



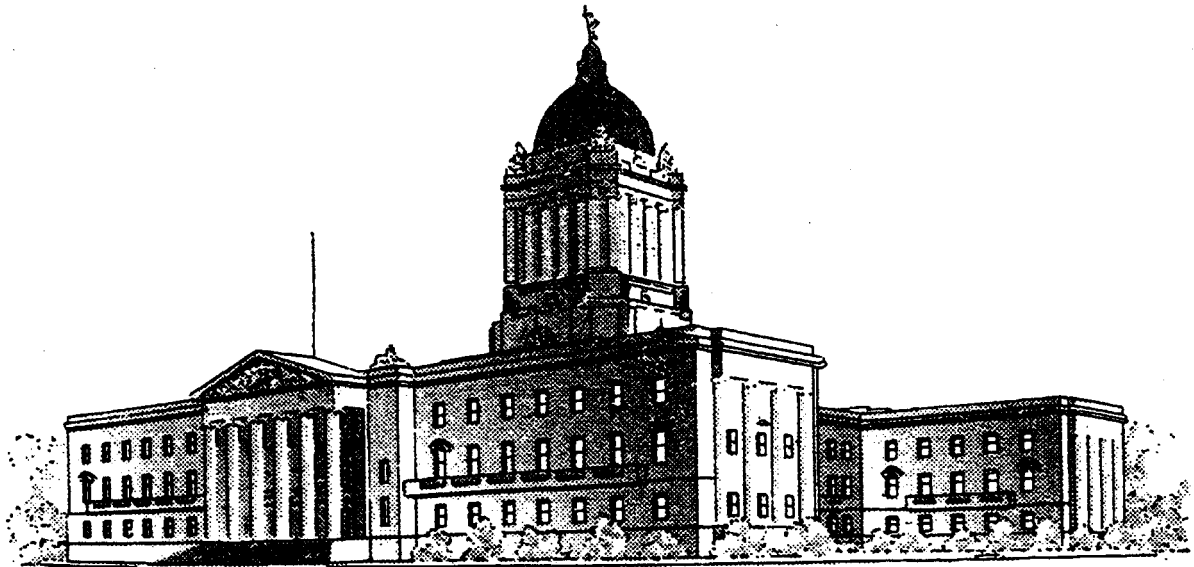
First Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(Hansard)**

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The Honourable Louise M. Dacquay
Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Sixth Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 14, 1995

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES

Committee of Supply

Mr. Marcel Laurendeau (Chairperson of Committees): Madam Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Pembina (Mr. Dyck), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Vic Toews (Minister charged with the administration of The Civil Service Act): Madam Speaker, I have the pleasure of tabling the Supplementary Estimates for the Civil Service Commission.

INTRODUCTION OF BILLS

Bill 16—The Highway Traffic
Amendment Act

Hon. Glen Findlay (Minister of Highways and Transportation): Madam Speaker, I move, seconded by the Minister of Natural Resources (Mr. Driedger), that leave be given to introduce Bill 16, The Highway Traffic Amendment Act; Loi modifiant la Loi sur le Code de la route, and that the same now be received and read for a first time.

Motion agreed to.

*(1335)

Bill 17—The City of Winnipeg
Amendment Act (2)

Hon. Jack Reimer (Minister of Urban Affairs): Madam Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Ernst), that leave be given to introduce Bill 17, The City of Winnipeg Amendment Act (2); Loi no 2 modifiant la Loi sur la Ville de Winnipeg, and that the same be now received and read a first time.

Motion agreed to.

Bill 18—The Housing and Renewal
Corporation Amendment Act

Hon. Jack Reimer (Minister of Housing): Madam Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Ernst), that leave be given to introduce Bill 18, The Housing and Renewal Corporation Amendment Act; Loi modifiant la Loi sur la Société d'habitation et de rénovation, and that the same be received and read a first time.

Motion agreed to.

TABLING OF REPORTS

Hon. Darren Praznik (Minister of Energy and Mines): Madam Speaker, could I ask for leave to please revert to tablings, so that I may table the Supplementary Information for Legislative Review for the Department of Energy and Mines?

Madam Speaker: Does the honourable Minister of Energy and Mines have leave? [agreed]

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery, where we have with us this afternoon forty-five Grade 5 students from Margaret Park School under the direction of Mrs. Diane Minaker. This school is located in the constituency of the honourable member for Kildonan (Mr. Chomiak).

We also have thirty-seven Grade 5 students from Strathmillan School under the direction of Mrs. Barb Lucier and Mrs. Leslie Wright. This school is located in the constituency of the honourable member for Sturgeon Creek (Mr. McAlpine).

We also have eighteen Grades 7 to 9 students from Duck Bay School under the direction of Valarie Gibouche. This school is located in the constituency of the honourable member for Swan River (Ms. Wowchuk).

We also have forty Grade 9 students from Ken Seaford Junior High School under the direction of Mr. Rick Kraychuk and Mr. Gerry De-Dennis. This school is located in the constituency of the honourable member for The Maples (Mr. Kowalski).

On behalf of all honourable members, I welcome you this afternoon.

ORAL QUESTION PERIOD

Winnipeg Jets Operating Losses

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, my question is to the First Minister.

On June 27, 1994, the government indicated that they would be forwarding some \$5.37 million to cover the operating losses for the privately owned hockey team in the province.

Today we have been informed that the losses for the hockey team will be close to \$13.5 million. This is in spite of the fact, Madam Speaker, that the hockey team was in a lockout situation and did not play 40 to 50 percent of the season.

I would like to ask the Premier, could he confirm the loss number in terms of the hockey team for the present hockey season year?

Hon. Gary Filmon (Premier): No, I cannot, Madam Speaker.

Mr. Doer: Madam Speaker, one would think that if one was developing a so-called long-term plan for the existing proposal, one would know what the existing losses would be.

* (1340)

Endowment Fund

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, I would like to ask the Premier, in light of the fact that in Hansard, in the Estimates that we have just completed for the Premier, on June 1, 1995, the Premier indicated that \$60 million would be placed in a so-called endowment fund.

I would like to ask the Premier, given the 40 percent increases in expenses of the hockey team in a strike and lockout year, \$10 million of which is on the salary line of this hockey team, how long does the Premier budget that this endowment fund will last with losses that could be projected over \$20 million in the next season?

Hon. Gary Filmon (Premier): Madam Speaker, the reason I could not confirm the figure that was being speculated by the Leader of the Opposition was that their year end has not yet been reached. It is June 30, and all of the numbers and figures that go into the preparation of that or the arriving at that number obviously are not yet available to anyone.

With respect to the second question, Madam Speaker, clearly, the group who is acquiring ownership of the team is not projecting \$20-million annual losses or they would not be going into this venture on that basis.

Mr. Doer: Madam Speaker, I asked the Premier, because he indicated a \$60-million endowment fund would cover the losses of the team in the future.

Madam Speaker, we have a situation where the projected losses that have been reported to City Hall are above the projected losses that were announced in the government's own press release last year in June. We have a situation where these losses, these 40 percent increases in expenses on the salary line, took place in a strike and lockout year.

I would like to ask the Premier to table the so-called business plan, if they have one, that deals with the projected losses and the endowment fund of \$60 million.

Will two-thirds of that endowment fund be spent before the new projected arena is even open, Madam Speaker?

Mr. Filmon: No, that is not anticipated, Madam Speaker.

Mr. Doer: Madam Speaker, I would like the Premier to table the so-called business plan, and, of course, we have been asking for the government to be open with the people of Manitoba for a long time, and it would certainly help today if he would start doing that.

Charitable Status

Mr. Gary Doer (Leader of the Opposition): I have a new question for the First Minister.

In the Premier's Estimates, on June 1, 1995, the Premier indicated that he was opposed to a charitable status being arrived at by Revenue Canada. He repeated that answer in the Legislature on June 12. Madam Speaker, the Minister of Finance (Mr. Stefanson) has indicated that that amount of money could cost the provincial taxpayers, on top of the arena money, up to \$9 million at minimum.

I would like to ask the Premier, in light of the fact that one of the conditions of MEC is the so-called charity status from Revenue Canada, what conditions has the Premier placed back on MEC on his condition that no charitable status would be given?

Hon. Gary Filmon (Premier): Madam Speaker, the decision as to whether or not any type of tax treatment is granted to any portion of the investments in the Spirit of Manitoba Inc. or MEC is the sole prerogative of the government of Canada. I have repeatedly said that, as has the Minister of Finance (Mr. Stefanson) to the Leader of the Opposition.

He ought not to indicate to anyone that it is our decision. It is not.

Mr. Doer: It is the sole decision of the government to go from a \$10-million commitment to a \$37-million commitment on the arena. It is the sole commitment of this Premier to place the shares into this new entity.

Has the Premier placed any conditions on the \$37 million or the share conditions? Has he made any of those investments of the public taxpayers conditional upon this management group not obtaining a Revenue Canada decision to deprive the Manitoba taxpayers of another \$9 million?

In other words, is he putting conditions forward on our money in these negotiations?

Mr. Filmon: Madam Speaker, we cannot stop the federal government from making a tax ruling.

* (1345)

Mr. Doer: Madam Speaker, given the Premier is opposed to a charitable status for Revenue Canada—can you imagine? We will have Hartley Richardson as a charity today, Peter Pocklington as a charity tomorrow, and God knows who else the next day. I mean, this is not free enterprise.

Given the fact the Premier is opposed to this condition, will he state that our \$37 million and our other shares that we are putting into this team is conditional upon this management group not applying for a Revenue Canada status to be a charity here in the province of Manitoba?

Mr. Filmon: I cannot believe that this opposition party will go to any lengths to prevent the Winnipeg Jets from staying in Manitoba. They are absolutely incredible, absolutely incredible, that they would go to any lengths.

Madam Speaker, the hypocrisy of New Democrats just drips from his voice, when you consider that colleagues of his in the Pawley government went out of their way to obtain opportunities for tax shelters over and over again, milking the taxpayers of Manitoba and Canada time and time again.

Point of Order

Mr. Doer: Yes, Madam Speaker, the Premier is the same as all members in this Chamber, and when the Speaker stands, which you have done for the last 10 sentences of the Premier, the Premier is required to sit down.

Madam Speaker: On the point of order by the Leader of the official opposition, indeed, the Leader did have a point of order.

The Speaker, indeed, was on her feet to address continuous disruption, what appeared to be disruption in the proceedings, and I would request the cooperation of all members in adhering to the rules of the House.

* * *

Mr. Dave Chomiak (Kildonan): Madam Speaker—

Mr. Filmon: Sorry, Madam Speaker, I was not finished—

Some Honourable Members: Sit down; sit down.

Point of Order

Mr. Filmon: Madam Speaker, with respect, I was attempting to finish my response, when I was interrupted by the rude disruption on the other side.

Madam Speaker: The honourable First Minister, indeed, was interrupted by myself when I ruled on the point of order.

The honourable First Minister, to quickly complete his response.

* * *

Mr. Filmon: I just want to point out the extreme hypocrisy of New Democrats whose members continuously utilize tax shelters, not only for their own purposes, but they set up Manitoba Properties Inc. as a tax shelter to allow wealthy Manitobans to be able to abuse the tax system both in Manitoba and Canada.

Madam Speaker: Order, please. I would once again remind all honourable members to pick and choose their words most carefully.

* (1350)

St. Boniface General Hospital Staffing Reduction

Mr. Dave Chomiak (Kildonan): Madam Speaker, today St. Boniface Hospital announced the cutting of another 22 positions due to government funding cuts.

This is in addition to several hundred cuts in November, '92, 141 in April '93, and the elimination of all the LPNs from the hospital. Of course, we always hear the same phrase—patient care will not be affected by this.

My question to the minister: Can the minister explain how this action will reduce surgical waiting lists, since we will see the loss of a further additional nine surgical beds?

Hon. James McCrae (Minister of Health): Madam Speaker, these are not my words but the words of Mr. Jack Litvack from St. Boniface Hospital, those being that the closure of these beds will not impact the quality of care provided to the patients or the surgical caseload performed at St. Boniface General Hospital.

Honourable members opposite, I recall many references to the advent of not-for-admission surgery and day surgery in our hospitals in Manitoba, and that is exactly what St. Boniface Hospital is referencing, as well.

You know, last summer, it was announced that there would be a total of 403 position-deletion notices at the two teaching hospitals. This is now June and the number of layoffs, Madam Speaker, has been two, and they have been voluntary layoffs.

Mr. Chomiak: How does the minister explain what this action will do to reduce waiting lists for surgery, since tomorrow, the government's election waiting list reduction program ends at all of the hospitals?

Mr. McCrae: I can only refer the honourable member to the announcement made by Mr. Litvack of St. Boniface General Hospital, Madam Speaker, and the point is that not-for-admission surgery, day surgery, has replaced a lot of the inpatient stays that have characterized the past in our acute-care sector.

The shift to newer and less intrusive technologies in dealing with operative procedures, as well as other restructuring efforts on the part of the staff at these hospitals, Madam Speaker, have contributed greatly to better patient care and have also contributed to a more efficient operation of our hospitals.

Health Care System Community-Based Services

Mr. Dave Chomiak (Kildonan): My final supplementary to the minister is, where are all the positions that are supposed to be created in the community to replace all of these closures and all of these job losses, particularly when one considers that this year the budget for Home Care workers is down \$1.8 million.

Hon. James McCrae (Minister of Health): I am glad the honourable member raises these questions, because it gives us an opportunity to remind the House and to remind the people of Manitoba of the hundreds and hundreds of new personal care home beds opened in Manitoba in the last seven years, the hundreds and hundreds of jobs that have been opened by virtue of that.

In the last five years alone, we have added some 750 people to the rolls of those who provide service under our Home Care program.

We are pleased again to reannounce today, since the honourable member asked, the advent of nurse resource centres in places like St. Vital, Thompson, Manitoba—I know the honourable member for Thompson (Mr. Ashton) would be interested in this—at a soon-to-be-disclosed location in the Norman region and another soon-to-be-disclosed location in the Parkland region of Manitoba.

All of those initiatives provide a more appropriate type of health care and health delivery system in our province and very fortunately, too, put many, many health care professionals to work in our province.

* (1355)

Canadian Wheat Board Monopoly

Ms. Rosann Wowchuk (Swan River): Madam Speaker, farmers in western Canada spoke out very clearly last fall when they voted for the Wheat Board Advisory Committee, stating that they wanted the monopoly of the Wheat Board to be maintained. However, leaked reports from the Canadian-U.S. International Joint Commission on Grains indicate that one of their recommendations will recommend opening up the Wheat Board to the marketplace.

This is a very serious concern for farmers and farm organizations, and I want to ask the Minister of Agriculture how he feels, if he is as concerned as farmers about this recommendation.

Hon. Harry Enns (Minister of Agriculture): Madam Speaker, I regret I missed the first part of the question. I wonder if I could ask her to repeat it, please.

Madam Speaker: The honourable member for Swan River, to quickly repeat the question.

Ms. Wowchuk: Madam Speaker, there is a recommendation made by the Canadian-U.S. International Joint Commission on Grains indicating that they recommend the opening of the Wheat Board to the marketplace. This is a concern to farmers, and I want to ask the minister if he is concerned about—if this recommendation is implemented, what the impacts will be on farmers.

Mr. Enns: My impression is that the Wheat Board was always very much in the marketplace, not only in this country but in the United States, but, quite frankly, doing an admirable job in places like Brazil and Algeria and China and in Russia.

Regarding the reference to the commission that the honourable member for Swan River speaks of, my best information is that the full contents of that report have yet to be made public. They are reporting to their respective governments, and I am awaiting the publication of those comments. They have not crossed my desk yet.

Ms. Wowchuk: Since this recommendation will result in the monopoly of the Wheat Board being destroyed and will have a devastating effect on farmers, I want to ask the minister what action he is prepared to take to ensure that these recommendations do not become a reality and that the monopoly of the Wheat Board is retained.

Mr. Enns: Madam Speaker, I regret that the honourable member from the opposition—and, regrettably, it reflects the ongoing view of the New Democratic Party, the official opposition in this House, but the issue surely is not of a hang-up on words like monopoly or indeed even single-selling desks.

The issue is what opportunities do our Manitoba farmers have in marketing their products in the best possible way with the best possible returns to themselves for the maintenance of economic farm units and for the general well-being of the economics of this province.

So, Madam Speaker, these are issues that face the Wheat Board. I have a great deal of confidence in terms of how the Wheat Board has reacted in the past to some of these challenges, and I suggest that they will be doing some very innovative things in the future.

Ms. Wowchuk: Will the minister state clearly today that he supports the Wheat Board as it is, that it has monopoly over the sale of wheat, and will he state that he supports farmers, because this is what farmers want. They want the monopoly to be retained for the Wheat Board on—

Madam Speaker: Order, please. I would remind the honourable member for Swan River that a supplementary question should not require a preamble or a postamble.

