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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fourth Legislature

Members, Constituencies and Political Affiliation

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ANGUS, John	St. Norbert	LIBERAL
ASHTON, Steve	Thompson	NDP
BURRELL, Parker	Swan River	PC
CARR, James	Fort Rouge	LIBERAL
CARSTAIRS, Sharon	River Heights	LIBERAL
CHARLES, Gwen	Selkirk	LIBERAL
CHEEMA, Gulzar	Kildonan	LIBERAL
CHORNOPYSKI, William	Burrows	LIBERAL
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DUCHARME, Gerald, Hon.	Riel	PC
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ERNST, Jim, Hon.	Charleswood	PC
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HARPER, Elijah	Rupertsland	NDP
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ORCHARD, Donald Hon.	Pembina	PC
PANKRATZ, Helmut	La Verendrye	PC
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ROCAN, Denis, Hon.	Turtle Mountain	PC
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ROSE, Bob	St. Vital	LIBERAL
STORIE, Jerry	Flin Flon	NDP
TAYLOR, Harold	Wolseley	LIBERAL
URUSKI, Bill	Interlake	NDP
WASYLYCIA-LEIS, Judy	St. Johns	NDP
YEO, Iva	Sturgeon Creek	LIBERAL

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to oral questions, may I direct the attention of Honourable Members to the Speaker's gallery, where we have with us today the Alberta Senate Reform Task Force.

We have the Honourable Jim Horsman, Minister of Federal and Intergovernmental Affairs; Mr. Stan Schumacher, MLA for Drumheller; Dr. Stephen West, MLA for Vermillion-Viking; Mr. Bert Brown, Chairman, Committee for a Triple E Senate; and Dr. Peter Meekison, Vice-President, Academic, University of Alberta.

On behalf of all Honourable Members, I welcome you here this morning.

ORAL QUESTION PERIOD

Native Justice Inquiry Research Funding

Mrs. Sharon Carstairs (Leader of the Opposition): My question is to the Attorney-General (Mr. McCrae). The Commission of Inquiry into aboriginal justice was in The Pas yesterday. It was shocking to hear the testimony from Natives appearing before the commission regarding the alleged incidents of police brutality they experienced.

These are public hearings, Mr. Speaker, and those testifying do so knowing that their identity will be known. We can expect that, because these are public hearings, many Native people will not testify. Some may not do so because of fear of retaliation and others because they are intimidated by the formal and public nature of this hearing. We have been urging this Government to provide funding to Native groups to avoid these very problems. Those choosing to remain anonymous could still testify through council if funding was available.

Will the Attorney-General reconsider his previous position not to provide funding to Native groups for research and presentation?

Hon. James McCrae (Attorney-General): Mr. Speaker, the Honourable Leader of the Opposition (Mrs. Carstairs) cannot really have things both ways. I remember campaigning in Brandon West and my Liberal opponent was campaigning on the platform of a balanced Budget. I am sure that defeated candidate would be shocked to know that since the new Government took office in Manitoba, the Liberal Party has suggested spending, initiatives if you like, which would amount to somewhere around $700 million more than this Government has budgeted.

That being said and understood by all Honourable Members about the attitude that the Leader of the Opposition takes, I can tell her that with regard to the Native Inquiry, which we believe is very adequately funded, and with respect to the concerns the Honourable Member raises about identity problems and concerns, I have had discussions with Chief Justice Hamilton and Chief Judge Sinclair about this very matter, and the inquiry rests in their hands. If they wish to have some change to the Order-in-Council mandating their inquiry, I would be pleased to meet with them about that matter.

Private Hearings

Mrs. Sharon Carstairs (Leader of the Opposition): In that the Attorney-General (Mr. McCrae) has indicated that he has had some discussions, would he inform the House whether the possibility of holding private hearings so that those Natives who are reluctant to appear before the commission for fear of reprisal or simply because they feel intimidated was part of that discussion, and was it determined that such private hearings could indeed be held?

Hon. James McCrae (Attorney-General): The Commission of Inquiry is an independent inquiry. I do not think the Leader of the Opposition (Mrs. Carstairs) would like me poking my nose into the affairs of the inquiry at every turn. The commissioners have the right to approach the Government for a change to the Order-in-Council if that is what they want. They are in the best position to judge whether in-camera hearings are held; not the Leader of the Opposition.

* (1005)

Confidentiality

Mrs. Sharon Carstairs (Leader of the Opposition): A supplementary question to the Attorney-General (Mr. McCrae), the hearings are being videotaped. The identity and sensitive testimony of those appearing before the Commission are on those tapes. Can the Attorney-General give assurances to this House and to the Native people throughout this province that those tapes will not fall into any hands other than those of the commission itself?

Hon. James McCrae (Attorney-General): The Leader of the Opposition (Mrs. Carstairs) seems to be insisting that the Government run this commission. It is not the power or the wish of this Government to play a part which would, in any way, be seen to be interfering in an independent inquiry into a very, very serious matter.

The Leader of the Opposition is quite at liberty to communicate directly with the commission; ask that her name stand on the list of presenters and come forward and present her case to the commissioners as

well, or she may wish to meet privately with them. I have no comment whatsoever in that regard. She is perfectly welcome to try to do that. I have no objections if the Commission of Inquiry wishes to have changes to its mandate to accommodate the kinds of concerns the Leader of the Opposition is suggesting.

Plain-clothes Police Officers

Mrs. Sharon Carstairs (Leader of the Opposition): One of the difficulties that has been reported to my office and one which is of grave concern to us, and I would like to think the Attorney-General (Mr. McCrae), is that there are plain-clothes policemen in attendance at these hearings. We are certain that has not been ordered by the commission. Would the Attorney-General investigate those complaints and would he order, if necessary, their cessation?

Hon. James McCrae (Attorney-General): Mr. Speaker, it is probably not customary, but I think I should ask the Leader of the Opposition, has she brought these matters to the attention of the Commissioners of Inquiry, which would be the more appropriate way to proceed rather than ask the Attorney-General of this province to interfere in the proceedings of an independent commission, a commission, incidentally, which is very concerned about the appearance of its independence as well as the fact of its independence? And I do not blame the commissioners for wanting to protect that independence. I support them in their attempts to try to preserve their independence so that no one in this province can say that this inquiry was not handled in a proper way.

If the Honourable Member has concerns about plain-clothes policemen being in attendance, and that is a concern for her, then she can drop me a line and I would be happy to send that off to the commissioners. The Honourable Member is going down a very dangerous path when she suggests that the Attorney-General of this Province interfere with the proceedings of that commission.

* (1010)

Mrs. Carstairs: Mr. Speaker, just because I do not have to answer questions, but because he wants to put allegations on the floor, I am meeting with the commission on the 20th of October; but, more importantly, the Attorney-General (Mr. McCrae) of this province is responsible for law enforcement, the Attorney-General of this province is responsible to make sure that plain-clothes police do not intimidate witnesses at this hearing.

Will he investigate the complaints that have been coming to my office, and I suspect to his office as well, and report those complaints and the resolution of those complaints to this Legislature?

Mr. McCrae: Mr. Speaker, the Leader of the Opposition (Mrs. Carstairs) seems to be suggesting in this House that Chief Justice Hamilton and Chief Judge Sinclair are somehow insensitive to the feelings of Native persons and others coming before the commission. I think that is somewhat insulting not only to those two judges whose wishes are to get to the bottom of some allegations that have been made about the justice system in this province, and their commitment to me, Mr. Speaker, is unquestioned. They have made it totally crystal clear their commitment to doing the job correctly and getting the proper results.

The Honourable Leader of the Opposition does a disservice to those two judges and to the process in general by her comments today. I suggest she consider carefully what she has said today and perhaps come back to this House and, in a public and open way, apologize to the commission for her comments.

Mrs. Carstairs: The Attorney-General (Mr. McCrae) seems to forget that it was the commissioners, Chief Justice Hamilton and Chief Judge Sinclair, who suggested to this Government that they fund Natives to provide them with money for research and presentation.

Mr. Speaker, neither of the Justices have the authority, if there are plain-clothes policemen in attendance, to order that they withdraw, but the Attorney-General has that authority. Will the Attorney-General investigate these complaints and, if those complaints are justified, will he order that plain-clothes policemen be removed from these public hearings?

Mr. McCrae: Mr. Speaker, I am far from satisfied that the Commissioners of Inquiry do not have the right to clear the room themselves, if they so desire, of whichever people are there. I really wonder, also, what the earlier part of the Honourable Leader of the Opposition's (Mrs. Carstairs) question has to do with her previous questions when she talks about funding. I really do not know what the funding issue has to do with the intimidation that the Honourable Leader of the Opposition is alleging.

If the commissioners do not have the authority to make a change that would make it easier for Native people, and others, to come before the commission, those commissioners will let me know about that. If there are any changes required to their mandate, they will let me know about that.

I think the Honourable Leader of the Opposition is conducting herself in a manner which does no service whatsoever to the proper result we are all looking for in this Commission of Inquiry.

* (1015)

Group Homes
City of Winnipeg Act

Mr. Gary Doer (Leader of the Second Opposition): My question is to the Minister of Urban Affairs (Mr. Ducharme). Today again it has been reported, as in past occasions, where the City Council Committee dealing with variance has ruled that mentally handicapped people could not stay in a residence in Tuxedo, in the City of Winnipeg. Of course, we know that there have been problems in this area before, Mr.

Speaker, where group homes for mentally handicapped people, and others, have been restricted to certain areas of the city because of the city policy on variances.

Mr. Speaker, we were planning on changing the Act to be consistent with proper city and urban planning so that land use and variance planning would be designated on the basis of land use, not on the basis of what people would be in certain residences.

I would ask the Minister of Urban Affairs (Mr. Ducharme): is he planning to proceed with a clarification of The City of Winnipeg Act so that a by-law established by the City of Winnipeg would not be able to move outside of the issue of land use and deal with the type of people in residences in this major city?

Hon. Gerald Ducharme (Minister of Urban Affairs): Mr. Speaker, we are preparing many changes to The City of Winnipeg Act and will take that as consideration in the point brought forward by the Leader of the NDP (Mr. Doer).

Mr. Doer: Mr. Speaker, I would take by his answer that we can look forward to an amendment to The City of Winnipeg Act this Session. I would say to the Minister that we will indeed approve a type of amendment that will deal with planning on the basis of land use, not on the basis of residents fighting each other about what type of residents should remain in their home.

