

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 20 May, 1987.

Time — 1:30 p.m.

**OPENING PRAYER by Madam Speaker.**

**MADAM SPEAKER, Hon. M. Phillips:** Presenting Petitions . . . Reading and Receiving Petitions . . .

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**MADAM SPEAKER:** The Honourable Member for Inkster.

**MR. D. SCOTT:** Thank you, Madam Speaker.

The Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the Member for Lac du Bonnet, that the report of the committee be received.

**MOTION presented and carried.**

## MINISTERIAL STATEMENTS AND TABLING OF REPORTS

**MADAM SPEAKER:** The Honourable Minister of Finance.

**HON. E. KOSTYRA:** Thank you, Madam Speaker.

I'd like to table the Supplementary Information for Legislative Review for 1987-88 Estimates for the Manitoba Civil Service Commission, and Manitoba Finance.

**MADAM SPEAKER:** Notices of Motion . . . Introduction of Bills . . .

## INTRODUCTION OF GUESTS

**MADAM SPEAKER:** Before moving to Oral Questions, may I direct the attention of honourable members to the gallery, where we have 52 students from Grade 5 from the Park La Salle School. The students are under the direction of Mrs. R. Cyr, and the school is located in the constituency of the Honourable Member for St. Norbert.

On behalf of all the members, we welcome you to the Legislature this afternoon.

## ORAL QUESTIONS

### CCIL - total amount of write-off loans

**MADAM SPEAKER:** The Honourable Leader of the Opposition.

**MR. G. FILMON:** Thank you, Madam Speaker. My question is for the Minister of Finance.

Order-in-Council No. 1330, which was passed by Cabinet on the 3rd of December 1986, authorized the Minister of Finance to write off \$2.975 million of loans presently outstanding to the Canadian Cooperative Implements Limited.

My question to the Minister of Finance is: What was the total amount of write-off of loans outstanding to CCIL, exclusive of the restructuring that was announced last week?

**MADAM SPEAKER:** The Honourable Minister of Finance.

**HON. E. KOSTYRA:** Thank you, Madam Speaker.

I have to take that question as notice and provide the information for the member.

### CCIL - why loan was written off, not converted to equity

**MR. G. FILMON:** Madam Speaker, a further question to the Minister of Finance is: Given the restructuring that was announced last week involved the conversion of loans and loan guarantees to equity in the CCIL, why was this amount of loans not included in that restructuring so that it too could have been recovered by way of conversion to equity at some future point in time? Why was it written off, whereas some other portion of debt loan was actually converted to equity?

**MADAM SPEAKER:** The Honourable Minister of Co-op Development.

**HON. J. COWAN:** Yes, Madam Speaker.

The fact is that the loan which the Leader of the Opposition is speaking to now was a loan that was actually written off as part of the 1985 agreement and was announced at that time to be written off in a number of stages. The fact that it was later on written off in the manner in which it was by the O/C, which the Leader of the Opposition referenced, was upon advice from the Department of Finance that would be the better way to write off that particular loan, rather than to write it off over a period of years.

So when we entered into negotiations most recently with Vicon and Co-operative Implements to strike an agreement which, by the way, provided for the continuation of Co-op Implements; provided for a healthier Vicon; provided for a healthier farm implement industry in the province and jobs and parts for farmers who needed parts, who owned Co-op Implement equipment, provided for all those things; when we entered into that particular agreement, Madam Speaker, we were only dealing with the loan guarantees.

We are not taking equity per se - and one may want to quibble about the definition of equity - but we very carefully did not want to take equity in C.I. or in Vicon as a result of that agreement, but we wanted to provide for a mechanism that would allow us to recover the 50 percent of the loan guarantee which, by the way,

was provided to C.I. under the Conservative administration when they were in government, provide for our recovery of the 50 percent that we were paying out at this particular time if, in fact, the operation was profitable. We believe that was a fair and equitable way to proceed.

**CCIL - total amount  
of write-off loans**

**MR. G. FILMON:** Given that the Minister of Co-op Development seems to have additional information on this matter, I wonder if he could tell the House and tell us what was the total amount of write-off of loans and debt that the Government of Manitoba had in CCIL, exclusive of the restructuring.

**HON. J. COWAN:** I'm not certain that I fully understand what additional information the Leader of the Opposition is suggesting I'm now providing that hasn't been provided earlier, Madam Speaker.-(Interjection)-

**MR. G. FILMON:** Perhaps by clarification, Madam Speaker.

**HON. J. COWAN:** Well, just . . . if I can continue. In fact -(Interjection)- well, the Member for St. Norbert says I'm used to proceeding when I'm not certain. In fact, I'm used to proceeding in such a fashion so I have to help the Leader of the Opposition and others on that side out of the predicament they get themselves into when they make wrong assumptions and wrong statements. I'm perfectly pleased to be able to do that if it does, in fact, help them better understand what has transpired and what the purpose of our negotiations were, and what the expected and anticipated outcomes of those negotiations are.

In fact, the loan was written off and announced, clearly so, when the document was tabled and made public for the 2.95 last year in the 1986 agreement, the '85-86, in that period of time. The most recent agreement dealt with the outstanding loan guarantees. The previous agreement had called for us to provide - and this again was all made public, I'd like to refresh the Leader of the Opposition's memory on this - provided for us to pay the interest on those loan guarantees for one year, and then we would review the situation at the end of the year.

In fact, when we sat down to discuss how we felt this government could best serve the farmers and the workers who were involved in those industries and the Co-op Implements distribution network throughout the province, we decided, based on the material that was provided to us, Madam Speaker, that it would be necessary to write off 50 percent of the loans. We did so in such a fashion as to allow us to recover that 50 percent . . .

**MADAM SPEAKER:** Order please, order please.

**HON. J. COWAN:** . . . if, in fact, those operations were a problem; that's a good deal for the Province of Manitoba.

**MADAM SPEAKER:** May I remind honourable members that answers to questions should be brief.

**MR. G. FILMON:** Well, Madam Speaker, it's not only myself who needs to be provided with this additional information clarification. I think the Minister ought to provide it for his Minister of Finance, who just took the question as notice and who signed this Order-in-Council, so that he can have the information and the government can know what manipulations the Minister of Co-op Development is up to.

**A MEMBER:** Right on.

**MADAM SPEAKER:** Order please.

The Honourable Minister of Co-op Development on a point of order.

**HON. J. COWAN:** On a point of order, Madam Speaker, there were two statements that the Leader of the Opposition made which need to be corrected.

**MADAM SPEAKER:** Does the honourable member have a point of order?

**HON. J. COWAN:** It amounts to a point of order, Madam Speaker. The first was that the Minister of Finance, for some reason, had not provided accurate information. If, in fact, the Leader of the Opposition would read the Financial Report, 1985-86, from the Manitoba Finance . . .

**MADAM SPEAKER:** What is the honourable member's -(Interjection)- Order please. What is the honourable member's point of order?

**HON. J. COWAN:** Madam Speaker, the point of order is that there has been an inference by the Leader of the Opposition . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order please.

**HON. J. COWAN:** I'm sorry.

If the Leader of the Opposition would listen to his own words more carefully, he will recall that he said that the Minister of Finance had not provided the information, did not know the information and, in fact, it has been tabled in this House. And he, furthermore, suggested that I was entering into manipulations around this particular issue.

Madam Speaker, if there has been any attempt to manipulate information, it has been on the part of members opposite. What we've been trying to do is . . .

**MADAM SPEAKER:** Order please, order please. Order please!

The honourable member, in my opinion, does not have a point of order. I did not get the same inferences from the comments of the Honourable Leader of the Opposition. However, question period is a time for questions, not a time for debate.

## City of Winnipeg water supply - proposed land exchange

**MADAM SPEAKER:** The Honourable Leader of the Opposition with a question.

**MR. G. FILMON:** Yes, Madam Speaker, I intend not to have any debate in this matter, despite the abuse of the Government House Leader.

**MADAM SPEAKER:** Question.

**MR. G. FILMON:** Madam Speaker, my question is for the Premier.

Given the threat to the City of Winnipeg's water supply that would be posed by a number of proposed developments at Shoal Lake and, in fact, given that a University of Manitoba Biology Professor has now indicated a grave concern about a proposed cottage-lot development that could have the potential to contaminate the city's water supply, I wonder if the Premier can indicate whether or not his government has proposed a land exchange whereby the development rights, and indeed the right to the land that is being proposed for cottage-lot development, could be exchanged for other land within the Province of Manitoba to remove that threat to the City of Winnipeg's water supply.

**MADAM SPEAKER:** The Honourable Minister of the Environment.

**HON. G. LECUYER:** Thank you, Madam Speaker.

Madam Speaker, our position on this particular issue, is the same as I've heard the Leader of the Opposition voice when he was responsible for Environment, in 1981 when he stated that their concern - and that is our concern - was that the quality of the water of the City of Winnipeg be protected. In spite of that process, we have indicated all along, Madam Speaker, that we are prepared to sit down with the other parties and to negotiate a settlement that is acceptable to all, and that continues to be our position.

**MR. G. FILMON:** I thank the Minister of the Environment for assuring that I've been consistent over the years.

I asked the Premier whether or not one of the options that has been proposed by the Government of Manitoba is a land exchange so that we can be removed from this threat of the cottage-lot development?

**MADAM SPEAKER:** Order please.

That question is repetitious.

**MR. G. FILMON:** Madam Speaker, I'm asking the Premier whether or not a land exchange has been proposed to the Indian band in Shoal Lake so that we can have the threat of pollution to our water supply removed?

**MADAM SPEAKER:** Order please.

That question is the same question that the Minister of the Environment just answered. An honourable member cannot determine which member answers the question.

**MR. G. FILMON:** Madam Speaker, I wonder if I could ask the Premier whether or not he would consider

proposing a land exchange to remove the threat of a cottage-lot development from the Shoal Lake Indian Band to the City of Winnipeg's water supply.

**MADAM SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Madam Speaker, I think it's a much more responsible course that any negotiations, any proposals, be done not in this Chamber, but as amongst the parties themselves who are affected.

## Conference Board of Canada - reasons for downgrading of economic forecast

**MADAM SPEAKER:** The Honourable Member for Morris.

**MR. C. MANNES:** Madam Speaker, a few days ago I asked the Minister of Finance if the Conference Board of Canada had given him prior notice of a major downgrading of the economic forecasts of this province. Last Friday that Conference Board reported that there was major downgrading in two aspects of economic indicators. Firstly, real economic growth was to drop from 3.5 to 2.4 percent in the space of three months, Madam Speaker; and secondly, employment creation was also to fall significantly.

My question to the Minister of Finance, Madam Speaker: Has the Minister, through discussions with the Conference Board, apprised himself as to the reasons that there has been such a major downgrading of the forecasts of the Manitoba economy in 1987, and even more severe in 1988?

**MADAM SPEAKER:** The Honourable Minister of Finance.

**HON. E. KOSTYRA:** Thank you, Madam Speaker.

Again the Member for Morris is misrepresenting what has been reported by the Conference Board of Canada. Firstly, Madam Speaker, the Conference Board of Canada revised all of its estimates for economic growth in Canada, including the Province of Manitoba. The Conference Board also indicates in its report that the Manitoba economy is expected to continue to grow at a rate faster than any other province in Canada, other than the two central provinces of Quebec and Ontario. It also indicates in this report, Madam Speaker, that the economic growth is expected to continue at a pace that will ensure that employment growth will continue, will grow faster, so that we'll see a decrease in unemployment in our province. That is what the Conference Board of Canada Report states about the economic growth in the Province of Manitoba.

**MADAM SPEAKER:** The Honourable Member for Morris with a supplementary.

**MR. C. MANNES:** Madam Speaker, the question was very specific. I asked for the reasons for the downgrading.

My supplementary question: Has the Minister of Finance asked either the Royal Bank of Canada, the Investment Dealers' Association of Canada, or indeed the Conference Board of Canada as to why this major

downgrading within this province has occurred? Could he indicate whether or not the major reason for that was that he and this Budget that has come forward, causing the greatest tax grab and removal of disposable income from the citizens of this province in the history of this province; is that the reason that we've had this major downgrading of our economic forecast?

**HON. E. KOSTYRA:** Again, we have the Member for Morris providing misinformation, as he and other members of his caucus have done on a continuous basis.

In terms of his assumption that somehow the revenue increases that were put in place by this government were the largest in the history of the Province of Manitoba, he is incorrect. The largest increase in revenue in the history of Manitoba is when a Conservative Government brought in sales taxes in this province, and increased revenues at higher percentages than what we've done in this Budget, Madam Speaker.

What is he suggesting? Is he suggesting that we follow the course of his colleagues in the Province of Alberta or the Province of Saskatchewan, Madam Speaker, where they're reducing services to the citizens in those provinces, at the same time they're increasing taxes at rates higher, in the case of Alberta, than the Province of Manitoba and, at the same time, seeing a large increase in their deficit to a point that is much higher than the Province of Manitoba. Is that what he is suggesting? Is that the kind of Budget that he would bring in if he was Minister of Finance in the Province of Manitoba?

### Conference Board of Canada - impact of downgrading

**MADAM SPEAKER:** The Honourable Member for Morris with a question.

**MR. C. MANNES:** Madam Speaker, given the fact that these are the numbers that were presented, and the Minister cannot hide from them at all, the fact is that this provincial economy is beginning to sputter in a major fashion.

My question to the Minister of Finance is: What impact will this major downgrading of forecasting of the economy have on forecasted revenue? How much of an increase is there going to be in the deficit from that given in the Budget on March 16?

**HON. E. KOSTYRA:** We continue to see, Madam Speaker, the doom and gloom attitude of the members opposite. It was the case going back through all of the years of this government in office since 1981, where they predicted that the economy in Manitoba is going down the tubes. And what we've seen, Madam Speaker, is a continued improvement in the economy of Manitoba. We've continued to see growth in terms of jobs in the Province of Manitoba, growth in terms of investment, contrary to the kind of approach and the kind of policies that put Manitoba into the most severe recession that it saw during their term in government, Madam Speaker. The reverse has been true during our term in government.

The situation that exists right now is that we are experiencing continued growth, Madam Speaker. If you

look beyond what the member raises, if you look at what's even reported in the newspapers, because that's where he seems to look for some of his advice, he would see articles like this talking about plant openings.- (Interjection)-

Madam Speaker, they don't seem to want to listen to what's happening in the Province of Manitoba. If you would look just at a simple source like the newspaper, you would see articles like the opening of a new firm, R-Plus Insulated Glass, an investment of \$1.1 million and 20 jobs in Manitoba; an announcement of 300 new medical plant jobs in the Province of Manitoba, new investment in our province, confidence by business in Manitoba and growth in our economy.

**MADAM SPEAKER:** Order please, order please.

### VIA Rail - secondary maintenance facility

**MADAM SPEAKER:** The Honourable Member for Kildonan.

**MR. M. DOLIN:** Thank you, Madam Speaker. My question is to the Minister of Transport, Madam Speaker.

In 1985, VIA Rail cancelled the maintenance program for the City of Winnipeg, saying they were going to be buying new rail cars and that Montreal and Toronto would be sufficient.

Now yesterday, I understand there was a recent announcement by VIA Rail they will not be buying new rail cars and, instead of putting a maintenance facility in Winnipeg, they will be having a main maintenance facility in Vancouver, with a secondary maintenance facility in Winnipeg.

I would like to ask the Minister of Transport, has he been consulted by the Federal Minister and what are the details? Will we be secondary to Vancouver?

**MADAM SPEAKER:** The Honourable Minister of Highways and Transportation.

**HON. J. PLOHMAN:** Madam Speaker, the Member for Pembina does not like to have reference to the negative federal decisions in this province. Madam Speaker, regrettably, we were not consulted on this issue.

That is extremely disappointing for us, but the fact is it seems that even the senior Federal Cabinet Minister in the Province of Manitoba was not consulted, nor were the other members of the Conservative caucus when this decision was made by the Federal Government and the Minister, John Crosbie, as announced yesterday.

Madam Speaker, the fact is, as the Member for Kildonan has pointed out, only two years ago there was a cancellation of the \$28 million VIA Maintenance Centre that would have created some 250 jobs in the province and in Winnipeg. Now we're having a recycling of a smaller version of that that will see Vancouver having indeed the greatest benefits from the VIA maintenance centre.

Madam Speaker, I have just indicated to the . . .

**MADAM SPEAKER:** Order please.

May I remind honourable members that answers should be brief.

**VIA Rail - consultation with  
Federal Minister**

**MADAM SPEAKER:** The Honourable Member for Kildonan.

**MR. M. DOLIN:** Thank you, Madam Speaker, a supplementary.

Could the Minister take responsibility for contacting his federal counterpart to see why the Federal Government seems to defy geography of Winnipeg being the central location for rail area and then making Vancouver, if that is true, the centre point? It strikes me as being in total defiance of reality. Can the Minister contact his federal counterpart and protest?

**HON. J. PLOHMAN:** Madam Speaker, as I was about to indicate to the House at the time that I was cut off, I was indeed communicating . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**HON. J. PLOHMAN:** Madam Speaker, it seems the Opposition doesn't want to hear the answers again.

**MADAM SPEAKER:** Order please.

It seems the Opposition agrees that the honourable member should not reflect on the Chair.

The Honourable Minister of Highways and Transportation with an answer.

**HON. J. PLOHMAN:** Madam Speaker, I apologize for reflecting on the Chair, if indeed that is the interpretation of yourself as Speaker.

The fact is that I have communicated with the Federal Minister. We'll be sending a telex this afternoon that will clearly express our concerns about this decision, and ask the Federal Minister for details and impress on him the need to consult with Manitoba on major transportation decisions like this.

The fact is he is not even consulting with the province, he is not consulting with his counterparts in Western Canada, and we see the Member for Provencher again left out in the dark on a very important decision, not wielding any weight in the Federal Cabinet and not articulating any vision for Manitoba. It is necessary, Madam Speaker, for the Federal M.P.'s from Manitoba and from Western Canada to articulate a vision and carry out that vision on behalf of Manitobans.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order, order.

May I remind honourable members that question period is not a time for debate.

The Honourable Member for Kildonan with a question.

**MR. M. DOLIN:** A final supplementary, Madam Speaker.

I'm somewhat appalled at the jocularity on the other side of the House on this significant issue. The fact is, I am asking the Minister of Transport from the Province of Manitoba to try and ensure that Manitoba, which is the centre of transportation for Western Canada, remains so. I would like to ask the Minister: When will he contact his Federal counterpart to get a response?

**HON. J. PLOHMAN:** Madam Speaker, I don't blame the Member for Kildonan for not hearing the answer. There's nothing but noise coming from the Opposition who don't wish to hear the answers.

The fact is, this is a very serious matter for Manitoba because Manitoba has historically been, geographically, a major transportation centre in this country, and this has been eroded by several decisions that have been made by the Federal Government. We have not stood idly by, and we will not in this case.

I have indicated to the Federal Minister that we want him to ensure, and his counterparts in Manitoba, his colleagues, to ensure that this province maintains its role and enhances its role as a transportation centre for Canada.

**Program to assist Natives in justice  
system - re review report**

**MADAM SPEAKER:** The Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Madam Speaker, I have a question to the Minister of Native Affairs.

Will the Minister of Native Affairs, on behalf of the Native community, make public a review that was done of the program that assisted Natives through the justice system? Will he make that report public?

**MADAM SPEAKER:** The Honourable Minister of Northern Affairs.

**HON. E. HARPER:** I'd maybe refer that question to the Attorney-General.

**MADAM SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** I presume that the member might want to clarify that he's talking about the study that was done on the Court Communicators Program? Or do you not know?

**MR. J. DOWNEY:** Madam Speaker, I'm somewhat surprised that the Attorney-General has not communicated with the Minister of Native Affairs on such an important matter dealing with . . .

**MADAM SPEAKER:** Does the honourable member have a question?

**MR. J. DOWNEY:** The question is dealing with that particular program that helps the Native accused through the justice system, the one that the Minister, the Attorney-General referred to in the press as that he wasn't instructing it to be kept under wraps.

The question is still to the Minister of Native Affairs. Will he make that study public, the program, Madam Speaker, that assists the Native community through the judicial system?

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** The Honourable Government House Leader.

**HON. J. COWAN:** Madam Speaker, on a point of order.

The members opposite are in a very good mood today, so good that they find it necessary to laugh at the transfer of workers from here to Vancouver, so necessary that they derive . . .

**MADAM SPEAKER:** Does the honourable member have a point of order?

**HON. J. COWAN:** On the point of order.

The Member for Arthur has referenced a study, but he has neglected - perhaps he is unable to do so, but he should be able to do so if he's asking the question - to exactly describe what study it is he wishes to have tabled. If in fact, Madam Speaker, it is a study that was done under the aegis of the Attorney-General, then the question should be directed to the Attorney-General by long-established rules and precedents in this House, which he should be aware of at the very least. If he knows the name of the study, let him say what the study is; if he doesn't, let him go back, do some more research and come here with a better thought-out question so we can answer it.

**MADAM SPEAKER:** The Honourable Member for Arthur on the point of order.

**MR. J. DOWNEY:** Thank you, Madam - on a point of order?

**MADAM SPEAKER:** On the point of order.

**MR. J. DOWNEY:** No, I have a question, Madam Speaker.

**MADAM SPEAKER:** We have a point of order on the floor.

### SPEAKER'S RULING

**MADAM SPEAKER:** The Honourable Government House Leader rose on a point of order, suggesting that the Honourable Member for Arthur was trying to determine which Minister, I believe, should answer a question. At least I think that's what he was trying to stress.

An honourable member can ask any particular Minister a question. They can choose whether they want to answer it or not, or they can refer it to another appropriate Minister.

The Honourable Member for Arthur.

**MR. J. DOWNEY:** Thank you, Madam Speaker.

In view of the fact that the Minister of Native Affairs agreed that there was a study and made reference to the Attorney-General, of which the study was carried out under, I again ask the Minister responsible for Native Affairs . . .

**MADAM SPEAKER:** Order please.

The Honourable Minister of Native Affairs, on a point of order?

**HON. E. HARPER:** Yes. I did not agree that there was a study done. I just referred the question to the Attorney-General.

**MADAM SPEAKER:** A dispute over the facts is not a point of order.

The Honourable Member for Arthur to finish his question.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order please.

The Honourable Member for Arthur has the floor, to finish his question.

**MR. J. DOWNEY:** Madam Speaker, in view of the fact that the Premier, the Attorney-General, and the government want to make trivia out of an extremely important matter dealing with the Native community . . .

**MADAM SPEAKER:** Order please.

Would the honourable member ask his question?

**MR. J. DOWNEY:** . . . and whether or not they are properly treated through the judicial and court system.

**MADAM SPEAKER:** Order please.

Would the honourable member care to ask his question without stating an opinion or making a speech? The Honourable Member for Arthur with his question.

**MR. J. DOWNEY:** Madam Speaker, I won't back up for the Premier, the Attorney-General, or any of his communist friends.

**MADAM SPEAKER:** Order please.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order please.

Does the Honourable Member for Arthur have a question?

**MR. J. DOWNEY:** Yes, I do, Madam Speaker.

**MADAM SPEAKER:** Would he please place it?

**MR. J. DOWNEY:** Yes, I will, Madam Speaker. To the Minister of Northern Affairs.

Will the Minister of Northern Affairs carry out a study of the communicators' process, or the process of Natives going through the court system? Will he have a study carried out and then table it so the public knows whether or not, Madam Speaker, they have been treated fairly in the court system?

**MADAM SPEAKER:** The Honourable Government House Leader.

**HON. J. COWAN:** Madam Speaker, in the spirit of cooperation and attempting to help the Member for Arthur out of this difficult position which he has manoeuvred himself into through his own ignorance of the issue, I would quote to you Citation 357 of Beaulac, Item (x); it says that a question shall not "deal with an action of a Minister for which he is not responsible to Parliament."

As the Member for Arthur should be aware, the Attorney-General is responsible for that particular area and if, in fact, the Attorney-General could clarify and provide some information to the Member for Arthur, which I'm certain he is seeking in the end result, perhaps we can help him out of a difficult position and have him understand this situation more thoroughly.

**MADAM SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Yes, Madam Speaker, we were only trying to help the Member for Arthur, but some people are beyond help. The fact is, Madam Speaker, that there was a study, very recently completed, on the Native Court Communicator System. That study was received by me a few weeks ago. I have not had a chance to peruse it. As soon as I've had a chance to peruse it, I'd be more than happy to make it public.

This is a federal-provincial cost-shared program. This is a program that is conducted, in the main, on behalf of the partners, by Chief Provincial Judge Harold Gyles. Of course, it will be made public, and it will be made public in the near future.

### Highway 67 - meeting re opposition to

**MADAM SPEAKER:** The Honourable Member for River Heights.

**MRS. S. CARSTAIRS:** Thank you, Madam Speaker. My question is to the First Minister.

Madam Speaker, the Member for Lakeside and I have raised, on several occasions, the difficulties that are faced by those individuals who live in Stonewall and are opposed to the development of Highway 67 along the north route, but there has been no response from this government to their plight. Will the Premier attend the final last-ditch effort on the part of the citizens to express to this government their concerns, to a meeting he has been invited to attend tomorrow evening at the Rockwood Municipal Offices in Stonewall?

**MADAM SPEAKER:** The Honourable Minister of Highways and Transportation.

**HON. J. PLOHMAN:** Madam Speaker, I have indicated to this House and to the Member for Lakeside, who is the MLA for that area and, through him at the Estimates discussions, to some constituents who also attended, that we have considered this whole issue very carefully over the last number of years. This is an issue that has been ongoing for several years, even before I became involved as Minister of Highways and Transportation with it. We have endeavoured to look at all possible options.

The fact is that the existing highway to Stonewall requires upgrading because it is in an unsafe condition. On that basis, after considering the wishes of the landowners in the area, so that they would be affected in the least possible way with land that is required for the upgrading, it will finally go ahead. That decision was communicated to the landowners and to the people of the area, with the support of the Town of Stonewall, and the Chamber of Commerce in that area, two years ago, and the process has been ongoing in acquiring

the property since that time. This was known by them for two years, at least, that we would have to go ahead with the upgrading of the existing road and we are continuing to do that, cognizant of course that there are concerns being raised by those who are affected, and we understand those concerns.

### Highway 67 - attendance of Minister at meeting

**MRS. S. CARSTAIRS:** A supplementary question to the Minister of Highways.

Why will the Minister not at least subscribe to their campaign literature which said they stand up for ordinary Manitobans, and go to this meeting and speak to these ordinary Manitobans?

**HON. J. PLOHMAN:** Madam Speaker, I am prepared to meet with any members of the media, if they have questions that they would like to ask about the government's position on this issue. This group of constituents, of individuals, is proposing to hold a press conference; that is between them and the media. They can hold their press conference and certainly, if the media has any questions, I am prepared to answer all of those questions on the government's position, Madam Speaker.

