



Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

39-40 Elizabeth II

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



VOL. XLI No. 92C - 10 a.m., WEDNESDAY, JUNE 24, 1992



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	Ste. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Woleseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALLOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 24, 1992

After Recess

The House resumed at 10 a.m.

Committee Changes

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the member for Seine River (Mrs. Dacquay), that the composition of the Standing Committee on Municipal Affairs be amended as follows: River East (Mrs. Mitchelson) for Lakeside (Mr. Enns); Pembina (Mr. Orchard) for Ste. Rose (Mr. Cummings); and Morris (Mr. Manness) for Roblin-Russell (Mr. Derkach). This was moved in Municipal Affairs committee at 12:30 last night. [Agreed]

Mr. George Hickes (Point Douglas): Mr. Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Municipal Affairs be amended as follows to rescind earlier changes at 8:15 p.m.: Radisson (Ms. Cerilli) for Dauphin (Mr. Plohman). I move, seconded by the member for Wellington: Dauphin for Radisson changed at 9:22 p.m., Radisson for Dauphin. [Agreed]

I move, seconded by the member for Wellington, that the composition of the Standing Committee on Municipal Affairs be amended as follows: St. Johns (Ms. Wasylcia-Leis) for Swan River (Ms. Wowchuk), moved in Municipal Affairs on June 24, at 12:42 a.m. [Agreed]

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I wonder if there might be leave of the House, such that the Minister of Energy and Mines can table the first '92 report of the year.

Mr. Speaker: Does the honourable Minister of Energy and Mines have leave to table his first report of '92, of the year? Is there leave? Leave. That is agreed.

TABLING OF REPORTS

Hon. James Downey (Minister of Energy and Mines): As some would say, better earlier than late.

I am pleased to table the 1991-92 Annual Report for the Department of Energy and Mines.

House Business

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I understand the translation is not here yet with respect to the report motion as reporting bills from committee, so I would then call Bill 42. I understand—[Interjection] Sixty-four. That is fine, third reading, Bill 64.

DEBATE ON THIRD READINGS

Bill 64—The Child and Family Services Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance (Mr. Manness), Bill 64, The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille, standing in the name of the honourable Leader of the Opposition.

* (1005)

Mr. Gary Doer (Leader of the Opposition): I want just to put a few comments on the record on Bill 64 on third reading.

Suffice it to say that members opposite to the government have been critical of some parts of this bill since its introduction. We have always believed that the office of Child Advocacy and the office of an independent investigator should be treated in a similar way to the provincial Ombudsman and report to the Legislature directly—not through the minister's office.

We would note again today, Mr. Speaker, that even in today's coroner's inquest in Brandon, we have a situation where allegedly an MLA was involved in phoning a social worker. Again, evidence given at a trial at an inquest will have to wait till the judge's findings about that, whether it is right or wrong. But even if it is wrong, as an MLA, I would much rather have a person and an office that is independent of the minister investigating that situation and reporting to the Legislature, as the Ombudsman does, rather than have it go through a minister. It could be the minister in the same caucus as an MLA. I actually think that is quite a good

protection for all of us as members of the Legislature.

We, in Manitoba, have had a proud tradition of bodies that are independent of government and independent of ministries—whether it is the Electoral Boundaries Commission under The Manitoba Elections Act, whether it has been the provincial Ombudsman that was established by the Schreyer government—that do not report to a minister but rather to the Legislature. We have had a proud tradition of innovation in the area of reporting to this Legislature. Therefore, we think the government, by establishing an office as recommended in the Suche report, is one step forward. We believe that body should report directly to this Legislature. We have said so consistently throughout the debate.

The question then becomes what did the public say during the public hearings on this bill. Group after group, Mr. Speaker, the people working on the front lines of Child and Family Services, the people working on the front lines with kids throughout Manitoba did not take the view of the government, did not support the Minister of Family Services (Mr. Gilleshammer). They did support the opposition in calling for this office, and this new act shall report directly to the Legislature. The people who presented briefs, I would suggest to the minister, are very well known to all of us in Child and Family Services and are very, very knowledgeable, Mr. Speaker, about affairs of children.

Mr. Speaker, this government last year, or a year and a half ago, took unilateral action to take away Child and Family Services agencies in the city of Winnipeg and brought it more and more under government control under the ministry. We have less volunteers, we have less community activism, we have more control from the minister in the minister's office than we saw two years ago in Child and Family Services.

This is a very hard department to run. This is a very difficult department to be a minister of, but it is even more difficult if there are not agencies and advocacy bodies and investigative bodies that are independent of the minister. Therefore, Mr. Speaker, it is with regret that we see the Suche report rejected by the government, because that report recommended that we have this body report directly to the Legislature.

They looked at the pros and they looked at the cons of going to the minister or to the Legislature.

The government's own appointee, the person whom the Premier (Mr. Filmon) felt was the best person to investigate the allegations that were in our Child and Family Services residential facilities, and the person whom the government and the Premier felt was best equipped to, not only deal with those specific incidences, but to also deal with systemic issues in the Child and Family Services department, recommended that office report independent of the minister to the Legislature.

Mr. Speaker, we had a similar report. I was not in government at the time, but there was a similar report in the '80s. Many of the recommendations we adopted were good ones. Some of the recommendations we folded into the Ombudsman's office. It was independent, but it was not a separate child advocacy office and investigation office. It is not too late for the government to amend its own bill on third reading. It is not too late for the government to listen to the public who presented briefs on this issue.

It is not too late for the government to listen, and I note that the Minister of Highways (Mr. Driedger) is sensitive about the issue of listening today. It may be a good day for us to have a new beginning on the issue of listening. Maybe the bells are ringing a little bit in the Conservative caucus on listening, listening to the public. The government's own person, its own expert, who took the time and effort and energy and investigated this issue for hundreds of hours, made a recommendation to this government to have it independent of the minister and all the presenters at the committee. There were three or four presenters at the committee, four presenters including written submissions, three public submissions, as I recall, and one written one. So we are in agreement.

* (1010)

All four public submissions will confirm the wisdom of the Suche report and the Suche recommendations. Mr. Speaker, the government has a last chance to listen today to the wisdom of their own commission, the last chance to listen to the public in second readings. We should not go to those committee meetings and say we are not going to listen to anybody. If it does not confirm the minister's opinion, perhaps he is wrong on this one. Perhaps he should listen. We note that there was an amendment brought in by the minister to study the issue after three years. This is an issue that has been studied to death.

Mr. Speaker, we do not lack the studies. We have had two already. What we lack is the political conviction and the political will that we can trust an independent body, and the political will—the children deserve no less than an independent body who reports to this Legislature. I ask the minister to trust an independent system, and I ask the minister to give children the independent system that was recommended to this government.

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, when I first learned of the Child Advocate bill, I was delighted. I thought that we were going to finally give children in this province a voice so that they could be heard amid the debate of adults, which pays lip service to its concern for children, that rarely follows that lip service with action.

I was hoping that within a Child Advocate bill, we would have the opportunity for a young person or someone who cared deeply about that young person to be able to go to an independent Child Advocate and say, I think there is something wrong. I think this child has been betrayed by the system. I think this child's rights as a citizen of this nation have been ignored.

Unfortunately, that is not what is in Bill 64. Bill 64 is a very pale imitation of what all of us who wanted a Child Advocate are now going to receive. While we recognize that there has been an improvement in Bill 64 with an automatic review process at the end of three years, we do not believe that that meets the expectations that those of us who had a deep concern about the protection of the rights of children had with respect to this bill.

We do not know why the minister chose to be conservative on this list and not progressive, because he had an opportunity to do something which would have put, I think, his name into the history books. He had an opportunity to establish for the first time in Canada, an independent office representing children, an independent office that would be allowed to investigate, not only when the Child and Family Services Department lets them down, but when the education system lets them down and when the Health department lets them down and when any other department of government violates their rights as a human being.

* (1015)

He did not have, or his caucus did not have, or his cabinet colleagues did not have, the courage to give

this minister this opportunity to shine as an advocate for children, because if he was truly advocating for children, he would have given the Children's Advocate the powers to mount independent investigations, he would have given the Child Advocate the right to advocate independently on behalf of children, he would have given the Child Advocate the right to look at a myriad of government departments for the purposes of advocating on behalf of children, he would have put a very special stamp on his ministry—and that stamp would have been that he was not fearful of what they would uncover, that he was less concerned of protecting the bureaucracy, the institutions than he was in protecting the children—he would have clearly said that children are my mandate, that children are the ones for whom I evoke and have the greatest concern.

If he had done that, he would not have been fearful of protecting the establishment. What do they have to fear? Well, they have some things to fear if there is an independent Child Advocate's office. They have the fear that in this Legislature, criticisms will be raised about the way government departments have worked in relationship to children. What a terrible fear to have to deal with, the fact that you might have to deal with some criticism in this House with regard to the way that things were handled. They deal with that every day.

We have an Ombudsman's office, and the Ombudsman's office criticizes. They do not fear that. They do not fear that independent process, but the Ombudsman deals primarily with the issues of adults. The Ombudsman looks after those people who are far less vulnerable. Yes, there is a section in the Ombudsman's office that allows him to deal with children, but not with the breadth that a Child Advocate would do. The tradition, if you look at Ombudsman's report after Ombudsman's report, is that they do not deal with children's issues predominately. They deal with individual adult issues.

Children need to know that they have an advocate for them. I deeply regret that the minister has not had the courage to give them the kind of independent voice that we have provided for the adults through the Ombudsman's office. I look forward to the review in three years, but I really do not think that any of the evidence and information that comes forward in three years is going to be any

different than the evidence and information that we have today.

We know, for example, that the province of Saskatchewan has launched a study of the advocate's office and a potential advocate's office in that province. We spoke with the deputy minister, who used to be our deputy minister, and he indicated that they were looking very seriously at the advocate's office as an arm's-length independent body. Well, I hope that the province of Saskatchewan moves in that direction. I hope that they do what should have been our legacy to this country, the Manitoba legacy. They will establish an independent office.

I say to the minister today that when that day comes and they do pronounce it, I want him to think long and hard that he could have done it. He had the opportunity to do it, and he chose not to.

Ms. Becky Barrett (Wellington): I will be closing debate on third reading for our caucus on Bill 64.

We have spoken in this House and certainly in committee at great length on second reading about Bill 64 and its potential versus its actualized potential. Mr. Speaker, as both opposition parties have stated, our major opposition to the Children's Advocate bill, or the Children's Advocate office as envisioned in Bill 64, is the reporting mechanism, that it does not report to the Legislature as the Ombudsman does, but it reports directly to the minister.

We have stated our concerns about the potential for lack of objectivity and lack of independence by this reporting mechanism. We heard some very eloquent presentations at our public hearings a few days ago and had some very interesting written presentations as well. I would like to fairly briefly go through some of the concerns that were raised around Bill 64 by the community presentations, including the written and verbal presentations.

* (1020)

Mr. Speaker, one of the written presentations was a letter from the executive director of the Child and Family Services agency of central Manitoba located in Portage, a very thorough, complete and evocative letter. One of the main points that Mr. Schellenberg, the executive director of Child and Family of Central Manitoba, made that, I believe, is a very important point that needs to be addressed in this whole issue of reporting, is not just that the independence of the Children's Advocate is potentially compromised by

the reporting mechanism found in Bill 64, but the potential for interdependence is lost.

One of the positive things about the Ombudsman's bill, the way the Ombudsman reports to the Legislature, is that the Ombudsman has access and responsibility for all actions by all government departments. The Children's Advocate bill narrows that focus to only those children who are or have been under supervision at one point or have been part of the Family Services department. As Mr. Schellenberg and others have quite eloquently stated, children do not fit into boxes like that. Children in our province require advocates and require people to help them in all walks of life.

In the Estimates process, the minister stated that approximately 4,000 children in Manitoba a year came under, at one point or another, supervision, or used in one way or another, the services of the Department of Family Services. Mr. Speaker, I am not sure exactly what the number of children in Manitoba in its entirety is, but it is tens of thousands, if not hundreds of thousands of children. So in one way, you can say, luckily, only a small percentage of the children of Manitoba actually come into contact with the Department of Family Services or require those services, but on the other hand, there are many more instances of children who could use the services of a Children's Advocate who does not actually access the Department of Family Services.

As Mr. Schellenberg states, the vast majority of children in our province, indeed, by legislation all of the children in our province, are touched by and participate in the education system. We have all heard of situations in our province today where the education system is feeling again the same kinds of pressures that the Family Services system is feeling, the health care system is feeling, the housing system is feeling, all of our services are feeling and that is the effects of our social and economic problems that we have facing us today.

So, Mr. Speaker, I think another very important point that was raised in the public hearings is that we must recognize not only verbally, not only in our philosophy and our public statements, but by our actions, and I am saying by the government's actions, that children need advocates far more than in just the most narrow of focuses, the Family Services department.

Again, as we have stated in the House and it was brought up by the presenters at the public hearings,

the Minister of Family Services (Mr. Gilleshammer), the government actually, has had the advantage of a decade of reports, recommendations and studies about the need for an independent Children's Advocate reporting directly to the Legislature with the authority and the responsibility for dealing with all children's issues, not just those under the Department of Family Services—the Kimelman Report, the Reid-Sigurdson Report, the Aboriginal Justice Inquiry and the Suche report.

