



**Third Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**Subcommittee of the Standing Committee**

**on**

**Privileges and Elections**

*Chairperson*

*Mr. Peter Dyck*

*Constituency of Pembina*



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**Thirty-Sixth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**THE SUBCOMMITTEE OF THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Thursday, May 15, 1997**

**TIME – 10 a.m.**

**LOCATION – Winnipeg, Manitoba**

**CHAIRPERSON – Mr. Peter Dyck (Pembina)**

**ATTENDANCE - 5**

*Members of the Committee present:*

Messrs. Dyck, Helwer, Kowalski, Martindale,  
Tweed

**WITNESSES:**

Ms. Linda Pinch, Adults Molested as Children  
(AMAC)

**MATTERS UNDER DISCUSSION:**

The review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate

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**Mr. Chairperson:** Order, please. Good morning. Will the subcommittee of the Standing Committee on Privileges and Elections please come to order. This morning the subcommittee will be resuming consideration of the review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate. The subcommittee will be holding hearings in Winnipeg on May 20, 1997, at 7:30 p.m. and on the afternoons of May 20 and 21, commencing at 3 p.m.

We have had one of the out-of-town presenters from Brandon registered to speak to the committee this morning, Linda Pinch, representing the group Adults Molested as Children. I should indicate that it has already been agreed by the subcommittee that no additional registrations will be accepted. I should point out that the subcommittee has established a time limit

on presentations and questions. The time limit for presentations is 20 minutes with 10 minutes for questions. We shall now proceed with hearing the presentation.

Before I call on Ms. Linda Pinch, I am just wondering, and I am sure that the committee would agree, that we would certainly encourage Ms. Pinch to sit at the end of the table and use the microphone there. She finds it difficult, I think, to stand for the duration of the time, so I am sure that it is agreeable to the committee. [agreed] So, please, and I think if you would just take a chair on the side there and pull up.

I am so pleased that you could make it this morning. We will just wait until you are settled in. Okay, well, whenever you are ready, and again, I wish to welcome you here. If you could pull that mike a little closer to yourself, then we can pick it up a little better here. So, again, thank you for joining us, and please proceed.

\* (1010)

**Ms. Linda Pinch (Adults Molested as Children (AMAC)):** Okay, thank you. First of all, I am more used to working in a circle, so I feel very far away.

Adults Molested as Children is a support group that began in 1988 to provide support to adults who had been molested as kids. Since that time, we have grown. I facilitate a male survivor group on the street as well as in the institution. When I first saw the submission coming out about callings, I thought about how many times in the last few years I have used the Advocate, and I thought about how, as a child, if there had been an advocate maybe my life would have been a whole lot different. I started digging, and I have sent 17 people, which is not a great number, but when you look at those people—and most of them have been young men that I have sent, young men who are in the systems who definitely are being very unlovable. They certainly are not being the type of child or person that we want to cuddle and say, oh, how cute. They are being obnoxious; they are being ornery; they are being

downright miserable, but their hurt does not change. I have watched these boys come back. I have watched them say, okay, there are two people in this whole world that listen to me, and, no, they are not all perfect and they have not all turned their lives around, but they are starting to believe that somebody can really hear them.

When I think about that, our system in Brandon, our child welfare agency refuses to put up posters for the Advocate. "No, we do not need them here." Well, if we are not afraid, why do we not use it? If we are not open to allowing our kids to hear, to grow, to be heard, it is my understanding the Advocate position was created to protect these kids, to protect them from the systems that they are in, but I see it as giving the systems a place and an opportunity to grow, to heal.

We hear a lot about racism and how the First Nation agencies are not being given free rein, but I watch kids and I watch children of the men I work with being placed in situations where—okay the culture is there, the colour is there, but the skills are not there, and the risk is great. I have sat with men in prison while they cried because their niece had died in foster care. They wanted answers, and I had none to give them. To my way of thinking, the whole position of Advocate as it sits, it is my understanding that they can make recommendations, but that is all that they can make. As a person, I would like to see that change a bit, because we need a place where somebody can say no, and not in a way that takes away from the agencies.