My further question to the Minister of Urban Affairs (Mr. Ducharme), will he discuss this issue with the City of Winnipeg, given the fact that the Province gives the City of Winnipeg over $100 million from various departments? Will he discuss it immediately with the City of Winnipeg in terms of proper use of planning so that we do not have a situation as we have had in the last year where residents fight against other residents, particularly mentally handicapped residents, in terms of where they can locate in this city?

Mr. Ducharme: First of all, I mentioned that we were planning changes—I did not say at this Session—if he would like to read that when it comes through on Hansard. However, I for one personally know the many problems that have been facing the City of Winnipeg and I was hoping that the previous administration, through their efforts the last six years, would have looked at the problems and had brought this in. I will continue discussing these particular issues with the City of Winnipeg as I have done on many issues and we have done in the last five months.

Mr. Doer: The Minister should know it is a City of Winnipeg by-law that opens up this variance provision, a City of Winnipeg by-law that he participated in passing in his former job as a member of City Council, combined with the Gang of Nineteen, of Liberals and Conservatives, at City Hall.

Universities Funding

Mr. Gary Doer (Leader of the Second Opposition): Mr. Speaker, a further question and a new question to the Minister of Finance (Mr. Manness), there was certainly additional revenue in the Budget that he was able to produce in this House in July from the earlier forecasts in February, and certainly we have stated that the priority for that extra money should go to areas such as education and funding of our universities rather than taking a $15 million tax break for Inco and a $5 million tax break to the railways and the CPR.

Would the Minister of Finance look at reinstating the tax on the mining companies that will allow them to pay their fair share, and take that revenue and fund our underfunded universities in terms of this province and indeed the crisis that takes place in this country?

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, again, the Leader of the NDP (Mr. Doer) likes to put misinformation on the record. We did not decrease funding to universities. We increased funding over what was in the defeated February '88 Budget. So let the record speak for itself!

* (1020)

Mr. Doer: Mr. Speaker, we have funded universities over 50 percent in the last six years, the Member knows that. The Minister of Finance (Mr. Manness) cut the Universities Access Fund, the Member knows that. The Minister had additional revenue this year to offset the $11 billion that has been cut in universities according to the student brief that is presented.

My question to the Minister of Finance is a very simple one. In his preparation for his Budget this year, will he take a look at reinstating the $15 million tax break that Inco was given between the two Budgets, and the $5 million that he gave to the CPR in his Budget, and putting that extra money, that is available, to the universities in terms of meeting the future needs of our children, in terms of his Budget that he will present in the future in this province?

Mr. Manness: Mr. Speaker, education is a very high priority to this Government. It has been in the past and it will continue to be so in the future. To the extent that this Government possibly can direct additional funding, and it will, to universities, it will find it within its ways and means to do so.

Mr. Speaker, let not again the Leader of the NDP (Mr. Doer) put false information on the record. He indicates that we provided a tax break for Inco. Nothing is further from the truth. We increased the mining tax rate from 18 percent to 20 percent. As a matter of fact, the corporation is paying several tens of millions of dollars more in taxes to the province this year.

PCBs Safety and Storage Federal Regulations Exemption

Mr. Harold Taylor (Wolseley): My question is to the Minister of Labour and Environment (Mr. Connery). This summer, the Minister, when questioned in this House by the Opposition or by the press corps or by the general public or by the environmental groups continuously said Manitoba's regulations are more than

adequate to do the job when dealing with PCBs and other hazardous waste.

But lo and behold, on September 8, he refutes himself and admits to the Winnipeg Free Press this is not necessarily so and that he should toughen up those regulations. Later on, he says that the revised regulations are being worked on and are ready and the final draft is in review. Now we see the spectacle in today's Globe and Mail and on the CP wire service that Manitoba does not want to adhere to the federal regulations and is asking for an exemption.

The question is, when is the Minister of Environment (Mr. Connery) going to come clean and make clear his position on regulations for the use of, the handling of, the transportation of, the destruction of PCBs in Manitoba? Hazardous materials deserve an adequate handling from this inadequate Minister.

Hon. Edward Connery (Minister of Environment and Workplace Safety and Health): Mr. Speaker, there were several questions there. The regulation for PCBs will be announced very, very shortly. Asking for the exemption which all provinces, except Prince Edward Island, are asking for is to ensure that there is only one set of regulations that industry has to work under. That is why they are asking for exemption from it. If the regulations that we have put in place are equivalent to or better than the federal regulations, that exemption will be given. I am sure all of the provinces in Canada, except P.E.I., will be given that exemption.

Mr. Taylor: Most interesting, Mr. Speaker.

Mr. Speaker: Order, please. Before I recognize the Honourable Member, I would like to remind all Honourable Members that we refer to everybody here as Honourable Members or Honourable Ministers.

Mr. Taylor: Mr. Speaker, given that this Honourable Minister—almost could not get it out—was in conflict with his federal Ministers on PCB handling only two months ago, when McMillan had the courage to admit that more needed to be done and done better vis-a-vis PCBs, and at the same time our Minister was saying, no, no, no problems, everything is clear cut between us and the feds, what assurance do Manitobans have that this time the Honourable Member for Portage La Prairie (Mr. Connery) really knows what he is talking about and has the needed response in hand regarding stringent PCB regulations?

Mr. Connery: I am sure, Mr. Speaker, the Honourable Member for Wolseley (Mr. Taylor) will be very impressed with the regulations when they come forth, and that will be coming forth very, very soon.

They will be regulations that ensure—and without those regulations being in place, our department has been going around inspecting all sites. We have been asking people to declare them. We have been going around and picking up small amounts of PCBs from individuals, from schools, community clubs, and consolidating them so that they do not have to have a storage site. Of those that are in large storage sites, they have been inspected. Where the department feels there needs to be an upgrading, that is being done. The cooperation with industry has been excellent. We think the department has done an excellent job but we are not satisfied with stopping now. We will continue to monitor those sites. We will continue to ensure that the regulations are tight enough to ensure that nothing inadequate happens in Manitoba.

* (1025)

PCB Destruction
Government Policy

Mr. Speaker: The Honourable Member for Wolseley, with a final supplementary question.

Mr. Harold Taylor (Wolseley): Mr. Speaker, fact, Manitoba has only 2 percent of the Canadian total of PCBs; conclusion, this Minister says we do not have to be concerned about PCB destruction. That response is neither acceptable nor responsible.

The question is, Mr. Speaker, when will the Minister of Environment (Mr. Connery) have a sound action plan for PCB destruction in our province? Is he looking at other methods of destruction, in that we are not going to get the federal unit in here, such as the employment of the NRC method of destruction, the Atomic Energy method of destruction or the variation on the NRC, one which comes out of UBC? I would like an answer, Manitoba would like an answer, on destruction of PCBs.

Hon. Edward Connery (Minister of Environment and Workplace Safety and Health): It is distressing the amount of misinformation that we seem to get in this House on a daily basis, and especially from the Member for Wolseley (Mr. Taylor) continuously saying that we are in conflict.

We are not in conflict. We are in harmony with our federal counterparts. We have worked very closely with the federal people to ensure, and as you know, the boxcars that you had—Boxcar Harold—that you found three barrels of PCBs that were safely stored, we went immediately that day with our federal counterparts to ensure that they were safe.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please. I have just finished reminding all Honourable Members how we refer to one another. I am sure the Honourable Minister of Environment knows why I am standing. The Honourable Minister of Environment, kindly withdraw.

Mr. Connery: Sure, Mr. Speaker, I would be very pleased to withdraw.

Mr. Speaker: Thank you very much.

Mr. Connery: We are looking after the PCBs. The storages are safe and we are doing an excellent job. My department has done a very good job, and I am very proud of them.

Mentally Handicapped Day Program Spaces

Ms. Avis Gray (Ellice): My question is for the Honourable Minister of Community Services (Mrs. Oleson). Services to the mentally handicapped have suffered in this province as the NDP administration waded through a pool of mismanagement. The Conservatives have now pulled the plug. We see a move to the extreme right where social services for our vulnerable citizens are the lowest on the priority list.

Mr. Speaker, we have attempted to get a sense from the Minister of Community Services as to what is the policy direction for services to the mentally handicapped. All the Minister seems to respond is we believe in a balanced approach. A "balanced approach"? I think the Minister woke up one morning and read the back of the corn flakes box, saw the catchy phrase, "the balanced approach," and decided that she would use that phrase and has been spouting it ever since.

My question for the Minister of Community Services (Mrs. Oleson) is, how does this Minister balance the facts that she has indicated -(Interjection)- My question for the Minister of Community Services is, if I can continue on uninterrupted, how does this Minister balance the facts that she has indicated there are 96 mentally handicapped adults on waiting lists for day programs and her Government has allocated only 15 day program spaces, which is less than what was allocated in previous years?

Hon. Charlotte Oleson (Minister of Community Services): That was an interesting preamble. The fact is that we have to live within fiscal reality. It is not a mandated service to have day programs. The former Government went headlong into a program of putting people into the community without the proper planning for day programs at that time. Now we are in a situation where we have to work to steady growth in that area, and we cannot do it all in one year.

* (1030)

Mr. Speaker: The Honourable Member for Ellice, with a supplementary question.

Ms. Gray: With a supplementary to the same Minister, Mr. Speaker, this Government has given away $5 million to the CPR, and large corporations such as Inco have substantially profited. Will—

Some Honourable Members: Oh, oh!

Mr. Speaker: Friday, huh? Order, please.

Some Honourable Members: The Joe Biden of the Liberal caucus. Liberals to the left, and Liberals to your right. The Honourable Manhole Taylor.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order please; order, please.

An Honourable Member: Tweedledee and Tweedledum.

Mr. Speaker: The Honourable Member for Wolseley, on a point of order.

Mr. Harold Taylor (Wolseley): Point of order, Mr. Speaker, yes. I would ask your indulgence in asking the Member for Pembina (Mr. Orchard) to withdraw his last aside. I do not intend repeating it.

Mr. Speaker: Order, please; order, please. I will have to take that under advisement. I did not hear what the Honourable Minister said. Honestly, I did not hear what the Honourable Minister had said. I will review Hansard.

The Honourable Member for Ellice. Order, please. We are going to get through this yet if we all just settle down here. Order.

The Honourable Member for Ellice will kindly put her question now.