Mr. Enns: Madam Speaker, on a matter that is, indeed, extremely serious, Manitoba grain producers face an unprecedented increase in their costs; that is, the movement of grain into export position, brought about by the Liberal government in Ottawa, I might say.

Canada's longest-standing support program for agriculture is coming to an end this August 1, 1995, a \$700-million support program known as the Crow.

Now, Madam Speaker, what the Canadian Wheat Board will have to react to and what Manitoba grain producers will react to is to seek out and search out those markets that best maintain their viability. I can tell you that the most attractive market is the one that is closest to us, namely the American market, and that is going to be an issue that the Canadian Wheat Board will have to deal with.

Where do I stand? Whom do I support? I support the farmers whom I have the privilege of representing.

* (1400)

Clean Environment Commission BFI Landfill Site

Ms. Becky Barrett (Wellington): Madam Speaker, the City of Winnipeg has made it abundantly clear for a long period of time now to the province that it has many serious concerns over the proposed BFI landfill site in the R.M. of Rosser. Environmental issues, governance issues and financial issues are all of concern.

I would like to ask the Minister of Environment today if there are Clean Environment Commission hearings scheduled to deal with the specific issue of the BFI landfill site, and if there are, will he table the terms of reference for those Clean Environment Commission hearings?

Hon. Glen Cummings (Minister of Environment): The answer is yes, and I will.

Ms. Barrett: Madam Speaker, will the Clean Environment Commission hearings include concerns

that the proposed landfill site in Rosser was rejected by the city 20 years ago because it sits on a major aquifer whose potable water supply would be seriously jeopardized by such a landfill located in that location?

Mr. Cummings: Any of those environmental concerns—and certainly if what the member says is correct, that would be a concern—will be carefully examined in any hearings held by the Clean Environment Commission.

Ms. Barrett: Madam Speaker, will the minister—since I do not have the terms of reference of the Clean Environment Commission hearings—ensure that, should the Clean Environment Commission hearings not deal specifically with the BFI landfill site, he will request and require a further Clean Environment Commission set of hearings to deal specifically with the BFI landfill site?

Mr. Cummings: Madam Speaker, in discussions with the city, which became public about two to three months ago, I stated very clearly and publicly in response to the city's concerns and to BFI's concerns that we would be structuring a process that will allow for, first of all, some prehearing input regarding the debate about whether or not the city should have a monopoly over waste within its boundaries, whether or not the capital region is appropriately served, and even areas beyond the capital region, whether or not they have appropriate and reasonably costed availability of landfills.

We must not forget that there are a lot of jurisdictions outside the city of Winnipeg which, in fact, are, because of environmental regulation, actively searching for additional sites.

Madam Speaker, I would also add that, once that information has been put together, there will be Clean Environment Commission hearings on the specific site.

Post-Secondary Education Funding

Mr. Gary Kowalski (The Maples): Madam Speaker, this week, the Faculty of Engineering at the University of Manitoba acknowledged that they might be the first

to cut an entire program due to funding reductions. The end of the geological engineering program at the University of Manitoba comes because this government underfunds post-secondary education.

The recently released '93-94 report to Parliament on federal and provincial support to post-secondary education offers us an opportunity to compare Manitoba's commitment to post-secondary education funding with other Canadian provinces. The report shows that Manitoba spends less per person on post-secondary education than every other province in Canada except Saskatchewan.

Madam Speaker: Order, please. Will the honourable member please pose his question now.

Mr. Kowalski: Madam Speaker, my question is for the First Minister (Mr. Filmon).

Given this government has repeatedly acknowledged that in today's economy, education is the most important engine of economic growth, how does the Premier justify funding post-secondary education well below the national average?

Hon. Jim Ernst (Acting Minister of Education and Training): Madam Speaker, I will take that question as notice on behalf of the Minister of Education and Training (Mrs. McIntosh).

Mr. Kowalski: Madam Speaker, once again to the Premier, will he consider this, in light of today's announcement and given that a highly credible report indicates that had we done in '93-94 what other provinces have done, we would have had additional spending of \$18 million to post-secondary education?

Hon. Gary Filmon (Premier): Madam Speaker, I find it very difficult to understand how a question like that could come from a member of the Liberal Party in this Legislature, a Liberal Party that stood up and said they supported all of the cuts to post-secondary education and universities in this country that are going to take place under the federal Martin budget, that are going to devastate universities right across Canada, including those in Manitoba, huge cuts to those universities, and he and his Leader stood up and said that it was fair.

I cannot believe he has the audacity to now talk about lack of funding for universities. It is unbelievable.

Mr. Kowalski: Madam Speaker, is the Premier aware that when EPF funding is factored out, the portion remaining, which is the provincial contribution, has declined by \$10 million between '92 and '94?

Mr. Filmon: Madam Speaker, I am aware that the federal government is proposing significant and major cuts to funding for post-secondary education in this country and in Manitoba in the future.

I would urge the member for The Maples to set aside his partisan interests and join us in demanding that Ottawa reverse those cuts and in urging Ottawa to put more money into post-secondary education in this province.

Winnipeg Arena Pan Am Games Funding

Ms. Marianne Cerilli (Radisson): Madam Speaker, I have raised before in the House concerns about the Pan Am Games advancing \$5 million towards the new arena. I would like to ask the Minister for Sport or the Minister of Finance (Mr. Stefanson) to confirm if the Pan Am Games will be advancing \$5 million towards this new agreement for the new arena.

Hon. Jim Ernst (Minister responsible for Sport): Madam Speaker, as far as I am aware, there is no new arena being constructed at the moment. Until some time that an agreement is reached between private-sector owners and the Winnipeg Jets and a whole host of other major issues are resolved, one will not be constructed.

But that aside, the Pan American Games Society indicated to, I believe, the MEC people that in the event they proceed with this arrangement, they would have \$5 million available from: a) about half of that money will not need to be spent on the existing Winnipeg Arena to provide the upgrades necessary for the Pan Am Games; and b) the other half, approximately, of the money would not be needed for the University of Manitoba fieldhouse because they would not need to construct 7,500 seats; they could do with about 3,500.

So those two sums of money would then be available from their Capital fund to contribute to a new arena.

Ms. Cerilli: Madam Speaker, does the government know if the plans for the Pan Am Games include requirement for use of both the former or existing arena, as well as a new arena sited at The Forks? Can the government confirm if that is the case?

Mr. Ernst: Madam Speaker, I cannot.

Future Status

Ms. Marianne Cerilli (Radisson): Finally, Madam Speaker, I would like to ask the government if they can confirm if the new proposal for the new arena includes a provision to eliminate the old arena or eliminate competing interests for the use of the old arena.

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, a similar question has been asked before, I believe from the member for St. James (Ms. Mihychuk).

Those kinds of discussions will be taking place with Winnipeg Enterprises Corporation, who are currently the landlords, so to speak, for the current Winnipeg Arena and the football stadium and so on.

The City of Winnipeg has representation on that board, and they will be looking at all alternatives in terms of future uses of that facility, if a new entertainment complex is, in fact, built here in Winnipeg, Madam Speaker.

* (1410)

AIDS Prevention Strategy

Ms. Diane McGifford (Osborne): Madam Speaker, my questions are for the Minister of Health.

At a major conference on AIDS held in Winnipeg last week, a new study found that death from AIDS in Canada costs so much in lost productivity, that only heart disease and motor vehicle accidents take a higher toll.

Last summer, the Krever inquiry made clear that this government's record with regard to people living with HIV AIDS over the past seven years has been almost nonexistent, and despite a series of meetings, Manitoba remains one of two provinces in Canada without an AIDS strategy, while an increasing number of Manitobans get sick and die.

My question to the Minister of Health is, given that Manitoba data indicates that if the annual increase in infective individuals continues at the current pace, the number of infected individuals will double in the next five to 10 years with each death representing a more than—

Madam Speaker: Order, please. I am certain the honourable member for Osborne has a question.

Ms. McGifford: What possible justification can the government have for taking so long to implement a comprehensive AIDS strategy?

Hon. James McCrae (Minister of Health): Madam Speaker, the very, very lengthy preamble to the honourable member's question contains some very important information and a very serious situation to be dealt with, and that is why it is important to deal with it seriously.

We are doing that through our consultations with care providers and victims of this disease, as well as other people who have expertise in this area through our round-table process, which will lead to the development of our second five-year AIDS strategy for Manitoba.

Ms. McGifford: Will the minister reconcile his government's cuts to AIDS services in Manitoba, especially since studies show that Canadians are willing to pay for prevention programs which save lives by gradually changing attitudes and behaviour?

Mr. McCrae: One of our partners in education in this area and in assistance to AIDS victims is the Village Clinic, Madam Speaker. When the federal government pulled out of the funding of that particular institution, our government came along to fill in the blanks, and I do not call that cuts in spending.

Ms. McGifford: Given the major AIDS conference in Winnipeg last week juxtaposed to the government's passion for an arena and its equivocation on an AIDS strategy, will the minister explain the distance between public posturing and actual accomplishments regarding an HIV strategy?

Mr. McCrae: Madam Speaker, foolish rhetoric will not solve the problems or get the job done. Working together will.

Water Management Responsibility

Mr. Stan Struthers (Dauphin): Madam Speaker, my question is for the Minister of Natural Resources.

As the minister certainly appreciates, this year's record flooding has had repercussions on many regions of Manitoba. Southwestern Manitoba, western Manitoba north of Brandon and the Interlake, particularly the Lake St. Martin area, have all been hard-hit.

The flooding of the Saskatchewan River may mean that communities such as The Pas will also be affected. Events of this year further emphasize the importance of water management in this province.

Can the minister explain to this House, who is directly responsible for carrying out water management activities in the regions of Manitoba?

Hon. Albert Driedger (Minister of Natural Resources): Madam Speaker, the Minister of Natural Resources is responsible for water resources.

Regional Managers

Mr. Stan Struthers (Dauphin): Just to clarify then, how is this enforcement of The Water Resources Administration Act carried out without managers in each of the regions?

Hon. Albert Driedger (Minister of Natural Resources): I cannot quite follow the question, but I want to tell the member that we have five regions in the province, regional offices, and we have directors in

those regional offices. They basically are the people who administrate all the categories in the various regions, whether it be water resources, whether it be parks, forestry or commercial fishing.

Mr. Struthers: Can the minister explain what the rationale is for having regional managers for branches such as Forestry and Wildlife but not for Water Resources?

Mr. Driedger: Madam Speaker, I am looking forward to my Estimates, where possibly we can go through the structure of the department in a little bit more detail because, obviously, the member did not catch that my regional directors in the five different regions are the ones who, basically, administrate Water Resources, Forestry, Fisheries, et cetera. I am prepared to go through that in more detail and give an outline of exactly how the department is formed when we get into Estimates.

Provincial Road No. 320 Maintenance/Upgrading

Mr. Gregory Dewar (Selkirk): Madam Speaker, my questions are for the Minister of Highways.

As the minister is aware, there are numerous provincial roads in Manitoba in poor condition due to the lack of proper maintenance over the last six years. Provincial Road No. 320 which is a river road north of Selkirk was in such poor shape last month, that the school bus would not go down part of the road for nearly two weeks.

My question for the minister: Is the minister now prepared to order his department to put enough gravel on Road 320, so that residents and tourists can travel this important road?

Hon. Glen Findlay (Minister of Highways and Transportation): Madam Speaker, the government of Manitoba spends about \$50 million a year on road maintenance across this province.

The member must realize—the member for Dauphin (Mr. Struthers) just raised the issue of excess water in

various regions of the province—there was a wet summer last year, particularly in the North.

The department has responded to weather-related problems on roads all over the province as best they can. You cannot immediately put gravel on a road that is too soft to drive on, but the department responds within a reasonable time to improve their driving conditions for all Manitobans on all roads.

Mr. Dewar: Madam Speaker, my supplementary question is for the same minister.

What is the timetable then for grading repairs and gravel work being done on this road?

Mr. Findlay: Madam Speaker, I would certainly welcome that member to come to Estimates, and we will go through all that fine detail that the department used.

Yes, they have a guideline that they use for various roads relative to the amount of traffic, relative to the road condition, and that all exists and will be discussed in the departmental Estimates.

Northern Manitoba Economic Development

Mr. Steve Ashton (Thompson): Madam Speaker, earlier today I, along with many members of our caucus, went to the meeting of the Assembly of Manitoba Chiefs. One of the main concerns was in terms of economic development, particularly amongst northern chiefs representing their communities.

Since it is now two years since the Northern Manitoba Economic Development Commission released its report which called for action within three months, I would like to ask the Minister responsible for the implementation of the Northern Manitoba Economic Development Commission report when we will see action on the very specific recommendations of the report, beginning, for example, with the need to improve northern infrastructure through improved sewer and water and increased attention to northern roads.

Hon. Darren Praznik (Minister of Northern Affairs): Madam Speaker, I thank the member for Thompson for that question.

As the member is aware, he spent some time at the meeting which we sponsored in Thompson last winter to bring together the various political groupings of political leadership to try to forge some organization that could work as a co-ordinating body in the province.

That grouping of MKO, the urban industrial communities and NACC is still in the process of trying to put together a working arrangement that they will be comfortable with to advance many of these issues. I think that is a first step.

With respect to many of the specifics, I am sure in Estimates we can get into many of the projects that this government has taken on over the last seven to eight years in improving the economic opportunities in northern Manitoba.

Mr. Ashton: Madam Speaker, my supplementary: When will the Minister of Northern Affairs respond to the clear concern for northerners expressed at the very conference he referenced that the provincial government itself should act on the many recommendations that are solely within its jurisdiction, including such things as sewer, water and northern roads? When is the provincial government going to act?

Mr. Praznik: Madam Speaker, I can tell the honourable member he should be aware that across northern Manitoba over the last number of years, in terms of the Northern Affairs' budget for northern communities, we have been building, year by year, water and sewer projects.

I reference Brochet being a community that has received a water project for the first time in its history, that for 20, 30 years did not have it while others have had it, the bringing of hydro to Herb Lake, the host of other projects that we have done.

I would not for one moment want to leave upon the record the image that the member paints of nothing

having been done. There has been a lot done in northern Manitoba over the last number of years, and we will continue to work year by year, budget by budget, at improving infrastructure throughout northern Manitoba.

Mr. Ashton: Madam Speaker, my final supplementary to the minister is, when will this minister stop serving up this same tired rhetoric to northern Manitobans and bring in direct action, not the kinds of cuts we have seen from this government to such areas as northern highways and other important areas?

When are we going to see action on the recommendations of the \$1.3-million Northern Manitoba Economic Development Commission report?

Mr. Praznik: Madam Speaker, the member talks about rhetoric. Ask the people of Brochet about rhetoric. They had it from the member and his colleagues for how many years, and it was this government that brought water to the people of Brochet. It was this government that supported the people of Flin Flon with the revitalization of the smelter, and I can go on and on and on.

Madam Speaker: Time for Oral Questions has expired.

ORDERS OF THE DAY

Hon. Jim Ernst (Government House Leader): Madam Speaker, would you call Bill 2 for second reading, followed by Bill 3 in second reading.

SECOND READINGS

Bill 2—The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act

Hon. Eric Stefanson (Minister of Finance): Madam Speaker, I move, seconded by the Minister of Environment (Mr. Cummings), that Bill 2, The Balanced Budget, Debt Repayment and Taxpayer Protection and Consequential Amendments Act; Loi sur l'équilibre budgétaire, le remboursement de la dette et la protection des contribuables et apportant des

modifications corrélatives, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Stefanson: Madam Speaker, I am very pleased to stand here today and speak to one of the most important pieces of legislation which has been put before this House in recent times.

The Balanced Budget, Debt Repayment and Taxpayer Protection Act is of historic importance, because it will help us to preserve all the vital services government provides, from health care and education to highway maintenance and parks. It will enhance Manitoba's economic prospects and the opportunities available to our youth, and it will ensure that government remains affordable to the taxpayers of our fine province.

Madam Speaker, this sounds like a lot to expect from one act. The fact, however, is that Manitoba's \$7 billion of general purpose debt is a serious threat to our public services today and our prosperity tomorrow. The massive interest payments on the debt drive a large wedge between the amount of taxes which our citizens pay and the quantity of services that they receive. If the debt is allowed to increase continually, that wedge will get even larger. In other words, taxes will have to go up while services will have to be restricted. People will pay more and get less.

A continually rising debt burden would seriously impair our economic future. As is well understood, high taxes tend to choke off economic growth. At the same time, high public debt service costs waste resources that could be better invested in health care, education and infrastructure, thereby limiting the contribution which such investment makes to economic growth.