I am not a politician; I am a counsellor who sits on the floor, who works with men in jail, who works with street people, who believes that sometimes our wounded are so wounded that they do not know that they are wounded. Sometimes our wounded are not the ones on the street; sometimes they are the ones in the positions, because they want to feel better too, and they get in those positions and do not know how to say I need help too, I need support, I need somebody, I do not know what to do with this. I recognize for myself, I mean I was talking with a woman who has been my advocate, who believed in me when nobody else did, this morning, and I was talking about how this fellow came to my office, and his manner and his bearing reminded me very much of someone who had a great influence on my life when I was young in a very

negative way. I found myself going very little inside. I stopped and said, whoa, okay, this is what is going on for me, I need to be really clean about it, and the man looked at me and he said why are you being so honest? My response was, if I cannot be honest with you, I cannot be honest with me, and it is my belief that we need to do that in our systems.

I have had times when people I have sent did not get what they thought they wanted, but that does not mean it was not right or was wrong. If we could have some kind of system that stands alone, that is not accountable to other agencies but to health of people and real health. I am not talking just the physical, I am talking the mental and the emotional and the spiritual. As I mentioned, my work is I am a counsellor with John Howard, and when a few weeks ago the working paper on the child strategy came out—and what is it we spend, a thousand dollars a minute on high-risk kids in Manitoba? So if we are putting that kind of money into high-risk kids, if we are not finding resolution, we are going to be putting that for a long, long time. I am not a mathematician and I am not an accountant, but I know that that translates big dollars.

If somehow within this advocacy position we can build a foundation that will help families heal, will help communities heal and work in conjunction with what we have already got, there is no sense reinventing the wheel. We have got enough wheels rolling around, but almost sometimes it seems like they are all rolling in different directions, and if within this position we can—and maybe this is not the position, I do not know, but it is the best one I have seen, and all I can bring to you is the truth as I know it.

If we can somehow make, without the one-upmanship, yes—we are talking about our future, our children, and it seems to me like everybody is worried about what their piece is, their vested interest, how that is met, and we forget about the kid. We forget about that very unlovable 15-year-old with rings in her nose and rings through her lip who tells us where to go and how to get there, but we forget how she got to that place. We forget about the almost 18-year-old man sitting in jail because that is all he knows already, believing he does not have a choice and he does not have a chance to do anything else in this world. He might be the third generation, he might be the fourth,

and that is all he knows, and when he goes to his workers his woundedness and his pain come out in anger. And we are human, we push people away when we are confronted with that. That does not mean, as I say, that the advocacy position is the be-all and the end-all, but I definitely see it as a very big part of what we can do.

When my children were born, I could not say the words "I love you," because when I heard them that meant I was going to get hurt, so I did not say them till my kids were in their late teens. The day my grandson was born, I heard my daughter say to him, I love you, I am so glad you are here, and I stood and I cried. I had not been able to give that to my children. My parents had not been able to give that to me. They had not been able to give to them. It has been darn hard work, but that did not happen because we pretended everything was wonderful and fine. It happened because we worked real hard and we looked at where the problems were, and if we can convince the agencies that are responsible for our children that looking inside and finding where the—I call it pus—yes, because that is what it is. It is that our body is made to protect us, so it builds up and it does the things it needs to medically to look after us. If we can look inside to our systems and see where that is, and we can allow it to do what it is meant to do, which is meant to heal, but it has to come from a place where there is nonjudgment, that there is belief in people, that there is belief in the systems.

\* (1020)

There was a quote, I think it came from National Crime Prevention, that if a child connects with a significant person in a program it is that connection that makes the difference, not the program. If we can convince our systems to connect with some thing, some person, some group in that same way, then our kids have a whole lot better chance.

One of our members brought me a letter as I was leaving yesterday, and he did not answer it, he did not sign it. He said take it from all of us, because this is who we are.

I am writing you on behalf of AMAC. We wish for you to hear our views on the Child Advocate job in

question, but first I wish to express my opinion on my childhood.

To give you insight from a child's view, as a small child I had no rights. I was sexually, physically and emotionally abused. I was to be seen but not heard. In my home my opinion on what was happening to me fell on deaf ears. I was told to be quiet, to hush, told do not say things like that. I felt disowned as a person, abandoned by those who were supposed to love me, protect me. I did not exist to them. I had no rights.