Ms. Gray: Thank you, Mr. Speaker. If I could move on to a serious note, as I said, the Government has chosen to give away $5 million to CPR and this Minister of Community Services (Mrs. Oleson) talks about not enough dollars. My question is, will the Minister reconsider her decision of a reduction in services to the mentally handicapped and consider allocating the appropriate resources to meet this critical need?

Mrs. Oleson: First of all, we have not decreased services to mentally handicapped. We have not increased them at the rate that she is asking for. I guess, Mr. Speaker, it must be where she sits or something, but it must be very infectious, the theories that the NDP have with regard to funding, and she has caught the disease and listened to them. I would like to do a tally some day of the amount of times that the Liberals and the NDP have used that so-called giveaway.

Mr. Speaker: The Honourable Member for Ellice, with a—

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please; order, please. I am going to have to get myself a gavel here.

The Honourable Member for Ellice will kindly put her question.

Ms. Gray: This Minister of Community Services (Mrs. Oleson) likes to attempt to indicate to this House that she knows something about budgeting and balancing budgets. It is a well-documented fact that the mentally handicapped, when left without day programs, deteriorate.

My question for the Minister is, could the Minister tell us is this a balanced approach when her department will be willing to pay $50 to $150 a day for institutional care and crisis care for these mentally handicapped, when they could be attending day programs in the community for $20 a day? Can she explain that balanced approach?

Mrs. Oleson: We are trying to program as many of these day centres as possible, but we also have to deal with crisis situations at a time of crisis, so those dollars have to be spent if someone needs them immediately. We are trying to take care of the mentally handicapped as best possible and meet their needs, but it is impossible to meet the needs of every single person in one Budget.

Conflict of Interest
Municipal Investigation

Hon. Glen Cummings (Minister of Municipal Affairs): On October 8, I took as notice a question regarding Shellmouth Council. I said I would report to the Legislature. It appears that the Council at Shellmouth R.M. has been somewhat negligent in their responsibilities.

Firstly, the awarding of contracts, and as a matter of fact, all decisions by council should be made by council as a whole. A municipal councillor cannot decide issues alone. Secondly, council as a corporate body must exercise its decisions by resolution, duly moved and seconded.

In respect to the allegations raised by the Member for Dauphin (Mr. Plohman) regarding conflict of interest, it would appear from the information that we have received that the members involved did not follow steps that are outlined in detail in The Municipal Conflict of Interest Act. The Act was passed a few years ago and provides municipal councillors with the authority to do business with the municipality, but in so doing they have to abstain themselves from all discussions on the issue.

I have written Mrs. Etty a letter and she may not have received it today but certainly will receive it by Monday. In that letter, we point out that if she should wish to proceed with a declaration she may file it with Court of Queen's Bench and the judge of the court will make the decision as to whether there has in fact been a conflict of interest.

However, I would want to tell these Members, and state publicly, that the reeve of Shellmouth has offered his full cooperation on this matter. Members of my staff will be talking to them and help them bring up to standards the manner in which they do business. I hope that this matter can now be correctly put to rest and that all of us who have to deal in public life are able to tell those around us that we are doing it above-board.

Treaty Land Entitlement
Government's Position

Mr. Elijah Harper (Rupertsland): My question is for the First Minister (Mr. Filmon). Nearly half of the Indian bands here in Manitoba have an outstanding Treaty Land Entitlement, the process which has been continuing for many years.

My question to the First Minister is, what is the status of the Treaty Land Entitlement, the negotiations that are taking place with the federal Government and Indian bands? What is the position and the status of this Government on this issue?

Hon. Gary Filmon (Premier): I know that the Member for Rupertsland (Mr. Harper) is aware of and interested in this matter because the Government of which he was a part, the Minister dealt with it for more than six years and was not able to resolve the issue.

I can tell the Member for Rupertsland that we are committed to resolve the matter of Treaty Land Entitlement, that we believe there is a responsibility on our part to deal in good faith and to ensure that the Native people of Manitoba are given their justice with respect to their Treaty Land Entitlement. So we continue to work with the Natives and the federal Government to arrive at a resolution to this issue.

Mr. Harper: In view of the fact that the Minister of Indian Affairs has abstained or declined to pursue this matter—as a matter of fact, he wrote to me on February 26, indicating that he is not prepared to proceed with the agreement in principle, which was signed by all three parties: the Indian bands, the provincial Government, and also I might add the previous federal Government had signed an Agreement in Principle. Also, in view of the fact that I signed an Order-in-Council to proceed and also to sign the Treaty Land Entitlement last year, has this position changed with this Government? Is he pursuing the matter with the federal Government?

Mr. Filmon: No, Mr. Speaker, the position has not changed. We support and, indeed, will pursue the settlement on the basis upon which the former Government signed their Agreement in Principle. We will pursue it with the federal Government to arrive at a resolution as quickly as possible to a long outstanding issue.

Mr. Harper: I thank the First Minister (Mr. Filmon) for that response. However, the federal Government, the Minister responsible for Indian Affairs, has indicated to me and also to the previous Government that he is not prepared to proceed with the agreement in principle that was signed, and he would rather proceed with the first date of survey rather than the 1976 population figures that were agreed to. Will he put pressure on the federal Government to come to a conclusion on this important matter to the Indian people of Manitoba?

Mr. Filmon: The Member knows full well that we are in the midst of a federal election campaign, that Ministers are off in their constituencies fighting election campaigns at the moment. It would be difficult to arrive at a resolution to this issue in the midst of an election campaign, but as soon as the campaign is over, we will be dealing with the Government in Ottawa. We will be dealing with the Government as soon as the election is completed, and with the Minister of Indian Affairs, to ensure that we arrive at a resolution to this long outstanding issue as quickly as possible.

* (1040)

Child Abuse Investigation Committee

Hon. Leonard Derkach (Minister of Education): Last week, in response to a question from the Member for Sturgeon Creek (Mrs. Yeo) with regard to complaints against an individual in Winnipeg School Division No. 1, I indicated that the matter was under review by my department and that officials from my department would be reporting to me with an internal review of the matter and that I would report to the House this week with regard to the procedures that I intended to follow with regard to this situation.

Although it has been determined by the Attorney-General's Department and the Community Services Department that in fact there were no improprieties in terms of reporting the matters, I would like to indicate to the House at this time that, in our review of the situation, all questions in my mind have not been answered to date in terms of satisfying the concerns of parents and also in terms of the way that perhaps teachers in the school division should perhaps understand the guidelines and how they should be followed.

I want to ensure that all teachers and administrators in Manitoba have a clear indication of their responsibilities in reporting suspected cases of child abuse and in keeping parents informed as the situation unravels. Because of that, I would like to indicate to the House this morning that my department and I will be putting in place an external investigation committee that will be looking into the matters very shortly and will be reporting back to me, as Minister, as soon as that investigation has been completed. Thank you.

Manitoba Hydro Export Sales Negotiations

Mr. Herold Driedger (Niakwa): My question is for the Minister of Energy and Mines (Mr. Neufeld). It has become abundantly clear in committee that this Minister has decided not to involve himself directly in the details of electricity export negotiations. It is obvious that he feels that Manitoba Hydro and the Manitoba Energy Authority, the two Crown corporations, have been mandated to do so, permitted to do so, to exercise a mandate on behalf of the Government and the people of Manitoba without political interference or his direct involvement. What I would like to know is whether this is a reversal to the previous Government's policy? Is the Government now out of the economic adventures in business? Are we to understand that this Government has adopted a policy of laissez-faire with respect to Manitoba Hydro?

Hon. Harold Neufeld (Minister of Energy and Mines): I think the Member for Niakwa (Mr. Driedger) should understand that when you put experts in place to handle the day-to-day business of your Crown corporations, you leave them with the authority to do just exactly what they have been mandated to do. If they are not doing their job according to our needs, we replace them but, as long as they have our confidence, we must give them the authority to work in a manner in which they see fit.

Mr. Speaker: The time for oral questions has expired.

INTRODUCTION OF GUESTS

Mr. Speaker: Before we proceed into Orders of the Day, may I direct Honourable Members' attention to the gallery to my right, where we have with us this morning, His Honour The Mayor Ken Burgess of Brandon.

On behalf of all Honourable Members, I welcome you here this morning, Sir.

COMMITTEE CHANGE

Mr. Kevin Lamoureux (Inkster): I have a committee change to announce. I move, seconded by the Honourable Member for Transcona (Mr. Kozak), that the composition for the Standing Committee on Public Utilities and Natural Resources be amended as follows: The Honourable Member for Fort Rouge (Mr. Carr) for the Honourable Member for Selkirk (Mrs. Charles).

Hon. Clayton Manness (Minister of Finance): I wonder, with leave of the House, whether or not I might be able to revert to Tabling of Reports.

Mr. Speaker: Does the Honourable Minister have leave? (Agreed)

Mr. Manness: Thank you, and I thank the Members.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

Mr. Manness: Mr. Speaker, I am pleased to submit the department's annual publication of the Financial Statements of Boards, Commissions and Government Agencies, for the fiscal year ended March 31, 1987. This book is a consolidation of these financial statements, most of which have previously been tabled because of a legislative requirement to do so. I trust that Members will find this compendium a useful reference book.

ORDERS OF THE DAY

Hon. James McCrae (Government House Leader): Mr. Speaker, would you be so kind as to call third readings of Bills No. 10, 4 and 5, and second readings as listed on the Order Paper on page 2, and Bill No. 30 at the top of page 3.

DEBATE ON THIRD READINGS—AMENDED BILLS

BILL NO. 10—THE COURT OF QUEEN'S BENCH ACT

Mr. Speaker: Debate on third readings, amended Bills, Bill No. 10, The Court of Queen's Bench Act; Loi sur la Cour du Banc de la Reine, standing in the name of the Honourable Member for Rupertsland (Mr. Harper). (Stand)

BILL NO. 4—THE RE-ENACTED STATUTES OF MANITOBA, 1988, ACT

Mr. Speaker: Bill No. 4, The Re-enacted Statutes of Manitoba, 1988 Act; Loi sur les Lois réadoptées du Manitoba de 1988, standing in the name of the Honourable Member for Interlake (Mr. Uruski). (Stand)

BILL NO. 5—THE STATUTE RE-ENACTMENT ACT, 1988

Mr. Speaker: Bill No. 5, The Statute Re-enactment Act, 1988; Loi de 1988 sur la réadoption de lois, standing in the name of the Honourable Member for Interlake (Mr. Uruski). (Stand)

DEBATE ON SECOND READINGS

BILL NO. 8—THE COURT OF QUEEN'S BENCH SMALL CLAIMS PRACTICES AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act; Loi modifiant la Loi sur le recouvrement des petites créances à la Cour du Banc de la Reine, standing in the name of the Honourable Member for Selkirk (Mrs. Charles). The Honourable Member for Selkirk.