Finally, rising interest payments represent a large outflow of purchasing power from our economy, since a large part of the debt is necessarily held by investors outside of Manitoba. This year, Manitobans have to pay \$648 million in interest payments on the general purpose debt—\$648 million. Imagine for a moment that the debt had not been allowed to grow out of control in

the early '80s. Imagine that the debt had been held at \$1 billion and that the interest payments today were only \$90 million annually, as they were back at the beginning of the 1980s.

Manitobans could be receiving the same level of services but with a tax burden that would be lower by almost \$560 million. This saving would be equivalent to having a retail sales tax rate of 1.8 percent instead of 7 percent, or it would be equal to a 43 percent reduction in the average Manitoba personal income tax bill.

With a much lower debt load the province would also be much less vulnerable to unexpected increases and interest rates. Such increases have been experienced several times in recent years, and they introduce an extra element of instability into government finances. Madam Speaker, they are also very costly.

With a very small or a zero net debt, we would be virtually impervious to the effects of higher interest rates, and this would make the services government provides much more secure.

Thus, this legislation has three goals: To balance the budget and thereby stop the debt and debt-service payments from growing, to put in place a plan to pay down the debt, and to hold the line on the major taxes. However, the underlying objective is to put an end to unproductive expenditure on interest payments so that Manitobans can receive the public services that they expect with a reduced tax burden and thereby enhance the province's overall economic prospects.

Put much more simply, the purpose of this legislation is to secure our future. By legislating penalties for a failure to balance the budget, minimum requirement payments against the debt and a requirement that major tax increases be approved by the voters, the taxpayers have greater assurance that their governments will always be fiscally responsible. As well, legislation is naturally more visible to the public than are policies adopted by decisions of cabinet alone.

We believe that broad, public knowledge of our plans will generate broader understanding of and support for debt reduction and taxpayer protection. This

understanding and support will make it even more likely that future governments of this province will always be fiscally responsible.

Madam Speaker, honourable members will recall we introduced Budget Paper A in the March budget to explain the reasons for introducing the legislation, how it will function and comparing it to legislation in other provinces. Honourable members may find it useful to revisit this budget paper. Without going into as much detail, I would like to summarize the key features of this bill.

The bill has three main divisions concerning respectively a balanced budget requirement, debt repayment and taxpayer protection. Under the balanced budget requirement the government must ensure each year that spending is no greater than revenue. This requirement comes with several important provisions. Firstly, expenditure is defined to include both current and capital spending.

In many United States states with balanced budget requirements only current spending needs to be balanced with revenue. Including both current and capital ensures that the government cannot circumvent the intent of the legislation by redefining certain items to be capital expenditure.

As well, the government must not incur a deficit. In some United States states the government must submit a balanced budget plan but does not contravene the law if it actually runs a deficit. The key in Manitoba is results not intentions.

* (1430)

Another issue is exceptions to the balanced budget requirement are strictly limited to war, disaster and a one-year drop in revenues of 5 percent or more. To put this last exception in perspective I would point out that there has been only one instance in memory of a revenue decline of that magnitude, and the decline was precisely 5 percent. That occurred in 1992-93.

Also, Madam Speaker, if a deficit is incurred and none of the three allowable exceptions apply, all members of cabinet will pay a penalty equal to 20

percent of their ministerial compensation. There must be an offsetting surplus in the following year. If a deficit is incurred for a second consecutive year, the penalty doubles to 40 percent.

Also, the Fiscal Stabilization Fund plays an important role in this legislation by providing flexibility to deal with unexpected fluctuations in revenue or necessary expenditure and still achieve a balanced budget. Madam Speaker, the Minister of Finance must endeavour to maintain the fund at a level equal to 5 percent of annual expenditures. Also, changes in accounting policy cannot be used to subvert the intent of this legislation.

I want to touch on debt repayment for a moment. The balanced budget provisions ensure that the debt will stop growing. The debt retirement provision set out a plan to retire the existing debt over a 30-year period. In principle we could simply require that a certain amount of the debt be repaid every year. In practice that might not be possible.

Most of our debt is in the form of bonds which have a fixed maturity date. The province generally does not have the right to redeem bonds prior to maturity, and there may be years, especially as the debt gets smaller, when no bond issues will come due. It might therefore be impossible to retire debt in those years.

To avoid these kinds of problems the bill establishes a debt retirement fund. A minimum amount of money must be paid into the fund every year. At least once every five years all of the money in the fund must be applied to pay down the debt.

The annual payment into the debt retirement fund will be \$75 million plus a share of the interest cost savings achieved as debt issues are retired. This share is set at 7 percent of all amounts which have been paid out of the fund to retire debt.

For example, if \$75 million is paid into the debt retirement fund each year for five years and is invested to earn interest at 8.5 percent, then \$444 million will be available to apply against the debt at the end of the five-year period. This would reduce annual debt service costs by about \$40 million.

Starting in year six the annual transfer to the fund would increase by 7 percent of \$444 million or \$31 million, which is less than the amount of interest being saved. Thus the amount which is paid against the debt will increase over time, but the actual burden of making debt retirement payments once the savings in debt service costs are factored in will not exceed the initial \$75 million per year.

If the annual payment were held to just \$75 million, it would take 83 years to pay off the debt. With the additional payments included, it takes just 30 years, Madam Speaker.

This legislation also specifies how budget surpluses are to be applied. If the Fiscal Stabilization Fund is not at its target level, any surplus must be used to bring the Stabilization Fund up to its target level. If the Stabilization Fund is at its target level, surpluses are either transferred into the debt retirement fund or left on the books as a surplus, which reduces short-term cash management borrowing requirements. Either way the effect is to reduce the province's net debt. Our hope is to use such surpluses to retire our debt in less than 30 years.

I would like to conclude my discussion of the debt retirement provisions by emphasizing that they are entirely realistic and achievable. All that is required is that we make no new additions to the debt by keeping the budget in balance and that we make an annual transfer of \$75 million into the debt retirement fund. All of the rest of the money for paying down the debt is obtained from interest cost savings as the outstanding debt declines. The power of compound interest contributed to the rapid growth of the debt, but it will also contribute to its rapid decline as well, Madam Speaker.

With regard to taxpayer protection, the taxpayer protection provisions prevent increases in income tax, sales tax and payroll tax rates unless the taxpayers give their approval in a referendum. In effect, the legislation extends the freeze on major tax rates that Manitobans have enjoyed since 1987.

The bill provides some flexibility to adjust tax rates without increasing the overall tax burden. For

example, the federal government could reduce transfers to the provinces but offer compensation in the form of increased tax room. This means that Ottawa would reduce its income tax rates and allow provinces to increase nominal tax rates to accept the federal room with no net increase in the amount of tax paid by taxpayers.

This bill provides sufficient flexibility to accept such tax transfers. In addition, revenue-neutral rebalancing of Manitoba taxes is permitted. For example, the corporate income tax rate could be increased if the payroll tax were decreased and the government obtained no extra revenue from the change. This exception recognizes that there may be reasons to alter the mix of taxes over time.

Madam Speaker, I have described the main provisions of this bill. In addition, the bill specifies that public hearings must be held by a standing committee of this House before any legislative proposal to amend or repeal the legislation can be passed. There must be at least one week's advance notice that hearings are to be held. The purpose of this section is to ensure that the public is given adequate opportunity to scrutinize and comment upon such proposal.

Madam Speaker, the final sections of this bill effect amendments to The Fiscal Stabilization Fund Act to establish the 5 percent target level and to permit withdrawals from the fund, as may be required during the course of a fiscal year to cushion unforeseen fluctuations in revenue or expenditure. Currently, only an amount identified in the revenue Estimates at the beginning of each fiscal year may be withdrawn.

Madam Speaker, the proposed legislation I have just described is a carefully balanced package, which will guide fiscal policy in this province for many years to come.

It sets out a very rigorous requirement for annual balance between spending and revenue, but it recognizes the vagaries of government finance by providing for the continuation of the Fiscal Stabilization Fund and by permitting the balanced budget requirement to be overridden in three emergency circumstances. It backs up the injunction

against deficits with financial penalties for ministers. It sets out a reasonable and achievable plan to pay down the general-purpose debt, thereby providing for a reduction in the dead-weight interest burden borne by Manitoba taxpayers.

Madam Speaker, it ensures that budget balance will be continued by holding spending in line with what Manitobans can afford. It ensures that major taxes will not be increased without the express approval of the citizens of Manitoba in a referendum.

It is nothing less than a means to ensure the bright and strong future of this province. I encourage all honourable members to give it their enthusiastic support. Thank you, Madam Speaker.

Ms. Barrett: Madam Speaker, I move, seconded by the member for Wolseley (Ms. Friesen), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 3—The Maintenance Enforcement (Various Acts Amendment) Act

Madam Speaker: To resume debate on second reading of Bill 3, on the proposed motion of the honourable Minister of Justice (Mrs. Vodrey), The Maintenance Enforcement (Various Acts Amendment) Act; (Loi sur l'exécution des ordonnances alimentaires - modification de diverses lois), standing in the name of the honourable member for Wellington.

Ms. Becky Barrett (Wellington): Madam Speaker, I know there are a number of my colleagues who wish to speak to this piece of legislation this afternoon, so I am going to attempt to be brief in my comments.

Madam Speaker, Bill 3 has some positive elements in it and others will speak to those elements, but I would like to put on the record some of the concerns that we on this side of the House have with this piece of legislation.

Madam Speaker, this bill is another in a long line of examples of the provincial government abrogating leadership, and I will show why, I believe very effectively, this government has shown a lack of leadership in dealing with this very important issue.

Madam Speaker: Order, please. I wonder if I might request that all the members who are having private meetings do so outside the Chamber. I am experiencing great difficulty hearing the honourable member for Wellington.

Ms. Barrett: Madam Speaker, there are varying degrees of effect that lack of leadership on the part of the government has had for the people of Manitoba, but in the case of Bill 3 and the issues that it purports to deal with, I think the enormous negative consequences for women and children in this province cannot be overlooked.

Bill 3 does make some steps forward in requiring the payer of maintenance enforcement to actually pay the monies owed, and there are some specifics, as I stated earlier, that are positive. However, I think there are some major negative impacts.

* (1440)

Before I talk about those, I would like, however, to briefly put the maintenance enforcement issue in the context of the current situation here in Manitoba. These are statistics that are from the end of July last year, so they may have changed in some small degree since then.

There were a total of almost 11,500 active cases in the Manitoba Maintenance Enforcement Program at the end of July of last year. In total, \$28 million was owed to women and children in this province by men. I used the gender because 98 percent of the payers in maintenance enforcement cases in Manitoba are men. Consequently, 98 percent of the payees in maintenance enforcement cases in Manitoba are women. I will use those statistics in that context.

Where the payer, the man, lives out of province, there is \$12.5 million in arrears. Where the man lives

in Manitoba and the woman lives out of province, there is \$4.5 million in arrears.

This is an interesting one because this deals with one element of the government not assisting to the extent that they could another department of government.

Madam Speaker, \$8 million is owed to Income Security by men in the province of Manitoba. What that means is that women have received maintenance orders. They have not been collected. They have not been paid. The upshot is that the mother and children have been forced to go on social assistance, and \$8 million is owed by men to women who are now on social assistance. If those men paid that money, there would be \$8 million less in the accounts of social assistance payments. There are \$7.7 million owing in arrears of what are called regular cases, which are that both the payer and the payee live in Manitoba.

In total, at the end of June, 1994, there was \$28 million owed by men to woman and children in this province. The total collected was only \$16.78 million.

Maintenance Enforcement officers recovered over \$2 million in income security payments owed to the province during the last fiscal year, and at a cost of just over \$1 million in staffing and other program costs to the Maintenance Enforcement department. This is an area that we on this side of the House have been raising for years. It seems very strange that the government would not put the resources into the Maintenance Enforcement department necessary to recover the money that is owed, if nothing else, in income security payments. But that has not happened.

So as we can see, Madam Speaker, the situation in the Maintenance Enforcement branch is extreme, to say the least. It is not just maintenance enforcement that is part of the problem. We all know that Manitoba is the child poverty capital of Canada, and to say something yet again, the government seems to need constantly to be reinforced on this issue. Children are poor because their parents are poor, not because they themselves are poor but because their parents are poor.

In the case of the families that are in trouble with the Maintenance Enforcement Program, in Manitoba, one-

half of the families that have maintenance enforcement agreements in the province of Manitoba have a total income, that includes income from all sources, including whatever maintenance enforcement they are getting, last year of \$10,000 or less per annum. These are not just individuals; these are families. So you can see how important it is that we do everything in our power to make the Maintenance Enforcement Program in the province truly effective. Our position is that Bill 3 does not go nearly far enough.

What has been the government's response to these statistics and to the problems that are clearly being faced by the women and children in Manitoba? We believe that their response in Bill 3 and in other areas has been too little too late. There is still too much onus put on the recipient parent, i.e., the woman, and far too little responsibility placed on the paying parent, or the man. The government has refused yet again in Bill 3 to go as far as we feel they should in requiring payment on behalf of the father.

I would like to speak only about a few of the shortcomings that we see and talk a little bit about what could be done. First, we feel that the concept of default in this legislation should be defined far more broadly than it currently is. Default should include the concept of late payments, the concept of partial payments, as well as the idea of no payment at all.

Every family in Manitoba has the right to up-to-date, full payments as mandated by the courts. Women should not have to scramble to get from their ex-spouse the money that is duly owed to them. So the default should be broadened to include partial and late payments.

If we actually included partial and late payments in the concept and definition of default, the actual percentage of defaulting parents would be in the neighbourhood of 75 to 80 percent. That is an unacceptable percentage.

The second thing is the system is still reliant on being reactive rather than proactive. It still requires to far too great an extent the woman to initiate actions to get what is rightfully hers and her children's. It does not reflect the actual reality that faces far too many women in this

province, the reality that they may be with a great deal of legitimacy afraid to contact their ex-spouse, fear for their own safety, fear for their children's safety.

They often do not know where they are and currently my understanding is that it is their responsibility to find out where their ex-spouse is. It seems to us that it is the state's responsibility to ensure that women get what is owed to them and that the men pay what they are supposed to be paying. It should not be the responsibility of the woman.

We have known of cases where men have said, if you try and collect the maintenance enforcement that is due to you, I am going to take you to court, and I am going to get custody of these children and you will never see them again. Those are threats that have far too often played out in actual reality in this province and across this country. These are not idle threats, all of these reasons. Women are having the onus placed far too much on them.

The third problem, Madam Speaker, is in the specifics in leading up to the drafting of Bill 3. Our understanding is that the consultation the government undertook before putting forth Bill 3 was not nearly broad enough nor inclusive enough. It seems that one could say this government does not understand or perhaps maybe wilfully refuses to understand the true role of consultation, not just in the context of this bill but in many other pieces of legislation and actions on the part of the government.

They either consult, consult in order to stall action, or they do not consult at all or they consult so narrowly that they are going to get the response that they want to get in the first place.

Madam Speaker, last fall and early winter, three members of the NDP caucus—the member for St. Johns (Mr. Mackintosh), the member for Radisson (Ms. Cerilli) and the member for Wellington (Ms. Barrett)—put together an NDP task force on domestic violence. With a very small percentage of the resources, both people resources and financial resources that the Minister of Justice (Mrs. Vodrey) has at her disposal, we went out and spoke with well over a hundred

individuals and groups in the city of Winnipeg, in Brandon, in Dauphin, in Flin Flon and The Pas.

*(1450)

We talked with people who provide services to women and their families. We talked to men who have on their own recognition misused the system. We have talked to many women who have been recipients or, too often, not recipients of service by this government dealing with issues more broadly than maintenance enforcement, but one that was very clearly—maintenance enforcement was one very clear message on the part of the people that we talked with, that the current situation is untenable. There were many good ideas that came out of those consultations, what I believe to be legitimate consultations, that are not seen and not shown in Bill 3 before us.

The government held what I consider to be half-hearted consultations. My understanding is that they were by invitation only and virtually no recipients of maintenance enforcement or other services of the government were invited to those private hearings. How can you say you have consulted when you have not talked with people who are actually participants in the system?

Unfortunately, Bill 3 reflects the inadequacies of the process I have outlined. Instead of reflecting the principle that should be the No. 1 principle in maintenance enforcement, that the costs of raising children must be considered first and foremost by the courts when awarding maintenance, and by the Maintenance Enforcement section of government when enforcing maintenance, Bill 3, continues to perpetuate what my caucus colleague from St. Johns (Mr. Mackintosh) has called the free market approach, whereby organizations such as the Workers Compensation Board, any trade creditors and even banks have priority over the resources of paying parents over children.

This is not progress. This is a revision of the idea that children are chattel and are possessions and that they are not the prime responsibility of both parents, both the custodial and noncustodial parent. Nothing in

Bill 3 addresses that prime principle to any adequate extent.

