has been before this Legislature now for at least two or three years relating to the flooding of basements.

I know when we made our purchase to move into our new family home, it was an issue that was important to our family in the sense that we hoped we were not taking over a piece of property that was susceptible to basement flooding and the resulting damage that can occur and loss of property and the upheaval of the family at that time.

Now, the vending family, the family selling the home, decides to make the plunge, and they put their home on the market in an attempt to sell it in good faith. They trust, Madam Speaker, because they do not have a comprehensive or thorough understanding or knowledge of the real estate industry and the financial industry relating to mortgages. The vending families that are selling their homes put a great deal of trust into the real estate agent or agents and the lawyers representing not only themselves but most likely the families that would be purchasing the home from them. The vender family hopes and trusts that their interests will be taken care of and best represented by the people they have chosen.

The real estate agent then advertises the home on the market, and it is a time when many families do not realize the impact that Bill 4 is going to have on them with respect to their own personal lives. I think this bill

is important in that this is the point in time when it will make the most significant impact onto the future lives for those families.

Once the family decides to put their home onto the real estate market, then you have interested parties coming forward with offers to purchase. Perhaps there are times when the counteroffers can take place and the discussion takes place back and forth between the real estate agents, and the real estate agents bring the offers to the owners, the venders, and they make decisions relating to the willingness of the selling party and whether or not the offer meets the needs of the family that is selling.

Then we see that the deal is struck and that there is an agreement between the parties. Of course, the real estate agents draw up the agreements and the conditions respecting possession date, whether or not there are appliances or draperies that are involved. Whether or not the purchaser assumes the mortgage on the existing property is also a factor that is taken into consideration, and this is the purpose of Bill 4, dealing with the assumption of mortgages and the relating and continuing financial obligations and responsibilities of the selling party.

Once the moving date arrives, Madam Speaker, of course the families then go out and rent their moving trucks, and they gather together all their possessions. They gather sometimes in many cases—I know people in my own community get their friends and their relatives, family members together to load the possessions onto the truck and move it to the new location.

That is a time sometimes, I believe, of great sadness to a lot of the families. They do not know that the future can be fraught with all kinds of difficulties for the ongoing and continuing legal and financial obligations that they may have thought that they were disposing of by way of the sale onto the purchasing party.

As they say goodbye to their neighbours and their friends, and they have signed the legal papers responsible for the transfer of that property, many families that have sold their properties and have had the

mortgages assumed by the purchasing party, the selling party thinks in many cases that the properties are transferred and that the selling family has no longer a financial responsibility or obligation to the payments for that mortgage on that particular home they are selling.

So, as the family takes one last look around the home for which they have many happy and maybe sometimes occasionally sad memories within the home, and then they turn and they walk out the door and lock it behind them and take that key down to the lawyer's office to be transferred to the purchasing party, it is with mixed emotions that many families make this move. Once the transfer is complete and the key has been passed on to the lawyer representing the vendor party and the lawyer then representing that party ciphers over the keys to the purchasing party, the transfer has taken place with the exchange of the properties, possession of the properties by lock and key as well as the financial transfers that take place.

\* (1440)

Now many families think that the transfer is complete at this point—or so they think. I know, having dealt with several of my constituents and constituents within the constituency of Radisson, there is a continuing and ongoing obligation on the part of the vendor, something which many families may not be familiar with. The families, having moved their possessions, quite often in the back of a half-ton truck or a rental truck, to their new homes, settle into their new homes and perhaps they buy new furniture to fill their new homes. They get settled in to their neighbourhood and they meet their neighbours. They get used to the facilities that are there and they make new friends. They become comfortable in their lives all the while never realizing that there is an ongoing financial obligation that could come back to haunt them in a very serious and a very negative way.

After they have met the neighbours and made new friends, they have adjusted to making the payments on the new home thinking that they have now—like many families who live up to the maximum potential of their earnings—they have made those mortgage payments for the first time on their new home, not realizing that they

could be responsible for the home which they have left behind.

Things seem to be going smoothly for the family in their new home, all the while not knowing but hoping that the family who purchased their home would be also encountering similar happy circumstances but not knowing, in fact, that in some cases families who have purchased homes and assumed mortgages may be encountering difficult times and may have indeed fallen on some hard times.

Madam Speaker, it can be just a matter of days, in light of our present economic conditions within this province and in this country, that changes can occur for a family in that the families could in fact sustain loss of employment for one or more members of the family causing the family to fall on hard times. Not only the loss of employment could be a problem for the family but also perhaps there could be a death in the family that would seriously impact on the family's conditions, and this Bill 4 has impact on both families, both the purchasing and the selling family. Perhaps there was a family breakup that occurred as a result of strains, the strain of moving into the new home.

Then the family who sold the home originally, Madam Speaker, for which Bill 4 was intended to correct the problems, the payments stop on the assumed mortgage. The family then falls in default or in arrears on their payment, and after a period of time the financial company that had been responsible for the mortgage originally would wait the legal period of time before taking the necessary steps to proceed with action.

Now, quite often in cases like that, Madam Speaker, the home in which the parties have defaulted on the assumed mortgage falls into a state of disrepair. It is very obvious that, as individuals or the families living in the homes for the assumed mortgage cannot make the mortgage payments, it is going to be very difficult for them to also maintain the condition of the home. I would suspect that, in many cases, if not all cases, if you cannot afford to make the payments on the mortgage, the assumed mortgage which the purchasing party made, they would not have money to upkeep the condition of the home itself.

Now the banks, the trust companies, or perhaps, in some cases, even the credit unions—although I am not aware of any credit union circumstances that are occurring, and I am only aware of banks and trust companies being involved in situations like this—that the financial institutions take the necessary time and wade through the legal requirements before sending the necessary letters to the defaulting parties. Of course I would suspect in that period of time that they may have made phone calls to find out if there is some way in which they can assist the persons who have assumed the mortgage on the home, to find out if there is some way that they can assist in the making of those payments.

Perhaps it would be just the interest portion of the payments with no monies going towards the principle to lessen the impact on the families or perhaps some financial institutions may choose to request, or in some cases demand, that the full payment be made. Failing that, of course, the financial institutions then have, as they do in many cases, the step that is available to them, to initiate court action to recover their monies, and, of course, if the defaulting parties are unable to make the payments, to proceed to the courts and have the courts make the necessary conditions so that the financial institutions can recover their monies, which would include the sale of the properties that are involved.

Now this is, of course, a very distressing and very unfortunate time for any families that are involved in this process, but I think it is important that the necessary steps be taken to assist families that are situations like this. Now the defaulting families may have to look at putting the home on the market to lessen their financial obligations, and we hope that their conditions will change in such a way that would seek out and provide employment opportunities for them.

All the while that this is happening—and this is where Bill 4 comes into being that will provide some protection—is that the original selling family, the vendor family, while living probably fairly comfortably in their own home and finding a way to make ends meet with the obviously changed financial obligations that they have, probably living up to their income maximum potential, get a surprise knock on the door one day, or

perhaps they receive a registered letter in the mail, probably coming as a complete surprise to them. When they open that letter or they talk to the person who is knocking on the door, they find that they have a continuing financial obligation under the section of a lot of mortgages, the assumed mortgage provisions, dealing with personal covenant responsibility. This is the area that I believe is the most important part of Bill 4 in that it changes the personal covenant responsibility, something that we on this side of the House have been advocating for some time.

Now, when a family would receive this registered letter or this visit to their door, advising them that they are now responsible for not only the mortgage that they have undertaken for the current home which they are occupying, but also they are responsible for the mortgage payments for the home which they sold perhaps as much as four or five years prior. This, in a sense, is a weight which most families cannot bear. The ceiling comes crashing in on them, perhaps their hearts skip a beat; they are not sure what they are going to do, and they did not even know what their options were. They thought they had unloaded or sold their responsibilities for this home to someone else and that those responsibilities were going to be maintained.

Perhaps, like most families, they are probably swimming in an ocean of bills, perhaps dealing with bills relating to the raising of young families in many cases, in addition to the new mortgage payments which they had taken on when they purchased their new homes, and now they have been told that—in addition to their payments probably being up to their top lip, just barely keeping their heads above water—someone tosses them an anchor and attempts to drag them down financially. So the family that thought they were moving into the new home in good faith and that someone else had assumed the responsibility for their previous mortgage, the vending family now finds that they are responsible for two mortgages and the payment on those two mortgages, instead of just the one.

Now in many cases a family would take the step of contacting the people that were involved in the sale. They would contact the real estate agent, I suppose, but the real estate agent has received their money in most

cases and has moved onto other sales, and while they may like to provide some assistance there is, I believe, at least from my knowledge of the industry, no continuing obligation on the part of the real estate agent to the selling party. The real estate agent may provide some good advice to the family that now finds themselves in the unenviable position of having to make two mortgage payments or be responsible for two mortgage payments. So that vending family would, I assume, contact the lawyer that was involved in the part of the sale to start with to find out just exactly what went wrong with this process and why they are now being chased by the financial institutions for the home in which they thought they had sold.

They are probably shocked to learn, as most people are, as constituents that have come to our constituency office and raised this issue with us in 1992—they did not know they had a continuing responsibility under the personal covenant section of the original mortgage agreement. Had they been made aware of this, they might have been able to deal with it at the time.

\* (1450)

But quite often, as has been explained to me by legal counsel within the city of Winnipeg whom I have consulted to find a way in dealing with this matter some time ago, parties forget to exchange this important piece of information, that there is an ongoing financial obligation on the part of the selling family when they sell their properties under the assumed mortgage provisions.

It is unfortunate that someone would forget to raise this important point and have that discussion take place so that people are making informed decisions when they sell their property. Perhaps they might have chosen another opportunity instead of putting their home on the market through the assumed mortgage provisions. They might have opted to pay out that mortgage by taking out a new mortgage, insisting that the purchasing parties take out a new mortgage on that property.

But as we find in so many cases when there is a rising interest rate on the marketplace, many families find that it is easier to sell their homes when they have

a low mortgage interest rate on that property, and it is in fact an inducement to sell the property and quite often encourages many families to look at that as one of the serious or important issues when deciding to make the purchase of that home. If they can assume the mortgage at a rate that is somewhat low, below what the ongoing market interest rate is at that time, it is an encouragement for them to purchase the home with that low mortgage rate under the assumed mortgage provisions.

Now the family that has just found out that they have ongoing responsibility for the mortgage for which they thought they had disposed of is in a turmoil. They go to their lawyer and they talk to their lawyer, and the lawyer says to them, yes, unfortunately you are responsible under the personal covenant section of the mortgage.

They contact the real estate agent. The real estate agent probably throws their hands up in the air and says, yes, I would really like to help you but it appears that you should be contacting your legal counsel on this and that you may have a continuing financial obligation.

Perhaps some of the families that are finding themselves responsible under the personal covenant section of a mortgage agreement would contact the Consumers' Bureau or the Housing department or the Justice department to find out what their ongoing responsibilities are, and anybody who will listen and from which they can seek advice will be the people that they contact.

For a long period of time Manitoba has had no law to protect individuals that have sold or disposed of their properties and allowed the purchasing party to assume the mortgage. In investigating this matter back in 1992 and the beginning of 1993, we found that there was one other jurisdiction in Canada that had such legislation in place and that was the Province of British Columbia.

They had brought in provisions that would allow them the opportunity to ensure that there was some protection on the assumed mortgage provision of the contracts between the parties. We found that in looking at the B.C. legislation, there were difficulties and some

hollow provisions in their legislation and did not go far enough in protecting the individuals.

That is why my colleague the member for Radisson (Ms. Cerilli) came forward with legislation which we wholeheartedly supported at the time and continue to support, to try and encourage the government to come forward with their own legislation if they did not want to choose to support the private member's bill at the time, that we would be able to improve on the B.C. legislation and in fact provide a more fair and equitable balance between the needs of the financial institution and the needs of the party that now find themselves responsible under the personal covenant provisions of the mortgage agreement.

In 1992, it was just before Christmastime, and this was the part that was most distressing for myself personally because that is a time when many of us in this Chamber have people coming to our constituency offices with problems, real human problems. Being that it is Christmastime, we like to go that extra distance to try and help the families that are involved with their difficulties. This one particular Christmas in December of '92 where Mr. Dan Dram—and I would like to refer to this legislation as the Dram bill or Dram legislation in that Mr. Dram came to the constituency offices for Radisson in Transcona. My colleague the member for Radisson (Ms. Cerilli) and I share constituency offices. We had Mr. Dram pay us a visit in that December just before Christmas.

Mr. Dram, who had just moved to the constituency of Transcona, or into the community of Transcona I should say, Madam Speaker, came to our office for assistance in dealing with a trust company relating to a mortgage on his previous home. I believe that the home that he had sold was on Home Street in Winnipeg here, and that Mr. Dram and his family some four and a half years ago had sold that home.

Now the purchasing party in this case is a real-life situation that I am drawing to the attention of the members of this House as it relates to the examples that I have put on the record a few moments ago. Mr. Dram and his family had sold the house on Home Street four and a half years ago and the purchasing party had assumed the mortgage, the existing four-year term

mortgage on the house from Mr. Dram. In the meantime, the Dram family had purchased a new home in Transcona.

Four and a half years later, Mr. Dram and his family got that call, that notification, that registered letter, that knock on the door, that people that are involved in situations like this would fear. Mr. Dram and his family were advised that the purchaser had defaulted on the mortgage and had in fact declared personal bankruptcy. The trust company had then initiated action against the Dram family on the basis of the outstanding personal covenant agreement that most mortgagors sign when applying for a mortgage.

Now Mr. Dram in, I believe, the unusual step was willing to go so far as taking out a second mortgage on his current home, something that I think would be beyond the financial abilities of most families. But Mr. Dram was willing to go that far to meet his legal requirements for which he told us and related to us that he was not aware of when he originally sold that home.

Mr. Dram, when he was going to take out that second mortgage on the current home, was going to do it in an effort to fulfill his legal obligations, the obligations that he had under the laws of the Province of Manitoba.

Now, I am not sure if the Minister of Natural Resources (Mr. Driedger) has situations like this in his own constituency, but what I am relating to him here and to his colleagues are real-life situations that have occurred and that when we raise this issue with the minister and his colleagues that we are doing it in a way to be constructive.

