

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, February 19, 1990.

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

INTRODUCTION OF GUESTS

Mr. Speaker: Prior to Oral Questions, may I direct Honourable Members' attention to the gallery where we have from the George McDowell School, forty Grade 9 students and they are under the direction of Brian Hyska. This school is located in the constituency of the Honourable Member for Niakwa (Mr. Herold Driedger).

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

ORAL QUESTION PERIOD

Port of Churchill Continued Use

Mr. Reg Alcock (Osborne): Mr. Speaker, tomorrow Manitobans along with the rest of the country will receive more bad news as the Mulroney Government continues its destruction of regional economies.

Mr. Speaker, there have been many concerns raised in this House about the Port of Churchill over the last few years as the federal Government has cut back its use of that important resource in this province, and I would like to ask the Minister for Transportation today whether he has received any assurances about the continued existence of the Port of Churchill.

(Mr. William Chornopyski, Deputy Speaker, in the Chair)

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Deputy Speaker, I want to indicate at this time that this Government has continually for the past 20 months promoted the idea of the rail line to Churchill, VIA Rail, as well as the Port of Churchill, and we will continue to do so.

Mr. Deputy Speaker, I would like to indicate that we are prepared to back our record to the previous administration on what is happening in Churchill with the previous administration. The fact that these are federal decisions, we can only try and influence and bring forward the arguments on behalf of the people of Manitoba, which we have done.

Town of Selkirk Dry Dock Facilities

Mr. Reg Alcock (Osborne): Mr. Deputy Speaker, there were also concerns raised a few years ago about port facilities and dry dock facilities in the Town of Selkirk. Can the Minister of Transportation tell us whether he has received assurances about these important facilities in that community?

Hon. Albert Driedger (Minister of Highways and Transportation): I have not received those assurances, but we are still trying to achieve that.

Free Trade Agreement Impact on Manitoba

Mr. Reg Alcock (Osborne): My question is to the Minister responsible for Industry and Trade (Mr. Ernst). The year-end trade figures for the first year of free trade are in. Canada has suffered a \$3 billion drop in its trade surplus with the U.S. I wonder if the Minister for Industry and Trade can tell us what the impact of this has been on the Province of Manitoba.

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): If my honourable friend would care to notice, there has been a 9.25 percent change in the U.S.-Canadian dollar exchange rate, which has almost entirely resulted in the kind of reduction in trade balance that we have had.

Mr. Deputy Speaker: The Honourable Member for Osborne (Mr. Alcock) has the floor.

Mr. Alcock: I did not ask the Minister the reason behind the trade surplus. I asked him—

An Honourable Member: You want to make a political statement.

* (1335)

Mr. Alcock: No, Mr. Deputy Speaker, I asked him very clearly, what was the impact of a \$3.2 billion drop in trade with the U.S. on this province?—something that Minister should know.

Mr. Ernst: With respect to the Free Trade Agreement, first let me say that the average is a 1 percent drop in tariffs over the past year on 25 percent of the goods that we export. Our exports as a matter of fact have been second in the country in terms of the numbers and the volume of increase of exports we have had over the past year. That is something that we can be very proud of. Our manufacturers are adapting well, our manufacturers as a matter of fact are taking advantage of many of the opportunities under the Free Trade Agreement.

Informetrica Economic Forecast

Mr. Reg Alcock (Osborne): Yes, we are doing so well that Informetrica has identified us as one of the losers next year, and predicts we could lose as many as 20,000 jobs. Can the Minister of Industry, Trade and Technology tell us how he explains Informetrica's bleak job forecast with his rosy one?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): I think the facts speak for themselves and the facts are that we have had over the past year a 7

percent increase in manufacturing shipments, which is the second highest in the country.

Mr. Deputy Speaker, for all those companies who my honourable friend across the way talks about with gloom and doom, they have invested an increase of 14 percent of total investment in this province. In addition to that, in terms of manufacturing, which is the greatest area of concern, according to my honourable friends, under free trade, the 105 percent increase led the country.

We can have the gloom and doom of my honourable friend across the way on a regular basis but they are not part of the solution. They are the problem. We have companies in Manitoba doing the things that are necessary to create the jobs. They are optimistic and so should my honourable friends across the way be.