Mr. Speaker, the Children's Advocate bill, Bill 64, does not reflect to the degree that we feel necessary the substantive recommendations made by those four reports. As I stated in my speech on second reading, those reports are even more important and should have been listened to even more by the Minister of Family Services (Mr. Gilleshammer) and the government, because they came from four very different perspectives.

* (1025)

Again, they dealt with a broad range of issues dealing with children and children's problems over a range of time, almost a decade now, Mr. Speaker. Not only are we, but also the public who is involved in care and concern for children, very disappointed that the minister has chosen not to respond and deal with the very fundamental issue that has been raised by all those reports.

Again, Mr. Speaker, this government has talked over its term in office about its consultative process. I know that the critic for the Department of Health has and could speak very eloquently on the whole concept of consultation as used by this government. We in Family Services have also raised issues about the use of the consultative process as sometimes a smoke screen for bringing in information or programs that the government wants to do, or the government actually talking with groups and then proceeding to implement programs that are diametrically opposed to what the groups have recommended.

It appears that in the case of Bill 64, that consultative process was even more narrow. The department did consult with Alberta which has a children's advocate program, has had since 1989, not a very long time for implementing a program of this importance and expansion, and certainly not a long time for that program to have been seen as a program that has a lot of history behind it. They also consulted less fully with the province of Ontario

which has a slightly different form of the children's advocate.

As far as we can tell, Mr. Speaker, there has been very little, if any, consultation with the groups, organizations and agencies that actually deal with children, outside the Department of Family Services, and I am not, of course, privy to the degree of consultation that took place within the Department of Family Services. This was a concern that has been raised by us in this House. It was a concern that was raised by presenters at the public hearings.

Mr. Speaker, I also want to put on the record, again, something that was in the presentation by the Manitoba Coalition on Children's Rights which did put on a very extensive and quite illuminating conference in April of this year, portions of which were attended by the minister and myself. The panel discussion during that conference had as one of its speakers the children's advocate from the province of Alberta. The children's advocate from the province of Alberta said to myself and also to members of the coalition that he was concerned about the lack of independence that was occurring as the children's advocate in Alberta unfolded over the last few years, and if he had to do it over again, he would recommend that the children's advocate report directly to the Legislature rather than to the minister. This was a sentiment that was shared also by the children's advocate and their workers in the province of Ontario.

Mr. Speaker, not only did the minister not consult widely with groups in Manitoba, but the consultative process with the two provinces that currently have a form of children's advocate appears not to have been as complete or thorough as we would like to have seen it. Certainly, the recommendations of those two programs that are already in place have not been followed to the degree that we would like to have seen.

* (1030)

Mr. Speaker, one of the parallels that I would like to draw on the Children's Advocate is one that was referenced by the Leader of the Opposition (Mr. Doer) in his remarks this morning, and that was the Electoral Boundaries Commission. I mentioned this in my speech on second reading, as well.

The Electoral Boundaries Commission in Manitoba is a model that one could only wish were followed by other provinces in this country where it

is a nonpartisan commission headed by a person who reports to the Legislature. As a matter of fact, we just today received the Statutory Report of the Chief Electoral Office on the conduct of the 1990 election campaign, so it was a serendipitous receiving by us members in the House of this report.

As I mentioned in my comments on second reading, the then Chief Electoral Officer, the late Richard Willis, with whom I had dealings for three election campaigns in an organizational capacity, was to my mind the epitome of what a children's advocate should be. He was independent. He was fair. He was neutral. He was incredibly competent in his actions as Chief Electoral Officer. At the same time, Mr. Speaker, he held widely-known, very strong political beliefs. He was not neutral when it came to his own personal life and the political beliefs that he held.

But because he reported—not only because he reported to the Legislature, because the kind of man Mr. Willis was, he would have done this in any event, but part of his strength as the Chief Electoral Officer and part of the strength of our electoral process in Manitoba is the fact that the chief staffperson who deals with our elections and our election boundaries is independent, is perceived to be independent because of the reporting mechanism.

It gets back to this very fundamental, central issue, that when you are dealing with anything that has to do with legislation, that has to do with services provided by the government, particularly in the areas of programming in an area that is as sensitive and has such potential for problems developing as programs dealing with children in this province, you must be as individual and as independent as possible.

Mr. Speaker, as the Leader of the second opposition party (Mrs. Carstairs) said, the government here has lost an opportunity to be in the forefront of this type of legislation in this country, has lost the opportunity to show leadership. I find it very interesting that the government, this minister, has chosen not to take the initiative in this regard when he has chosen to take the initiative in another very important area, that of the revamping of the legislation dealing with vulnerable persons.

We know when that legislation comes before this House, it will be ground-breaking. It will be potentially legislation that will be a model for not only Canada but North America. We also know that

there is potential for there to be some problems with that legislation because it is a first of its kind. We on this side of the House, Mr. Speaker, understand that, and hopefully, we will be able to work with the government when that legislation comes forward to monitor that legislation and to work co-operatively to see that the kinks are ironed out and the problems are addressed.

Mr. Speaker, the government which has taken such a leadership initiative in the vulnerable persons area, understanding the fact that there will be problems, there will be situations that will not have been addressed or will have been inappropriately addressed by this ground-breaking legislation, has chosen in that regard, in that context, to say, we are willing to take those risks because we know how important it is to make changes in this area.

I cannot understand, nor can the people who spoke out at the public hearings understand, why the government is so unwilling to take the initiative in the role of the Children's Advocate, particularly when the government can say there is not a single study, report or recommendation in the last decade that has not supported this initiative. There is not a single member of the opposition parties who has not strongly supported this initiative. There was not a single presenter or brief presented to the public hearings on Bill 64 that did not support this initiative. We do not understand why the government, which says that it wants to be consultative, that says it is concerned for children, that talks about the need for intergovernmental action, that says it wants to take initiatives and be in the forefront, is not choosing this tailor-made opportunity to do so.

One other area that was mentioned that I found interesting, because it was a slightly different twist to the possibilities of an independent Children's Advocate, was presented by the representative for Knowles school at the public hearings. What he said was that they could see Knowles school as a major component of the children's programming under the Department of Family Services, has had its own share of internal problems over the last while and also deals with some of the most serious problems that the department has to deal with in terms of children with severe disadvantages and dysfunctions.

Mr. Speaker, what the representative from Knowles school said was that they would have hoped the Children's Advocate would have been independent because they as an agency could see

their ability to use that office, to talk to the Children's Advocate about problems they were having with other parts of the system, with the health system, with the mental health system, with the justice system, with the education system, all of those systems that we have been saying must relate together when it comes to dealing with problems and children who have difficulties.

Here is an organization that could potentially be on the receiving end of one or two complaints to the Children's Advocate. They are more than willing to have that happen, but they also see a positive outcome for their ability to be able to utilize as an agency an independent Children's Advocate. I thought that was an excellent point and one that has, I believe, been lost sight of by the government, that an independent Children's Advocate could also be very wisely used in helping the various parts of the system talk in dialogue with one another and clear up concerns and issues.

Finally, Mr. Speaker, in closing, because I know we have other bills to go on to, I want to speak very briefly about and to the person who will be selected to be the Children's Advocate, should this legislation pass. This person has an enormous responsibility, made even more enormous and negative by the lack of foresight on the part of the government in its drafting of Bill 64 and its lack of listening to the recommendations that have come from all sides and for a decade on the Children's Advocate.

However, this person deserves at the outset the support of every member in this House, and I would hope he or she would have that because he or she will not be the architect of some of the problems we foresee with the implementation of this act, but will have the responsibility for trying to ameliorate the negative impacts that we fear will be the result of the current drafting of Bill 64.

So in the best of circumstances this person, even if he or she were reporting independently, would have an enormous task, a task worthy of a Solomon. But, Mr. Speaker, given the fact that the government has not given the best possible instrument for the Children's Advocate to work from, we, even before the Children's Advocate is hired or has begun his or her work, wish them all the best and are concerned that they will have their job made even more difficult than it needed to have been.

We are finally concerned, Mr. Speaker—and again, I would speak briefly to the amendment that

was before the committee about the reporting back in three years to the government. We do not think, frankly, that this amendment was worth the two-month delay that it took to get the bill from second reading to committee. We feel that it is modest in its positive impact at best, and we are still dealing with the political process. This committee of the House will be a committee, if it is established as all other committees of the House have been established, with a majority from the government.

* (1040)

So while there will be in three years time some additional reporting mechanism in place, the government of the day—and, Mr. Speaker, I speak very frankly as a possibility of being a member of the government of the day in three years. I would much rather not have to deal with the reporting back of the Children's Advocate to a governmental committee. I would much rather have had three years of experience of a truly independent Children's Advocate.

This reporting back will be to a committee that is controlled by the government. The recommendations that come from that committee will be controlled by the government, and so while it is a modest step forward, as I said before, it is certainly not something that should have kept this bill from being debated prior to the last day of the session.

Mr. Speaker, I would just say that we again see the possibility, and I hope it does not come to pass, but we must be aware of this, that because the Children's Advocate is not independent, because the Children's Advocate will report to the Minister of Family Services, will not be able to make recommendations and deal with all of the departments and all of the potential problems that children in Manitoba face, that we are not going to see a really positive forward-looking enactment. We are going to see here a very narrowly focussed, potentially politically driven, potentially a political response to the recommendations of the Children's Advocate.

I will close by saying I heartily wish that government had listened to the people of Manitoba over the last decade and made the appropriate, very simple changes to the Children's Advocate bill which we on this side of the House would have been delighted to support unanimously.

Thank you, Mr. Speaker.

Hon. Harold Gilleshammer (Minister of Family Services): I thank the member for River Heights (Mrs. Carstairs) and the member for Wellington (Ms. Barrett) for their comments on Bill 64. I would just like to make a few comments in closing.

Both members have talked about the scope of the legislation. I think that is an issue that has been under discussion by a number of people. I would simply point out that I do not know whether the debate has taken place within other agencies, within other departments, that members want to include in the scope. I am probably more familiar with the education system than the health system, the justice system or other departments, and I do not believe that debate has taken place with the Manitoba trustees, members of the Manitoba Teachers' Society or in other areas of education. I think the fact that we will be reviewing this in three years perhaps gives time for that debate to take place.

The second point that I would make is that we had said initially that the manner in which the legislation is drawn is consistent with Manitoba practice, that where the interest of the legislation deals with one department, it is customary in Manitoba for that particular individual or group, whether it is the Chief Medical Examiner or whether it is the Public Trustee, to report to that minister. Where there is a broader implication with other departments, with the Provincial Auditor, the Ombudsman or the Electoral Boundaries Commission, where they are involved with many departments, then the report is to the Legislature. I think it is important that we stay consistent with Manitoba practice.

I want to tell critics again that I am pleased with their contribution. I listened carefully to the three presenters at committee the other night, and it gives us information as we develop this office in the next coming months and have an opportunity to put the Children's Advocate in place. I thank all those presenters and the critics for their input.

Thank you very much.

Mr. Speaker: Is the House ready for the question? For the House, the third reading of Bill 64, The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille. Is it the pleasure of the House to adopt the motion? Agreed? Agreed and so ordered.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call Bill 42, third reading?

Bill 42—The Amusements Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance (Mr. Manness), Bill 42, The Amusements Amendment Act; Loi modifiant la Loi sur les divertissements, standing in the name for the honourable member for Thompson (Mr. Ashton). Stand? Is there leave that this matter remain standing? Leave? It is agreed.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call Bill 70, please?

Bill 70—The Social Allowances Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance, Bill 70, The Social Allowances Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'aide sociale et apportant des modifications corrélatives à d'autres lois, standing in the name of the honourable Leader of the Opposition.

Mr. Gary Doer (Leader of the Opposition): I want to just put a few comments on the record on Bill 70, Mr. Speaker. Probably we will want to deal with this bill a little later on in the session, today's discussions as well, because obviously we have a philosophical disagreement—not a philosophical disagreement, we have a disagreement with this bill. It is hard to say what philosophy this bill has, but we will want a vote at a later point which will not surprise the government House leader.

I just think it is an opportunity for me to put a few remarks on the record on Bill 70. I recall a late Friday afternoon, I think, if I am not mistaken, it was a late Friday afternoon announcement from the Minister of Family Services (Mr. Gilleshammer).

Now, I have only been around six years, but I may be one of these people who gets a little suspicious when I hear announcements on Friday afternoon, especially later in the afternoon. So I like to kick it

around a little bit and see what is in those announcements when we get them late in the afternoon.

I noted that the minister put this blue Conservative ribbon around an alleged reform package on Family Services and family allowance provisions of the province of Manitoba. I was hoping I would see some real reform. Here we have the government spending \$90 million now more today than 14 months ago. I would have thought that we would have seen some real reform of social allowance in Manitoba and that the whole goal of social allowance reform would be to give people an opportunity that they could move from social allowance to jobs, to give people an opportunity to work, give our young people who are going out of our education system or out of work and onto social assistance a chance to get dignity. Would it not be great if we were talking about a dignity reform bill in Manitoba in terms of the social allowance provisions?