What we need, Madam Speaker, is instead proactive legislation, such as is currently in place in Ontario and is soon to be implemented in Quebec, where there is automatic pay cheque deduction of maintenance payments. Automatic. You do not have to have defaulted, however narrowly or broadly that is defined, in order to have the amount of maintenance payments deducted from your pay cheque. It is automatic.

This has been shown to greatly cut down on maintenance arrears, with attendant cost savings to the system as a whole, including the reduction and the need for families to go on social assistance, and that is to say nothing of the heightened quality of life for the custodial parents and their children when they do not have to take the first responsibility in locating their ex-spouse, when that money is automatically forwarded to them, and they are not responsible for ensuring that that takes place.

We are greatly concerned that this Progressive Conservative government is beginning to go down the road, soon to be followed by the new Conservative government of Ontario. In the Ontario P.C. Commonsense Revolution document, which was the platform document from the recent provincial election, Mike Harris states, and I would like to quote here: The current mandatory program of deducting child support from parents' pay cheques has created an overburdened bureaucracy that fails to help all neglected parents and children.

Madam Speaker, that is not the answer to our maintenance enforcement problems. To say that an automatic pay cheque deduction, which enables families to live in more financial security, has the result of an overburdened bureaucracy is unconscionable from our point of view. It again is another example of Conservative blaming the victim. The government's own statistics have shown that the understaffed Maintenance Enforcement division has been able to gather back more money owed by ex-spouses than is paid out in their own salaries and support costs. That more than pays for itself. So even if you are looking only at the most narrowly defined cost-benefit analysis,

adequate maintenance enforcement works. We say that the current Ontario provision of automatic pay cheque deduction would only enhance the ability of the Maintenance Enforcement division to do its job.

We are also quite concerned that this mean, narrow, nasty vision of society that is being perpetrated by the new government in Ontario is going to continue to be perpetrated here. Last Thursday, the Deputy Premier (Mr. Downey) and other members of the Manitoba Progressive Conservative caucus stated quite delightedly that the Ontario election day should be considered freedom day. I must have heard it 15 or 20 times last Thursday and Friday.

Well, if the signals in Bill 3 are to be believed, Manitoba may well have its own freedom day, not for the women and children who are owed \$28 million by defaulting spouses, but for those very defaulters themselves, where they are not going to be required to pay because the provisions of Bill 3 do not go far enough.

Just one more area, Madam Speaker, that I would like to speak to that is a major area of concern. Currently, a woman appears before the deputy registrar who makes a determination about the amount and time of payment for maintenance. She has with her, to act on her behalf, a designated officer from the Maintenance Enforcement branch. If the woman does not like any component of the award, either the amount or the periodic payment process, she can instruct the designated officer to appeal that ruling to the judge or master. Under the provisions of Bill 3, that right of appeal has been removed. Now the complete power to decide if an appeal will be made rests with the designated officer only.

If this is an accurate representation of this provision of Bill 3, it is a major change to our legal system and the rights that people have under that system. My understanding under our criminal legal system is an individual convicted of the most heinous of crimes has the inviolable right to appeal that conviction all the way to the Supreme Court if he or she so wishes. If his or her lawyer does not agree with that decision, the individual has a right to another lawyer, but ultimately and basically any individual has the right of appeal to

the highest court in the land. Not so with the provisions of Bill 3, and I am going to use an extreme example here.

My understanding of the legal system in Canada is that Clifford Olson can and has appealed his conviction all the way to the Supreme Court of Canada, while a woman under Bill 3 who goes to her designated officer, saying, I do not like this provision of my maintenance agreement, has no recourse further in the system if her designated officer says, well, I am sorry, ma'am, that is the best we can do; I do not think you are being short changed; I think things are just fine. She cannot go any further. Where is any semblance of natural justice here? This is a total revision of what should be in place.

The government claims that this will simplify the system. Well, it most certainly will, Madam Speaker. It is certainly going to simplify it, but it is not going to make it just. The Star Chamber was a simple system but not a just system.

To close, this bill, while it does have some positive aspects, particularly in the areas of assets and pension credits, clearly does not go far enough to ensure fairness and equity before the law. It reflects the inadequacy of the consultation process and the unwillingness of the government to take a proactive, preventive leadership role. Unfortunately, the results of these failings will be felt by the very people who are currently the most vulnerable in our society. Bill 3 is a very small step and a very inadequate step in the right direction. The women and children of Manitoba deserve much more from this government. Thank you.

Ms. Diane McGifford (Osborne): Madam Speaker, as I rise to speak to Bill 3, the maintenance enforcement bill, I want to begin first by acknowledging the minister's efforts, secondly by registering my fear that this bill may indeed have unexpected repercussions for those that it most seeks to protect; thirdly, I see the bill as a start but not the place that we should finish; and fourthly, it would seem to me that this bill gives the appearance of protection without indeed giving the reality of protection.

I want to speak today both from my personal and professional experience. Personally, I have been a woman who tried to collect maintenance, who dealt with very creative subterfuges, or not so creative depending on your point of view, who lived with the anxiety and fear of not knowing if the maintenance was indeed going to be available and who lived with the humiliation of bounced cheques. My personal experience certainly gave me to believe that maintenance is, above everything, a power issue.

Professionally, I have worked with many women's groups and organizations especially on issues related to violence and abuse. I have counselled, spoken with, comforted many women who were fighting maintenance decisions or trying to get maintenance or, indeed, whose maintenance was in arrears.

What I want to do today is to talk about the cultural context of maintenance, to put maintenance and maintenance default into a cultural context. With this end in mind, I begin by mentioning something we all know, indeed something that the honourable member for Wellington (Ms. Barrett) acknowledged, and that is that the overwhelming number of deadbeat parents in the province of Manitoba are, indeed, deadbeat dads. This reality will be reflected in my language.

I believe that it is 98 percent of custodial parents who are women—or it is 98 percent of people who receive maintenance are women. At the same time I want to acknowledge that there are many parents, both women and men, who honour their responsibilities to provide financial, emotional and educational supports to their children.

Back to the cultural context. It seems to me that the failure to meet maintenance obligations can be traced back to the inequalities in our society, the inequalities that exist between, first of all, men and women and, secondly, between men and children. I think we live in a culture that has a latent assumption that women and children do not quite count. We live in a culture where one sex is more equal than the other. We live in a society where the needs of women and children are not particularly important, especially when they are weighed and measured against those of adult males or at least the perceived needs of adult males.

I think this is really clear if we look at families after separation and divorce. Madam Speaker, 58 percent of divorced women are poorer after separation and divorce than they were before, whereas 10 percent of men are poorer after separation or divorce. Clearly, a man who is living in poverty has more ladders out of that poverty than does a woman.

Clearly, our society and our economy do not value women equally, so I say that the lack of equality is a very important issue to consider in maintenance. Secondly, I think we live in a culture in which men are not really perceived to be responsible for children, especially for the nurturing part of parenting and the day-to-day care. Women are perceived to be responsible. Both women and men are products of our culture. Women are acknowledged culturally as the primary caregivers. In a family before separation or divorce, we often hear the phrase that my husband is babysitting or I will babysit for you, which certainly is not taking full responsibility.

I contend then that we do not have a society which unequivocally believes that men must be responsible for their children. We do not have a society which tells men that having and raising children is the most solemn commitment and the most serious of responsibilities. This, I think, is one of the reasons for arrears in maintenance. I think in our society there is still far too much of that nudge, nudge, wink, wink, he is out sowing his wild oats kind of attitude, and I think it is important for us to remember that wild oats sometimes gives birth to real live children, kids who may go on to live with their mothers in poverty, and poverty is no joke.

The irresponsibility towards children that characterizes our society, I think, is apparent in the difference in attitudes or practices in car payments and maintenance payments. I am told that 15 percent of people default on car payments, but 75 percent in one way or at one time default on maintenance payments. People do not default on car payments because they know that they cannot get away with it. They defaulted on maintenance payments because there is clear evidence that they can get away from it. If you default on a car you lose it and some women's groups argue that to default on maintenance should mean a loss of

access. They argue that not paying maintenance is being an abusive parent because not paying maintenance is denying children shelter, clothing, food and education.

On the other hand, men's groups might argue that no visitation rights should mean no maintenance. Inherent in this sort of argument is some evidence for the kind of irresponsibility that I have been attempting to address. I think that we need to make it clear now and forever that children are a responsibility and a privilege.

Children are not a right and children are not a chattel, as the member for Wellington (Ms. Barrett) has already told us. Whether we see our children or do not see our children, whether we are custodial parents or noncustodial parents, or indeed whether we share custody, parents have financial obligations to our children. The main point is that the most important responsibility we have as social beings is to our children and the most important debt we have is to maintenance and to maintain maintenance awards.

Just a related point here. I know that court-mandated access to children is not easily denied, so in those cases where an individual is denied access, there is usually some very good and serious reason for it. I realize that there are cases when mothers deny fathers access, and I think that is a matter that could be discussed at another time.

In addressing the cultural context of maintenance, what I am calling maintenance disorder, I have identified the cultural attitude that children are a women's responsibility, that women and children are not quite as valuable as men or indeed, as cars in some cases, that we still do not have a society of equality or a society of equal privilege. I think this is clear, as I have already said, in the poverty of divorced women and the poverty of the children of divorced women.

The second major point that I want to make is that maintenance default is related to the other abuses of power that affect the lives of women. Money is power. A refusal to pay maintenance is a power grab. It is a refusal to give away any power to one's children or to one's partner. It is a refusal to participate in a process

where a woman may become empowered, may be in a position to move away from the margins of society and become a full member of her society. Not to pay maintenance is to maintain control over women.

A bit of a detour again. Professionals and caregivers who work with abused women know that abusers often maintain control over their partners by keeping them poor, i.e., not giving them any money, keeping them enervated with all kinds of tasks, not participating in child care, making sure they are always pregnant. I think the cliché that I should be looking for or that I found now is keeping them barefoot, pregnant and in the kitchen. That is, abusers frequently abnegate any responsibilities for child rearing or providing any supports.

* (1510)

Maintenance default, I would maintain, is a continuation of this abuse. It hands over the weight and the responsibility for children to the mother. It results in the mother's and the children's poverty and humiliation, probably a life on social assistance.

Victims of this kind of abuse, that is maintenance abuse, often are multiply abused. They must often endure a series of abuse. First of all, if they are denied maintenance they live lives of poverty, usually on welfare. In turn, they are decried by certain voices in society for being welfare moms. In the province of Manitoba it is not rare for their partners, out of sheer mean-spiritedness, to phone the snitch line, report them. Finally, these women are often sentenced to a life which starts a cycle of poverty and violence.

My task has been to outline the cultural context and to help explain maintenance default. There are two major cultural dysfunctions, I maintain: social inequality and culturally condoned irresponsibility, first of all; secondly, the abuse of power in the relationship between women and men where money replaces the fist and becomes, I suppose you might say, the velvet fist.

I am not totally convinced that we can always legislate in these matters, matters like cultural equality, an end to the abuse of power, indeed, an end to

relationships based on power, an end to generations of irresponsible parents. What needs to happen is for the world to change, but while we wait we can work for change, and legislation can help promote the kind of change. But it must be careful legislation, legislation that covers all the bases.

Education is also important. In fact, I would say that education is not only important but vital and necessary. In the province of Manitoba we need concerted, intelligent, accessible, ubiquitous promotional campaigns. We need to inform women of their right to maintenance for their children. We need to inform women, women need to know that all children have the right to child support regardless of their mother's circumstances, their mother's age, their mother's employment, their mother's habits, their mother's sexual orientation or their mother's behaviour. All children have the right to maintenance.

Women need to know that. They do not know that, and I think the honourable member for Wellington (Ms. Barrett) pointed out some of the fears women have about seeking maintenance.

We need a promotional campaign to push women to fight for maintenance even when their inclination is to breathe a sigh of relief and waive it because some foreboding presence has been removed from the house. We definitely need to push women to fight for maintenance, and while they are fighting for maintenance we need to protect women. We need to provide whatever supports they need to feel safe in the struggle for maintenance.

As far as education for men, I think we need to encourage young men and to let them know that manhood does not consist of irresponsibility or promiscuous machismo but that manhood consists of honouring, loving and respecting the lives and rights of one's children.

In summation, Madam Speaker, to design and implement sound maintenance enforcement requires, first of all, I think, an analysis and understanding of the misogyny and the devaluation of children which permeates our society. We need to understand just how seriously dysfunctional and disempowering our culture

really is. We need educational and promotional programs. We need protection for women, we need education for men, and, of course, we need sound legislation.

My more learned colleagues will address the soundness of the Minister of Justice's legislation. I want to point out the fact that we need any legislation at all is a sad commentary on the world that we live in, the fact that we do not automatically seek and take responsibility for our children. Many women have told me that if their ex-partners had exercised even a fraction of the creativity to pay the maintenance that they exercised in evading it, we would live in a different world.

I want to close with three brief maintenance stories, neither the worst nor the least offensive, but three out of many because I think that the stories of these women should be told.

Woman A was told by her lawyer not to bother attempting to collect her maintenance as her legal bills would far outweigh what maintenance she could possibly receive for her child. Not encouraging, is it?

Woman B, her former husband disappeared in Alberta 15 years ago. She was able to track him down, but she has not received one cent of the more than \$90,000 he owes her in child support, and she knows she never will. Yet she lives from month to month and her kids have no money for post-secondary education.

Woman C, you might say, is luckier. She gets some child support, but never postdated cheques. She has to beg each month, if he is around. She does not know if the cheque will bounce or whether indeed it will clear the bank. She cannot count on anything but monthly bouts of humiliation and anxiety.

All these women agree with us that is time for change. As to the children, we say that they are our hope, our most precious resource, our greatest teachers. Yet many children in Manitoba live troubled lives, characterized by injustice, by humiliation, by poverty. Many survive only through raw courage. May we learn to do better by them. May their will to survive and their courage be rewarded. Finally, may we create for

them Tommy Douglas' visionary society with the light on the hill. Thank you.

Mr. Steve Ashton (Thompson): Madam Speaker, I rise to speak on this bill today because I think this bill, in many ways, is a good opportunity not only to address the very important issue of maintenance enforcement but the approach of this government, or I might suggest the lack of an approach, on many of the critical issues that are facing Manitobans, particularly when it comes to issues that impact on the real situation of poverty in our province.

I say that to begin with because this issue is very much tied into the experience of many Manitobans who have not been able to have the maintenance due to them and their children properly enforced. I think we have to recognize from the beginning while it is not strictly women, there are some cases where it is men. The vast majority of custodial parents in this province who are in this situation are women, but this is very much an issue that affects children. I know from personal experience from people that I know how much of an impact that has.

When we hear, as we often do, the statistics showing that we are the child poverty capital of Canada, I think one of the important things that we should recognize is this is an area where you can make a difference.

I want to give you a number of examples of how much of an impact the lack of proper enforcement of maintenance is having, and these are examples of people that I have visited in my constituency, who have come to my office, and I would suggest that there may be a number of people, many members of the Legislature in the same situation.

* (1520)

I went visiting one area of Thompson about six months ago and I talked to a woman, Madam Speaker, who was on welfare in Thompson, quite frustrated, wanted to get off welfare, looking for some possibility to get off welfare. But what was interesting, I then asked her about what her circumstances were. She is a divorced mother with a number of children owed a considerable amount of money for maintenance. In

fact, her husband owned a construction company in Alberta. So here was this woman struggling to put food on the table for her children and herself, while her husband was in Alberta running a construction company, by her estimates probably close to being a millionaire. I asked her why this had happened, and I started getting a lesson first-hand on the inadequacies of maintenance enforcement. One example.

I will give you another example, Madam Speaker. I was in my office just a few days ago and a woman who had contacted my office in the past on other issues literally walked into my office in tears. Why? Because the collections agencies were harassing her for bills that were owed, and why was she not able to pay those bills? It was because she had an outstanding maintenance order which had not been enforced.

She was in tears, and you know what the end result was? There were a number of phone calls that were made back and forth. Now there is a voluntary agreement from her former husband that he is going to pay. Unfortunately, Madam Speaker, it is not the first time there has been a voluntary agreement, and I fully expect within a few weeks I will get another call. Hopefully, she will have received the maintenance that is due to her and her children, but she may very well not receive it. She was quite literally in tears, asking what could be done. That is a second example.

I can give you another example. I visited another woman in my constituency. Her husband is currently in Newfoundland. She had lived in Ontario for a while. She is now back in Manitoba. She is a student in an Access education program, and as members will know, the effect of government cuts on that program has been to eliminate student allowances. So she is struggling to get by, just to stay in this program, and, hopefully, end up getting her professional qualifications so that she can get back into the workforce and provide for herself and her children.