As a teenager I was a runaway, confused, lost, with no voice to be heard. I could no longer speak up for myself. That was lost many years before. Now, as an adult I found that voice lost so long ago. My healing from the childhood I lost has a long way to go. I must now relieve the pain, hurt and tears I should have, as a child, been able to express with the freedom to be heard. I now would not have a long journey to recover from abuse if somebody had listened.

Please do not allow another child to go through what we did as children. Give them the right to speak up and to be heard. As adults, we want respect and justice done if we are wronged. Children also have that right. The children of today are our future. They can rid our society of the sexual, physical and emotional abuse if we allow their voices to be heard. As adults we must change what we could not do when we were children. If our voices had been heard, our battle for freedom from all forms of abuse would not be so great now. Do not let their voices fall on deaf ears. Give them the right.

Thank you.

**Mr. Chairperson:** Thank you very much, Ms. Pinch, for sharing your story with us and for giving us some insights into your life and the work that you are doing. We appreciate that very much.

Before we proceed, I see one of our members just left, but I did want to introduce you to the committee members here, and then after that I will just explain a little bit of the format here.

Sitting at the far end on this side to my left here is Mr. Helwer, he is the MLA for Gimli; Mr. Tweed, he is

the MLA for Turtle Mountain; Mr. Kowalski, he is the MLA for The Maples; and Mr. Martindale who just left—I am sure he will return, and he is the MLA for Burrows. I am sure he will be back as well. I am Peter George Dyck, the MLA for Pembina.

What we do here is I am going to open it up for questions, and then I will simply indicate to the person asking the question to proceed. Then I will go back to you. We need this just for identification to put it onto Hansard.

So we will proceed with questions now. Mr. Kowalski has a question.

**Mr. Gary Kowalski (The Maples):** First of all, thank you for your presentation. One of the things that when people registered for this we have not had any children presenting, and so in a way you are sort of the voice of the children. So it was good to get that perspective presented to this committee.

One of the things that very much concerned me was your assertion that in Brandon the child care agency there declines to put up posters about the Child Advocate's office, and I am going to ask you to maybe give a little bit more detail to that, if you have personal—if you have asked or how you became aware of that, because we were up in Thompson yesterday, and in Thompson that was one of the themes that a number of people said, there was not a lot of knowledge about the Child Advocate's to the care workers, never mind the children.

Do you think, in changes in the legislation, that if one of the requirements was that any child who comes under care of family services, that it be a requirement that either a form—or there has to be a mandatory notification of the right to the child to refer to the Child Advocate. Do you think that should be included in the legislation?

**Ms. Pinch:** Definitely, I do. I think there is a lot of fear and unknowledge. I know that for some time in our area there has been myself and a couple of others who hand out the numbers, who hand out the little cards, and there appears to be a lot of fear from the workers because they do not understand it. It is almost as if there is a belief that, if the Child Advocate

becomes involved, that means we have done something wrong or we are being judged or it is going to give the children so much power. It is my belief that with integrity on the job from both sides it is not going to give extra—you know, that it needs to be there. Yes, I agree, I think it needs to be taught, first of all, what it is about to the staff, to the clients, to the parents. Parents whose children are involved in our systems are often so wounded themselves they cannot see what is going on. I know a lot of times when I have mentioned perhaps this would be time when you might want to talk to the Advocate, they go, but, but, but, no, I cannot, because to them it is the fear that this is somebody else who is going to tell them how much they have done wrong. So I see it as a teaching.

**Mr. Doug Martindale (Burrows):** Thank you, Ms. Pinch, for a very thoughtful presentation. Obviously you have very strong feelings about the need for someone to be an advocate and a voice for children, especially abused children. Our task is to make recommendations to the Minister of Family Services regarding any proposed changes to the Children's Advocate section of The Child and Family Services Act. I am wondering if you have recommendations for us on how you think the role of the Advocate can be changed or strengthened or made more effective as a voice for children.