ERDA Agreements Expenditures

Mr. Reg Alcock (Osborne): That optimism is predicted to produce 20,000 fewer jobs next year. To the Minister responsible, again, \$242 million was set aside to fund western ERDAs in the 1989 fiscal year. Can the Minister responsible for Industry, Trade and Technology tell us how much of that money was spent in Manitoba in this fiscal year?

Hon. Jim Ernst (Minister of Industry, Trade and Tourism): As we pointed out last week, and as my Premier (Mr. Filmon) pointed out last week, those agreements are about ready to be signed. We have only a few details to finalize and we will then have the situation in place. As a result, we will not be able to spend as much money had we had those agreements some time earlier in the year.

Mr. Alcock: Mr. Deputy Speaker, an entire year minus some 30 days has gone by, and we have not seen a single dollar from those agreements spent in this province. Now—

Mr. Deputy Speaker: Order, please. I think the Honourable Member has had his last question. The last one was the last one. That is it. Thank you.

Federal Budget Transfer Payments

Mr. Gary Doer (Leader of the Second Opposition): Mr. Deputy Speaker, with the greatest respect to the Premier (Mr. Filmon), this is the second post-free-trade budget we are going to have in Canada. Of course, the Conservatives are playing it both ways. They supported free trade, which is an Americanization of our country, a leaner and meaner country with the United States. Now they are whining about the cutbacks in health, post-secondary education and regional development, all of which were predicted by many of us in the Free Trade Agreement, if it took place.

My question is to the Premier (Mr. Filmon). On November 6, we asked the Premier to get ahead of the issue of cutbacks in the federal budget. We asked the Premier to place in the Manitoba statement before

the Prime Minister, on November 6, a strong statement by the Premier on preventing health care cutbacks, cutbacks to post-secondary education and indeed cutbacks to regional development. The Premier did not put it in his statement. He did not anticipate what is going to happen tomorrow.

Would the Premier please tell us, was he assured that there would be no cutbacks tomorrow on Manitoba, and that is why he neglected it in his statement to the Prime Minister?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, I find it quite unusual that today the Leader of the NDP (Mr. Doer) is criticizing my statement of November 6. He said, at the time that I made it, that he agreed with the statement I made and he thought I had made an excellent presentation. He lauded it when I made that statement in Ottawa. Today, with the benefit of hindsight, as is normally his type of vision, he comes forward and says that I should have said something back on November 6 and that now he has thought of something I missed out.

The fact of the matter is, First Ministers throughout this country have said over and over again that the way in which Ottawa ought to control its deficit is not on the backs of the provinces. Ottawa has obviously a legitimate intent and desire to control its deficit spending, and all of us believe that is the case, that you cannot build prosperity on borrowed money, that ultimately the people of this country have to pay for those deficits. Deficits are just deferred taxes.

* (1340)

We are finding the bitter truth of that from the legacy of the NDP years, when they ran up deficits in this province of over a half billion dollars a year, year after year after year. That was the result of why taxes had to go up, to be the highest level in this country under the NDP. That is not the kind of solution any of us should seek for the benefit of the people of this province. We have indicated firmly over and over again that the Ottawa budget ought not to transfer the deficit problem on to the shoulders of the provinces.

Mr. Doer: Mr. Deputy Speaker, the Premier (Mr. Filmon) knows that our comments were comments of solidarity on the Manitoba position on Meech Lake. We raised on November 6 in this Chamber, four days before the First Ministers' meeting, that post-secondary education, Medicare and Regional Development would be cut. My question to the Premier is, is it a failure on his behalf and his Government's behalf that he did not go toe-to-toe with the Prime Minister at the First Ministers' Conference, like Clyde Wells did on Meech Lake, on Medicare, on post-secondary education, on Regional Development? He did not stand up to the Prime Minister at the time. How can he expect Manitobans to trust him tomorrow when the budget is dropped?

Mr. Filmon: Mr. Deputy Speaker, the Member was probably asleep at the time that he was in Ottawa. I am starting to second guess my decision to take the Leader of the New Democratic Party (Mr. Doer) with

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me to Ottawa. It was obviously a waste of the taxpayers' dollars, because he must have slept through the presentation. He may recall that the Prime Minister was so exercised at the comments that I made with respect to the budgetary matters and the economy, the criticisms I made about the federal Government's handling of the economy, that the Prime Minister said that Howard Pawley was a statesman. That was his response because he was so incensed.