Now, Madam Speaker, when I came to this Legislative Chamber I recognized that in opposition it was going to be difficult from a real-life perspective to be able to accomplish a lot of the things that I needed and wanted to accomplish on behalf of my constituents. But I see that this piece of legislation, whether it is the legislation introduced by way of the private member's resolution by the member for Radisson (Ms. Cerilli), or it is this Bill 4 which is similar to that private member's bill, will go a long way into resolving some of the serious issues that we have, and in fact will be one of the things that we can point to, or at least I can point to

as a member of the opposition, in saying that, yes, we have had some effect on the laws and the lives of the people of the province of Manitoba and have gone a long way to making those lives better.

Whether it be for hundreds of thousands of people in the province or whether for a few families, I still think it is important that we try to make the lives better. That is, I believe, the objective and the purpose for members of this House and one for which I personally subscribe to.

Now getting back to the Dram family, the trust company in addition to pursuing the Drams for the mortgage principal and interest was also attempting to collect payments for all of the outstanding utility bills and other associated charges for which the trust company said that the Dram family was responsible under the personal covenant section.

Now I think it was unfair that the trust company would pursue the family for the utility bills since the family had not resided there. That was the responsibility of the parties that were living in the home. But in fact Mr. Dram had told me personally that he was forced to go from his own home that he was living in in the community of Transcona and go back to the home that he had sold and to take plywood with him and to board up the windows and to take the necessary steps to keep those utility bills down because he did not know whether he was legally responsible to make those payments. Until such time as he got legal counsel on it, he rightly, so I believe, assumed that he was going to be held responsible and liable for those costs as well. The property was secured by a trustee in bankruptcy who unfortunately did not see to it that the home had been taken care of and that the necessary steps had been taken to minimize the costs of continuing to have that home heated, since it was already into the last month of the year, into December of 1992.

\* (1500)

Now, the current legislation in Manitoba allows for any lending institution, unless otherwise agreed to in writing, in the case of an assumed mortgage default to pursue the original holder of the mortgage under the

personal covenant agreement that was signed at the time the signing of the original mortgage agreement took place. I am advised that nine out of 10 sellers—and I have done some checking on this, Madam Speaker, when this issue first came forward—are unaware of their continuing personal legal and financial obligations that they have when they sell their properties and transfer responsibility for that mortgage to a new party, and I am told that approximately 50 percent of all lawyers handling the mortgage assumptions for the seller apply for a release of liability for their clients.

(Mr. Marcel Laurendeau, Deputy Speaker, in the Chair)

In other words, that leaves another 50 percent of those people who are selling their properties and transferring the assumed mortgage to the purchasing party without having that action take place. This leaves a large number of the mortgage transfers with a continuing liability for the seller. The only way to release the seller from the liability is at the point of sale when the agreement to purchase is signed. Real estate agents may be reluctant to advise their clients, their customers that such a responsibility continues. Perhaps this in some way could jeopardize the sale or risk the sale. I hope this would not be the case, but it may in some cases happen.

The only province, as I said before, that has the ongoing protection for people who are selling their homes is British Columbia, and they enacted their legislation in 1988, but it was unfortunately not without faults. Under Section 20 of the B.C. legislation, which is somewhat similar, Mr. Deputy Speaker, with Bill 4, The Real Property Amendment Act that we have before us today, the B.C. legislation states that a party assuming the mortgage indemnifies the seller of all costs in case of default. I find it difficult to understand how the defaulting party can be chased for any monies that may be outstanding, due, or owing and payable, but nevertheless this is a provision that B.C. has in their legislation and I believe it is a hollow provision, one that cannot be in many cases or in most cases even gone after.

In this legislation that we have before us here by way of Bill 4, we have had, and I know my colleague the

member for Radisson (Ms. Cerilli) has raised this issue in this House and even raised some real-life situations that even involve constituents of the Premier's (Mr. Filmon), where people living in the constituency of Tuxedo were involved in that they had transferred their properties and the purchasing party had assumed the mortgages and that the people then who had sold the home found out that they were responsible. So it is not only the people who are living in the community of Transcona or the constituency of Radisson but also are occurring in the Premier's constituency as well. It crosses all financial earnings and blurs all the lines that are there and affects people from all walks of life.

I believe that Bill 4 will go a long way towards assisting those families and giving them the opportunities to minimize the financial impact on them.

I know, Mr. Deputy Speaker, since this is a debate on the principle of the bill itself, we are not allowed to refer to specific sections, but I know that there are sections within this legislation, within Bill 4, and talking about the principle of this bill, that states that the personal covenants section, as the government has laid out in their legislation here today, will minimize that impact for the families who have sold their homes and for the families who are involved in this in that the continuing financial obligation for those families will be for three months.

Now, I think that is both fair for the families who are selling their home, knowing that they will have responsibility for three months under the personal covenants section, and will also be fair for the financial institutions who originally had loaned that money in the beginning. Both parties will be well served by that and a written demand would be the only way that the financial institution will be able to make changes for the parties which had originally signed the mortgage agreements with them.

So this legislation I believe goes a long way in addressing a problem that has been drawn to the attention of the members of this House and to the government since the Dram case first came before us in 1992. This legislation, the Dan Dram family legislation as I like to refer to it, Mr. Deputy Speaker, will solve one of the more serious financial or continuing

obligations that families would have under the personal covenants section, and this legislation will solve that for those families and we hope that we will not see other families in the future who would be affected in this negative way.

Mr. Deputy Speaker, I believe that I am the last speaker on our side of the House here to speak to this legislation. We are prepared to see this legislation go through to committee to allow members of the public to come forward and to comment in any way they choose. I look forward to the committee hearings on this important piece of legislation. Thank you.

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, just very briefly on Bill 4, the current legislation was in fact introduced in the '30s, from what I understand. The amendments will better attune the act to modern realities. The amendments will allow a person who sells property to obtain a release from obligation of the mortgage and, under certain circumstances, the bill allows for the release of an individual from obligations of a mortgage in two different situations: first, where the financial institution approves the assumption of the mortgage by the buyer of the property; and, second, where the lender does not approve the transfer of the mortgage either because the approval of the lender was not sought or the lender refused to approve the transfer. In these instances, the seller of the property can give written notice that the property has been transferred. The seller will then be released of the liability unless the lender serves written notice demanding payment within 90 days.

Mr. Deputy Speaker, I am sure that there are many consumers who are out there that are pleased to see that we have this legislation today and in fact it is quite apparent that it will be going to committee. I believe that it is something that is long overdue. It has come on the legislative agenda in the form of a private member's bill in the past. It is good to see after seven and a half years or so the government has finally seen fit to rectify or at least attempt to rectify this problem. With that, we would like to see it go to the committee stage.

**Mr. Deputy Speaker:** Is the House ready for the question? The question before the House is second



reading, Bill 4, The Real Property Amendment Act. Is it the will of the House to adopt the motion? Agreed?

**Some Honourable Members:** Agreed.

**Mr. Deputy Speaker:** Agreed and so ordered.

**Bill 5—The Education Administration  
Amendment Act**

**Mr. Deputy Speaker:** On the proposed motion of the honourable Minister of Education and Training (Mrs. McIntosh), Bill 5, The Education Administration Amendment Act; Loi modifiant la Loi sur l'administration scolaire, standing in the name of the honourable member for Swan River.

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, I would like to take an opportunity to put a few comments about Bill 5 on the record. I want to begin by saying that education is a very important part of our life and very important to the future of this province. This bill makes some changes that do cause some concern.

Just as a bit of background, I want to say that I have been involved in the educational field for a short time as a teacher but more when our children were in school. We were always very involved in education, very supportive of our children, wanting them to have the best possible opportunities but also very willing to work along with the school trustees and along with the teachers to see that we could have the best possible opportunities for not only our children but for all children in rural communities. I think that it is through this kind of co-operation that we can have those opportunities, although there is a great discrepancy in what is available for children in rural Manitoba versus what is available for children in urban centres. To have a good education we must have co-operation between all people involved.

With respect to this bill, Mr. Deputy Speaker, there are three areas. Although they do not appear to be very important, there are three issues that are addressed that could have great consequences. The first one allows for the minister to make regulations concerning the establishment of advisory councils. In that one, we

wonder why the minister would want to put regulations in place to establish advisory councils when there are advisory councils that have been in place for many years and are working very well.

\* (1510)

The second regulation—part of the bill allows the minister to make regulations concerning the duties of principals, and the third section of the bill authorizes the suspension of students from schools by superintendents and principals, something that is in place and does happen right now, and we wonder why it is in this bill.

Of course, this is a bill that we saw before us before the election, a bill, however, that has some changes. If we look back to what we saw in the bill previously, in that particular section to deal with suspension there is a great change. In fact, we recall, Mr. Deputy Speaker, under that bill the individual teachers would have been able to suspend students from the classroom and the school, and that particular part of the bill—Bill 3, I believe it was—caused a lot of concern for teachers and for parents. Teachers that I spoke to said that they did not want that responsibility. That responsibility they felt should stay in the hands of principals. Parents were concerned because there would be no continuity; you could have one teacher in a classroom have a different policy than another teacher.

Of course, that was a proposal that this government was making before the election. Before the last election it sounded good to say that they were going to give this responsibility to teachers—[interjection]

The member across the way mentioned the last election, that it was a good election. I have to tell him that I think it was an excellent election, and I was very pleased to win the Swan River constituency and represent them one more time even though the people across the way threw every bit of garbage that they could at me to try to win that seat.

They put all kinds of resources in there and they made all kinds of promises like natural gas and a factory in Duck Bay and artificial ice in Camperville. They made all those promises, Mr. Deputy Speaker, but

we were able to win it, and I am able to represent them, and I am very proud of that.

I digress a little bit, Mr. Deputy Speaker, and I want to get back to the bill. We were concerned that the government, under their Bill 3, was shifting the responsibility over to the teachers, and this is not responsibility the teachers wanted, this is not the way parents wanted it to be handled. People wanted it to be in the hands of the principal or the vice-principal, and we are very pleased that the government has amended the bill. This bill will have the principal or vice-principal making the decision on suspension, and it will result in continuity in the classrooms and in the schools.

This bill also gives much more responsibilities to the principals, but it makes the principal responsible to the minister in a much greater degree than to the local school board, and that is a concern, that we have elected local school boards who recognize the different demographics across the province. We have seen this government take away responsibility from school boards when they passed the legislation that restricted the amount of taxes the school boards could raise locally. Under this legislation, making the principal accountable to the minister more so than the local school board causes us some concern.

With respect to the advisory councils, I find it difficult to see why the government finds it necessary to put in place regulations as to how advisory councils should be established. Advisory councils have been in place for many, many years and have worked very well. By putting in these regulations, the government does not seem to recognize that there is a great diversity of people across this province, regions, and what may work for an advisory council in one area may not necessarily work in another area. To have regulations restricting these advisory councils I do not think would be positive.

The first time I came into contact with advisory councils, Mr. Deputy Speaker, was in the community of Camperville and in Winnipegosis under the Duck Mountain School Division, and in those communities—yes, very fine communities—communities were concerned about the education of their children, parents

were willing to be involved with the schools and work with them, and they did not have regulations put forward by the minister. They were able to do it on their own, and for that reason it does not seem to make sense that there have to be regulations that will form each advisory council across the province. There should be flexibility and we should allow people to work with what is suitable to them.

I am very pleased to see that this legislation does allow for teacher involvement in the advisory council, which the previous bill did not allow, because certainly if you are going to have a good advisory council and a good education system, it has to involve everybody. It has to involve the parents, and in many cases I think that the students should be involved. I am not too sure if they are, but students should be involved. In many cases there are teachers who are parents, but the previous legislation did not allow those people to be part of the advisory council, so if you are going to have a good, co-operative group, you should not restrict who should have the ability to participate on those councils. That was what the government was proposing in the previous legislation, and we are very pleased that they have seen the light of day and are prepared to make those changes.

The other part of the bill is to deal with suspensions, Mr. Deputy Speaker, and in that case, the suspension of students from schools will be by superintendents and principals, and certainly again, that is a much better plan than having each teacher do their own thing. Again, it is amazing that a government can change their minds, but of course, having gone through as many ministers of Education as they have, it is quite understandable that there would be different views.

Of course, when you are coming into an election, you gauge what might sound great before an election, but we have seen another flip-flop from this government. We have another flip-flop here by the government, who promises one thing before the election and then comes forward with another change, but that is not surprising considering what we have seen in other areas where this government has changed their minds. Under this proposal, the school principal is now directly accountable to the minister as well as continuing to be accountable to the school board.

As I said, Mr. Deputy Speaker, education is a very important part of life in this province, and we see some changes being put forward as far as the responsibilities of the school principals, the role of advisory councils, but I think what we have to look at is a few of the issues that have not been addressed by this government with respect to education.

The classroom, the school—

\* (1520)

**Mr. Deputy Speaker:** Order, please. Could I ask the honourable members wanting to carry on this conversation to do so in the loge so the honourable member for Swan River (Ms. Wowchuk) could be heard.

**Ms. Wowchuk:** Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker, the classroom is the focal point for many children. It is in the classroom—the teachers play a very important role for many children. Unfortunately, many children who come from very poor families, who do not have the supports that they need there, many of them rely on their teachers. Many of them rely on teachers to recognize that there is not proper nutrition in their homes, but we have not seen the government of the day address those concerns. In fact, we have had some very serious cutbacks by this government. I just want to outline a few that have had a very negative impact on children.

**An Honourable Member:** Compared to Ontario, Saskatchewan and B.C.

**Ms. Wowchuk:** You know, Mr. Deputy Speaker, these people keep referring to Ontario, Saskatchewan and B.C., but they seem to forget that they are the government of Manitoba.

It is Manitoba children who are the poorest of the poor. Our Manitoba children are suffering the most, and they should be ashamed that they are even trying to compare what is happening. They should be addressing the problems here in this province. It is the actions of the government that have hurt the children of rural Manitoba, in particular, and it is rural children that

I want to address. When I think about the cuts that we saw to the rural dental program that brought some equity, a program that was delivered through the schools, we see cutbacks.

Mr. Deputy Speaker, I know that we are talking about Bill 5, but I want to refer to the role that parents play in advisory councils, and these are issues that parents in advisory council have addressed. Parents on advisory councils have addressed the concern that has been raised by this government in cutbacks to programs such as the dental program, cutbacks to clinicians who bring services and enhance the quality of education in our schools.

The advisory councils and parents are also concerned at actions this government has taken in restricting school boards and their ability to raise taxes to provide education, concerned that they have taken the ability away from school boards to make decisions to offer the best possible education for our young people.