Mr. Speaker, underneath the veneer of the words of the minister—and I recall them again today—of equity and fairness, the two themes of this so-called reform, we see a real social allowance iceberg, one-tenth above the surface, nine-tenths below. Day after day, when we have asked questions to the minister and the government, they have refused to tell us what is below the surface in terms of the potential 70,000 families in this province, many of whom are forced to take social allowance, what it means to them.

Now, Mr. Speaker, and I say this to the Minister of Treasury Board, he is here today. I asked questions in the House one day when the minister—I cannot go any further than this—but I was not able to ask the minister the question. I did not ask the minister the question. I asked about a \$350-million expenditure in social allowance and what were the financial options available to the government and what was the Treasury Board review of this legislation. [interjection] Yes. The Deputy Premier (Mr. Downey) would not give me the answer, and he intimidated that he did not know or that he did not review it. [interjection]

Thank you. The Minister responsible for the Treasury Board has finally said what I alleged in the House, that you would not bring a bill forward like this, Bill 70, unless you had an extensive review of all the financial obligations and all the financial options and the financial costs of the regulation that

you are going to pass this fall to implement this bill. You cannot pass legislation like this without having that financial review and without knowing what are the consequences of that financial review.

Now, the minister, every time we asked him a question, dodged it. He acted like there was no review. Now either the government was incompetent or it was withholding information from this Legislature on a very important bill. I can say to members opposite, there is a tremendous anxiety, as witnessed by the public presentations at committee. Again, is the government listening? Is the Premier's office listening? Is the government listening to the people on this bill?

* (1050)

There is a great deal of anxiety, Mr. Speaker, about what this bill means on the so-called equity side and what that means in terms of the fairness side, because the government is asking all of us to take a leap of faith on this bill. The public is saying to us, do not take that leap of faith. The public, in their presentations, are saying to us in opposition, do not take the leap of faith with the Conservatives on social assistance reform; we do not believe them.

Mr. Speaker, the problem is that we have, as I recall it, at least a minimum of three separate systems of payment in the province of Manitoba. We have municipalities that are below the provincial rates. We have municipalities that are at the provincial rates. We have municipalities that cover 90 percent of the recipients or 95 percent of the recipients above the provincial rates. Now, all of that is cost-shared 50-50 by Ottawa under CAP.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

So what we do not know, Madam Deputy Speaker, is when the government is moving to a so-called single-tier welfare system, or social assistance system, are they going to the tier below the provincial rates? They have said no. Are they going to the tier at provincial rates? They have said maybe. Are they going to the tier of 90 percent of the recipients of this province? They will not tell us. So, Madam Deputy Speaker, we do not know what tier this government is going to.

Now, the Treasury Board will know this, because they will know—I am not on Treasury Board. I have to do the calculations on my own, but there is about a \$5-million to \$8-million difference between the options. The minister responsible for the Treasury

Board can perhaps acknowledge whether it is about a \$5-million to \$8-million swing between the two options. Now 50 percent of that is cost-shared from Ottawa. So we are talking, in net terms, about a \$4-million difference to the province, but in real terms, either \$8 million to the recipients or the municipalities that administer those benefits.

Now I am taking you through the arithmetic as we understand it in opposition, because the government has not shared their information, but if I am way off base, I would ask the Minister of Finance (Mr. Manness) to tell me I am off base—about \$8-million difference, 50-50 cost-shared between the federal and provincial governments. That money, if it is not, it would be, net terms, about \$4 million to \$5 million for the province for the regulations next year, and for the municipalities or the recipients, it would be about an \$8-million to \$10-million difference out of a \$350-million expenditure.

So that is why, Madam Deputy Speaker, if the government had stated in their bill their full intention of what the tier would be and that there would not be any decline or reduction in the support for the 90 percent of the people on municipal assistance, not just in the city of Winnipeg, some of them in northern Manitoba, if they had stated what the level was going to be, then there would be some degree of certainty in this House and there may be or may not be some degree of certainty for the recipients.

But this minister is asking us to take a leap of faith. Madam Deputy Speaker, the people of the province have asked us not to take the leap of faith with the government. They will support a one-tier system if we know what the tier is. We would be much more favourably disposed to look at a one-tier system if we knew what the one-tier system was and whether it was going to mean a reduction to the municipalities or a reduction to the recipients, because if the government decides to go to the lower one tier, then one of two things are going to happen.

One contingency is—what Greg Selinger and the City of Winnipeg has said—where the taxpayers of the city of Winnipeg will be faced with another \$5-million to \$8-million bill. The other contingency or option is what the member for River Heights (Mrs. Carstairs) has stated, where the municipalities will not assume that cost, and that will mean reduced benefits for people on social assistance, including people who have children and people who use those

benefits or entitlements for food and other necessities of life.

So again, Madam Deputy Speaker, we would ask this government to listen. We would ask this government to be forthright, but if you are not going to be forthright, we are going to take the advice of the community. We are going to take the advice of the community and oppose this bill, because the community does not trust this government that it will be fair at the end of the day. The minister alleges he will be fair, but he does not prove it in his bill, nor in his regulations, nor in any documents that he has tabled in this House.

So, Madam Deputy Speaker, the minister has made an assertion that he will bring equity and fairness to the system, but his bill does not provide that. The minister knows that. His bill is a leap of faith, and we are worried that this is a leap backwards. I would not recommend any members opposite sign a blank cheque. I would not recommend any members on this side sign a blank Order-in-Council for this government on social assistance. That is what this minister is asking us to do, to sign a blank Order-in-Council in terms of legislative approval for this minister. It would be foolish and irresponsible for us to do that.

Madam Deputy Speaker, we would ask the members opposite to listen to the St. Matthews-Maryland ministry who opposed the government. The church is opposing the government. We would ask this government to listen to the Manitoba Anti-Poverty Organization who opposes this legislation. If it is fair, why is the Anti-Poverty group opposing it? Why is it opposing it?

Why is Winnipeg Child and Family Services opposing this minister's legislation, people working in the minister's own ministry? Why are Choices opposing this legislation, that independent nonpartisan group opposing this legislation? [interjection] Well, I am just representing what the public said at the committee. Why would the Social Planning Council of Winnipeg oppose the minister's legislation? Why do they say that the minister's legislation is not fair? Why does the West Broadway Community Ministry, another church group, oppose the legislation? Why does the City of Winnipeg, the administrator of the largest number of recipients, oppose the government's legislation?

Madam Deputy Speaker, we have church groups. We have people working with welfare recipients on the street and working out of the minister's own department. We have the two major bodies to speak out, and they are nonpartisan bodies that speak out for welfare recipients and have studied this issue more than any other person in this Legislature: the Social Planning Council of Winnipeg and the Manitoba Anti-Poverty Organization. We have both of them saying to us that they have studied the bill and they have reviewed the minister's assertions, and they do not believe that the government will provide equity and fairness in this bill.

* (1100)

Madam Deputy Speaker, we will have other speakers on this bill, but we have listened to the government, we have listened to the people. We will vote against Bill 70, because we do not have any comfort at all that the government will continue to support people on social assistance in an equitable and fair way, as they allege. They could have corrected this by having all the issues in the legislation specified in law, but we will not take a leap of faith with a Conservative government Order-in-Council. We will vote against this legislation, and we will take the advice of church groups and social action groups and other community groups that have asked us to defeat this legislation.

Again, I would ask the minister to listen to the people, to the listen to the public presentations, to listen to the people who are most involved with social assistance recipients. There are 71,000 people in one year on social assistance. We have had the largest increase in Winnipeg of any urban centre in Canada. The recession has been devastating on families. More and more people now unfortunately have to rely on social assistance, based on the fact that the federal government has changed the UIC provisions.

We see now, Madam Deputy Speaker, that bodies that this government should listen to are advising them to defeat this legislation or not pass this legislation. You have today, or possibly tomorrow, the last chance to listen to those people working most directly with social recipients. I would urge the government to listen and not pass this legislation. Thank you very, very much, Madam Deputy Speaker.

Mrs. Sharon Carstairs (Leader of the Second Opposition): I rise to speak on Bill 70 and to let the government know, as I think they already know, that the Liberal Party also will not be voting for Bill 70. We will not be voting for Bill 70, because the intention of this bill is not carried forward in the actual drafting of this bill.

Nowhere was that more evident than the government's unwillingness to support the amendment that I brought into committee when this bill was in the committee stage. All this amendment to this bill attempted to do was to ensure that nobody would be paid less than they are presently being paid. That is all that amendment was to do.

If the government was true to its word, that this is not going to happen, then there should have been unanimous support for that amendment, because we tied that amendment very specifically to the rates that were presently now being paid. The fact that they, as a group, voted against that amendment brought to bear very clearly that this government has every intention of introducing a rate to be paid to welfare and social assistance recipients that will be lower than what most of them are now presently receiving.

Ninety percent of the municipal assistance recipients live in the city of Winnipeg. Sixty percent of the other types of social assistance recipients live in the city of Winnipeg. Winnipeg benefits are higher than those paid by the Province of Manitoba. Nowhere is that more evident than in infants. Infants on social assistance, through their mothers and fathers, receive \$160 a month for food. In the provincial welfare rate, that is \$85. That is \$75 less per month that is paid by the Province of Manitoba.

Why? The City of Winnipeg councillors, in their wisdom I would suggest to you, made a very careful decision, a very thoughtful and concerned decision, and that decision was made even when some members of the Progressive Conservative Party were sitting on City Council, and I make reference particularly to the Minister of Industry, Trade and Tourism (Mr. Stefanson). He seemed to have recognized at that particular time that the time to spend money on children was very clearly indicated to be spent in the first year of their life.

Why? Because all the studies and evaluations that we have seen on infants is that there is a very clear tie, a very clear relationship between nutrition and performance. We know that there are studies,

for example, which show actual increases in IQ, whatever that test is and whatever it evaluates, but children who have had good nutrition show themselves to have improved their intellectual potential at the zero to one-year stage, evaluations which show that clearly, that this has that effect.

We also know, for example, that women who receive adequate nutrition in pregnancy produce children of higher weight and that, in the long term, reduces very serious medical costs, serious medical costs that are a result of low birth-weight babies which often lead, interestingly enough, to complications in delivery. One would think perhaps it was high-weight babies that might do that, but it is not true.

We also have discovered that low-weight babies do not perform well. They do not perform well intellectually on intellectual testing, but more importantly, they do not perform well on the testing of their health capacity. In other words, if they are low birth-weight babies, they tend to be low birth-weight children until the age of about five. Low birth-weight children place a much higher demand until the age of five on the health care system and in perpetuity if those health care problems are not dealt with immediately. Low birth-weight babies, for example, end up having more colds, are often put on more antibiotics because their colds tend to be more complicated colds leading to pleurisy, leading to pneumonia, leading to bronchitis, all those kinds of considerations.

So that is my fundamental concern on this bill, that the government has clearly shown its hand in this thing. They are in fact going to set rates which are lower than those rates presently being achieved by recipients, and it is such short-term economy because it will not take many of those people, children in particular, so that the Minister of Health (Mr. Orchard) will end up picking those costs up through the Health department's budget.

Where is the reality here in this government, that you slash money from the social service budget and you pick it up in the health care costs, and health care costs are far more expensive than having provided the prevention from the beginning. The whole health reform package of the Minister of Health focuses on prevention, and he is right. That is where it should go, in prevention.

But if people do not eat well, then they are sick more often. If people do not eat well, they do not

perform well in schools. If children do not eat well, they have a tendency to not be able to participate in the recreational activities that are available to them. Let me leave the minister with just a final story.

I taught at a very large high school in Calgary. One of the boys who was on our football team was a typical football player, big, husky, broad-shouldered, and he fainted one day in the hall. It is unusual for a 16-year-old boy to faint, so we became concerned. Well, it turned out that what was happening was that his mother and father, because they did not want to turn to the social assistance network, were living well below the poverty line. They had four big hulking boys, broad-shouldered youngsters, and they simply could not afford to feed them. These kids were not getting adequate amounts in their diet.

* (1110)

When the boy ended up in Emergency, they said he was suffering from malnutrition. It is tough for me to deal with an issue of malnutrition in one of the wealthiest countries in the world, but inadequate amounts of social assistance results in malnutrition. Malnutrition results in serious health problems and serious educational problems.

I know the minister is not going to change his mind. I know that there was a call for that from the Leader of the Opposition (Mr. Doer), and I wish that third readings would bring about those miraculous kinds of changes, that they would suddenly see the light. We know that is not going to happen. The only thing we can do, therefore, is to say that with regret, a concept that we have long supported, a concept of one-tier social assistance in the province of Manitoba, we cannot support in the guise of this bill because the bill will not do what the bill is intended to do which is to create a social safety net for Manitobans where their benefits will be equitable.

Mr. Steve Ashton (Thompson): When I first spoke on this bill, I asked a very simple question. I asked a question as to who spoke for the poor of Manitoba.

I asked that because, as I said, there are many people in my own constituency, many people across the province who will be potentially affected by this bill. If this were a bill affecting labour-management relations, Madam Deputy Speaker, we would hear from the Chamber of Commerce; we would hear from labour organizations. If this were a bill

affecting liquor legislation, we would hear from the Hotel Association, the Restaurant Association, the western brewers association. If it were a matter affecting farm issues, we would hear from KAP, the National Farmers' Union. If it were a matter affecting aboriginal people, we would hear from aboriginal organizations, bands, tribal councils, the various political organizations such as the MKO.