Mrs. Gwen Charles (Selkirk): I am not sure how many Members of this Legislature have had the experience of appearing before the Court of Queen's Bench Small Claims Court. I, myself, did many years ago and, like any court appearance, it is indeed terrifying to the person off the street who is not used to the court system. Therefore, to come forward with an Act that has changes to the structure as it exists now, I think is to be recommended and to be taken forward to committee and to be looked at in detail.

The proposal is to increase the level from $3,000 to $5,000 for cases that come under this Act. I think that is very important in the day and age where so much of our lifestyle is involved in legal matters. We must not encourage people not to look after their own needs and have to, by necessity, go to a lawyer, but rather to encourage them to look after themselves wherever possible. As the prices and the cost of living have increased, so, too, should the level of the claims that come under this Act. So I do support the rising of the increased amount from $3,000 upwards. In fact, perhaps there is some discussion to be given whether it should be just $5,000 or whether it should go even further than that.

So much of our lives today is taken up by the necessity of going to lawyers. I, myself, am in the process of adding an addition onto our house and lawyers are involved pretty well every step of the way, it does seem. So wherever we can manage to appear on our own defence and to put forward our own cases, I think that is quite necessary.

The cases that come before the Court of Queen's Bench, The Small Claims Act, are certainly cases in most instances that are, by necessity, not required to go further. We hope that people can bring forward the claims that they have rightfully owing to them, or seem to have rightfully owing to them, be brought by themselves to the magistrate.

And while we are discussing who should be judging in this court system, I think we have to look at whether the magistrates are the proper people involved, because not only are we dividing the people into whether they have or have not the right to appear, but we have also the division of whether they have or have not the right to have a real judge and have access to a person who is trained in legal matters. As well-meaning and as well-intentioned as the magistrates are, they are not necessarily well-trained in the procedures of judgment as judges are.

* (1050)

Therefore, we have to look at just what method we are going to use in judging these small claims. If we are looking at whether this is, indeed, a court system that can look after the people's needs, then I think we have to allow for proper judgment to take place. With proper judgments, we will likely see less cases taken forward up to the Queen's Bench. I think that will offset any costs that will be involved in having the Small Claims Courts expanded in their parameters.

Small Claims Courts should have, as other areas do, people available to advise claimants on what practice should be taken in the court. People know that they have a problem. They should be able to go to the court, as we can in pretty well any other service area, and say, this is my problem. What do I do with it? In most cases, with some direction, I think people could take their claims and set forward a very good defence of themselves or a hearing process that they can follow in order to get justice provided to them.

We often seem to set our courts separate from a service that we provide to the people. I think justice of all service has to be given across the board with true equality. Being a rural Member of this Legislature, I would like to say that as close to the city as I am, I realize how difficult it is for many areas of the province to have the same justice as other areas, because their court system is indeed far away or almost inaccessible as in the case of northern Manitoba.

We cannot have the rich having better justice. We cannot have the urban people having better justice. We have to have true equality. If that costs us in the fact of having to provide courts and more availability of courts, if it costs us in having to have trained legal aid as in the sitting of judges over magistrates, then I think it will be well worth it. We in the city area who are well protected by services must not be able to identify with what it is like to not understand why equality is not in Manitoba. If we are relegated to second-class citizens, should we not perform as second class citizens? I would suggest that we all would say no to that. If we are to want to have all our citizens perform to the best of their ability, then we must say to them you indeed are as equal where you live as we are anywhere else. It is no more or less so. In fact, perhaps it maybe is more so in the judge and court system.

The provincial court system is a case where we deal with our day-to-day lives and our judgments that will be taken on the matters that affect us in most cases as normal human beings. Hopefully, fewer and fewer people will become the criminals that will have to go to federal cases. There are litigations that are taking place where people have disputes over the facts or whether they are disputes over amounts owing. These are what we can easily look after in Small Claims Court. If we are going to relegate people to the needs of having to go to a lawyer everytime they have a dispute, I think we are going to create another almost political structure in their power of lawyers out there servicing the people when the people could be serving themselves.

(The Acting Speaker, Mr. Harold Gilleshammer, in the Chair.)

So I support the thrust of this Bill. I think there are many ways that we can actually cut down the costs of a judicial system if we believe in supporting the people and letting them support themselves. But most of all, we have to look at the most efficient and equal justice system that we can possibly provide. We definitely have to look at Small Claims Court.

I remember myself and the incidence where I had to appear as a witness to a small claim. Most of us appearing were inexperienced in our circumstances. I myself had never been in a court before. I am sure many of the people in the room that day had never been in a court before. It is intimidating. It is an experience that you will always remember because when you leave, you are not really sure what you had had gone through. You do not know what is happening.

When you enter that court, I think it would be much better for all to be served. If in some way there was a person who could advise the exact proceedings, much as is in any other part of our lives we are advised when we go into a meeting what will be taking place, we have an agenda ahead of us. You go into Small Claims Court, you sit there until your name is called. You give some evidence that you were not really assured of what you intended to say. You may not feel you have it all said and you are asked to leave and there is no feeling that you were a real true part of the system. To have people leave Small Claims Court and not know whether they had justice leaves the feeling in people's minds that they are not sure that justice did prevail at all. We cannot go out on to the streets and into the homes of our families and understand the process and say this works well, I support it.

In this day and age where law and order is questioned not only by the quality and quantity of police we have on our street but also by the question of why we have so many people disobeying the justice system, I think we have to look at having people feeling included in what they can do to be part of the justice system. Again, I reiterate the fact that by separating us into those who know the law, those who can serve the law and those who do not, creates a two-class system and we must do all we can to break that two-class system.

So the support of this, of increasing the amount, the level, I think is a good beginning. I am not sure that it should be capped at just $5,000, that indeed it should remain at $5,000 even if that is the number, without any process of raising that further as inflation takes over.

I think the idea of the automatic right to move matters up from the Small Claims Court to the Queen's Bench is a system that has been abused in many cases. I think there has to be a process where we do not have an automatic right that those who are rich enough to be able to afford a lawyer can stall or proceed into this method, and those who do not have that same right. We have to have some method that we can settle who and how these processes can be raised from one court to the other.

In closing, I would like to say that in general I support the thrust of this Bill but I think most of all we have to deal with true justice in this system and true justice in this province and make sure that our rural and northern people are served as well, and that the rich and poor are served as equally as possible, and that all people can be taught to understand the court system so that they too feel that they have their fair day in court.

The Acting Speaker, Mr. Gilleshammer: Is the House ready for the question? The Honourable Member for Rupertsland.

* (1100)

Mr. Elijah Harper (Rupertsland): I am pleased to speak on Bill No. 8, The Court of Queen's Bench Small Claims Practices Amendment Act. I support this Bill. I know it has been anticipated previously by our Government to bring such matters to the Legislature to expedite and also to have the judicial system functioning more efficiently and more effectively when dealing with such matters.

I support this Bill. I know the amount $3,000, as indicated, would be increased to $5,000, which would be handled by the Small Claims Court and also brings in the question of the whole question of the delivery of services on these matters, the justice system. I, of course, can relate very well to the whole issue of the judicial system as it now exists, as it now affects the aboriginal community here in the Province of Manitoba.

It is very interesting to note that the most people affected are the aboriginal people. I say that knowing that many of the aboriginal people are incarcerated much more so than the average Manitoban or average Canadian citizen, and this is directly related to the conditions that the aboriginal people have to live in. Most of the aboriginal communities do not have jobs or employment. They do not have high education achievement, in terms of academic achievements, and also the understanding of the judicial system as it relates to aboriginal communities and the aboriginal people.

This Bill, although it tries to in a sense expedite and also to have an efficient delivery of justice and also the court cases, oftentimes many of the aboriginal people when they go to courts are not aware of the role of the courts, the judges, the lawyers, the role of the many other officers in the judicial system.

It is often directly related because of the isolation that many of the communities have from the mainstream society. Often the courts are alien institutions that are brought into the reserves or isolated communities, I might say less than once in a year or else maybe twice in a year. Sometimes the hearings or the court cases that are dealt with in these communities are not adequate or not understood by many of the aboriginal people, including the people who are being charged with or being prosecuted.

A lot of times, many of these individuals do not understand the whole system of the court process, the judicial terminology that is used, such as "plea bargaining" or even to plead "guilty" or "not guilty." Those are sometimes alien terms at the community level to be understood by individuals.

As you know, our Native language sometimes does not have words precisely to describe an institution, such as even the word "parliament." We do not have such words but we have to explain what it is. But even in explaining it, people do not really grasp the meaning of it or what it is. Oftentimes you will have many of the individuals who are being prosecuted are not aware of "plea bargaining" or what those words mean in the actual English term.

We do not have courts as such in the traditional Indian institutions, but there is an awareness of right and wrong in the Indian community, but oftentimes the English language confuses an individual when you are pleading in a court and that confuses the whole judicial system. Sometimes the individuals question how can he say that it is right, at the same time it can be wrong. It is, in a sense, hypocritical to an individual who is not aware of the judicial system and the functioning of that whole process.

As I said previously, we are dealing with this Bill in order to address the whole question of the judicial system to expedite it, and also the delivery of the judicial system. It brings many factors or questions, many factors of the whole question of the judicial system, including what is happening today in regard to the whole aboriginal justice inquiry that is happening.

I have had also a few calls and talked to individuals about this whole process. There is some lack of willingness on the part of certain individuals to come forward. There seems to be some, I do not know whether I should call it, intimidation on the whole justice inquiry, not necessarily purposely but the presence of the law enforcement officers being present. I have had that indicated to me. A lot of times, many individuals who would want to proceed or make a presentation to the justice inquiry are reluctant to do so. I may say that I have had experiences where many of our meetings or conferences, where sometimes we have had plain-clothes officers attending those meetings, for what reason I do not know. Maybe they are attempting to find out whether our group is dealing with being really radical or looking for something in which to be really militant in our approach to the whole Native issue.