Of course, they would also be concerned, particularly those people under the public school system, that this government is quite prepared to raise their funding for private schools at the same time that they are cutting programs in the public schools, and that is a disgrace. I am very ashamed that this would be happening in this province.

Mr. Deputy Speaker, school boards work very closely with principals. I want to commend the Swan Valley School Division and the work that they have done to bring opportunities to the young people of our division, particularly in the area of distance education. Swan Valley School Division is one of the most progressive divisions in the province when it comes to distance education. They have had the support of school boards and the school principals have worked very hard to see that. Mr. Bill Schaffer and Cam Mateika have worked very hard. They have had the vision to see the importance of distance education, and they have worked very hard to get that in place to give opportunities for the children of our region.

Unfortunately again, Mr. Deputy Speaker, they have run into difficulties because of decisions made by this government with respect to Manitoba Telephone. The

deregulation of the telephone system has made it very difficult for these people to continue to provide those opportunities for the young people of the Swan Valley School Division.

Certainly there are parts of this bill that are positive, particularly in the area where the government has recognized that they made a mistake when they tried to shift the responsibility of suspensions onto the teachers, as they were doing in Bill 3. Now they have changed their mind and put the responsibility back into the hands of the superintendents or vice-principal, where it should be. This brings continuity to the system, and certainly is a move that is positive, but the problem is the fact that—

**An Honourable Member:** First time I have ever seen a windmill run on water.

**Ms. Wowchuk:** Considering where that is coming, Mr. Deputy Speaker, it takes one to know one.

The part of the bill that puts more power into the minister's hands rather than into the school board's hands is a problem. Local school boards have been elected, and they should be able to continue in their role to develop discipline policy. It should not fall into the hands of the minister, and that is what this legislation will do. Local people are very aware of the issues, local people are more in tune, and it does not take the involvement of the minister to develop discipline policy.

The other area, as I said, was the advisory councils. Again, there is not a need for the minister to put in regulations and try to have control of the advisory councils. Advisory councils should work along with the minister, along with the school principals, teachers should be involved, always working in the best interest of the students.

Every region is not the same. By bringing in this regulation, you take away the ability for people to adjust to their own local needs, and that is a problem as well.

The other area, as I said, was in the area of the responsibilities of the principals. Under this legislation,

the principals are going to be given more responsibilities and more workload on the principal's staff. What is not addressed in this bill, Mr. Deputy Speaker, is how that is going to be paid for. When we see the amount of funding to school divisions cut back and we are seeing the principal required to do more and more, but no resources put in place to address those needs, that will cause some problems. As we see cutbacks in funding, we see, in many cases, principals who were at one time being full-time principal now having to pick up classes, but there are no additional resources put in place to address that, and the responsibility that is shifted onto those staff cannot be fully addressed.

We are very pleased that the government has decided to recognize that Bill 3 was too extreme, and that they have decided to change their mind on this and bring in legislation that is not nearly as dictatorial as the first one was. We would like to see, though, that the government takes steps to treat the people in the public school system more fairly and ensure that there are the resources there for the people in the public school system, the teachers and the principals, who are concerned about the students, have the resources in place to meet the needs of the students, and that they do not shift their attention so much towards the funding of the private schools. That is an unfortunate move that was made by this government, Mr. Deputy Speaker.

Mr. Deputy Speaker, with those few comments, I want to commend the school boards across the province that have always had the concern of students first, even though they have been restricted by actions of this government. I want to commend the school principals and superintendents. As I said, the principals and the superintendents in the division that I have the most contact with are the people in the Swan River division, and certainly they do not need to have their powers extended. They are doing a very good job as it is. If the government would give them the tools to do their job with, give them the necessary staff they need in place, then they would be able to do their job.

\* (1530)

I want to commend also the many parents who give of their time to volunteer in schools and also to work

with advisory councils, because it is by working with these councils that parents have a real understanding of how the school system works and they can have input right at the grassroots and have things in the division changed to ensure that their children's needs are met.

With those few comments, I will give the floor to my colleagues because there are other people who want to put comments on the record with regard to this bill. The government has made many changes to this educational bill. Perhaps they will recognize that there are still problems with this bill; and, as we get to committee, we will see that they will—as they amended Bill 3 and introduced Bill 5, we saw changes that they recognized. We hope they will recognize that there are still problems with this and will make the necessary amendments at committee.

**Mr. Gregory Dewar (Selkirk):** Mr. Deputy Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that debate be adjourned.

**Motion agreed to.**

### **Bill 10—The Development Corporation Amendment Act**

**Mr. Deputy Speaker:** On the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Downey), Bill 10, The Development Corporation Amendment Act; Loi modifiant la Loi sur la Société de développement, standing in the name of the honourable member for Thompson (Mr. Ashton). Stand? Is there leave that this matter remain standing? [agreed]

**Mr. Tim Sale (Crescentwood):** I am pleased to rise to address the proposed amendments to the Manitoba Development Corporation, Bill 10, Mr. Deputy Speaker.

I would like to, first of all, take a look at the history of the corporation and put in perspective the proposed amendments in terms of the role that this corporation has played in Manitoba's industrial development. Mr. Deputy Speaker, the Manitoba Development Corporation originated more than 25 years ago as an arm's-length corporation of government that was staffed by independent staff and had a board of

directors made up of citizens. There was provision originally for a minority of those members to come from civil service, but basically it was a citizen board at arm's length from government appointed to undertake development loans and grants to foster Manitoba's ability to keep and develop its own industrial base.

Mr. Deputy Speaker, the role of the Development Corporation, I would freely admit, has been a checkered one. It has had some great successes in that it preserved for Manitobans the employment at Flyer Industries, for example. It also presided over failures. Nevertheless, there were some very good reasons for the Manitoba Development Corporation Act, Chapter D60 of the continuing consolidation of the Statutes of Manitoba.

Mr. Deputy Speaker, this act is very carefully structured into three parts. Most of the provisions of the act refer to Part I of the act, and I would just make the point that, of the some 45 sections in total, Section 39(3) is the end of Part I, taking up a full 28 pages of a 29-page act. So, clearly, the original intention of the act was to operate under Part I of its mandate.

Under Part I, the board met and considered applications from Manitoba corporations, considered their viability, considered conditions for any loans or grants which the corporation might make, had an active loans committee which met on a regular basis to oversee the loans and to determine whether the conditions and circumstances under which the loans had been made had changed over time and whether any changes were then required in those loans.

Mr. Deputy Speaker, there was provision in the original act for the corporation to meet a minimum of four times a year and to consider at its meetings the entire business of the corporation.

Under the sections of the act, Section 12(1) stated that there were to be at least seven and no more than 12 directors, of which one, but not more than one, can be a member of the civil service. There is also, under the early sections of the act, the whole process of the loans committee of this corporation. The loans committee is able to set its own terms of reference subject to the

approval of the board, and I quote from the act, to be competent to deal with any matter within the competence of the board, et cetera. There are to be regular loan committee meetings, and the loan committee virtually operated the board in between the quarterly meetings of the board.

Mr. Deputy Speaker, clearly, the intention of the Manitoba Development Corporation Act was to provide a very useful framework within which a citizen board, staffed appropriately by private staff who were not members of the civil service at that time, would provide valuable advice to the corporation, and the corporation, in turn, would provide its advice to its minister, in this case, the Minister of Industry, Trade and Tourism, although, in days gone by, that ministry has taken a wide variety of names.

Clearly, the purpose of this corporation was to operate outside the normal operations of the departments that it served. It was an arm's-length Crown corporation not unlike the Manitoba Telephone System, the Manitoba Hydro Electric Corporation, the Manitoba Public Insurance Corporation. It was a Crown corporation. So that is the legal context within which, I think, we have to place Bill 10. I would like then to look at Bill 10 and to consider the proposals of the honourable Minister of Industry, Trade and Tourism (Mr. Downey) in his proposed amendments.

First of all, Mr. Deputy Speaker, the spreadsheet for this bill kindly provided by members of the department staff indicated that the corporation now operates primarily under Part II of the act. Part II of the act, as I pointed out, takes up less than one page of the current act. If I could quote from the act, Section 40 is the major section of this particular act for ". . . the corporation concludes that it is feasible to develop an industrial enterprise that is required for the economic development of Manitoba or any region thereof and that private industry is not ready to proceed with the development of such industrial enterprise or that it is deemed advisable to do so the corporation shall, pursuant to the directions given from time to time by the Lieutenant Governor in Council, do all things necessary to establish and carry on or to promote the establishment or carrying on of any such industrial enterprise."

Now, my reading of that clause is that the corporation has the power to essentially cause a new corporation to come into being to carry out some kind of industrial activity. To give an example, if the officers of the Development Corporation deem that it was advisable to carry on the work of Dow Corning in mining silica sand from Black Island, they could establish a corporation for that purpose under Section 40.

There are also powers under Part II of this act in Section 43, Mr. Deputy Speaker. "For the purposes of this Part and subject to the approval of the Lieutenant Governor in Council, the corporation may (a) cause to be incorporated, establish, make loans to and operate corporations; (b) dispose of (i) its interests in any industrial enterprise established under this Part;"—Part II, Mr. Deputy Speaker—or (ii) "the shares, assets or interests in the shares and assets of a corporation established under this Part; and (c) grant options respecting those interests, or shares or assets, as the case may be. . . ."

\* (1540)

Mr. Deputy Speaker, we are told by the department and by the minister, and we are told in the committee considering the annual statements of this corporation the other day, that most of the operations of this corporation now take place under the part of the act to which I just referred in quoting from the Manitoba Development Corporation Act. We are told that in fact none of the things to which I referred are the major activities of this corporation at present. What we were told was that in fact the Manitoba Development Corporation now simply processes and flows loans and grants made under other ministries of government. For example, the Manitoba Industrial Opportunities Program, MIOP, and another series of programs referred to in the statements supplied to the committee in which we discussed the other day the Manitoba Manufacturing Adaptation Program, the Manitoba Industrial Recruitment Initiative, and the Vision Capital Fund.

In other words, Mr. Deputy Speaker, the corporation does not do for the most part what it says under Sections 40, 41, 42 and 43 of Part II that it shall do. It

does not, in fact, in Sections 41, 42 or 43 refer to any of the activities of corporation with the exception of Section 41. This is the only section under which I believe the corporation is now operating, and it is to Section 41 that virtually all the amendments that are proposed appear to pertain. Section 41 reads, and I quote: "The Lieutenant Governor in Council may authorize the corporation to act as agent for the government in respect of projects or matters, undertaken or carried out pursuant to an order in council, for the advancement of the industrial or economic development of the province."

Mr. Deputy Speaker, it appears from the annual statements, from the answers given by ministerial staff, and from the minister himself that in fact that is the only section of the act that is continuing to operate. Out of some 29 pages Section 41 is the only section being used by the government, which raises for us the concern about the amendments that have been made. Now, the amendments are quite simple, and they would appear to be routine business amendments for the corporation.

Essentially, in a nutshell, the intention of the amendments is to end the citizen board; to make the board entirely a Civil Service Board; to reduce the size of the board sharply, probably to three, but from three to five, according to the amendment; and, in effect, to give those three civil servants all the powers of the board of the Manitoba Development Corporation, that is, all the powers contemplated by the drafters in Section 1, Section 2 and Section 3 of the act, in spite of the fact that the only section that the government contends is now in operation of the entire act is Section 41. There is nothing currently contemplated apparently in Section 40 or Section 43 or anything before Section 39 of the act. We are very concerned—[interjection] I wonder if the Minister of Agriculture (Mr. Enns) has some questions that he would like to ask at some point.

**Mr. Deputy Speaker:** Order, please. The honourable Minister of Agriculture, on a point of order.

#### Point of Order

**Hon. Harry Enns (Minister of Agriculture):** Mr. Deputy Speaker, no, not on a point of order, but

accepting of the invitation, I do in fact have a comment to make. It is tradition in this Chamber that in second reading we deal with the broad principles of the bill and not in fact deal with them clause by clause, as the honourable member is. That is usually reserved for committee stage.

**Mr. Deputy Speaker:** I thank the honourable minister for that information. The honourable member for Crescentwood has been dealing with the principle of the bill. When he has been referring to certain clauses, it is not of the bill. He is referring to the legislation that is already standing before the House.

\* \* \*

**Mr. Sale:** Mr. Deputy Speaker, our concern is that the intention of this corporation has been now completely eviscerated to the point where it is intended to operate only under Section 40 of its newly amended act. We are deeply concerned that in the process the civil servants are being given responsibility and powers far greater than the intent apparently is of government, the intent being to limit the operations to Section 40. The effect of the amendments is to give a board of civil servants the power, whether or not it is exercised, to operate under any part of the act without restriction. There is, so far as I am aware, nothing in the amendments, nor have I heard the minister speak of anything, which would limit the powers of the civil servants so appointed to the section of the act to which the notes on the bill refer, namely, Section 41.

Our first broad concern in regard to these amendments, Mr. Deputy Speaker, is that the intention of the act is clearly to put in place an arm's-length corporation. The intention of the amendment is to so circumscribe the intention of the act as to bring into question whether the act itself has any continuing validity.

Second level of concern, Mr. Deputy Speaker, is that, in spite of the fact that now the corporation will apparently be operated entirely by civil servants and will be used only to flow funds which have been approved by Order-in-Council from other departments of government, the intention apparently is to allow this corporation to continue to be audited as though it were

a separate corporation from government. I have been trying to find some example of an operation of government that is inside the effect of Volume 1 of the Public Accounts, that is inside completely the operation of government departments and yet is not audited by the Provincial Auditor.

We have great concern with putting in place amendments which have the general effect of placing very large amounts of power directly in the hands of civil servants under the direction of a minister without in some cases any requirement for an Order-in-Council and yet having all of those operations not audited by the Provincial Auditor, who is responsible currently for everything else those government departments do but not these particular grants.

In preparing for both this debate and for the committee meeting the other day, Mr. Deputy Speaker, I was referring to the Provincial Auditor's report, and I noticed that when we come to the Department of Industry, Trade and Tourism there is a noticeable gap. She does not audit this corporation, yet according to the minister's own staff the only thing this corporation does is administer programs of government which in the normal course of affairs you would expect she would audit and in fact does audit except for these particular pieces.

We are very concerned with amendments that appear to vastly increase the ability of a government department to hold within itself, secret from the public, the operations of major programs of government, and yet to have those operations audited not by the auditor responsible for everything else that government does in its normal operations but by a privately appointed auditor, in this case, Deloitte & Touche.