### Highway 67 - procedure for residents to make views known

**MRS. S. CARSTAIRS:** A final supplementary to the Minister of Highways.

Can the Minister inform the House if there's any other procedure by which these community residents can make their views known to the government before the steam-rolling of this government is replaced by the steam-rollers on the roads?

**HON. J. PLOHMAN:** Madam Speaker, as I've explained to the member, this is an issue that has been ongoing for some 10 years. There are piles of communication that have developed over those years. There have been meetings held with the residents in my office; there have been meetings held in Stonewall; there has been an open house held in Stonewall. We have consulted with the R.M.'s and with the Town of Stonewall, as well as with the Chamber of Commerce and other groups in that area. We have gone through a lengthy process, Madam Speaker, and the decision was made three years ago . . .

**MADAM SPEAKER:** Order please.

**HON. J. PLOHMAN:** . . . and it was consulted, and we have considered . . .

**MADAM SPEAKER:** Order please.

Would the Honourable Member for Lakeside please come to order.

**MR. H. ENNS:** I don't want the \$1 million. Give it to the Minister of Health; give it to the Minister of Community Services. My people don't want that \$1 million spent on that road, simple and clear.

**MADAM SPEAKER:** The Honourable Member for River Heights asked the Honourable Minister.

The Honourable Minister of Highways and Transportation to finish his answer.

**HON. J. PLOHMAN:** I'd like to finish, Madam Speaker.

It seems unfortunate, Madam Speaker, that the Member for Lakeside has chosen to enter into this debate. The fact is that he is advocating that we continue to have this unsafe highway in the same condition, and that we do not upgrade it, Madam Speaker. If that is the kind of representation that he is giving to his constituents, we will very seriously have to consider his opinion in this matter, Madam Speaker.

We are undertaking this upgrading because that highway needs upgrading desperately, and everyone in that area agrees that there needs to be some repairs done to that road. The impact on the residents is being kept to a minimum. The matter of another road, another access into Stonewall, is a decision that can be made subsequently. We're not going to be bullied into that decision at this time, Madam Speaker.

### **Manitoba Labour Board - government policy re appointments to**

**MADAM SPEAKER:** The Honourable Member for Brandon West.

**MR. J. McCRAE:** Madam Speaker, yesterday the Attorney-General made a feeble and not very intelligent attempt . . .

**MADAM SPEAKER:** Does the honourable member have a question?

**MR. J. McCRAE:** He made his attempt to defend The Manitoba Labour Relations Act. Today I'll direct my question to the Minister of Labour, from the mediocre to the incompetent, Madam Speaker.

How long, Madam Speaker, has it been government policy to appoint and reappoint people to the Manitoba Labour Board for terms of three years and then revoke the appointments three weeks later?

**MADAM SPEAKER:** The Honourable Minister of Labour.

**HON. A. MACKLING:** Perhaps, Madam Speaker, the honourable member can amplify and give some particularity to his question, and thereby I'll be able to answer it.

**MR. J. McCRAE:** I refer to two Orders-in-Council, both of them signed by this Minister who needs amplification.

Madam Speaker, on February 11 of this year the Minister appointed by Order-in-Council No. 182, Nick Evans, Robert Henderson, Griff Tripp and William Gardner, Jr. to the Manitoba Labour Board; 21 days later he cancelled those appointments. Would the Minister like to tell us why?

**HON. A. MACKLING:** Madam Speaker, the process - (Interjection)- If the honourable members want an

answer, I'm sure they will be sufficiently quiet that I'll be able to hear myself speaking, Madam Speaker.

Madam Speaker, the process of appointments to the Manitoba Labour Board, as provided for in the act - and I'm sure the Honourable Member for Brandon West is thoroughly conversant with that - is through the board Chair writing to both labour and management representation and asking them for lists of people who could be recommended to be appointed to the board.

The board Chair did indicate the concern that there be a continuing representation of women in respect to the board. When we made the appointment, confirmed by Order-in-Council - the earlier Order-in-Council the honourable member referred to - it was not at that time confirmed to my satisfaction that there had been an addressing of that concern.

Therefore, that Order-in-Council was held and the issue of appointments referred back by the chairperson of the Labour Board so that a review could be made of those people, and I am still awaiting further recommendations in respect to the further appointments necessary.

**MR. J. McCRAE:** Madam Speaker, the Minister says that the Order-in-Council was held. It was signed by the Lieutenant-Governor of this province. I find that hard to understand, Madam Speaker.

### **Manitoba Labour Board - appointment of women**

**MADAM SPEAKER:** Does the honourable member have a question?

**MR. J. McCRAE:** If the Minister had wanted women to be appointed to the board and if he does want to interfere with these things, as he says he doesn't want to do but then he says he does, if he'd wanted women to be on the board, why didn't he make that clear prior to February 11, when he signed this Order-in-Council, and then later revoke those appointments to be replaced by no one? He told us today that no one is available to replace them.

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order please, order please. The Honourable Minister of Labour.

**HON. A. MACKLING:** Madam Speaker, I'm sure honourable members want to have fun over any issue today. They're in a fun mood. The fact is that I've been away on a holiday; I've just come back - given to understand there was some urgency in respect to the passage of the Order-in-Council, and the matter was dealt with subsequent to the Order-in-Council having been passed. I ascertained that there wasn't the same balance that had existed in respect to male and female members on the board. It was because of that concern that the Order-in-Council was not acted upon, although it was passed, and then a subsequent Order-in-Council did provide for appointment and a reference back through the Chair of the Labour Board, to ensure that there would be adequate female representation on the board.



**Manitoba Labour Board -  
confidence in**

**MR. J. McCRAE:** Madam Speaker, I have a question for the . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MADAM SPEAKER:** Order, order please.

**MR. J. McCRAE:** A question for the First Minister.  
Madam Speaker, we've been hearing defences in this House of The Manitoba Labour Relations Act and defences of this Minister of Labour ever since this Session began. Madam Speaker, I ask the First Minister: How can the people of this province, people like Jennifer Campbell, for instance, have confidence and faith in the impartiality of the Labour Board when the appointments to that board are gerrymandered and messed around with in this way?

**MADAM SPEAKER:** The Honourable First Minister.

**HON. H. PAWLEY:** Madam Speaker, that may very well be occurring elsewhere. It has not occurred in the Province of Manitoba.

Madam Speaker, the only attempt to interfere with the quasi-judicial process has been on the part of the Member for Brandon West, who's attempted to intervene through this Chamber in two matters that are before the Labour Board in the Province of Manitoba, an objective Labour Board representing business and labour. It has been the Member for Brandon West who, on two occasions in the last three weeks, has attempted without success to intervene in the proceedings of a quasi judicial body in the Province of Manitoba.

**MR. J. McCRAE:** Madam Speaker, a question for the First Minister and for the Deputy Premier.

Are the signatures, H. Pawley and Muriel Smith, forgeries on these documents?

**MADAM SPEAKER:** The time for Oral Questions has expired.

**COMMITTEE CHANGES**

**MADAM SPEAKER:** The Honourable Member for Kildonan.

**MR. M. DOLIN:** Thank you, Madam Speaker.  
I move, seconded by the Member for Elmwood, that the composition of Standing Committees on Public Utilities and Natural Resources be amended as follows: D. Scott for the Honourable G. Lecuyer.

**MADAM SPEAKER:** The Honourable Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Madam Speaker.  
I would advise of a committee change of the Public Utilities, the Member for Pembina . . .

**A MEMBER:** They don't even know where he's from.

**MADAM SPEAKER:** Order please, order.  
The Honourable Member for Niakwa.

**MR. A. KOVNATS:** I'm enjoying an awful great time today, Madam Speaker.

**MADAM SPEAKER:** So am I.

**MR. A. KOVNATS:** The Member for Pembina for the Member for Morris.

**ORDERS OF THE DAY  
HOUSE BUSINESS**

**MADAM SPEAKER:** The Honourable Government House Leader.

**HON. J. COWAN:** Yes, Madam Speaker, on House Business, I believe there's an inclination to forego Private Members' Hour and continue on with the discussion of the Estimates in the Committees of Supply, if we are in fact in the Committees of Supply by that time.

**MADAM SPEAKER:** Is that agreed? (Agreed)

**HON. J. COWAN:** Madam Speaker, prior to that, would you please call Bills No. 32, 25, 33, 34, 35, on Second Reading, in that order and, following that, would you please call the bills listed on the Order Paper under Debate On Second Readings, starting with Bill No. 6 on page 1 and continuing through, inclusive, to Bill No. 31 on page 2.

**SECOND READING**

**BILL NO. 32 - THE RETAIL BUSINESSES  
HOLIDAY CLOSING ACT**

**HON. A. MACKLING** presented Bill No. 32, The Retail Businesses Holiday Closing Act; Loi sur les jours fériés dans le commerce de détail, for Second Reading.

**MOTION presented.**

**MADAM SPEAKER:** The Honourable Minister of Labour.

**HON. A. MACKLING:** Thank you, Madam Speaker.  
I'm sure that all honourable members are as pleased as I am to be bringing back into the Legislature for further consideration the question of retail business hours' closing.

The bill which is before the House, Bill 32, does essentially what was provided for in Bill 7, earlier introduced, and does make some refinements of issues that were identified in the course of further consideration and further consultation in respect to the whole issue of retail stores closing. Madam Speaker, I will allude to some of those specific areas.

As members will recall, the provisions of Bill 7 did clarify and improve upon the wording of an act which had been around in excess of a decade, which essentially provided for a pause day in the commercial

activity of the Province of Manitoba. Bill 7 confirmed the continuing need for such a pause day, and established that there would be a maximum of four people employed in any retail business establishment that chose to be open on a Sunday in addition to being open on a Saturday. It is, of course, optional for any retail business to open at all but, where they do open, they choose to open either on a Saturday with all of their retail outlets or the Sunday, unless they fall into an exempt category. The basic exemption of four staff in total is the same in Bill 32 as that in Bill 7, but we provided a further provision to allow for the 24-hour convenience store operations.

Any 24-hour operation will be enabled to have a maximum of six people working during their 24-hour period, which will enable them to operate with a minimum of two staff particularly in hours of the day or evening or night, the small hours of the morning, where it's been identified as being more of a concern from a safety point of view.

Bill 32 also provides for specific exemption by Order of Lieutenant-Governor-in-Council for special events and undertakings within the province, whether it be a fair, an exhibition. For example, if there's a consensus in a community that the larger stores should be open to convenience the tourists who may otherwise be desirous of shopping in those larger centres in a community at a time of a special event, then consideration will be given to providing that exemption either for one store or a number of stores in that area.

A further provision has been put in the act to specify that during emergency situations, emergencies such as has occurred early last fall - the very substantial snowfall we had in Manitoba - emergency situations such as that, or flood conditions, then upon request the Minister of Labour would be enabled to grant an exemption to provide for emergency situations.

Bill 32 also does again improve upon the wording of the exempting sections, particularly wording in respect to the exemption for pharmaceutical operations. We believe that the wording now will provide for greater clarity and greater certainty should there be a further interpretation of the act, as we trust it will be when passed by the Legislature, so that there won't be the same degree of ambiguity or uncertainty in the interpretation of the act.

Madam Speaker, I have, since the whole issue of Sunday stores closing or Sunday stores opening, become prominent in the media. I have been the recipient, of course, of many, many written submissions, part of which were engendered by parties in the dispute. The Independent Retail Merchants did encourage people to write to me or clip a coupon and send it to me. My office received many, many thousands of coupons from people who clipped the coupon, put it in an envelope of their own addressing, put a stamp on it and sent it to me, indicating their concern about any substantial change in retail store operations. So there was a significant manifestation of political will or political concern in respect to this issue by great numbers of Manitobans.

And not only did I receive the submissions of Manitobans through that clipping of a coupon but, Madam Speaker, I've received many petitions, many very sincere and very concerned letters and phone calls to my office. The overwhelming majority of those

submissions to my office and to me have been supportive of the decision of this Legislature in enacting Bill 7.

I could read into the record many of the letters that I've received, but choose not to do so. I don't want to take undue time in respect to this matter, but just to indicate to colleagues in the House that I was very impressed with the concerns of people who took time to draft them, and they were obviously not form letters. They were individual thoughts and concerns that citizens of Manitoba wanted to register with me, the government in this Legislature, in respect to this issue. I'm very pleased with the extent of those concerns and the care and time that was taken by people to put their views on the record.

Madam Speaker, I also want to put on the record, very briefly, that a number of organizations have taken stands. I've had letters representative of church groups and others in society. I've consulted with a number of organizations, including the Manitoba Chamber of Commerce who passed a resolution supportive of Bill 7. The Manitoba Association of Urban Municipalities passed a resolution also supporting that one day in seven, store operations be closed.

I was also heartened to read, although I didn't receive a letter from this organization, in the Sears Canada Incorporated Annual Report of 1986, a very toughly-worded message in respect to their position in respect to opening their stores on Sundays. And I read from page 2 of their annual report, Madam Speaker, and of course this is a report to shareholders, and it's therefore worded in a personal vein:

"Your company has always opposed Sunday shopping. During 1986, an increasing number of retailers decided to open their stores on Sunday, even though the laws in a number of provinces made such action illegal. The situation escalated and, early in December, several major retail chains announced they too would break the law and opened their Ontario stores on Sunday. Sears decided to go against this tide and declared we would remain closed in Ontario. The Supreme Court of Canada, in its decision of December 18, 1986, upheld the validity of the Ontario Business Holidays Act. As a result, most retailers operating in provinces with similar legislation closed their doors on Sunday.

"Unfortunately, the current legislation has a number of inequities and attempts will likely be made to change it. Sears will maintain its strong opposition to any attempt to make Sunday an open-shopping day across Canada because we firmly believe that being open six days and several nights provides convenient shopping hours for our retail customers, and that Sunday openings have a negative impact on the quality of life of our employees and the level of service to our customers."

Madam Speaker, I thought that was a very vigorous and very sensible pronouncement on the part of a very major retail corporation in Canada. The extent of their operations is outlined in the annual report and it is quite impressive.

I also would like to put on the record that, as I've indicated in the House on a number of other occasions, my concern and I think the concern of society, is that we as society, with all of the technological improvements and advances that we have made, ought to be able to

share in having greater leisure time, rather than men and women and families being divided and being compelled to spend more and more of their time earning their daily bread. We should, with all of the technological advance that we have made as society, be able to work fewer hours and have much more time for leisure, much more time to not only pass roses by but actually stop, enjoy the beauty of the roses and smell them.

Madam Speaker, statistics developed by, I believe this was Statistics Canada, Labour Force, Statistics Canada, indicate that over the course of the years 1983 to 1986, more and more people are working longer hours. For example in 1983, 19.2 percent of those people employed in Canada worked 41 hours or more. But in 1986, that figure had gone up to 21.1 percent. So instead of our sophisticated society providing more leisure time, workers are working longer hours.

That is a concern, I think, that we all must share, that we should be developing a society where there should be more opportunities for leisure, more opportunity for families to follow individual family pursuits, whether they be in the form of an active recreational pursuit or a passive one.

Madam Speaker, I could speak at great length in respect to the concerns of Manitobans that have been evidenced to me through their letters, by their petitions, by their telephone calls. But I confine my remarks to those that I've made, indicating that I believe a broad consensus of the citizens of Manitoba feel that, while there are some limited gains for some people if we had a more commercial week - that is, the commercial enterprises could be opened seven days a week - the vast majority of the people of Manitoba say no, we want to have a society where there is more opportunity for family recreation.

We recognize that some people have to work, and our legislation should provide for the necessities of life that are available on Sundays. Our legislation does provide for that. There is ample opportunity. It's been estimated that someone who wants to buy groceries can shop 58 hours a week to buy groceries - that is from the larger retail stores. If they want to buy groceries from a convenience store, they can buy those groceries 24 hours a day, seven days a week.

So there is no limitation, there is no frustration of the needs of people. There is a concern that our society not slide away from one which cherishes family living and family opportunities to recreate and socialize, to commune with nature and commune with one another.

So it is, I believe, with the wholehearted support of the vast majority of the people of Manitoba, that I commend this legislation to you.

**MADAM SPEAKER:** The Honourable Leader of the Opposition.

**MR. G. FILMON:** Yes, I wonder if the Minister would permit a question, Madam Speaker.- (Interjection)- Thank you, Madam Speaker.

My question for the Minister involves the limitation of four employees on a Sunday in retail stores that will remain open. Since there is no definition of what type of employee is included in that number, I wonder if the Minister could indicate whether or not it's intended to have security personnel included within that limitation of four.

**HON. A. MACKLING:** Madam Speaker, that is a good question.

The Independent Retailers, when they met with me, indicated a concern in respect to that. I'd indicated my interpretation would have been that they would have been included, but it's my understanding that the officials who had drafted the legislation and officials who have been interpreting the existing legislation do not feel that four, that number four, would be inclusive of security personnel.

I don't know whether that is any formidable problem because, so long as the people who are in the store are not engaged in the sale - the retail operation of the store - I don't think that it will constitute a problem. And of course, that will have to be determined, should there be any prosecution brought under the act to establish whether or not those people actually were involved in facilitating the sales. If it's just a security operation, then I don't think it expands the capacity of the operation inordinately.

**MR. G. FILMON:** Madam Speaker - and I don't wish to enter into debate - I am going to conclude with a question for the Minister but, given that the security personnel essentially permit a very large operation to remain open to serve the public, would it not be possible for those who draft the legislation to put it in such a form that security personnel could be included within the definition that is intended of the number of four?

**HON. A. MACKLING:** Madam Speaker, it is my intent to hear submissions at committee, the concerns and the arguments that are advanced in respect to the numbers that are in the act.

I've heard representation, heard some concern that perhaps the number should be five. Ontario used three in part of their legislation. I think four is the right number. I will certainly, and colleagues will hear representations at the committee. If there is a will to make any alteration, of course that could be considered at committee.

**MADAM SPEAKER:** The Honourable Member for River Heights.

**MRS. S. CARSTAIRS:** Madam Speaker, is it in order to speak on this bill at this particular time?

**MADAM SPEAKER:** Yes.

**MRS. S. CARSTAIRS:** Madam Speaker, I'd like to make it perfectly clear that I support what I think to be the objectives of this particular bill, which is to provide individuals in our society with a pause day or a Sunday or Saturday off so that they can be with their family to go to church if that is what they choose to do with their leisure time, and certainly many Manitobans choose to do that, to spend a day in recreational pursuits with their children and with their family members.

And on the 25th of February, I was greeted with an emergency phone call from the Premier's Office stating that it was most important that we move with all due speed on this particular Bill No. 7, which Bill No. 32 replaces, because if we allowed a situation to exist where Canada Safeway was allowed to open and other

superstores were allowed to open, then we would have set a very dangerous precedent and we would not be allowed to go backwards.

One of the issues which I raised at that time and which precipitated Bill No. 7 being translated into Bill No. 32 was the fact that I did not think Bill No. 7 would, in fact, prevent Safeway from remaining open on Sundays. And that is exactly what has happened. Safeway has indeed remained open in their smaller store units. So we have, in fact, forced any number of people to be at work on Sunday and have denied them the opportunity to have those leisure hours with their families.

I question, therefore, what Bill 32 is in fact all about. If it isn't going to prevent large corporations in this city from remaining open, what is it designed to do? Stop some, but not others?

We are, I think, developing a piece of legislation with a great number of inequities. If we, for example, allow a large multinational corporation to remain open with four employees and with several security guards, does that not, in fact, violate the principles of this legislation?

So what are the principles of this legislation? Firstly, are we trying to protect the Mom and Pop operations, those small stores which are operated by family members and which frequently operate 24 hours a day or 18 hours a day? But those individual operations, Madam Speaker, are in far greater danger from 7-Eleven's and from other type of franchise convenience stores, statistics would have us believe, than they are from the larger stores, because they draw business from the small family operation.

We are not doing anything in this legislation to stop a 7-Eleven with \$7.5 billion dollar sales in North America in the last year from remaining open 24 hours a day and 24 hours on Sunday.

Perhaps we are supposed to be protecting the small stores in the rural communities by this legislation. That is a reasonable objective and, indeed, a good objective. But if that is what we are trying to do with this legislation, Madam Speaker, why are we not forbidding the Safeway's from remaining open on Sunday, because those rural dwellers will be equally attracted to drive in to shop at a Safeway, as they will be to drive in and to shop at any other large grocery retail outlet in the City of Winnipeg.

Are we dedicated to preserving the family? Is that the purpose of this legislation? Well obviously not, if we are now going to allow 24-hour convenience stores to remain open with six employees, and we are again going to allow any store that, because of size, can manage to remain open with four employees to do so.

Are we trying to protect the workers with this legislation? Well, the interesting thing here is, we are perhaps going to protect unionized workers, because the unionized workers can gather together and they can get a contract that says, I want to have an opt-out provision for Sunday, and so the Canada Safeway employees may end up being protected because they can say, we want this in our collective bargaining agreement, and therefore we will go after it and get it.

But where is the protection for the worker who works in the 7-Eleven, or who works in the Mac's Milk, or indeed works in the other small, non-franchised operations in Manitoba? What have we accomplished

in this legislation, Bill No. 32, that makes it better than Bill No. 7? The answer is, Madam Speaker, absolutely nothing.

There is nothing in this legislation which will make it a more family day in Manitoba. There is nothing in this legislation which will protect the non-union worker. There is nothing in this legislation which will encourage more leisure time, and to reverse the statistics that the Minister used, which said that we have gone from 19.5 percent of the population working 41.5 hours or more to 21.1 percent. Nothing in that legislation will do this.

Why did this Minister not have the courage to make this legislation tougher? Why did he lack the foresight to make sure that this legislation, in fact, kept all but the very small family operations open on Sunday?

I hope throughout this debate, Madam Speaker, that we will not pay merely lip service to Bill No. 32 as just another Bill No. 7, but we will seriously examine what this bill is going to do to the family in our society.

I think that what we have done is open the door to further erosion of the family and a family day in the Province of Manitoba.

**MADAM SPEAKER:** The Honourable Member for Riel.

**MR. G. DUCHARME:** Yes, thank you Madam Speaker.

I move, seconded by the Member for Portage la Prairie, that debate be adjourned.

**MOTION presented and carried.**

## **BILL NO. 25 - THE DISCRIMINATORY BUSINESS PRACTICES ACT**

**HON. R. PENNER** presented Bill No. 25, The Discriminatory Business Practices Act; Loi sur les pratiques de commerce discriminatoires, for Second Reading.

**MOTION presented.**

**MADAM SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Thank you Madam Speaker. I will not be long in introducing the bill, although I think the bill is of considerable importance.

Members, I think, will have no difficulty recalling the background to this bill during the last Session when questions were being raised about a subsidiary of the Manitoba Telephone System, namely MTX, which was then doing business in a number of locations, including among others Saudi Arabia.

One of the questions of concern to both sides of the House, clearly, was the suggestion that either directly or indirectly - and I don't suppose it matters which - we may have been parties to discrimination against women and Jews, because the suggestion was that a third party, in this case a Third World country, in the operation of its laws effected certain requirements in the granting of visas that it might have - although there was no specific case, it was noted - but nevertheless that it might have prevented women or Jews from even applying for jobs because of the suggestion that the visa requirements would prevent them taking such jobs in any event.

At that time, the Premier explicitly in this House undertook to have a look at what might be done. In the course of doing so, we were referred to and looked at the Ontario act, a somewhat similar name, looked at other experiences in some American jurisdictions, had the matter referred to as one of the mandates for Coopers and Lybrand, and was discussed at some length by Peter Cummings in his report on that particular issue for Coopers and Lybrand. It's in the result of this and, may I say, in discussions that I've had with members of affected communities, representatives of the B'Nai B'Rith Anti-Defamation League, and others, that this bill is now brought forward. I'm proud to be able to bring it forward, and to recommend it to the House.

The act prohibits, Madam Speaker, certain business practices which would otherwise result in discrimination on the basis of race, creed, colour, nationality, ancestry, place of origin, sex or geographical location. Its target is made quite specific. It is specifically those forms of discrimination which arise in the context of secondary or tertiary boycotts. As such, the legislation does not supplant existing human rights legislation, but is meant to complement it in a particular sphere and to deal with a particular problem.

The bill is modelled conceptually, as I say, upon Ontario's Discriminatory Business Practices Act, although there are some substantive differences and one major procedural difference, namely, unlike the Ontario legislation which has a separate means of administration and enforcement, this legislation will primarily be administered through the machinery and by the personnel of the Manitoba Human Rights Commission.

We took that path, Madam Speaker, after ensuring ourselves by reference to the Ontario experience, and indeed some of my officials went down to discuss the operation of the legislation with people in Ontario. We were satisfied that we didn't need a whole new expensive bureaucracy to deal with that particular problem, that we had a commission in place and employees in place who were very much aware of discriminatory practices and the way in which they operated, and that it would be sufficient to have the Human Rights Commission and officers in the commission be the operative agents of this legislation.

The principle behind the legislation is straightforward and essentially no different from that expressed in Ontario when Premier Davidson, speaking to the legislation, stated, and I quote: "It is an expression, hopefully, by this Legislature and by all of its members, of our opposition to a policy or policies created other than in our own country which has an impact of a discriminatory nature on citizens of the province."

A sentiment echoed by the then-Leader of the Opposition who stated, and again I quote: "We believe the community wants the legislation to express as a matter of principle, and by statute, that it does not believe that international agreements and confrontations should be allowed to impose themselves in our community."

The legislation then seeks to protect Manitobans - I hope it will protect Manitobans - from the effects of secondary and tertiary boycotts by prohibiting certain types of conduct known as discriminatory business practices, doing this by prohibiting the compilation, for

example, of designated information which can be used by others to discriminate against Manitobans, by setting up a registration system wherein businesses will be expected to report to the registrar any attempt to induce them to commit discriminatory business practices, and by a broad enforcement process. I'll make some reference to that in a few moments.

The definition of a prohibited discriminatory business practice may seem cumbersome at first glance - the bill, I will admit, is not an easy one to read - but reflects the difficulty in attempting to grapple with such phenomena as secondary or tertiary boycotts, while not impairing the long-recognized rights of individual citizens, as well as states, to initiate boycotts as a means of expressing or furthering their beliefs. To the extent that a primary boycott is based on discriminatory criteria, it will be dealt with via The Human Rights Act.

I just pause here to note, Madam Speaker, that should it be, for example, an instrument of state policy by the Government of Canada, which is charged with External Affairs, that no business shall be conducted with, let's say, South Africa, then that expression of state policy would obviously supersede, in this case, complement anything in this act.

The system for reporting requests that individuals or businesses participate in acts violating this legislation is simple, but nevertheless one of the most important features of the bill. This is not just because an entity which must reveal publicly such an approach is less likely to be induced to violate the legislation but most importantly, Madam Speaker, the Ontario experience shows that frequently when businesses about to enter into a contract to do business externally can point to legislation of this type as the basis for a referral to cooperate with such requests, the initiating state, the state which in effect is saying, hey, we won't allow this kind of person or that kind of person to come in, will frequently drop the discriminatory requirement altogether if they're seriously desirous of doing business with a domestic company.