But, Madam Deputy Speaker, who speaks for the poor? Well, the concern about this bill is very clear, and it is a concern that is based not just on fear, but based on the track record of this government. This bill gives a blank cheque to the provincial government to set rates. It gives a blank cheque.

Perhaps the Minister of Natural Resources (Mr. Enns) is not aware of this—for the government to be able to set whatever single rate will be set for the province. I want to point to the track record of this government of only a year ago, to give you some idea, Madam Deputy Speaker, of what we are afraid will happen in this particular case, and I am referring to what happened with Bill 59 last year with Workers Compensation rates. There were significant changes to the setting of benefits, and one of the most significant was in terms of the shift from gross to net income. What happened was that a few people benefitted by the changes, but the vast majority of the people lost, as much as \$2,000 and \$3,000 a year. That is what happened last year on Bill 59.

Let us look at the scenario on this bill. There are various rates that the government could choose, Madam Deputy Speaker, to provide a single rate to the province. In terms of rates, there are differing rates in different municipalities. Many rural municipalities are significantly lower, for example, than the city of Winnipeg, even than other communities, such as Thompson, where some aspects of the rate there are higher.

Madam Deputy Speaker, there would be a very simple way for this government to obtain the support of members of the Legislature on that particular aspect of the bill. All the minister has to do is stand on this debate on third reading and introduce an amendment, as is his right, that says that no welfare recipient, no matter where they live in this province, will receive reduced rates as a result of this bill.

I want to restate that, Madam Deputy Speaker, because it is a very simple way for the government to allay the fears of the poor. They can simply state

that when they talk about a single-tier rate, that this single tier will bring those who are receiving less than other jurisdictions in this province to the level of the highest jurisdiction, rather than bringing the rates down, down and down to the lowest common denominator. The fact that this government has not introduced such a provision in the bill is clearly indicative to my mind that they have no intention of doing that, that they have every intention of providing lower rates to some recipients in this province, and that this bill is a way of getting a so-called single-tier system but doing it at the expense of many of the people on social assistance.

Who does speak for the poor? As was pointed out earlier by the Leader of the Opposition (Mr. Doer), some people did come forward. There were a number of private citizens, a St. Matthews-Maryland Community Ministry, the Manitoba Anti-Poverty Organization, the Winnipeg Child and Family Services Central, CUPE Manitoba, the Social Planning Council of Winnipeg, the West Broadway Community Ministry, and the City of Winnipeg represented by Councillor Greg Selinger.

I am pleased with that because at least someone was there to argue on behalf of the poor. But you know, the government has not listened. The government had the opportunity in committee to bring in amendments to deal with the concerns that have arisen about this bill. That should come as no surprise because one of the first significant policy moves of this government when they came to government in 1988 was to prevent the initiatives that were in place to move to a true single-tier system in Manitoba and a single-delivery mechanism.

I have said, and I have been saying this for 10 years, we should not have delivery of social assistance by differing levels of government. We should have a single-tier system provided by a single level of government, the provincial government. That is the way to ensure fairness for all Manitobans who are on social assistance.

This government has not been happy with that, Madam Deputy Speaker. They have played around with this. They have delayed moving. They are now moving in a way which is far away from what the intent was in terms of moving to a single-tier system.

Let us be very clear. If we move to a single-tier system, there will be additional cost to the province.

Lest anyone throw that back, I say to the government, there will be an additional cost to the province. What will that cost result from? It will result from those who are currently receiving lower rates than other Manitobans, families, single parents, children, the disabled.

Madam Deputy Speaker, it will bring them up to the level of other Manitobans. When one looks at what is happening in Manitoba in 1992, it is simply unacceptable when one looks at the level of rates that some people in this province are receiving. Yes, to bring up the welfare rates to the single-tier level, the highest rates payable, would cost more money, but who will benefit? It is the poor. It is the people on social assistance, but it is particularly the children and the families, because the most vulnerable group right now under this bill are going to be families.

I ask the reverse. What will happen if we end up with lowered rates as a result of this bill? It was pointed out in committee very eloquently the other day by Greg Selinger. I missed many of the presentations, but I heard the presentation on behalf of the City of Winnipeg. Madam Deputy Speaker, are you aware that the number of social assistance recipients in Winnipeg has gone from 3,000 in the '82-83 recession to 15,000 in terms of families? We are dealing with a huge increase in the number of people on social assistance.

The most vulnerable group, particularly in the jurisdictions such as the city of Winnipeg and the city of Thompson where rates are somewhat higher than they are in other areas, are families. Families receive and children receive a significantly higher rate structure in the city of Winnipeg than they do in other jurisdictions. That is what the city said. The City of Winnipeg said, if you reduce those rates by the single-tier system, the City of Winnipeg will then be caught in the dilemma, will they supplement those rates themselves.

* (1120)

Madam Deputy Speaker, we know the answer to that question. There is a great deal of pressure on property tax rates. The property taxpayers of the city of Winnipeg and other municipalities are not going to pick up that cost. So who speaks for the poor? I mentioned the groups that spoke. It is interesting to note that many of these organizations are social agencies, ministries—the Manitoba Anti-Poverty Organization.

Once again, Madam Deputy Speaker, as I said on second reading, very few people who are on social assistance were able to come to the committee. That is no surprise. People living on social assistance living in poverty in this province are too busy just trying to break even, to get by, to feed their families, to survive. That is where it is a double responsibility on members of this Legislature, to speak out on behalf of one of the most ignored groups in society—the poor.

It is an increasing group, Madam Deputy Speaker, as more and more people who never thought they would be on social assistance find that due to the economy, due to the cuts in terms of UIC eligibility, they are now living on welfare. So it is up to us. I can say one thing. The New Democratic Party will speak out for the poor. [interjection] Indeed it will, says the Minister of Natural Resources (Mr. Enns).

We are a party that has its roots in fighting for social justice for all Canadians and most particularly for the poor. We are a party that is set in one of the countries that is the wealthiest countries in the world. We have the best quality of life in the world. It is not acceptable when we have people living in hunger, when we have people living in disgusting slum conditions, when we have people who are more and more ending up in the situation where they may never have the realistic prospects of employment or education.

It is unacceptable, Madam Deputy Speaker, just as it was when the origins of our party were formed across this country, but particularly in the north end of Winnipeg, J.S. Woodsworth, the independent socialist, and labour parties founded in the north end, the CCF which was established in 1933 and later the establishment of the NDP.

You know, Madam Deputy Speaker, I was struck in looking at some of the presentations. In a way, the social consciousness is still there, the social conscience, the ministries that made presentation. I really congratulate them, in many ways echoing the message of J.S. Woodsworth, Stanley Knowles and others in the '20s and '30s and '40s, who pioneered the fight for fairness for all Manitobans and all Canadians and particularly for those—the poor—particularly those living in poverty.

So their message continues, and we will continue to raise that. The Conservatives have shown once again that the more things change, the more they

stay the same. Just as Conservatives in the 1920s and '30s, the 1930 depression, turned a deaf ear to the concerns of the poor and the unemployed, so they are doing it in 1992. This bill is one of the clearest examples of that. If this government was concerned about the poor, they would say right now they will not reduce rates to the lowest common denominator. They have not done that.

They are now going to set by Order-in-Council those rates, and I say, Madam Deputy Speaker, that once it gets in their Treasury Board and once it gets into the hands of the Minister of Finance (Mr. Manness) and the Premier (Mr. Filmon), I have no doubt that they will use this bill as an excuse to control costs, to reduce costs, to make sure there is no increase in costs to provide fair benefits. So the more things change, the more they stay the same. The Conservatives of the 1930s in the depression are the same Conservatives of the 1990s. They are the same party. They may represent the interests of certain people in society—certain privileged people. I always get some amusement when I hear the Premier, representing the constituency of Tuxedo, lecturing us on what is happening out there in the real world.

Perhaps the Premier should—[interjection] The Minister of Finance says that is unfair, that we all have to represent something. I say that the Premier should be representing far more than the privileged few in Manitoba and should be concerned about the concerns of the poor. If the Premier got out of his bumper in this Chamber, got out of his representation—one of the more fortunate constituencies in this province—got back to the north end where he claims to have roots, started talking to the poor, started talking to working people who are in a desperate situation, perhaps we would not see bills like Bill 70, perhaps we would see some initiative from this government.

But you know, Madam Deputy Speaker, I say that very clearly, because it is not just the minister, it is the Premier of this province who has put his stamp on the policies of this government in regards to the poor and unemployed. This is the step-aside Premier. We know that he is one; he will not even listen to his own caucus. We know that, as evidenced by the resignation of the member for Portage (Mr. Connery). So I ask you, if he is too busy to listen to his own caucus members, is it any surprise he is not listening to the poor and the unemployed of this province?

(Mr. Speaker in the Chair)

It is fine to go off to Rio or to meetings with governors and Prime Ministers. It is a lot easier that way, Mr. Speaker. When you do that, you do not have to listen to people who are saying, you know, Mr. Premier, we have a problem here. We need some response from the government. We have people who are living in poverty. We have increasing unemployment. We have desperate circumstances in this province. It is a lot easier, when you are off in Rio, to pretend that everything is fine.

But, you know, we all know the story of the emperor with no clothes, Mr. Speaker. Well, yesterday the member for Portage said what we have known for some time. He said basically, and I want to use the analogy, that the emperor has no clothes, the Premier has no clothes in a political sense, no policies—no policies on rural economic development, no policies for the difficult times we are facing. One person, yesterday, in the Conservative caucus, formerly a member of the Conservative caucus, recognized the reality.

So where do we end up today? I say in this Legislature on this bill, we say again from the NDP caucus, that this emperor has no clothes; this government has no policies to deal with fairness for the poor and the unemployed.

Bill 70 is the best example of that, Mr. Speaker. So just as we, decades ago, fought against then-Conservative governments, whose policies victimized the poor and created unemployment of an unparalleled degree, just as we did then, in 1992, we are going to strip aside the veneer of Bill 70 and point to exactly what it is. This bill is a bill that represents Conservative bias, that does nothing for the poor, does nothing for the unemployed in this province, that targets the poor and the unemployed. That is why we will categorically vote against this bill when it comes to a vote later today. We will speak out for the poor; we will speak out for the unemployed.

Mr. Speaker, thank you very much.

Mr. Leonard Evans (Brandon East): I want to take this final opportunity to put a few points on the record with regard to this legislation. We have had a lot of miscellaneous, irrelevant legislation before this House this session, but this is one of the more important ones, Mr. Speaker, because it involves

thousands upon thousands of people, and among those are the most vulnerable in our society.

I want to make the point that this legislation, Bill 70, does not eliminate the one-tier system. The one-tier system is being entrenched by this particular legislation. Do not think for one moment, members should not think for one moment that this bill is some kind of progressive legislation that eliminates the one-tier system. What it does, it entrenches the two-tier system because it continues to involve two levels of government, the provincial and the municipal levels of government.

We will continue, therefore, to be in the minority in Canada, because seven out of 10 provinces have one system administered by the province, and that is a fact. Every other western province in Canada administers the social welfare system by the provincial agency. The reason for that is that those provinces have deemed that this is a social service comparable to the other social services delivered by the province and not by the municipal government and that, therefore, it is appropriate to be funded totally and administered totally by the provincial government and not by a local municipal government. Mr. Speaker, this is one reason why I say this is backward legislation. We are not going forward, we are going backward in this legislation, because we are entrenching a system that should be abolished, a system that was on the way to being abolished by the previous government.

* (1130)

Mr. Speaker, this legislation is also backward because it does not address the one-way-ticket phenomenon. It does not address all the problems of administration that occur at the municipal level. It does not address the problem of stigmatization that occurs at the rural municipal level. It does not address the problem where many municipalities can still urge their would-be recipients to accept a one-way ticket to Winnipeg or a one-way ticket to Brandon just to get them out of the rural municipality or out of the village or out of the small town, out of their hair, so that they will not have to deal with it. That problem will continue to exist.

Those who do stay have to go on bended knee to the local council asking for some welfare assistance. That is not going to change one iota from this bill. There is nothing requiring a changed administration by the municipality in this bill. Mr. Speaker, as was pointed out by the Ryant Task

Force on Social Assistance 1983 that spent considerable time discussing this with all components of Manitoba society, including social agencies, it is quite obvious that the social agencies were not involved in the review by this government, its own Social Assistance Review Committee, the SARC committee that was set up by Mrs. Oleson a few years ago. There was no consultation with social agencies.

Mr. Speaker, I note that this is an important point made by the Ryant Task Force, the problem of stigmatization. I quote just a couple of sentences from that particular report.

Page 44: However, in Manitoba, employable recipients, most often seen as undeserving, are vulnerable to local punitive action by the jurisdictional division of responsibility. Unfortunately, there is much evidence of punitiveness. Many municipalities offer assistance in the form of vouchers which identify recipients as untrustworthy or incompetent, and as described earlier, some decide eligibility through public discussion which humiliates applicants. Finally, representatives of many municipal assistance programs have openly described to us the ways in which the "undeserving" are subject to stricter eligibility requirements, the threat of liens, a more difficult application process, the offer of lower benefits and so on.