We are also concerned that there is here a principle of putting beyond the normal reach of the departments various program grants which are being flowed. We see no particular gain in having, for example, the Manitoba industrial adaptation program—I will get the proper name of it in a moment here—the Manufacturing Adaptation Program be placed beyond the reach of the Department of Industry, Trade and Tourism in terms of its audit and operation. Why is it not simply dispersed in the normal way as any department would disperse

grant or program loans? I would say to further this concern, what special expertise do the members of the civil service who are in this particular situation, what specific special expertise do they bring to the question of the risk associated with any particular loans?

When I asked in the committee, Mr. Deputy Speaker, how this process took place, the answer I received was not terribly reassuring. It was simply that there was discussion among senior staff and sometimes discussion with the Auditor about the risk associated with some of the loans and accordingly some kind of loss provision was created, in the case of the 1993 statements, a loss provision of \$4.7 million out of a total loan portfolio of about \$20 million.

So in this situation we are also concerned that the effect of these amendments in general terms is to place a good amount of the corporation's activities beyond the normal processes of the Provincial Auditor reviewing government loans and reviewing the status of those loans.

\* (1550)

(Madam Speaker in the Chair)

I would just note, Madam Speaker, that in the audited statements for the corporation, which have been considered and approved now by committee, there are no notes whatsoever about the nature of the doubtful accounts, about the risk assigned to them, about the sector from which they come, absolutely no information that would allow any reader, whether they be a member of the public or a member of the Legislative Assembly, to have any sense of how these doubtful accounts were created. There is no footnote that shows whether the doubtful accounts in previous years were in fact taken off their doubtful status, or whether they were confirmed or whether in fact some of the write-offs came from those doubtful accounts.

So I have some great concern that by placing the corporation beyond the audit of the Provincial Auditor, we are putting at risk some of the monies that Manitobans have loaned to a variety of these corporations and we are not going to get the kind of audit to which I think we are entitled.



A further intention of this amendment is to substantially loosen up the way in which the corporation functions, for example, the proposed amendments allow the corporation to meet only annually instead of quarterly, which was the minimum requirement previously. We see no merit in this kind of an amendment, Madam Speaker.

If civil servants are being paid to be in charge of this corporation and to make decisions, they need to be under a much more rigorous duty than simply to meet annually to review the loans and the outstanding obligations of the corporation, so I am very concerned that that is part of the amendment as well. [interjection] You are going to give on that one?

**An Honourable Member:** I may consider giving on that one.

**Mr. Sale:** The minister indicates there may be further amendments coming forward, and we would be glad to examine those, Madam Speaker. I would—

#### Point of Order

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, as much as he may want to leave on the record that I am considering further amendments, I did not indicate that, and I would ask the member to correct his statement.

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

**Mr. Sale:** Madam Speaker, on the same point of order, which I did not get a chance to speak on before you ruled, the minister clearly said from his seat that he may consider further amendments, and I simply put that on the record.

Madam Speaker, we would be glad to see further amendments on this particular—

**Mr. Downey:** I just want to correct the record. I did not say from my seat that I would be prepared to present further amendments to the bill.

**Madam Speaker:** The honourable Minister of Industry, Trade and Tourism does not have a point of order.

I think I indicated that quite clearly previously, and the honourable member for Crescentwood need make no further reference to it because the point of order indeed has been dealt with.

\* \* \*

**Mr. Sale:** Thank you for that clarification, Madam Speaker. I was simply in my remarks welcoming the minister's apparent intention to place amendments before the House, and I was glad to hear that.

We would be very pleased to consider additional amendments to this bill if indeed they do come forward. The major concern, I would simply point out, is that the intention of the act as framed and as still part of our continuing consolidation of Manitoba is clearly to provide for the operation of a citizen directed arm's length corporation. All of the provisions, Madam Speaker, in this act which the amendment speaks to intend to provide a framework for an arm's length corporation to function. The provisions of the loan section, the provision of the board, the provisions for staff all are clearly intended to put in place an arm's length corporation.

It is very clear that Parts II and III were added to this main act to allow the corporation to do other things in addition to its primary function. We are now at a position, Madam Speaker, where the entire function of the corporation is subsumed in one little section of this act and that is simply to carry out the will of government in regard to existing programs and act as a conduit for government to flow monies to operations which it may wish to support through grants or loans.

There is, in itself, Madam Speaker, nothing wrong with so doing. The problem is that they do not need a corporation. They certainly do not need the expenses of a corporation in order to administer departmental programs which are in themselves granting programs. We see in giving to three civil servants the extraordinary power to oversee all of these grants without reference in many cases to the minister. We

see undue secrecy, we see the potential for unaccountability, and the fact that this corporation is to be audited by someone other than the Provincial Auditor we find particularly difficult to accept. The corporation used to have, and in the case of den Oudsten and Flyer showed that it could still have a very valuable function under its original terms of reference.

We are pleased that that corporation survived some very difficult years under both Conservative and New Democratic Party administrations, Madam Speaker. We see that kind of function as still useful in the light of the kind of vision that we have and we believe that honourable members opposite have for Manitoba, where sometimes it is important to take a long-term view, to invest over the long haul, so that employment, industrial development, opportunities for Manitobans can be sustained until they become fully effective, fully efficient and can be carried in the private sector without any form of public subsidy.

So, Madam Speaker, in conclusion, I would like to just underline our concern that these amendments in principle take this corporation a great distance from its intended function. They allow civil servants to have power which I do not believe is consistent with full accountability. They allow departments to flow grants and loans for which the department ought to be responsible and to flow them through a corporation of civil servants whom they can direct as they will in terms of the accountability.

Finally, Madam Speaker, the function of an audit is to make plain to all readers what the functions of the corporation have been during the year. The audits of this corporation are far from plain, and I believe it is not appropriate to hold the audits of major government programs involving many millions of dollars outside the scope and responsibility of the Provincial Auditor whose duty it is to report on all operations of government that are contained within the normal Estimates of government spending through its budgetary processes.

So I indicate that we are opposed to this legislation, and we consider that the government ought to be clearer and more forthright about its intentions to use the various programs of government simply as a

conduit into this corporation. They should be operating those programs more transparently and directly. They do not need the Manitoba Development Corporation for the purposes for which they are now using it.

Madam Speaker, I am wondering—

**Madam Speaker:** Order, please. The hour being 4 p.m., when this matter is again before the House, the honourable member for Crescentwood will have 12 minutes remaining. As previously agreed, this bill remains standing in the name of the honourable member for Thompson (Mr. Ashton).

As previously agreed, the hour being 4 p.m., it is time for private members' hour.

\* (1600)

## PRIVATE MEMBERS' BUSINESS

### DEBATE ON SECOND READINGS— PUBLIC BILLS

#### Bill 201—The Health Services Insurance Amendment Act

**Madam Speaker:** On the proposed motion of the honourable member for Inkster (Mr. Lamoureux), Bill 201 (The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie), standing in the name of the honourable member for Sturgeon Creek (Mr. McAlpine).

**An Honourable Member:** Stand.

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

### SECOND READINGS—PUBLIC BILLS

#### Bill 204—The Child and Family Services Amendment Act (2)

**Mr. Doug Martindale (Burrows):** Madam Speaker, I move, seconded by the member for Crescentwood (Mr. Sale), that Bill 204, The Child and Family Services Amendment Act (2); Loi no 2 modifiant la Loi

sur les services à l'enfant et à la famille, be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Martindale:** Madam Speaker, this is the same bill that I have introduced on previous occasions, and that the member for Wellington (Ms. Barrett) introduced when she was the Family Services critic for our party. As I said at first reading, the purport or the purpose of this bill is to amend The Child and Family Services Act so that the Children's Advocate reports to the Legislature instead of to the Minister of Family Services.

The first point that I would like to make is that there is a need for this in order to maintain the independence of the Children's Advocate. In fact, when the Minister of Family Services introduced the Children's Advocate to the Province of Manitoba we were very concerned that the Children's Advocate would not be independent, and in fact we were concerned that we would not know what recommendations the Children's Advocate was making to the minister. The first time we found out about recommendations that were being made was from foster parents in Thompson, and had the correspondence from the Children's Advocate to those foster parents not been shared with us we would not have known that the Children's Advocate made recommendations to the minister.

Subsequently we have the Children's Advocate's report and it is filled with recommendations, and we are very pleased that the Children's Advocate has written such a forthright report in his first annual report. In fact, there are numerous recommendations running to four or five pages in the first annual report. But the independence of the Children's Advocate is still an issue, because we do not know when this report was actually written and when it actually landed on the minister's desk. For example, the covering letter says December '94, and we know that by statute the minister has to table the Legislature after a certain number of days, and we have no way of knowing whether it might have been held up at the printers or whether it got sent back to be rewritten. We do know that it was not tabled in December, that we did not get it until the session resumed in, I believe, March of this year, and

so the recommendations are not as timely as they might have been. If the Children's Advocate did report directly to the Legislature, this would not be a problem because the report would be tabled immediately without having to go through the minister's office.

I would like to commend Manitoba's Children's Advocate, Mr. Wayne Govereau. He does an excellent job. He is very co-operative, and I appreciate the fact that his office is there in order to investigate problems in the Child and Family Services agencies, because I get numerous phone calls, not just as the Family Services critic but as an MLA, and I am sure that other MLAs in this House get phone calls which are on Family Services matters, and, of course, they tend to be complicated. Most of them have two sides to the story, as we recently found out from a question that I asked the minister in the House a couple of weeks ago.

We are at a disadvantage, particularly in opposition, but I would say any member, except for the minister, because of the confidentiality provisions. In fact, I pointed this out when I asked the minister a question a couple of weeks, so we are not privy to all of the information that might help us to make up our minds as to whether people have a genuine problem with the Child and Family Services Agency or whether maybe the agency did act in the best interest of a child or children.

So it is good to be able to refer this, to refer casework to the Children's Advocate, because they can investigate, and they do have access to information and to files and, I believe, to confidential information that we, as MLAs, would not have. That certainly is a service that is appreciated by myself and others as members of this Chamber.

I would like to discuss some of the recommendations that the Children's Advocate made. While I have commended the individual and commended his first annual report, I think there are a number of lingering problems that my bill addresses. One is, perhaps there would not always be an Advocate who felt so strongly about their independence, and a more timid advocate might be intimidated or inhibited by the Minister of Family Services. It might not be so forthright. That is why my bill recommends that the Advocate report to

the Legislative Assembly. In fact, the first recommendation that the Advocate makes under recommendations concerning his own office is, and I quote, that the Children's Advocate be required to report to the Legislative Assembly as opposed to a particular minister in government.

If you look earlier in the Children's Advocate's report, on page 7, he gives reasons as to why he believes that he should report directly to the Legislature. He talks about, not this minister, but about the previous minister, and I hope the previous minister has read these comments, because they are very, very interesting and very critical. The Children's Advocate says that there were incidents in which he spoke out publicly against certain decisions of government, much to the dislike of the previous minister. The Children's Advocate was warned about his open criticism of government policy in regard to foster care cutbacks in 1993, and inferences were made that if the Children's Advocate did not refrain from such public criticism, he should consider leaving the position, along with veiled threats that the proclamation of the legislation could be delayed.

Well, this is really quite amazing in a number of regards, first of all that the Children's Advocate had the courage to print this in this first annual report and, secondly, the content of what he is saying, that he criticized his former boss and also that veiled threats were made that he might be let go from this office and that the legislation might be delayed from proclamation. This is really quite amazing. Well, the minister at that time was the honourable member for Minnedosa.

By comparison, Madam Speaker, I have the press release from the Minister of Social Services in Saskatchewan. This news release is dated March 22, 1995, and the Children's Advocate there, the acting Children's Advocate, became permanent as of November 1994. Under legislation introduced in the Saskatchewan Legislature, the appointment of the Advocate must be approved by the Legislature, which I believe is not the case in Manitoba. The Children's Advocate in Saskatchewan can prepare special reports for the Legislature at any time, either at the request of the Legislature, any minister or department, or upon her

own initiative, since, in Saskatchewan, the Children's Advocate is a woman, Dr. Debra Parker-Loewen. So the Saskatchewan legislation follows, in some respects, the recommendation for the private member's bill that I have proposed.

\*(1610)

The Children's Advocate has recommended, in a second recommendation that is very important, that the powers and duties of the Children's Advocate be expanded to include all children's issues and rights across all government departments and services. I think this would be an improvement over the current situation, even if it was only applied to the responsibilities of the Minister of Family Services (Mrs. Mitchelson), because in Manitoba we have many very serious problems that the Children's Advocate has commented on in Child and Family Services agencies but also in other areas that greatly affect Manitoba's children.

For example, and I am quoting here from an excellent report commissioned by the government called the Health of Manitoba's Children, and on page 28 it says that there are many determinants of health. They are having an impact on Manitoba's children. For example, Manitoba has the highest rate of youth incarceration in the country. Manitoba has the highest proportionate number of children in care in Canada. In 1991, suicide was the leading cause of death from injuries in the zero to 24-year-age group in Manitoba, exceeding deaths from motor vehicle traffic accidents, falls, violence, et cetera.

Consistently, Manitoba has demonstrated average or above-average rates as a province. Manitoba has one of the highest rates of child poverty in the country. Winnipeg, I believe, has the highest rate of child poverty in Canada. Manitoba has one of the highest rates of adolescent pregnancies in Canada. These are areas that the Children's Advocate, if he or she had responsibility for children's rights and issues across all the government departments, would certainly want to comment on.

In fact, the Health of Manitoba's Children has recommendations in the Child and Family Services

area, particularly under child protection. These recommendations are quite similar to some of the recommendations in the Children's Advocate report.

So I would like to read them into the record. I am sure that the minister will be commenting on some of these. For example, increasing preventative program expenditure to 10 percent to 15 percent of budget allocations and family support programs to 35 percent to 40 percent of expenditures. I think this is a very good recommendation and one that the Children's Advocate would agree with, that we need to put more supports into families before children are apprehended. We are really talking about prevention here.

I know the minister is going to talk about their preventative programs, but this recommendation suggests that there be a major reallocation of resources. I am sure that that is a recommendation that the Children's Advocate would be in favour of.

One of the things that the current Children's Advocate complains about is that he was not consulted or was not part of decision making that had to do with the allocation of resources.

On page 8, he says, "I believe that I have not always been able to successfully influence policy or funding decisions. First, because I have not been invited to participate in any of these processes. And secondly, the majority of such activities and decisions are directly related to government's agenda for cost reduction and not necessarily service enhancement based upon the actual needs of children and families being served by Child and Family Services."