* (1110)

I find that offensive and throughout, I guess personally, I have grown up and sort of accepted that from the judicial system because that is sort of ingrained in me, and my activities and involvement of dealing with Native issues. I have accepted that. But on the part of the general society, as a whole, I think that is unacceptable to the mainstream society to be in a sense harassed, to be kept watched as to your activities.

This whole process on the judicial system, as it affects aboriginal people, has been very tremendous in incarcerating the aboriginal people. As you know, we represent maybe about 2 percent of the national population across the country but yet our population, the prison population, we represent 10 percent of the prison population across the country, which is very high, tremendously high. When you represent 2 percent of the entire population in this country and yet, in the prison population, we represent 10 percent. It is astonishing.

We question the whole judicial system. Why is that? We see many of the Native people unemployed, over 90 percent unemployment in many of the reserves. We tend to have low academic levels of achievement. Our high school drop-out rate is high. The social conditions that exist on reserves is a Third World poverty situation, and yet we are the most incarcerated people in this country and we are subject to other harassment. Even the use of the hospital facilities, they are used by Native people more frequently than the average Manitoban and average Canadian citizen, much higher level usage.

We tend to absorb most of the money, the social costs, as a result of, I guess, the poverty situation that we are in the communities. We are on welfare, we do not have many jobs. We do not have economic activities in many of the reserves. The situation is that the Indian people are involved in a cycle, and we cannot seem to get out of this whole vicious cycle of poverty.

I was asked one time, if we were to manage our own affairs including the court system in terms of administrating our own court and dealing within the traditional Indian values, we would be able to have many of our Native people not be incarcerated. They may be doing something more productive in this society. Many of the Native people are locked up in jails because they do not have anything to do. As a matter of fact, it is sad to note that in one community one of the youths who was charged indicated that he would rather get out of the community and be locked up in jail because he has a place to stay and he has a meal every day and also able to watch TV. And that is a sad situation.

When you look at the statistics in many of the reserves, we have a high suicidal rate and suicides in many of the Indian reserves, and you question why this is happening. The reason why is that there is a total lack of any hope. They do not see any hope in many of the communities, there is lack of employment. It is very sad to know that people commit suicide because they have no reason to live. There is no purpose in life, and that is certainly indeed a tragic situation where people are committing suicide for lack of any kind of hope on many of the Indian reserves. We have to start correcting that situation.

I know that the aboriginal communities and the Indian leaders in the Province of Manitoba, including the Metis

communities, are beginning to look at ways of increasing the standard of living and conditions in those communities to a much better quality. It is going to take a tremendous amount of work, commitment, and also dollars by both levels of Government, by the provincial Government and also by the federal Government.

I think, once this whole question of the delivery of the judicial system has been done, we as legislators and also particularly the Government of the Day would have to look at the recommendations of the inquiry. That is where action is required, once the recommendations from the commissioners have been received by the Government. Certainly, they will be making recommendations that would better enhance the quality of life on many of the reserves. Also, there will be recommendations on how the Native people could be better represented in the courts, how their traditions, culture and their lifestyles can be better echoed or better represented in the whole process of the judicial system.

* (1120)

We are, as Indian people, beginning to assume more responsibility and control of our lives. I often say that Governments and other institutions do not necessarily provide the direction that we want to go, but rather the Indian people, the aboriginal people have to take that responsibility themselves. Nobody else is going to do it for us. We may require assistance, some changes in legislation in order to achieve many of the things that we want.

It is going to have a tremendous impact on our financial resources, provincially and federally, in order to attain, at least to bring in the standard in many of the communities to a Canadian standard. I know a few years back, when we were addressing the housing situation on the reserves, the federal Government put in over a billion dollars to alleviate the housing shortage in many of the communities. Those billions of dollars did not even make a dent in the housing situation in many of the reserves across this country. Even now, we have many of the Indian families living in houses that accommodate two or three or more families. That is only one aspect of the social requirements that are needed, housing.

(Mr. Speaker in the Chair.)

There are jobs, there are education needs, there are health needs that are required by the Indian reserves. To address those will take an enormous amount of financial resources. I might add that the federal Government in a way is trying to deal with it. I might add it is not providing the kind of financial resources that it should, but it is doing it in the guise of self-government, in the guise of saying that the Indian people should assume more control of their destiny and also the affairs that they have. But they are given responsibility with less dollars, inadequate funding to the enormous tasks that the Indian leaders have to provide.

One example, of course, is the whole Indian child welfare system. I know at this time we are dealing with one of the northern child care agencies in dealing with the matter of child care and child issues. If we are to assume responsibilities, we will be taking on responsibilities that may look like we are not doing an adequate job. In assuming and having control of our destiny, we will be making many mistakes. We will be questioned as to many of the activities and involvement that we have such as child care.

I know that the bureaucracy, the Governments have failed the aboriginal people in this country. You just look at the statistics I had mentioned: the incarceration rate of the Indian people in prisons; the lack of education; the poor housing conditions; the high unemployment rate in northern reserves and also southern reserves. Those are as a result of not being involved in the Canadian mainstream society.

As it was reported in today's Free Press special report on Native issues, Indian issues, there is a tremendous amount of work that needs to be done by the Governments. It also states that we had been overstudied by Governments, by individuals, by institutions as to the reason why we are in such a sorry state of affairs, but nobody wants to do anything about it. They just want to perpetuate this sorry state of affairs for Indian people.

I know that we as a provincial Government, when we were in Government, we were dealing with many of the issues to correct the conditions that exist in many of those communities. One that I asked in this House today was about the Treaty Land Entitlement process, the outstanding land that is still due to the Indian people. Even after hundreds of years, we still do not have our land yet. Yet, when this federal Minister has changed from drastically—as a matter of fact, has not negotiated in good faith by just unilaterally changing the whole negotiation process which all three Parties agreed to, it indicates to me that the federal Government, the present federal Minister of Indian Affairs, is not prepared to negotiate in good faith and also not prepared to carry on the Agreement in Principle that we reached.

Also, when I look at some of his responses to many of the claims by Indian people, the federal Minister has not responded favourably. I might add that this kind of attitude and the kind of response brings on frustration and it is totally frustrating. I can appreciate those kinds of feelings. It is very, I guess—I do not know what word to use but it is not a good feeling at all to get not good response from the Federal Minister of Indian Affairs to proceed with very crucial matters affecting Native people.

You look at the Lubicon case in Alberta. The people there have been requesting settlement, land that is due to these people in Alberta, yet on the other hand the Government, the Minister of Indian Affairs is prepared to give 11,000 or more acres of land to a foreign company, a Japanese company and at the same time offering them 19 times greater the amount of money that he offered the Lubicon people.

You question where this mentality and the commitment of this federal Minister is coming from. This commitment—he has the trust obligations of his

role as Minister of Indian Affairs. He is supposed to be protecting the interests of the Indian people and on the other hand he is just doing the opposite of what the Indian people want in this country.

That is why I raise the question in this House today about the whole process of the Treaty Land Entitlement negotiations. It appears that the Minister of Indian Affairs has turned around on his own and proceeded without any advice or consultation to the people involved in negotiations.

I find that totally unacceptable and also not bargaining in good faith. Also, he is the Minister responsible for the Indian people. He has trust obligations and also at the same time he has the obligation to fulfill the treaty obligations that the federal Government has. I find that very offensive and also demeaning to the Indian people in the Province of Manitoba.

I also can relate to many of the courts that are being dealt with, and especially Native people when they go to the courts to deal with such matters as the Small Claims Court, to do with those.

I mentioned that this procedure, that this process, the institution of the courts is not something that is well understood by the communities. It is something that we were trying to understand, especially those people who have been in the remote communities who have never been out in public or to be in Winnipeg. These foreign institutions coming to the communities are not well understood by the aboriginal people and that is one of the reasons we see many of our Native people being thrown in, being incarcerated, as a result of the lack of understanding.

* (1130)

There needs to be more awareness of our traditions, of our cultures and our way of doing things. Even in the plea bargaining I mentioned there, it is not well understood. I know if an individual, an Indian person in a community threw a ball toward the direction of a window and broke the window he would say in the court that he was guilty of the infraction, but the intent of throwing the ball in that direction was not to break the window.

That is the fine line of the whole process to questioning of being guilty and not being guilty that has to be explained to the individual. Oftentimes many of the prosecutors and Crown Attorneys do not take the time to explain to individuals about the whole matter of the court procedures and the terminology that is used. Oftentimes what is used is a court communicator and, oftentimes, they have difficulty in trying to translate or interpret what is being said in court.

I know that not only in court do we have problems in understanding many of the functions of the Government, we still have the problems of understanding what is being said in the House. Or the whole question of the Constitutional Conference, it is not really well understood by the Native people because the languages and terms that were used in the debating of this important matter such as—even the Constitution, what does that mean? Parliament? And all those words that they use in negotiating with the Premiers and the First Ministers of this country.

You have to explain to the individuals back home what is meant by all these discussions and it is interesting to note that in one of the conferences that I attended, it is very important that people understand what is being said and what is happening. I was approached by an individual who was involved in the whole development in the Northwest Territories when the oil explorations were going on, the gas explorations. The aboriginal people in those communities had to understand as to what those companies were doing and the terminologies that they were using because they had to understand what was happening and what was being said because many of the words were non-existent in the Native language.

In order for them to understand they had to get together and discuss some words as to what it should mean. They indicated sometimes they got together to have word conferences so that they can talk to people in the entire community so that they would understand what it is that is actually being debated and what it is actually being said. I think we need to have that sort of a communication system that will be understood by the aboriginal communities.

We are gradually moving toward being involved in the mainstream of society and we need to make our elders, our communities, the young people in the communities know what is happening and we need to define those words in our language so that the communities can understand that. I mentioned that many of our institutions, and I am talking here about the judicial system and the lack of understanding, and if we pay more attention to what we are saying and also in part translating or interpreting what is being said, I think more Indian people would understand and also come to appreciate what is happening in the courts.

Certainly this Bill No. 8 on the Small Claims Court intends to expedite and also attempts, I guess, to deal with expeditiously with the cases so that there will be less time wasted by the law enforcement officers and by the court procedures. Certainly that would help the individuals that are involved in those cases to make some rulings in some of those cases. But in the Native communities I think there needs to be some more work done in terms of the whole judicial system, not only with the court system but with understanding also making aware to the institutions, to the judges, to the lawyers, to the Crown Attorneys, the prosecutors, the court reporters, making them aware of our concerns, of our culture and values, how we deal with many of the issues.