Generally, the administration and enforcement of the legislation is in the hands of the director who is, as I've pointed out, the executive director of the Human Rights Commission. The director may receive and investigate complaints alleging breaches of the legislation, or may investigate apparent breaches even in the absence of a formal complaint. But obviously, where there is some evidence brought to the attention of the director in an informal way where there appears to have been a breach, there is then a process whereby the director may make an order requiring the contravention to be discontinued and/or remedied in some other fashion. Here, too, Madam Speaker, modelling the proposed practice along the lines used in the human rights field itself, every effort will be made to resolve issues of that kind on an informal basis. That usually works. It does in the human rights field, and it will in this specialized application of anti-discrimination principles.

Where, however, a company or business disagrees with the director's assessment of the situation, the director is required to attempt to mediate the situation and, if no agreement is reached between any of the affected parties on an appropriate and acceptable course of action, the matter is then and only then referred to a Board of Adjudication appointed in the same fashion as under The Human Rights Act.

All interested parties have a right to appear before the adjudicator, who is charged, subject to certain rights of judicial review, with determining whether or not the legislation has been breached and, if so, the appropriate remedy. A person who has been harmed by breaches of legislation is, in the alternative, entitled to commence a private action for the recovery of damages, including punitive damages, if applicable.

Attention should be drawn to a new remedy designed to moderate within the limits of provincial legislative competence - and let me just go up an alley here for a moment. One of the reasons why the act appears somewhat convoluted is we've had to try to enact within our provincial legislative competence, so designed to moderate within the limits of provincial competence the negative effects upon employees or prospective employees of a discriminatory entry requirement adopted by some states.

In those situations where an employee or a prospective employee is denied the right to participate in an employment opportunity in another country because that state discriminates based upon an employee's attributes as defined in the legislation, the employer will still be allowed to conduct business in a discriminatory state but must take reasonable steps to make the next comparable employment opportunity available to the victimized employee.

Finally, and in addition to other remedies provided by the legislation, there is provision for the possible suspension of a business's right to participate in government contracts in the event of a breach of the act.

Madam Speaker, I'm sure that this bill will require some discussion in committee, some debate in the House, but I'm sure also that it will be heartily endorsed by all members of this House as a step in the right direction.

**MR. G. MERCIER:** Just a question for clarification, Madam Speaker.

The bill in section 2(b)(ii) refers to the fact that the act may not apply to discriminatory practices in accordance with "a policy of the government of Manitoba directed towards persons in provinces other than Manitoba." Does the government have any such discriminatory practices now?

**HON. R. PENNER:** I'm sorry. There was a bit of a rumble just behind the member. I wonder if the member would repeat the question.

**MADAM SPEAKER:** Order please.

The Honourable Member for St. Norbert.

**MR. G. MERCIER:** Just a question for clarification, Madam Speaker, to the Attorney-General.

Section 2 refers to the non-application of the act in regard to a discriminatory business practice that is in accordance with the policy of the Government of Manitoba directed towards persons in provinces other than Manitoba. My question to the Attorney-General is: Does Manitoba have such discriminatory business practices existing now?

**HON. R. PENNER:** Well, yes, we do. We have, in fact, a discriminatory business practice with respect to South

Africa in terms of the purchase of South African liquor. That's the kind of thing that is referred to there. So that if, in fact - and I just use that as an example - the Government of Manitoba, as a matter of provincial state policy to the extent that it can within its jurisdictions say that we, as a government, shall not do this, then anyone who conforms in their own practice to what the government is doing as part of its practice would not be in breach of the act.

**MR. G. MERCIER:** Yes, Madam Speaker, I move, seconded by the Member for Arthur, that debate be adjourned.

**MOTION presented and carried.**

### BILL NO. 33 - THE REGISTRY ACT

**HON. R. PENNER** presented Bill No. 33, An Act to amend The Registry Act; Loi modifiant la Loi sur l'enregistrement foncier, for Second Reading.

**MOTION presented.**

**MADAM SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Madam Speaker, I hope the members opposite, particularly the Member for St. Norbert, will forgive me in introducing the bills in the numerical sequence that we have because, in fact, Bill 33 is a complementary piece to Bill 34. But perhaps I can, because they are both very technical, in a matter of one minute explain both bills to the House.

The act, which I will introduce formally in a few moments to amend The Real Property Act, is of a housekeeping and clean-up nature following the major changes that were made to The Real Property Act at the last Session. It simply provides authority, as does An Act to amend the Registry Act, because land in Manitoba, Madam Speaker, may be under The Real Property Act or under The Registry Act. There is still some "old system land," as it is called, that is still under The Registry Act.

Basically, we passed certain legislation in this House in the last Session amending The Real Property Act, and now we have to do certain things of a technical nature that are consequential on that which we did with much understanding and enthusiasm in the last Session.

So both bills are, as I say, of a housekeeping and clean-up nature following the major changes made to The Real Property Act in the last Session. The most important change applicable in both instances is the authority to destroy Land Title documents immediately after microfilming, rather than retaining the originals for various terms of years. Once we have them microfilmed and the microfilms are very carefully secured, then the microfilm record will be used and recognized in the courts as valid evidence for all purposes.

Another section of the amending bill under The Real Property Act deals with the technical question of the effect of tax sales on pipeline easements, right-of-way agreements, caveats relating to zoning and development agreements.

Again, we are going to allow the acceptance of certain copies of such agreements for registration in a deposit

register without production of the original document when the copy has been authenticated by a reliable source such as another government or a notary.

The power to make regulations under The Real Property Act formally appeared in two widely separated sections. They will be consolidated. Bill 33, in short, is a companion to those changes and provides the same sort of sequence with respect to the use of documents authenticated by a reliable source, as I have said, such as government, may be registered without production of the original. Again, we will provide in Bill 33 under The Registry Act that documents may be destroyed immediately if they have been microfilmed without waiting any particular length of time.

Finally, with respect to Bill 33, it completes the abolition of any need to continue the use of a Registrar's Seal of Office in any Land Registry office, so they are technical but important bills nevertheless.

**MR. G. MERCIER:** The question that may relate to this and the next bill, Madam Speaker, what happens if the microfilm is destroyed?

**HON. R. PENNER:** I suppose that the same question might well be made if the original document is destroyed and that has happened, and extraordinary steps were needed by staff over a period of time to reconstruct the sequence and to establish the authenticity of a particular document.

Fortunately, what is happening that will render that kind of difficult process less necessary is we are computerizing. We expect to have the main titled books computerized. I think we've got about two years in which that will happen. At that time, of course, the records will have been both on microfilm, which incidentally are stored every night in fireproof vaults, which is easier to do. You can't store all of the titled books in fireproof vaults. There's just no capacity for doing that, and we'll have as a companion or backup to that the primary source of information which will be on software of some kind or another, perhaps really floppy disks.

**MR. G. MERCIER:** Madam Speaker, I move, seconded by the Member for Assiniboia, that debate be adjourned.

**MOTION presented and carried.**

### **BILL NO. 34 - THE REAL PROPERTY ACT**

**HON. R. PENNER** presented Bill No. 34, An Act to amend The Real Property Act; Loi modifiant la Loi sur les biens réels, for Second Reading.

**MOTION presented.**

**MADAM SPEAKER:** The Honourable Attorney-General.

**HON. R. PENNER:** Madam Speaker, I've already spoken to this bill in introducing the previous bill, an unusual practice I will admit, but it does save time.

**MR. G. MERCIER:** Madam Speaker, I move, seconded by the Member for Assiniboia, that debate be adjourned.

**MOTION presented and carried.**

### **BILL No. 35 - THE CHILD AND FAMILY SERVICES ACT**

**HON. M. SMITH** presented Bill No. 35, An Act to amend The Child and Family Services Act; Loi modifiant la Loi sur les services à l'enfant et à la famille, for Second Reading.

**MOTION presented.**

**MADAM SPEAKER:** The Honourable Minister.

**HON. M. SMITH:** Madam Speaker, I would like to introduce proposed changes in The Child and Family Services Act. The proposed revisions will clarify and update certain sections of the legislation, and provide consistency with other federal and provincial statutes.

I'm proposing a change to ensure that Status Indian children are registered under The Indian Act, regardless of band membership. This revision would be consistent with the current wording of the federal Indian Act.

I'm also proposing changes in the adoption section of the act that would make it possible for the courts to waive the time limits when an extended family applies for adoption. The present legislation requires such applications to be made within 12 months of placement, or after three years of continuous care of the child.

There are proposed changes dealing with administrative documents, which would make the processes consistent with provincial regulations and the federal Divorce Act.

I am also proposing that the Director of Child and Family Services be given the legal power to authorize a search of the records of former wards who have reached 18 years of age for information which may enable reunion of adult adoptee's siblings.

Madam Speaker, I believe the changes I have proposed will update existing legislation and provide improved service to the children and families of Manitoba.

**MADAM SPEAKER:** The Honourable Member for Assiniboia.

**MR. R. NORDMAN:** Madam Speaker, I move, seconded by the Member for Arthur, that debate be adjourned, but in the name of the Member for Rhineland.- (Interjection)- Okay, just for myself. That's fine.

**MOTION presented and carried.**

### **ADJOURNED DEBATE ON SECOND READING**

**MADAM SPEAKER:** On the adjourned debate on Second Reading, Bill No. 6, standing in the name of the Honourable Member for La Verendrye.

**MR. H. PANKRATZ:** Stand.

**MADAM SPEAKER:** Agreed? (Agreed)

On the adjourned debate of the Honourable Minister of Agriculture, Bill No. 15, standing in the name of the Honourable Member for Virten.

**MR. G. FINDLAY:** Stand.

**MADAM SPEAKER:** Agreed? (Agreed)

On the proposed motion of the Honourable Minister of Highways and Transportation, Bill No. 23, standing in the name of the Honourable Member for Minnedosa.

**A MEMBER:** Stand.

**MADAM SPEAKER:** Stand?

On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs, Bill No. 24, standing in the name of the Honourable Member for Emerson.

**A MEMBER:** Stand.

### **BILL NO. 27 - THE REAL PROPERTY ACT AND VARIOUS OTHER ACTS AMENDMENT ACT**

**MADAM SPEAKER:** On the proposed motion of the Honourable Attorney-General, No. 27, standing in the name of the Honourable Member for St. Norbert.

**MR. G. MERCIER:** Madam Speaker, just briefly, this bill has been under discussion by many interested people with the Attorney-General's Department for the last two or three months, and has been subject to a great deal of consultation, even with respect to the final draft.

We are therefore prepared at this stage, because of some urgency in dealing with this matter, to have it passed today and proceed to committee as quickly as possible.

**QUESTION put, MOTION carried.**

**MADAM SPEAKER:** On the proposed motion of the Honourable Minister of the Environment, Bill No. 28, standing in the name of the Honourable Member for Emerson.

**A MEMBER:** Stand.

**MADAM SPEAKER:** Stand?

On the proposed motion of the Honourable Minister of Housing, Bill No. 29, standing in the name of the Honourable Member for Assiniboia.

**A MEMBER:** Stand.

**MADAM SPEAKER:** Stand? (Agreed)

On the proposed motion of the Honourable Minister of Community Services, Bill No. 31, standing in the name of the Honourable Member for Rhineland.

Stand? That's it.

The Honourable Government House Leader.

**HON. J. COWAN:** Madam Speaker, I move, seconded by the Minister of Agriculture, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

**MOTION presented and carried** and the House resolved itself into a Committee to consider of the

Supply to be granted to Her Majesty with the Honourable Member for Burrows in the Chair for the Department of Community Services; and the Honourable Member for Lac du Bonnet in the Chair for the Department of the Attorney-General.

### **CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL**

**MR. CHAIRMAN, C. Baker:** Committee, come to order. We'll start the proceedings with a statement by the Minister.

The Honourable Minister.

**HON. R. PENNER:** If you'd just bear with me for a minute, my deputy will be back in a moment with the notes.

**MR. CHAIRMAN:** We'll recess until the deputy gets back?

**HON. R. PENNER:** No, I think we'll start.

**HON. R. PENNER:** Yes, I'd like to make a brief opening statement. The Department of the Attorney-General, as members of this committee will know, is primarily responsible for the integrity and one hopes, from time to time, improvements of the justice system in Manitoba. The rule of law protects the lives of all Manitobans. Indeed, if I can be parenthetical for a moment, I don't think a democratic society can exist without the rule of law.

In our society, there is a tendency for us to take justice for granted, until the time comes when we come into direct contact with the system. As we know, in one way or another, increasing numbers of people are coming into direct contact with the system, sometimes positively, most often negatively, when, for example, they are the victims of crime. So that contact may arise as a victim of crime, an accused, a witness, a party to a legal transaction such as the selling of a house or in a lawsuit. When, as individuals, we come face to face with our justice system, we expect that the system will be accessible and that the response will be swift and, above all, impartial.

Meeting these expectations is the challenge of the various components of the department. We are now, as was the case in the last two Estimates, organized into six major divisions and, within those divisions, we deliver dozens of individual programs involving literally thousands of people, both in and outside the department.

Just again, parenthetically, one of the programs that's delivered - albeit by an arm's length agency - Legal Aid Manitoba serves, in that program alone, some 65,000 Manitobans each year. Of course, the court system serves, one way or another, even greater numbers than that.

Continuing increase in the crime rate - and we've spoken about that in the House - and greater involvement of law enforcement in the courts in such areas as spousal abuse and impaired driving has increased the volume of cases going through Manitoba courts. Those are some of the activities that we have to be able to respond to.



There has also been a rise in the number and complexity of commercial fraud investigations and prosecutions. One particular investigation now under way is expected to involve resources of the RCMP, even outside resources, for a period of an additional two years, and it's already been under way for about a year. So here too there are great demands being placed on the system.

Information received from commercial crime officers, both in the department and in the RCMP, indicate that this represents a trend towards more criminal commercial activity, rather than a temporary increase, and that's regrettable of course. Yet we have to be ready to deal with that and, because of its very complexity, it places very great demands on the system.

Economic recovery, a good thing in itself of course, has resulted in record volumes in land titles registrations and personal property registrations and substantial increases in the number of civil cases coming before the courts. Revenues, for example, court revenues, land titles revenues, have also increased to record levels.

For the next two years, as we had originally anticipated, the number of divorces is expected to increase dramatically as a result of the federal legislation on divorce proclaimed June 1, 1986. With only seven months since the proclamation of that legislation - it's now little more than seven months - 1986 has had an increase of 43 percent in divorce petitions over 1985. We anticipated that, and we retained some term staff to deal with it. We knew that there would be a substantial blip, but ultimately it will level out.

So, additional resources have been added to deal with these increases on the civil side. In order to deal with them, in addition to having some added term staff, we have reallocated personnel within several programs to deal with the situation.

So dealing effectively with such increased demands on departmental programs and still maintaining acceptable levels of service, particularly in response time and during a period of restraint, represents a major challenge to the department, but one which I think we are meeting.

Just briefly on the issue of constitutional compliance, and here too there's been both a qualitative and a quantitative change, qualitative in the sense that we now have a special unit dealing with the complex issues of constitutional compliance, which hitherto were primarily matters of dealing with questions of legislative jurisdiction as between the Federal Government and ourselves, but now has to deal with all the complexities of the Charter of Rights and Liberties and its impact, both in the civil and the criminal field.

Now the Constitutional Law Branch, added to the department in '85-'86, has added a new dimension to the department and ensures, we believe, the ability of the province to deal effectively with increased workload in the area. Charter compliance has been and continues to be a priority issue with the department. We have, as I indicated in response to some questions in the House earlier this week, introduced significant legislation in each of the last two Sessions to amend sections of our existing laws, which may offend sections of the Charter.

In many instances, let me say, we are doing this in an anticipatory way. I suppose that one way of dealing with the Charter is to say, oh well, let's wait until we're

taken to court. In some instances, we think that may be appropriate; in most, it's not. Some sections of our Statutes are clearly - in our view and in the view of people within the Constitutional Law Branch - not in compliance with the Charter and, where we can reasonably in a staged way make those changes, we ought to do it and we are doing it.

We've also initiated constitutional references to the Court of Appeal in several areas, for example, the right of a young offender to retain his or her own counsel. That's become a major problem for law enforcement there. We hope, incidentally, to have the law in this area clarified very soon.

Language obligations under The Public Schools Act has been a question of uncertainty, because of the ambiguity in language of section 23 of the Charter and, rather than go through long, expensive and dilatory court proceedings as was the case in both Alberta and Ontario - and those cases aren't completed by a long shot - we have a reference to the Court of Appeal to see if we can determine the nature of our obligations.

The validity of anti-soliciting legislation, because of a particular judgment of a judge of the Provincial Court, rather than leave our law enforcement agencies, police and prosecutors in a state of uncertainty, we've referred that directly to the Court of Appeal. The Court of Appeal has heard argument. The matter is in reserve. We expect a decision some time in the near future, in that way to assist us in determining the extent to which in this area and other references will help to determine the extent to which generally new constitutional obligations will require changes in law and practice.

I should indicate here again, parenthetically, that we are, I think, using our resources in this area in a measured and judicious way when we're aware of challenges that have been made based on the Charter to parallel legislation. We may wait for the outcome of such challenges rather than initiate a reference directly within the jurisdiction here, making thereby the best use not only of our own but of other available resources.

A major challenge to the department has been the validation of Manitoba's laws through the careful examination, translation, reenactment and publication of our laws in English and French languages. The reenactment process is progressing ahead of schedule, demonstrated by the tabling earlier in this Session of Bill 4. In effect, I should say when Bill 4 is dealt with, there will be, of the revised Statutes of Manitoba, the main public statutes, only less than 40 bills to deal with.

Also progressing well is the review and reenactment of all current regulations by the Regulations Unit of the Legal Services Branch. This is a new unit. It's a unit that's been involved in the establishment of an electronic data base to simplify future review and maintenance of regulations, as well as advising on the preparation of new regulations. This fits in well with the ongoing responsibility of this branch to provide client departments with top quality legal services, ranging from the conduct of litigation, providing legal advice and opinions, to preparing contracts and other documents.

I should add here, with respect to the regulation unit, that we hope to in a sense reduce the number of regulations, a lot of technical stuff as appeared in regulations which need not necessarily be in the

regulations. We hope to organize them better and use a more systematic way of organizing the regulations and, as I've indicated, by getting the basic regulation into an electronic data base then, when changes have to be made as they do with regulations from time to time, the whole production of the new regulation can be expedited.

There are, of course, within the system, certain special justice needs that demand a special group such as victims of crime, women, Natives, the elderly and the young are being addressed, I hope creatively and I hope effectively, but certainly we are paying attention to these special needs.

Overall, these efforts have resulted in considerable financial support from the Federal Government and have been accomplished within our presently limited resources. I would like to note here that there is a very good relationship between this department and the Federal Department of Justice, and we work cooperatively in a whole number of areas.

Family Law in Manitoba has long been noted for its leadership in this area. Our department's Family Law programs have been singularly successful, not only in terms of the quality of service rendered, but even with respect to returns to the province in terms of direct revenue, reduced welfare rolls serving as key indicators.

The department has now begun a consultative process with concerned groups concerning changes designed to keep our Family Law both current and in the vanguard of Canadian Family Law reform. A White Paper is now being prepared for introduction before the end of the current Session. As members know, this was preceded by a discussion paper, which has been given wide circulation. Responses have come in, are being analyzed and, before the end of the Session, I hope to be able to table a White Paper which will be the basis of legislation in the next Session. So we hope to have the resulting legislative package ready to table later this year or early in the following year.

Maintenance Enforcement, very briefly, as promised last year, the Maintenance Enforcement Program has worked with rural courts to ensure that the standards of enforcement in rural Manitoba are consistent with the standard provided in urban areas. This is being provided through a rural liaison officer to coordinate rural enforcement, a rural legal officer to provide legal services to our rural enforcement offices and additional enforcement resources, where required, outside of Winnipeg.

In order to ensure a province-wide standard of service, direct computer access to program account records in each judicial district will be dealt with after a current review of the program's total computer requirements is completed. I just finally add in this section that provincial preparations for implementation of the Federal Enforcement Assistance Act are now complete.

Legal Aid, three significant changes to Manitoba's Legal Aid plan were announced in July of '86. Financial eligibility guidelines were increased to reflect current income levels set by Stats Canada. Tariff of fees in the area of Family Law practice was revised to better reflect the current practice of the Family Division of the Court of Queen's Bench, emphasizing mediation and conciliation rather than court confrontations.

Finally it was decided to increase the basic hourly rate payable to private practitioners taking legal aid

cases in three annual steps to reach a level more in line with the increased cost of law practice. While, as known, the second of the three annual steps has been delayed six months, it nevertheless will be going into effect in this fiscal year and the Basic Fee Enhancement Plan is still in place.

Fortunately, a new federal-provincial, two-year cost-sharing agreement for criminal legal aid retroactive to April 1, 1985 was announced in January, providing for a revised formula for adult criminal legal aid in respect to 1985-86 and 1986-87, and an extension of the cost-sharing formula for Young Offenders legal aid to cover the provincial expenditures incurred in 1986-87. Negotiations continue for the future. I believe that there's an extension of that agreement for at least an additional year.

Victims of crime, members are already aware of the legislation in this area and of the legislation. I might add here certain remarks of the Ontario Attorney-General to the contrary. The program, albeit operating within a limited base because it's applicable at the moment in terms of the surcharge to provincial offences, has already produced substantial revenue and the committee, the Justice for Victims of Crime Board, will I think shortly be announcing its first grants under the program. Members may recall that we added a 12 percent surcharge and, at the appropriate time, I can provide anyone who's interested and the committee exact figures of what has been realized to date. It's approaching \$100,000, and the exact figure can be given.

The Victim's Assistance Committee was named at the beginning of '87 as headed by Steve Brickey, sociologist with the University of Manitoba. It's developing its policies and procedures and, as I indicated, will be making recommendations to the Attorney-General regarding the use of the fund and other recommendations in the very near future.

The evaluation of two pilot projects cost shared with the Federal Government relating to the treatment of victims of crime - that is the Victim Impact Statement Project - and the videotaping of child witnesses, is now proceeding. We look forward to the results in order to improve these programs. Again, I might just add here that all of these issues I've just referred to will be on the agenda of a meeting next week in New Brunswick of all Attorneys-General and the Minister of Justice.

Northern justice initiatives, as a result of a number of meetings held in the fall of '86 with leaders from northern communities and reserve communities, we made a number of proposals to begin to address the needs and concerns of Northern Manitoba. Thompson has been enhanced; it's a judicial centre. A full-time sheriff has been appointed, and decision making and management will be provided on a local level for the 20-odd areas which we service out of Thompson. An additional Crown Attorney based in The Pas will be provided for the North, eliminating the need for an attorney to communicate between Winnipeg and the North, and ensuring that cases are dealt with promptly. I believe that new attorney will be in place by the 1st of June.

An additional court communicator will be added in Thompson to work with northern communities. The purpose of this program, cost shared with the Federal Government, is to assist Native people involved in the

criminal court process with guidance and direction in adopting the best course of action.

As I indicated in the House today, we have a review of the effectiveness of the Court Communicator's Program, and I hope to be in a position to table that report in the very near future.

We've also added another permanent staff lawyer to Legal Aid in Thompson, because we know that the lack of adequate legal aid resources has been one of the factors occasioning some delay for the circuit court and we want to be able to eliminate such delays.

A two-year pilot project, cost-shared with the Federal Department of Justice, utilizes legal aid paralegals, and has been introduced on a trial basis in Shamattawa, Cross Lake, Norway House and God's Lake Narrows. The paralegals will be based in Thompson and will both improve existing duty counsel services and provide services new to northern communities, such as drop-in legal advice, information clinics, assistance on how to organize and incorporate resource people for community boards and things of that kind.

Additional Native Justices of the Peace are being recruited and trained, both to increase the involvement of Natives in the justice system and to avoid situations where accused people are taken off the reserve, because no one in the community can hear bail applications or other docket matters such as remands and things of that sort.

We are going to develop and deliver a number of workshops for the Native northern remote and reserve communities on the functioning of the criminal justice system. These will be offered on a systematic basis in northern communities.

Just a word about the Law Foundation, that was created in '86 by way of legislation. It'll shortly be tabled in the House, some legislation of a technical kind to amend certain features of the foundation but, subject to that, it's existing and well. Funding for the foundation is provided from the interest paid on lawyers' clients' trust accounts in the province.

As I indicated last time, we were able to negotiate new arrangements with financial institutions, and that's fortunate because there has been, as we all know, quite a drop in interest rates and a drop in prime, which is the basis of the formula for the payment of interest on lawyers' trust accounts. But despite that, the new arrangements have enabled the foundation to anticipate revenues of well over \$2 million, a very considerable increase over the four-year, five-year average, in terms of the availability of that kind of money. Operations of the foundation are directed by a board, headed by Jack London of the Faculty of Law.

New Initiatives, just a few closing remarks, I've already introduced in this Session of the Legislature a bill to establish the Crime Prevention Centre, The Crime Prevention Foundation Act, effective ways of preventing crime which concerns everyone today. Increasing crime rates, the citizens' growing fear that they will become victims, and an expanding public awareness of crime-related issues has led to an explosion of activity by many agencies and community groups.

These agencies and groups share similar goals, but they approach them in a variety of ways, resulting in an urgent need for some coordination and rationalization which will maintain the range of creativity offered by the independent groups while preventing

costly duplication and programming and services. To this end, in line with a promise made during the '86 election campaign, my department's preparing crime prevention legislation and that has been introduced, but it will be the focal point for the coordination of crime prevention programs.

Expansion of the Family Court, a study has been done on various ways that we might expand the Unified Family Court of the Court of Queen's Bench throughout the province. This is now under active review. Certainly the evaluation of the Family Division has confirmed the effectiveness of the approach in providing a more efficient streamlined service to marriages in trouble by reducing the adversarial aspects of family disputes through such procedures as pretrials and mediation. It reduces the pain, the bitterness, the confusion experienced by the people involved. We're following up on recommendations of the report.

I conclude these opening remarks, Mr. Chairman, by acknowledging the challenges we face in the next few years to provide not merely the perception but the reality of increased accessibility to the justice system in an environment of restraint, but nevertheless responding, we hope creatively, innovatively, to the new demands.

**MR. CHAIRMAN:** Thank you, Mr. Minister.  
The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General raises a number of matters in his opening statement. Let me simply respond, and we'll deal with his items, the matters he's referred to, as we go through the Estimates. But let me deal with one aspect that he doesn't appear to deal with, although there may have been a slight reference to it in the Family Court.

Since the amalgamation of the Court of Queen's Bench and the County Court in Winnipeg, I've raised from time to time with the Minister the whole subject of the cost of litigation and tried to make the point that the cost of obtaining justice, particularly through the civil court system, has become excessive for many people. Only the very rich or the very poor receive legal aid, generally, are able to go through the system without incurring large costs. I think this is an area that the Attorney-General should perhaps direct his department to pay some attention to it.