But the nightmare of dealing with her ex-husband in Newfoundland and then the Ontario structure and then the Manitoba structure was just too much, and one thing she mentioned to me was just how understaffed the office here in Manitoba was. She mentioned the story that I have heard many times. In the previous two

examples I heard the same thing, that people have phoned—and I recognize how burdened the staff is. They are understaffed. Often people will phone repeatedly, as this woman did, and never get a response for days, Madam Speaker, not be able to get the kind of attention that they need. That is a third example.

I can give you a fourth example as well. There is a woman who has contacted my office on a regular basis who is in the same position again. She is on social assistance. What is happening is that the Province of Manitoba is paying for the social assistance for her and her children when her ex-husband is not paying a cent of what he is required to pay for maintenance enforcement. She has become very frustrated about the inability to enforce those payments.

I have had other cases of women. One woman who used to live in the Northwest Territories, the same problem. In each and every case who suffers? It is the custodial parent and the children. Many of them are living in poverty while people that have legal maintenance orders are not paying a cent. That is wrong. That is dead wrong.

There is a significant number of Manitobans living in poverty that are living in poverty under those circumstances, a significant number. If we can bring in a better maintenance enforcement system we can not only help deal with an injustice in and as of itself, we can, Madam Speaker, help reduce the level of poverty in this province. It is as simple as that. We have proper maintenance enforcement and we are going to have a reduction in the levels of poverty.

What frustrates me, Madam Speaker—and I stress here again that when I am talking about custodial parents, there are also men in that category as well. Personally, in my own family and circle of friends I know a number of men who are custodial parents.

Incidentally, I know a number of cases where men have suffered under the same circumstances. I want to place that very clearly, because I know at times there is a frustration that is felt amongst men who are custodial parents in the same situation. Once again, the vast majority are women.

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

You know, if you look at the circumstances, if you look at the situation they are in, there is another ironic factor here that we have to consider. Every study that has been done has shown that after the breakup of a marriage there are winners and there are losers economically. You know, I have heard this sometimes from people talking about how much they have to pay in maintenance payments, but, you know, Mr. Deputy Speaker, my concern is for the children. To my mind, when people take on the obligations that go with raising a family, and if there is later a marriage breakup, those obligations continue. The obligations are to the children.

You know what I find interesting is, study after study shows that the custodial parent, usually the woman, ends up with a dramatically reduced standard of living following the marriage breakup, despite the maintenance payment, in fact, even with maintenance payments still has a dramatically reduced standard of living. It is often the noncustodial parent who, even with the maintenance payments, ends up with an improved standard of living. I think that has to be stated very clearly from a clear statement from this House. We have to recognize that many custodial parents, many of the women who are in this situation are dealing with the double jeopardy, if you like, of already being in a situation of reduced standard of living and also on top of that having to chase after the maintenance payments that are their due.

Mr. Deputy Speaker, that is the circumstance. If we reduce the problems with maintenance, we reduce poverty, we will make a substantial difference in the lives of each one of the women I mentioned that I know personally who are having major problems because of difficulty of maintenance enforcement.

The next question is, does this bill deal with that issue, does this bill deal adequately? I know there are a number of items that are dealt with in this bill: suspending and refusing renewal of a driver's licence and motor vehicle registration, reporting delinquent payers to the credit bureau, attaching pension benefit credits, attaching jointly held money, permitting

garnishment orders for monies other than wages to remain in effect, changes in the jail term, changes in the fines.

My concern, Mr. Deputy Speaker, is that quite frankly this does not go far enough. I know our critic and speakers have already referenced the fact that other mechanisms are available, such as what is occurring in the province of Ontario where direct deduction takes place from one's pay cheque. We are living in the age of electronic banking. Many of the members of this Legislature have their pay directly credited into their bank accounts.

It is a very simple concept here to directly credit from the person that is required to pay the maintenance into the account of the person that needs to receive the maintenance. It would avoid all the intervening difficulties that occur when you end up with a situation, because of the weaknesses in the current enforcement system, whereby even when people do have a valid enforcement maintenance order, it is very difficult to enforce it. That is the route to go. That is what Ontario has done.

That, I think, makes a lot more sense than many of these types of proposals, because, Mr. Deputy Speaker, excuse me if I sound a little bit cynical, but we have seen from the Minister of Justice (Mrs. Vodrey) too many of these types of announcements in the past. We see it on criminal justice issues where the minister is great at drafting press releases. We even see a court in Brandon, a family court, that does not exist or did not exist at the time the report was put out. I do not want to see the same situation—

* (1530)

Point of Order

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Deputy Speaker, the member is totally wrong. I hope he will take back his comments for the hardworking people who do work in the Family Violence Court in Brandon which has been operating since September 1992. The members across the way seem to have total confusion; they do not seem to understand the process at all—

Mr. Deputy Speaker: Order, please. The honourable member did not have a point of order. It is clearly a dispute over the facts.

* * *

Mr. Ashton: Mr. Deputy Speaker, indeed, the minister may wish to talk to the people of Brandon about that particular matter because the point I was making once again with the minister is that press releases and announcements about various things—I just referenced one. The minister, unfortunately, has gotten into a habit of government by press release, and sometimes the reality of what we see is not always matching what is announced. That causes me great concern because then the minister does a disservice to the system.

I am glad that I now have the minister's attention because I know that indeed she is sensitive about some of the ongoing criticism, particularly from our Justice critic, and we want to see reality, not just press releases. We saw even in the election campaign, we had the Premier (Mr. Filmon) walking through a jail. I am surprised that he did not do a new version out of this Take A Bite Out of Crime ad. It was quite entertaining to see, but campaign commercials, press releases and statements in Question Period do not deal with the reality, and I stand by our Justice critic who raised a very legitimate issue about the situation with the Family Violence Court and the fact that, as is the case in many examples, the boot camps or whatnot, we are finding that it just does not add up.

That is why I am raising this in terms of this particular issue because is this going to deal with the problem? It may help in some areas and in some ways, but is it going to deal with the problem? I ask you that question. I ask the minister that question.

I believe it will not deal with the problem, the key underlying problem, and that is the need to directly access those maintenance payments at source through payment out of salaries, et cetera. That is the way you avoid the intervening process.

I want to say again, too, Mr. Deputy Speaker, and I do not mean this as any offence to any of the members of the bar in this House, lawyers, whether practising or

having practised in the past, but I will say where the major problems are in this area is when the legal system intervenes. I have seen many cases where—and there was reference to this by the member for Wellington (Ms. Barrett)—matters were dealt amicably in terms of the marriage separation, and quite frankly, when the lawyers got involved it was through the actions of some of the lawyers that some of the sort of implied threats were made about custody versus maintenance.

That is wrong, Mr. Deputy Speaker, and I think it is not a question of ethics. Some of the actions that were taken were probably legitimate in the adversarial sense on behalf of the clients involved, but I have known of cases personally where that has become involved. My belief is the less involvement by lawyers in the adversarial legal process in this particular matter the better. The stronger the ability of custodial parents to enforce maintenance payments without having to access the legal system the better off they are going to be. In the end result, the current system has been proven not to work.

So I then basically look at this bill and feel frustrated, because we have been debating this issue for a considerable period of time. I know concerns have been expressed. On July 25: Evade support, pay price; critics urge tougher rules for deadbeat dads and moms—from the Wirmipeg Free Press, including our critic. Another article from the Free Press, July 25, 1994, nearly a year ago: Single moms out of luck—support owed half collected. Once again, pressure. An article covering a single parent who—and this is the headline from the story: Enforcement a big joke. It is very interesting to read, and this was Tammy Williamson who went public with her own frustration, and with supporting documents. From July 26, once again, in fact in this case the Premier indicating there were no easy answers. In fact, I think what really the Premier was saying at that time was that he had no answers.

I think much of what we have seen in this bill is an attempt to come up with some answers. So at least there has been some progress. More articles, I have copies available too of debates in Hansard, questions that were asked, Mr. Deputy Speaker.

So my position as a member of this Legislature and our position as a party is very clear. We are glad to see any movement on this issue, any movement, because for too long we heard nothing but rhetoric from the Minister of Justice (Mrs. Vodrey) in response to the legitimate concerns that were raised by our caucus and by our Justice critic. We heard rhetoric. We did not see any real recognition. We literally had to go after the government day after day on this issue that there was actually a problem.

Now that the government has recognized there is a problem, my suggestion to the government is that this does not go far enough in solving that problem. Why not take the suggestions that we brought in? Why not take the lead example of other provinces, such as Ontario? Why not, as we have suggested, make us a leader in this area? We have the highest child poverty rate, and I mention the connection between this issue and child poverty. Why not, given that fact, make us a leader across this country instead of what we are doing currently? Despite the optics the minister has brought in, I really believe we are still going to see a significant problem with maintenance enforcement. Now there has been progress over the last number of years, I believe, where we have gone from about 40 percent to a 70 percent range of collection, but there is a huge amount of cases where we are not seeing proper collection, and I think we have to deal with that.

I mentioned earlier, there are others on the other side. I had a constituent who was paying more than he was required under maintenance and ran into problems with the income tax system. I think that is wrong in a way too, that we actually discourage parents from providing the support to their children over and above the maintenance payments. There are other issues that must be dealt with, the Thibaudeau case, for example, in terms of taxation of maintenance payments. I think those issues are issues that this government and this Legislature have to be involved with. The bottom line is, if you apply the test to this bill of whether it meets the real challenge out there, I suggest to you, Mr. Deputy Speaker, it does not.

There is not enough in this bill, not specific items that, as a matter of principle, we find ourselves opposing. So while we are not going to necessarily

oppose the bill, I want to have it stated very clearly for the record that, while we support it, it does not go far enough. We reserve the right to move amendments. We reserve the right to bring in subsequent legislation, perhaps at this sitting or other sittings of the Legislature. I say to the Minister of Justice—and I was glad to have her attention earlier when I was talking about the Family Violence Court or supposed court in Brandon—but you know, I just hope that we are not going to be standing in this Legislature a year from now, having to ask about whatever happened to maintenance enforcement and whatever happened to this bill, because the many people that are facing difficulty with this, particularly the vast majority of whom are women, they cannot wait any longer.

The bottom line for me is the people involved. When I have had people come to my office in tears, when I visited people in their homes who are worried about putting the next meal on the table, and when I see the impact that has on those people, those women and their children, I will not rest, Mr. Deputy Speaker, as a member of this Legislature, until we ensure not 70 percent enforcement of maintenance orders, but we ensure 100 percent enforcement so that Manitoba children receive the support that they require. That is our goal, and that is why we will be continuing to raise this issue in the future. Thank you.

* (1540)

Ms. Marianne Cerilli (Radisson): I too am anxious to join the debate on this important issue and on this important bill for Manitoba.

As many others have said, this is an issue that takes a lot of time in terms of dealing with the concerns of constituents in Radisson. It is a justice issue, it is an equity issue, it is an economic and fiscal responsibility issue, and I want to try to deal with all those areas.

I was really taken aback during the election campaign when over and over again, as I was going door to door, I encountered even more cases where mostly women were having a problem in ensuring that payments due them and their children were not being made. We know that at least 98 percent of the parties responsible, the noncustodial parents are fathers. We

know that in 98 percent of the cases, it is the fathers that are not complying with the law and paying their payments that are due to their families.

It was such an important issue during the campaign that I included it in my election pamphlet, my second pamphlet. I have recently also written an article in the local paper, because it is addressing such a large number of families in my constituency. It strikes at the heart, I think, of a number of underlying attitudes that are still prevalent in our society with regard to children and families and the responsibility for both fathers and mothers to their children. We cannot get away from the glaring apparentness that there is a double standard. There is a double standard in terms of the attitude that when it comes to rearing children it is still the mother's primary responsibility, and it does not, according to this government, seem to be the responsibility to ensure that fathers are going to fulfill their obligations as parents.

I say that knowing that this a step in the right direction, but one of my big concerns is that it is reactive and it focuses on penalties and not completely revamping the system to ensure that it is going to be not the women's responsibility, not the mothers' responsibility to continue to initiate and ensure that the children in these families are given what they are owed.

In this issue we can address the problem that we still have the attitude, and I think this is one of the underlying attitudes apparent with the need for this kind of legislation and the hesitance, I think, of this government to not going forward and farther to ensure there is an automatic pay cheque deduction system in place. I think that is because there is still the attitude that family is private, that these kinds of relations between a husband and a wife and their family are private, and that there is no business for the state to be involved.

Unfortunately, these are huge economic and political issues. We are seeing that, with the high divorce rate that we are having in our culture and in our country, these are the attitudes that we are having to challenge head-on.

We have to have a public mandate to ensure that the contract that two parties enter into when they are

having children is going to be complied with and that the children are going to not be subjugated to poverty simply because the parents no longer get along. That is some of the very difficult issues that we are dealing with here and they are complex and controversial, but I would say that these are political issues that deserve serious consideration and I would say that there are a number of issues that we have to look at as elected officials with respect to these kinds of family matters.

The underlying principle must be then that both parents must remain responsible for rearing children in the case of separation or divorce. It goes to the heart of giving value to the work then that women do as mothers, I believe, in giving value to the arrangement then, if the noncustodial parent is financially responsible for giving in some cases only \$100 a month, sometimes less, that there is also a value associated with all the other caregiving and all of the other work that the custodial parent, primarily the women, are doing to raise their children.

These are some of the issues that I hope we contemplate when we are dealing with the problems of enforcing maintenance payments for children. I want to emphasize that it is a women's issue because at the heart of these economic matters of maintenance payments is that this payment can be used as financial abuse, the withholding of these payments can be used as financial abuse, and we know that when women leave marriages or leave their partners, they end up being poor. We know that, by far and away, when women leave a relationship and their family, they end up having their gross income decline and men tend to have their income increase. This is nine times out of 10 because the women will maintain the responsibility for the children and not have the income needed to do that.

So it also makes us reflect on the importance of having financial and economic independence and realizing that very often women stay in bad relationships, violent relationships, simply because they do not want to enter into poverty and this system of having to ensure maintenance payments are made.

At the outset, then, I want to say that the first principle of any maintenance enforcement legislation must be that this be the primary responsibility, that

child maintenance be the primary responsibility or the primary emphasis for settlements dealing with payments following separated families.

Now this bill, as I said, is reactive and it emphasizes penalizing noncompliance with maintenance orders rather than looking at how we can create a new system that is going to be more preventative and proactive in there being any problems. So we support the measures that it does undertake, the provision to suspend or refuse drivers licences, the provision to report delinquent payers to the credit bureau and provisions to increase maximum jail terms of 30 days to 90 days and to increase the fine.

The problem you are going to have, especially in the area of fines, and this is an area I want to get into a little later in some detail, is if the fellow is not paying his maintenance enforcement, how are they going to be collecting fines? It speaks to the whole issue to how it is a backwards approach to continue going after penalties when what we need to be doing is creating a system that is going to work for children and work for women to ensure that they are not forced to go without and be neglected.

I am also concerned with respect to this bill, and perhaps the minister will correct us if our information is wrong, is that she did more consultation with lawyers, perhaps, than she did with women and men who use this system and who are going to be the ones impacted most by this legislation.

I would suggest that there is a vast resource of expertise among a number of women's groups and resource centres in the province that could have provided advice. When I had the opportunity, with two of my caucus colleagues, to tour the province with the NDP task force on domestic violence, we heard from a number of those groups who told us clearly some of the problems there are with the existing system.

* (1550)

The other thing about this bill that I find quite reprehensible is the fact that it takes away the right for the custodial parent to appeal. It takes away women's right to appeal when the decision afforded to them with

respect to their maintenance allotments is not in keeping with their approval. When we have criminals who have the right to appeal and we do not give moms the same right, that is saying something pretty dramatic about our legal system and the kind of systemic barriers that are put in place, reflected by this entire system that prevents women from being financially on par with men.

I hate to see something go forward, and I hope the minister and the government will consider an amendment to reject that section and make sure that moms have the same right as criminals in this province to appeal decisions handed down from the court regarding maintenance.

I would want and expect some explanation of why the government felt it was necessary to do that. I am afraid that this bill is an attempt by the government to simply make it look like they are addressing this problem because they have had a tremendous amount of heat. I know that the minister's office and the minister's department in Justice received numerous phone calls from myself and my assistant regarding this issue, and I know that the same number of phone calls goes to the minister's office and to the department for many others in this House, as well as from many people in the community.

I think that they are attempting to respond and quiet the outcry in the community without really addressing the problem. I find that disconcerting and a concern, especially when the Minister of Justice is also the Minister for the Status of Women, so I would encourage her to take a close look at that tradition and reject that part of this bill.

The other thing that is not addressed, as I said, is making the system itself more effective. We know that there is a shortage of staff in the maintenance department. Estimates are that there are more than 1,100 caseloads per officer in the Maintenance Enforcement division and this is, compared to other provinces, twice as many. There are in other provinces 400 or 450 cases per worker in this area. So in Manitoba we have the highest noncompliance record in the country, and we can see this is partly because of the poor levels of staffing responsible for this provision.