**Ms. Pinch:** I almost see that it needs to be split, that we need the advocacy in its form, but we also need more like an ombudsman. I do not know how those two could work together, because there needs to be some split, I think, but it is my understanding that the advocacy position at this point can only make recommendations, cannot step in in any way, whereas if we had ombudsman rules, whatever, there could be some—I am thinking right now about a family where the children have gone into permanent care. There is a push from the agency to keep them in aboriginal homes. There is a push to the family, the extended family to take these children. The extended family are feeling pressured to take them, and yet there have been a couple of them that I work with who say, but I cannot look after me, how can I look after anybody else? Yet there is this push from the agency, and if we had like an ombudsman who could go and say, okay, we are looking for the best interests of the child. But sometimes for the best interest of the child we have to

decide the best interest of our agency. So I certainly see the advocacy being very important as well as the ombudsman. There needs to be, in my mind's eye, some type of ruling that says we all work together. It should not happen, in my belief, that anywhere the agency or the workers there do not know that this position exists.

\* (1030)

**Mr. Martindale:** We have had several presenters recommend that the presence of the Children's Advocate be expanded in rural Manitoba and northern Manitoba. Are you suggesting that there is a need for that?

**Ms. Pinch:** Very much so. I feel quite fortunate in that—and you were fairly close—but still it is a long way away. I can only think about being north and how much farther it is. Yes, I fully—ideally we would have outreach for north and south and east as well.

**Mr. Martindale:** When Mr. Govereau, the current Children's Advocate, appeared before this committee he recommended that there be a new office created, that of Child Ombudsman, and that this be incorporated in a separate piece of legislation, and that the Child Ombudsman could investigate, order redress or compliance with recommendations and would also report to the Legislature. Several presenters have suggested that we really need either to expand the Advocate's role to investigate complaints in any government area regarding children such as education or justice or health, or that the Ombudsman be given the power to investigate and order redress regarding complaints coming from children regardless of which government department.

I heard you suggesting we need something like an ombudsman, so I guess first of all, asking you to confirm that; and secondly, do you think that the powers should be expanded to investigate complaints in the education system, in health, in justice, in other government departments?

**Ms. Pinch:** Very much so. I believe that we are only beginning to touch the top of the iceberg, that there are many, many places within our justice system. I watch

young girls coming in who have been kicked out of school, who are 14, 15, 16, and they are angrier than anybody I know. The whole issue of gang and gang relation and stuff, if we have an ombudsman who can work within those areas and make directives, I think that is really important. I think sometimes we lose our children, we lose them through these really big cracks. Then they come out as really angry adults with children of their own who are really angry, and we wonder what happened. So, yes, I am very much in favour of expanding.

In my mind's eye, I do not know how we would. To be advocate for me, it would have trouble to have that kind of power, because in my mind's eye an advocate is nonjudgmental on both sides, so I would see then the split for an ombudsman who would work with an advocate, with the agencies involved.

**Mr. Martindale:** We have heard some very different kinds of presentations. We had a pretty consistent, I guess, view from the Children's Advocate, consistent with his annual reports. Then we heard something that was quite different yesterday when we were in Thompson from the Awasis Agency. I guess my questions have to do with how the Advocate or a Child Ombudsman would resolve disagreements between, say, a child and an agency or government department. On one hand, we could give the Advocate the power, or the Child Ombudsman the power to enforce their recommendations, some sort of compliance mechanism. They would just say to the government department, this is what you are going to do and you are going to do it, and we have the power to enforce it.

On the other hand, the Advocate or the Child Ombudsman could use mediation, reconciliation, family group conferencing, healing circles, a number of different ways of resolving problems. Those methods were recommended by the civil justice task force report which I think probably the government is going to implement some of, or parts of. These conflict resolving techniques were already being used by organizations like Mediation Services and by some aboriginal organizations. Do you see mediation and family group conferencing as suitable solutions, and if so, do you think the Advocate or ombudsman should just do it, or should we write it in the legislation?

**Ms. Pinch:** I am a great believer in mediation, family conferencing and circles and use it all the time. I think when we have the ability to sit as equals, and that includes the child—I am sitting at this table and I am thinking we are so far away, yet we are all here for the same reasons. I think about families and children and workers in agencies who suddenly feel like they are on an island by themselves. How do you communicate if you do not come together as a circle? So, yes, I very much believe that that is essential.

When I talk about having the ability or power to make some kind of a judgment that has to be followed, I see that as the emergency stuff to get things stabilized, then the long-term mediation circles, whatever it takes. But a mediation circle is not going to heal everything in one circle or two or three. We have to be prepared to put into that circle what it needs. I do not know if I have addressed your question in the way that you are looking, but that is how I see it, that we have to recognize that mediation, family reconstruction, that all takes time, and, yes, it is going to take money, and, yes, we need to tighten our belts. But if we tighten it up now, where are we going to find the belt to fit a few generations down the road? I think we are already seeing that.