The fact of the matter is that the New Democratic Leader has obviously not been paying attention and he need not dredge up silly arguments like that, that are totally contradictory to what he said in November.

Mr. Doer: The First Minister's statement, the one that says Manitobans are on the move but did not say where is for a public document, Mr. Deputy Speaker, and we would refer that to the Premier.

Federal Provincial Programs Departmental Memo

Mr. Gary Doer (Leader of the Second Opposition): I have a supplementary question to the Premier (Mr. Filmon). In the last three weeks the federal-provincial department of Government, which he is the Minister responsible for, has sent out a memo to all departments asking them to itemize all the federal-provincial programs, all the cuts that are in the federal-provincial programs and what impact that will have on Manitobans. Would the First Minister now table that in this Chamber so all Manitobans will be able to review the federal budget tomorrow in light of the information requested in the departments by his department?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, I do not have any such memo in my possession, nor do I have any such response. If that was sent out by members of my department then it is just a matter of their doing their job as they ought to, to prepare for the budget, because he would be criticizing us if we were not prepared with the relevant comparative information in all of that matter. We will have that information available obviously as a background to which we will compare any decisions that are made in tomorrow's budget.

* (1345)

Federal Budget Transfer Payments

Mr. Gary Doer (Leader of the Second Opposition): Mr. Deputy Speaker, the Premier is well known for his statement of, all I have to do is pick up the phone and federal-provincial relations will be solved. When the First Minister picked up the phone there was \$240 million in regional development in Manitoba. It appears now that when he is hanging up the phone there is about \$60 million. Can the Premier please clarify whether in fact he will meet the \$240 million that he inherited or will it be a cutback from that \$240 million on the basis of his conversations with the Prime Minister?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, again the Member for Concordia (Mr. Doer) would be well served to start listening to the responses that I give. That very same question was asked by his Member for St. Johns (Ms. Wasylycia-Leis), was asked by the Member for Osborne (Mr. Alcock), was asked by himself during the course of the last week. If he has run out of material for Question Period, he has the answer.

I told him that the federal Government has replaced the former ERDA system with a whole series of bilateral discussions and negotiation. They have also replaced it with matters like Western Diversification that now becomes the umbrella. We have received some \$80 million in Western Diversification compared to \$7 million that the NDP received in their first year of operation with Western Diversification. We received a \$12 million soil and water accord. We have in addition to that, of course, expectations of joint federal-provincial agreements in at least three or four or five other areas between our Government and the federal Government.

In addition to that we have \$150 million in an ERDA package that involves federal, provincial and municipal spending with respect to the Southern Development Initiative and other matters. In all of those areas the federal Government has created an umbrella that takes account of the former ERDAs and replaces it with another whole series of bilateral agreements. That is the answer and it remains the answer and will continue to remain the answer no matter how often he asks the question. I ask him now to listen to the answer so he does not have to ask the question again.

Child and Family Services Government Communication

Ms. Avis Gray (Ellice): This Government has campaigned on restoring good management to Government, but that promise has not become a reality. Child and Family Services agencies have some 40 days left in this fiscal year and they have yet to get straight answers from this Government about their budget. The agencies have been asking crucial questions about service delivery and funding issues and they have not been told anything.

My question to the Minister of Finance (Mr. Manness) is this: can the Minister tell us how his Government can campaign on good management when his Government has failed the first principle of restoring good management, and that is, communicating effectively with the agencies you fund?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, the fact of the matter is that our Government is in constant communication with agencies. There are matters that are raised time and time and time again, and we deal with those matters.

With respect to the funding for the Child and Family Service agencies in this budget, the 1989-90 budget is \$41.1 million. That represents \$7.4 million, or 22 percent over the 1988-89 funding, excluding the special funding that we gave them for deficit assistance. That represents \$5.6 million, or 16 percent, over the 1988-89 funding, including the \$1.7 million for deficit

assistance. That represents at least 10 percent more than what the agencies actually spent in 1988-89. They had been funded very generously. Well beyond what most people in society are given as increases, they have gotten in additional funding.

We have an obvious ongoing problem, but if the Member for Ellice (Ms. Gray) is advocating that those agencies ought to be given unlimited budgets, that they ought to be able to spend anything regardless of needs, regardless of means, then I have to disagree with her. That is the Liberal policy. Mr. Deputy Speaker, I reject it completely.

* (1350)

Ms. Gray: The Premier should get some advice on what the meaning of communication is.