But even with that, Mr. Deputy Speaker, in 1990, 1991 it cost this division in the government \$759,000 to collect \$1.2 million in maintenance payments. So it is a cost-efficient effort on the part of the government, and staff in this department more than pays for themselves. I would suggest that this area requires not only legislative changes but programming changes, one of them being increases in staff in the Department of Justice to take on this function of maintenance enforcement, but, in light of that, a lot of that work would be unnecessary if we would move to an automatic pay cheque deduction system which we are advocating on this side of the House.

I want to speak a little bit now about the 40 percent to 50 percent default rate on maintenance payments and how that is compounding and contributing to Manitoba's abysmal rate on child poverty. We have poverty because there are 20,000 children in Manitoba affected by this lack of enforcement in maintenance payments. We have the highest rate of child poverty in Canada here in Manitoba because we have poor moms. We have this problem, I would suggest, because we do not have the kind of program we are advocating that informs women they have the right to these payments, so a lot of the statements that we are making applies to approximately only 68 percent of the population.

There are other huge numbers of families out there, women and their children that do not even know they are entitled to these payments. They often think if they go forward and apply for maintenance enforcement that they are going to have to again deal with the divorced spouse or the partner that they have left, and they do not want to do that so to avoid that they live in poverty.

Now it has been said that, in Manitoba, welfare is paying about \$8 million that it should not have to pay because there is \$8 million out there that is being given to women and their children on welfare who should be getting that money in maintenance payments. So this is a fiscal issue that a government should be interested in from the point of view they will be saving the taxpayers money, because it will be the fathers 98 percent of the time who are going to be paying for the care and welfare of their children rather than the provincial government or other levels of government.

We know that 58 percent of single-parent women live below the poverty line, and we know that half of the women recipients of maintenance enforcement have less than a \$10,000 annual income. So these are the realities that are contributing to the problem we have in Manitoba with respect to child poverty. When I think of one thing that this government could do to deal with that that would be simple and would be effective it would be this issue which is in the interests of justice as well, the justice and equity necessary in Manitoba.

I want to then briefly address some of the concerns with respect to the system that we have. As I have said, this bill does not go anywhere near addressing the systemic problems in the area of maintenance enforcement. The issues of taxation of benefits, I do not think it is reasonable that the custodial parent, the woman, ends up now paying income tax on the maintenance benefits that she is receiving.

The other problem is with respect to how arrears are dealt with. It is ridiculous that the higher the arrears the more likely they are to be forgiven, and the number of cases that I have in my constituency mostly deal with arrears. I have constituents who have \$15,000 in arrears owed to them and they cannot get at that. They cannot get at that because there is a provision for the father to earn more than \$1,400 before he has to begin paying arrears. There is another provision that says the day the service order has to be given into the court is the day after he gets his cheque. That does not make any sense, and it puts a lot of responsibility for knowing the business of this person on a woman who no longer wants to have anything to do with him. In this case it would take three months for that to go to court.

These are the kinds of problems in the system that we are dealing with where it ends up being impossible in a number of cases to ever get at the arrears, and, as I have said earlier, the higher the arrears get, the more likely it is they will be forgiven. So I would want to recommend that there should not ever be any forgiving of arrears and there has to be a way to prevent those arrears from accumulating to that extent. As we have said before, one of those ways would be automatic pay cheque deductions.

* (1600)

I have had other constituents complain that the noncustodial parent will simply go on welfare or will have part of their income given to them as not declared income, so their income will remain lower than what it has to be so they have to pay the maximum benefits, and they will get that money untaxed and under the table.

The other problems with the system are the problems for women on welfare who are collecting maintenance and the hoops they have to go through when they do not get the money that they are supposed to get. Welfare gives them their cheque based on the maintenance they are supposed to be receiving when in fact they are not getting that money. I have a case in Radisson where a woman who has three children and has an income of less than \$900 a month ended up paying \$50 in income tax to the government. She often ends up having to give money back to welfare once she ends up getting the child maintenance that she is due.

These are all examples of how our system is failing, and none of these problems are addressed by the legislation that the minister has put forward. I have not heard any comments that she plans on dealing with these more systemic problems.

In closing, I just want to say that I know a number of my caucus colleagues have talked about the proposals we have for amendments. We know there are other provinces that are dealing with this in a much more proactive and preventative fashion than the provincial government here in Manitoba.

B.C. is charging interest on noncompliant payments or on arrears and on late payments. In Quebec, Ontario and Nova Scotia, there have been criteria introduced to determine the amount of the payments that are to be paid. This is another area where I hope we would see some compliance with our amendments, because there is a huge disparity in the province of Manitoba where it is determined simply by the discretion of the judge and the abilities of the lawyers involved to negotiate settlements, and there does not seem to be any equity or fairness between cases. So it has to depend on the income of the partners involved and the number of

children in a formula to ensure that there is going to be much more fairness.

In conclusion, I would encourage the minister to listen carefully to the recommendations that are going to come forward on this bill, to listen carefully to the stories and the recommendations I know she will hear at committee. With that, Mr. Deputy Speaker, I thank you for the indulgence in the House. Thank you.

Mr. Gary Kowalski (The Maples): It gives me pleasure to rise to speak to Bill 3, The Maintenance Enforcement Amendment Act. As members on all sides of the House agree, this is very important legislation.

Ineffectiveness of maintenance enforcement has long been a problem in Manitoba. Twenty-eight million in arrears on support payments is a serious problem. Studies have shown that more than 80 percent of delinquent parents are employed. The problem is not an inability to pay; it is the ineffectiveness of the system. There is a clear link between the failings of maintenance enforcement and child poverty, as has already been mentioned a number of times.

Improvements to maintenance enforcement will not solve the child poverty problem, but they will constitute an important step in that direction. I would like to acknowledge the efforts of Ms. Norma McCormick who served as the member for Osborne during the last two sessions of the previous Legislature.

She was instrumental in bringing the issue of maintenance enforcement to the forefront of the public agenda. Norma's tremendous knowledge of the issue led to rigorous debate and an intelligent air in this issue before the public. Norma was instrumental in forming the coalition of custodial parents. Norma's efforts helped Manitobans to understand how important it was and is that we stand up for the rights of vulnerable people who are being failed by an inadequate system. Norma helped to raise the profile of the issue further by proposing a resolution on this issue as well as a private member's bill in the last session. We hope that the improved powers of maintenance enforcement are concentrated on securing maintenance for all custodial parents.

If efforts are concentrated primarily on maintenance payments to single parents on social assistance, this will amount to little more than an attempt to fill government coffers, since the welfare mother would be forced to remit the money to the government. We want to ensure that the resources are directed toward securing maintenance payments that will actually go to children.

We hope that the government intends to address the problem of the capacity of judges to remit maintenance orders, freeing delinquent fathers of vast arrears in a vain hope of encouraging them to keep up their payments in the future. This strategy fails to work and yet continues to be employed.

Again, Norma McCormick introduced a bill on December 8, 1994, Bill 200, The Family Maintenance Amendment Act. The principal purpose of this act was to remove the power of a judge to remit maintenance orders and to ensure that information on default payments be registered with the credit bureau.

This was a response to the problem that the parent awaiting payments would often have his or her credit rating damaged because of the failure of the other parent to pay; therefore it made sense that the other parent's failure to pay be registered with the credit bureau.

We support the bill in principle. It is a step in the right direction on an issue of great importance, although it is late in coming. We will be pleased to see this bill go out to committee. There are a number of individuals and groups who want to ensure that the bill is sufficient to address all the concerns associated with this issue. Further, there may be some question as to the taxation implications of garnishment of pension funds which should be addressed in committee.

Finally, to complement this government's efforts on this issue, the government may wish to consider lobbying the federal government to change the Bankruptcy Act to give parents owed child support payments creditor status in bankruptcy proceedings.

So again, we support the bill in principle and we welcome it proceeding to committee.

Introduction of Guests

Mr. Deputy Speaker: Order, please. At this time I would like to advise the House of our guest. The former honourable member for Pembina, George Henderson, in the loge to my right.

* * *

Mr. Daryl Reid (Transcona): Mr. Deputy Speaker, it is my pleasure to rise today to speak to Bill 3, The Maintenance Enforcement (Various Acts Amendment) Act, introduced by the Minister of Justice (Mrs. Vodrey). This is an important piece of legislation in that it will, hopefully, deal with some of the problems that I have seen and have been brought to my attention by my constituents over the last five years.

I have had the opportunity to hear the concerns of my constituents who have brought this matter to my attention. In all cases the custodial parents who have brought this matter to my attention have been women, for cases relating to my constituency. I find that in the cases that they have brought to me and the facts that they have brought to my attention, we are very much justified in taking action to try and take some corrective action in dealing with maintenance enforcement of the payments and the arrears that are outstanding as a result of failure to keep up court orders on behalf of the noncustodial parents who are instructed through the courts to make these payments.

The families are obviously disadvantaged when the payments are interrupted. It is the children who are most disadvantaged, although there is significant hardship for the custodial spouse as well. In many cases, as my colleague for Radisson (Ms. Cerilli) has indicated, some 98 percent of the custodial parents are women.

I find that it creates severe hardships for the family in that in many cases the custodial spouse is unable, because of young children, to go into the workforce. They are remaining at home to look after the young children until the children enter school. This creates hardships for the families because then the family must go onto welfare because there is no income other than welfare to support them, and yet there are delaying

tactics that are being used by the noncustodial parent to prevent or to interrupt any payment flows to the custodial parent family.

* (1610)

This creates hardship. I know I have had several cases that have been brought to my attention, but I must say that there is client frustration—I call it client in that custodial parents are clients of the Maintenance Enforcement Program, are clients of the courts—in helping them achieve a just and fair resolution of the matters that are brought to the attention of the courts, but there is also a frustration on the part of the custodial parents in the garnishment process federally that takes place and I believe with the garnishment process that takes place within the province of Manitoba.

I know in dealing with these cases I had the opportunity to talk with people in the Maintenance Enforcement Program in 1994 because I wanted to inform myself or educate myself on the type of workload and the type of cases that they handle. I was advised in April of '94 that the Maintenance Enforcement Program offices for the province of Manitoba was employing at that time some six officers in the city of Winnipeg responsible for all the cases in the city of Winnipeg. Each of these officers was responsible for over 1,000 maintenance enforcement court-ordered cases. I find that is appalling in that I do not know how any individual, I do not care how good that individual is at their work, can handle a caseload of 1,000 cases.

Also we know at that time in April of '94 that there was one officer in the Maintenance Enforcement Program looking after the reciprocal agreements between the various jurisdictions of Canada and that that individual's caseload at that time was 1,800 cases. I do not know how that individual could handle 1,800 cases because I am sure that I myself and many others in this House could not handle a caseload like that.

I understand that the minister did take some steps at the time to bring in some new officers. Some new officers were hired to assist with the caseload and there were also some new trainees, two new officers, two new trainees, who were brought in. These people were

green. It was going to take them some period of time to become adjusted and to learn the methods by which they were to perform their duties, so it was not going to alleviate the workload of the six regular officers and one reciprocal officer for some period of time, until the new officers received significant training.

I had hoped that was going to change since we had a total caseload of nearly 8,000 cases in the province in April 1994, and I was distressed to learn, not long after that, that the total caseload for the Province of Manitoba was 11,400-and-some maintenance enforcement cases for the province, a significant caseload for the people who had to perform that work.

Now, that work is fundamental in supporting the families because, in many cases, the families are left at risk. No one is taking action to secure the income that is necessary to sustain those families. I know that the custodial parents have told me, when they have called my office and requested the assistance of my office, that they find a great frustration in dealing with the courts.

Now, it may be all right if the individual, the custodial parent, is eligible for Legal Aid and can obtain the services of Legal Aid lawyers to help them, but there is still the delay in resolving issues that creates problems and hardship, because there are no monies flowing to that family.

For those custodial parents who are working, quite often, I found in relatively low-paying jobs in comparison to the rest of society, they may be partially eligible for some Legal Aid services. In other cases, they are not eligible for any Legal Aid services and therefore have to pay for all of the lawyer's costs out of their own pocket, and it creates hardship for them, for those who have to pay it totally out of their pocket, if they have to continually go back to the courts to defend or to secure payments to support the children, which is the purpose of these actions.

I know, in talking with the women who are involved, they also expressed, because 98 percent of custodial parents are women, concerns about the courts, and maybe this is something that the Minister of Justice (Mrs. Vodrey) can deal with. The courts have been

known, in a case that was brought to my attention, to omit clauses from the court order for the payment of support payments through the Maintenance Enforcement Program offices, flowing through those offices back to the custodial parent.

That leaves the custodial parent in the position, then, of having to go back to the courts to secure payment because the Maintenance Enforcement office refuses to deal with something that is not directed to them through the courts. It creates a great deal of frustration for the custodial parents. Obviously, it ties up more of the court's time and adds more cost to the court's operations, something which I think is not necessary if there is a certain amount of care taken in the issuing of the orders through the court system to ensure that the Maintenance Enforcement Program is the office through which the monies must flow to the custodial parent from the noncustodial parent.

I have also had concerns expressed to me by constituents, custodial parents, relating to the confusion surrounding the federal garnishment process and the monies that are not being released, and the lack of speed that is involved in the dealing with the garnishment orders, and that there is a delaying process in there that I have experienced and have heard from the custodial parents that the noncustodial parents will use this as a delaying process.

Some of the delinquent noncustodial parents will not file income tax returns, for example, so that none of the monies to which they may be entitled through the income tax system by way of refund would then flow to the custodial parent. So this prevents the custodial parent from having the opportunity to gain access to those funds, and until the individual files that income tax return, the noncustodial parent files those income tax returns, then the custodial parents will not have access to those funds.

There is some problem with the Revenue Canada process in that it does not distinguish between GST rebates and tax funds for the purposes of garnishment. I am told that the federal garnishment offices will include GST, that would only occur if the ex-husband files a tax return, and if the noncustodial parent owes money to the federal government, then the federal

government will take 50 percent of that money that is owed to them and the other 50 percent of the money will flow through to the custodial parent. But if there is a total refund owing to the noncustodial parent then, of course, all the monies would flow through to the family by way of the garnishment order. This creates hardship for the families that the federal government becomes the first payee in the process and that the families must wait for the monies that they are entitled to.

I have heard from many of the constituents who have called me on these matters about delays in the forwarding of the money through the Maintenance Enforcement Program. It has created hardships for the families. Now it may be related to the caseload that the individual enforcement officers have, and I think there has to be some steps taken to address the caseload that is there to ensure that the monies can flow quickly through to the custodial parent.

There also needs to be some communication between the Maintenance Enforcement Program and the minister's office to ensure that if there is a service delivery committee that can be established in such a way to allow the custodial parents and the noncustodial parents, where cases may warrant, to have access to advice as to what the policies are.

Are there some brochures that are available to inform the parents on both sides of what their duties and responsibilities are? I do not see that taking place, and I think that it would be wise to have a service delivery committee to listen to the concerns.

The Minister of Justice (Mrs. Vodrey) may not be interested in listening to the concerns of my constituents, and I know traditions of this House prevent me from making comment on presence or nonpresence, but I have heard concerns brought to me by custodial parents saying their ex-spouse refuses to make payments and is going to go for a variance of the court orders as a delaying mechanism and that the arrears owing to the custodial parent continue to escalate into the thousands upon thousands of dollars, again creating hardships for the families.

* (1620)

We have to take some steps to address the fact that there should be interest penalties applied to any arrears that are outstanding and owing until that variance takes place within the courts. We have to improve the roles in communication between the federal government, Revenue Canada, the partners of the marriage that has broken up, the custodial and noncustodial parents, and also involve the workplaces, Mr. Deputy Speaker, because I found that workplaces are involved.

Some workplaces do not want to deal with this and frown upon their employees, forcing them to make payments to the Maintenance Enforcement Program. I have heard that from employers, and I have heard that from the parents. I have also seen one case where a workplace did not comply and did not forward the monies that were owing, through the garnishment process, through to the custodial parent, which, again, creates hardship for the family, for the custodial spouse.

I found, Mr. Deputy Speaker, that there are people who, in the sense of noncustodial parents, hide behind loopholes and hide behind the bureaucracy in an attempt to delay the payment, to which the court, in many cases, has directed, must be made. There are problems in that sometimes the Maintenance Enforcement Program will not follow up on enforcement of the court orders because they are informed by legal counsel, in at least one case that I am aware of, that there is going to be an appeal launched for a variance of the original court order. Maintenance Enforcement, I sense, washes their hands of the process, saying, well, we might as well wait, instead of going through the paperwork process, until the variance of the court order has taken place, if that is the will of the court. In some cases, the court has said, no, that there is not going to be a variance. I think that then it should be the responsibility of the Maintenance Enforcement Program to ensure that the original court order is adhered to until such time as a variance takes place and is directed by the courts.