**Mr. Chairperson:** Any further questions? If not, I want to thank you for making a special effort to come out here and to meet with the subcommittee here. We appreciate the presentation that you have given us, and certainly we wish you well as you continue to work.

There are a few formalities that we need to look at, and one is that we are meeting this afternoon. I think you are aware of it, at I think 1:00 p.m. We would like you there a little ahead of time so that Patricia feels at ease and comfortable. Then of course the continued meetings next week within the city here, and I think you are aware of those as well.

**Mr. Martindale:** Mr. Chairperson, I move that the subcommittee of the Standing Committee on Privileges and Elections request the Minister of Family Services (Mrs. Mitchelson) to appear before this committee.

**Motion presented.**

\* (1040)

**Mr. Martindale:** I would like to begin by commenting on the significance of this committee.

We are in a very unique position because we are looking at proposed amendments to legislation as a standing committee or a subcommittee of a standing committee of the Legislature and we are getting public opinion, public presentations to the committee before we do that.

That is quite opposite to the usual way we do things in the Manitoba Legislature. Usually the government brings in a bill. Sometimes they have public consultation, they might have a task force or some committee, they might even tour around and get submissions, but the drafting of the legislation is strictly a government function, and the only alternative that opposition members have or backbench members have is to submit a private member's bill.

So this committee is really approaching amendments to legislation quite different than the usual process. I think that is quite significant. I think it is worthwhile, and certainly as an opposition member I appreciate the Minister of Family Services (Mrs. Mitchelson) doing it this way.

This committee has also been quite significant in that we travel outside Winnipeg. I think the only other committee that has done that in the last seven years is the Meech Lake Task Force, so in two ways this committee has been quite significant.

Now the next step for this committee is to write a report, and I think we have some options. We could write a consensus report. We have three parties represented here, but we can certainly write a consensus report, or if there is not a consensus we have two options. Some of us could write a minority report or could even have two minority reports if the opposition members do not agree.

Now my preference would be to have a consensus report, and that is why I would like to talk to the minister. I think all of us need to talk to the minister, not just the government members. It would be my hunch that the government members would have the opportunity to talk to the minister about the report of this committee in her office. Certainly that is an



opportunity that is available to government members that is not available to opposition members, but I think there would be benefits to all members of the committee, to all parties in this all party committee, to meet with the minister.

I would like to share with the committee a few thoughts about my personal views on the legislation that we are reviewing. I guess at the beginning I would have been quite sympathetic to the Children's Advocate and his views. Certainly I have been sympathetic to his views in raising questions in Question Period and in Family Services Estimates, but I think I have been educated by the public presentations and certainly by the Awasis Agency presentation yesterday, a very powerful presentation which among other things pointed out that the Advocate can do a lot of things without any amendments to the legislation. That came as quite a revelation to me. That is one of the reasons why I think there is a possibility of writing a consensus report.

But I think that if we met with the minister we could share some of these things on the record with the minister. We could say this is what we heard, this is the direction we would like you to go. What do you think, what are you considering by way of amendments, and what are the options? Certainly as opposition members we do not have the same kind of access to legal counsel. Sometimes it takes months to get a private member's bill drafted, and they tell us that they have no time, that they are working on government legislation, but the government does have easy access to legal counsel, and the minister could tell us what sort of options are available in terms of amending the act.

Finally, I am interested in parliamentary reform. I was part of the ad hoc committee on rules that met for five years. Then we had the interim rules, but that was intended as phase one. The ad hoc committee did talk about phase two, which was committee changes. The government had some very interesting proposals about changes to committees. One of the things that I would like to see changed is to strengthen the role of back-bench government members and opposition members on committees.

Now, this committee is quite unusual. It is one way in which this committee is unique. There are no

cabinet ministers. There is no executive council on this committee. We are all private members here. Usually cabinet ministers dominate committees, and they certainly dominate and the government certainly dominates the will of committees. We are unique in that we are quite unfettered in that regard. We can write a report without somebody on the government side telling us what we have to write. Of course, if government members choose to do that, we have the option of writing a minority report.