Government Agencies Deficits

Ms. Avis Gray (Ellice): With a supplementary question to the Minister of Finance (Mr. Manness), can the Minister of Finance explain to us why agencies who have previously maintained balanced budgets are now in deficit positions this year? The Minister of Family Services (Mrs. Oleson) could not explain it because she said she was not an accountant. Can the Minister of Finance explain that to the House today?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, when you consider that the Child and Family Services agencies were given \$5.6 million or a 16 percent increase over their 1988-89 funding in this year's budget, one would have to wonder, what are the special circumstances whereby they would still run up deficits. We have, obviously, a great deal more to do. But I tell you, it is not as simple as the Liberals would have you believe.

Their view of it is that you simply back up the Brink's truck, you dump out the money and allow people to pick up whatever they want out of the money of the taxpayers. Then of course they have the audacity to suggest that they would not raise taxes. Every single dollar that they advocate spending would be increased taxes to the people of Manitoba time after time after time. That is the irresponsible attitude of the Liberal Opposition, and we hear it every day, Mr. Deputy Speaker. I think that the taxpayers are getting a little tired of it.

Some Honourable Members: Oh, oh!

Child and Family Services Deficits

Mr. Deputy Speaker: Order, please. Order. The Honourable Member for Ellice has the floor.

Ms. Avis Gray (Ellice): Thank you, Mr. Deputy Speaker. I have a final supplementary question to the Premier since he seems to like to rise to his feet. Can the Premier (Mr. Filmon) answer this question other than giving us

generic responses? Can he then tell us how he expects as a Government to deal with the problems facing the Child and Family Services agencies when his own Minister of Family Services (Mrs. Oleson) is unable to articulate the reasons why these agencies are in deficits and says she does not understand because she is not an accountant? How do you expect to solve the problems?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, among many things, we are setting up an agency relations group within Child and Family Services so that we can have this kind of in-depth relationship and know and understand what agencies are doing with the 16 percent increase in funding that they have been given.

We have set up an associate Deputy Minister, whose specialty is in areas of finance and administration, to work with those agencies to try and develop a plan of action so that they can work more closely with us to be able to live within the means of a 16 percent increase in their budgets.

We are doing that in a very positive way, not taking the attitude of the Member for Ellice (Ms. Gray) which is, simply throw more money at them, dump it on the table, let them take what they want, and regardless of the circumstances raise taxes, do whatever you have to. That is the irresponsibility, Mr. Deputy Speaker.

Seniors Directorate Role

Mr. James Carr (Fort Rouge): I have a question for the Minister responsible for Seniors (Mr. Downey).

Mr. Deputy Speaker, in its brief to all Members of the Legislative Assembly, the Manitoba Society of Seniors raises a whole series of questions about the role of the ministry and of the directorate. I quote from that brief. It says that we need clarification as to the roles of the ministry and the secretariat.

Mr. Deputy Speaker, I would like to ask the Minister responsible for Seniors, after two years of this Government, could he please explain to us and to the Manitoba Society of Seniors, what is the role of the Seniors Directorate?

Hon. James Downey (Minister responsible for Seniors): Mr. Deputy Speaker, as was committed in our throne speech, as has been committed by our Premier (Mr. Filmon) and our Government, we are embarked upon a major initiative as it relates to seniors abuse problems. We are in the process of those hearings right now. That is one of the major activities that we are carrying out.

Elderly Abuse Legislation

Mr. James Carr (Fort Rouge): Mr. Deputy Speaker, the public hearings dealing with the subject of elder abuse have been now travelling across the province for several months. The Manitoba Society of Seniors

asks another question in its brief to the Government and to all Members of the Legislature. Does the Government intend to table enabling legislation on the subject of elder abuse? Would the Minister answer that question for the MSOS and all Members of this House?

Hon. James Downey (Minister responsible for Seniors): Mr. Deputy Speaker, the Liberal Party may not think that it is a major initiative, but the seniors of this province do believe that elder abuse, seniors abuse—

Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please. Order. The Honourable Minister responsible for Seniors has the floor.

Mr. Downey: Mr. Deputy Speaker, the Member for Assiniboia (Mr. Mandrake) seems to be having somewhat of a problem over there.— (interjection)— My colleague for Lakeside (Mr. Enns) indicates we will look after his riding for him.

Some Honourable Members: Oh, oh!