We see that there is a similarity between what the Children's Advocate is saying and what the Health of Manitoba's Children report is saying.

There are many individuals who contact me, who question the priorities of this government and say, why are you not giving foster parents, for example, more money for high-needs and high-risk children, when in fact if the children are not in a foster home they may be in a hotel or a motel, which probably costs the government \$200 or \$300 a day. Yet it is very difficult for foster parents to get the maximum rate of \$50 a day

in order to deal with children that have very, very high needs and in fact can be very destructive.

I visited a foster home in my constituency and the foster mother pointed out that there was almost no furniture in the living room and no pictures on the wall. The reason is that these kids are so destructive that they cannot keep nice furniture, and they cannot keep pictures on the wall.

I think that if we do put these resources into homes, then foster parents will be encouraged to continue being foster parents instead of getting out of the business. In fact, I got a phone call last week from a foster parent who was so fed up that she said that there will not be any more foster children in their home, because the last four children were taken away in handcuffs. She had a very frightening experience, because while the police were outside she went inside to gather up the child's clothes and she looked under the bed, and there was a child curled up in a fetal position who had been living in her house without her even knowing about it. This was a very frightening experience for this foster parent.

So I think that the recommendations that the Children's Advocate makes are very important, and the recommendations made by the Postl report are important as well and are very much in keeping with the kinds of things the Children's Advocate is recommending. So I hope that the minister will seriously consider this bill and consider amending The Child and Family Services Act.

The minister has promised that there is going to be a complete review of The Child and Family Services Act and that there will be public consultation. This is a matter of public record from Estimates. So I hope that one of the things that this government will do in that review, and this minister will do in that review, is to review the reporting mechanism for the Children's Advocate.

Thank you, Madam Speaker

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I am pleased to rise in support of the bill that my honourable friend has put forward. I had some great experience

with child and family services, as some members opposite may be aware, in 1985, when a previous government decided that it was important to democratize child and family services and to provide for community-based services in all of Winnipeg and, in fact, all of Manitoba. I had the opportunity to work with many volunteers and parents and with the staff of Children's Aid of Winnipeg and Children's Aid of eastern, Children's Aid of western and Children's Aid of central Manitoba to develop a system that was community based.

Madam Speaker, for reasons which still elude any kind of analysis, this government decided, in 1990, that they wished to abandon the community-based approach to child and family services. It is an interesting reversal because we hear from the members opposite frequently how important it is to have things rooted in the community, how important it is to be supportive of volunteers, to be actively involved in the affairs of a community, and where is it better to address issues of child poverty, child maintenance, child neglect than at the grassroots level?

So I and many other Manitobans with me were dismayed when this government, in a very unilateral, very highhanded manner, dismissed over 100 citizen board members, dismissed hundreds and hundreds of volunteers, put in place an appointed patronage board and took all of the dissent, took all of the community voices that were advocates for children and brought them under one staffperson, one board, and essentially they silenced the voices that were speaking for children through the child and family services system of this province.

They essentially said that, in spite of whatever conditions our children are suffering, you will not hear about them, you will not speak to the press, you will not speak to members of the opposition, you will not let those conditions be known. Madam Speaker, they were devastatingly successful. The voices for children and of children in the child and family services system became first muted and then silenced.

Madam Speaker, over the last few years, we have heard virtually nothing of the chaos that is going on daily inside that system. We have heard virtually

nothing of the overspending. We have heard virtually nothing of the fact that Manitoba has the worst record of bringing children into care in all of Canada, a far higher ratio of children in care than any other province.

Madam Speaker, this record of this government on child welfare is an appalling record. They have the worst of all possible worlds. They have gutted the community's interest and involvement in child welfare, dismissed boards, dismissed volunteers, dismissed those who would speak for children. They have appointed a patronage board, a patronage board that is appointed to be silent and to keep silence on behalf of children.

\* (1620)

**Madam Speaker:** Order, please.

I would remind the honourable member for Crescentwood that debate on second reading should be very relevant to the content of the bill. In listening to the comments of the honourable member for Burrows (Mr. Martindale), my understanding of the content of the bill is that it is a delineation of direction for the Child Advocate's role in terms of the reporting procedure.

More simply, it makes the Child Advocate report directly to the Assembly as opposed to the ministry. I am having a little bit of difficulty in understanding exactly where the honourable member for Crescentwood is coming with his more generic remarks regarding social assistance.

I would appreciate the member speaking to the bill.

**Mr. Sale:** I am speaking directly to the bill and very explicitly. The role of the Child Advocate is to speak on behalf of Manitoba's children, to speak freely and openly on their behalf.

The current Child Advocate statute requires that that advocate report not to this House but to the minister concerned. It is an approach to child advocacy which I think is unprecedented in Canada. I know of no other situation where the delivery of child and family services is so circumscribed by the government's fear

that there might actually be something said in the community of relevance about the needs of children than this government.

The bill to which I am speaking addresses specifically the ability of Manitobans to hear about and hear from those who are concerned about children and their welfare and specifically to hear from the Child Advocate. I think my remarks are directly related to the act in question before us today. The purpose of that act is to improve Manitobans' ability to hear about the conditions of children in this province, specifically in the child welfare system but, more generally, as the Child Advocate recommends, in regard to all of the conditions in which children find themselves in this province.

I was referring, Madam Speaker, to the history by which this person came into place and by which his role as being accountable to the minister responsible instead of to this House came into place. It is a history of damping down any kind of dissent, of preventing people from speaking freely about the needs of those who cannot speak on their own behalf. That is why this amendment to this act, put forward in the bill to which we are now giving our attention, is such a vital amendment.

The Child Advocate makes some very clear recommendations. The Child Advocate says, I should be reporting to this House. That is what this bill would achieve. The Child Advocate says that the powers and duties should be expanded to include all children's issues.

My honourable friend the member for Burrows (Mr. Martindale) pointed out that all of the conditions of children in Manitoba are simply deplorable by comparison with national averages, the conditions of poverty, the conditions of juvenile crime, the conditions of children under apprehension in the child welfare system. We are not proud, I think, as Manitobans of the conditions in which our poorer children exist.

In calling for a change, we are calling for what the members opposite themselves use frequently in their rhetoric. They talk about accountability. They talk

about transparency. They talk about community involvement. Yet when it comes to putting anything like that in place they want to appoint the members of school advisory committees, they want to appoint directly the board of the Child and Family Services system for Winnipeg, they want to damp down citizen involvement, and they want to keep the Children's Advocate on a leash, on a leash in which the advocate reports only to the minister and does more or less the minister's bidding.

Madam Speaker, I want to quote from the report of the Child Advocate, in which he says, the Children's Advocate has spoken out publicly against certain decisions of government, much to the dislike of the previous minister—not the current minister, the previous minister, the minister who comes from the constituency of Minnedosa—the Children's Advocate was warned about his open criticism of government policy in regard to foster care cutbacks in 1993. Inferences were made, Madam Speaker, that if the Children's Advocate did not refrain from such public criticism, he should consider leaving the position, along with veiled threats that the proclamation of the legislation, that is, the legislation for the Children's Advocate, could be delayed.

Madam Speaker, it is appalling that someone responsible for speaking on behalf of children should find it necessary to tell his own minister of the threats against his office coming from a previous minister. That is an appalling situation.

No minister should have the power to warn an advocate for children that his speech on behalf of children is uncomfortable to members of the government, and that he should tune his speech to be more publicly acceptable to the members of the government. That is not the role of a Children's Advocate. It is to be the fearless defender of those who cannot defend themselves.

That is why we are calling for the amendments to this act, which would allow for the Children's Advocate, like the Provincial Auditor, like other civil servants, such as the head of the Civil Service Commission, to be accountable not to the government of the day. It can have the ability, whether it is this government or another one, to so change or so bend the will of the

advocate that they can make his or her role ineffective. That is not the role of government when it comes, particularly, to its most vulnerable members which are its children at risk.

Madam Speaker, I would say as well that the Children's Advocate has done an exemplary job of putting in context the many responsibilities that he now carries. I would want to put on the record, I am sure along with other members of this side of House, our dismay that the current minister seems not to understand the deep and direct connections between fiscal poverty and the other kinds of poverty which she apparently is prepared to acknowledge.

She does not seem to understand that fiscal poverty, as the Children's Advocate understands, is deeply connected with failure to attain a decent education. It is deeply connected with diseases of the upper respiratory system. It is deeply connected with abuse. It is deeply connected with the life chances that that child will have and to which the Children's Advocate rightly points as his primary concern, that is the life chances of the children who are at risk in Manitoba.

Poverty does, as the minister has said, have some connection to nurture. There is no question that badly nurtured children will not do as well as children who are well nurtured, but it also has a deep connection to the issue of monetary fiscal poverty, low income.

I am appalled the current minister does not seem to admit that the great number of children living in poverty in this province are at risk, not because they are not loved, indeed they are, in many cases they are loved very, very deeply, but because they cannot be afforded adequate housing, adequate nutrition, adequate care.

The role of the Children's Advocate, in addressing that, is surely a central role for members of this House to be concerned about. The Children's Advocate also intends to have the discretion to decline or to refuse investigative complaints, a reasonable request. There are indeed many other recommendations in his report which, if he were a servant of this House instead of a servant of the minister, he could spend his very valuable energy and efforts in addressing.

Madam Speaker, it seems to me to be self-evident that a government that is concerned about children and the welfare of children would want its most central spokesperson to be able to address that question of welfare directly to the public through the members of the Legislative Chamber, that most Manitobans who think very long about this question would be very unhappy with the current situation, where ministers are able to manipulate, through threat and pressure, the role and activity of the Children's Advocate, which threat and pressure he has put on the record. It is not a question of allegation, but a question of the record on page 7 of his initial report.

So I welcome the opportunity to support this very valuable amendment, Madam Speaker, and I hope that all members will similarly be concerned to put the person who has the welfare of children at the top of his agenda before the members of this House in a report and not through the minister of child and family services as is now the case.

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I would like to commend my colleague from Crescentwood for his comments and my colleague from Burrows for introducing this bill. It is a bill, as he has indicated, that has been introduced many times by members on this side of the House but cannot get the support of government, and I hope that this government will recognize—[interjection]

The member across the way has indicated that we are filibustering this bill. This is a very important bill, and I think that it is important that we hear different perspectives on it. Certainly, we would like to hear the government's comments on this bill, but we know quite clearly that they will not allow it to pass as they have not let that happen in the last three times it has been introduced.

\* (1630)

The Minister of Family Services (Mrs. Mitchelson) is here, and perhaps, if she listens to these comments, she will recognize the merits of this bill and these amendments and will consider, but, certainly, the Children's Advocate plays a very important role, and that office must be independent from the minister. We



would hope that the minister would consider this amendment and ensure that the merits of that office are maintained and enhanced by giving the Children's Advocate the opportunity to report directly to the House as we see in other provinces and take away the threats that are there. As my colleagues have indicated, there were opportunities, there were other channels, for the concerns of children to be addressed, but changes that have been made by this government have taken away those avenues.

Patriotic boards have been put in place instead of ones that hear the real concerns of children and speaks up for the children. It is very important that we have a Children's Advocate and that that Children's Advocate be independent of the minister and report directly to the House.

The Children's Advocate has only been in place for one term and has put forward his first report, his first recommendations, and there are some very good recommendations. In his report, he says that they should be reporting directly to the House and that they should be dealing with many other issues, all issues, that affect children. There are issues that affect children far beyond the child and family services department, issues that affect children right across all departments in government, and the Children's Advocate should be able to address those without having the heavy-handedness of a minister over his head, as we have seen outlined in this report, where it is quoted, stated, that the minister has threatened the Children's Advocate, if he did not toe the line, that there would be delays in implementing the legislation. That sort of intimidation is completely unacceptable.

We must have a person who can speak up for our children, particularly when you recognize, Madam Speaker, that in this province we have some of the poorest children, and these children, children who come from poor families, do not have a spokesperson for them, in many cases, do not have avenues to access resources or supports. It is through the Children's Advocate office that their issue can be raised, and that must be something that we change in this legislation.

I think the government only has to look at what is happening in other provinces. There is a similar office

in Saskatchewan which is a permanent position, a position that is not appointed by the minister, where the person in that job does not have to be threatened or feel vulnerable that they may say something that will upset the minister and then be at risk of losing his or her job, and in that case it is a woman who holds that job, but in that case that person can be a true advocate on behalf of the children of that province. In that province, as well, the Children's Advocate does report directly to the Legislature and has much more flexibility and is not intimidated or threatened as we have here in this province.

There is a need for the Advocate to be independent to address the real concerns. Just as we have the Ombudsman, who acts independently, the Children's Advocate must play that same role and we would hope that this government would consider these recommendations.

I think it is very important, Madam Speaker, that the children of this province do have somebody to speak for them and to address their concerns, particularly in light of the fact that we have the highest youth incarceration, in this province, and Manitoba has the highest poverty rate. These are issues that are very important, that are affecting the well-being of the future generation of this province.

We have an above average rate of young people committing suicide. Now, that just shows you the desperation that many people are feeling in this province, and they have no avenue to have their issues addressed. As I had said, high poverty rate, but an issue that causes me an awful lot of concern, Madam Speaker, is the fact that we also have the highest teen pregnancies in this province. These are very important issues that are facing our young people.

The young people that we have in this province must have a person who can speak up for them to address their concerns without being intimidated, without being threatened that his or her job will be eliminated, without feeling that if he does not say the right thing that the minister can have that position removed.

We have to take those kinds of things away and put in place the assurances that the Children's Advocate

can address all issues that are concerning young people in this province, whether it be poverty, whether it be the impacts of cutbacks in welfare rates, whether it be the lack of services for young people.

One other area that affects people, particularly in rural Manitoba, that has affected young people and the supports that are in place for young people is the cuts to friendship centres that we have seen. Through the friendship centres, and in my constituency there is a very good friendship centre in Swan River that provided some very good services, very good supports for young people, but when we saw the cutbacks that we did, the children's worker that was in there lost her job. We now do not have the communications between the schools and the friendship centre and the home which played a very important role in keeping young people in school.

So, Madam Speaker, there are many things that have happened as a result of actions taken by this government, cutbacks to friendship centres, cutbacks to educational programs, cutbacks to the Access program, reduction in foster family rates. All of these things are having a negative effect on the children in this province.

It is the Children's Advocate whose role it is to address these concerns and raise the concerns of our young people and be the spokesperson, because many of the other spokespersons that we did have have been removed by actions taken by this government, for example, people in the friendship centre.