In the House of Commons, to use a precedent, cabinet ministers appear before committees quite regularly. Committees are made up of private members. They are not dominated by cabinet and cabinet members, so they have a certain independence. They write their reports, and it goes to the government. I think we have the opportunity to do that here. Just like the House of Commons does, we can ask the minister to come. We can dialogue with the minister. We can consider the minister's comments and suggestions in writing our report. So I recommend that committee members support this request.

We have a very co-operative minister here. It is only because of the co-operation of this minister that we were able to travel outside Winnipeg, which I think has been very educational for all of us and very helpful in terms of soliciting public views. So I hope that the government members, and the minister, will support this very reasonable request to have the minister appear before this committee.

**Mr. Edward Helwer (Gimli):** Mr. Chairman, on the suggestion by, or motion, or I guess it is a suggestion by Mr. Martindale, the fact, I think, that we should write a consensus report, I think I can certainly agree with that. I do not see a problem there. I think that is what we should have. The fact that to get the minister to appear, this would be rather unusual, I think, and as Mr. Martindale says, quite different from normal practice of a committee such as this.

I am not sure really, I guess it is the minister's decision, the final decision as such, as to what changes she wants to make to the legislation. I think in light of the presentation we heard yesterday from the Awasis group, and the fact that there could be a lot of things done with the present legislation that is already there, I

do not know what amendments the minister would make really or what changes would have to be done. So at this time I think, maybe, it is a bit premature as to whether we should ask the minister to appear before the committee at this time.

I think we should complete the hearings possibly, and at the end of the hearings, try to make a decision as to whether we need the minister to appear, or not, I believe. But I think we should listen to all the people who want to make presentations to the committee before we make a decision as to whether we need the minister to appear.

**Mr. Kowalski:** Looking back at the legislation itself, Section 8.13 Review by the Committee, this was mandated in the legislation. It called for the Legislative Assembly, not the minister, to call for this committee and call for this review. It calls for this review to report back to the Legislative Assembly, not the minister, which is different than what we usually do as subcommittees. Quite often when we are viewing legislation, we are reporting back to a minister. Therefore, theoretically, before it is reported back to the Assembly, the minister would have no voice. By allowing her, inviting her, the minister, to come before the subcommittee, we are giving her a voice to this review. I do not think it is in any way adversarial. I think we are facilitating the minister's response to the public presentations.

\* (1050)

Now, although it is not the subject of motion about the report, I was going back to the original motions that were moved by our honourable minister setting up this subcommittee. I have not reviewed all the motions, but I am trying to determine, is this committee to submit a report that reflects the presentations on what we heard for the benefit of our Privileges and Elections committee? Or, are we taking those public presentations and from that, developing recommendations?

It is not clear from reading the motions what was our mandate to do originally. But on the subject of the minister coming before, as the member for Burrows (Mr. Martindale) had stated, this is very much like a House of Commons standing committee where we have

heard public presentations. Now for the minister to come before us, it gives her a voice and should not be viewed as adversarial. I would like to see her as a final submitter to this committee after we have reviewed all others, and by considering it this time, it is not something we are asking the minister to do at the last minute. It will give her an opportunity to follow the presentations. I think it would be very beneficial and would add to the product that we produce out of this committee if the minister did come before this subcommittee. So I support the motion.

**Mr. Mervin Tweed (Turtle Mountain):** Just a couple of comments: I think all people in this committee, their opinions have changed based on some of the things we have heard. I think probably being a novice into The Child and Family Services Act, I have certainly had my eyes opened to some of the things that people have been bringing forward. The concern I have, I guess, with inviting the minister at this time would be the fact that—and I am not sure that we have heard it in the public presentations, but I do believe that the perception is out there that the minister's department, or the fear of the minister's department, interfering with the workings of the Child Advocate, I think, has been expressed, not only by perhaps members opposite but by some of the people and probably by the Child Advocate himself.

I think that, before we consider inviting the minister in, I am prepared to entertain that thought at the end. I guess I feel I have been chosen to sit with a group of people to listen to the public and hear what they have to say. As the legislation reports or suggests, we would report to the Legislative Assembly, to submit to the Assembly a report on the operations of this part, including any amendments to the act which the committee recommends. I think that is what we have been chosen and designated to do. I think that at this point in time I am not prepared to involve the minister or the department.