* (1355)

Mr. Deputy Speaker: Order, please.

Mr. Downey: The question was, Mr. Deputy Speaker, as I understood it, will we be tabling enabling legislation dealing with elder abuse? The answer very directly is, when we conclude the meetings that are being held with the seniors organization, then an assessment will be made and MSOS will be part of those discussions.

Pharmacard System Implementation

Mr. James Carr (Fort Rouge): Mr. Deputy Speaker, I have a supplementary question to the Minister responsible for Seniors (Mr. Downey). Mr. Deputy Speaker, seniors and indeed many Manitobans believe that the Pharmacare card idea has great merit. As a matter of fact, the Minister of Health (Mr. Orchard) in this House, himself, thought that it was an excellent idea.

Does the Minister responsible for Seniors share the view of the Minister of Health that a Pharmacare card idea is a good one for Manitobans, and when can we expect its implementation?

Hon. James Downey (Minister responsible for Seniors): Mr. Deputy Speaker, I can assure you that the Conservative Party, my colleague, the Minister of Health (Mr. Orchard), when it comes to good ideas, is always prepared to listen to them and to discuss them, and I am prepared, as the Minister for Seniors, to carry that process out with my colleague, the Minister of Health.

Social Agencies Funding

Ms. Judy Wasylycia-Leis (St. Johns): Mr. Deputy Speaker, I would like to pose my questions to the Premier (Mr. Filmon). The cuts of Sterling Lyon pale in comparison to the kind of cutbacks that we have seen under this present administration. This Government is clearly doing the most harmful deed of all, and that is killing our social agencies slowly —(interjection)— water torture, as my colleague, the Member for Thompson (Mr. Ashton) has said, and doing it on the backs of children and families.

My question to the Premier is, given he has talked about the incredible increases of this Government, when in fact the overall increase to one of the agencies holding an emergency meeting this evening to decide upon that difficult question of whether or not to cut services or to draw their line of credit got an increase from this Government, an overall increase this past year of 2.8 percent, less than the cost of inflation and only a 1 percent increase in administration grants at a time when reports have indicated an increase in cases of 84 percent in the last three years and an increase of over 200 percent in child abuse cases over the last three years, can the Premier today tell us if he can leave a message, before this emergency meeting tonight, that this Government will come forward with increases at least in line with cost of living, and cover the deficits of these agencies?

Hon. Gary Filmon (Premier): Well, Mr. Deputy Speaker, I can tell you this, that the Member for St. Johns (Ms. Wasylycia-Leis) zeroes in on precisely the criticism that not only myself but literally hundreds of thousands of people throughout this province had with the former NDP administration, and that is that their major priority was administration.

When she starts to complain about cuts to administration, I will tell her that in terms of administration, this entire Government has cut back on its costs. We expect that others will take that . . . that is why we were able to increase funding for health care by 7 percent; that is why we were able to increase funding for community services by 9 percent; that is why over a period of two years we gave 45 percent more to day care; and that is why we spent 16 percent more on child and family services agencies, because we said, you are going to have to cut back on administration.

We do not believe it is a priority to set up a huge bureaucracy, to fund it with people who are involved with jobs such as political support, as they did, to fund it for jobs that they called research, research and administration. Those are not priorities of this administration, those are not priorities of the people of this province, and if they are the priorities of the Member for St. Johns (Ms. Wasylycia-Leis), she ought to be ashamed of herself. Those are not the kinds of increases that anybody in Manitoba wants to see given.

* (1400)

Ms. Wasylycia-Leis: Mr. Deputy Speaker, nothing can compare to the inaction of this Government when it comes to the crisis facing our families and communities in Manitoba today.

Child and Family Services Funding

Ms. Judy Wasylycia-Leis (St. Johns): My question is to the Premier (Mr. Filmon). He talks about communication, and such fine communication it is. His Minister, a year and a half ago in Estimates, talked about reviewing the funding formula dealing with deficits. Nothing happened—four months ago told the agencies in a meeting and followed that up with a letter saying, sorry, the review is underway but cannot be complete for another four to six weeks—then in Estimates of this year, January 18, said there was still nothing to announce. She still had not resolved the problem. We are dealing with a crisis.

My question to the Premier is, will he ensure that he or his Minister of Family Services (Mrs. Oleson) delivers a message tonight before the emergency meeting takes place involving Northwest Child and Family and Central Child and Family and tells them that the deficit will be covered and that this Government will bring in increases in line with the cost of living?