Those are some of the things that have been brought to my attention, some of the issues brought to my attention by constituents. I know several of my colleagues had the opportunity, just a short time ago, in dealing with a family justice package, in that they

toured the province and had the opportunity to listen to many of Manitoba's women, being that they are the majority of the custodial parents, and have put together a 14-point plan, which I believe my colleague the member for St. Johns (Mr. Mackintosh) will talk about a bit later.

I find that the recommendations that have been made on behalf of the custodial families in the province are very, very much along the lines of what the constituents of mine in Transcona who have drawn these matters to my attention have indicated in the sense that we must consider children first and the impact on children by allowing these arrears to accumulate and that we must take some steps to make sure that these arrears do not reach the levels that is seriously jeopardizing the families before some serious action is taken to correct these types of matters.

There must be more enforcement where noncustodial parents leave the province. I think there must be a tracking mechanism here that must be involved to ensure that, as we do in some other cases in some other departments where we do tracking, there are people not taking advantage of some of the safety net programs. Perhaps this should be one of the programs where we have a tracking mechanism, where we have an exchange of information between the provinces to ensure that the custodial parent is receiving the monies to which they are entitled, court directed or otherwise agreed to, and that no matter where the noncustodial parent is living that those monies will flow.

I believe very strongly, Mr. Deputy Speaker, that there should be an automatic pay cheque deduction system. I believe that is one way we can do it. I know it will alleviate some of the problems that are encountered in the flows of the monies. I must also say that I am disappointed that there are noncustodial parents in the province that have allegedly indicated to the custodial parents that they will refuse to make payments and that they will indeed quit work and go on welfare as a means of avoiding the responsibilities that they have as a result of being a parent.

I believe that is wrong for anyone to think that way. I think each and every one of us who is a parent has a responsibility to the children that we bring into this

world and that we have to take the necessary steps to make sure that the people that are responsible and that are refusing to take that responsibility are held accountable.

So, with those few words, I would like to thank you for the opportunity to raise these matters on behalf of the constituency of Transcona, on behalf of the constituents who have drawn these concerns to my attention. I hope that the legislation that we have before us here today, which I know does not go as far as we would like it to go with respect to the Maintenance Enforcement Program, but that the minister will listen when we move this legislation through to committee, will look to amending the legislation to recognize that there are other points, as we have indicated in our 14-point plan, that should be included in this legislation. I would like to thank you for the opportunity to add my comments.

Ms. Rosann Wowchuk (Swan River): Mr. Deputy Speaker, I would like to take a few minutes to put some comments on the record with regard to The Maintenance Enforcement Act as it relates to my constituency and issues that constituents have brought to my attention.

When I look at the numbers and I see the number of active cases in Winnipeg versus the number in rural Manitoba, certainly there are many more people in urban Manitoba who are suffering because of lack of maintenance enforcement and lack of payments, but there are many in rural Manitoba and I believe there are many more who have given up on the system because they do not have the supports there. There are many families, women and children, who are not being supported by their spouses, by the other partner, the other parent. This is leading to serious problems and adds to the problem that we have here in this province and that being that we have the highest child poverty in the country.

It is an issue that has to be addressed. Although this is one step in addressing this issue there is much more that can be done. As my colleague has indicated, our Justice critic and other members of our caucus have met with many people throughout the province and have heard the situations that are out there and have put

forward many suggestions. I hope that when this legislation is being dealt with that the government and the minister will keep an open mind and look at other possible amendments that will improve this legislation to address the concerns of people in this province.

As I said, I want to address it as it relates to my constituency. A few people have come to my office, and, in particular, I recall a mother who came to my office and talked about the difficulty she was having because the father of the children, although he had a very good job, was living high on the hog, so to speak, was not having any difficulty in funding the things that he enjoyed, but when it came to his responsibility of supporting the children he was less co-operative and not supporting the family. The mother indicated that she was becoming very frustrated with the system and was not having the supports there, and as a result she was the one who was forced to go on social assistance.

Mr. Deputy Speaker, mothers do not want to go to social assistance, but they are being forced to do this. As a result of this you can see, as others have indicated, instead of parents paying for their responsibility of raising their children the government is having to add in large amounts of money, in fact \$8 million, into the system to pay for the costs when there are people who should be paying these bills. It is unfair, and it has to be addressed.

The other issue that has been brought to my attention is the fact, again in a particular case, where the father would not pay the support for the children here in Manitoba. The mother was getting some support from the Maintenance Enforcement people, but the father chose to leave the province.

Now we have to be sure that this legislation crosses interprovincial. We have to take the barriers out between provinces so that deadbeat dads, so to speak—and in cases there are mothers, I know, who are not supporting their children, and the father is having the responsibility of the children. But the spouse who chooses to leave the family behind must have the responsibility of putting supports in there, and they should not have the ability to leave from one province to another, the other partner having no way to access their funds.

So it is very important, and I hope that this legislation will address those concerns. If this legislation does not, I hope the minister will keep an open mind and put in place amendments that will result in the necessary supports being in place to ensure that we do not have the situation that we have now where we have thousands of children in this province living in poverty because one of their parents will not live up to their responsibility of paying support for the children.

* (1630)

The other issue, Mr. Deputy Speaker, is from a rural perspective there is a whole different situation that I do not believe is addressed here. That is the fact that we have a serious situation in rural Manitoba, and changes that are being made by the federal government and supported by the provincial government are causing farmers in rural Manitoba and across Canada to be under a lot of stress, farmers having much less income to support their families. Statistics show that there are more break-ups in rural Manitoba because of this, and again the children suffer, but when the money is tied up in assets, such as land, many times the mother does not have access, and the father can say that he does not have the ability to pay.

We have to look at a way for this to be addressed. The government is willing to put in an automatic checkoff for farm organizations, to support farm organizations. They should be willing to look at ways that we can have an automatic checkoff for mothers and children.

If they can put in a mechanism for farm organizations without having to canvass for their members, this would be much simpler, but there has to be the will, and I would hope that this government would look at it. If it is a pay cheque checkoff within the farming community, if they are able to put legislation into checkoff at the auction mart or the elevator, to check off for a farm organization, surely, in the interest of the children of this province the government should be able to address that.

It should not be beyond them to look at a way to address that, and, Mr. Deputy Speaker, I say this in all sincerity. I am very concerned about the situation in

rural Manitoba, and I am very concerned that there are children in the farming community who are suffering because, for one reason, the income in rural Manitoba is going down, but the other is that there are not the mechanisms in place to ensure that the maintenance payments that are supposed to be there flow through to the custodial parent who is looking after the children.

I would urge the minister to take that into consideration, that there are different situations in rural Manitoba than there are in urban Manitoba, but it is the children that we should be concerned about. We have to look at ways to change the numbers that we have in this province. It is an embarrassment that we are the poverty capital in this country, and this is one of the steps that can be taken. Part of the reason that there are so many children in poverty is partly because many people have no work and are forced to go onto social assistance, but there are those who are suffering because one of the parents is not paying his fair share.

Mr. Deputy Speaker, I urge the minister to consider those things. I urge the minister to look at the recommendations that have been made by our Justice critic and members of our party, not to hesitate to accept amendments that will improve the plight of the children and of mothers in this province who are being neglected by their spouses. There is nothing wrong with accepting amendments that are proposed if it will enhance the legislation. It is something that we all want; we want to see a better life for our children and better opportunities.

Again, I cannot emphasize enough that I would hope that the minister would look at the different situations that occur in rural Manitoba and look at ways that those situations can be addressed because, as I say, when all the assets are tied up in livestock or in land, there have been situations—and I am quite familiar with a few of them—where the father says, I have no money to pay, I cannot give you anything because everything is tied up.

There must be the ability to deal with that so that in that situation, when there is a breakup, the excuse that all money is tied up in assets does not hinder the mother and children who are separated from the family. They have contributed to those assets and must be able to have a share in them.

As I say, Mr. Deputy Speaker, the government has found a way to address the concerns of farm organizations. I think that our children are the most important people in this country. We must find a way to address these concerns so that we do have justice and that everyone is treated fairly in this country.

With those few comments, Mr. Deputy Speaker, I thank you for allowing me the opportunity to put my comments on the record.

Mr. Gord Mackintosh (St. Johns): After seven long years of this government doing virtually nothing to deal with the crises of poverty in Manitoba, and specifically doing virtually nothing to deal with the poverty that is experienced by the single parents and their children, we have a bill before this Chamber to improve the powers of the Maintenance Enforcement office and the Maintenance Enforcement regime.

The poorest in Manitoba are the single parents and their children. When we have a mechanism in this province which is not meeting the needs of those families and the children, when we have a 75 percent default rate and we define that as meaning the lack of payments whatsoever by noncustodial parents or payments that are late from time to time, that is a horrendous statistic.

When we have \$28 million which we know is owing to the single parents and children of this province, that is despicable. We know that the \$28 million is only a fraction of what is actually owing to the single-parent families in Manitoba. There is one estimate that in fact only 65 percent of the single-parent families are getting maintenance enforcement orders at all.

So our concern goes beyond the families that are registered with the Maintenance Enforcement office that have orders with the court or have agreements. We have a much broader concern and that is all of those families, all of those children who are entitled to support but are not getting it for a number of reasons, one of which is the incompetence of this government, the incompetent measures that are set forth in The Family Maintenance Act. They say, why bother? Why go through that office when it is not going to make any difference?

As well, many of those parents, many of those families are saying, I am not going near Maintenance Enforcement because I want to get away from that guy. I want nothing to do with him, and the government is not going to help me. But, Mr. Deputy Speaker, I am also very concerned about those that are not pursuing maintenance because they do not know they are entitled to it. They are in abject poverty and they do not know there is a solution.

What we need is not simply changes to the maintenance enforcement system as it is. We have to broaden the net, if you will. So after seven years of this government turning its back on those most in need in Manitoba, they bring in a half-hearted piece of legislation, and I take offence to the Liberal Party here, today, that comes in and says, you know, this is fine legislation. Those were the comments that were made at the time that the minister made the announcement. It was all dickeybirds and butterflies.

Well, this is not good enough. And the Liberal Party getting up in here and saying, oh, and we were really active in making and ensuring changes. When we look at the platform of the Liberal Party in the last campaign, do you know what they did? Did they talk about any of the 14 points we have announced that we would implement as government? Well, they said we would report the defaulters to the credit bureau.

* (1640)

They said we would work with the federal government. Well, that is fine, but what else about the Maintenance Enforcement Program in Manitoba? Well, surprise, surprise, during the election the Liberal Party finally comes around, after failing to agree, failing to stand behind our caucus when in Question Period and time after time in the media we have called for automatic pay cheque deduction. Lo and behold, it shows up in the Liberal platform.

Except for automatic pay cheque deduction, except for credit bureaus, the Liberal Party is vacant on maintenance enforcement. Where is the meaningful change from that party? So we do not need any self-backslapping from the Liberal members in this Chamber, Mr. Deputy Speaker.

Seven years of this government and on the eve of an election, virtually on the eve, this government brings in some changes to maintenance enforcement, half-hearted as they were. They used the plight of the single-parent families in Manitoba and those children and some half-hearted measures as election bait. I think that was disgusting. They had seven years to deal with this problem.

I do not know what the experiences of members opposite have been in their lives, and I do not know what the experiences of the Justice minister have been, but I fear that we are seeing the partitioning of Manitoba as never before, a partitioning along the lines of the haves and have-nots.

When we are sitting in this Chamber and we are giving concise debate, when we are offering the Minister of Justice (Mrs. Vodrey) ways to improve the regime, when we are sharing the experiences of our constituents with other members, and the minister in particular, I find it insulting, I find it does nothing for democracy in this province when the minister does not listen to the speeches from the members from this side.

She will not take any advice from the collective experiences of all of the constituents that are represented from this side of the House. This is a serious matter, because poverty is the most serious affront to Manitobans today. This is the land of poverty, and when we are offering some changes, some positive change the minister turns a deaf ear.

Now, Mr. Deputy Speaker, when all of us seek election surely we have in our minds an objective. The reason that the term honourable member has been used in this Chamber, and in parliamentary democracies around the world, is because it is assumed that when one seeks and gains election to chambers such as this they seek to better the quality of life of the people they represent. That is a great honour, to seek to make life better. I ask the Minister of Justice, how is it, with that honour bestowed on her and on this government, they come in with such halfhearted measures?

Maintenance enforcement in Manitoba needs an overhaul, it does not need a paint job. They got a paint job with this bill.

Why, when the tools were at the disposal of this government to reduce poverty, to improve the lives of single-parent families and children, did they choose to abandon that great opportunity? Why be halfhearted when you have the tools at your disposal? This government wants to turn its back on the threat of patriarchy and has refused to acknowledge that the most important principle has to be that our children and debts owing to those children by the parents are the most important debts owing. There is no more important debt owing than that to our children.

If the government would simply embrace that principle, we would not have seen a bill like we see here. We would have seen real change. We would have seen honourable members doing what they were elected to do, which was to better the quality of lives of those they represent.

Society is changing rapidly, Mr. Deputy Speaker. Most fundamentally, that traditional notion of the family is no longer the norm. The divorce rate has increased from 19 percent in 1970 to 38 percent in 1990. I do not know what has happened in the last five years. Those are amazing statistics. From that increase in the divorce rate there have been some very significant results, many direct, many indirect. We now have what when I was growing up in the 1960s was a very uncommon type of family, and that was the single-parent family. It is very common now, and it is usually with women at the head, women as the custodial parent.

So there has been a shift in that traditional role of women being the emotional caregivers to women now bearing the economic responsibility, as well as many indirect results. It is sad but poverty is the leading result; and from that, poor health, including the mental health, particularly of the children; and from poverty, problems of low esteem.

The indirect results of poverty on crime levels is well established, Mr. Deputy Speaker. I am particularly concerned, as well, of the effects on women of heading the single-parent homes. I know first-hand of the stress, of the exhaustion, of the loneliness that those women bear. I also know of great joys, but to be a single parent and a woman in today's society is a

challenge indeed. I wish this government knew how difficult it was just at that, but, when the single parent, when the woman looks for assistance from the government, from the state, from this government, all she sees is red tape. She is made to feel that her poverty and the lack of maintenance support is her fault because the maintenance office has not been there for those women.

When we brought into this Chamber individual circumstances—and I raised the issue surrounding Tammy Williamson's plight. We hear this single woman came down, and I will never forget her standing in front of the cameras. She was shaking, she was so nervous. She was afraid, but she spoke up, and she made a difference.

She told this Chamber, and she told all of Manitobans, how she had waited weeks and weeks and weeks just for a return phone call from the Maintenance Enforcement office.

An Honourable Member: Did the minister listen?

Mr. Mackintosh: The minister never listened, and I know the minister never listened because she came back after the minister promised to personally get involved and deal with her case. She said that she again was abandoned by the minister's office, and nothing was done.

You know, it is interesting that Tammy Williamson came before this Chamber and came before the public of Manitoba fearing retribution from her ex. Three days after she went public, there was a filing for custody by that ex.

So it is hard for many of the people who are in this vulnerable situation to come forward and tell the government what the challenges are, what it is like, and I hope the government will gain some insights into that challenge at the committee hearings.

It really bothers me when the minister says we are going to have a little government task force to go out, talk to Manitobans and see how we can improve maintenance enforcement, but when we go to Brandon with the NDP caucus task force on violence against

women, we are told that there was only one invitation, to a nonlawyer in Dauphin, to give insights and to give recommendations.

This government knows all of the recipients, can access all of those recipients and should have sent a letter to every one, inviting them to comment on how the maintenance enforcement system could be improved in Manitoba. They do not have to go out there and talk to a few lawyers.

When the minister does not even listen to members from this side of the House in the Chamber, you can see the arrogance of this government and the unwillingness to listen to the real needs of Manitobans, Mr. Deputy Speaker.

* (1650)

Well, we have to ask: Why does poverty have to, too often, follow from separation and divorce? We have noted, first of all, the difficulty of the inadequate enforcement mechanisms in Manitoba, but, second, the level of support payments have generally been inadequate and, as you have said earlier, nonexistent. I am afraid and I am saddened that it is really based on an attitude by too many that there is no need for financial responsibility by parents to their children. It is an endemic problem. It is an immoral and reprehensible attitude in my opinion.

I note the statistics on the rate of poverty in Winnipeg households—and this is for 1991—and single-parent households are the largest single category of family type in poverty; 43.9 percent of the families living in poverty are single-parent households. We know that most of those families are headed by women. We know that 60 percent of female-headed households, 60 percent live in poverty. That is three to four times the rate of poverty of the other family groups.