Mr. Speaker, further, on pages 62 and 63, the Ryant committee very well describes this essential problem that exists in the two-tier system, particularly outside of the urban areas, and that is the problem of stigmatization.

I am quoting from a couple of sentences on pages 62 and 63: Many recipients are demoralized by the fact that they must have permission in order to be able to buy sheets for their bed or to attend courses for which they have been accepted. They report feeling belittled and demeaned by the need to make these requests and more so when they are denied. Many are embarrassed when they cannot share food or lodging with visiting family members for fear that they will be deemed to have received income in exchange. However, perhaps the negative effects of stigmatization are most alarming on the children of recipients.

We heard this from one recipient. I will not quote that particular recipient, but she goes on to describe how her children are being stigmatized in the school

system because of the way the municipality doled out welfare to her and her family which would not have occurred, I believe, under a provincial setup and does not occur under a provincial setup.

In conclusion, on page 63 the report says: We conclude that the social assistance system in Manitoba provides support at the price of social and psychological impairment. The magnitude of the costs of these practices and dependency are unknown, but clearly, there is a cost to society in undermining the competence and self-sufficiency of recipients, and quite apart from the effects of stigmatization on dependency, the processes described violate the right of any individual to be treated with dignity and respect.

Mr. Speaker, this is not going to change because of this legislation. This legislation is totally silent on this failure of the municipal systems in Manitoba where we are dealing with small governments that simply do not have the capacity to deal in social service areas. They do not have the capacity. [interjection] Well, if they do, why do they require would-be municipal applicants for municipal welfare to come before the entire council, and on bended knee, to seek welfare when that is not the case in the city of Brandon and not the case in the city of Winnipeg, where 90 percent of municipal welfare is paid out in the city of Winnipeg?

They do not go on bended knee to the City Council of Winnipeg. [interjection] Should they? Well, the Minister of Natural Resources (Mr. Enns) is saying they should. That shows you his mind set and where this government is coming from, because they are prejudiced against the people of this province who, unfortunately, are unemployed and have no other means of income and must seek welfare which is under national regulation, which is under federal legislation.

Mr. Speaker, my point is that the municipalities do not have the capacity to deal with this. They do not have the capacity to offer jobs and training programs. The day and age of saying here is a pick and shovel, you can earn a few dollars, is long gone by. There is just not that opportunity. What do you do to women who are employable and have no children who have to seek municipal welfare? Do you give them a pick and shovel and say, you do this in order to get a few dollars of municipal welfare. Of course, that does not happen.

What we propose—we did it in previous governments, and we are proposing now that what we need is an employment program, a training program for people who are on municipal welfare, and that training could occur and will occur through a provincial employment agency. This provincial employment agency could provide the training.

Mr. Speaker, the Minister of Finance (Mr. Manness) says, who should provide the money, and so forth and so on. I want to remind him again that the Province of Manitoba under the NDP signed an agreement with the federal government in 1987 for a \$6-million employment enhancability program for welfare recipients. We did it then with the federal government's co-operation, \$6 million gained, aimed and geared at training the people who were on municipal welfare.

I say that is the kind of approach we need, but it will never happen when you involve tiny municipalities, as we have in this province. We have almost 200 small municipalities which could potentially be involved in the administration of welfare.

So I say, Mr. Speaker, this legislation is backward. It entrenches the two-tier system. It does not get rid of it. It is backward because the problem of stigmatization remains. It does not address the one-way ticket phenomenon, and thirdly, it is backward because there is no tie-in with employment and training programs.

Fourthly, it is backward because it threatens to lower, in the future, in real terms, the rates for municipal recipients in the city of Winnipeg where 90 percent of the expenditures now occur in this province. That is a real threat. That was pointed out in the committee by representatives of the City of Winnipeg. It was pointed out to the committee by representatives of social agencies.

So, Mr. Speaker, there is no question in my mind that unless there are some major changes made by this government, that what we are going to have in the future, in real terms, when you take out any calculation for inflation, when you calculate for inflation and deal with it in real terms and constant 1992 dollars, that in the future, the rates paid in Winnipeg will be lower because of the heavy hand of a right-wing government that does not really believe in municipal welfare. It does not really want a welfare system.

Mr. Speaker, we have, therefore, a very serious threat to thousands of people who do not want to be on welfare, who want to get jobs but because of the economic policies of this government are not able to get jobs because of the policies of this government. [interjection] Whatever policies. The government's policies are not working.

We have over 50,000 people unemployed, and, unfortunately, a great number of them are exhausting their UI benefits. They can no longer obtain any more unemployment insurance. So thanks very much, we cannot get a job in Manitoba. Of course, they can leave. Of course, thousands of them are leaving the province. [interjection] They are going to British Columbia. They are going to Alberta, and they are going to Ontario. Those are the three provinces. They are going to those three provinces.

* (1140)

People are leaving for those three provinces in particular, Ontario, Alberta and B.C. That is where—[interjection] Yes, they are. The figures show that. They are going to Ontario, Alberta and British Columbia. That is what the Statistics Canada figures show. [interjection] On a net basis, we lose more to Ontario than Ontario sends to Manitoba. Those are the facts, Mr. Speaker.

So I am saying we have four reasons to describe this as backward legislation, regressive Conservative legislation. It entrenches the two-tier system. It does not get rid of it. Secondly, it does not do anything about the problem of stigmatization and the inadequacy of small municipal governments to deal with the administration of it so that people are treated fairly and equitably. Thirdly, it threatens to lower the real rates of welfare assistance in the future. Fourthly, there is no tie-in with employment and training programs.

Mr. Speaker, I want to say as I wind up my brief remarks, that I do regret that this committee that was set up by this government, the committee of Social Assistance Review, did not consult with social agencies in this province. They did not consult with the various groups, with churches and the various people who are directly affected working with the poor people or the people themselves. What you have is a very biased report that was presented to them.

Having said that, Mr. Speaker, even this committee pointed out a failure of continuing to

involve municipalities in the welfare system, and that is, they noted—and this is the Conservative Committee, not the NDP setup committee—the committee noted that social assistance costs at the municipal level are financed through municipal property taxes, but does not believe—the committee, the Tory-appointed committee, does not believe that property taxes are the most appropriate mechanism for funding social assistance—quote, unquote, page 23.

There is your own committee telling you that real property taxes should not be the source of funding an important social service such as social assistance, such as welfare. So, Mr. Speaker, the fact is, this legislation is absolutely inadequate. It is totally unacceptable to members on this side of the House, and I would urge the minister to reconsider, withdraw this bill.

Mr. Speaker, in conclusion, I urge the minister to—[interjection] If you want me to talk longer, I can talk longer. Well, I thought we were trying to keep this short. [interjection] Okay. This is a subject that is very close to my heart, and I would like to speak about it longer, but I appreciate the time constraints. I know some other members want to participate in the debate on this bill which is probably one of the more important bills, one of the most important bills before this Legislature because it affects tens of thousands of people.

Mr. Speaker, I again ask this government to do what the bulk of provincial governments are doing, what the bulk of Canadian people are privileged or experienced in, and that is to experience a system in seven out of 10 provinces where you have a truly one-tier system, where the provincial government of Newfoundland, Prince Edward Island, New Brunswick, Quebec, Saskatchewan, Alberta and British Columbia—seven out of 10 provinces, I am sure the Northwest Territories and the Yukon as well, where their senior level of government is administering a system, where the municipalities are not involved for very good reason, because they are not set up to administer social programs.

They are set up to do local administration. They are set up very well for cleaning streets, picking up garbage, maintaining local services, local administration, water, sewer and so on. They are not set up to deliver social programs. Yet, this government is continuing to entrench a system that comes out of the 19th Century.

I say let us get into—we are almost into the 21st Century. Let us get on with it, Mr. Speaker. Let us have some progressive moves in terms of this very, very important area of social assistance.

I urge the minister to reconsider this, withdraw the bill, come back next year with legislation that will give us a truly one-tier system.

Thank you very much, Mr. Speaker.

Mr. Doug Martindale (Burrows): Mr. Speaker, I move, seconded by my honourable friend for Swan River (Ms. Wowchuk), that debate be adjourned.

Motion agreed to.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call Bill 76, third reading.

Bill 76—The Pension Benefits Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance (Mr. Manness), Bill 76, The Pension Benefits Amendment Act; Loi modifiant la Loi sur les prestations de pension, standing in the name of the honourable member for Thompson (Mr. Ashton). Stand? Is there leave that this matter remain standing? Leave. It is agreed.

Ms. Becky Barrett (Wellington): Mr. Speaker, again, I rise to speak on one of the bills for which I was a participant at the public hearings a few days ago.

Bill 76 has many elements to it. The official Labour critic will be speaking later on more of the general elements of the bill, but I would like to address my remarks specifically to Section 31(6) which deals with splitting of pensions.

There has been debate for years about this regulation or this section of pension legislation. Some concerns have been raised about the fact that while the current legislation requires mandatory splitting of pensions upon marriage breakdown with the recently enacted caveat that if pensions of the two partners are within 20 percent of each other as far as their value is concerned, the mandatory splitting can be waived, there have been some concerns raised about situations where this has meant an unfair splitting because one partner had, for example, a federal pension that could not be split and the other partner had a Manitoba pension that

was required to be split. So, Mr. Speaker, this section is proposed to be amended to, in part, deal with that concern.

While we are concerned, as well, that all legislation, and particularly as it deals with individuals and families and as it deals with situations such as marriage breakdown, be as fair and as equitable as possible, we do have some serious concerns which we raised in our public hearings and which many presenters raised, as well.

Particularly, the amendments to Bill 76, in this regard, would treat in effect pensions as marital assets similar to other marital assets that are split upon marriage breakdown, such as real and personal property, houses, boats, mortgages, home ownership, cottages, that sort of thing.

* (1150)

We feel, Mr. Speaker, that this is attempting to address a real problem by abrogating one of the basic, fundamental principles of pensions, and that is that they are deferred income. They are not in any other avenue than this suggested amendment incorporated in Bill 76 treated as other financial assets are. If an individual wished to access additional funds because of personal financial difficulties, such as a personal or a corporate bankruptcy, or for any other reason of choice, the pension legislation is very clear—and no one in any of the discussions around Bill 76 has stated that any change should be made in this—that this asset is not accessible. It is vested, and it cannot be divested in order to assist a person out of a temporary or even a permanent financial difficulty, because it is agreed, as a basic premise of all pension legislation, that pensions are deferred income.

They are deferred income to a time when the individual has no or has much-reduced access to income. It is a recognition on the part of society that people, as they retire, usually from getting older, but at other times from other reasons, need additional funding, that it is the responsibility of the individual, through the pension system, to provide for their retirement times.

It is agreed, in all pension legislation in this context, that individuals give up their individual rights, their individual ability to choose in this context, because of the greater good, if you will, Mr. Speaker, of saving for their retirement, the greater good for not only the individual, but also the greater

good of society, which then has a better sense that people in their productive years will be helping to maintain themselves in their retirement years so that they will not be forced to live in poverty or be a drain on the coffers of the state.

Nobody is arguing that basic premise, Mr. Speaker, except in this one particular instance upon marriage breakdown, where it appears that the government is saying, in this context and in this context only, pensions are not necessary to be vested. They are not necessarily treated as pension income but can be put in the mix when partners are splitting their assets.

Mr. Speaker, we had some very good presentations on this issue. I am going to refer basically in my few remarks to the presentation, because I believe it summarizes quite nicely the concerns that we have raised in this debate. I am summarizing the presentation that was made by Mona Brown. She was representing the Manitoba Association of Women and the Law. I am choosing this presentation as the basis of my remarks, not just because the effects of this Section 31(6) will be felt, we feel, disproportionately by women in this province, but because the remarks Ms. Brown made are made by a lawyer on behalf of and using the perspective of the legal profession or at least one segment of the legal perspective. I believe they have a degree of legitimacy that recommends them to the House.

Mr. Speaker, when marriage breaks down, it is a very emotional time. I do not care how amicable the split is. It does not matter. The idea that you are severing a relationship that you felt, that the partners felt, was going to be for life or a very extended period of time is a very emotional time. It is a negative time. People do not make good informed decisions necessarily at this time. When people are counselled for any individual problem that they have of an emotional nature, or if they are in a period of great stress in their life, they are often told: Do not make any major decisions that you do not have to make at this time, because you are not focused properly. You will not be able to make a good, well-reasoned, well-thought-out decision.

There are very few things that we go through, Mr. Speaker, in our lives that have the potential for more stress than a marriage breakdown. There are a multitude of short-term problems that have to be decided on short notice when the partners and the parties to this marriage breakdown are not dealing

with these issues with clarity and lack of emotion. They are not as rational as they normally would be.

As Ms. Brown, in representation, says on behalf of the Manitoba Association of Women and the Law, it is not the time to force the parties into decisions on long-term financial planning. People sometimes do not make the best decisions under such stress. Allowing the spouses to trade pension benefits for other assets encourages bargaining and the potential of duress. This concept was brought up several times by people who made presentations to the hearings on Bill 76.