I know that oftentimes we are puzzled as to the court procedure and also some of the rulings, some of the happenings of the court.

Mr. Speaker: Order, please. I have requested of Honourable Members on several occasions to grant courtesy to a Member speaking to a Bill and/or a resolution. I would appreciate if Honourable Members would withdraw outside of the Chamber into the hallways where there is ample room to carry on their private discussions.

Mr. Harper: Could the Speaker tell me how many minutes I have left?

An Honourable Member: I do not think he heard you.

Mr. Harper: Mr. Speaker, how many minutes?

Mr. Speaker: Three minutes.

Mr. Harper: Three minutes? Thank you. Mr. Speaker, I tried to allude to some of my experiences and also some of the injustices, I guess as a result of lack of understanding of the judicial system and the court system. I know that many of the Native communities, and also individuals from those communities require some understanding or some resources so that they can deal with the whole question of the judicial system, and how it affects the aboriginal people.

I especially look forward to the recommendations of the Justice Inquiry that is being done by the commissioners, Hamilton and Sinclair. As I mentioned earlier, those recommendations would have to be acted upon by the Government of the Day and it is at that time we have to start planning some direction and also the financial resources to deal with the whole question of justice as it affects the aboriginal community and the aboriginal people.

I know the chiefs have been trying to get some funding so they can get prepared to deal with the whole justice inquiry and I intend to pursue the matter with the Government. I know that we have committed to them that we would be looking at providing some funding to the chiefs in this matter, previously. I appreciate the amount of money that is being allocated to this inquiry, but there needs to be some direction given that this funding should be made available to the Indian reserves so that they can be fully involved in the whole judicial inquiry.

I hope this Government would see in their heart to provide some funding directly to the Chiefs themselves at the community level, so that they can participate. I know individuals in many of the communities need to understand the judicial system, the court system, before they would bring out their issues. Just to have the commission fly into those communities and expect to have good results from those meetings and recommendations is a little unfair. ! would recommend that the Attorney-General (Mr. McCrae), the Minister responsible for Native Affairs (Mr. Downey) and the First Minister (Mr. Filmon) request some sort of funding be made available to the Indian chiefs. Thank you, Mr. Speaker.

* (1140)

Mr. Harold Taylor (Wolseley): Mr. Speaker, I move, seconded by the Honourable Member for Fort Garry (Mr. Laurie Evans), that the debate be adjourned on Bill No. 8.

MOTION presented and carried.

BILL NO. 9—STATUTE LAW AMENDMENT (RE-ENACTED STATUTES) ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 9, Statute Law Amendment (Re-enacted Statutes) Act; Loi modifiant diverses dispositions législatives (Lois réadoptées), standing in the name of the Honourable Member for Elmwood (Mr. Maloway). (Stand)

BILL NO. 11—THE CHILD CUSTODY ENFORCEMENT AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 11, The Child Custody Enforcement Amendment Act; Loi modifiant la Loi sur l'exécution des ordonnances de garde, standing in the name of the Honourable Member for Churchill (Mr. Cowan). The Honourable Member for Churchill.

Mr. Jay Cowan (Churchill): Mr. Speaker, I want to indicate, as did my other colleagues in the New Democratic Party Opposition caucus, that we support these amendments as far as they go. However, we believe that in some instances they do not go far enough. We also believe that perhaps there may have been a better way to bring these amendments forward and to encourage a more thorough discussion of them, along with other facets of family law which need to be discussed in the public forum and in a comprehensive fashion across the province.

In order to put my comments today in the proper context, I want to indicate very clearly that I am only speaking to part of the package. That part of the package is the amendments, Bill No. 11, which have been brought before the House at this time.

I do, however, find it particularly bothersome that there could be a possibility that this amendment is really, while in its own right a good amendment, being used a bit as an excuse for not bringing forward the White Paper on Family Law. I want to indicate that when the Attorney-General (Mr. McCrae) introduced this legislation in the House on August 24, he said very clearly, and I am quoting from the Hansards of the day, he commended the previous Government for its initiative in beginning the program which we are going to talk about in a bit, and that is the Access Assistance Program and this companion piece of legislation. He indicated that his Government decided to move up the start date of the program. And then the quote that I want on the record clearly is, "by introducing legislation in this Session rather than issuing a White Paper." The White Paper is important to this issue. This issue is part of an overall approach to changes and reforms in Family Law which are necessary because this is a rapidly evolving area of concern to all Governments of whatever political stripe in whatever jurisdiction they might exercise.

There are other important issues beyond the matter of access and enforcement of access that have to be considered within the context of family law reform. If in fact all we are going to get from this Government

this Session is this piece of legislation, then I believe that we have been short-changed. It is not just the act of being short-changed that bothers me but, if we do not have the other information available to us and the public dialogue around the White Paper, then what we are doing in essence is putting back reforms which could be brought forward at an earlier date because we do not have the White Paper in front of us. We have not had the public dialogue around the White Paper. We have not had the input and the suggestions and the criticism, constructive and otherwise, that will help shape family law reform in this province over the next little while. That whole process is put back.

Now perhaps the Attorney-General (Mr. McCrae), who is in his seat, can indicate to me if I am incorrect or wrong in my assumptions, but it is my understanding that report is ready, that the White Paper on Family Law Reform has been ready for some time. I do not see any response from him. I will take that then as an affirmative response, because I am certain that he would be quick to jump to his feet to correct me if in fact I was putting, inadvertently so, incorrect information on the record.

So my assumption is that the White Paper, in fact, is ready and available, but that is not my assumption alone. I am quoting from a letter to the Honourable Attorney-General (Mr. McCrae), dated June 28, 1988, from the Charter of Rights Coalition in Manitoba, in which they indicate it is a Charter of Rights Committee understanding that the Family Law White Paper is completed, printed and ready for release. The Charter of Rights Coalition Committee goes on to say: "We"— and I am quoting from their letter—"along with many others have been anxiously awaiting its release, given that the process first began in 1986."

So it is not just my assumption that the White Paper is ready and available. It is also the assumption of the Charter of Rights Coalition which includes groups such as the Elizabeth Fry Society of Manitoba, the Immigrant Women's Association of Manitoba, the Junior League of Winnipeg, the Manitoba Action Committee on the Status of Women, the Manitoba Advisory Council on the Status of Women, the Manitoba Association of Women and the Law, the National Action Committee on the Status of Women, the Provincial Council of Women, the United Church of Canada, and Young Women's Christian Association. Now if all those groups are of the opinion that the White Paper on Family Law is, and to quote them, "completed, printed and ready for release," then I believe the assumption which I have laid on the table and has not been refuted by the Attorney-General even though he has had the opportunity to do so is probably a correct assumption. So let us work from that fact which we have now substantiated.

Also it is important to note that my colleague, the Member for St. Johns (Ms. Wasylycia-Leis), on July 14 wrote to the Attorney-General (Mr. McCrae). In that letter, she indicates that she is writing to him to request a status report on the Family Law White Paper and also to seek some analysis of the Attorney-General's intention as to when that White Paper would be released. She also indicates in her letter that the Charter of Rights Coalition recently wrote to you on the same matter. That letter actually had gone out a few weeks previous. She says in that letter, Mr. Speaker: "The Family Law White Paper is an important step towards the goal of ensuring provincial compliance with Charter guarantees of equality for women and men." I know that the Attorney-General (Mr. McCrae) would agree with that statement.

* (1150)

Going on to quote from the letter of July 14 from the MLA for St. Johns, she says: "There is, therefore, widespread interest in its funding and growing concern about plans for its release, particularly since it would appear to have been completed and printed. If this is the case, I would urge you to release the Family Law White Paper immediately and to encourage open and far-reaching dialogue around its findings." Then she closed by indicating that she looks forward to hearing from the Attorney-General soon on that matter.

The Attorney-General's (Mr. McCrae) response to her letter requesting information as to when the White Paper would be released is as follows, and this is a letter of August 18.

The Attorney-General starts off by thanking the Member for St. Johns (Ms. Wasylycia-Leis) for her interest. Then he says and I quote: "As you know, the White Paper that was being prepared by the previous administration is in part obsolete, because the Government has decided to proceed immediately with the Access Assistance Program. He then goes on to say that he had been awaiting the return of one of the key participants from their holidays, the director of Family Law in the department, and he was going to arrange a complete briefing on all of these issues for himself and the Minister responsible for the Status of Women (Mrs. Oleson). He indicates in the letter that she returned to work on that week, August 18, or the week of August 18. He had expected a review of those important matters will be completed in time to propose legislation to the House next spring." Then he closes off by saying: "I believe we all recognize the importance of changing the legislation in family law matters to reflect current realities. I look forward to your constructive participation in the debate on the appropriate adjustments to be made."

What is particularly bothersome about that letter is he does not address the question which was referenced in the earlier letter to him which precipitated this letter, the letter from the Member for St. Johns (Ms. Wasylycia-Leis) on July 14, 1988. He does not say whether the report is ready or not ready. So given the fact that the coalition has said that they understand it to be ready, printed and available for lease, given the fact that the Member for St. Johns said it, and given the fact that the Attorney-General (Mr. McCrae) did not refute it when he had an opportunity to refute it and indeed, today, did not refute that suggestion when I gave him the opportunity to refute it, it only substantiates my belief that the report is sitting somewhere within the Minister's office awaiting its release.

I do not buy the suggestion that the report is in part obsolete, using the Attorney-General's words because

one small portion of the entire report is being brought forward by way of legislation. That does not appear to be the case. He repeated that, by the way, in his comments when he introduced the Bill to the House in August. But if that is not a problem in the Attorney-General's mind, then I think it is a problem that could be easily resolved by the Attorney-General, deleting that particular part of the Family Law Reform Paper and bringing the rest of the paper forward. There is a lot more in that White Paper than just the question of an Access Assistance Program and complementary legislation.

What is also disconcerting about the letter is that it does betray a lack of priorization by the Attorney-General (Mr. McCrae) and even more disconcertingly by the Status of Women Minister (Mrs. Oleson) when it comes to matters on family law. Here we have a Government that has been in place for almost four months at the time that letter was written. When they assumed Government there was a White Paper on Family Law which was almost completed, if not fully completed and available to them, they are now only on August 18 arranging for a complete briefing on family law matters, almost four months after they had assumed Government.