Hon. Gary Filmon (Premier): Mr. Deputy Speaker, let us understand fully and completely that this Government has always brought in increases to child and family services agencies that are well beyond the cost of inflation. This year's budget—\$5.6 million or 16 percent over the 1988-1989 funding levels, that included \$1.7 million in last year's funding levels to overcome the deficits that they were in. We covered all of their deficits last year with a special increase of \$1.7 million.

What we have said to the agencies is, we want to see them work responsibly with us. We want to see them manage as efficiently and effectively as they can. We are prepared to fund them and fund them generously, but we want them to be accountable for the manner in which they spend their money. Last year we covered their deficits. I am sure that given the same set of circumstances this year we will do the same.

When they come to us and they say, six months into the fiscal year, we want you to cover projected deficits, forecasted deficits, we find that they will do just as they did with the NDP administration previously and that is to forecast a deficit that is way higher than their actual deficit, and get money built up in other pockets. That, we do not believe, is the right way to budget and that is—

Mr. Deputy Speaker: Order, please. Order. The Honourable Member for St. Johns.

Ms. Wasylycia-Leis: Mr. Deputy Speaker, we appreciate that the Premier (Mr. Filmon) has given some indication that they may cover the deficits. I hope they will be able to make that statement before this evening, before volunteers in our communities have to make the difficult decision between cutting services or drawing on a line of credit.

My final question to the Premier is, given that back on September 25, at its annual general meeting, the president of Northwest Child and Family Services Agency said some children are not safe because these

agencies do not have the dollars and the resources, I want to ask the Premier, how many children will have to die before this Government will act, deal with the deficits, ensure increases in line with the cost of living?

Mr. Filmon: Mr. Deputy Speaker, with great regret I have to say that is the most irresponsible thing I have heard said in this Legislature in a long, long time. The agencies, in writing from—

Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please. Order.

Mr. Filmon: The agencies, in writing from the Minister, have been given instructions that no services are to be withdrawn. Services are to be provided in response to the needs.

Last year we covered \$1.7 million worth of deficit. This year we have given an increase of 16 percent to all those agencies over and above that amount, including the \$1.7 million deficit reduction from last year. We have indicated to them that we are prepared to look at their deficits and to fund actuals, because we believe they have a responsibility to provide those services.

The kind of irresponsible comments made by the Member for St. Johns (Ms. Wasylycia-Leis) are shameful, and she does not deserve to be in this Legislature when she makes those kinds of statements.

An Honourable Member: Point of order, Mr. Deputy Speaker.

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

Mr. Steve Ashton (Second Opposition House Leader): Yes, on a point of order, I would ask the First Minister (Mr. Filmon) to withdraw those comments. The Member for St. Johns (Ms. Wasylycia-Leis) is raising some very legitimate concerns about a very important area and does not want it to get to the point where children are dying. That is a responsible act of an Opposition Member and the First Minister should categorically withdraw his last comments.

Mr. Deputy Speaker: The Honourable Member did not have a point of order. The choice of language possibly, perhaps could have been improved upon, but it is not unparliamentary, so the Honourable Member did not have a point of order.

Used Vehicles Safety Standards

Mr. Ed Mandrake (Assiniboia): Mr. Deputy Speaker, January 29 I asked the Minister of Highways and Transportation (Mr. Albert Driedger) as to how many unsafe vehicles are being sold through the auction process. Today I will provide the Minister with the information. Approximately—

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Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please; order, please.

Mr. Deputy Speaker: The Honourable Government House Leader, on a point of order.

Hon. James McCrae (Government House Leader): This is Question Period. I think the Honourable Member is attempting to give an answer and that is probably not appropriate here.

Mr. Deputy Speaker: The Honourable Member for Osborne, on the same point of order.

Mr. Reg Alcock (Opposition House Leader): On the same point of order, Mr. Deputy Speaker, the Member is indeed trying to ask a question, and if the Government House Leader (Mr. McCrae) would call his Members to order, perhaps he could get it on the floor and get an answer.

Mr. Deputy Speaker: I thank all Honourable Members for their advice. The Honourable Member for Assiniboia has the floor.

Mr. Mandrake: Mr. Deputy Speaker, approximately 200 unsafe vehicles are being sold every week by private individuals to our senior citizens and low income Manitobans because there is no requirement to provide a safety certificate on these unsafe vehicles. My question—(interjection)—

Mr. Deputy Speaker: Order, please.