Most pensions are held by men because of the way our society is still skewed toward men having longer work force participation and being more likely to be in jobs where there are pensions. In situations where there are pensions, both partners have pensions, men have generally more. Their pensions are larger. In many instances, for a variety of reasons, the man is in the controlling position when it comes to dealing with the disposition of assets. We have case after case, where the woman in the marriage breakdown has been told, if you do not give me my pension in exchange for the house, the car or certain other assets, I will take you to court and make your life miserable over the maintenance of the children, over who gets custody of the children.

In many situations, Mr. Speaker, pensions are used as a bargaining chip by one partner to the marriage breakdown and has a very negative emotional effect on the other partner. As well, it can have a very long-term negative financial impact, particularly in a real estate climate like Manitoba has been in historically and continues to be, which is that it is not a boom-bust real estate market. There is a slow, hopefully upward spiral of value for real estate, but it is not spectacular and has not been for the past 50 or 60 years.

Let us, for example, say a husband says, I will give you the title to the house, which is valued at \$100,000, if you waive your rights to half my pension. The woman might say fine, that is \$100,000 I have, but in 20 or 30 years, when the husband's pension comes to fruition, that financial asset most likely, and statistically and actuarially speaking, will be worth far more than the increased value of that home that she used in splitting the pension benefits. There are, Mr. Speaker, also other avenues dealing with the splitting of pensions that will allow for a fair and equitable distribution of

assets, such as The Marital Property Act. To use this bill to try and make more fair the disposition of assets acquired during marriage is a very inappropriate use of the pension legislation.

Finally, Mr. Speaker, one of the other major concerns that we have with this aspect of Section 31(6) of Bill 76 is that in the long run, it will increase and lead to the further exacerbation of female poverty. Women continue to have less access to the financial benefits of our society. They continue to have consequently less access to the financial benefits of our society as they age. Women, as they age, become poorer and poorer in our society, and those figures and trends are not decreasing. They are continuing to escalate. It is vital in this context that we continue to protect the availability of pension assets for women upon marriage breakdown.

There are administrative problems with the situation as it occurs today. One of the major problems with the current pension legislation as it deals with marital breakdown is that it is separate from, in a large degree, the federal pension legislation which does not allow currently for mandatory pension splitting or even voluntary pension splitting.

Mr. Speaker, currently before the House of Commons is Bill C-55, which is at third reading, which the federal government is supporting and, one would assume, with a majority, they will be able to pass through. Bill C-55 will put federal pensions in line with our current pension legislation. Therefore, a major obstacle that has been identified by people in Manitoba to fair and equitable pension splitting will be removed. We feel it is very poor timing on the part of the government to initiate this section of Bill 76 at this time.

* (1200)

We would suggest that they withdraw this section, wait for the disposition of Bill C-55, and even if Bill C-55 does not pass this session of the federal House, we would strongly urge that they go back to the drawing table and figure out other administrative, or other technical ways of alleviating the concern and the personal problems of spouses who do have concerns over the potential unfairness of their pension division.

We feel that the vast majority of the cases of pensions in this province, the long-term requirements of all pension legislation which is to provide for financial support upon retirement and for

the long-term continued, at least, the beginning of a progress towards equity, particularly for older women, would lead this government to remove this section of Bill 76, and to maintain the principles of fairness and equity of all pension legislation and the concerns for all Manitobans, particularly those who are historically and statistically going to be the worst off in their senior years, that is women.

Mr. Speaker: As previously agreed, this matter will remain standing in the name of the honourable member for Thompson (Mr. Ashton).

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Bob Rose (Chairperson of the Standing Committee on Municipal Affairs): By leave, I beg to present the Fifth Report of the Standing Committee on Municipal Affairs.

Mr. Speaker: Does the honourable member have leave? Leave? It is agreed?

Madam Deputy Clerk (Bev Boslak): Your Standing Committee on Municipal Affairs presents the following as its Fifth Report.

Your committee met on Monday, June 22, 1992, at 10 a.m., Tuesday, June 23, at 2:30 p.m. in Room 255 of the Legislative Building, and Tuesday, June 23, at 7 p.m. in Room 254 of the Legislative Building to consider bills referred.

At the June 23, 1992, 2:30 p.m. meeting, your committee elected Mr. Rose as Chairperson.

On June 23, 1992, Bills 93, 96 and 98 were transferred from the Standing Committee on Law Amendments to your committee for consideration.

Your committee heard representation on bills as follows:

Bill 20—The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale

John Buhler - Private Citizen

William Klym - Western Chapter of the Canadian Property Tax Association

Bill Roth - The Union of Manitoba Municipalities

Michael J. Mercury - Private Citizen

John Perrin - Private Citizen

Larry Chornoboy - Tupperware

Bob Douglas - Keystone Agricultural Producers

Jim Perfaniuk - Private Citizen

Written Submission:

Ed Scrapneck - Kildonan Tennis and Canoe Club

Bill 49—The Environment Amendment Act; Loi modifiant la Loi sur l'environnement

Wayne Neily - Manitoba Environmental Council
Don Sullivan - Choices

Bill 82—The Farm Practices Protection and Consequential Amendments Act; Loi sur la protection des pratiques agricoles et apportant des modifications corrélatives à d'autres lois

Larry Walker - Union of Manitoba Municipalities
Alfred J. Poetker - Oakville Colony, Portage la Prairie

Written submission:

Earl Geddes - Keystone Agricultural Producers

Bill 96—The Special Operating Agencies Financing Authority Act; Loi sur l'Office de financement des organismes de service spécial

Peter Olfert - Manitoba Government Employees' Association

Bill 98—The Manitoba Multiculturalism Act; Loi sur le multiculturalisme au Manitoba

Sidney Green - Manitoba Progressive Party

Bal Kapoor - Private Citizen

Paul Kammerloch - Private Citizen

Wade Williams - National Black Coalition of Canada

Lena Anderson - Immigrant Womens' Association of Manitoba

Arnold Eddy - Private Citizen

Osmond Anderson - Manitoba Multicultural Resources Centre

Done Tole - Manitoba Association for the Promotion of Ancestral Languages

Ijaz Qamar - Private Citizen

Joseph Reza Fanai - Private Citizen

Ron Schuler - Manitoba Intercultural Council

Mary Richard - Manitoba Association for Native Languages

Murray Trachtenberg - The League for Human Rights, B'nai Brith Canada

Norma Walker - The Congress of Black Women

Art Miki - Private Citizen

Mohinder Singh Dhillon - Private Citizen

Amar Singh Dhaliwal - Punjabi Seniors Association

Irene Frigo - Private Citizen

Mike Maendel - Hutterian Education Committee

John Jack - The Council of Caribbean Organizations of Manitoba

Pandey - Private Citizen

Prag Naik - Hindu Seniors Club of Manitoba Inc.

Written Submissions:

Leo Liu - Private Citizen

Stuart Greenfield - Private Citizen

Casimiro Rodrigues - Private Citizen

Hemant Shah - Private Citizen

Prem Bhalla - Private Citizen

Jonathon Kroft and Mira Thow - Winnipeg Jewish Community Council Inc.

Delbert Plett - Private Citizen

Jack Lowe - Private Citizen

Your committee has considered:

Bill 34—The Surveys Amendment Act; Loi modifiant la Loi sur l'arpentage

Bill 79—The Highways Protection and Consequential Amendments Act; Loi sur la protection des voies publiques et apportant des modifications corrélatives à d'autres lois

Bill 93—The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale

Bill 96—The Special Operating Agencies Financing Authority Act; Loi sur l'Office de financement des organismes de service spécial

and has agreed to report the same without amendment.

Your committee has also considered:

Bill 20—The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale

and has agreed to report the same with the following amendments:

MOTION:

THAT the proposed Section 9, as set out in Section 4 of the bill, be amended

(a) by striking out the proposed subsection (2) and substituting the following:

When general assessment to be made

9(2)A general assessment shall be made in 1994 and in every third year thereafter.

(b) in proposed subsection (2.1), by striking out "A general assessment" and substituting "Subject to section 13, a general assessment"; and

(c) in proposed subsection (2.2) by striking out "The general assessment" and substituting "Subject to section 13, the general assessment".

MOTION:

THAT Section 6 of the bill be amended

(a) by renumbering it as subsection 6(1); and

(b) by adding the following as subsection 6(2):

6(2) Clause 22(1)(i) is amended by striking out ", but not including a residence owned or used by a college named in subclauses (i) to (v)".

Your committee has also considered:

Bill 49—The Environment Amendment Act; Loi modifiant la Loi sur l'environnement

and has agreed to report the same with the following amendments:

MOTION:

THAT the proposed subsection 13(2), as set out in Section 4 of the bill, be amended

(a) in that part preceding clause (a), by adding "referred to in subsection 10(1), 11(1) or 12(1) after "a series of licences"; and

(b) in clause (a), by striking out "is known, is minor or is" and by substituting "is known and is either insignificant or".

MOTION:

THAT the proposed subsection 14(2), as set out in subsection 5(2) of the bill, be amended

(a) in clause (b), by striking out "of a minor nature, or" and substituting "insignificant";

(b) in clause (b), by striking out "or on the advice of other affected departments"; and

(c) in clause (c), by striking out "no alteration is required to any limit, term or condition that was the subject" and substituting "the proposed alteration is not an alteration to any limit, term or condition that was amended as a result".

MOTION:

THAT the proposed subsection 27(1), as set out in Section 6 of the bill, be amended

(a) in clause (f), by striking out ", other than a limit, term or condition described in clause (g)." and

(b) in clause (g), by striking out "period commencing on that date" and substituting "specified period".

MOTION:

THAT the proposed clause 41(1)(dd), as set out in subsection 7(1) of the bill, be amended by striking out "the review of that person's obligation to monitor" and by substituting "the monitoring of, or the review of that person's obligation to monitor,".

MOTION:

THAT the proposed subsection 41(6), as set out in subsection 7(2) of the bill, be amended by striking out "a judgment" and substituting "an order".

Your committee has also considered:

Bill 82—The Farm Practices Protection and Consequential Amendments Act; Loi sur la protection des pratiques agricoles et apportant des modifications corrélatives à d'autres lois

and has agreed to report the same with the following amendments:

Your committee voted to defeat Section 2(3) of the bill.

MOTION:

THAT subsection 9(5) of the bill be amended by striking out "60 days" and substituting "90 days".

MOTION:

THAT Section 11 of the bill be amended by renumbering it as subsection 11(1) and by adding the following as subsection 11(2):

Decision given to parties

11(2)The board shall notify the parties of its refusal to consider an application or to make a decision under subsection (1), and give them written reasons for its action.

MOTION:

THAT subsection 12(2) of the bill be amended by striking out "and shall, at the request of a party, give" and substituting "together with".

Your committee has also considered:

Bill 98—The Manitoba Multiculturalism Act; Loi sur le multiculturalisme au Manitoba

and has agreed to report the same with the following amendments:

MOTION:

THAT Section 1 be amended by striking out the definition "council".

MOTION:

THAT clause 2(c) of the bill be amended by inserting the word "all" before "cultural communities" the first time it occurs.

MOTION:

THAT clause 5(a) be amended by striking out "Manitoban" and substituting "Manitoba".

MOTION:

THAT Sections 7 to 13 of the bill be struck out.

MOTION:

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

All of which is respectfully submitted.

Mr. Rose: Mr. Speaker, I move, seconded by the honourable member for Seine River (Mrs. Daquay), that the report of the committee be received.

Motion agreed to.

Mr. Jack Penner (Chairperson of the Standing Committee on Law Amendments): By leave, I would like to present the report of the Standing Committee on Law Amendments.

Mr. Speaker: Does the honourable member have leave? It is agreed.

Madam Deputy Clerk: Your Standing Committee on Law Amendments presents the following as its Seventh Report.

Your committee met on Tuesday, June 23, 1992, at 7 p.m. and on Wednesday, June 24, at 10 a.m. in room 255 of the Legislative Assembly to consider bills referred.

Your committee heard representation on Bill 86—The Provincial Police Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Sûreté du Manitoba et apportant des modifications corrélatives à d'autres lois as follows:

Marvin Samphir - City of Winnipeg Law Department

Murray Blight - Brandon City Police Association

Al McGregor - Winnipeg Police Association

Jack Haasbeek - Private Citizen

Loren Reynolds - Commissioner of Protection, Parks and Culture, City of Winnipeg

Your committee has considered:

Bill 86—The Provincial Police Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Sûreté du Manitoba et apportant des modifications corrélatives à d'autres lois

and has agreed to report the same with the following amendment:

MOTION:

THAT subsection 26(5), as set out in subsection 11(2) of the bill be struck out and the following substituted:

Right to appeal

26(5) Where an order or determination is made by a police commission respecting the conduct of a member of a police force or any matter relating to the maintenance and operation of the police force, any person who is aggrieved by the order or determination or who is a party to any related inquiry or investigation may, within 30 days after the date of the order or determination, appeal the order or determination to a provincial judge.

Your committee has also considered:

Bill 87—The Law Enforcement Review Amendment Act; Loi modifiant la Loi sur les enquêtes relatives à l'application de la loi

and has agreed to report the same with the following amendments:

MOTION:

THAT clause (d) in Section 2 of the bill be struck out and the following substituted:

(d) in the definition "member", by adding ", and includes any person employed as a peace officer by a law enforcement body that is designated by regulation" after "Manitoba".