So we have to have the assurances that just as the Ombudsman has the ability to be independent and not be influenced by any minister, you have to have the assurances that we have a Children's Advocate who is independent of any minister. Because, as we know, there are comments in the Children's Advocate report, *Taking up Their Cause*, the first annual Children's Advocate report we have comments in here showing that the person in the job right now has been advised that he should not be so forthright in his reports, and that is not good for the children of this province who need someone to speak up for them.

We have to ensure that this person can have no fear whatsoever of addressing any issues, and, there are many issues now that have to be addressed on behalf of our young people in this province. They need a strong spokesperson and that is the reason for this amendment. I commend my colleagues for recognizing the importance of the independence of the Child's Advocate and when you look at the report it states quite clearly in here that there must be independence and certainly that the powers and duties of the advocate be expanded to include all children's issues right down to all government department services.

Another recommendation is that the Children's Advocate authority be amended to have the discretion to decline or refuse to investigate claims that are considered malicious or where, in the opinion of the Children's Advocate, the circumstance and the case do not require investigation. There are some very good recommendations that are put forward and one of the other recommendations is that additional staff be put in place to operate the program, to provide for the Children's Advocate, and there are some very good recommendations.

So there are very serious issues facing the children of this province. There are very few avenues that they have to have their concerns heard. The Children's Advocate is the only avenue and they must be addressed particularly as I say when we look at the plight of our young children in this province, when we consider that there are an above average number of people in this province who attempt suicide. Now that is a very serious situation if we do not have the resources in place to address those concerns. We have the highest poverty rate. Many young children are hungry, and those poor young children just cannot live on love. They need food in their stomachs, but those are the issues that are not being addressed by this government.

It is government policy that is affecting our young people and when government makes policy that has a negative effect on children there must be somebody who can speak up for them and have the independence to say so freely without feeling that his or her job is in jeopardy. If it was a permanent position we would not have to worry about that, but I hope that the

government will seriously consider this legislation and that this session we will see this amendment pass and we will see an independent Children's Advocate who can seriously address the concerns that are facing the children of this province. It is a very important service that we have to see, we have to see our young people have those avenues open to them. I look forward to the government's comments on this bill, and I look forward to having them pass it.

**Mr. Marcel Laurendeau (St. Norbert):** Madam Speaker, I move, seconded by the honourable member for Morris (Mr. Pitura), that debate be adjourned.

**Motion agreed to.**

**Madam Speaker:** The honourable member for St. Norbert, on a point of clarification.

**Mr. Laurendeau:** If we start now on the resolution, is the clock going for one hour on the resolution, or do we only have 15 minutes on this resolution?

**Madam Speaker:** The previous agreement was that it be determined by one hour's duration, two separate private members' hours. So whatever business is dealt with in the first hour, the time to debate that expires at five o'clock, and a new resolution will commence at five, between the hours of five and six, or however many resolutions the members so desire they want to deal with.

## PROPOSED RESOLUTIONS

### Res. 24—Education Renewal

**Mr. Marcel Laurendeau (St. Norbert):** Madam Speaker, I move, seconded by the honourable member for Morris (Mr. Pitura), that

WHEREAS a dynamic and innovative education system is an integral and essential component of the Manitoban community, bringing benefits to the province on an individual and collective basis; and

WHEREAS a sound education is essential for Manitoba's children to compete in a rapidly changing global economy; and

WHEREAS all education partners—students, parents, educators, business, industry, labour and government—have a shared responsibility for the children of Manitoba and so must work together to present constructive ideas for change; and

WHEREAS the Manitoba government has consulted with Manitobans and has presented its initiatives and plan for the future in *New Directions, A Blueprint for Action and Renewing Education: New Directions, The Action Plan*.

THEREFORE BE IT RESOLVED that the Legislative Assembly urge the government of Manitoba to continue its movement to renew and strengthen the education system in Manitoba for the benefit of present and future generations.

**Motion presented.**

**Mr. Laurendeau:** Madam Speaker, it was just such a good resolution, we wanted to hear you read it a second time, that is all there was to it.

Madam Speaker, this government has put one priority first in education and that is putting the student first. Education is exactly that. It is what we as a government can establish for programs for the students. It is important that the education of our children for their future, a benefit which will create jobs not only for themselves but for their children in the future.

Madam Speaker, for too long the system has been lacking, and it has been lacking not because governments have forgotten about education, but because we have not allowed the consultation to take effect and we have not allowed the discussions to be there. Parents have to be involved in an education system if it is going to work. Without the parental responsibility being involved in the education system, it is not going to work in the future. In our school in our community we have a parent council which has been in effect for a number of years, and it has worked, because we have been able to work with the teachers, we have been able to work with the principal, we have been able to work with the school trustees to initiate programs that are helping our children in helping them into the future.

As we are moving ahead in the new global economy—and that is a catch phrase that everybody has caught onto—our children could be left behind. We have to see that they not only learn about the past, but about the future. As I talk about the past, if I can just relate back a little bit, history is a very important part of what our education system is all about. It is important that we look at what our history was in Canada, how Canada was come to play, and not only our history as we know it since we came to this country but the pre-European history, as the honourable member for Rupertsland (Mr. Robinson) had brought forward.

It is important that our children know all there is to know about Canada so that they can take and give the competitive advantage of Canada to the entire world. We have so much to offer here in Manitoba from our natural resources to, No. 1 again, the children and their future. They will be able to prosper not only because of what we have in natural resources and in our farming communities but because of the intellectual capabilities that they will have in the future.

\* (1650)

Madam Speaker, there is just so much available to them, and I think we have to put the tools in place so that they will have them. The teachers within our schools have to be given the tools to teach. No. 1, they are teachers first. They are not babysitters, and when it comes time that they become babysitters it takes away from the integrity of the classroom. The students are going to school to learn, to learn where their future is, the mathematics, the reading, the writing, the history, but they are not there to learn about a society of technocrats. I cannot find the word, but it is interesting how we have educated our children away from education. They are learning more about the can dos and want to dos than the have to dos.

It is interesting how when we start talking about reading and writing, some people say, well, how about the rest of it? Well, the rest of it can flow. Yes, it is important that we have some music within the school. Yes, it is important that we have some arts within the school, as long as we are using the cross-curricular so that we are educating them throughout those other subjects within subjects.

Madam Speaker, we implemented computers into the classroom, and we are using the cross-curricular. We are actually using mathematics, science, social studies, all as one subject, and it was interesting how the three teachers were able to bring together one process that was able to initiate this cross-curricular within the Grades 9, 10 and 11 class, where they were actually working on sustainable development initiatives that was able to create more awareness of the world today. The children were able to learn more about what society is about, how to protect our Mother Earth and how to protect what we have built as a society.

Yes, we have in the past made mistakes, but, Madam Speaker, we have learned from some of those mistakes. If you do not make mistakes, you have not tried. It is very important that we look at where we are heading into the future and exactly how the standards that we establish for our children in the schools today take effect. When we say we are not to challenge a child in the school and we just pass them on to another grade without giving them a level to reach, I do not think that is appropriate.

For us to take someone from Grade 3 and slap him in Grade 4 when they have not completed that curriculum or that established criteria for that level is not fair to that child. They are moving ahead with what? They have lost already because when they move along to the next class they are behind by a whole year and sometimes two years, and I do not think that is fair to that child.

When we move to standards and start testing, it is not to punish that child as some people have said. It is not to punish them and say that they are bad. It is to say you have to establish and you have to reach a goal. We do it in sports all the time. We challenge our children in sports. We challenge our children in a lot of their activities so that they excel for the best. What is the best? What is the standard? The standard should be established at the best of that child or that appropriate program that is in place. Some children can excel to a lot higher level, but we still have to have the minimum standard.

There has to be a minimum standard, because if they cannot reach the minimum standard, then we have to

do something about it, and we have to work with that child or with that group of children to see that they do reach that standard, or we will have a legacy for tomorrow that will become more of those who are dependent on government. For too long, Madam Speaker, we have brought them to the trough and said come and eat from the trough and we will care for you till eternity. It does not work. We have done it with wild animals. Once you bring them to the trough and you feed them, you will never be able to set them free again, because they will come to that trough and that is the only way they can survive.

Well, Madam Speaker, we have done it with society. We have brought them to the trough and we have brought them to the trough and we have taught them to eat, but no longer can we afford to put the food in this trough, and when we put them out in the real world to succeed on their own, it is not working. They do not know how to succeed on their own, because they have never been given the tools to do it. So who is really winning? How can we succeed when we keep handing out everything and saying to the people, here it is and we shall take care of you till the grave. Well, it is not fair to anyone, and especially to our children.

Madam Speaker, the education renew is an action plan which I believe is going to bring us into the future. It is a plan which gives us an opportunity to do a lot more consulting. It gives us an opportunity to go out and listen to the public and hear the public. We did exactly that, because as this blueprint was being drafted we were still hearing from public presentations on different aspects of the blueprint. We listened and we made some changes in the blueprint, because that is exactly what it is, it is a blueprint. When you build a house, if your wife tells you she does not want the wall there, well, you better move it; I want a different coloured sink, you are going to change it. It is called communication. So by communicating, this government will continue to create a positive atmosphere within the educational field.

Madam Speaker, the education of our children is No. 1. As we move ahead in the future, I know that this government for many years to come will be going forward to the public and looking for reaction. We have to listen to the public and bring forward those

changes, and at times we are going to have to listen a little clearer and see that we take some of those necessary changes, but we have established a direction. This is exactly it. We have put the road map before the public of Manitoba, and as of now, the road map is drawn. They can now find their way through this road map and they will find their direction. They cannot get lost, because the direction is there.

It is going to teach our young people how to cooperate and how to establish the future generation's economic benefits all around not only Manitoba but the western provinces, because we are going to start establishing a curriculum that is going to work across the western provinces. Why should we have a separate curriculum here in Manitoba than they have in Saskatchewan or Alberta or British Columbia. Madam Speaker, math is math in all four provinces, as far as I know. I think they still add the same way as we do. Mind you, they subtract different in British Columbia because of the NDP government; they still come out on the deficit side, but I think with a little bit more education, I think we are going to bring them alongside and I think we have corrected some of those inequities.

So, Madam Speaker, I think we can teach them our way of math, and I know that they have accepted our math curriculum and they are moving towards that, and as we move forward and we start working on the curriculums of history and the sciences, I really think that the benefit is ours. I think that we have the opportunity to take a lot of the duplication of services out of the education system. We have an opportunity to work together as a western grid.

So, Madam Speaker, as we move forward in the education system and we start working towards a curriculum that is standardized across the western provinces, I think that we will have a much clearer vision of where we are going in the future. We will recognize that the students are No. 1. We will recognize that teachers have to have the ability to teach. We will recognize that when children leave school they have to have guidance to understand where they are going in the future. We can no longer forget what the industries are they are moving into. When they are in Grade 11 or 12, we should be giving them direction into which fields they are going into, and there is no

reason when they are in Grade 11 or 12 that they cannot get credits towards that field. In some cases, they should actually have credits that move with them from the Grade 12 level on towards their apprenticeship programs.

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for St. Norbert will have two minutes remaining.

The hour being 5 p.m., as previously agreed, we will now move to the next resolution.

**Mr. David Newman (Riel):** I would like to seek the agreement of this House to bring forward a resolution that would have been brought forward by the member for St. Vital (Mrs. Render), who is not present today, and I would like to move that resolution with the permission of this House, the Young Offenders Act resolution.

**Madam Speaker:** Is there leave to permit the honourable member for Riel to propose Resolution 25, the Young Offenders Act? [agreed]

\* (1700)

### **Res. 25—Young Offenders Act**

**Mr. David Newman (Riel):** Moved by myself, seconded by the honourable member for Rossmere (Mr. Toews)

WHEREAS there has been an increase in youth crime and violence in this province; and

WHEREAS the current Young Offenders Act does not adequately address many classifications of offenders; and

WHEREAS Manitoba's position includes more transfers to adult court, increased parental responsibility and publication of names of some convicted offenders.

THEREFORE BE IT RESOLVED that the Legislative Assembly support the provincial government and the Minister of Justice for their

continued efforts to strengthen the Young Offenders Act.

### **Motion presented.**

**Mr. Newman:** This resolution raises a very important issue that we are all concerned with as Manitobans and elected officials. It concerns our youth, and it concerns their future and also the impact they have on other people's health, safety and future in this province.

Youth justice issues are extremely important to this minister and this government. This has been demonstrated by the concentrated efforts that have been made on both the prevention-intervention side but also the punishment side. The government of Manitoba has recognized the importance of the issue to Manitoba and has been taking strong action on crime issues. Because of this government's understanding of the issues and, I would suggest, a broad and deep understanding, a plethora of prevention-intervention measures have been introduced.

Madam Speaker, Youth Justice Committee, the No Need To Argue program and youth night courts and others are initiatives which address the need to change the behaviour of youth so that they do not repeat. Manitoba realizes, however, that prevention does not address all of the needs of her justice system. Serious, violent young offenders are not receiving a strong enough message from the Young Offenders Act, and it is that specific problem which needs to be addressed. The Young Offenders Act needs further changes because those made by the federal government do not go far enough.

There have been some changes, and I am pleased to suggest that those changes have been a product, in part, of the contributions made by the strong submissions made by our government through the Minister of Justice (Mrs. Vodrey) on a number of occasions, but some of the proposals have not been adopted in the form of amendments to the Young Offenders Act.

The federal government's position: They have proposed changes which would stiffen penalties for young people that commit violent crimes, as has been suggested by us. These changes include: The youth

court may, on application of the provincial director, the Attorney General or his or her agent, make an order permitting the applicant to disclose to such person or persons as is specified if the court is satisfied that the disclosure is necessary. Reasons for disclosure would include: The young person has been found guilty of an offence involving serious personal injury; another example, the young person poses a risk of serious harm to persons; thirdly, the disclosure of the information is relevant to the avoidance of that risk.

First-degree murder disposition, under the amendment proposed and approved by the federal government, was not to exceed 10 years, which is up from the five years less a day previously. This would be comprised of continuous custody of six years subject to review and the remainder to a placement under supervision to be served in the community.

For second-degree murder, continuous custody up to four years, followed by supervised community living for three years, total sentence available seven years, and this is up from the previous five.

Every person who is charged with first degree murder, attempt to commit murder, manslaughter, aggravated sexual assault or aggravated assault who is 16 or 17 will be dealt with as an adult unless they apply to the Youth Court to have their case dealt with in Youth Court.