I note in recent months though that the Alberta's Institute of Law Research and Reform have announced the undertaking of a series of studies, looking at and exploring ways of reducing litigation costs. I'm just picking up, as another example, the weekly issue of "The Lawyers' Weekly." The Attorney-General in Ontario is reported as indicating, in his view also, that some radical surgery may be needed if Ontario's legal system is to respond to the needs of ordinary people in a cost-effective way and, in the same way, refers to the cost of obtaining justice at the present time, and has talked about a number of particular areas that should be looked at as possible ways of reducing the cost to ordinary, average litigants.

I think this is a matter that the Attorney-General did not address and he may very well be concerned about it, but it is an area I think that perhaps in conjunction with a number of these other groups that the Attorney-General and the department should become concerned

with and, over the next two years, attempt to address it somewhat.

Mr. Chairman, having said that, I think we can proceed onto - unless the Attorney-General wished to make a comment, we could . . .

**HON. R. PENNER:** Yes, the member makes a good point. The ADR movement, as it's called, the Alternative Dispute Resolution Movement is picking up steam. A national conference was held in Winnipeg earlier this year in which in fact the Attorney-General of Ontario delivered the same speech that he subsequently delivered in Ontario, as reported in the newspaper there, not that it wasn't a good speech. It did - this will not surprise you - raise the hackles of many leading members of the Bar, but I think that he was on the right track.

Just for example, we're not talking about family litigation so much, because the model that we've developed is really working very well, where the number of trials has gone away down and the resolution by these other mechanisms has gone away up.

But increasingly, looking at North America generally, the courts which are very expensive to maintain - and it doesn't matter whether we pay part of the costs and the feds pay part of the costs, it all comes out of the taxpayer's pocket - are used to litigate complex contract disputes between wealthy corporations. To the extent that they do that, one is entitled to raise the question: Why don't they find a way of resolving that out of their own pockets?

Indeed more and more, fairly technical, difficult contracts of that kind carry an arbitration provision. In effect they're saying, if we get into trouble with this particular contract, rather than going before a judge, who may know a lot about the procedures and due process of law, may not know a lot about this very complex area, we'll resolve it within sort of the family of our own experts.

So I take the point of the Member for St. Norbert, and I think it's something that our own research branch can begin to pay more attention to.

**MR. CHAIRMAN:** We'll begin with Item 1.(b)(1) Salaries, Current Operating Expenditures.

**MR. G. MERCIER:** Mr. Chairman, the Supplementary Information would indicate there's no change in staff in this particular area, but I happened to notice a Civil Service bulletin the other day which was advertising for an administrative secretary to the Deputy Minister and an office manager to ensure that the Deputy Minister's Office is well organized. I take it Mrs. McBeath has retired and two people are replacing her.

**HON. R. PENNER:** I beg your pardon? First of all, let me introduce staff who have joined me at the table: the Deputy Minister, Tanner Elton; the Director of Communications, Linda Lee; the Assistant Deputy Minister on the Justice side, Ron Perozzo; Director of Administration, Pat Sinnott; Assistant Deputy Minister on the Criminal side, John Guy; -(Interjection)- Finance - the Director of Finance, Joel Hershfield.

Now, the question has been raised as to bulletins that are out with respect to an administrative secretary and a . . .

**MR. G. MERCIER:** . . . and an office manager for the Deputy Minister's Office. Are these new positions?

**HON. R. PENNER:** There are two positions in the office and these are for those positions in the office. It's not an addition to the number of persons serving that office.

**MR. G. MERCIER:** When was the second position added then?

**HON. R. PENNER:** It was added last year.

**MR. G. MERCIER:** Mr. Chairman, at the Ministers' Issues Conference held at Hecla Island on April 29 to May 1 for the department, there was a seminar with a Mr. Rubin Nelson, described as Canada's leading interpreter of fundamental change. Would the Minister indicate what the cost was of obtaining the services of Mr. Nelson?

**HON. R. PENNER:** There was an all-inclusive contract with Mr. Nelson, which included his attendance at Hecla and includes his work not yet completed on our three-year planning process that we're trying to put into place, and other managerial planning instruments of that kind. The fee for Mr. Nelson's total package, including expenses, travel and so on, and including his attendance at Hecla was \$2,000.00.

**MR. G. MERCIER:** Where is Mr. Nelson from?

**HON. R. PENNER:** Ontario.

**MR. G. MERCIER:** What are his qualifications?

**HON. R. PENNER:** He's with a consulting firm, Square One Consultants. I don't know his particular qualifications. To provide further information, I believe that he has a Masters of Business Administration, and he consults to business and to government in terms of management processes and planning processes.

**MR. G. MERCIER:** How much time does the \$2,000 contract cover then?

**HON. R. PENNER:** It's result-oriented, rather than time specific. It's not so many hours at so many dollars. It's anticipated, however, that the total amount of time that would be expended in the tasks that have been set for Mr. Nelson would be well in excess of 20 hours.

**MR. G. MERCIER:** What results are expected from this contract?

**HON. R. PENNER:** Well, specifically, I did mention one of the things that we're looking for, is a planning book, if you will, with respect to various ways of implementing a three-year planning process. That is one such result. At the Hecla Seminar, he was able to speak to the top managerial component of the department, in terms of various approaches to planning. I think that's a very useful thing to do.

It's terrifically important in my view, at a time of constrained resources, to make sure that you're able, within limited resources, to make the best use of those

resources; to be able to anticipate the ups and downs of the resource base over a period of time; to plan for changes that undoubtedly will take place as computerization develops in various elements of the department. I think that, for a very minimal amount of money as consultants go, \$2,000, including expenses, we're getting value for the money. When I say, we, I mean the government and the people of Manitoba.

**MR. G. MERCIER:** But we're getting roughly two days work. Who determined that he was required? When the Minister has a department and top executive of four ADM's and executive director of administration, who determined that this man's expertise was required?

**HON. R. PENNER:** The recommendation was reviewed by me - with respect to the whole of the Hecla Seminar - by the Deputy Minister and I took the advice of the Deputy Minister, as I usually but not always do. In this regard, it seemed to me from my own knowledge of the complex workings of the government, a very sensible thing to do. So the decision was made, both with respect to the seminar as a whole and with respect to its components, ultimately by myself, I take full responsibility for it.

But I must say that this notion that this fee is for two days, let me say again, is wrong. The consultant is still in fact doing work for us within that fee base, which will result in, we hope, some very useful planning tools. I think it's a good investment.

**MR. G. MERCIER:** What was the cost of the conference at Gull Harbour?

**HON. R. PENNER:** Just again, I don't want to quibble with the Member for St. Norbert. It wasn't a conference; it was a seminar, a planning seminar involving some, I believe, 20 of the top personnel of the department. The total cost was between \$4,000 to \$5,000.00.

**MR. G. MERCIER:** For the accommodation?

**HON. R. PENNER:** Yes, for the accommodation and meals.

**MR. G. MERCIER:** What was the total cost to the department?

**HON. R. PENNER:** \$4,000 to \$5,000.00.

**MR. G. MERCIER:** \$45,000.00?

**HON. R. PENNER:** Between \$4,000 and \$5,000.00.

**MR. G. MERCIER:** That was the total cost to the department?

**HON. R. PENNER:** Over and above the \$2,000 paid to Mr. Nelson.

**MR. G. MERCIER:** Last year, Mr. Chairman, there was a directive issued by the department to program managers on July 3, 1986, to reduce the expenditures of the department, I believe, by some \$650,000, as all departments had similar directives because the Minister

of Finance did not budget for the cost-of-living increase to the Civil Service that began in September, so each department had to make up that cost.

Could the Minister indicate how that \$650,000 was made up? What reductions were imposed to make up the savings of \$650,000.00?

**HON. R. PENNER:** I'll provide the member with a detailed breakout if he requires, but it was about a 40-60 split between operations and salaries. In a fairly substantially sized department, such as the Department of the Attorney-General with over 1,000 SY's, we can - and in this case, we did - delay a number of hirings to pick up a lot of salary dollars as part of the component. We deferred expenditures on the operating side to pick up some other dollars. We spread it throughout the system, rather than cutting out a particular program.

**MR. G. MERCIER:** Will those reductions in expenditures result in any reduction in service to the public?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** Have they been maintained then in this year's budget?

**HON. R. PENNER:** No, it wasn't affected, subject to checking in a moment, but it wasn't to my knowledge affected by taking out a particular component from the system, eliminating permanently one or more SY's or cutting a program. It was just squeezing everything that we could out of the operations. It meant that there would be in some areas some temporary delays in service for a period of time, but there was no permanent impairment to service to the public.

**MR. G. MERCIER:** I would appreciate receiving an outline of how the \$650,000 figure was obtained. Just on that bent, has the Deputy Minister advised judicial officers paid by the Provincial Government that, for the balance of this year, they will have to purchase their own library materials?

**HON. R. PENNER:** No, I think that there may be some misunderstanding there. Pursuant to an agreement between ourselves and the Law Society, we very much, very drastically, reformed Library Services. As the Member for St. Norbert may recall, the Great Library - which is the main legal library resource - was owned and operated by the Law Society. In order to assist the Law Society in maintaining that library, because it was used really for the justice system as a whole, we were making substantial grants to the Law Society to assist in carrying forward that operation.

The Law Society was finding it increasingly difficult to maintain the library but also, in our view, there were a great number of inefficiencies. Incidentally, this is not a criticism of the Law Society, but you had that library and the Law Reform Commission had a library and the Crown's Office had a library and there were libraries dispersed throughout the system. We realized that there was bound to be considerable duplication which, given the very high cost of replacement volumes and additional volumes in the Law Report Series, just didn't make sense.

Also, with the introduction of quick law systems where, with relatively inexpensive terminals appropriately placed, you can access the main component of a law series through a master data bank in Kingston, Ontario, we could effect over the long term a number of savings.

Part of the way of introducing and effecting that system was to cut down on the independent requisitioning of library materials by the different units throughout the system so that - just again to use the same example - the Law Reform Commission might have expended in the course of a given year \$5,000, \$6,000, \$7,000, \$10,000, not more than that, on its own purchases. No doubt, if there's lots of money going around - and there isn't - one might justify that, given the particular needs of the Law Reform Commission.

But it was clear that most of the materials being purchased by the Law Reform Commission were, in fact, being purchased centrally through the Great Library and it didn't make sense, given the compactness of the judicial centre that we have here and, in fact, its increasing compactness, to have that kind of decentralized purchasing.

**MR. G. MERCIER:** Just for clarification, is the Minister now saying that the Attorney-General has not sent any memo to anyone in a judicial or quasi-judicial position that they are to be responsible for their own library materials?

**HON. R. PENNER:** No, I haven't sent such a directive

**MR. G. MERCIER:** I'm saying that the Deputy Minister

**HON. R. PENNER:** No, we simply advise people, but this is some time ago, that - there may be two different components here and I'll deal with both of them - acquisitions are to be done centrally. But for the last part of the last fiscal year, we did freeze acquisitions for a period of time to try and cut down in that area of expenditure. The member just earlier asked me how we save money; that was one of the ways that we saved money.

I believe that a directive went out to all units saying, look, with respect to anything that you want to requisition - because it would be requisitioned through the central purchasing component of the library resource - hold off. That type of directive undoubtedly did go out, but nothing directly to judges.

**MR. G. MERCIER:** Mr. Chairman, could the Attorney-General indicate what the status is of the former Assistant Deputy Minister, Mr. Larsen?

**HON. R. PENNER:** He's on study leave. He's just completing that study leave and will be returning to the jurisdiction sometime in the next few months and will be employed in the Office of Legislative Counsel.

**MR. G. MERCIER:** Is there a vacant position there?

**HON. R. PENNER:** There is a position, yes.

**MR. G. MERCIER:** I'd like to give the Attorney-General an opportunity to indicate whether he will be introducing

legislation to force the Federal Government to consult the province on future judicial appointments.

**HON. R. PENNER:** Recently, on a couple of occasions, one of them at Whistler - I never get to make announcements at Whistler. The Federal Minister of Justice gets to make announcements at Whistler. I get to make them - not even at Hecla - at Fort Rouge. One of the announcements was at Whistler at the mid-winter meeting of the Canadian Bar.

The Federal Minister of Justice announced that he was, in fact, going to be instituting a defined, consultative process with respect to appointments under section 96 of the Constitution Act, pursuant to which the feds appoint superior court judges. I reviewed that and that will be one of the items for discussion at our meeting next week. I'm satisfied to leave it at that for the time being.

So, in short, it is not my intention to introduce legislation in this Session of the kind I indicated, that I thought was appropriate to the circumstances we were then discussing. I would like to work on a consensual basis, and certainly that's the better part of both wisdom and practice in working with one's colleagues in the system. If it works out, that's what I'm interested in. I'm not interested in getting into an adversarial set-to, as did the Province of Saskatchewan under a Tory administration with the Federal Government over the same issue. That was a bit of a stand-off, pursuant to which I think there were just losers and no winners. I certainly don't like resolving problems that way. If it can be avoided, it will be avoided.

**MR. G. MERCIER:** Can the Minister indicate . . .

**HON. R. PENNER:** So the Member for St. Norbert's chances of being appointed a judge are still good.

**MR. G. MERCIER:** Can the Attorney-General indicate where we would discuss grants, if there are any, by this department?

**HON. R. PENNER:** They're in different appropriations but perhaps, if you would like, at the beginning of the Session tomorrow, we will provide a list of three or four grants that were made through the department in the last year, or are you asking specifically what grants are in the Estimates for this year?

**MR. G. MERCIER:** Yes.

**HON. R. PENNER:** Yes, okay. The only grant that I'm aware of - two grants that I'm presently aware of, but I'll supplement this tomorrow. One is with respect to the very big joint meeting between the Minnesota Bar and our Bar taking place in the first week of June. There's a special grant for that occasion. That will bring almost 1,000 people to Winnipeg, and it's a grant of the kind that pays for itself. That would be to a maximum of \$25,000.00.

I think there's the last part of a two-year operational grant that was given at the time that we presented the ALERTmobile to the City of Winnipeg. I think there's a component that spills over into '87-88, up to about \$18,000.00.

There's the usual small grant of about \$6,500 to the Uniform Law Conference. There's another grant of a continuing nature that is made to the Dakota-Ojibway Tribal Council Police Program. That's been frozen at \$150,000 for the last several years. And finally, there's a grant that is given, again on an interim basis, to Rosaire House in The Pas with respect to IPDA detentions.

The Member for St. Norbert may recall that, under the IPDA, instead of persons being charged with the now no longer existing crime of being drunk on the streets, there is remedial legislation that all of the provinces passed - this province passed in the early Seventies - that allows people who may be a danger to themselves or others because of high degrees of intoxication to be picked up for a brief period of time. But if you do and if you can't in the circumstances take them to where they live, there has to be provision for detaining them, in effect, for a period of a few hours. Most of the facilities that are used for such detentions are RCMP detention facilities. In Winnipeg, however, it's a different arrangement because of the police responsibilities and the responsibilities of Winnipeg. I'm not sure exactly what the arrangement is in Brandon.

But in The Pas, in any event, the RCMP facility fell into disrepair and a new one is being built. It was delayed about a year, so its completion will not take place until early next year. In the interim, Rosaire House, which is an alcohol treatment centre in The Pas, agreed to be the IPDA detention centre, but didn't have the funds to carry it on. So we are making a grant this year, and we made a grant last year of approximately \$35,000 to Rosaire House to fulfill that task, while we're waiting for the new RCMP facility.

**MR. G. MERCIER:** Is there not a grant to the MARL, the Association of Rights and Liberties?

**HON. R. PENNER:** That's now made by the Law Foundation.

**MR. G. MERCIER:** What about the anti-apartheid group?

**HON. R. PENNER:** Of the money that was realized on the sale of the South African liquor of approximately 300-odd thousand, there's still about half of that amount of money left and there will be a grant, not to exceed \$75,000, made to the anti-apartheid organization in this year.

**MR. G. MERCIER:** They have already spent \$150,000.00?

**HON. R. PENNER:** They haven't spent it; they've been granted it. They spent some of it in setting up the basic office and some on programs, but they still have, as I understand it, a considerable part of the original grant.

**MR. G. MERCIER:** Is the expending of that money subject to any form of audit by the department or by the government?

**HON. R. PENNER:** Yes, one of the conditions of the agreement - and I produce the agreement - is that in

fact we obtain, prior to any subsequent grant after the original grant, an accounting for the monies granted.

**MR. G. MERCIER:** Has that been obtained?

**HON. R. PENNER:** Well, I haven't received the report for the first grant.

**MR. G. MERCIER:** When is that expected . . .

**HON. R. PENNER:** It's much less than a year since the first grant was actually given.

**MR. G. MERCIER:** When is that expected and will that audit be a public document?

**HON. R. PENNER:** Oh yes, sure. I'll answer the first of those questions, of when it's expected tomorrow; I don't think it's expected for a few months yet.

**MR. G. MERCIER:** Can the Minister indicate, in any way, how the money has been spent to date?

**HON. R. PENNER:** I have the details, but I prefer to answer those tomorrow when I have them before me. But they rented an office and had to do some leasehold improvement, get some furniture, a Xerox and things of that kind.

**MR. G. MERCIER:** I take it, the Minister will provide that detailed information tomorrow?

**HON. R. PENNER:** Sure.

**MR. G. MERCIER:** The Minister, in his opening remarks, referred to The Justice for Victims of Crime Act, and he had announced in January that the members of the committee had been appointed. First of all, he made reference to the surcharge. Can he indicate how much money has been available to the committee?

**HON. R. PENNER:** Somewhere presently between \$80,000 and \$100,000.00.

**MR. G. MERCIER:** I think he indicated that an announcement was going to be made very shortly on what programs they were going to be following through with.

**HON. R. PENNER:** Yes, I expect to receive an initial report from the committee within the next few weeks as to the criteria that they have established for grants and recommendations they will be making with respect to grants.

As I understand it, the only decision which has been made, and again as a recommendation, is with respect to a grant to the Age and Opportunity Bureau with respect to their assistance to elderly victims of crime, but that will have to come forward to me as a recommendation.

**MR. G. MERCIER:** All that work, and they will spend the money that goes to them from the surcharge . . .

**HON. R. PENNER:** No, the money doesn't go to them; it goes to Finance in trust and so there it is, presently

about \$80,000 plus moving up to \$100,000.00. Then in the fullness of time, I receive a recommendation - "X, Y, Z" - and that is brought by me to the Executive Council. If approved, an Order-in-Council affecting those grants to the proposed recipients is made by the Lieutenant-Governor-in-Council.

**MR. G. MERCIER:** I take it, at the time of the Attorney-General's Estimates next year, you would be in a position to - or they should have a report on their activities available, I would think . . .

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** Will that be a public . . .

**HON. R. PENNER:** Yes, in fact, I think there's provision - I'm sure there's provision within the legislation for the tabling of a report in the Legislature.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General had issued a news release in December of '86, indicating that he would not be appointing any Queen's Counsel for 1986, and indicated he would be meeting with the Law Society and Bar Association. Have those meetings taken place on that subject?

**HON. R. PENNER:** No, not yet, but they will.

**MR. G. MERCIER:** Why haven't they taken place?

**HON. R. PENNER:** It's just not been considered a high priority matter, either by myself or by the Law Society.

**MR. G. MERCIER:** Mr. Chairman, has Mr. Redhead - I raise this here because it resulted from a statement by the Minister in the Legislature last year - has Mr. Redhead received his compensation?

**HON. R. PENNER:** No, not yet.

**MR. G. MERCIER:** When is he expected to receive that compensation?

**HON. R. PENNER:** I expect to bring the matter before Cabinet for final and formal approval within the next month, at the most.

**MR. G. MERCIER:** What is the reason for the delay?

**HON. R. PENNER:** He was - I believe still is - incarcerated on an unrelated matter, and there didn't seem to be any particular urgency in effecting payment. Indeed, it was my view that payment ought not to be effected while he was still incarcerated, not for any judgmental reason, but it didn't seem to be an effective or efficient way to remit the money, and it was entirely satisfactory to his counsel that the arrangement be such that the payments, which will be monthly payments, not lump sum, be made at a time when he is in a position to use the money.

**MR. G. MERCIER:** The Attorney-General is satisfied - is he? - that this compensation comes within the

policy which he announced for compensation to wrongfully convicted and imprisoned persons?

**HON. R. PENNER:** Yes. It is certainly consistent with that policy.

**MR. G. MERCIER:** Is the Attorney-General giving any consideration to compensation to Mr. Sophonow?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** The Deputy Minister, Mr. Chairman, it was announced in a release by the Minister of Community Services, is on a committee of Deputy Ministers dealing with the report on child abuse made by Dr. Sigurdson and Professor Reid. I wonder if the Attorney-General can indicate whether the Deputy Minister has yet attended any meetings of that committee of Deputy Ministers which, it was announced, were formed to implement the recommendations of that study.

**HON. R. PENNER:** That committee will be meeting shortly to get working on the implementation of some of the recommendations.

I think the Member for St. Norbert may be aware that there's been a recent change in the Deputy Minister in Community Services. The new incumbent has just come into office and is getting the seat warm and, otherwise, I think the meeting would have taken place sooner. But it's anticipated to take place, as I'm advised, within the next two or three weeks.

**MR. G. MERCIER:** I don't know whether this would be the appropriate place to discuss it, but the Minister referred to them in his opening comments and were discussed last year, but there were certainly three programs - these two pilot projects relating to videotaping interviews with child abuse victims, victim impact statements. I wonder if the Attorney-General could give the committee a progress report on those projects.

**HON. R. PENNER:** Yes, I'll undertake to do so. I think that might be more . . .

**MR. G. MERCIER:** Do you want to deal with them later?

**HON. R. PENNER:** Yes, after Administration Finance when we deal with Criminal Justice. Perhaps we can do it there.

**MR. G. MERCIER:** In this item, Mr. Chairman, that we're dealing with, the Supplementary Information indicates an increase of some \$10,000 over last year with respect to Supplies and Services. I wonder if the Minister could indicate what that . . .

**HON. R. PENNER:** What page of the Supplementary Information are you . . .

**MR. G. MERCIER:** Page 18.

**HON. R. PENNER:** Page 18. It's a typo. We've just saved \$10,000.00. I would like the media to notice that



we've just saved \$10,000 there, as a result of an astute question by the Member for St. Norbert.

**MR. G. MERCIER:** Pass.

**MR. CHAIRMAN:** Okay. So we move on to Item 1.(c)(1) or 1.(b)(2)?

**MR. G. MERCIER:** We can pass 1.(b)(1) and (2).

**MR. CHAIRMAN:** So now we move on to Item 1.(c)(1). 1.(b)(1)—pass; 1.(b)(2)—pass.

**HON. R. PENNER:** We're on 1.(c).

**MR. G. MERCIER:** On that item, Mr. Chairman, I appreciate there is some information in the Supplementary Information, but it really of course doesn't say very much.

I wonder if, for example, there's a reference here to complete a research project regarding the survey of driver alcohol use. I believe that was undertaken last fall. Could the Attorney-General indicate what the results of that project were?

**HON. R. PENNER:** The member may recall that part of the way in which this particular project was to be carried out and indeed was carried out is that, after the raw data was gathered here, it was sent to Health and Welfare Ottawa for processing, and I'm advised we've just received the analysis back and will try to have it available before the end of these Estimates.

I might assist the Member for St. Norbert. I have a document in front of me that lists approximately 30-40 projects that have been undertaken or are in the process through Research, Planning and Evaluation.

**MR. DEPUTY CHAIRMAN, D. Scott:** The Member for St. Norbert.

**MR. G. MERCIER:** There was, just the other day, Mr. Chairman, a news article that referred to the fact that the Federal Government was going to spend some \$19.5 million over the next five years on an advertising and education campaign to persuade teenagers and young adults not to drink and drive. It may not come within this department, but is this department participating in that program or is it perhaps the Health Department?

**HON. R. PENNER:** What we're now doing is, by agreement between myself and the Minister responsible for Autopac, the Minister responsible for Highways, the Traffic Safety Committee, which is an excellent committee headed by John Wiley, has a drinking and driving subcommittee, and we're represented on the Traffic Safety Committee and on the drinking and driving subcommittee. Our liaison with this particular program, which is run I think by Health and Welfare, the program to which the member is referring, we have both direct representation from the department through Mr. Guy and through the Traffic Safety Committee.

**MR. G. MERCIER:** Will there be any financial participation or is that in the process of being worked out?

**HON. R. PENNER:** I don't think we anticipate any direct financial participation on the part of the province, so much as the availability of whatever resources we may have.

**MR. G. MERCIER:** I could, Mr. Chairman, ask questions about a number of these research projects, but perhaps I should first ask whether these reports are confidential internal documents, or whether some of them are and some of them aren't, or whether none of them are intended to be public in any way.

**HON. R. PENNER:** Take the view generally that they're available as public documents. Once the particular project has been completed and reviewed, then they're public documents. There may be the odd report which, in effect, amounts to the evaluation with an internal program where there are personnel matters referred to that would not normally be a public document. But on the whole, most of the kinds of programs that are mentioned in the document given to the member would be available publicly.

**MR. G. MERCIER:** What was the result of the report that's done on legal assistance for social allowance recipients to pursue maintenance order? I think, over a number of years, the Attorney-General and I had had some discussions about that. I had suggested to him that it might be cost-effective to pursue the Legal Aid certificates in that area to reduce the social assistance cost to the government.

**HON. R. PENNER:** For approximately a year - in fact, I think it took a little more than a year - we had a pilot project, because of the pressures, to see whether in fact the allegation, namely, that there should be a net return to the province in pursuing orders or variations of orders in these circumstances, and the results of the study were that there wasn't a positive return.

In fact, in most of those instances where the reluctant spouse was in fact, said, okay look, let's see whether we can get some money for you or, by payback, for the department, Employment Services and Economic Security. We found that in most instances, for example, it wasn't only a case of the reluctant spouses. It was a case where either the respondent couldn't be found at all or, if found, was himself on Welfare, so we simply dropped the program. There was just no money in it for anyone.

**MR. G. MERCIER:** Is the report on the future of justice in Manitoba available?

**HON. R. PENNER:** It can be available. We're still completing our internal study of it, but it's a very broad descriptive kind of study, conducted I believe by Eve Finnbogason, and can be made available.

**MR. G. MERCIER:** What was the result of the evaluation of the Child Abuse Unit in the Winnipeg Police Department?

**HON. R. PENNER:** The bottom line was that it was working, was effective, and it ought to be continued. And if I'm not mistaken, we've in fact taken over its funding for this year.

**MR. G. MERCIER:** Has the Attorney-General had any discussions with the Chief of the Winnipeg Police Force and the head of the RCMP with respect to the recommendations in that Sigurdson-Reid report on their respective police services in that area.