MOTION:

THAT subsection 13(1), as set out in subsection 5(1) of the bill, be amended by striking out "or" at the end of a clause (a), by adding "or" at the end of clause (b), and by adding the following as clause (c):

(c) that there is insufficient evidence supporting the complaint to justify a public hearing;

MOTION:

THAT Section 5 of the bill be amended by adding the following as subsection 5(2.1):

5(2.1) The following is added after subsection 13(4):

Ban on publication

13(4.1) Notwithstanding that all or part of a hearing under this section is public, the provincial judge hearing the matter shall, unless satisfied that such an order would be ineffectual.

(a) order that no person shall cause the respondent's name to be published in a newspaper or other periodical publication, or broadcast on radio or television, until the judge has determined the merits of the application;

(b) if the application is dismissed, order that the ban on publication of the respondent's name continue; and

(c) if the application is successful, order that the ban on publication of the respondent's name continue until the complaint has been disposed of in accordance with this act.

MOTION:

THAT Section 8 of the bill be amended by renumbering it as subsection 8(1) and by adding the following as subsection 8(2):

8(2) Subsection 18(2) is repealed and the following is substituted:

Question of privilege

18(2) Where the Commissioner believes that a question of privilege arises in respect of any documents or statements in his or her possession, or that release of the information will unduly harm the interests of a third party, or would otherwise harm the interests of a third party, or would otherwise be contrary to the public interest, the Commissioner may deny access to such materials to any of the parties.

Review by Court of Queen's Bench

18(3) A decision of the Commissioner to grant or refuse access to material referred to in subsection (2) is reviewable on application to the Court of Queen's Bench.

MOTION:

THAT the proposed subsection 24(10), as set out in subsection 11(8) of the bill, be struck out and the following substituted:

Respondent not compellable

24(10) The respondent is not compellable as a witness at a hearing before a provincial judge.

MOTION:

THAT the proposed Section 25, as set out in Section 12 of the bill, be struck out and the following substituted:

Ban on publication

25 Notwithstanding that all or part of a hearing is public, the provincial judge hearing the matter shall, unless satisfied that such an order would be ineffectual,

(a) order that no person shall cause the respondent's name to be published in a newspaper or other periodical publication, or broadcast on radio or television, until the judge has determined the merits of the complaint or the respondent admits having committed a disciplinary default; and

(b) if the complain is dismissed, order that the ban on publication of the respondent's name continue.

MOTION:

THAT the proposed subsection 27(2), as set out in subsection 14(2) of the bill, be amended by striking out "a balance or probabilities" and substituting "clear and convincing evidence".

MOTION:

THAT the proposed subsection 30(2), as set out in Section 16 of the bill, be amended by striking out everything after "loss" and substituting "of property or damage to property sustained by the complainant as a result of the disciplinary default, if

(a) the amount of the loss or damage is readily ascertainable; and

(b) the provincial judge is satisfied that recovery would not be more appropriately dealt with by a civil action."

MOTION:

THAT subsection 30(3), as set out in Section 16 of the bill, be amended by renumbering it as subsection 30(4), and

THAT the following be added as subsection 30(3):

Right to Indemnification not affected

30(3) Nothing in subsection (2) precludes the respondent from securing indemnification for the amount of any restitution ordered from his or her employer pursuant to a collective agreement or other legal obligation.

MOTION:

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

Your committee has also considered:

Bill 101—The Statute Law Amendment Act, 1992; Loi de 1992 modifiant diverses dispositions législatives

and has agreed to report the same with the following amendment:

MOTION:

THAT the English version of clause 60(5)(f), as set out in subsection 27(4) of the bill, be amended by adding "or" at the end of subclause (i).

All of which is respectfully submitted.

Mr. Penner: Mr. Speaker, I move, seconded by the honourable member for Seine River (Mrs. Dacquay), that the report of the committee be now received.

Motion agreed to.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I am proposing to call concurrence motions, report stage, I should say. Would you call first of all, in this order, 86, 87, and 101?

Mr. Speaker: No. 86, 87 and 101?

Mr. Manness: Correct, with leave, Mr. Speaker.

REPORT STAGE**Bill 86—The Provincial Police Amendment and Consequential Amendments Act**

Mr. Speaker: Is there leave to report Bill 86, The Provincial Police Amendment and Consequential Amendments Act? Leave? It is agreed to.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 86, The Provincial Police

Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Sûreté du Manitoba et apportant des modifications corrélatives à d'autres lois), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 87—The Law Enforcement Review Amendment Act

Mr. Speaker: Is there leave to report Bill 87, The Law Enforcement Review Amendment Act? Leave?

An Honourable Member: Leave.

Mr. Speaker: Leave. It is agreed to.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 87, The Law Enforcement Review Amendment Act (Loi modifiant la Loi sur les enquêtes relatives à l'application de la loi), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 101—The Statute Law Amendment Act, 1992

Mr. Speaker: Is there leave to report Bill 101, The Statute Law Amendment Act, 1992? Leave?

An Honourable Member: Leave.

Mr. Speaker: It is agreed to.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 101, The Statute Law Amendment Act, 1992, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Mr. Speaker: It has been moved by the honourable Attorney General, seconded by the honourable Minister of Finance, that Bill 101, The Statute Law Amendment Act, 1992; Loi de 1992 modifiant diverses dispositions législatives, as amended and reported from the Standing Committee on Law Amendments, be concurred in. Agreed?

An Honourable Member: No.

Mr. Speaker: On division?

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, with leave of the House, I propose to call report stage, Bills 20, 34, 49, 79, 82, 93, 96, and the Minister of Culture (Mrs. Mitchelson) will propose a report stage amendment on Bill 98.

Bill 20—The Municipal Assessment Amendment Act

Mr. Speaker: Is there leave to report Bill 20, The Municipal Assessment Amendment Act? Leave?

An Honourable Member: Leave.

Mr. Speaker: It is agreed to.

Hon. Clayton Manness (Government House Leader): Mr. Speaker, on behalf of the Minister of Rural Development (Mr. Derkach), I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 20, The Municipal Assessment Amendment Act (Loi modifiant la Loi sur l'évaluation municipale), as amended and reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

Bill 34—The Surveys Amendment Act

Mr. Speaker: Is there leave to report Bill 34, The Surveys Amendment Act; Loi modifiant la Loi sur l'arpentage? Leave?

An Honourable Member: Leave.

Mr. Speaker: It is agreed to.

Hon. Clayton Manness (Government House Leader): Mr. Speaker, with the leave of the House, I move, on behalf of the Minister of Natural Resources (Mr. Enns), seconded by the Minister of Health (Mr. Orchard), that Bill 34, The Surveys Amendment Act (Loi modifiant la Loi sur l'arpentage), reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

* (1210)

Bill 49—The Environment Amendment Act

Mr. Speaker: Is there leave to report Bill 49, The Environment Amendment Act? Leave. It is agreed.

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, I move (by leave), seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 49, The Environment Amendment Act (Loi modifiant la Loi sur l'environnement), as amended and reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion presented.

Mr. Speaker: Agreed?

Mr. Steve Ashton (Opposition House Leader): No.

Mr. Speaker: No. On division?

Mr. Ashton: On division.

Bill 79—The Highways Protection and Consequential Amendments Act

Mr. Speaker: Is there leave to report Bill 79, The Highways Protection and Consequential Amendment Act? Leave. It is agreed.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I move (by leave), seconded by the Minister of Health (Mr. Orchard), that Bill 79, The Highways Protection and Consequential Amendments Act (Loi sur la protection des voies publiques et apportant des modifications corrélatives à d'autres lois), reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

Bill 82—The Farm Practices Protection and Consequential Amendments Act

Mr. Speaker: Is there leave to report Bill 82, The Farm Practices Protection and Consequential Amendments Act? Leave. It is agreed.

Hon. Glen Findlay (Minister of Agriculture): I move (by leave), seconded by the Minister of Environment (Mr. Cummings), that Bill 82, The Farm Practices Protection and Consequential Amendments Act (Loi sur la protection des pratiques agricoles et apportant des modifications corrélatives à d'autres lois), as amended and reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

Bill 93—The Mental Health Amendment Act

Mr. Speaker: Is there leave to report Bill 93, The Mental Health Amendment Act? Leave. It is agreed.

Hon. Donald Orchard (Minister of Health): Monsieur le président, I move (by leave), seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 93, The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale, reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

Bill 96—The Special Operating Agencies Financing Authority Act

Mr. Speaker: Is there leave to report Bill 96, The Special Operating Agencies Financing Authority Act? Leave. It is agreed.

Hon. Clayton Manness (Government House Leader): Mr. Speaker, with leave of the House, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 96, The Special Operating Agencies Financing Authority Act (Loi sur l'Office de financement des organismes de service spécial), reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion presented.

Mr. Speaker: Agreed?

Some Honourable Members: No.

Mr. Speaker: On division.

* * *

Hon. Clayton Manness (Government House Leader): Mr. Speaker, we are going to have to delay Bill 98 to call for report stage on Bill 98, because there is an amendment that, as I indicated, is coming in. It is just not quite here yet in the Chamber—so within the next few minutes.

Mr. Speaker, I would then propose, with leave of the House, to go into third readings of the bills that we have just provided concurrence.

I move, seconded by the Minister of Environment (Mr. Cummings), with the leave of the House, that Bill 86, The Provincial Police Amendment and Consequential—just hold it one second. I will change that bill number.

THIRD READINGS

Bill 20—The Municipal Assessment Amendment Act

Hon. Clayton Manness (Government House Leader): I move, seconded by the Minister of Agriculture (Mr. Findlay), with the leave of the House, that Bill 20, The Municipal Assessment Amendment Act (Loi modifiant la Loi sur l'évaluation municipale), be now read a third time and passed.

Mr. Speaker: Does the honourable government House leader have leave for third reading of Bill 20, The Municipal Assessment Amendment Act? Is there leave? Leave. It is agreed.

Motion presented.

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, we just completed the public hearings on The Municipal Assessment Amendment Act yesterday. Many of the concerns that we have been raising since this bill was introduced were re-enforced by the presenters. We had raised the concern with the delay in the reassessment and the difficulties that we felt would result in this delay in reassessment and the fact that there was a commitment made when Bill 79 was introduced that reassessment would take place every three years. We are opposed to the delay, and that message came through from many of the presenters.

They felt that this was breaking a commitment and also that the delay of the reassessment was going to have an impact on many people—being assessed at 1985 values was going to have a detrimental effect. They were concerned. Some of the groups who did present said that they would go along with this, but they also would be very concerned if the government chose again next year to further delay the reassessment and would be speaking out very loudly against it.

They did say also that they would accept the reassessment begrudgingly because it was late in the year and they could not—there was concern that there was a possibility that the government would continue to delay assessments from year to year. One of the reasons for the delay in the assessment was that this was a transition year and we would be getting a better quality assessment because of the new funding formula and lack of information, but we got no information provided to us as to how the quality of the assessment was going to improve if there was a delay.

We just see no benefit to this delay, and we are opposed to it, Mr. Speaker. We introduced an amendment to that effect, but of course, we did not succeed in that area.

There were other areas of concern that were raised, particularly from farm groups and business groups, which are concerned that farmers and businesses do not have the same right to appeal as do homeowners. Again, we raised that issue. We tried to introduce an amendment, but it was ruled out of order. Just on that point, Mr. Speaker, I would like to make a few comments.

We were disappointed in how that was handled. When we brought in an amendment, we were ruled out of order and were not able to give our comments because that section of the act was not open. However, a few minutes later, when the Minister of Rural Development (Mr. Derkach) wanted to introduce an amendment that was not part of the act, we co-operated with him. Although our amendments were out of order, we would expect that the same courtesy would be extended, perhaps not to have the amendment agreed to, but to at least hear the concerns, because we were expressing the concerns of the people who spoke at the hearings. I think government should be willing to listen and not expect opposition members to co-operate when they have an amendment that is not part of the bill but also listen to opposition members.

Mr. Speaker, the people were also concerned about the consultation that had taken place before this bill was introduced. They had some serious concerns, and they raised those. The minister has indicated that he is willing to listen and deal with some of these things, so I hope, when we deal with these issues again, he listens to those people who have had concerns and that he takes into consideration the farm groups and the business groups who have said that they are willing to sit down and work through the problems that are in the bill right now. The minister has given that indication, so we hope that we will have better co-operation and that people will listen.

* (1220)

Mr. Speaker, this delay in assessment is one problem and also the right to appeal. There are farmers and business people who have said that because of external factors, businesses had to close. Farmers have identified areas where they might be faced with serious problems. The minister

says he is willing to accept and look into these concerns. We look forward to dealing with that and to this bill being amended in a way that will deal with those concerns.

In particular, we are very concerned that we do not have another delay in assessment. Now, the government moved forward on a bill that would address the concern of the length of time between reassessment, but if they are lengthening it now and we are still at 1985 values and they choose again to delay reassessment for whatever reasons—we have not quite figured out what the reasons are for this delay. Even though they tell us it is the funding formula for education that is the real concern, we have some doubts about that, Mr. Speaker.

With that, I would like to say that we are opposed to what the government is doing in this bill, that they are delaying the reassessment. There are many concerns with it. We would ask that the government give very serious consideration to those people who have raised concerns with the reassessment, but also sections of the bill that deal with the right to appeal and the portioning section of it that are causing concern, Mr. Speaker. Thank you very much.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? The question before the House is third reading of Bill 20, The Municipal Assessment Amendment Act; Loi modifiant la Loi sur l'évaluation municipale. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: No.