We said early on we were going to listen to the presenters and make some recommendations. I agree with Mr. Helwer, I do not think that it is going to be impossible for us to present a consensus report. There are going to be some differences, but I do believe that that is what we have been delegated to do, and I see that as my position at this time. I question whether the

minister was interested in making a presentation, that she would not have registered with the committee at the time when the registrations were open.

**Mr. Martindale:** Yes, I would like to respond briefly to one of the comments by the member for Gimli (Mr. Helwer), who said that this is a different practice if we have the minister appear. I guess it would be using the House of Commons' analogy, because we do not do that in Manitoba. However, on every other committee, the minister is always sitting beside the Chair of the committee, so in terms of Manitoba, it is actually unusual not to have the minister present.

It is my view that usually when governments appoint committees—I guess this one is a little bit different in that it is part of the legislation—the government usually knows where they are going at the end of the day. I think probably the government already has a good idea of where they are going. I also think that the minister is planning amendments. That being the case, I think that is another reason for asking the minister to appear before us, so that we can talk to the minister about options in terms of amendments. I am not suggesting the government has to reveal exactly what they are going to do. In fact, that would not be fair, because that would mean they had not listened to the presenters before they drafted the legislation. I think it would be helpful to have the minister here to answer questions, to dialogue with the committee, and to help us sort out where we are going before we write the report.

I guess I stand corrected by the member for The Maples (Mr. Kowalski) because, as he correctly pointed out, the report goes to the Legislature. Ultimately, it is going to end up on the desk of the Minister of Family Services, and she will be the one introducing any amendments. I think if we had the minister here, we could figuratively pick her brains, find out what options are possible in terms of amendments, and that that would help us when we are writing our report. So I think it is important we meet with the minister before we start discussing the presentations and potential amendments that we may recommend to the Legislature.

**Mr. Tweed:** I guess I would have to disagree with that, because I think that this committee has been put together and is actually a subcommittee of the

committee to bring forward amendments to the act. I think it is very presumptuous to assume that the minister has already got amendments in motion. I think the idea of this subcommittee is to bring those forward. In any of the committees or task forces that I have worked with, since coming to government, I have found the real benefit is by going out and talking to the people, hearing what they are saying, and finalizing a report. Personally, one of the benefits I saw was that there was no ministerial involvement, and, therefore, I did not feel hampered, or I did not feel influenced, by government. My position is that I am here to listen to what people say and to draft a consensus report to present to the Legislature, so that they fully understand. My position is not to listen to the government at this point in time to have them tell me what direction they think I should be going. I think the idea of this committee is to listen, to sit down and discuss, to write a report that is a consensual report if possible, and I believe it is, and then proceed from there.

I think at that point then if the minister wants to come back to us with some suggestions or with some ideas that, one, how can we implement some of these amendments? I am not sure if we even are looking at amendments. I would suggest a lot of the information we have received is suggesting to me that there is a real communication break in the Child Advocate and the rest of Child and Family Services, and if we can bridge some of that I think we can go a long way to making this Advocate becoming more effective and probably making him feel more comfortable, or her, the Advocate itself, the office, in dealing with some of the government agencies that they do.

**Mr. Kowalski:** I want to respond to Mr. Tweed's comments. The difference when the government goes out on a public consultation process and then comes back and reports to the minister, the minister then uses the weight, the expertise in government, the deputy ministers, the ministers, what the taxpayers have paid to develop that expertise in that area. In this process, if we do not use the minister and the minister's department's expertise—I am not a child care worker, I have got some experience, but by bringing the minister, who is backed up by the experts in this province on that, before we go to the Assembly, then our report is going to be that much more valid.

Otherwise, are we just saying we are going to put forward our report without the benefit of that expertise, to recommend or not recommend changes to the act, and then have the experts and Family Services say, that will not work because? I think that is a waste. It is a poor process. It is a waste of time. It is a waste of effort on our part.

As I said, it gives the minister voice before a report goes to the Assembly, and therefore again, I have to support this motion, because as I say, it gives the minister voice, it gives the experts from the taxpayers, expertise that the taxpayers have paid for in Family Services, to this committee. Otherwise, how does a committee get the benefit of what the taxpayers have paid for in Family Services? That is the one way we could do it.