**HON. R. PENNER:** No, I haven't had any discussions with the Winnipeg Police Department or the RCMP directly. The process that we anticipate is that, as announced, the interdepartmental committee - Deputy, A-G, Deputy, Community Services, Deputy, Health, and I don't know who else is involved - will be meeting shortly and looking at all of the features. We'll certainly be involving the Assistant Deputy Minister, Criminal Justice, as well, who's worked very closely on our abuse programs and, to the extent required if there are programs of law enforcement initiatives that we would like the respective police department to consider, then they will become the subject of our regular meetings and we would move on from there.

**MR. DEPUTY CHAIRMAN:** The Honourable Member for Brandon West.

**MR. J. McCRAE:** Mr. Chairman, on page 19 of the Supplementary Information under Activity Identification, the Research, Planning and Evaluation Division prepares ". . . Caucus, Cabinet, Treasury Board or other submissions as required."

I just wonder what kinds of caucus submissions the department would be preparing. I haven't seen any for our caucus, and I wonder if there are any for the other caucuses, for the Liberal caucus.

**HON. R. PENNER:** Well, in fact the Research, Planning and Evaluation Department does not prepare any material for our caucus, and it doesn't prepare material for anybody else's caucus. It may, at my request, prepare material dealing with a matter of legislation that I have before Cabinet or caucus. I think that's all that's intended to be conveyed there. But it does not, in any way, prepare for or respond to our caucus any more than it does yours.

**MR. J. McCRAE:** Could this be in terms of explanatory notes or something - is this what the Attorney-General's talking about - for legislation that he brings forward, for the information of the caucus? Is that what he's saying?

**HON. R. PENNER:** No, it's not that. It may be for example that, if we're looking at justice for victims of crime, part of the process leading up to legislation of that kind may involve the Research, Planning and Evaluation Division on getting some basic demographic kind of information, statistical information. On programs that are in place, we may do a report on justice services, what are the various justice services, to what extent are they provided, to whom are they provided and numbers of persons who are served by such programs, things of that kind, and that may be one of the basic working papers that I, as the Minister, would use in the preparation of legislation. It would undoubtedly be the case that in making a proposal first to Cabinet and subsequently to caucus on a piece of legislation, yet

unborn, suggesting that it go forward, material of that kind which I might have available would be used, obviously.

**MR. J. McCRAE:** I wonder, this strikes me, if this is being done by the other departments as well for the government caucus, it seems odd for me to see that caucus submissions are prepared by the Department of the Attorney-General.

**HON. R. PENNER:** I guess you weren't listening when I answered your question. I said they were not prepared for caucus; I repeat, they are not prepared for caucus; I repeat a third time, they are not prepared for Caucus.

What I said is that, in the course of my developing legislation, acting as a responsible Minister, I try to make sure that we're not flying in the dark just because somebody has a good idea. It seems to me that the better part of wisdom for a responsible Minister is in fact to do as much research as possible, so that the particular legislative ship being launched upon the waters is being steered more or less in the right direction. Now, if it undoubtedly is the case, I have no hesitation in saying it is the case that when I bring a proposal forward first to Cabinet, then to caucus, then to the House, I have that material available.

**MR. J. McCRAE:** I don't know if it would be helpful, Mr. Chairman, if the Minister repeated that these submissions are not prepared by caucus another six or eight or a dozen times. All I'm saying is what I see in this paper. Is the Minister saying that this is a typographical error?

**HON. R. PENNER:** No, I'm saying it's wrong. It's not a typographical error, it's simply wrong.

**MR. J. McCRAE:** Thank you.

**MR. DEPUTY CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, from the Supplementary Information it would indicate there's something like 6.46 staff years here. Are there outside people who are used in this area of research? Are there contracts for specific areas of research? How many full-time permanent employees are in this?

**HON. R. PENNER:** Yes. In addition to the regular staff, from time to time as the particular project warrants, we may use outside consultants. We have used outside consultants. I've mentioned one a short moment ago with respect to the overview of the justice system. We've used the services of Eve Finnbogason, a member of the Bar but teaching sociology at the University of Manitoba, had both legal and research capabilities. We've used, in addition, Rick Linden of the Department of Sociology, University of Manitoba. We've used Melanie Lott with respect to Victims Services Research; I believe that was her particular area and she worked as well on the Assessment of Crown Attorneys. The Client Survey was conducted through Greg Mason, University of Manitoba Research Limited. Basically those were the consultants who were used in recent times.

**MR. G. MERCIER:** What was the result of that survey with respect to the legal services provided by the department to other departments?

**HON. R. PENNER:** Mr. Chairman, I'll make that available but it was very positive. The Client Survey showed a great appreciation of the services being provided by the Legal Services Department of the branch.

**MR. G. MERCIER:** How much money is set aside for outside contracts?

**HON. R. PENNER:** Approximately \$75,000.00.

**MR. DEPUTY CHAIRMAN:** 1.(d) Financial and Administrative Services—pass.

1.(e) Personnel Services - the Member for St. Norbert.

**MR. G. MERCIER:** One of the areas of activities of the Personnel Services section is to coordinate and implement affirmative action policies and strategy. Could the Attorney-General indicate the results of this activity in this department?

**HON. R. PENNER:** We don't have the numbers here, but I'm advised that overall our numbers in the Affirmative Action area have improved. I might indicate as an example, but it's only an example, that we have a number of women in senior executive positions in the department: our Director of Communications, Linda Lee; Executive Director of the Human Rights Commission, Darlene Germscheid; Chairperson of the Human Rights Commission, Claudia Wright; Director of the Legal Library, Maria Hernandez; Chairperson of the Board of Review, Caroline Cramer; Executive Director of Criminal Injuries Board, Ann Lovell; the Chairperson of the Manitoba Police Commission, Susan Devine. So we have a number of women in senior executive or board positions.

As to the numbers throughout the department, we'll provide that information, not just to hand.

**MR. G. MERCIER:** I'd like to know how many females replaced males in the last year.

**HON. R. PENNER:** Throughout the branch?

**MR. G. MERCIER:** Yes. Surely that should be readily available if this is one of their duties.

**HON. R. PENNER:** We'll try to do it deductively and have the information tomorrow. That is, we'll see whether or not we have year-over-year, male-female balance in the department to be able to get a sort of bottom-line figure.

**MR. DEPUTY CHAIRMAN:** The Member for Brandon West.

**MR. J. McCRAE:** Could the Minister, if he doesn't have it available today, also bring us information tomorrow as to where the department is at respecting the Pay Equity Program and certain groups . . .

**HON. R. PENNER:** It's centrally administered so that the process for the government as a whole is now at

the stage where, I believe, the bargaining end of it as between the MGEA and government with respect to the implementation, has reached a point where it's either concluded or nearly concluded. I think the target date is October 1 of this year. It will be concluded by then and then the implementation takes place over a period of three or four years. But it's central, we don't do it on a department-by-department basis.

**MR. J. McCRAE:** Mr. Chairman, if I wanted information about the Department of Attorney-General and the Pay Equity Program, that would more properly be presented as a question to the Minister of Finance, when the Minister responsible for the Civil Service Commission's Estimates are before the House, if I could get that kind of detail from that Minister.

**HON. R. PENNER:** Whatever information I don't have, the Minister of Finance always has. The only detail that would be available at this stage, in any event, is the number of classes in terms of the legislation that have been identified - male-dominated, female-dominated classes.

**MR. J. McCRAE:** But as I understand it, Mr. Chairman, not all the classes identified - and perhaps I can be corrected - but not all classes identified will be subject to pay equity revisions. Is that not within the purview of this Minister?

**HON. R. PENNER:** I prefer to leave that question to the Minister.

**MR. J. McCRAE:** I'm satisfied with that, Mr. Chairman.

**MR. DEPUTY CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Just one question, there's usually, as I understand it, a decision made within government as to the percentage of positions that will be unoccupied for the year - done on a certain 6, 7, 8, 9 percentage vacancy during the year.

**HON. R. PENNER:** No, that's been done from time to time when, for example, mid-year adjustments have to be made to try as much as possible to live within the estimated deficit for a particular year, and unforeseen expenses have created pressures on the deficit.

One of the methods that has been used in the past, but not consistently, not in every year, has been to say, what is the general vacancy level, is it 3 percent, 4 percent, 7 percent? Can it be applied across the board to all departments? But that's not currently in place.

**MR. G. MERCIER:** Has the Minister of Finance yet issued a directive to the department to reduce expenditures by a specific amount in order to absorb the next pay increase to the Civil Service?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** When are you going to do that?

**MR. DEPUTY CHAIRMAN:** 1.(e)—pass,

1.(f) Computer Services.

**MR. G. MERCIER:** There's a significant increase in Computer Services. I wonder if the Minister can indicate where that extra money will be spent under Salaries. Perhaps they balance off. There's a big increase in Salaries, and then there's a big reduction in Other Expenditures. I wonder if we could have some rationalization of that?

**HON. R. PENNER:** Basically, what we've done in this area is, as indicated on page 26, increased the staff component of this unit by three, but we're reducing the amount of money spent outside for Computer Services. We find that we are getting, in most instances, better value for the dollar through staff than through using outside consultants.

**MR. G. MERCIER:** The major projects in that area, I take it that the major project would be the Land Titles Office, is that correct?

**HON. R. PENNER:** Yes, with respect to the Land Titles Office, we've completed the General Register, that's in place. We're working on the Titles Daily Record, and we think that the majority of titles will be in the electronic format by January of 1992.

**MR. G. MERCIER:** Okay, then the Supplementary Information would be a fair description of the balance of the activities, I take it, page 25.

**HON. R. PENNER:** Yes.

**MR. CHAIRMAN:** 1.(f)(1)—pass; 1.(f)(2)—pass.  
1.(g)(1) Communications.

**MR. G. MERCIER:** Communications, there's an indication in the Supplementary Information that this area wishes to implement a corporate identity package for the department. I wonder if the Attorney-General could explain that.

**HON. R. PENNER:** That's the kind of covers that you see on the material, trying to develop, experimenting with sort of a standard kind of logo and design. We're not partial to any particular colour. The fact that we from time to time use blue should not be taken as anticipatory or even defensive.

**MR. CHAIRMAN:** 1.(g)(1)—pass; 1.(g)(2)—pass.  
We'll proceed to Appropriation No. 2.(a)(1) - Salaries, Criminal Justice.

**MR. G. MERCIER:** Mr. Chairman, I think we'd earlier agreed we should discuss or we could discuss here a couple of the pilot projects. One is the videotaping interviews with child abuse victims. The annual report of the department indicated that a Department of Justice employee would be joining the project in August '86, to assist in evaluating and assessing the goals and progress of the program. I wonder if the Attorney-General could give us an evaluation of that pilot project.

**HON. R. PENNER:** I take it the question was specifically with respect to the videotaping project?

**MR. G. MERCIER:** Yes.

**HON. R. PENNER:** With respect to the videotaping project, it was a little slower getting off the ground than had been anticipated. It's now well under way, and it's expected that its time line will be extended accordingly. The evaluation is taking place in parallel.

I expect that the pilot project and the evaluation will be, in a sense, co-determinative, and I can't say at this moment when we expect the final evaluation. I haven't seen anything more than interim reports on the implementation of the pilot project itself.

The member perhaps may be interested in knowing that, in Bill C-15, there will now be specific Criminal Code provision allowing for the use of videotape evidence. So it's good that we got it off the ground early here and got the bugs out of the system. The videotaping, the pilot project is taking place here and in Dauphin, and here we're using a special room over in the Family Conciliation area.

I think that I might just add here that we are in the new courthouse or at least the revamping of the old Law Courts, which is almost substantially completed, will be in a few months. We have dedicated and especially designed a special courtroom to accommodate the special needs of children. It's a much less intimidating atmosphere, and it will allow for some of the things that may be necessary in the use of some of the systems that are being enacted in Bill C-15, including the use of videotape evidence.

**MR. G. MERCIER:** When will this project be completed then?

**HON. R. PENNER:** Six to eight months.

**MR. G. MERCIER:** The Victim Impact Statement Project, again the report indicated interviewing of victims began in mid-February 1986, and the Department of Justice would begin an evaluation of the project in June 1986. I take it that has been delayed too.

**HON. R. PENNER:** A little bit, but it is much further along, and we expect to have, if not a full, at least an interim evaluation in the very near future. We're hoping, indeed anticipating, that there will be federal legislation in place by the time we've completed the study here, which will put to rest some of the uncertainty that the Court of Appeal has and some of the judges have about the use of Victim Impact Statements.

**MR. G. MERCIER:** The result of this and the other evaluations, will those be made public documents?

**HON. R. PENNER:** Yes, they certainly will.

**MR. G. MERCIER:** Mr. Chairman, I'm searching for some statistics. We discussed earlier the night-driver survey that had gone on in October with respect to impaired drivers. It was a number of years ago that the Attorney-General had indicated he had formed a committee to discuss and make recommendations with respect to reducing impaired driving in Manitoba.

Can the Attorney-General provide any statistics for us? I was just looking for the ones that would be in

the Liquor Commission Report, and I can't find them at the moment.

**HON. R. PENNER:** I think we can perhaps deal with those statistics in two places, one, when we get to the Liquor Report because there are some statistics there. We may indeed have more current statistics than in the report that the member has. I think we may have the unofficial '86-87 report by the time we get to discuss the Liquor Control Commission.

But I also have figures from the RCMP that indicated that in all I think but one of the detachment areas, subdivision areas, there was, at least in the last set of statistics that I had, an appreciable reduction in the Brandon subdivision area, in the Dauphin subdivision area, a substantial reduction. I'll have those figures available again tomorrow.

**MR. G. MERCIER:** Can the Attorney-General advise as to the status of the Morgentaler case?

**HON. R. PENNER:** We, as I announced previously, are waiting for the decision of the Supreme Court of Canada. I have no indication - indeed, I've checked recently with the Attorney-General of Ontario, and neither does he have any indication as to when the decision is expected. I would have thought that it would come down in the ordinary course before the court rises on the 30th of June. We're simply adopting a wait-and-see attitude in terms of any clarification that there might be, both with respect to the validity of the law and, assuming that in general the validity of the law is upheld, any directions that the court may give with respect to its enforcement, because the court may - it has all issues in front of it - have some comments with respect to the availability of therapeutic abortion services in various jurisdictions. But we want to take a look at the whole context of the decision.

As I indicated at the time that I announced, we would not be proceeding to the trial, just waiting. There is the possibility - I hesitate to say probability, because that's too much of a judgment - that the law itself may be found invalid.

**MR. G. MERCIER:** Mr. Chairman, earlier on in the Session, I had raised in the House in question period the practice of plea bargaining, not just because of the one case but there was a case involving Mr. Robinson, who had agreed - or according to the news article, the Crown agreed to reduce a charge to manslaughter in exchange for his confession of an earlier killing and he was sentenced to life with the possibility of parole after seven years.

It has not been the only case; there seem to have been a number of cases in which plea bargaining has occurred in which reduced charges have been accepted, reduced sentences, with particularly the family of the victims of the crime not, of course, being a party to any of the proceedings and appear to have been uninformed as to what has happened; and has led, certainly, to a number of media reports that tend to cause concern about how the justice system works.

Particularly in some of these cases involving murder and manslaughter, it may be advisable to very strictly limit the plea bargaining and let the facts go forward

in a trial and open to the public, and let whatever happens in the way of a decision happen. The manner in which plea bargaining is conducted of course, seems to lead to suspicion, concerns among a number of members of the public.

The Attorney-General in question period had indicated he was prepared to review the current practice and report on this whole area to the Committee of Supply when we considered his Estimates. I wonder if he has conducted any such review and if he could indicate whether there's any change in policy contemplated.

**HON. R. PENNER:** In fact, immediately upon receiving the request from the member, I asked the Deputy Minister and the Assistant Deputy Minister to conduct such a review; it has been done. Just in fact, I'm reminded that I received the document earlier today and will have it available for tomorrow.

Substantially however, I can say that it rests on the basic guidelines that were adopted at the request of the member himself when he was Attorney-General in 1980. It's not significantly different from that policy, but I'll bring that forward.

I just take the opportunity to make however, at this time, two or three observations. I think the member himself will appreciate - indeed nothing he has said indicates otherwise, that plea bargaining - if used properly and with strict controls is not simply a matter of necessity, it's a matter of good public policy.

The circumstances surrounding the commission of crimes is so varied, the results produced by investigation are so varied in terms of the strength of the case that is available to the Crown that the Crown must always make a judgment. We're thankful that we have very experienced Crown Attorneys working in our system, but they must bring that experience to bear on the brief presented as the result of the police investigation and evaluate, in the first instance, based on that brief what charges to lay.

Generally, and not in order to create a bargaining stance, the most rather than least serious charges that the evidence appears to be capable of supporting are the charges that are laid. I think we have a duty to do that. However, the brief is by no means completed at that stage.

The Crown, in preparing for preliminary and trial, must then begin to evaluate the strength of that case at first hand by interviewing witnesses, by receiving submissions from the defence attorney that may bring to light other facts, and may legitimately come to conclusion that the possibility of convicting on the most serious charge is not strong at all and that indeed, if the Crown was to persist in every instance where a serious charge was laid and say, well, we'll take our chances in court, we would in fact lose a number of convictions that, from the point of view of protecting the public, are necessary.

So that it's in that context that the Crown may be amenable to a suggestion that, rather than an attempted murder, it's wounding with intent, that the actual intent to kill is not provable from the evidence, but the intent to wound is; or down the line, that it's more susceptible of supporting a conviction for assault occasioning bodily harm. The direction that we give basically to Crown

Attorneys is, in the first instance, to certainly not only lay the charge that the evidence seems capable of supporting but indeed, unless there are some new facts that come to light or witnesses who are expected to give testimony being interviewed and then turn out not to be capable of giving that particular evidence, only then should the Crown Attorneys entertain the possibility of a lesser charge.

Even in those circumstances, as in the example referred to by the member, quite often the Crown will say that, well, we may have to go to a lesser charge here, but you have to know that if we're going to do that, we're going to insist, because of all of the circumstances, on a very severe sentence. It doesn't necessarily follow that, because we go down to a lower charge, we are necessarily going to call for a lesser or light sentence.

We'll produce the memo before these Estimates are through, but the policy is that, where in fact we're dealing with particularly difficult circumstances, the Crown Attorney has to refer the ultimate decision up the line through to the Director of Prosecutions and it stops at the Director of Prosecutions.

**MR. G. MERCIER:** Is the Attorney-General considering any change in the existing policy?

**HON. R. PENNER:** The existing policy was the policy put in place by the member in 1980, and the policy which is now under consideration would see some changes in that policy, but not a complete revamping of the policy. We're just going to toughen it up a bit.

**MR. G. MERCIER:** Well, I have no objection to that, if that's the case, Mr. Chairman, but one of the real difficulties about it is that there is a perception in the community and in the public that there is no justice. Some people seem to be getting away with things that they shouldn't be.

What leads to that, of course, is the fact that the only statements that are made are the statements that are made generally by the Crown Attorney in the courtroom which are not fully explanatory. In most of these cases, perhaps it's more a matter of communication than what has actually happened. I think with what has actually been happening, it certainly contributes to an increasing concern in the public about whether justice has truly been meted out in specific cases.

**HON. R. PENNER:** It's part of our policy, as known to Crown Attorneys, that Crown Attorneys are expected to explain to the court, when the charge has been reduced, why the charge has been reduced. The difficulty is that we can do that, and as the member appropriately states, it then becomes a matter of communication. Regrettably, what the Crown Attorney says in explanation for the reduction is not always reported. I must say; I think we all know that the newspaper business is not primarily about news, it's about entertainment, and this has to be a source, I think, of great regret to anyone who's connected with the administration of justice and is concerned about the administration of justice which can't be effective without public support.

The impression that is created by the media, by and large - and this is not an attack on all of the media or any particular component of the media. The impression that is created with respect to what takes place in the justice system, generally, and in terms of criminality in the community, the impression that is left is distorted. I say the impression that is left is distorted, because I'm not saying that the media intends to distort or intends to leave the wrong impression. But when the news of the day is seen as being particularly important if it concerns sexual assaults, the more sordid the sexual assault, the more newsworthy it is. When the statistics are used as the stuff of headlines to create the impression that Winnipeg, for example, is the murder capital of Canada, not unnaturally the public has an impression about the workings of the justice system which is, to that extent, in any event distorted.

The Federal Department of Justice had a very extensive poll conducted just a few years ago on this kind of question. They wanted to ascertain what the public perception was at that time - I don't think it's changed at all - of the incidence of serious crime, crimes of violence. The public overestimated the incidence of crimes of violence by 500 percent or more. That's significant. No wonder the public is raising questions about what is being done to protect us against this wave of violence.

I don't want to, for a moment, underestimate the seriousness of serious crime - why would I? - but when, in fact, the crimes of violence against the person constitute 8 percent of the whole or less, and the public thinks it's about 60 percent, then you have to ask where is that impression coming from?

I'll tell you where it's coming from. It's coming from the newspapers primarily, who are not vehicles of news so much as they are of entertainment, and presume that many people, for whatever reason, take a prurient interest in the sordid details of sordid crime. That's really regrettable and difficult to have the criminal justice system meet its real needs when it has to respond to unreal expectations and unreal concerns.

**MR. G. MERCIER:** Mr. Chairman, part of the concern of the community are expressed by what they see happen in what would be relatively minor crimes like break and enter, and we've gone over the statistics and the tremendous increase. But just as an example, I think the Minister received this letter and I received a copy, and I'll read it because I think it indicates the frustration of people in the community.

This gentleman wrote to you and said: "It seems ironic that, as I'm writing to you, it is Crime Prevention Week. In September, my wife and I moved into our first house at . . ." such and such an address. "The joy of this event was quickly soured when, two weeks later, our home was broken into. The back door and frame were smashed and the cupboards and closets gone through. Missing were our VCR and some clothes. I reported it to the police. Luckily, one of our neighbours noticed something suspicious, took down a licence number and thought this would bring a quick conclusion to the case. However, we heard nothing from the police, but made our insurance claim, paid our deductible and had a new door installed.

"Four weeks later, we returned home late on a Saturday night to find our new door forcibly opened

and once again our VCR was missing, along with a portable radio and a small amount of cash. I again reported it to the police. I had not even received my cheque for my first insurance claim and I'm forced to pay another deductible, plus the inconvenience and hassle and emotional upheaval caused to my wife.

"Since I've not been kept informed as to the outcome of the first robbery, and I wanted to find out what happened, I called and spoke to Sergeant . . ." so and so ". . . who is in charge of the detectives, and was told the following:

1. the suspects in the first robbery were arrested in another district while being out on bail for the second time.
2. They appeared in court and were granted bail a third time.
3. Judging from my report on the second robbery, the sergeant felt that the same suspects were the perpetrators with respect to his home.

"To get back to crime prevention in our case, as described above, Neighbourhood Watch was effective. Our neighbour was able to provide the police with the lead they needed. I'm getting proper police protection. The police have done their job and arrested these criminals at least three times. However, if the court keeps granting bail, how can we be protected? No wonder the police are frustrated.

"Will you or the judge pay my deductible or the ever-increasing insurance rates? I've now purchased a dog to protect my property. I'm contemplating a burglar alarm. Why should I, the innocent party, be put to this expense and trouble? Why are the rights of the criminal element in our society better protected than an innocent taxpayer?"

I don't know whether the Attorney-General ever responded to that letter, but that's a fairly general feeling in the community.

**HON. R. PENNER:** It may well be. Certainly, that feeling is there and, in a particular instance where the person has himself or herself been the victim of crime even if it's not a crime against the person, property crime nevertheless has a traumatic effect on those who are victims. They feel very strongly about it, and I'm entirely sympathetic.

The judicial interim release provisions of the Criminal Code are federal legislation. They are not legislation of the Province of Manitoba and not susceptible of being changed by the Province of Manitoba unilaterally. That issue is raised from time to time, although not very recently, in meetings of respective Attorneys-General and the Minister of Justice.

The fact is that the present system of judicial interim release has its failures like any system, but, by and large, it is not a system which has failed. The previous system, the one it replaced, was a system which failed and failed badly because it, in effect, said that there was one law for the rich and one law for the poor; that if you could afford bail or had connections with those in the community who could give you bail, then and then only were you released into the community pending trial while, if you could not - and that, of course, was the situation for the bulk of alleged offenders - you stayed in jail.

So several years ago, the Federal Government of the Day introduced the judicial interim release provisions

that are still in place and have not been changed by the present administration. So it's not an ideological kind of thing. We then seek to give operative effect to them, we being the system of justice in Manitoba.

But who is it that makes the decisions as to who is released on bail and who is not? It's the judges; in most instances, provincially appointed judges, but it doesn't matter whether they're provincially appointed judges or federally appointed judges. They must operate within the law, that is, hear representations and decide on particular cases.

I have no doubt that, as I indicated a few moments earlier, they make mistakes from time to time but, absent that fact for which one must have nothing but the most profound regret, it's not the law as such, nor its institutional application through the court system which in fact is responsible for the growth in the number of offences being committed.

To suggest that would mean that you would have to point to statistics which showed that in the last year for which I have statistics, approximately, I don't know how many thousand B and E's, offences against the property in the province as a whole in 1986, seem to total approximately - you'll bear with me for a moment - oh, let's say 60,000.

Now the number of those property offences committed by people who are already on bail would be a minute fraction of 1 percent, and one must regret those. But one must not make the mistake of attributing the number of property offences or the increase in property offences to the bail system.

**MR. G. MERCIER:** Mr. Chairman, how many people work in the Victim/Witness Assistance Program?

**HON. R. PENNER:** Two.

**MR. G. MERCIER:** During the course of the last year, how many people would they have dealt with?

**HON. R. PENNER:** I'll make that available tomorrow.

**MR. G. MERCIER:** Could there be perhaps a little summary of their activities during the past year? That would prove to be helpful.

**HON. R. PENNER:** At the beginning of our Estimates tomorrow, we'll give a brief response to the activities and the numbers associated with the activities of the program. It's basically - let me be frank in admitting that it's reactive rather than proactive. It's our hope, through the Justice for Victims of Crime Program that we talked about a bit earlier, to extend victim services to a very considerable extent.

I do now have some data. Sometimes we respond more quickly than others. The data I have indicates that more than 1,000 calls per month are received at the Witness Centre. Of these, about 200 inquiries per month require a follow-up. These will be persons who have been directly or indirectly involved in a particular crime and want some information as to what they are supposed to do as a witness when their case is coming up. Most frequently, there would be property requests, you know, were you able to recover my property, or if you have, when will it be released, things of that sort.

**MR. G. MERCIER:** This Item (a)(2) provides for \$120,000 in grant funds payable to the new Crime Prevention Centre.

**HON. R. PENNER:** Right.

**MR. G. MERCIER:** The Attorney-General indicated that there would be something like \$250,000 on an annual basis. With this \$120,000, he anticipates it will be in place sometime this fall?

**HON. R. PENNER:** October 1.

**MR. G. MERCIER:** Where will they be located?

**HON. R. PENNER:** We don't have a location yet. As I indicated in speaking to this matter in the House and elsewhere, we're really looking for a very modest office or perhaps offices, somewhere in the heart of the city.