Mr. Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, please say nay.

Some Honourable Members: Nay.

Mr. Speaker: In my opinion, the Yeas have it.

Mr. Steve Ashton (Opposition House Leader): On division.

Hon. Clayton Manness (Government House Leader): Mr. Speaker, now that we have the amendment with respect to Bill 98, would you call report stage for Bill 98.

REPORT STAGE**Bill 98—The Manitoba
Multiculturalism Act**

Mr. Speaker: Is there leave to report Bill 98, The Manitoba Multiculturalism Act? Leave? Leave. It is agreed.

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mrs. McIntosh),

THAT Bill 98 be amended by adding the following after the third paragraph of the preamble:

AND WHEREAS the Legislative Assembly of Manitoba is committed to the promotion of racial harmony;

[French version]

Il est proposé que le projet de loi 98 soit amendé par adjonction, après le troisième paragraphe du préambule, de ce qui suit:

ATTENDU QUE l'Assemblée législative du Manitoba s'engage à promouvoir la bonne entente entre les groupes ethniques;

That is in both languages.

Motion presented.

Ms. Marianne Cerilli (Radlsson): Mr. Speaker, I understand that this is a debatable motion, and I could have up to 20 minutes to speak to this motion. I would like to do that and just clarify that I am not actually debating the bill right now but just this amendment.

I would just like to say that I think this amendment flows from an amendment that I made at committee last night, an amendment which said that the Legislative Assembly was going to be committed to the elimination of racial discrimination.

I just want to inform you and inform the House that the government did not support that amendment, which I think anyone would agree is a much stronger commitment to combatting racism, to seeing that racism is a key part of any multicultural act. In fact, one of the reasons that we have a multicultural policy is that we are trying to find ways for government to develop policy and programs so that we have a more harmonious, a more equitable and more just society for all Manitobans and all individuals in our society.

I would suggest that the way the government has changed the wording of this amendment makes it less proactive and makes it easy for the government to have words on the paper to promote racial harmony. I do not think anyone would disagree with that. But what about having a commitment to take a proactive and defiant stance to combatting racism, and to take a proactive approach to ensuring that the government has a commitment to take steps, that when incidents of racism occur in the community, they are going to be there, that citizens can be comfortable and confident that the government is going to do all it can to ensure that laws are enforced, to ensure that it will send strong messages to the community that these things are not acceptable, that it will do everything that it can to bring people together in the community so that there is going to be a strong response, so that people are going to be organized in a way so that they can respond to racist incidents.

I would suggest that kind of thing is what is necessary. That is the spirit and the intent from the amendment that I made last night. I think this government's change in the wording is an attempt to somewhat sugar coat the whole problem of racism. I am concerned that there is an element of denial on that side of the House of the extent of racism, that there is some denial of how pervasive and how damaging it is.

In the past, when there have been problems in the community, when there have been incidents that have arisen, the community has been quite clear in saying that they felt the government has not done enough. I really am concerned that this is being brought in as an amendment in third reading, and that this was not part of the original bill. That came out loud and clear at the public hearings.

I am sure that many of the community organizations that are advising the government or that the government consults with would make a very strong case that this is the kind of part of the preamble that should have been there from the very beginning, Mr. Speaker, a kind of commitment to having multicultural policy that is going to eliminate racism and that is going to be proactive.

* (1230)

As I said, I am not convinced that the government has that kind of commitment to taking a proactive stand, and I think that this is evident by the fact that they did not have this included at the beginning of

the act when it was first presented in the Legislature here and it was sent out into the community. That causes me great concern. I know that there has been agreement that we would recess for 12:30, so I will not take up my full time, use my full 20 minutes to debate this motion further.

I would just like to make it perfectly clear that this is an amendment that has been, I think it is clear, adapted from an amendment that I proposed in committee last night. I would urge the government to not water down, as they have watered down this amendment, their commitment to eliminating racial discrimination, that they will not continue to deny the very problem of intercultural conflict and exploitation that a number of members of our society continue to suffer, and that they will in fact develop multicultural policy and implement programs that go along with that policy that will see that we have some social justice for all members of our community. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I do want to add a few words to this particular amendment. Earlier this morning, we had an amendment that was brought forward at which time we supported primarily because we felt, as the member for Radisson (Ms. Cerilli) has pointed out, this was an area in which it would have been an appropriate place to have something dealing with racism. I must say, I do not have a copy of the other amendment because we ended up withdrawing it, given who was going to be supporting it and who was not going to be supporting it and so forth.

I must say that in reading this whereas, I am quite pleased with it. I think that the minister has managed to put it in a very positive way. I think, Mr. Speaker, in this particular case, the minister could be given some credit. I go back to the committee meeting where we had heard from Dr. Qamar with respect to the whole terminology of racial harmony. I think what it does is it demonstrates to the people and to all of us that the public hearing process that we have between second reading and report stage is well worth it when we get things of this nature coming out of it.

Having said what I have said, I also believe it would have been good to have seen more of a commitment to that racism, as has been pointed out in a report that everyone in this Chamber is familiar with, the Manitoba Intercultural Council on Combatting Racism, where it talks about, if we want

to combat racism, the most important thing that we need to do is through education.

I guess, if there would have been some inference to that in this WHEREAS, or some inference within the legislation, that we have to accept, if we are ever going to get rid of racism, Mr. Speaker, that we are going to have to recognize the importance of education and tolerance and so forth.

This is something, no doubt, that we could possibly see in the future in the multicultural act, at least some reference made to that educational component. Having said those few words, Mr. Speaker, we will be supporting this amendment.

Mr. Gulzar Cheema (The Maples): Mr. Speaker, I would also like to speak on this amendment for a few minutes.

Mr. Speaker, as we heard during the presentation on this bill, one of the presenters made those remarks, the individual Dr. Qamar who has served Manitoba for the last many years in his capacity as one of the middle managers in the Department of Agriculture. He made it very clear that the only way we can change attitudes, which is a learned behaviour over a period of time, is by a positive contribution.

We have seen that we can give all the names that we want as long as we are dealing with a positive approach for each and every cultural value of individuals and groups. In my view, that is the only way to achieve it, and that is a very good start. We can give all the things we want to, but unless you will be able to convince others to like you—you cannot just force anybody to like you. You have to present what is best in you to make sure they come on the same wavelength. It is a very, very slow process. It is a very gradual process, but that is the beginning. I think it is very positive, because there is no country in the whole world which is not without this problem. Racism is very relative. It depends upon how you think, where you live, what kind of background you have.

Mr. Speaker, it takes a long time. It has to start with the schools, the workplace and all other places where we all work. In fact, even by my presence here, I think I am promoting racial harmony which is a contribution I, in my being here, am making because we are bringing out something positive from the various communities here. We all do from our own point of view because even in any given relationship, we cannot convince even a personal

relationship by force or by law or by just being superficial. You have to develop some positive communications, some positive attitude.

That is human behaviour, whether you take it at a personal level, at a society level or as a nation. I think it is very important to have that kind of wording to put into the law that people can feel comfortable with, because when you talk about giving it other names which may not be acceptable to some individuals—I am sure the time is going to come eventually when people are going to be more open and have developed a better understanding, but time will tell in the long run.

Mr. Speaker, the other thing that we could do—we cannot put that in the law, I am not suggesting that—is set up a day in Manitoba just to promote racial harmony and try to find some of the similarities we have, try to find some of the cultural values we bring. I mean, we have Folklorama, but that deals with only one aspect. It does not deal with one of the main issues, the real issues of day-to-day living.

Mr. Speaker, it is very important because what this kind of wording will help, in my view, is somebody who is a garment worker, a factory worker, someone who is driving a cab or who has just arrived a few days ago and does not know about this province. It will help them to feel comfortable that we have something like this in Manitoba.

If you look around the world, not many countries have these things. These kinds of things are happening everywhere and people are killing each other simply because they do not understand or they do not want to. There are a number of factors which are causing hatred and all kinds of things which drive people away from each other and, in the long run, they are losing. Countries are falling apart on the basis of religion.

Manitoba is a very good example where we have a cultural diversity which really goes across the world. The message is always sent that there are positive things happening. So, Mr. Speaker, personally, and as the member for Inkster (Mr. Lamoureux) has said, we concur with this amendment, as I said last night also.

The reason I am speaking again is because I was being accused by a single party that I do not speak on the issues which are affecting ethnic minorities. I thought that at least I should mention that, that even by being present here, trying to learn the behaviour of others and they are learning about my cultural

background and other things, that is a positive contribution.

I just want to end my remarks by saying that we can only change people by convincing them but not forcing them, Mr. Speaker.

Mr. Speaker: Is it the pleasure of the House to adopt the motion?

Mrs. Mitchelson: Mr. Speaker, I will keep my remarks very brief. I do want to indicate that this amendment, yes, I will say does flow from the amendment that was proposed last night by the member for Radisson (Ms. Cerilli). I guess the reason last night in the wee hours of the morning that we could not support the amendment that was introduced was, in fact, that it provided a negative connotation.

We have a very positive piece of legislation, Mr. Speaker, that is all inclusive. It talks about who we are as Manitobans, and it defines the nature of our province. It is to be a piece of legislation that does unify our community. I do not think that any one political party can stand up and say with conviction, we are the only political party that is promoting racial harmony; we are the only political party that can stand up and speak against racism.

I think every member of this Legislature—and it is their duty as elected members of the Legislature to go out and promote racial harmony which I think we can do on a regular basis. It is important for us to stand up and say we will not condone racism. We, Mr. Speaker, have put into place programs and policies within government that deal with some of those issues.

* (1240)

I would like to refer to the comments made by the member for The Maples (Mr. Cheema) when he indicated that it is a long, ongoing process. It is not something that is going to happen overnight. We have to make personal commitments as members of the Legislature. All Manitobans have to make personal commitments to try to effect change and positive change.

As we go through this process, as the years evolve, and as our children from many different countries grow up together, live next door to each other, go to school together, play together, in fact, there will become more understanding, more respect for each other for our differences, but what we can contribute to our similarities. We are, in fact, all human beings. We all have equal opportunities

in this wonderful country that we have, in our great province of Manitoba.

Mr. Speaker, with those few comments, I want to say that this amendment was introduced, and I would hope to have unanimous support from the House, from all members of the Legislature and indeed all Manitobans on the positive aspect of the amendment. Thank you.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? That is agreed and so ordered.

Mrs. Mitchelson: Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mrs. McIntosh), that Bill 98, The Manitoba Multiculturalism Act (Loi sur le multiculturalisme au Manitoba), as amended and reported from the Standing Committee on Municipal Affairs, be concurred in.

Motion agreed to.

Committee Change

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I have a committee change.

I move, seconded by the member for The Maples (Mr. Cheema), that the composition of the Standing

Committee on Municipal Affairs be amended as follows: Inkster (Mr. Lamoureux) for St. James (Mr. Edwards). That is to confirm the change that was moved last evening. [Agreed]

House Business

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I understand that there was a consensus of the House in discussions to try to adjourn to allow members some opportunity for lunch and caucus before we come back.

I would just indicate, I understand there is some discussion going on between House leaders with respect to the Committee of Privileges and Elections. I understand those will be going on. There maybe an announcement to that effect when the House resumes, for that committee. I understand discussions are going on now, so I will not formally make an announcement.

I would move, seconded by the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), that the House do now adjourn.

Motion agreed to.

Mr. Speaker: The House now adjourns and stands adjourned until 1:30 p.m. this afternoon (Wednesday).

Legislative Assembly of Manitoba

Wednesday, June 24, 1992

CONTENTS

Tabling of Reports

Annual Report, Energy and Mines
Downey

5368

Bill 87, Law Enforcement Review
Amendment Act

5393

Bill 101, Statute Law
Amendment Act, 1992

5393

Bill 20, Municipal Assessment
Amendment Act

5394

Bill 34, Surveys Amendment Act

5394

Bill 49, Environment Amendment Act

5394

Bill 79, Highways Protection and
Consequential Amendments Act

5394

Bill 82, Farm Practices Protection and
Consequential Amendments Act

5394

Bill 93, Mental Health Amendment Act

5395

Bill 96, Special Operating Agencies
Financing Authority Act

5395

Third Readings

Bill 20, Municipal Assessment
Amendment Act
Wowchuk

5395

Report Stage

Bill 98, Manitoba Multiculturalism Act
Amendment
Mitchelson
Cerilli
Lamoureux
Cheema
Mitchelson

5397

5397

5398

5398

5399

5368

Debate on Third Readings

Bill 64, Child and Family Services
Amendment Act

5368

Doer

Carstairs

5370

Barrett

5371

Gilleshammer

5375

Bill 70, Social Allowances Amendment
and Consequential Amendments Act

5375

Doer

Carstairs

5378

Ashton

5379

L. Evans

5382

Bill 76, Pension Benefits Amendment Act
Barrett

5386

Presenting Reports by Standing and Special Committees

Municipal Affairs, 5th Report
Rose

5388

Law Amendments, 7th Report
Penner

5391

Report Stage

Bill 86, Provincial Police Amendment
and Consequential Amendments Act

5393