There is a great deal of speculation regarding the reasons for these changes to the Young Offenders Act, and it is interesting to see the polarity of the views. It was suggested they reflected demands for more protection and for more punishment. Mr. Rock came under public fire from both sides of the equation. On one side proponents of stiffer penalties stated that the proposed changes would be ineffectual because they were not stiff enough. Quoting Policy Chief Dale Henry, in June of 1994: There is a very strong feeling out in the community about the weakness of the Young Offenders Act, and I do not know that the federal government got the message.

On the other hand, Minister Rock came under fire because many felt that increased jail terms were not the answer to the problem of youth crime. In *The Globe*

and *Mail* criminologist Neil Boyd, on Friday, June 3, 1994, stated: Changes in punishment is not the answer. Most of the violent offenders come from violent backgrounds and attack people they know. Quick fix is popular but does not address the social problem.

What Rock has done has pleased nobody. Manitoba, on the other hand, has taken a consistently clear approach to the issue of youth crime and violence, and a stricter Young Offenders Act is only one aspect of a comprehensive strategy which has been introduced by this government. So what is Manitoba's position? The government of Manitoba had asked for more substantial changes to the Young Offenders Act than those proposed by the federal government. The position includes more transfers to adult court, increased parental responsibility and publication of names of some convicted offenders. Virtual automatic transfer of a young offender to adult court in cases involving serious offences, such as homicide, offenders with a record of criminal activity or an offender who has involved other children with no previous criminal records in the commission of a crime.

Creating a category of dangerous young offenders was another approach of the Manitoba minister. The category would allow a wider range of sentencing options including longer sentences particularly for violent and repeat offenders facing charges, such as homicide, aggravated sexual assault and robbery. Another, consideration of parental involvement and responsibility to a young offender's actions including financial and legal responsibility. Publicizing the names of convicted offenders where it is in the public interest, particularly crimes of violence, repeat offenders and those who use other children in the commission of a crime. Maintaining the minimum age of 12 years of age, but establishing a mechanism to allow repeat and heinous offenders under the age of 12 to be brought into the justice system by application to a Youth Court judge.

Madam Speaker, the federal legislation was seen as inadequate by many including Police Chief Dale Henry, now-retired Youth Inspector Lou Spado, and even NDP justice critic, the honourable member for St. Johns (Mr. Mackintosh). Manitoba's former Assistant Attorney General for Public Prosecutions, Stu Whitley,

and this government also made comments to that effect. Spado said, they are saying public protection must be our primary objective in dealing with violent young offenders. How is knowing the kid next door is a violent offender going to protect you? He has committed a violent act, but they will not put him in jail. There is a risk to your safety so they are going to let you know who he is, but they are not going to incarcerate him.

Winnipeg Police Chief Dale Henry called the changes disappointing. The honourable member for St. Johns (Mr. Mackintosh) said the proposed changes to the Young Offenders Act are long overdue but only a part of dealing with rising youth crime. What is needed is swifter consequences. Stu Whitley, Manitoba's Chief Prosecutor, says, the Young Offenders Act has stripped police of the power to combat sociopathic punks.

\* (1710)

This government has consistently recognized the importance of prevention and rehabilitation with respect to youth crime. The broad spectrum of prevention, rehabilitation and educational programs which address youth crime and young offenders attest to this fact. We have talked about this in debate in this House during private members' hour before with our discussion on Youth Justice Committees, the No Need To Argue program, the Children and Youth Secretariat, the Urban Safety program, the Summit on Youth Crime and Violence, and the education intervention programs in the correction system.

Some of the spin-offs from these initiatives are really amazing when you translate them down to action within our constituencies. Ones that I know about, for example, Victor Mager School which is just a wonderful example to so many other schools and community bodies, I think, in our overburdened city with all its problems. Jan Smith in that particular school, the community liaison officer, has together with staff and volunteers and co-operation with the community through community clubs and other bodies done some fantastic things for the local community, where there are very serious problems, in a preventative way. This is the sort of use of the sporting facilities in the school itself. The ability to liaise with

people who are professionals that know their job. The ability to become, in effect, mentees of volunteers that give a 13-year-old individual who has never played hockey before an opportunity to play hockey somewhere where it is not just a competitive thing as community clubs, unfortunately, have become too accustomed to solving, addressing and supporting.

The Winnipeg Development Agreement holds some excellent, I think, resources to address some of these basic initiatives and bring them to full bloom. We have all kinds of organizations, and, again, I know in my constituency—I have already spoken to this under a previous debate—the Citizens for Crime Awareness, but it is not just my constituency, that is throughout the whole city of Winnipeg. They are the people responsible for Neighbourhood Watch, and they are doing some amazing things as they evolve into grassroots-based organizations.

This government has also recognized, however, that reform of the Young Offenders Act is necessary in order to address the problem of serious violent young offenders. While many resources are expended on prevention, rehabilitation and education programs, there are still violent offences being perpetrated on the people of Manitoba. It is those offences that a stronger Young Offenders Act should address.

Stu Whitley raised extremely important issues in his presentation to the House of Commons Standing Committee on Justice and Legal Affairs. Manitoba's principal concern, he said, is with a violent recidivist offender. A stronger Young Offenders Act is meant to address the violent, persistently criminal kids. This is the message. The message is to deal with those people that the present act is not addressing adequately. The people know it. It is now up to the government federally to do something about it. If people are planning, premeditating and thinking intellectually, one has to conclude they also bring into the balance what will likely happen if they are caught. That is the sort of message that can be conveyed by a stronger Young Offenders Act.

There are many compelling reasons that a stricter Young Offenders Act should be supported by all members of this House. Some of those, I submit, are as



follows: giving the justice system the power to address violent offenders under the age of 12 through the court system would have substantial benefits. Based on Mr. Whitley's estimate of the number of Winnipeg cases which would be dealt with in such a manner, less than 10 per year, there would be little increase in the caseload of the courts. In addition, knowing that they are not immune to judicial action would provide a strong deterrent to children under the age of 12.

Another compelling reason, Madam Speaker, suggests support for a tough Young Offenders Act would not detract from the many other initiatives currently in place not only through the Department of Justice but through other departments as well. Manitoba is aware of the importance and necessity of prevention and rehabilitation programs and has continually demonstrated its commitment to these initiatives. A stronger Young Offenders Act would function in addition to not instead of Manitoba's prevention, rehabilitation and education programs.

Manitobans from across the province have indicated they both want and need stronger penalties for young offenders. I submit the challenge is for each MLA to take responsibility for and provide support for the crime prevention initiatives in their constituency and begin that support by supporting this resolution. Thank you.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I thank you for the opportunity to address this resolution, which is indeed an important resolution, as my honourable friend has pointed out.

The Young Offenders Act replaced a piece of legislation which had been on the books in Canada for well over 60 years, and the new act caused in its implementation a great deal of difficulty to all governments across Canada.

I think I can say without hesitation that this government has experienced many of the same kinds of problems that other governments across the country have experienced in bringing into play legislation which fundamentally changed the way we dealt with delinquency, which we used to do under the previous legislation.

The intention of the Young Offenders Act was and is, I think, an honourable intention. It was to provide for reasonable consequences for delinquency. It was also to recognize that there is an age below which it is very questionable whether children can form a criminal intent and therefore whether they can, in fact, do acts which they understand properly to be criminal acts. I think that in the actual implementation of the act, however, it has become clear that it is an act wanting substantial strengthening and improvement and particularly clarification.

One of the great difficulties of the current act, Madam Speaker, which I am sure all members opposite are aware of is that it puts in question the role of the child welfare authority in dealing with children who commit offences under the Young Offenders Act, and yet, as I know and as I am sure that many of them know, the children who are seen under both the child welfare act and the Young Offenders Act are often the very same children. They are seen one day under one act and another day under another.

The fact that under one they are subject to the provisions of a judicial process with lawyers and court dates and often court dates that are far too late to have any meaningful deterrent effect on the behaviour in question, I think, raises for us the fact that while the Young Offenders Act was a useful attempt to try and get at the problem of delinquency in children, it has largely failed to do the job that it was set out to do.

Madam Speaker, the child welfare act has in it a number of provisions which are preventive in nature whereas the Young Offenders Act has mostly provisions that are intended to punish and deter. We know, from working with younger children, that basically it is extremely difficult to get compliance from younger children to something that they do not fully understand.

I remember well one of the early encounters I had with this act, and that was through the arson of Young United Church, which tragically burned down in 1989. It was finally found, after many months of investigation, that the perpetrators in this case were young children who had hidden in the building after the close of the day and had deliberately set a fire. These

children were, I think, in one case, 12 and, another case, 10 years old.

I do not think that there is anyone who would suggest that either of these children had any real sense of the magnitude of the destruction that they were causing with their act. Were you to sit down with these children and to say, do you understand the loss to the people of the church, do you understand the loss to the citizens of Broadway, do you understand the seniors whose building was taken away from them by this disastrous fire, these children would, I think, have no conceptual understanding. They knew that they had done something wrong, but the question of whether they had committed a heinous offence or not, I think, is quite beyond their ability to sort out.

That, Madam Speaker, I think goes to the heart of the trouble with the Young Offenders Act. It does not provide the resources or the processes to deal adequately with the whole question of the socialization of the children that we find committing offences. Unfortunately, young offenders are vastly disproportionately children who are also deprived in other areas of their life. They very often are children who have been seen, as I said earlier, probably very recently by officials under the child welfare act.

\* (1720)

Very often the offender, who has a liquor or a drug or a break-and-enter offence, will be found to have a long file in the child welfare system, often of neglect, sometimes of abuse. So we have to ask ourselves: Is it an appropriate piece of legislation that we now have in this act that will allow us to get at the causation?

Sometimes people criticize those of us concerned about the causes of juvenile crime for being softhearted. I think that we are compassionate but not soft headed or softhearted in that sense. We understand that if you do not deal with the root causes of offences, no matter how serious or how trivial, you probably will wind up spending more and more time and more and more money on this particular offender as she or he develops a long-term pattern of offences. So the Young Offenders Act, which allows for some rehabilitative function, some rehabilitative focus, but is

under assault because it is not tough enough, is pretty silent on getting at the question of cause of behaviour.

That is generally seen to be the purview of the child welfare act, that the intention of the child welfare act is to prevent family breakdown, to prevent the circumstances of children leading to their antisocial behaviour in one way or another. It has primarily the function of providing prevention and reintegration. The Young Offenders Act is very weak on this count.

I understand the concern of the members opposite about the Young Offenders Act classifications of offenders not being adequate. It is very difficult to speak against the notion that some young offenders that we have seen who have committed heinous crimes ought not to be moved speedily to adult court. It is very difficult to argue against that when the child is 16, 17, 18 years of age and has a very serious pattern of criminal offending.

That is not, I think, our primary concern. I think we understand the need for flexibility in terms of moving young offenders who have a deep pattern of offence to adult court on occasion. The difficulty is that the WHEREAS in this motion starts out by saying, "WHEREAS there has been an increase in youth crime and violence in this province . . ." but then it goes on to make it appear that the problem is the Young Offenders Act.

And "WHEREAS the current Young Offenders Act does not adequately address many classification of offenders . . ." Then it goes even further and says, our position is to include more transfers to adult court, increased parental responsibility and publication of names. This is a very narrow response to the first WHEREAS.

We have an increase in youth crime in this province far out of proportion to our province's size. We are the worst in Canada, and yet the other provinces, the other nine and the two territories, administer the same Young Offenders Act. There is no difference between the Young Offenders Act in Newfoundland and the Young Offenders Act in Manitoba. The same act is in place, yet they have a much better record and an improving record on youth crime, and we have a worsening one.

Madam Speaker, it is hard for us on this side of the House to attribute that problem, as this motion does, to the admitted weaknesses in the Young Offenders Act. We see a government that has decided that child poverty is not an issue, that it is only if you are not loved that we have to be concerned. We have seen a government that reduces the staff of courts so that young offenders do not come before a court until many, many months after the offence has been committed.

I remember a number of times, in the past couple of years, constituents saying to me that the Young Offenders Act was like saying to a child at Easter, you are going to be in deep trouble at Christmastime, my friend. When you are 15 years old, Christmastime is a long way from Easter. It may be a matter of many degrees of evolution of the child's development, and, Madam Speaker, as a teacher, you know how rapidly children change during their adolescent years.

So, if they commit a serious offence, as many do, stealing a car, doing a break and enter when they are 13 or 14 and the charges are not disposed of finally until they are 15 or 16, we have completely missed the boat in terms of tying the consequences of the crime to the actions of the young offender.

This motion, which appears to be concerned about youth crime, has a single-minded answer, and the single-minded answer is to blame Ottawa's Young Offenders Act for the problems in Manitoba, but every other province has this same act and many other provinces have tried much more innovative ways of dealing with youth crime.

For example, the police force in Edmonton, Alberta, has been spectacularly successful at dealing with child prostitution, not by strengthening the Young Offenders Act or by charging children under the Young Offenders Act, but by charging the johns by going after the real offenders in child prostitution, who are the adults who are abusing children for sexual gratification.

There are other examples, Madam Speaker, that are closer to home. St. Theresa Point, in this province, has had a youth justice council for many years. Mr. Justice Murray Sinclair pointed out that on the reserves that have operated for some time with youth justice

councils, juvenile crime is virtually nonexistent, that it has been a very important measure for dealing with the real causes and the dynamics of crime among juveniles.

My honourable friend from Burrows points out that for many years the Faculty of Recreational Studies at the University of Manitoba has operated sports fly-in camps, has provided recreational opportunities to young people in the North. We know that in the inner city, when we provide drop-in centres such as Rossbrook House, many of the children who are now associated with Rossbrook have given up behaviours which might well have landed them under the rubric of the Young Offenders Act.

So, Madam Speaker, we find this resolution wanting because it does not deal with the causes. It does not deal with the real, underlying problems in regard to young offenders.

It takes a single-minded approach, pointing to Ottawa as the source of the difficulty for Manitoba, whereas in fact it is Manitoba that is failing to take progressive action to deal with the underlying causes.

Therefore, I would like to move, seconded by the member for Dauphin (Mr. Struthers)

THAT Resolution 25 be amended by adding the words following the first BE IT RESOLVED clause; and

BE IT FURTHER RESOLVED that the Manitoba government immediately launch a task force on youth poverty and destitution to examine the underlying causes of Manitoba's abysmal juvenile crime situation and to identify and implement appropriate strategies of prevention.