If necessary, to begin with, if we are not able to find a suitable place, we may start it off temporarily in an office or offices that might be available to us in the Woodsworth Building, but we'd rather it be more arm's length and not in a government building. Really, while we'll begin some work in looking around, what we want to do, when the act is passed and proclaimed, is appoint the first board and leave a lot of such decisions to the board.

**MR. G. MERCIER:** I take it next year at this time that we would have a report available for their activities this fiscal year?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** No further questions.

**MR. CHAIRMAN:** 2.(a)(1)—pass; 2.(a)(2)—pass;  
2.(b)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** There's an extra one there. I think it would be an extra Crown Prosecutor who would be located in Northern Manitoba?

**HON. R. PENNER:** Yes, that's in Northern Manitoba.

**MR. CHAIRMAN:** 2.(b)(2)—pass.  
2.(c)(1)—pass.

**HON. R. PENNER:** Would this be a convenient time to rise?

**MR. CHAIRMAN:** Committee rise.

### SUPPLY - COMMUNITY SERVICES

**MR. CHAIRMAN, C. Santos:** Committee of Supply, please come to order.

We have been considering the Estimates of the Department of Community Services. We are on Item No. 4.(d)(1) Child Day Care: Salaries; 4.(d)(2) Other Expenditures; 4.(d)(3) Subsidies; 4.(d)(4) Grants.  
The Member for Arthur.

**MR. J. DOWNEY:** Mr. Chairman, I don't know whether this is the appropriate place or not and, if it isn't, the Minister can direct me as to what portion it is.

It's the area dealing with adoption that I have a few questions, and the policy of government dealing with adoptions. I just try to point out to the Minister the problem which has been brought to my attention from a constituent, and it deals with the policy in which individuals who are for the first time attempting to adopt a child, and the concern that was brought to my attention from these individuals was the fact that they had been waiting for not only months but years to have a child to parent and to love and to look after.

The concern that was brought to my attention was the fact the people who had previous adoption experience or already accomplished what she was after, the adoption of a child, was that they were getting preference; that people who had previous adoptions were getting preference over people like themselves who were first-time applicants.

I ask the Minister: What is the policy and what can be done? I know it's an unfortunate situation when people are unable to bear their own children and it's certainly an unfortunate situation when we have children who are not being able to be looked after in what you would consider the traditional environment. But I ask the Minister what her policies are and has she gotten many issues like this before dealing with parents who are first-time adopters?

**MR. CHAIRMAN:** The Honourable Minister.

**HON. M. SMITH:** Mr. Chair, I ask your guidance. We did complete the section on Child and Family Services yesterday and I did comment fairly extensively on that very same issue.

**MR. CHAIRMAN:** It's entirely up - I called the subject matter of Day Care.

**HON. M. SMITH:** Again, I am happy to comment in three relatively brief sentences, but I would ask, perhaps, before doing so, whether the member intends to continue a line of questioning. If so, I think it might be better left to the conclusion.

**MR. J. DOWNEY:** Just for clarification, Mr. Chairman, I tried to get the floor yesterday and was unable to do so because of other questioners. I don't intend to spend a lot of time at it, but maybe the Minister could give me a short response so that I could respond to my constituent, or I can read Hansard, but I'd just like to get a brief response from her now.

**HON. M. SMITH:** Again, Mr. Chair, I would draw the member's attention to the fact that if he was in the room, I did comment. We have already covered several topics. Again, I did undertake to give the few sentences an answer. The would-be adoptions are listed centrally. There is a rough first-come, first-served, unless there is another factor, such as a sibling group or a special request that an adoptive parent makes.

The search is for the best home for the child, not satisfaction of the would-be adopters. It's in that order of priority. We still have 20 people waiting from 1980; there are not enough children, particularly new infants, to meet the need. Many of the parents will undertake to foster while they're waiting and that does not affect



their priority listing. Often people perceive preference, but I would submit that that is not occurring and that it's better for those would-be adopters to talk to their local agency.

**MR. CHAIRMAN:** The Member for Kirkfield Park.

**MRS. G. HAMMOND:** Mr. Chairman, has the Minister got any statement to make about child care, day care, or was that made in her opening statement? I'm sorry, I wasn't in.

**HON. M. SMITH:** I've not made any specific comments on day care but I'd be happy to do so now. I think, again, we've had a lot of discussion about our general approach to day care. We've been playing a very active role in the federal-provincial scene in order to help shape and promote a national day care act and a system of funding that will assist the development of day cares throughout the country.

I just received some comparative statistics on the Manitoba effort compared to other provinces and I would like to share them with members. There are some notable highlights. Manitoba now ranks highest in Canada, based on current available information in per capita expenditures, \$140.49 in Manitoba versus \$132.92 in Alberta, the next highest per capita expenditure. They have been at the front of the per capita expenditure list for some time, so this is the first time that we have in fact surpassed them. Manitoba ranks second to Alberta in total spaces per capita, one space per 14, versus one to 11. However, if the vacancy rate in Alberta centres is factored out, the gap closes to 1 to 14 in Manitoba and 1 to 12.5 in Alberta.

In terms of fees, Manitoba ranks in the bottom 20 percent of fees charged in Canada including the forthcoming fee increase.

Manitoba's grant structure and that in Quebec are the most organized and sensitive structures in Canada.

Manitoba is among seven provinces which require child care workers to have specific training. Nova Scotia has modelled its April 1, 1987, requirements on Manitoba, and New Brunswick is considering Manitoba's experience in developing training requirements.

In 1986-87, 440 new licensed and funded spaces were developed. This brings the total number of licensed and funded spaces as of December 31, 1986, to 9,962; and by March 1987, to 10,440. We have committed another 625 to come onstream during '87-88.

The first phase of training requirements for child care workers was introduced according to the schedule established within the Day Care Regulation, No. 62 in 1986. As of October 31, 1986, one-third of day care staff included in the staff-child ratio were required to be trained as child care workers II or III.

The increase in space requirements for children in day care centres from 25 to 35 sq. ft. per child occurred in October 1986. This will result in some spaces being available for reallocation early in the 1987-88 fiscal year.

The Parliamentary Special Committee on Child Care, consisting of seven Members of Parliament, held hearings in Winnipeg in June 1986. The Minister of Community Services presented a brief to the special

committee which outlined Manitoba's suggestions for an affordable, accessible, high quality national system of day care.

In January 1987, I, as Minister, attended a meeting of federal and provincial Social Services Ministers in Ottawa. The meeting initiated bilateral discussions between the Federal Government and the provinces as a preface to the report of the Parliamentary Special Committee. Further negotiations will be occurring now that that report has been delivered. It came down in March 1987 and we have since held, at the staff level, meetings with federal staff personnel, but we as yet have had no indication from the Federal Minister as to what the federal intentions are.

In July 1986, the fees which may be charged by day care facilities increased by 3.5 percent. Also in July 1986, grants to day care facilities were increased 3 percent, and we have authorized another increase in fees to come into effect in July of this year.

In cooperation with the Department of Education, the Public Schools Finance Board in particular, and school divisions across the province, child day care is participating in 11 projects to develop day care spaces in schools. Again, this is a permissive program if the local school divisions agree. We're not requiring that expanded or new schools have day cares, but we are making it possible for local divisions to agree and then the capital is provided via the Public Schools Finance Board. The operating costs and the responsibility for setting up the community boards rests with Community Services.

These day care centres will begin operations from September 1987 to September 1988 and will all be administered by parent-controlled boards of directors.

With regard to the specific initiatives for 1987-88, there will be 625 additional spaces. The total number of spaces will then come to 11,000; of subsidized spaces, 11,180. These spaces will be developed in both day care centres and homes and will be directed to the expansion of existing centres in homes. Existing centres in homes, which are not currently receiving provincial funding, will now be included, and centres in homes not yet in operation, and new centres to be opened in newly constructed schools; so there are quite a few categories of expansion.

Support for day care associations. We have increased the support for the activities of the two major day care associations. The MCCA, which is Manitoba Child Care Association, an association of staff involved in group centres, and WATCH of Manitoba Inc., Women Attentive To Children's Happiness, which is an organization of family day care providers, their grants will increase from the '86-87 level of \$30,000 to \$60,000 in 1987-88 in recognition of the good coordination and development activities that they have been engaged in.

Service to children with disabilities is to be expanded. We have been providing special grants for children with physical and mental disabilities. This year there will be an expansion by 25 special grants to children who have emotional or behavioural disturbances. This is a new thrust and we will be watching its implementation very carefully.

With regard to rural day care projects, there will be support for a small number of day care projects to support rural and farm families. These projects will be identified and implemented regionally, and are intended

to gather information and test new ways of delivering child care in areas where the existing systems may not be as responsive as families require. They may be a type of seasonal care when the peak planting and harvesting seasons are in effect.

With regard to employer involvement in child care, we have a small fund to encourage employers to become involved in meeting the child care needs of employees. Funds will be provided to develop and support some unique approaches to child care in the workplace.

Again, in conclusion, I'd like to say that we continue to be very proud of the initiatives developed in Manitoba. We look forward with great interest and anticipation to the federal initiatives. As yet, as I say, we don't have any indication as to exactly what form that assistance will take, but we understand that they are looking at more options than were presented in the Parliamentary Committee Report.

**MRS. G. HAMMOND:** Mr. Chairman, I wanted to ask the Minister, in her statement she mentioned that as of 1987-88 there would be about 27 percent of the planned 4,000 new spaces. We're almost halfway at the end of that term; we'd be almost halfway through the mandate of the government. Are the increases then to be planned in an orderly fashion, or are we going to have a huge increase as we get close to election time?

**HON. M. SMITH:** Mr. Chair, the 4,000 is a target number. We are very mindful of the fact that you cannot start up day care spaces without some lead time and a chance to train adequate staffing. So we are working on all those fronts.

Again, the goal of 4,000 was set in anticipation of federal initiatives. They would certainly assist us to meet that target more rapidly. We're still holding it as a target; whether we'll be able to meet it entirely within the term, I don't know. But the effort being made in Manitoba, particularly, considering all the economic and fiscal pressures, is really second to none.

We remain committed to meeting that goal; whether we'll be able to reach it without a substantial federal support program, I cannot say for sure. But we do intend to proceed in an orderly fashion and are having quite intensive talks with the Department of Education to ensure that our training program is meshed with the increase in the total day care program.

**MRS. G. HAMMOND:** The Minister's answer, I must say, surprises me a bit. I was under the impression, and I'm sure most Manitobans were, and especially people in the day care community, that the 4,000 new spaces were a firm commitment from the government. It's sounding more like the 90 percent funding in education; that there's going to be more hope than spaces.

When the Minister was talking about training, there was an article in the Winnipeg Free Press to indicate that Keewatin Community College in The Pas had to scrap plans for a full-time training program, and Red River Community College had to freeze first-year enrolment at 60 students because of lack of government funds. Now, how does this relate to the government's proposed training program for day care workers?

**HON. M. SMITH:** Mr. Chair, let's go back to the targeted 4,000. That promise is made in good faith and we're still working on it. But I would like to draw the attention of the member to the effort in Manitoba relative to every other province in the country and I think again, to hark on the fact that we may not meet the target fully but get close to it, rather than look at what's happening in the rest of the country where many provinces are dragging the heels I think really is a very strange diversionary tactic.

I would like to remind the member that the problem in the education funding has been a question of finding progress - like the whole rationale for moving to 90 percent funding by the Provincial Government of education was that income tax at the provincial level was deemed to be a more progressive tax than local property tax.

But, Mr. Chair, because of the nature of the federal-provincial tax agreements and the fact that until this year we hadn't even found a provincial income tax that could be called at heart a progressive tax, because we had to base our income tax on the income that had already had a great many deductions and tax expenditure items removed because of the federal tax policy, there really was not a readily visible progressive tax that we could access.

Now, with the invention of the net income tax and with the combination of other taxes with credits for the middle- to lower-income people, our Minister of Finance has very ably put together a progressive thrust in Manitoba. We will, along with the reassessment issue throughout the province, be meshing our total tax system to see that it is increasingly progressive. So that has been the rationale there; and it was not the 90 percent per se, it was the progressive taxation support for education that was the key.

With regard to training monies and the difficulties the colleges are having, I would like to draw the Member for Kirkfield Park's attention to what has been happening in the community college training field. This was an area of post-secondary education that had been very strongly supported by the previous Federal Government, but the overall allocation for training in the community colleges and for training in general has gone from about \$1.2 billion down to \$900 million. In addition, there has been a reshaping of the allocation of training dollars out of the community colleges, so they have been dealing with a double pressure at a time when the need for training is growing.

To compare the effort in Manitoba, overall I think the colleges have been struggling very hard and we are working with them now to ensure that the day care training will continue to expand to meet the need as we expand the day care system. But we do not live free of some of these other influences.

**MRS. G. HAMMOND:** Mr. Chairman, it's all very well to talk about targeting, but it was the NDP Government that made the promise. We didn't make the promise of 4,000 spaces; the government did. They didn't say that it was going to be helped to be paid for out of a net income tax. I wonder if the people in Manitoba, if they'd been given a choice, either/or, how they would have chosen.

I'd like to ask some more about the statement that the Minister made regarding the day care system. The

program that she mentioned for rural Manitoba, which is demonstration projects in two or three regions this year, they're not going to pilot programs, I take it. They're just looking at them to see what type of program that the community is looking for their needs, or am I wrong in that?

**HON. M. SMITH:** Again, back to promises and performance, I think a government makes a promise and makes the best effort. It's all very well for the Opposition to say, well, they didn't promise so why would we hold them accountable, but I think it is important to recognize what kind of effort they made. In the four years in power, there were under 1,100 spaces added. In our period in time, we have added almost 5,000 spaces and are continuing to expand along with training and building a total system.

We put a lot of extra money through the Jobs Fund training program in order to bring our 475 workers, at a cost of \$1.2 million, up to the standard so that our better quality requirements could in fact be met. There has been 300,000 dedicated to training of day care workers in Manitoba currently in operation.

So there are interim programs, and what we are working with, the colleges and the Department of Education, is to get a combination of college training and outreach training so that workers throughout the Province of Manitoba, whether they're in centres or whether they would like to start centres or become employed, can in fact access that training.

With regard to the rural project, it is our intention to have a couple pilot projects in effect this year.

**MRS. G. HAMMOND:** Could the Minister outline what the pilot projects will be and in what regions?

**HON. M. SMITH:** We have over the past year, in our Outreach, I know myself as Minister responsible for the Status of Women, from my rural tour, and also the current Minister responsible for the Status of Women, along with our just regular contacts, have found a great interest among farm women and they have already been thinking of the type of project they would like.

What we have in place now is a request in the regions for farm women, working in consultation with the rural farm women's organizations, to submit projects through the regions and then they will be assessed. We hope to have two or three operating in the fall.

Their main request was really for some kind of flexible support available during harvest period. There are quite a few day care centres and family day care homes operating in these small towns and villages on a regular basis, but they found they had a particular need at harvest time. So we do expect to be able to approve a couple of projects that are submitted to the regional offices to be up and operating this fall.

**MRS. G. HAMMOND:** Mr. Chairman, could the Minister indicate how much money will be allocated to the innovative employer sponsored day care projects, and what type of projects was she referring to in her statement?

**HON. M. SMITH:** Mr. Chair, I do not contemplate direct funding of a centre through this project. We have put

in \$25,000 to assist with consultant fees, helping to put together a consortium, possibly some start-up costs, and then a centre would kick in to the regular program and qualify for the ongoing funding. So it's a facilitative fund, to try and interest more employers and assist them with the early analysis and planning.

We have a meeting planned at the moment to discuss options with the Chamber of Commerce. I had a very interesting meeting with the committee from the Chamber that had studied day care a month or two ago, and I was quite struck by (1) their enthusiasm and interest in the area; and (2) their frank admission that the opinions they held at the end of their study were quite different from the ones they had started with.

Many had discovered not only a greater need than they had anticipated, but a real feeling that a positive cost benefit argument could be made for employers, quite apart from the social value of a day care centre, but a real business-based, cost-benefit argument for the inclusion of day care, particularly for large employers who have large numbers of family age or young parents in their work force; but also I think a recognizing that there might be ways of companies in a particular area banding together, so that no one would have the entire responsibility of developing a centre.

**MRS. G. HAMMOND:** If the employer-sponsored day cares take up the \$25,000 and plan to start a day care, will they be given priority as far as subsidized spaces when the next allotment of spaces occur?

**HON. M. SMITH:** Well, Mr. Chair, they would go into the same process as the other groups who are waiting, but to the extent that they have identified a high-need clientele they would be considered that they would be given high priority. We do try to balance out both the people who have been on the waiting list for some time with the areas of high need and that would be generally interpreted as areas where the social economic need factors are relatively high.

**MRS. G. HAMMOND:** Mr. Chairman, the children with emotional and behavioural disorders, are there going to be particular centres that will be dealing with these children, or will the staff have the resources and the training to accommodate these children in any of the centres that already exist?

**HON. M. SMITH:** We'll be following the same approach we have with all children and certainly with the mentally, physically disabled children. The parent makes their choice of centre and then the centre and the parent apply for the special supports appropriate to that child, whether it's special equipment needs, whether it's the special aids support or transportation or whatever. In other words, the service follows the child and the child goes where the parent chooses rather than having them all located in one setting or special needs children confined to one particular centre or home.

**MRS. G. HAMMOND:** What type of funding are we talking about for these children?

**HON. M. SMITH:** The criteria we use are again based on the individual needs of the child. We have ceiling

support. We can move up to one aid per child, up to \$1,600 per month salary for that aid, up to \$1,500 to meet the training needs of the individual aid and the centre personnel, and up to \$500 for special equipment needs of the child. As you can appreciate, the averages are much lower than that, but that is the range of supports that can be made available in a flexible package based on the need of the individual child.

**MRS. G. HAMMOND:** I wonder if the Minister could indicate the ratio now with regard to educational standards of child care workers, and I'll ask a couple of questions, if I may.

How long does it take to check the record of a new employee with regard to child abuse?

**HON. M. SMITH:** Mr. Chair, the training requirements, by October 1986, we had one-third of the staff trained, which was the goal we had for that date. All but one centre was able to meet that deadline, and we did in fact put a licensing order on that one centre which, in a sense, gives them a time to comply.

In total, we have classified 2,350 workers: 650 at Level 1, that's the untrained level; 1,000 at Level 2; and 700 at Level 3.

With regard to the time required to be classified, if all the information is in order, it's about six weeks. If the information is not in order, it will take longer, based on how long it takes to compile that information.

With regard to the investigation, there is what we call an authorized investigation which does check criminal records, any conviction or violence or child abuse, but until the Child Abuse Registry issues are resolved, we won't have that additional access or clear access to that information.

Also, the amendments that we are passing through Second Reading in the House, which will give the director some more authority to either refuse to grant a classification or licence, or to suspend or revoke it if there is deemed to be danger to the child, along with appropriate appeal procedures, when those amendments are in, we will be in a somewhat strengthened position in terms of giving adequate protection to the children.

**MRS. G. HAMMOND:** The child care workers - how is their training supported by the department?

**HON. M. SMITH:** The department does not deliver or pay for the training directly, but we do act as an advocate for programs and the content of those programs. We work with the Department of Education to persuade them to have the appropriate programs in the appropriate locations. We also, collectively, through the Jobs Fund, made available well over \$1 million to assist with training upgrading so that the standards could be met by October of last year.

**MRS. G. HAMMOND:** How has the classification as a child care worker proven itself with regard to individuals who have had years of experience but not necessarily a diploma or a degree in this area?

**HON. M. SMITH:** When we introduced the upgrading courses, the eight-week upgrading courses, in order

to assist current workers to meet the training standards by October 1986, the member may recall that when we put in the new act in 1983, we did in a sense grandparent the workers that were currently out there and gave them an opportunity to upgrade before the deadline. But after October 1988, we will in fact require centres to hire at a certain ratio, so we're currently engaged in bringing the ratios up with extra upgrading programs.

The eight-week upgrading courses were put together recognizing that the staff in place had, through their experience, picked up a lot of the basic skills and knowledge, and that the combination would in fact produce a very competent worker. Staff are also now in a position to carry out competency based assessment where the individual can demonstrate, either in oral examination or in being observed on the job, what competencies they have in relation to the day care training.

These classifications that are then granted to them can be appealed to the Day Care Staff Qualifications Review Board and, in fact, of the 2,350 classifications that have been carried out, only 15 have appealed to that board. But I think it's working quite effectively, this combination of formal course work and competency based assessment.

I think it's been an excellent discipline all around because we've all had to identify precisely what are the skills and the basic elements of knowledge that a competent day care worker requires. As a matter of fact, I think it's a very good approach to adult education that could be well emulated in many other areas of adult training.

**MRS. G. HAMMOND:** I believe the Minister gave the number of child care spaces that there are, but I wonder if I could have a breakdown of the spaces in non-profit centres, for profit centres, family day care, special needs and infant spaces, and how many of these spaces are allocated in rural versus urban Manitoba.

**HON. M. SMITH:** Mr. Chair, the figures I have will be from March 1987, and again, since we bring more spaces on stream every few weeks or month, there may be some slight discrepancy in the total numbers.

There are 625 spaces to be added in '87-88, but the precise allocation has not been as yet determined. There are approximately 600 infant spaces available at present. The total number of spaces is 14,952, of which 10,178 are funded and 4,774 non-funded.

Of the funded there are 274 centres that are funded. Of that, there are full-time preschool, 4,861 spaces; nursery school, 1,698; school age, 2,156; for a total of 8,715. On the day care home side, group day care homes, there's one with 10 spaces; there's a family day care, 291, with 1,453 spaces, for a total of 566 facilities and 10,178 spaces.

On the non-funded side, there are 175 centres; 1,379 full-time preschool; 2,728 nursery school; 346 school age; 29 occasional day care, for a total in centres of 4,482. On the day care home side - five homes with 57 spaces, that's group day care homes. The family day care homes, there are 47 with 235 spaces, with a total on the day care home side of 227 facilities and 4,774 spaces.

**MRS. G. HAMMOND:** In the family day care, have all the spaces been taken up? I don't know if the Minister indicated how many of these spaces were in rural Manitoba versus urban and how many facilitate shift work and weekends?

**HON. M. SMITH:** Mr. Chairman, again if we do a slight disservice to Brandon and Thompson and Dauphin and Flin Flon and so on, I have the Winnipeg figures and then I have all the other regions. Winnipeg has, again, remember this is March this year, a total of 10,178; 6,637 are in Winnipeg. So, it's roughly proportionate to the population with just a slight favouring of the urban. All the rest then are in either the smaller cities or towns.

I believe you asked about the availability of shift worker care. We have in the funded area, a demonstration project in nine licensed family day care homes, plus four child minders, with a total of 27 spaces. Through child day care, we have three licensed family day care homes, for a total of seven spaces, totalling the overall there in homes is 34.

In centres, we have a demonstration project in River Avenue Co-op, West End Day Care and Stars of Promise, with 16, 19 and 16 places respectively, for a total of 51. That is a total overall of 85. In addition, in non-funded care there's child care by Sandy and Associates, for 10, coming to a total of 95.

**MRS. G. HAMMOND:** Is the department keeping a centralized waiting list for day care centres?

**HON. M. SMITH:** The department does keep a list of the centres that are licensed but don't have funding but would like to be funded. We also are in contact with many in their developmental stages. What we don't have is a list of individuals on a waiting list, but we're kept fairly much in touch with the centres who, themselves, have those waiting lists.

**MRS. G. HAMMOND:** Would the Minister, Mr. Chairman, mind telling me what the rationale is for the department not keeping the centralized waiting list rather than each centre?

**HON. M. SMITH:** Mr. Chair, the centres are run by community boards and our relationship with them is supportive and monitoring. We have, in fact, worked out a way both to facilitate access by parents and also to help families find a centre that may have space. So, in a sense, we do without carrying a straight waiting list; we are facilitative. The method we use is on Wednesdays and Saturdays, in the Free Press, we place two ads and we identify where there are open spaces. We also have an intake system that helps families.

So, in fact, we're performing a service but we don't have a master list of all the people who are waiting. What we try to do is facilitate the flow of information and their access to the centres where they're most likely to find space.

**MRS. G. HAMMOND:** I wonder if the Minister could indicate how many people are on the waiting list for family day care.

**HON. M. SMITH:** Mr. Chair, we have, in fact, not got a big backlog of family day cares waiting for funding.

We have about 20, but they are licensed and, in general, we are able to facilitate them being included in the funding relatively quickly. They're a little easier to accommodate than the centres. We do overall try to keep a balance because it does offer a flexible choice of day care settings for families. Many families do prefer the flexibility of the family day care.

**MRS. G. HAMMOND:** I was wanting to know how many applications for assistance for child care, if the Minister would know how many applications have been filed and approved under the Manitoba Jobs Fund, and is there any money under Community Assets Program, Core Area or any other departments?

**HON. M. SMITH:** The basic capital funding has never been a part of our program. We do provide some start up in equipment grants to the extent that Jobs Fund and Core Area and so on have been able to assist with renovations and building has very much complemented our program, but they would be the programs that would have that information. We don't have it directly. We will, of course - anything that goes through the Public Schools Finance Board in future - have more up-to-date information on that, but the other types of grants are accessed by the centres and their boards acting independently of us.

**MRS. G. HAMMOND:** Yes, I wonder if the Minister could tell me if Laura Secord School has applied for a day care centre.

**HON. M. SMITH:** They have some school age spaces. They do have plans to develop a preschool program, but the readiness of that project hasn't meant that they've been approved yet, but we are aware of their plans and, as I say, they do have school age spaces that are approved.

**MRS. G. HAMMOND:** I'd just like to go a little further on the Laura Secord Day Care. Is it actually in the works or are they just approaching? - because I understand that they have another area that they're considering going to as far as day care. I believe there's a church in the area that the city is looking to buy and I was wondering how the negotiations are going on that particular area.

**HON. M. SMITH:** Well, Mr. Chair, we don't keep up to date with the week-by-week negotiations. We understand that particular school has been talking both with the church and the community centre and so on. The information we need to know is that they are interested in a preschool and the rough date of when their facility would come onstream so that we can plan ahead for them. But we don't know the week-by-week negotiations, so really I don't have that detailed information other than that we fully expect when, if they are able to pull the project together, that there would be funding available in fairly short order.

**MRS. G. HAMMOND:** How many centres, Mr. Chairman, have applied for the Salary Enhancement Grant and for how many staff people? Do they have to apply each year?

**HON. M. SMITH:** Mr. Chair, they apply quarterly. That's the way we have of checking for staff turnover. There are 1,000 staff individuals who are receiving the enhancement. Again, it was a grant to be given on completion of upgrading training and there are in fact 200 centres that have qualified for the grant. In a sense, they do have to keep reapplying each year insofar as they have to submit quarterly, but it is a special measure taken each year during the Estimates procedure. It's not a permanent part of the day care system other than through the political will of the government.