So that has to be a concern to those individuals in this society who are looking forward to a continuing reform of the family law system. I had hoped the Minister responsible for the Status of Women (Mrs. Oleson) and the Attorney-General (Mr. McCrae) will, when they have the opportunity to speak on this Bill in closing debate, explain why it is it took four months for them to seat that comprehensive briefing. I do not think there is an explanation for it other than the fact that they did not priorize that area of their responsibility as highly as they priorized other areas of their responsibility.

Of even more concern, as I indicated earlier, is the avoidance, either intentional or otherwise, of the main question that was identified in the Member for St. Johns' (Ms. Wasylycia-Leis) letter. That question of course was when would the White Paper be released? That begs the question as to why has the White Paper not yet been released? We have had numerous indications that it is ready, printed, and available for release. We know that it has not been released. We know as of today that the Attorney-General has not in any way refuted the suggestion that it is ready for release, so therefore why are they not releasing it?

Well, perhaps it was because they did not have a complete briefing. But that letter was written August 18, almost two months ago now. One would expect that in the intervening period of time, they would have had an opportunity to have had that briefing and to bring forward the White Paper. So the concern that they had not had a briefing does not hold over the past two months. So then one has to be concerned that there is something in the White Paper that they do not like, because that is the inescapable conclusion that one is led to if one logically follows the sequence of events here.

They assume Government, there is a White Paper ready, the White Paper is printed, the White Paper is ready for release and it is not released and there is more than enough time for a briefing so that it can be released. That leaves one to the conclusion that they do not like what is in that paper otherwise they would have released it.

Now having been in Government for sometime, I know what it is like to have a report that you have to study and you have to bring forward and it is going to create a great deal of public dialogue and if one is somewhat concerned about what is in the report, one becomes hesitant about an early release of that report and that is what I believe has happened in this particular instance.

The Members in the Chamber, Mr. Speaker, can stand up and say how they are concerned about these issues—I am speaking specifically of the Members of the Government on the Conservative side—how they believe very strongly that reforms are necessary, how they intend to do all things good and proper in the very nearest of futures, but they betray all of those kind sounding comments when they sit on a report which would initiate the process that would lead us to some of those good and proper reforms which are long overdue.

So the question is why they have not released that report? I hope that either the Status of Women Minister or the Minister responsible for the legislation, the Attorney-General, when commenting on this Bill, will put on the record very clearly what it is that has prompted them to delay a release of a report that has been ready for such a long period of time. What are their particular concerns with that White Paper?

I believe that is important information if we, as legislators in Opposition, are going to deal with the issues that they put in front of us such as this piece of legislation in a comprehensive fashion. We have to know what it is they think about the whole area of family law. What it is they think about the different issues that are identified in that White Paper, and we also would like to know what it is the general public think about those issues, because that is the purpose of a White Paper. It is to put down on a piece of paper a number of issues which then can be used to create a dialogue, hopefully a provocative and informative dialogue because people are of differing opinions on issues that are so emotional and important such as the issues revolving around family law. That dialogue takes place, it is absorbed hopefully. There will be a difference of opinion, of course, when the final product comes out, but one could hope to say that as a result of the dialogue, even with that difference of opinion, you have a piece of legislation that most accurately or as much as possible reflects the desires of the general population and the philosophical bias of the Government.

* (1200)

I want to come back to the White Paper in my remarks toward the end, Mr. Speaker, but I want to go on now and talk about some general concerns with the legislation that is before us. These concerns have been mentioned by others inside this Chamber and outside this Chamber. I know the Minister has letters from different groups which identify some of these same concerns.

The first concern is one of timing. This piece of legislation is being introduced outside of the whole area of family law reform, so there must be something about this particular piece of legislation that makes it more urgent to the Government than the other pieces of legislation which will accompany it when one feels out and flushes out that family reform package.

So what is it that makes this one more important than the other pieces of legislation? If I want to put that same question in the negative context, Mr. Speaker, I would ask, what is it about those other pieces of legislation that are less important than this particular piece? Because if this piece is being used as an excuse not to continue on with the White Paper on family law within a realistic time frame, then one has to say that the other pieces of legislation obviously are not that important to the Government and why is that the case?

The other question that has been raised by my colleague, the Member for St. Johns (Ms. Wasylycia-Leis), and others on this side, and others outside the Chamber, how does this piece of legislation fit in within the overall approach of the Government on family law? That is the question that they will have to address as well, either when they speak to this Bill on second reading or when they appear before the committee. What niche does this piece of legislation occupy and how is it intended to compliment and coordinate all the other aspects of reform that have to be brought forward?

(Mr. Deputy Speaker, Mark Minenko, in the Chair.)

There have also been a number of concerns brought forward with respect to the implementation, application, and interpretation of this piece of legislation, questions such as: what are reasonable expenses when one applies the penalties contained within the legislation? What really is a wrongful denial of access or a failure to exercise access responsibly through no shows and late shows on the part of the parent who has access rights?

When one looks at the expenses, will child care expenses be included in it and how will they be determined? Will expenses related to job-related activities be included? In other words, if a parent who was going to have access at a specific time, fails to show up and the custodial parent because of trying to schedule the access around his or her own schedule does not provide for day care or child care for the child at that time, assuming that the access parent will be in custody of the child for that period of time and then has to lose a day's work or lose an opportunity of some other nature, what sort of reimbursement would be available to the custodial parent in those circumstances?

How does one put a financial figure to other sorts of inconvenience? For example, let us assume that the access parent had said that they would take a child for a period of a couple of weeks. The custodial parent because of that planned a vacation around that period of time and did not set up alternative arrangements for the child who in this particular instance would not be going with the parent on that vacation. The custodial parent then has to rearrange all of his or her plans. There can be significant financial loss as a result of that, as well as significant personal inconvenience as well as that, and how is that going to be dealt with when the law is interpreted and applied by the courts?

I hope the Minister will clarify some of those specific questions before the Bill goes to committee when he closes debate on second reading. Now I hope he will clarify those areas before it goes to second reading because I think it is important that, when outside groups come forward to discuss this Bill with legislators, they have available to them the best understanding possible of the actual piece of legislation which is being dealt with by the committee. They will want to know how it is the Government perceives this legislation is going to applied and implemented.

Further to that, they will want to know what safeguards the Government has put in place to ensure that it is a fair application which takes into account all the concerns which I have just raised and have been raised by others.

There are a number of other concerns, Mr. Deputy Speaker, that other Members have enunciated, and I think they have done a good job of outlining the problems and the specific concerns. I am not going to dwell on them today because there is one further concern which others have not addressed in this Bill which I think is extremely important.

The Attorney-General (Mr. McCrae)—I hope he is listening to these words—should be particularly concerned with this concern which I am going to spend some time on. I am raising the concern as a northern MLA because it is one that is specific to my own constituency. However, it is also a concern that should be prevalent in the minds of all other legislators in this Chamber, but most particularly those who represent constituencies outside of the City of Winnipeg because there is an inherent unfairness and inequity in this particular Bill.

In order to explain my specific concern it is necessary to look to the companion piece to this legislation. That companion piece is enunciated in the comments by the Attorney-General (Mr. McCrae) on second reading of the Bill, a child-focused pilot project which is going to be put in place sometime in February of the upcoming year, I believe, for a period of three years. At the end of that three years, that program will be evaluated.

The Attorney-General has indicated very clearly that he hopes, if the evaluation is a good evaluation, this program will then be applied across the province and across Canada. The legislation, he clearly states, is required to support the Access Assistance Program. As he said on August 24 when he introduced the Bill, "This is a very short Bill as it adds only one section to the Child Custody Enforcement Act, but this section is essential to the operation of the Access Assistance Program which the Government intends to have in place in February of next year."

I want to underscore the words which I think are most important. This Bill is essential to the operation of the Access Assistance Program. The Attorney-General (Mr. McCrae) then goes on in his comments

to indicate why it is he believes it to be essential. I want to come to that in a moment, but before doing that I want to put my own comments in the proper perspective.

If that is the reason that this Bill has to come forward at this particular time, and there is no reason to suspect that it is not at least one of the reasons that the Bill is before us today, then it stands to reason that the converse of what the Attorney-General (Mr. McCrae) on August 24, 1988 said is also true. If the legislation is essential to the operation of the Access Assistance Program, it stands to reason that the Access Assistance Program itself is essential to the effective implementation of this legislation.

I would look to Members opposite who have been involved in the development of this legislation to indicate to me if they believe that is not an accurate analysis of the situation. I look particularly to the Minister responsible for the Status of Women (Mrs. Oleson) and perhaps try to capture her attention because I want to make certain that I am correct on this assumption.

I look to the Attorney-General (Mr. McCrae) but I would ask, given the circumstances, I would ask the Minister responsible for Community Services (Mrs. Oleson) if perhaps she can—oh, here is the Attorney-General coming into the room so I will ask him.- (Interjection)- I did not want to put the Minister responsible for the Status of Women on the hook just yet, so I appreciate the fact that the Attorney-General can answer the question.

On opening comments, the Attorney-General indicated, and I quoted earlier, that this section, this change in legislation is essential to the operation of the Access Assistance Program and that is a program which the Government intends to bring forward in February, 1989. If that is the case, is not the converse true then, that the Access Assistance Program is essential to the effective implementation of the legislation?

I look to him to indicate to me, perhaps with a nod of the head or even an intervention on his feet, if I am in any way misconstruing the situation.- (Interjection)- Well, the Minister again does not want to answer, but maybe I will just take one minute because it is not a trick question, to explain to him why I think it is important that it be clarified now rather than later on, because if I am wrong in my assumptions then I do not want to make the rest of my speech based on an incorrect calculation and misinterpretation of the drafters of the legislation, the Minister responsible for the legislation, the Minister responsible for the Status of Women's intent with this legislation.

The Minister has indicated that the Bill is essential to the operation of the Access Enforcement Program. Is the converse not true? Would one not logically assume that therefore the Access Enforcement Program is essential to the Bill, to the effective implementation and effective operation of the Bill?