**Madam Speaker:** I will be taking this amendment under advisement.

\* (1730)

**Hon. Vic Toews (Minister of Labour):** Madam Speaker, I am pleased to make some comments in respect of the resolution. I will not address the amendment since you will be taking that under

advisement in respect of whether or not the amendment is—the motion is appropriate. I think the comments made by the member for Riel (Mr. Newman) and the member opposite are helpful in this debate, this very difficult question.

I think it is clear that, in order to make a better product, a worker needs to be provided with the proper tools, and the issue in the area of preventing youth crime, the issue here is no different. We must provide the responsible agencies in society with the proper tools. One of these tools is a proper legal framework, and please note, Madam Speaker, that I am saying that this is one of the tools, but I would submit that it is in fact a very important tool. It is not the only tool; it is, however, that tool that I wish to restrict my comments to.

I think if we wanted to look at the broader issue, such as the amendment that is being proposed by the member opposite, that involves consideration of other tools perhaps as important as the legal framework, but clearly the legal framework, in order to do the job, must be suitable. A carpenter needs a hammer, a carpenter needs a saw, a carpenter needs many tools in order to encounter the problems that he or she must face and to deal with that problem; each tool has an appropriate use for a particular problem.

Now, the Young Offenders Act is one such tool in the arsenal of those responsible for insuring that children in our society are dissuaded from criminal activities. I can agree with the comments of the member for Crescentwood (Mr. Sale) that the Young Offenders Act is in no way a great step or leap forward from the Juvenile Delinquents Act. I recall when I was prosecuting under the Juvenile Delinquents Act. The first day I started, they handed me the Juvenile Delinquents Act and said, well, take a look at it, but that act will soon be gone, we are going to get a new act. Well, I was still prosecuting under the Juvenile Delinquents Act when I left the Prosecutions branch, but clearly there were all kinds of problems with that Juvenile Delinquents Act, and it appeared to me that, in many respects, the treatment of children under that Juvenile Delinquents Act acted more like an incubator for crime than a method by which to prevent or dissuade children from becoming criminals.

That concerned me, so I welcomed the Young Offenders Act and the proposals that were being put forward, but more and more as you examined those proposals, it soon became apparent that this idea of incubating criminals was carried on with the Young Offenders Act.

The tool that was created to address the problem was no better than the tool before it. I can recall prosecuting various young individuals, and they would come to court month after month. There was not much problem with getting guilty pleas or convictions in a timely fashion. Many of the children wanted those trials sped up, and we accommodated them, because, in the final analysis, there was no consequence. There was no consequence until these children, suddenly and magically, at age 18, became adults.

These same children, now adults, a day or two later, would walk into court and expect the same kind of treatment. In those days, there was a fine of a maximum of \$25 and various other similarly ineffective penalties under the act. These children, now adults, appeared in the court. No, they did not need a lawyer. Why would we need a lawyer? Just come in here and plead guilty and get on with our lives. Well, the judge in fact said, son or young lady, I think you had better get a lawyer. Suddenly, these young people were into a system before they realized it, and they began to realize the magnitude of their crime after they were an adult and after they were into the criminal system. We had created criminals.

Our justice system, through that Juvenile Delinquents Act, created criminals by not demanding accountability from these children as children, from demanding a sense of responsibility for their actions, because that was essentially the philosophy behind the Juvenile Delinquents Act. There was no sense of responsibility, no sense of accountability, and now this child, who used to receive a \$25 fine and six months unsupervised probation for break and enter into a residential home, because that is what you got for that, was into the federal system, into the penitentiary system. A judge, looking at his acts committed as a juvenile, would then say, you have had all the chances that the justice system is going to give you, and now you are a criminal. Now you are going to penitentiary. Now this

child, now hardly an adult, is doing hard time in a penitentiary.

That is what our Juvenile Delinquents Act did. It created criminals. So, for some reason, we wanted to reform, and, for good reason, we wanted reforms in the act. The Young Offenders Act was created. Yet the essential component of an effective legal justice system was missing from this act as well. What is that? It is the lack of accountability, a lack of a sense of responsibility to society at large missing from the act. So the same children go through the system, get their slap on the wrist, and I would just say in respect to the comments that there are delays, lawyers can speed up these systems. We can get trials very, very quickly if the lawyers are co-operative, and we know that. But for various reasons they choose not to, and I am not going to go into the motives, but we know that the system, if all the professionals were co-operating in a proactive way—[interjection] I will not comment about the legal profession in a derogatory way here, because I too was a practising lawyer until I was—

**An Honourable Member:** Are you an MLA or a lawyer now?

**Mr. Toews:** Well, I am an MLA, and that is where I think we want to look at the entire problem.

**An Honourable Member:** Then you are able to comment on the lawyers.

\* (1740)

**Mr. Toews:** The problem is not just lawyers, but I was just commenting on the member opposite's comments that there are delays in the system. If there was good faith on the part of all parties involved, these delays would disappear very, very quickly. Let us leave it at that.

We have these young children come into court and again the charges are disposed of. Yes, it is true, it is now easier to get these children into adult court if we want to, but what have we been doing? We said now that you do not become a criminal until you are age 12. You cannot be held accountable until age 12. What are we doing before that time? These kids, out in the

street, are not stupid children. They are very, very bright. They know the system better than many lawyers know the system. It does not take them long to figure out that if you are 13 or 14, you do not do the B and E yourself, you send your young brother in, who is 11 years old or 10 years old, who cannot be held accountable.

So again, what are we doing? We have set up a system because of an artificial legal barrier to say, that child cannot be held criminally responsible. So now we are assisting this 13- or 14-year-old child turning his or her younger brother or sister into a criminal, because we do not hold them accountable in any way.

Again, these legal, artificial barriers create the criminals. The system creates the criminal in no fewer ways than other influences do, so if we are going to address the problem of the legal framework, let us do it properly this time.

I think that some of the positions that this Minister of Justice (Mrs. Vodrey) has brought forward should be commended because it strikes directly at that issue, that lack of accountability, that lack of responsibility to the greater society that the present act has inherited from the old Juvenile Delinquents Act. Yes, we have bigger fines; yes, we have the capability of sending children to prison for longer times, but yet we incubate these young people in a legal system that protects them and makes them into better, more effective criminals so that now, by the time they are 12 years old, they have become sophisticated criminals who have absolutely no fear of the legal system.

So the proposal that we establish a mechanism for bringing people under the age of 12 to the court system is very, very important to assist the court system, to assist the police officers, to assist the prosecutors, to indeed assist the parents themselves in bringing home to the children, yes, there is accountability for your criminal acts, and there comes a time, even though you are under age 12, that you are responsible for the actions that you commit.

The sense of consequence, I submit, is further strengthened by the issue of parental involvement, by publicizing the young offenders' names, and I would

say this is particularly effective when you look at a community. Some of us look at Winnipeg as a great big city. Well, we look and live in sections of the city. We know who lives in our neighbourhood. I have watched children grow up in my neighbourhood. I know who they are. I know who their parents are. If some of these young offenders were named, the community would recognize these children, and the community would demand action from some of these parents. Now these parents and these children can walk around in a cloak of anonymity.

**Madam Speaker:** Order, please. The honourable member's time has expired.

**Mr. Stan Struthers (Dauphin):** Madam Speaker, I thank the member for St. Boniface (Mr. Gaudry) for that show of support before I start speaking. My hope is that the same show of support will be there when I sit down after I speak.

I want to concur with much that has been said so far concerning this resolution that we have been talking about in terms of the Young Offenders Act. I want to recognize and thank the member for St. Vital (Mrs. Render) for bringing this to our attention in the first place and also the member for Riel for bringing it to the House today. I think it is a very important issue that all MLAs need to speak on, and I think all MLAs need to take very seriously the problems of protecting and providing security for Manitobans from one end of the province to the next.

Also, I would like to concur with much of what has been said by the member for Crescentwood (Mr. Sale) as well as the Minister of Labour (Mr. Toews). I think that everyone who has spoken on this Young Offenders Act so far can agree that there are many areas that both sides of the House will in fact agree upon with some minor differences of opinion on certain specifics of the resolution that has been placed before us.

Certainly, Madam Speaker, we need to take seriously protecting people in this province. Over this past summer, when I was on holidays out in the eastern part of our country, I was somehow—I was not pleased to get into discussions which painted Winnipeg in particular as a city full of crime. As a Manitoban and as a

legislator I was particularly embarrassed to talk with people who made the assumption that crime was somehow rampant in our province and that it was a very insecure city and province in which to live. That is a reputation that I think all members should be very, very cognizant of.

I think that all members should be striving in their actions and in their words in this House and in the legislation that we pass to try to maintain a top-notch reputation from one end of this country to another.

If I was a person living in the Maritimes or on the west coast, it would not be a factor in my deciding to move here or set up business; it would not be an encouragement to know that Manitoba is bucking a national trend and having our crime statistics increased while other parts of the country are experiencing improvements in their crime statistic. So it is something that all members indeed should be very cognizant of.

As I speak on the Young Offenders Act I want to take some of the things that I think I have learned, as well as other educators in Manitoba, about how the teenage mind ticks. Many of us who have had a lot of experience working with teenagers and adolescents understand that these are folks who are going through some very tumultuous times. These are folks whose chemical make-up is undergoing a tornado within the skin that envelopes them. The thoughts and the actions of young folks these days are certainly different than they were back when the Young Offenders Act replaced acts that preceded it. On this point, too, I must agree with many of the comments that the Minister of Labour has already put out as to the improvements that the Young Offenders Act made to the Juvenile Delinquency Act. But I also agree that there are things that the Young Offenders Act could be doing more of in order to help out with the problem of protection and security for Manitobans.

\* (1750)

Adolescents these days take a look at the world in view of choices. They have lots of choices available to them. I want people in the House to consider how a young person goes about making up his mind or her

mind before they take some kind of illegal action. What is the best way we can help these students make the correct choices, students and other young people?

First of all, those of us who are a little older and a little wiser have to provide some sort of guidance to teenagers and some kind of counselling to help them make these correct choices to begin with. One of the most effective ways of doing this is through the school system. I think we have to look at this in terms of preventing an action in the first place, rather than always responding or reacting after an illegal action has been committed.

I think that makes sense to look at it that way and I would think that most honourable members would also agree with me in those terms. One of the ways, in a school at least, that I found and other school principals and school teachers have found that is very effective is to get young people involved in the decision-making process. The attempt here is to try to get students to take ownership for the process itself.

If students take ownership of the process and they feel they are part of the rules and the regulations governing their behaviour, they are much more apt to follow the rules and regulations that are set there to govern them. I think that is a very important point that we have to remember as legislators, because there are some very good ideas that come from youth today. I think we would be very irresponsible to ignore the kind of advice that we would get from teenagers when it comes to setting up the rules and responsibilities and regulations that govern young folks today.

I think if we are interested in producing outcomes and lowering the number of crimes committed by young offenders, then we should take seriously the young folks who do have some good ideas and try to bring them into the decision-making process. I think that is something we should look at as part of the Young Offenders Act, and I think it is something that this government should look at in its own day-to-day operation and the legislation that we eventually approve in this House.

I think the government and all MLAs have to take seriously and understand the role that poverty plays in

producing the environment in which crime occurs, specifically crime with young people. You do not have to go very far in this city to find areas of high crime statistics, and then also realize that those are also areas of high poverty. The connection there is very strong.

If we are serious about reducing the number of crimes committed by young people, then we have to be serious about dealing with poverty. We also have to take a preventative tact as opposed to always reacting to situations.

One of the proposals that has come forth from this government is the whole idea of boot camps. When I was a school principal, I understood that there had to be consequences following the actions of students. I understood the consequences had to be of such a nature that they would deter a young person from taking that action again, but what we forget here is the action that we are dealing with has already taken place. We have to do everything we possibly can to prevent that action from happening in the first place, as opposed to sitting back and waiting to send a young student, a young person off to boot camp to teach him a lesson for what they have already done.

My own personal opinion is that we have not gone far enough in preventing that student, that young person from committing the crime in the first place. It would be irresponsible for us to simply sit back, provide boot camps for young people without going that extra mile to try to help them out in the first place.

How can we dissuade teenagers from committing these crimes, from acting? What can we do to help them out, to block or dissuade them from taking action that is unacceptable? Well, for one, in rural Manitoba, we need to have RCMP who are visible. We need to have RCMP out there establishing a presence to try to prevent the criminal activity from happening in the first place. What we have seen in that area, at least on behalf of mostly the federal government, are cutbacks.

Within the city of Winnipeg, again, we need to have the city police a lot more visible, a lot more accessible than what they are right now. In the school setting, it was always clear that first of all you have got your students to take ownership for the actions that are

acceptable and the consequences that will follow. It always helped to set that more co-operative type of environment within the school and produce a situation where the students of the school wanted to behave.

They always knew beforehand what the consequences were. They were very clear. If we as teachers or if we as school staff were unclear about the consequences, then students were unclear, and they chose to misbehave based on not being clear about the consequences. We have to be clear. We have to be direct with our consequences and, most importantly, the consequences need to be immediate.

If there is a delay, then the line between the action that the young person did and the consequence is too hazy. They do not make the connection between the two. We know these things as teachers and as school principals. We know these things as parents. As an uncle, I know these things. Why do we not use this knowledge when we come up with legislation that is going to affect young people?

Of course, the other thing that you have to be absolutely clear on is that you have to be consistent, you have to be absolutely consistent. You cannot treat one young person differently than another. I know in a school setting that just drives the students around the bend and it causes confusion and a whole raft of expectations that are unrealistic.

It is my understanding that this government has put out a nine-point plan on youth crime. There are a few

here that are of particular interest to me as a former educator. The one that I want to point out is the fourth promise that they made in this youth plan known as the school violence prevention co-ordinator. Now, that sounds pretty good and it probably looked pretty good on the pamphlets that went out to people during the election, but my understanding is that a half-time person has been seconded for the entire province. My understanding also is that no one is currently in place.

If anybody thinks that a half-time person can provide school violence prevention for the province of Manitoba, then we are sadly mistaken. You would have a tough enough time in some of our large schools, in a single school, to have that sort of a position make any difference at all.

The other point that I want them to draw attention to is the school violence prevention training, which I understand translated into a one-day workshop offered in April of 1994, but there was no follow-up to this. Again, if you think that a one-day workshop on school violence prevention is sufficient, then again you are mistaken. Battling crime and battling violence within schools and in society is an ongoing process—

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Dauphin will have one minute remaining.

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



# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, October 10, 1995

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