To date, government has seen fit, three years running, to provide that enhancement grant in recognition of the relatively low pay of day care workers when we started, and of the fact that over time we would like to see the compensation more in line with what other people are getting for comparable skill, effort, responsibility and working conditions. But I would expect that would be - it's an annual decision made by Cabinet.

**MRS. G. HAMMOND:** Well, Mr. Chairman, if it's an annual decision made by Cabinet, does that mean that at any moment that the Cabinet can at any year decide to stop the grant completely, in other words, even not increase it but just have it end? I guess the other question that comes from that is, if the government doesn't plan to stay in the salary enhancement business forever, how on earth are they going to get their salaries up if there are never going to be increased fees at the centres?

**HON. M. SMITH:** Well, Mr. Chair, I'm happy to hear the member wrestling with the economics of day care. It seems to me that this has been the side of the House that's been trying to draw attention to the fact that the people who need day care very often are not the people who can afford what it's really worth. That one of the risks is of the fees being set at a level - if you set the fees at a level the parents can afford without adequate support for those families, you end up without enough money to meet quality standards in the day care and inevitably the pay to the workers is low.

What we are arguing for and I think have demonstrated by our actions and our policy is our recognition of the rights of those workers over time to improve their salaries relative to other workers. After all, no social service system ever started with exact parity with other workers who have been out there.

Teachers over time have had to work very hard to try and get their pay up to what they thought was an equitable level, hospital workers have as well, and the day care workers and other workers in community service areas, being latercomers to the field of social service delivery, are going through some of those early stages.

I think the recognition by this government and in fact the unilateral development of the Salary Enhancement Grant and the offering of it is clear recognition of the political will that exists on this side of the House. To suggest that the Salary Enhancement Grant is there at the whim of the government, the entire day care program is there at the whim of the government, but it's also there because of the commitment of the government.

Compared to the effort being made across the country by other governments, particularly governments of the Conservative variety, I think the day care workers in Manitoba, though certainly aware that they are relatively low paid on the scale of general working people, certainly relative to their training and the responsibility of the job, are seeing steady improvement and have shown a great deal of respect for a government that will make that effort in spite of all the pressures to have more spaces and to manage deficits and so on.

So if the member is suggesting that somehow the very government that's generated this idea and showed the will to carry it out is somehow suddenly going to withdraw that approach, I really call it into question. We're the ones who keep records of what the comparative pay levels are and what we are trying to do is close the gap.

Now, in the long run, the day care workers themselves, along with what workers in many other organizations have had to do, may choose to organize. They certainly are choosing to raise the consciousness of the public and come and advocate to the government, as well they should, through their associations. In fact, we're encouraging their associations to speak out in that way. What the future holds, whether they'll choose to organize as some have unionized - some have chosen another method - but there is no security in the pay level other than what the workers themselves can articulate and what a responsive government is willing to allocate.

**MRS. G. HAMMOND:** Mr. Chairman, I can hardly believe what I just heard. The Minister is indicating that the Salary Enhancement Grant comes at the will of Cabinet, which is fine, if that's the way they're going to do it, but to suggest that the workers can organize and get more pay when the government will only allow - what is it - \$1 over \$12.20 to - what is it - \$13-something now that they can charge for a day care centre, how are they going to generate the money to pay the salaries if the government doesn't continue to give it?

This was what we have been trying to say, that there are people who are in day care centres that can well afford to pay more, and allow them to do so. It is ridiculous to be subsidizing someone who can very well pay more. If you've got a means test at the bottom end of the salary level, have it upwards, too, and do it both ways.

But to suggest that workers can organize and get more money, you can't get blood out of a stone, and that's exactly what you're suggesting to these people. That's why you have a Salary Enhancement Grant. So let's not hear any nonsense about workers organizing. I mean they can organize, but they will never be able to get any more money unless they close the day care centres.

I find that the Minister's thinking in this area is totally ridiculous. I don't know where they're going to get the money. Even when the Minister allocated the new funds, the Manitoba Child Care Association is saying that there is not enough money going to the present day care centres and that they are going to have to cut back because of this. So it can't be. If that Salary

Enhancement Grant is not going to be kept there, how is a day care worker going to generate any more money? They just will not be able to unless in some way fees can be increased for the people who can afford it, and I am not talking about the people who should be and must be subsidized. I'm afraid I have such a problem with that that it just boggles the mind.

I wonder if the Minister could tell me how many private centres have closed by their own volition and/or by regulation; in other words, that have been closed down through the department.

**HON. M. SMITH:** Mr. Chair, the problem with trying to get enough day care spaces, adequate quality, reasonable pay, and fees that don't go beyond the ability of the parents to afford is the juggling and the balancing effort that we are about and we have maintained, under public policy, that if there are centres that believe there are people who can pay higher fees, they can be licensed and they can operate. What they can't access is public funding because we believe that the limited amount of public funding should go to the centres where the greatest need is.

But we are also not interested in producing one type of centre that is minimally funded and another type of centre that is superbly funded so that we end up with a two-tier day care system. It's been our effort to keep a social, economic, cultural mix in our day care centres that has led to the mix of grants and fee subsidies that we apply, and Salary Enhancement Grants.

Now the member opposite was the one who planted the seed of doubt about the continuation of the enhancement grants, and all I wanted to point out to her was that it was we who had initiated them; and there was no reason to think that as long as the day care workers are running behind the average pay for similar work that we would cease that. She seems surprised when I said it was contingent on Cabinet decision-making. All I wanted to point out was that we had put it in in the first place because of our desire to get adequate pay out there for the work performed.

Now in balancing out all these things - what's the appropriate level of fee, how much subsidy should there be, whether there should be grants, and how the tax system which generates money through the public coffers and then redistributes it through grants and so on to child care - it's been our belief that if there is a large number of upper income people who think that they're getting a free ride in day care, let's reform the tax system and get a fair crack at that income that way.

But let's ensure that we keep our day care centre fee levels at a stage and the mix of subsidies and grants in such a pattern that we can keep integrated day cares and not develop two tier.

I repeat, we do not at present stop any centre from operating provided they can meet the standards. If they want to run without public funding and they want to raise their fees, they are free to do that. The reason we don't encourage it and don't see it as a model that's going to provide a lot of spaces, our experience is that the vast majority of people cannot afford to pay the relatively high fees.

When you start to get up into the two-income professional families, many of them prefer and can

afford to have someone come in and live at home, or they can afford a different type of day care and don't use the centres; but it's the families who perhaps have two relatively low incomes or one modest income that find it really difficult if the fees get raised higher. So that's why we have gone for a combination of fee and grant.

We've also done it in order to put enough money into each centre so that it's a viable operation. If we only funded the centres via the parent fee subsidy, what we would find is we could spread the money around through more families, which would look good from that end, but the amount that would be spent in the day care centre would be less. And the centre would, in a sense, have less money to spend on salaries.

It's not that we don't review the upper level, the turning point, as we call it, of the fee subsidy, and we have thought of moving it up or down a little, so I'm not entirely insensitive to the question that the member opposite raises. I think the responsibility of people who can afford to pay, paying more of the full cost relative to that of the people in need, is an important principle, but I think there's a variety of ways to bring about that result. We think it's the combination of a progressive tax system, combined with the type of fee level and grants and so on that we're using in the centres, that is, the best results with the funds we have available.

What we're hoping is that the new national day care regime will give some extra relief to the centres and in a sense make some of our provincial dollars go a little further.

When we talk about how many day care centres, non-funded, have had to close because of our regulations and standards, there have in fact been a couple, but it's certainly not been a wholesale closing. There were three full-time centres in Brandon closed: one because the proprietress was ill; another, there was a marital separation that led to the closing; and another chose to leave the day care and operate a restaurant.

There is more problem with continuity, with independent-operated day care centres than there is with community board centres, because there's a continuity. If staff choose to leave in a community board centre, the board just seek another staffperson and the service carries on. There was one in Winnipeg that closed due to not meeting the standards. That centre appealed to the Social Services Advisory Committee, and that committee in fact upheld the department's decision.

**MRS. G. HAMMOND:** Mr. Chairman, just briefly dealing with the day care centre, I believe it was the Wild Blossom Day Care Centre that - am I right? Was that the centre that lost the appeal? I understand that particular centre had to close down actually before their appeal was brought down. I'm wondering how that type of thing happens where, when they made their appeal, the centre had to close before they heard from the appeal board. They were sort of in a limbo whether they could stay open. I wonder if the Minister would mind explaining that situation to me and to the House.

**HON. M. SMITH:** When a licensing order is issued, the centre may appeal for an interim licence, and usually

they are granted. In this case, they were allowed an interim order, but they chose not to remain open.

I have some information on the growth in the funded and the unfunded areas of day care in the past year. In fact, where the funded spaces were, over 400 increase, mainly in the school-age and full-time day care and family day care areas. The growth in the unfunded area was over 300. Now the bulk of that was in the nursery school area and school-age day care. So there is growth occurring, in spite of the standards that we are enforcing.

In Manitoba, actually only 8.7 percent of our total spaces are in the profit-making area, leaving 91.3 percent that are in the non-profit. Some of the private centres who may not have achieved the funding status as yet have still chosen to operate as non-profit. Manitoba has, by a very heavy proportion, a non-profit system.

The pattern across the country varies considerably, and that's been one of the challenges to the provincial and federal Ministers as they've looked at what kind of a regime we should have for the future and how we should deal with the fact that we have very different patterns in every province at the moment.

**MRS. G. HAMMOND:** Mr. Chairman, I'd like to - if the Minister would turn to the Supplementary Information, I have a couple of questions. On page 61, it says "1,200 regular licences, licensing orders and provisional licences will be issued to 770 facilities."

I just wanted to know how many provisional licences were issued. What was the reason for the provisional licences? Is this because of new facilities, or just exactly what is the reasoning?

**HON. M. SMITH:** Mr. Chair, the provisional licence is used very much as a developmental tool. About one-third of the centres will often come on board with a provisional licence, if there is not deemed to be any major problem area. It may be a question of not being able to get a particular inspector to come within a certain time frame, but if so they're given a shorter term licence, not the full year, and they are revisited - I know on all the certificates which I sign, there's sort of a different color for the provisional and the regular. And listed out for all the parents to see, because the certificate's posted in a visible area, are the areas of regulation that the centre must work on and must meet the standard within a set period of time. So then they are revisited within that short time frame to see if they've made progress. But no centre that was considered dangerously low on any standard would be granted that.

The standards are fairly detailed and a judgment call is made in that way. They can only hold their provisional licence for a certain period of time. We find that a three to six month period is the average time that it will take those centres to move from provisional to regular licensing.

**MRS. G. HAMMOND:** Under Activity Identification, it says "10,000 subsidy applications and reapplications will be processed," and then the Expected Results indicate that subsidies to parents will ensure that parents of 5,000 children will have access to affordable care.

What is the difference there between the ten and the five?

**HON. M. SMITH:** The subsidy applications are twice yearly, so that in sense they have to be renewed every six months.

**MRS. G. HAMMOND:** Mr. Chairman, I have a number of letters from the south of Winnipeg, one in particular from Charleswood, which is the Learning and Growing Day Care Incorporated, who have been looking to get some subsidized spaces. Now they, I guess, have applied for a subsidy and I wonder if the Minister could indicate how the allotment for day care spaces is given. Considering that an area such as Charleswood, and I know there's many others, is growing at such a rapid pace and that there are just umpteen, probably hundreds of new families with young children moving into that area - the centre has, they requested 56 spaces from two to five, and from what I understand they have not received any subsidized spaces.

I wonder if the Minister could indicate how the day care allotment is done, and how do they decide - with all things being fairly equal - who will get the new spaces?

**HON. M. SMITH:** There's always a backlog of centres and family homes, well particularly centres, that want funding ahead of our ability to fund. We keep these lists and we try to balance out the approvals by region and by socio-economic need, and then how long they've been waiting. So those would be the three factors.

**MRS. G. HAMMOND:** Would that then pretty well rule out an area such as Charleswood if it wasn't considered that there was a socioeconomic need in that area, if they would be looked on as middle class and so couldn't compete with, say, the core area for that part of the criteria, if that is one of the areas that they look at? Any of the suburban areas for that matter - it would be interesting to know exactly how many new spaces are going into the suburban areas versus the core area of the city.

**HON. M. SMITH:** They aren't ruled out and they wouldn't be ruled out on that criterion. We look at where there are large numbers of families and then we also look at whether there are pockets of low income as one factor. Originally, I think the allocation was based solely on first-come, first-served, but in line with all members' desire in tough times to ensure that the people with the greatest need have their needs met first, there was some attempt to target the approvals.

With the new capital program coming on board by the Public Schools Finance Board, invariably where new schools or expanded schools or repaired elementary schools are being developed, that's usually also an indicator of where there are large numbers of young families with young children. So that's going to be an additional influential factor.

Again I repeat, if the Federal Government comes through with substantial support for the day care program across the country, we can move a lot quicker to close the gap and meet more of the waiting groups' needs.



**MRS. G. HAMMOND:** Mr. Chairman, since the government, certainly their strategy, and the Minister has indicated that it must be succeeding as far as profit versus non-profit is concerned, I think somehow parents are under the mistaken idea that if they start up a community-based day care centre, that in the very near future they will get some funding.

Is it unreasonable to suggest that if a centre, such as the Learning and Growing Day Care Incorporated, that they could get at least a start-up grant so that they wouldn't be in the hole when they began, and possibly with some good management and, as they indicated, with the sweat equity of past and present Board of Directors, as well as the parent members and the centre's staff, that it would give them a chance to keep their heads above water?

So that if they aren't considered a day care centre that is going to be spaces for now, that at least there would have been some money allocated to that centre to let them get started as far as their educational toys, their furnishings and their leasehold improvements, things such as that that would allow a new centre to try and survive until the government was able to come through with some subsidized spaces or some subsidy in some way that wouldn't be an ongoing burden, possibly, to the system.

It would be a shame if a centre that's put in the kind of work, and I'm sure there are many of them - this is just one example, that have put in the kind of work and that the parents have been very supportive, all the things that a government asks out of a community and of parents, that there should not be some monies available so that they don't start off in the hole and that there should be something reasonable to allow them to keep going.

**HON. M. SMITH:** Mr. Chair, the problem with taking limited funds and spreading them too thin for too many functions is that you don't get any of the centres in a viable state. We have modified the way we expand the program to ensure that the funded centres are viable.

We wouldn't be in such a backlog situation if the record of the member's prior colleagues in office had not been so dismal. Now, Mr. Chair, she may think I'm being unfair in that judgment, but let me give the figures.

From 1977-78 to 1980-81 - (Interjection) - Let me give you the figures, one of reductions.

**A MEMBER:** Tell us about the 4,000 that you misled the public on.

**HON. M. SMITH:** Four thousand is a target and we may very well get there. If the Federal Government develops a program, we'll have it. Now please listen; it's my turn to comment.

1978-78, total number of spaces, 5,461; '78-79, listen to this number - a decrease - 5,334 - a decrease year-over-year; '79-80, another decrease - 5,298; '80-81, election year, 6,519 - an increase of 1,300.

Now this government has steadily improved the number each year and we are committed to doing that. So let's hear no more from the members opposite if we can't fully meet the target of 4,000.

We're expanding the system in an orderly way and a responsible way, and if the members opposite were

a little more sympathetic to the importance of day care, the necessity of tax, the necessity of progressive tax so we could collectively, federally and provincially, generate enough funds to fund day care for children, then we would have a system that covered all the needs.

But we can get niggling little comments because we're not doing everything with the amounts of money when the increased amounts of money, year over year, stand not only comparing with every other province in the country but we are leading the effort in every other province in the country.

**MRS. G. HAMMOND:** Well, Mr. Chairman, no one has ever stated that this government hasn't done something in day care.

What I am trying to suggest is that the Minister has oversold a program when they allow people to start day care centres with community boards just the way they want it, non-profit, doing everything that they should, keeping all the regulations in every way, and yet there's not a handout to help.

If there is not going to be any help for these boards, wouldn't it be better when they come to find out the regulations, to apply at the beginning, that someone say to them, look, you'd better hold back because if you can't make it, we can't help you until year 1990.

I'm not suggesting that they have to fund everything, but don't encourage people to get things started, to have families put in disarray, because when you've got a number of parents who are depending on day care, who have worked their hearts out to keep a day care centre, to get it started, to get it going, there has been a great commitment there. They're out trying to fund raise. This is difficult for these people, because in most cases both are working, that's why they need day care.

What I am saying is don't encourage then this type of thing to happen where you have - what is it? - 69 or 59 children - 52 children and their parents in jeopardy of having their day care pulled out from under them. Better that they knew at the start what was going to happen and maybe hold off this endeavour for a couple of years until there is a program or something that could help them keep going.

I am not for one minute suggesting that the government can fund everything. We know they can't. Of all people, we know that that can't happen, but this government persists in saying yes, we can. They promise 4,000 spaces and now it's going to be a hope.

So I just ask the Minister if there is just not a way to then do something about a board, about parents who are going to start a community day care centre, who must have had the feeling, they must have been encouraged in some way to make them feel that they're going to get these spaces. If they were not - I see the Minister shaking her head - then they should have been discouraged from starting the centre in the first place if they were going to be forced to go under without government help.

**HON. M. SMITH:** Mr. Chair, the many centres, many groups come to the day care office and they are given the facts of funding, the economics of day care, the length of the waiting list, the likelihood of them coming on stream and when. The legislation is permissive, but they are given accurate information. Many of them

believe that somehow if there is a need, and that there are people out there with money in their pockets, that somehow there's a magic match, and that somehow the business system will work out and they'll be able to break even or make a profit.

We give them the facts of the economics of day care and do not encourage. As a matter of fact, we have actively discouraged some until they could guarantee funding. But we do not stop them from going ahead if they believe that they can make the standards.

In the case of the Learning and Growing Centre, it was formed by parents who were afraid that a nearby commercial centre that many were using would close. We counselled them not to open before they had funding. So that's in direct opposition to what the member opposite is suggesting. We counselled them not to do it until they had funding because we've had enough experience with the economics of day care, and we know the kind of problems that centres run into, when they go ahead without a full understanding of the economic hurdles that they're going to face.

So in this case, we did not encourage them; we actively tried to discourage them until they came on stream for funding. But they are on the list and will be given full consideration for this year.

**MRS. G. HAMMOND:** I wonder if the Minister could indicate if Sir William Osler Day Care Incorporated - there are two centres, one on Grant, I believe, and one on Elm Street - what is the status of these two centres, as far as funding is concerned.

**HON. M. SMITH:** Mr. Chair, neither of them is funded at the moment. They will be considered along with all other centres. We are working on the prioritization at the present. In due course, we will announce to the centres which ones have qualified for funding.

**MRS. G. HAMMOND:** Mr. Chairman, when the Minister has the spaces allocated, would she please make a copy available to the House.

**HON. M. SMITH:** Yes, Mr. Chair.

**MR. CHAIRMAN:** The Member for Riel.

**MR. G. DUCHARME:** Thank you, Mr. Chairman. First of all, I'd like to just make a couple of comments in regard to this section.

First of all, it concerns me that there's several private day care centres out there. I know the Minister is aware of one because during the election of '86 the Minister was involved in a debate at a particular day care centre on Arden Avenue, that was probably built in the last three or four years. It's probably built second to none. I know all my term on City Council, she built it during that term, and she abided by all the regulations, and it is a first-class, first-run type of operation.

To the Minister though, I would like to ask several questions that have come to mind. First of all, it's been expressed by the Minister, the low wages by the day care workers, and my first question to the Minister is: If they are so concerned about the wages for the day care workers of Manitoba, as stated many times by the Minister, why not bolster the salaries of all day care

workers? Let's include the private through the Salary Enhancement Program and Grants that she just has announced.

**HON. M. SMITH:** Mr. Chair, with the responsibility of articulating public policy in the day care field, it's our experience with day care that the costs of a quality day care are considerable. The challenge to get adequate trained staff and pay them decently is so great and the difficulty of getting extra monies at a time when both Federal and Provincial Governments are struggling with the deficit problem and changing economic times means that, in our opinion, it is inappropriate to divert very scarce public funds into profit-making centres. We believe that centres need every penny they can get to meet the basic needs of the children and to pay the staff adequately.

We don't believe that the profit motive is appropriate in this area. It's a question of dealing with vulnerable children, trying to ensure minimum standards and quality, and we have stated publicly that although we will permit profit-making day cares to operate, provided they meet the licence, we will not encourage them and we will not put public money into them, because we don't believe that is the appropriate or effective way to promote the development of the day care system.

That issue has been debated a great deal in other provinces and at the national level. Again, I can't predict which way the national government is going to go in this regard.

All we know is that as the experience with day care has been developing, that we, not only us in Manitoba, but other provinces, are having trouble with the quality standards in the profit-making centres and there are a lot of provinces really questioning whether it is appropriate to encourage the profit-making sector in the development of day care.

**MR. G. DUCHARME:** This particular day care, and as she appreciates, and I know she was there - all I'm saying is there are some day cares out there that are probably running a first-class operation and I can tell by the comments, and I know that you're not doing anything to encourage them to keep operating, and some of these are family-run day cares and run by very, very fine people who have the utmost of the children in mind.

Rules are being changed. I know this particular one has probably gone from about 100 children down to 80 because different rules were changed and she's having a difficult time operating.

My next question is, and I'll follow up again: Why would you place the money in the hands of two organizations - MCCA, \$50,000 and WATCH, \$10,000 - and not use that money to help again all day care workers instead of only the ones the government deems to be worthy?

**HON. M. SMITH:** Mr. Chair, the rules did change in day care in Manitoba in 1983 with the introduction of The Community Child Care Standards Act. The reason the rules changed was the growing concern that we had a new social program developing that had our most vulnerable community members, young children, involved in many hours of care away from their families,

and that there was a need to provide some minimal protections for them.

That particular act was consulted very, very widely throughout the province, with the day care community, with parents and so on and interested groups, to develop those standards. When they were put in, they were put in to ensure that, as we build the system, as we intend to keep building it here in Manitoba, we could build on a firm foundation. Other jurisdictions have gone holus-bolus in another direction.

I don't always like to make provincial comparisons, but sometimes they are instructive. Alberta, in its days of much greater fiscal freedom than they currently have or that any of the rest of us have ever had, went very heavily into the promotion of profit day care. As a matter of fact, they had an extremely rapid expansion. What they didn't expand at the same time was their office of coordinators, the very people who were to inspect and ensure that minimum standards were being met.

There have been studies. Professor Bagley from the University of Calgary made a notable study where he deplored the standards that represented what was actually happening in many of those centres. Many of those centres have lost the confidence of the parent groups to the point now where some of them have up to 25 percent vacancy rates. Parents do not have confidence that those centres are adequately run and operated to protect the well-being of the children. So, yes, the rules have changed in Manitoba, but I think they were changed in a responsible way with the best interests of the children in mind.

When it came to granting monies to MCCA and WATCH, the policy we used was that those were the groups that represented the organization that had membership of the centres and the family day cares. It's true that there has been an organization, I think, developed for profit day cares, but I question whether it would have been wise or even honest of us to promote that organization when, in fact, we have charted a course for day care in Manitoba that, although all day cares must meet the provincial standards, when it comes to funding from the public purse, only the non-profits in future will be funded. I think it was a responsible action.

Again, the member opposite may disagree and I respect that disagreement, but I think it's our responsibility to develop a coherent policy, to articulate it and then to abide by it.

**MR. G. DUCHARME:** Again, in the announcement of May 8, there was the mention of the handicapped and emotionally involved children. There's also this type of children that are involved in the individually owned day care centres and especially some of these day care centres that have equipped themselves, when they were built, to be able to handle the handicapped. Why do they not qualify under this program, and why would they be treated any differently and not be involved in special grants?

**HON. M. SMITH:** Again, the policy that I've articulated is that there were some profit-making day cares that did get public funding prior to the introduction of the new act. We grandparented those centres and continued to fund them so that they wouldn't have a

complete change of the rules of the game. But we agreed at that time that, in future, we would not fund for profit centres.

Now we would facilitate, if commercial centres - and in fact one did do this last year - if they choose to convert to non-profit parent boards, and they could then hire the executive director on staff and that person could then receive a salary, they could then qualify, as they got to the top of the qualifications for funding, for a salary enhancement. But if we had spread the Salary Enhancement Grant right across the whole system, we would have ended up with \$35 per worker per year, and we would not have recognized the new training, the achievement of standards and the development in the non-profit area.

It has been a conscious policy choice, clearly articulated early on in the development of the system. Many other systems have developed where there's been a mix of non-profit and profit, areas like guest homes or personal care homes but, even there, there's a lot of question as to whether the profit pattern is the most effective way to operate. Where it's entirely private funds, perhaps an argument can be made for those continuing if they meet minimum standards. But it's our belief in the day care area, particularly because people have children when they're young and even the people who, over time, perhaps earn fairly good salaries, they generally are at the lower end of their earning power when they have young children. So our assessment of where the bulk of the need is for child care is in families with middle to low income.

That's why, all things considered, the cost of child care, the need for quality, the desirability of having the parent boards, the inappropriateness of non-profit, the need for adequate salaries and so on, we believe the most responsible way to allocate scarce public funds is to direct them to the non-profit centres. Every centre out there knows that's the policy, so they can't claim that they've gone into it without knowing.

Some don't believe that they can't operate on a profit basis. They believe the small business ethic, if you run a place well and are conscientious, somehow there should be a profit. But the problem is that the people who need the service don't always have enough money to pay for it. It's sort of like the problem we run into in housing, where a lot of people are poorly housed because they don't have enough money to be able to afford what the market costs are. That's why the whole rationale for some publicly subsidized, promoted, lower-cost housing. In many ways, we're dealing with a similar problem as we're developing the day care system.

**MR. G. DUCHARME:** Before I go on to the next question, it's unfortunate that we have disabled children and handicapped who are now involved in the process of whether you make a profit or not and they get involved in that fiasco. It's unfortunate that we have disabled children and handicapped who are now involved in the process of whether you make a profit or not and they get involved in that fiasco. It's unfortunate.

One other question in regard to the evaluation check-off list that the system uses right now, apparently the coordinators come in during the day and they do an evaluation of the day care centre. They take notes, etc.,

and then they come back probably six to eight weeks later with a little report card. Even in the education field and most other fields that operate today that want a true evaluation, before they leave the site that day, they show the evaluation report and the notes to the individual who is concerned, and have them take note and sign it before they leave.

Can the Minister tell me why, in the process of evaluation of day care centres, do they not follow that type of procedure that's very normal in both business practice and in a lot of the other practices publicly?

**HON. M. SMITH:** Mr. Chair, we'd be glad to look into a particular case if there is a problem, because the process that we are expecting to be carried out, as I say, we believe it is always carried out. But if it's not, we would like to hear.