* (1210)

Hon. James McCrae (Attorney-General): The Member for Churchill (Mr. Cowan) is intent on wanting to get answers to questions at this stage rather than discussing the principle of the Bill. He wants to have answers to specific questions at this stage. The Bill is important to the operation of the Access Assistance Program in the way the program is proposed to be implemented. Now I suppose some form of access assistance could be made available through the provision of mediation or conciliation, or whatever services we would like to provide without the necessity of the legislation.

But the legislation plays an important part in the program as the program is set up. I remind the Honourable Member that the program itself, the funding for it and the design of it, the previous Government had a large part to play in that. I have publicly given credit where credit is due for that to the Honourable Member's Party. We came into office and said that this is the kind of trust we can support. We think it is something that has already been negotiated with the federal authority in terms of funding for services to be provided. So on that basis we thought it would go ahead. At this point, for the Honourable Member now to come along and tell us that somehow the Bill does not go far enough or the program is not good enough, let us not view the program or the Bill as anything but what they are.

At this point they are a pilot project. Certainly the program is. We think it is a right kind of project to be involved in; we want to go ahead with it. I hope it is a tremendous success. I hope that sometime down the road when the pilot project is complete and demonstrated to be a success, that we will be able to find the resources to expand that program province-wide so that not only people in the City of Winnipeg can benefit from the program, but people, families province-wide, can benefit. So I hope that answers the Honourable Member's question to his satisfaction.

Mr. Deputy Speaker: I was perhaps remiss earlier to ask leave of the House to grant the Honourable Member for Churchill (Mr. Cowan), the question. I took it as there was no objection, that there was, in fact, leave for this departure from the Rules of the House. I see that there was, in fact, leave.

Mr. Cowan: I appreciate the answer. I want to reinforce what I said earlier on the Bill.

We support the Bill as far as it goes. We have some questions about why the White Paper was not introduced. We think it should have been introduced. I have been somewhat critical of the Minister in that regard. There are a number of concerns with this Bill that we hope the Minister would clarify previous to the Bill going to committee. But there is one specific concern that I have with respect to an area that would affect most directly his constituency, my constituency, the constituency of anyone who lives outside of the City of Winnipeg. And I want to get to that point.

He did not answer my question directly and the question was, if the legislation is important to the program, is not the program important to the legislation? My assumption is that, yes, it is, that they are companion pieces. He said very clearly, today and on August 24, that the Bill is essential to the operation

of the program.- (Interjection)- I think if the Attorney-General (Mr. McCrae), will hear me out, he may be able to allay some of my concerns or he may want to take some of them back and think them about a bit more carefully and come back at a later time. I am not attacking the Attorney-General directly except perhaps for the delay in the White Paper. But on the Bill and the program itself, I am trying to point out what I believe is a weakness in the legislation in the program and one which I hope they can resolve.

He is absolutely right in saying that this is a program that we were looking at very carefully. He should also know that it was a program that had not been finalized at the time of the change in Government and that there were some specific concerns that were being dealt with at that time, but that the general thrust of the program is an important one and an appropriate one.

I am glad that the Member for Fort Rouge (Mr. Carr), has come into the room because I always look to him when I am trying to explore a logical line of thinking. I will ask him because I have not gotten perhaps the full answer that I wanted from the Members opposite. I would ask him if I were wrong in my assumptions here.

We are talking about Bill No. 11 which provides for some penalties with respect to failure to exercise access responsibility or failure to provide access by a custodial parent in an appropriate fashion where it is wrongfully denied. The Minister, in opening his remarks, indicated that to him, Bill No. 11—and I am quoting, to the Member for Fort Rouge (Mr. Carr)—Bill No. 11 is essential to the operation of the program. He also said that this section is essential to the operation of the Access Assistance Program. I am certain that the Member is familiar with the Access Assistance Program. But what it provides for is some mediation, some conciliation, some access to legal help if in fact access of a custodial parent or access by a custodial parent is being wrongfully denied to the access parent or if the access parent is not responsibly living up to their responsibility to live up to their obligations to access.

If Bill No. 11 is essential to the operation of the program, does it not stand to reason, given those parameters, and I do not think that I have in any way misconstrued them, is not the program essential to the operation of Bill 11, logically? -(Interjection)- I am glad that at least someone in this Chamber has substantiated my logic in this instance and he says it is irrefutable. I asked him because I respect his experience and expertise in this area, although I do not always agree with some of the outcomes of his analysis, and I am certain that on occasion he does not agree with the outcome of my analysis. But I hope that in this particular instance he respects my logical train of thought as much as I respect his substantiation that it was a correct one.

Ending that short love-in, Mr. Deputy Speaker, the point I am trying to make is that the Bill is a companion piece to the program. The program is a companion piece to the Bill, and each is essential to the operation of the other. That conclusion is substantiated and borne out when one reviews the principles of Bill No. 11.

As the Attorney-General (Mr. McCrae) said when he opened debate on this Bill on August 24, and I quote: "Enforcement of access rights is one of the most difficult and frustrating areas of family law." He went on to say that there are few effective remedies for those frustrations, and I quote again. He says, "but at the present time there are few effective remedies to an access parent whose rights of access have been frustrated by a custodial parent. In addition, at the present time, there is nothing that ensures that an access parent exercises his or her rights of access responsibly, and that is what the Bill is intended to do."

* (1220)

So we have a Bill that in principle says that where access is wrongfully denied, there will be certain penalties that are available to the courts to apply to the custodial parent, to ensure that access is available. It goes one step further. It says not only can they be penalized for denying access in the past, but a bond or a surety may have to be put up as a pre-emptive measure to ensure that they would not wrongfully deny access in the future. Where there is a failure to exercise access responsibly by the access parent, the same penalties apply and we ask them questions about the details of what those penalties will be and the same pre-emptive requirement for security in order to ensure the performance of an access parent's obligation is also provided for under the legislation.

It is important to note, however, Mr. Deputy Speaker, that the Bill in principle only applies penalties. It does not ensure access if that right of access is being frustrated by the custodial parent. It just says, if the custodial parent does not provide the access, there are penalties that can be enforced. It does set out financial penalties and legally mandates what we would hope to be a pre-emptive measure, for both access and denial of access.

The real focus of this legislation therefore is the Access Assistance Program. As the Minister says, the law is a law of last resort. The legislation according to the Attorney-General (Mr. McCrae) is the stick of a court order, and it should be used only if the carrot of mediation and conciliation fails. I will read again from his comments on August 24. "However, the main functions of these amendments will be to provide the stick of a court order should the carrot of mediation and conciliation have failed."

(Mr. Speaker in the Chair.)

What we then have is an unfair situation which I expressed is a specific concern, as a Member who represents a constituency outside of the City of Winnipeg. Those outside of the City of Winnipeg, Mr. Speaker—and I know you are one of us—are left holding the stick while those inside the perimeter are munching on the carrot. There is no access assistance program outside the City of Winnipeg. This, therefore, is an issue of unfairness. That situation, where you have the law in place across the province but the program only in place in one part of the province, is illogical.

For this law to be enforced fairly, you would have to have both. The situation makes it virtually impossible for it to be enforced fairly and equitably across the province. If it is enforced in one area, where the Access

Assistance Program is not in place, which is all the province outside the perimeter, then parents and children in those towns, communities and villages will be taken to the court before they have had the chance to exercise their ability to try to mediate, conciliate and come together to avoid the court applications. They are not provided the same outside help as those inside the city are provided.

On the other hand, if that inherent unfairness is recognized and a decision is taken not to enforce the law to the same extent in those areas outside of the City of Winnipeg then those parents do not have equitable access to the companion piece to this legislation, the Bill, or the program, and they do not have access to the Bill, because one could not implement one without the other.

So it brings us full circle to my earlier comments, Mr. Speaker, which is that I believe that this is a good Bill as far as it goes. It does not go far enough. I hope that the Attorney-General will bear in mind the comments that I have made with respect to the specific concerns and the general concern about the unfairness of the application of either the program or the Bill across the province and I hope that the Government—and I see the Premier is here and I direct my comments to him directly. I hope that the Government will bring the White Paper on Family Law Reform as quickly as they can given that it is all ready according to everything that I have been able to find out today and previous to today, ready, printed and available for distribution.

Mr. James Carr (Fort Rouge): I move, seconded by the Member for Springfield (Mr. Roch), that debate be adjourned on Bill No. 11.

MOTION presented and carried.

BILL NO. 15—THE COOPERATIVE PROMOTION TRUST ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 15, The Cooperative Promotion Trust Act; Loi sur le fonds en fiducie de promotion de la coopération, standing in the name of the Honourable Member for The Pas (Mr. Harapiak).

Is the House ready for the question? The question before the House is second reading of Bill No. 15. Is it the pleasure of the House to adopt the motion? (Stand)

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 23—

Hon. Clayton Manness (Minister of Finance): Mr. Speaker, was the question not called?

Mr. Speaker: It was standing in the name of the Honourable Member for The Pas (Mr. Harapiak). I asked if the House was ready for the question. There was not agreement.

BILL NO. 23—THE REGULATIONS VALIDATION STATUTES AMENDMENT ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 23, The Regulations Validation Statutes Amendment Act; Loi modifiant diverses dispositions législatives afin de valider certains règlements, standing in the name of the Honourable Member for St. James (Mr. Edwards). (Stand)

BILL NO. 27—THE PRIVATE ACTS REPEAL ACT

Mr. Speaker: On the proposed motion of the Honourable Attorney-General (Mr. McCrae), Bill No. 27, The Private Acts Repeal Act; Loi abrogeant certaines lois d'intérêt privé, standing in the name of the Honourable Member for Inkster (Mr. Lamoureux). (Stand)

BILL NO. 30—THE STATUTE LAW AMENDMENT (TAXATION) ACT, 1988

Mr. Speaker: On the proposed motion of the Honourable Minister of Finance (Mr. Manness), Bill No. 30, The Statute Law Amendment (Taxation) Act, 1988; Loi de 1988 modifiant diverses dispositions législatives en matière de fiscalité, standing in the name of the Honourable Member for Transcona (Mr. Kozak). (Stand)

INTRODUCTION OF GUESTS

Mr. Speaker: At this time, I would like to draw all Honourable Members' attention to the loge to my right, where we have with us this morning, Mr. J. Frank Johnston, the former Member for Sturgeon Creek.

On behalf of all Honourable Members, I welcome you here this morning.

Is it the will of the House to call it 12:30 p.m.? The hour being 12:30 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. Monday.