**Mr. Tweed:** Mr. Chairman, I would suggest that a lot of the hearings that this committee has heard have stated that they believe that there is a real conflict between the Child Advocate's office and the Department of Family Services. We have heard Mr. Govereau present his case and his reports that suggest just that, and I would suggest to you, as a subcommittee we are to digest the information that we have received and make the presentation to the Standing Committee on Privileges and Elections.

\* (1100)

I think the fear that I would see out there is, although we suggest it to be expertise, if the department were to come in with some suggestions that are totally opposite to what we have heard from the people that are actually out there in the fields experiencing this from the people that are utilizing and depending on the services of the Child Advocate, I have a great fear that any of the recommendations that would be brought forth may be considered to be interference and would be presented that way for political gain at some point in time down the road.

I guess the other question I would ask is, we are a subcommittee of the standing committee. Is there a representative group of the standing committee? I guess I am showing my lack of knowledge, but who is the Standing Committee on Privileges and Elections?

**Mr. Chairperson:** That is a standing committee, and I believe that there are a list of names. So we would be reporting back to that standing committee. That is the way I understand it, Mr. Tweed.

**Mr. Tweed:** I would suggest that if members opposite had any questions or concerns that may deal with the Child Advocate that they may want to bring these forward in Estimates to the minister directly. I guess perception is part of it, and I do not want anyone to feel that the government or the department got personally involved in some of the decision making of this committee, because we were chosen to listen to the public and the people involved and present those concerns.

**Mr. Helwer:** Mr. Chairman, I think we were appointed to this committee to, as Mr. Kowalski has already said and also as is outlined in 8.13 of the legislation, whereby we are supposed to submit to the Legislative Assembly a report on the operation of this part—on the operation. Now, I do not know whether we should get the minister involved at this particular time.

Mr. Chairman, I would hope that maybe you could take this under advisement, and perhaps we could discuss it at our further meeting on Tuesday. Since we are having another meeting on Tuesday, perhaps we could further the discussion at that particular time.

#### Voice Vote

**Mr. Chairperson:** The question has been called for, and that is specific to the motion here? Okay, those who are in favour of the resolution, please indicate, say yea.

**Some Honourable Members:** Yea.

**Mr. Chairperson:** Those who are opposed to the resolution, please say nay.

**Some Honourable Members:** Nay.

**Mr. Chairperson:** I would suggest the Nays have it.

#### Formal Vote

*A COUNT-OUT VOTE was taken, the result being as follows: Yeas 2, Nays 2.*

**Mr. Chairperson:** The vote is tied. I declare the resolution lost.

**Mr. Helwer:** Mr. Chairman, on the resolution, I think it has some merit, and regardless whether the resolution was lost at this time, I think you as the Chair should maybe discuss with the minister the resolution and perhaps bring some suggestions back on Tuesday to our meeting or something of that nature.

**Mr. Chairperson:** If it is the will of committee—that was in the back of my mind; what I had hoped I would be able to do is to sit down in an informal way and just discuss. You know, because, again, I have not done this type of a review before. There may be advantages to this, and so that is why I think that is a good idea. So if it is the will of committee, I would just like to sit down and discuss, and I will report that back to the committee.

Before we leave, there is one other item I would like to deal with, and that is that, pursuant to the Child Advocate giving his report, Mr. Perry Tuckett, the

Ombudsman—Barry, sorry, has requested if he would be able to in an informal way make a presentation to this committee. I have talked to a number of committee members about this, and the response I have received is that, no, these are formal hearings, but on the other hand we would be prepared and the Clerk Assistant here, Patricia, has advised me that there is a possibility next week that there would be a slot that we could put him in. So, would it be the will of the committee that we allow him to give his presentation then, but in a formal presentation? [agreed] Thank you very much. One more thing, pardon me.

Just to brief the committee, the MMA—MMF, sorry, had forgotten yesterday that yesterday was the day to give their presentation, so they will be forwarding a copy of their presentation to the office here. Is it agreeable to accept that? Agreed and so ordered.

The time being 11:05 a.m., committee rise.

**COMMITTEE ROSE AT: 11:05 a.m.**