The check list is carbon copied at the centre, so the carbon copy is left at the centre before the coordinator leaves. That's our expectation. Then a follow-up letter would be sent and a meeting arranged. If that has not been followed in this instance, we would like to hear about it and we will look into it because we agree that - as a matter of fact, that's one of the important developments of the coordinating role, that they have been perceived - and I think partly because of the very fine leadership that they've had in developing the program. They do see themselves as helpers, helping the centres to develop, as well as monitoring that basic standards are met. They're a fount of helpful ideas as to how certain minimum standards can be achieved. So they very much see themselves as assisting in the development process.

**MR. G. DUCHARME:** Mr. Chairman, I notice the report card system in the Licensing Manual that's supplied to the day care centres. In some cases, a report card is not handled that way.

One I'd like to ask, the last question and one comment, could the Minister tell me, in the joint use ventures that are being done through the schools, who will be the one who'll be going over and figuring out the sharing of costs that are involved in the buildings, the heat, etc., when you have a joint use venture? Is there a board set up that will be sitting with the school boards to study the costs, janitor fees, etc.?

**HON. M. SMITH:** One of the terms of the joint project is that the School Finance Board is responsible, with the agreement of the local school board, that the capital structure be put in. From then on, the operating costs are the responsibility of the board, the parent board that we will help develop around the centre and ensure that the operating costs are covered.

There will be a negotiation which we can facilitate, if necessary, between the board and the school to see that there is no cross-subsidization. I know that was one of the real concerns of Winnipeg No. 1. We met with the board and clarified to them that we did not intend for there to be cross-subsidization, and we recognize that there were certain utility costs and even possibly a minor administrative cost that might be involved. We had full intention of those being prorated to the centre. At the same time, we had no intention of cross-subsidizing the operation of the school, so it

will call for some fairly tight negotiating. But there are techniques for sorting that out, the cubic footage or square footage.

I just wanted to comment though on a point you made earlier, again about "the report card." It is meant to be an aid to assist the centre to meet the standards that are important for the children. So I'm not sure what connotation a report card has to the member, whether it's something where they tell you what you've done wrong rather than what you've done right. Our view of it is that it's a progress report that identifies whether they've met the minimum standard or have things yet to deal with, or, in the rare instance, whether they fall below.

Just another comment, you threw out the idea that the handicapped children are somehow disadvantaged because of the system that we are using. Our whole approach in dealing with handicapped children is to gradually give them these kinds of supports in day care centres, as the education system is doing in the schools, but we can only expand our support for the handicapped children at a certain rate.

In fact there's now \$1.4 million going into the special needs part of day care. Again, we can only expand the program at a certain rate. We have not universalized it to all handicapped children, and it would be irresponsible of us to have a program of that sort that wasn't hedged around with the necessary protections and criteria. So in a sense, we have to have some consistent approach to these issues. We have said that we are not funding the profit-making centres, and we're consistent on that.

**MR. G. DUCHARME:** The only reason why I mentioned it is, when you have emotionally involved children and handicapped children that have been at a day care for a while, it's unfortunate that - and I don't blame the parents if they find another way to be subsidized. There's the problem where the children get involved, and they get quite familiar with the surroundings and they have to be moved. All I was saying and trying to point out is that it's too bad that they are involved in that controversy about whether someone's making a profit at a day care centre or not.

Just in closing, I'd just like to make some comments that I, for one - I know the Minister, by a note that came out just recently on May the 8, comments from the Minister of Community Services that she wasn't particularly pleased, and I know the position of the government in regard to the federal position on this. I, for one, am very happy with the federal report. I feel that they've done a very, very thorough study and a complete report taken many times involving many people across Canada.

I happen to know one person individually very well who sat on this particular committee. I'm glad that it only took a year to complete, because it was a very complete report and a very complex study. I guess my reasons for probably - I have completely got all the facts on the report, but I guess am like a lot of parents. I'll have the right, under the type of indications, to pick and choose where I want my child to go.

I thank the Minister for her time.

**HON. M. SMITH:** Mr. Chair, I guess some people will like the report of the Parliamentary Committee on Child

Care and some will not. I would like to point out to the member that one of the people who has already commented that he found the report not terribly helpful was the Federal Minister of Health and Welfare, who is the Minister responsible for actually implementing a new day care thrust.

So, again, I think my assessment of that report was that they tried to smatter a little bit of help across the tax system to people at home, to people using centres, to the centres; but so little in each instance that they didn't significantly alter the economic situation. And I think that's why the critics are really coming out so hard on that report. It tried to be all things to all people, with the result, I think, that its recommendations, if implemented, would really have a minimal impact on the total system.

However, the Parliamentary Committee Report, and the Federal Minister's recommendations are two different creatures and we still live in hope that, after the intensive consultations - I know we had a very thorough presentation here with federal staff - after that country-wide process, we are still hopeful that we may yet see a really helpful initiative at the national level.

**MR. CHAIRMAN:** The Member for River Heights.

**MRS. S. CARSTAIRS:** Thank you, Mr. Chairman.

Before I get into the actual questions, I think, that there are some statements that have to be made about day care. I don't think there is anyone in this House, including the Official Opposition and myself, that does not recognize that we have a very good day care system in Manitoba.

Whether we should be subsidizing children who are placed in private day cares - which is certainly, I think, the opinion of this side of the House - or not, is a matter of policy issue; but, the day care that we have is perhaps the best in the country, but that is no reason why we can't make it better. No reason why we can't make it more flexible and why we cannot make it more attuned to the needs of parents within our society.

The Minister obviously was unhappy with being chided about the 4,000 day care spaces that were promised in the 1986 election campaign, but I think, Mr. Chairman, the government has to accept the fact that they did not make that promise with strings attached. They did not say, provided they got federal funding; they did not say, provided we can change the income tax laws; they did not say, it was targeted. They promised 4,000 day care spaces - first-class campaign promise.

Now, they have to date, according to my records, met about 1,125 of those spaces, but we are already two-fifths of the way through the mandate, maximum mandate, and I want to know from the Minister if it is realistic to assume that Manitoba parents will have available to them, in 1990-91 the 4,000 day care spaces promised in 1986 by this government?

**HON. M. SMITH:** We are going to keep working on it. We have to build up on the training side. The breakthrough on the capital with the Public Schools Finance Board has been a major breakthrough. The fact that there has been an increase not only in funded but in unfunded day care spaces in the past year

indicates that we haven't squelched the development of the unfunded, but they have tended to go in a complementary direction, more in the nursery school direction and school age rather than in the full-time preschool, and that may be a pattern that holds some promise in the future.

Mr. Chair, many programs I've been involved in go through developmental stages. They don't necessarily go in their delivery at the same rate year-by-year. Again, 4,000 is the target. Yes, we aren't exactly two-fifths of the way through that, but the effort is very substantial and we've been putting in place some of the underpinnings that are going to be necessary, the capital and so on, the training for continued progress. So I haven't given up hope on achieving the entire promise, nor would I retire in absolute guilt and confusion if we don't get quite that far.

I think our rate of improvement is very significant, and when you match it against what is going on in the rest of the country and the general fiscal and economic climate, I think you can really see that the effort is remarkable indeed. I expect we will continue on that path at an accelerated rate.

**MRS. S. CARSTAIRS:** Mr. Chairman, at the present moment it will be possible, according to the new fee structure announced on May 8 to charge a parent a maximum of \$13.20 per day for a child in publicly funded day care.

The statistics that have been given to me however would indicate that with Salary Enhancement Grants, and with supply grants and maintenance grants, the actual cost of a child in day care is somewhere between \$23 and \$25 a day. Can the Minister indicate if that is the same kind of information that her department says it costs to keep a child in a public funded day care?

**HON. M. SMITH:** The average figures we have is for infant space, between \$25 and \$27 per day; for two- to five-year-olds, the average is about \$19.00.

**MRS. S. CARSTAIRS:** Can the Minister tell the House if any consideration has been given at all to those families that could in fact afford the \$19 for the two- to five-year-old or the \$25 to the \$27 per day for the infant, and I'm talking about examples of two professional parents of a child? Has there been any thought given to in fact charging those individuals the actual cost of the day care and using the money gained therein to provide additional subsidized spaces for those at lower income levels?

**HON. M. SMITH:** It is an issue we've talked about and explored how it could actually be carried out. The needs assessment that would be required of all the families using the day care would immediately double the workload that we had. There is a question of stigma, I suppose, when you're using the needs test, although we have for the families that qualified for subsidy, there is a procedural process that they must go through.

The experience in Alberta where they tried this pattern, is that the middle-income families dropped out because although on a sliding scale it looks like the people who are just above the subsidy level should be able to pay the whole amount, in fact, there's probably

a group there that find that extra charge difficult to achieve.

At the moment we are favouring a tax regime which is progressive in terms of recovering more money from the middle-to-upper income and redistributing it through a mixture of grants, capital and subsidies and so on to the families in day care. We have looked at using the Canada Assistance Plan to a greater extent because the Hon. Mr. Jake Epp has criticized some of the provinces for not using the Canada Assistance Plan to the full.

Currently the upper limit which you can get cost sharing on family income base, goes considerably higher than what provinces like Manitoba are using, but there's a reason why we're funding day cares the way we are. It's because although if we did use that Canada Assistance Plan to the full, we would be able to spread the money around among more families, but the impact on an individual centre would be such that they would not get enough extra money to meet their costs, salary, equipment and so on. So the centres would be poorer, although more families would get access to care and it's been our commitment to quality and adequacy in the centres in Manitoba that has led us to use a combination of family subsidy and special grants to the centres.

**MRS. S. CARSTAIRS:** I'm sure that the Minister is aware that a child that costs parents \$13.20 a day or \$264 for a 20-day month, or in fact \$3,168 for a year, for a family in the upper income level, where they can make full claim for the child care tax credit deduction of \$2,000, is paying the grand sum of \$1,168 if they have their child in a publicly funded day care. And many of those parents do just that and I agree with the Minister that we should indeed have a mix within our day care system so that there are children from all socioeconomic groups.

But until such time that we can in fact provide universal funding for children in day care, it is entirely inappropriate that individuals at higher income levels, be subsidized in day care, at the same time denying spaces to individuals who have limited means within our society. And if the Minister's concern is that in Alberta it didn't have enough flexibility to meet the needs of the middle-income earners, then there is a very simple solution to that - build in more flexibility in a program that would be put into place in Manitoba.

**HON. M. SMITH:** We have looked at this issue and, again, probably will keep reviewing it but the problem we keep running into is that the breakeven point at the moment above which a family of two parents and two children would not receive any subsidy is in the \$32,000 range. Given today's costs, that family, or up perhaps to the 40-or-so-thousand, may find that additional burden quite onerous; and, as I say, in Alberta, it's been enough to move them out of the day care system.

As I say, between dealing with the fairness issue on the income tax side, as distinct from the access to day care side, I know a point can be made of doing it either way. I think the problem is that it's the people who just miss the subsidy who often end up with the real distress, because it probably happens to them in a variety of

areas, and there is that risk of losing that middle group. As I say, it's not an issue which we have put to bed forever and a day.

We have made a sawed-off policy decision for the time being, but it's something we will be returning to look at again and again. One thing that we'll be watching is the type of tax regime that's introduced federally, in terms of recognizing family costs, tax credits and so on, general tax rates, the extent to which all the loopholes and tax expenditures and deductions and so on are removed so that we do, in fact, have the potential of a progressive tax system.

So, again, I'm not unmindful of the issue that the member raises. It is something that we will be reviewing annually.

**MRS. S. CARSTAIRS:** I'd like to deal with a couple of other, what I see as lack of flexibility, in our rules and regulations regarding day care.

I was approached not too long ago by a young woman, who has two children in day care, one an infant. Because there is no infant care available in publicly funded day care, she must, in fact, put her child in a privately funded day care centre.

The second child is in a publicly funded day care. If both children were in a publicly funded day care, she would, in fact, receive a subsidy. Because one child has to be in a private funded day care, through no fault of the mother, she ends up receiving no subsidy.

Can the Minister explain why this kind of thing can happen and what we can do to change it?

**HON. M. SMITH:** What we can do to change it, is to get enough day care.

If we didn't have such a low base to start with, of funding, and again the funding that the Federal Liberal Government put in was very much a welfare type of cost sharing through the CAP system. They did not develop a national day care thrust, and again, I don't say this with any idea to blame particularly, other than to spread the responsibility for the current state of underdevelopment of the day care system.

There was not any major initiative, although the program did start to develop under the Federal Liberal Government. The program came to, not only a dead stop, but went into reverse for three years when the Progressive Conservatives were in power in Manitoba. That means when we became the government, we had to start really with a very low base. Now, we've been trying to build the system, we want to build it fairly and according to safe standards. But you cannot go from a low base to a high base in one jump, and you can't deal with all the anomalies within a family.

We've tried to build a lot of flexibility into the system. The only thing that is finally going to make the type of difference to deal with all the family anomalies is going to be enough spaces to deal with the needs of all the young children.

It's too bad, as a society, we didn't have a quicker response mechanism to changing social patterns, but we always seem to be running to catch up for things that people, several decades ago, could predict. But we seem to have to be into the soup before, as a society, we suddenly realize that if we don't do something about it we are all going to go under. That, in a way, is the situation with day care.

But, you know, the other thing is, I think the awareness of the public, the readiness to take a big step forward and go for a national program, I don't think has ever been better. I do wait, with great anticipation, to see what the Federal Government is going to do.

I would like to sort of toss out one query. I don't know whether it's fair game in this forum for me to ask questions in reverse, and if it isn't I'll make it as a comment. But I know the Leader of the Liberal Party in Manitoba has taken a position on day care that, to my mind, is in opposition, direct opposition, to the position taken by the federal Liberal Party, which has come out strongly saying that federal funding for day care should be provided to non-profit and public services only; whereas, I do recall, the Manitoba leader, in the election campaign, coming out very strongly for support for profit day care. Now, again, she doesn't have the responsibility for implementation, but I do just point that out.

I think what we've been trying very hard to do, through our act and through the way we're building the program, is to state our rationale and our policy direction very clearly, and to try to build as much flexibility as we can, but there will not be the full kind of flexibility that the member would like to see until we have built the system to a much greater extent.

There are, by the way, 80 new infant spaces scheduled for this year, so we may gradually see the elimination of the problem that she raised.

**MRS. S. CARSTAIRS:** First of all, let me make it perfectly clear that the federal Liberal Party is in favour of universally accessible day care and my position has always been that it is the child that I would like to see the subsidy go to, not the day care centre. I am not concerned about the centre per se, nor would I provide them with maintenance grants, nor would I provide them with Salary Enhancement Grants, but I would provide subsidies for children, because that is, after all, who's in care.

The issue still remains. If this woman, whom I use in this case, had twin daughters who were two-and-a-half years old, she would have subsidies but, because she has one daughter that's three and one daughter that's one, she's not entitled to subsidy. And I don't understand that entire lack of flexibility. If she's entitled to day care for two children, why is she not entitled to a subsidy for that child who is in public day care, provided that she can prove that she has another one in day care, who is in private care, not by choice, but because she has no choice?

**HON. M. SMITH:** Well, I go back to the fact that when there is enough money put into families and into day care systems, then a lot of these problems don't exist. Whether the subsidy goes to the child, or the family, or the centre, if the total quantity of money is not adequate, then you can share the round absolutely equally, but if there is not enough it won't achieve any development of effective day care.

Now, in the whole area of day care, 10 or 12 years ago, there was an argument that perhaps there shouldn't be any, except for those few little waifs for whom there was absolutely no other option.

In today's world, people are saying there should be day care for everyone, but until fairly recently there

really wasn't any acknowledgement that we could provide good effective care that was healthful for the child, for infants. That's a relatively new development. Now you can look at this family another way and say that 10 years ago she would have had help with neither child. Now there is something available for one and, over time, there will be more infant spaces.

The care of infants is a labour-intensive, difficult and demanding task, and I think it would have been remiss, would still be remiss of us to move into infant care before we had the adequate standards in training. If we start making exceptions for each family, again it leads you down a path where it's very difficult to create standards. One of the factors that seemed to be most significant when we looked at the standards was that the age of the child had a lot to do with the number of staff they needed and the type of training they needed.

In a sense, we are treating all families equally in that we aren't giving any advantage to a family who has a particular mix of age children. But in the long run, the only way to build equity into this system and full flexibility is when we get enough total dollars into it. We are not there yet.

**MRS. S. CARSTAIRS:** Let's take a look at another problem which requires some flexibility and one which I've raised with the Minister by letter, and that is with regard to the child who spends alternate days in a rural kindergarten.

That child, by our regulations, cannot be regarded as a child who is a school-aged child. That child, in my opinion, fits two categories. On the day when the child is not in school, that child is indeed a preschooler and should in fact be treated as a preschool child and therefore be asked to pay the preschool rate.

But the child who is in an all-day kindergarten, and it happens primarily only in rural Manitoba, and who must go to the day care after school in exactly the same way as the Grade 1 child goes to the day care after school, remains at the day care perhaps for an hour, perhaps for an hour-and-a-half, and is then taken home, must pay a full half-day rate, whereas the child who is just one year older only has to pay a school-aged child rate. Now surely we could change the regulation to say, very simply, that the child who is in an all-day kindergarten and who goes to the day care for after-school care is, for the purposes of this regulation, deemed to be a school-aged child.

**HON. M. SMITH:** Mr. Chairman, there's a long answer and a short answer. The short answer is that the day care centre has quite a lot of flexibility in how they count the number of children and the hours they stay and the way they set the fees. In fact, that particular centre and that particular child situation, the centre had chosen to put a relatively low fee on the school-aged child and a relatively high one, almost at the maximum, for the preschool. But had they charged up to the maximum for each, the differential would not have been that marked.

Again, one has to set the standards according to some criteria. They are set according to the age of a child and the hours of care required.

Again, this centre could have had a much closer and therefore more equitable charging pattern, but they

chose this other pattern and therefore this particular woman found herself in that situation, but the main remedy is available at that centre. We regulate the upper limit, not what the actual charge is, and they were actually charging much much less for one group.

As I say, I suppose over time total flexibility might be a goal, but when you're building a program and you know that the demand is going to be way ahead of what you can supply, you have to have some cutoff points and it's always going to pose a hardship on someone. There's one person who's just going to make it in, and one who's just going to be out, but if you have too wide a band you're going to have discrimination, favoritism, and you'll have a worse problem.

Again, over time, I think if we get this system to a mature state where the supply more or less meets the demand, there will be a possibility of considerable more flexibility, but I don't think it's been unwise to try to have fairly clear guidelines at this stage of development.

**MRS. S. CARSTAIRS:** I just want to bring up one policy issue, Mr. Chairman - and I was struck, and I suppose because it was somewhat unexpected - that the number of women who appeared on the CBC program on day care, in which the Minister also participated, seemed to be very, very concerned about the rights of the women who remain in their homes, or the rights of parents who remain in their homes, although I think for the most part they are women, and are raising the child and have made the choice to give up, in some cases very large incomes in order to remain in the home.

There seems to be a decision made by goodness-knows-whom, that all those people are very wealthy. This program clearly indicated that those people were not wealthy, that there are many women and men who are making the decision and making substantial financial sacrifice because they believe that while their children are preschoolers, one or the other should remain in the home and raise that child until that child goes to Grade 1.

We seem to be as a society, both at the provincial and the federal level providing very little aid and assistance to these particular women and men who decide to stay at home. And I think that that segment of our population is getting very angry. They're getting angry because they feel their work is devalued; they're getting angry because they are frequently the one who end up being the class parent and making the cookies; they are angry because they are the ones who run the Brownie packs; they are angry because they are the ones who become the fall-in babysitters when other babysitting arrangements fall down and the neighbour next door needs an instant babysitter for their child. And I'm wondering what the position of this Ministry is going to be with regard to discussions at the federal level, with regard to additional tax breaks for the parent who remains at home and raises the child.

**HON. M. SMITH:** Mr. Chair, again, I thought the tragedy of those particular programs that were held, and again, they had many fine points, but the thing that really disturbed me was the - perhaps in the interests of generating an interesting program, I don't know - there

seemed to be almost an attempt to have a dramatic confrontation between women at home and women at work, and also between older women who had done it a certain way - and I count myself among one of those. When we had children, it was the accepted pattern in the circles in which I moved, it was also post-war, and there was a great desire to recreate the family and preserve its integrity. In fact, there was a great exodus of women from the work force into the home scene, and that was appropriate for that time and place.

But even then not all women had the choice, particularly sole-support women or women from very low income families. Today, I think one element that the women's movement, certainly in my experience of it, has been working for is choice and variety - choices made by the individual woman and her spouse for their particular situation and choices to either raise their children with one spouse at home, both spouses half time, or both spouses at work and using some form of alternate care.

The question of building in equity, I think there are many elements, many strands. There's issues of pension; there's issues of time out of the work force; can you compensate people for lost seniority, lost experience, lost credentials if they should want to re-enter the work force? There's questions of all the work that women have done in the family and the community for free that now is often being demanded to be paid for, often out of the public purse - care of the elderly, care of the disabled, as well as care of young children.

And I think the overriding things we have to cope with are what kind of a society do we want? Do we see one pattern for everyone? If we don't, if we see a variety of patterns and recognize the right to choose, then the question rises as to how do we build adequate economic security and compensation to people, according to the different choices they make.

I think that women who are at home, many of them choose it because they believe that that's the path and are prepared to make some sacrifice, but would be, I think, most appreciative if there were some kind of pension rights. I think the Family Law changes did start in the right direction, they said, at least, whatever a family accumulated during a marriage was to be deemed equally owned by the two spouses, regardless of whether their contribution was in the home or as the breadwinner, or any and all combinations thereof.

So I think what we are dealing with is social change, people in different life situations, and also, without calling it a class system, at least we have to acknowledge that individuals and families in different income brackets do have different ranges of choices. The people in the bottom fifth, if you like, of the income distribution have many fewer choices, many fewer ways to arrange their lives and, as you move up the ladder, I think there are progressively more choices. So I tend to believe in choice and couples having a right to try to raise their children the way they think best.

But by the same token, how the wealth is awarded to people, whether it's in salary or tax credits, or how it's taken away from them in terms of taxes, those are the issues that I think are fundamental and that's why, as a party, we keep harking back to whatever we do in terms of special programming - Medicare, special needs and so on, day care - that underlying it all there's a question of how the wealth of the country is both



developed, because there are many kinds of wealth in this country that need development and that can be counted as production, but also how the wealth is distributed.

That's where I think a progressive tax system that does reduce the poverty at the lower end and takes away some of the surplus wealth at the upper end with appropriate adjustments in the middle is the underpinning against which we should measure all these programs.

So I don't think we should ever try to present the question of women and day care and who pays and who is cross-subsidizing who apart from that broader context. To me, it was tragic to hear women at home being played against women at work, and scrambling as to who was cross-subsidizing who. I think it's important to look at those issues, but in a context that includes all men and women, deals with all the poverty, income and wealth issues in a total picture, and tries to find ways to support the healthy raising of children and healthy family life within that context.

**MRS. S. CARSTAIRS:** I realize the Minister doesn't have to answer my question. She certainly didn't, because what I really specifically asked her is, as the representative of this government in negotiations with the Federal Government, will the Manitoba Government be supporting some form of tax break for the parent who remains in the home to raise the children.

**HON. M. SMITH:** Mr. Chair, in the context of a National Day Care Act, we've asked for a full range of family support services as well as day care. In the context of the overall tax reform system, we have asked for a system of tax credits and wealth redistribution that includes the woman at home. In discussions on homemaker pension, we have promoted the notion of looking at care of an elderly person, a disabled person or a young child as providing a service to the community for which the person should get some kind of compensatory support when we're looking at pensions and so on.

But then in the question of who should pay for pensions and who should benefit, that's when we look at the broader issue of progressivity versus regressivity, and who contributes and who benefits. Those are exactly the lines we've been taking at all these federal meetings.

Now as I said that night at the forum - it was not one of the parts that was picked up in the national program - but I said that if there was enough total money put in via tax credits and to support day care so that those kind of equities could be achieved, then I would support both because I thought both were needed. But if, when we're talking about day care, we dissipated the thrust on the day care by trying to put a smattering across the whole, too little money spread too thin, we would neither solve the problem of inadequate day care funding or significantly help the woman at home.

The Parliamentary Task Force Report suggested \$200 per year for the woman at home and \$900 per year for the person who was going to use day care. Now right there, there is an inequity, but I wouldn't say no to helping the woman at home.

I guess we have to focus on what it is we're trying to accomplish. It's not a substitute for funding the day care system adequately. But if we can get both, get more tax credits and supports into families, particularly where there are young children, and if we can also build up pension rights for time spent out of the work force looking after a senior or a disabled person or a child, so be it. I think that's a great achievement.

But I think the risk is that the argument of putting money into the family at home gets confounded with the day care discussion and we may end up with not enough money on either side to generate real improvement. That's the fear I have. I'd like to see a great deal of wealth redistribution so that the women and children, especially in the child-bearing function and the important years for the woman, and indeed for the father if he chooses to be the primary care giver, got a great deal more of the public pie.

**MRS. S. CARSTAIRS:** Mr. Chairman, I'd really like to leave it with a bit of a rhetorical question and I'm not convinced that I know the answers in this particular area either.

If you have two preschool children who are over the age of two and you have them both in day care and they're both subsidized, we have a society that presumably could be paying \$9,120 a year to keep those two children in day care. Sometimes one has to wonder how many parents would take the option, to get the \$9,120 and have one of them remain at home.

**HON. M. SMITH:** I know, Mr. Chair, it's probably not a good tactic always to try to get the last word, but let's try and put it in perspective. We've had unpaid labour in the home for many, many, many years. Nine thousand dollars for the care of a child in its waking hours is cheap compared to what that service is worth in an overall set of human values.

The problem is that kind of work in our society has never been acknowledged or rewarded, and we talk a lot here about wealth and we talk about tax rates and we talk about declaring what we own and what we possess, and do we remember that, for many people, the vital contribution they've made in raising children has never been measured in monetary terms, and most of the people who've made their life work caring for children, never accumulate wealth because of that work.

That's the historical inequity and I think they're are many, many ways we have to deal with it if we can get a total redistribution of money and funds to family and the child support function and to care of the elderly and to care of the disabled, these human community issues.

If we can make progress on all those fronts, I think we will be getting somewhere as a community, but we can't isolate the issue into just looking at one child who has day care and one who hasn't, because there are many more related issues that have to be dealt with as well.

**MR. DEPUTY CHAIRMAN, D. Scott:** The Member for Kirkfield Park.

**MRS. G. HAMMOND:** Mr. Chairman, could we call it six o'clock?

**MR. DEPUTY CHAIRMAN:** Yes, certainly.  
Committee rise.  
Call in the Speaker.

**IN SESSION**

The Committee of Supply adopted certain resolutions, reported same, and asked leave to sit again.

**MR. DEPUTY SPEAKER, C. Santos:** The Honourable Member for Inkster.

**MR. D. SCOTT:** Thank you, Mr. Deputy Speaker.  
I move, seconded by the Member for Sturgeon Creek, that the report of the committee be received.

**MOTION presented and carried.**

**MR. DEPUTY SPEAKER:** The hour being 6:00 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow. (Thursday)