Dealing more specifically with the legislation that is before the House we support most of the provisions of this bill and therefore support in principle this bill for as far as it goes.

We think that the narrow approach to maintenance enforcement in this bill really reflects on the bad

attitude, the lack of respect for the status of women and children in this province, but we will support it in principle.

With regard to the idea about suspending or refusing the renewal of drivers licences and motor vehicle registrations on default, we have been urging that. Indeed that was the subject of media representations made by this side in July of 1994. It is based in no small part on the experience in the United States where, for example, in the state of Maine a very tough law was put in place to revoke the licences of parents who did not live up to their financial responsibility to their children. That yielded the state \$11.5 million in back payments. That state, though, also lifted the licences of doctors and lawyers, architects, plumbers, electricians, commercial fishermen and other professionals who did not pay child support.

I want to hear the reaction of the minister to that proposal, because I think that if you—and I am not convinced certainly that the government comes anywhere near embracing this principle—but if you do want to make a difference then you have to look at all of the powers of the state and ask which powers of the state can be brought to bear on the defaulting parent? So why just go after motor vehicle registrations and licences? There are many who do not have motor vehicles as well, so let us look at the other kinds of licences that the state issues.

We support the reporting of delinquent payers to the credit bureau although, similar to our concern about withholding of drivers licences, the legislation is only enabling, and it does not require the bureaucracy to either revoke or report. I will look forward to the minister's comments on why that is not so.

We support the attachment of pension benefit credits, and we certainly support the attachment of jointly held monies. Again, that is another area where we had made representations in the media last summer.

There are two concerns that we have noted already, one spoken to by the member for Wellington (Ms. Barrett), and that was the revocation of the right of appeal. It appears from the legislation as drafted that a decision of the deputy registrar now can only be

appealed on the decision of the designated officer and that the recipients' views may only be taken into consideration. That I find offensive, and I look forward to the minister's comments on that one.

I think the minister will encounter a lot of opposition to any such notion that the right of appeal should be taken from the recipient. We have to empower, not take away rights, but I will say this, that the right of appeal should be innate in any event and not tampered with.

We also have concerns about requiring an appeal only on the record, and we are taking the position that a trial de novo is likely the best way to ensure the rights of a recipient and that all information is brought before the court.

Now, I want to touch on where we think this bill is seriously deficient. In March, as a result of the representations that we had from many Manitobans on the NDP task force on violence against women, as a result of the experiences that we have had with many, many constituents, and I can say that I think that maintenance enforcement problems are one of the main areas that MLAs have to deal with, we put together a 14-point family justice package. We had hoped that the government would seriously review those 14 points and include them in any legislation, but no, of course not.

(Madam Speaker in the Chair)

First, we are of the view that when the court considers what a maintenance order should contain, the costs of raising the child should be the most important consideration. Too often, we hear of instances, and this was borne out by the study of the Manitoba Association of Women and the Law, released this year, that the court often seems to defer to the noncustodial parent's obligations for other payments rather than insisting that the needs of a child are first, that maintenance payments come first, and that you then tailor your lifestyle accordingly, not vice versa.

Second, we are increasingly concerned that this government, although always willing to talk and go to meetings to break down interprovincial trade barriers, has done nothing but follow a half-hearted lead by

other jurisdictions in breaking down interprovincial barriers to maintenance enforcement. I fail to understand why maintenance enforcement is shackled by the lines on the map and the jurisdictions in Canada. I fail to understand why we cannot have a system in Canada where a maintenance order in Manitoba is good automatically all across this country.

The matter that we have been raising in Question Period and other places of the automatic pay cheque deduction of maintenance payments, I am saddened and not surprised by the Ontario Conservative campaign, which had as one of its platform pieces the watering down of maintenance enforcement in that province by saying that the automatic pay cheque deduction will really be only used when a dispute arises.

Well, Madam Speaker, the dispute arises when the arrears begin. The whole idea of automatic pay cheque deduction is to prevent the accumulation of arrears, to prevent a problem in the first place. Perhaps now I understand why this minister has pooh-pooed the notion of automatic pay cheque deductions. It is not on the merits. It is because she does not want to embarrass, perhaps, her colleagues in Ontario, but the automatic pay cheque deduction has worked very successfully in Ontario. I think improvements still have to be made, but it has a track record which is enviable to the extent that both of the political parties in the province of Quebec support such a pay cheque deduction system, and the current government there is implementing that. We have other jurisdictions in the United States and, I believe it is, New Zealand that have successfully implemented the automatic pay cheque deduction.

* (1700)

If you want to do something really preventative, stop arrears in the first place, ensure the payments come in every month, that rent is paid every month, that birthdays can be afforded by single parents. Then this proposal is the only serious option, Madam Speaker.

We also urge, and we would establish, a family maintenance advocate's office. I believe the minister now has someone working, I think, almost full time in

her office just to deal with all the complaints about the maintenance enforcement regime. I hear, too often, of both payers and payees in Manitoba who have to go and get legal assistance just to get through to the Maintenance Enforcement office.

We have to be able to secure maintenance orders on behalf of custodial parents who are receiving social assistance. I think one of the options we have put forward that I feel most strongly about is that the collection of arrears by the government has to be a first priority against property. I fail to understand how this government can continue to support the priorities currently in place. How is it that this government can say that debts owing to the Workers Compensation Board can take precedence over bank mortgages, but child support payments, no, they come way down the list?

Child support payments should be a first charge against real and personal property because that is the right thing to do, Madam Speaker. That is the moral thing to do, and quite frankly, on a cost-benefit basis alone, that only makes sense. I fail to understand why this government rejects the idea of interest and penalty charges being applied to late payments. The Province of British Columbia instituted a system of interest payments just last year.

We want to see the automatic indexing of awards, except in exceptional circumstances. We want to ensure that the arrears of maintenance orders are not forgiven by the courts except in very exceptional circumstances, because we know those stories.

We want see a workable formula for maintenance awards for the courts. I know some work has taken place in this regard, I am afraid, without a leadership role by this government.

We want to see the courts take into consideration the tax implications of payments when making the awards. I did not know, I did not hear, about this government intervening in the Thibaudeau case. I am saddened by that because they are more than willing to get involved in a lot of other cases, but when the single moms are getting taxed on income that they never earned, this government stayed home. This government can do

something if it had the will, if it had the insights, if it had the compassion, that is, to ensure that in every case the courts will weigh the tax implications.

Getting back to the concern expressed earlier that there are way too many single parents out there who do not know they are entitled to maintenance and, as well, to address the attitude problem of those who should be paying, we think it is important that there be a culturally effective public awareness campaign, both about the financial responsibilities of parents for their children and the right of custodial parents to support payments. So those are some of the leading concerns and the major gaps in this legislation.

In conclusion, Madam Speaker, I think this bill reflects what is a theme of this government, and that theme is that there is no real substantive concern, there is no energy to deal with the status of women in Manitoba. Like the issue of the Family Violence Court—if there is one in Brandon, I am not convinced there is yet. The minister did not know there was one yesterday apparently in Question Period. But what a half-hearted—

Point of Order

Mrs. Vodrey: Madam Speaker, on a point of order, it was very clear that the Family Violence Court is operating in Brandon. I spoke about the details of how that Family Violence Court operates and the member must just not have been listening as usual.

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

* * *

Mr. Mackintosh: It is interesting yesterday when I asked in this House a very simple question, is there or is there not a Family Violence Court in Brandon, the minister could not confirm that. In fact, calls to the Provincial Court in Brandon, they tell you there is no Family Violence Court. Calls to the Manitoba Action Committee on the Status of Women in Brandon, they say they know of no Family Violence Court. The

minister's own advisory council on women say, we do not know of any Family Violence Court.

Point of Order

Mrs. Vodrey: Madam Speaker, certainly the Family Violence Court has been confirmed both by the staff of the court, by the defence bar, by the users of the court. The member has just missed the point.

Mr. Mackintosh: This is an abuse of points of order, Madam Speaker. You have said to the minister that this was not a point of order. This was a dispute on the facts. She again rose on a point of order to do exactly what you had admonished her for. I ask, Madam Speaker, that you admonish her once again.

Madam Speaker: On the point of order raised initially by the honourable Minister of Justice, unfortunately the honourable Minister of Justice did not have a point of order. It was clearly a dispute over the facts.

On the point of order by the honourable member for St. Johns, I want to clarify that, indeed, to all members, points of order are questions raised with the view of calling attention to any departure from the standing orders, the customary modes of proceeding in debate or in the conduct of legislative business, and may be raised by a member.

* * *

Mr. Mackintosh: Madam Speaker, it is interesting that the annual report for the minister's department for the year ending March 31, 1993, said that a Family Violence Court had been established in Brandon based on the model in Winnipeg. Even if we take the words of the minister, there certainly is no Family Violence Court that looks like anything in Winnipeg that is down in Brandon. I would urge the minister that, if in fact there is a Family Violence Court, perhaps it would be worthwhile for her to communicate that to the people that might come forward and have some more confidence in the justice system if they knew there was some priority, that there was some specialized service.

* (1710)

When the minister was asked in this House whether there was a violence court in Brandon, she could not answer. Today she says there is one. I expect tomorrow she will say that Elvis Presley is the presiding judge.

I think the importance of raising the issue of the Family Violence Court in Brandon just shows the half-hearted approach to the critical issues facing women in this province. The Family Violence Court in Winnipeg, Madam Speaker, has backlogs—

Madam Speaker: Order, please. I have been listening very intently, and I would remind the honourable member for St. Johns that debate on second reading is to be relevant to the principles of the bill. I just now have secured a copy of the bill. Leafing through it, I am unable to find a lot of clauses containing reference to Family Violence Court, so I would request that the honourable member please keep his comments relative to the principles of the bill.

Mr. Mackintosh: Madam Speaker, I understand your ruling. I think that what I am attempting to do is talk about how this government has disregard for the status of women in this province. I am using other examples to show how this bill fits in with their approach on all of the women's matters that are challenging Manitobans.

The Family Violence Court in Winnipeg has serious backlogs. The Family Violence Court in Winnipeg needs to deal with bail. We are seeing time and time again where abusers are getting let out on conditions that they have just breached. We are seeing a lack of treatment for abusers in Manitoba. We are seeing a lack of supports for women, particularly the battered women of Manitoba as they go into the court system after dealing with the tragedy. This bill fits in; it fits in.

We look forward to the committee hearings. I understand that there are quite a number of people already registered to speak to this bill. I know they will bring many perspectives to bear. I hope the minister will listen to those representations. We will be proposing several amendments. I hope the minister and the government will co-operate and work with us now to improve the quality of life for Manitobans, to do

what they were asked to do by people who elected them, to act in the best interests of the most vulnerable in Manitoba and to deal with the poverty and try to eradicate our sad title as the land of poverty. Thank you.

Mrs. Vodrey: Madam Speaker, I am very pleased to take a few moments in closing debate on this very important bill, this bill that our government has brought forward which in fact leads the country on maintenance enforcement. We can be very pleased with the process of consultation which this government has embarked upon. I am very happy to tell members on the other side that what is contained in this bill is as a result of consultation with people in Manitoba.

This is most definitely a leadership bill. It is a bill which deals with areas of enforcement which are much stronger than have ever been even contemplated by members on the other side. Also, Madam Speaker, it deals with resources, because enforcement measures can be extremely strong, but if you cannot attach additional resources in order to actually collect those funds, then you really have not provided a benefit. What we have done within this bill is not only strengthen the enforcement side, we will be making more resources available so that the payer will now have to pay in circumstances where in the past he or she has been able to shield resources and avoid their payments.

Madam Speaker, I also would like to compliment the individuals who work in our Maintenance Enforcement office. They certainly have heard a great deal from members on the other side about how poorly they appear to be functioning, and I would like to take a moment to make sure that it is on the record that the people who work in our Maintenance Enforcement office, in fact, are doing a very admirable and hardworking job, and going along with that, we have provided significant enhancements.

The voice-automated enhancement which allows individuals in Manitoba to phone seven days a week, 24 hours a day, to find out the status of their files, that was an initiative of this government. We have expanded the number of Maintenance Enforcement offices; that was an initiative of this government. In

fact, we have enhanced the computer system; that was an initiative of this government.

So, Madam Speaker, the Maintenance Enforcement office and the officers who work there work extremely hard on behalf of the public, and they, in fact, I think, deserve our support as they work in this very difficult area in which I recognize there are a lot of emotions, because we want to make sure that money does flow into the hands of women and children in Manitoba who need that.

Madam Speaker, I would like to take a moment, as well, to speak about co-operation necessary interprovincially, because for those cases in which we are collecting in Manitoba, we have a very good record. Our collection rate in Manitoba is approximately 74 percent. I believe that, if it is not the highest in the country, it is very close to the highest in the country. We do depend, however, on other provinces to enforce orders where the payer lives in another province, and when I was recently at the ministers responsible for the Status of Women conference, I made a point of raising that particular issue with my colleagues, and I also raised it at the ministers of Justice meeting in January to say that we need to put a priority on the enforcement of orders from other provinces so that we can be sure that every effort is made to collect money where the payee lives, in this case, in Manitoba, and the payer in another province.

I can tell you that there certainly was agreement, that we have to make sure that, in all provinces across the country, this is raised and that there will be action by governments to make sure orders are enforced.

Madam Speaker, we also require the help of the federal government. Though this government has brought in the strongest legislation in the area of maintenance enforcement, there are still some matters which rest with the federal government and which we will look for their co-operation. We have not had it yet, but we are looking for it.

We would like to have the federal government establish a system, where the TD-1 forms are registered and made available for us, because one of the difficulties in collecting maintenance payments is to

locate the payer, and we need some co-operation and assistance from the federal government in order to locate payers, wherever they might live across the country. We have asked for access to the Revenue Canada data banks so that we could also use that information to locate information.

So we do look to the federal government to provide some assistance in making sure that money gets into the hands of women and children in this country.

The child support guidelines, the Province of Manitoba worked very actively on the federal-provincial-territorial committee which was reviewing the child support guidelines, and now again, the decision in the area of child support guidelines rests squarely with the Parliament of Canada, and when I was in Ottawa for the Ministers responsible for the Status of Women meeting, I made that point very clearly, that we will be expecting from the federal minister some action in this area that will assist us getting adequate money into the hands of women and children across Canada and particularly in the province of Manitoba.

We are also very interested in making sure that people are fully aware of how the Maintenance Enforcement Program works, what their rights are under the Maintenance Enforcement Program. We are holding seminars for family law lawyers. We are working with the public to ensure that people will be aware of their rights and also the additional enforcement measures and resources available under this bill.

We certainly will be looking for the support of the other side in the passage of this most important legislation on behalf of women and children, particularly, in Manitoba. This is, again, the strongest legislation that has been put forward across Canada. This is only one of the initiatives that we have put forward on behalf of women and children in Manitoba.

This government has been extremely proactive in the area of public safety for women and children as well. We were the first province across this country to develop a community notification process where sexual predators are within the community and where it might

be in the interests of public safety to notify individuals of their presence.

We have worked in a number of areas to make sure that safety and well-being of women and children are looked after.

In the area of antistalking, it was this government and the previous Minister of Justice who made sure that criminal harassment was recognized within the Criminal Code, and our government now has asked the federal government to look very carefully at this and make sure that now changes which will assist the victims in stalking instances will be considered.

This government brings forward now the maintenance enforcement legislation, which is within our area of responsibility to make sure that women and children, in particular, receive the payments that are due to them.

* (1720)

I look forward to committee. I look forward to the opportunity to hear from members of the public their views of this bill and to be able to speak to members of the public and make sure that they understand how we arrived at this bill and be able to clarify any issues that may need clarification.

Thank you very much, Madam Speaker, and I look forward to committee.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 3, on the proposed motion of the honourable Minister of Justice (Mrs. Vodrey), The Maintenance Enforcement (Various Acts Amendment) Act, Loi sur

l'exécution des ordonnances alimentaires—modification de diverses lois.

Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

Hon. Jim Ernst (Government House Leader): Madam Speaker, I move, seconded by the Minister of Education and Training (Mrs. McIntosh), that Madam Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to, and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty, with the honourable member for La Verendrye (Mr. Sveinson) in the Chair for the Department of Family Services; the honourable member for Sturgeon Creek (Mr. McAlpine) in the Chair for the Department of Education and Training; and the honourable member for St. Norbert (Mr. Laurendeau) in the Chair for the Department of Health.

COMMITTEE OF SUPPLY (Concurrent Sections)

Mr. Chairperson (Marcel Laurendeau): The committee will come to order. As previously agreed, this committee will now recess until tomorrow morning at 10 a.m (Thursday).

~~IN SESSION~~

Hon. Jim Ernst (Government House Leader): I believe there is a will of the House to call it six o'clock.

sp committee

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 14, 1995

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