Mr. Mandrake: —to the Minister of Highways and Transportation is, what action has he taken whereby all vehicles, unsafe vehicles that are registered in the Province of Manitoba, pass a safety inspection?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Deputy Speaker, I believe this issue has been before the Manitoba Legislature from 1976. In fact the legislation was passed three times but was never proclaimed. Between the Minister responsible for MPIC (Mr. Cummings) and myself, we have been meeting with the industry. We are looking at implementing some kind of a safety inspection aspect of it, something that is workable, not the kind of legislation that was passed before that was not workable.

Safety Inspections

Mr. Ed Mandrake (Assiniboia): Twenty months of waiting, Mr. Deputy Speaker, twenty months. Fifty percent—to the same Minister—50 percent of all vehicles inspected by MPIC fail inspection. My question is, what action has he taken regarding this very serious problem?

Hon. Albert Driedger (Minister of Highways and Transportation): As I indicated, there has been legislation on the books that has not been proclaimed at various times because it was not workable legislation. I am working together with the Minister responsible for MPIC (Mr. Cummings), who does the safety inspections, to see whether we can expand on that to the point where we can make vehicles safe when people—

Some Honourable Members: Oh, oh!

Mr. Albert Driedger: Mr. Deputy Speaker, we are working on it.

Mr. Deputy Speaker: Order, please.

Mr. Albert Driedger: But, Mr. Deputy Speaker, it is not our intention to come forward and pass legislation just for the sake of passing legislation if it is not workable. We will make it workable.

Mr. Mandrake: Mr. Deputy Speaker, to the same Minister—there is a serious problem of unsafe vehicles. Can he not see the advantage of implementing a safety inspection for all used vehicles sold by dealers and private individuals for the protection of our Manitoba public? Stop waiting for 20 months. Do it now.

Port of Churchill Federal Budget

Mr. John Plohman (Dauphin): Mr. Deputy Speaker, the Government's record on Churchill has been a provincial tragedy. Disastrous shipping seasons have taken place over the last couple of years. There is a federal-provincial agreement that has been allowed to expire by this Minister and this Government without even a whimper from them. This Minister has not even been able to convince his colleagues to pursue a federal-provincial agreement with the federal Government. I ask this Minister today, is that not the reason that there was no Churchill agreement announced by the Prime Minister in Brandon the other day when he made his disastrous and dismal announcement, pathetic announcement about federal-provincial agreements in Brandon; and is it not a fact that this Minister has made it very easy for Mulroney, Mazankowski and Wilson to axe Churchill in the budget tomorrow?

* (1410)

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Deputy Speaker, when the Liberals ask questions about Churchill, and I assume that they got that information or insinuation of anything happening at Churchill out of the press, I am surprised that this Member for Dauphin (Mr. Plohman), who has been Minister for many years—and I am prepared to compare my record with his, because during the 15 years out of 20 years that we had the NDP administration, the population in Churchill used to be around 7,000. It is now less than 1,000 and that did not happen in the last 20 months.

But I have met with the federal Minister—

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Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please.

Mr. Albert Driedger: —and the federal Minister, with his staff people and my staff people are working at options that are long-range options, rather than this knee-jerk reaction that we have had for many years.

Continued Use

Mr. John Plohman (Dauphin): Mr. Deputy Speaker, under our administration there was a \$93 million agreement, \$58 million in provincial money. There has been nothing from this Minister, and every agreement is smaller than the one before that the Premier (Mr. Filmon) is bragging about. This Government's true lack of commitment for Churchill is demonstrated in the Deloitte Haskins report that was released on the Crow changes that Mazankowski is attempting to inflict on Manitoba farmers.

While New Orleans is used as a base point, as an option, Mr. Deputy Speaker, Churchill is ignored in that report completely, and I ask this Minister why he did not insist that Churchill be included in that report and considered as an option. Is that not a fact that he ignored it and failed in his duties as Minister of Transportation in not having Churchill even mentioned in that report?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Deputy Speaker, the problems of Churchill did not start this year; they did not start last year. They have been there for a long, long time and what I am trying to accomplish with the federal Government is some long-term options so we do not have this knee-jerk reaction that we go through every year. I think this Government—

Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please.

Mr. Albert Driedger: —is committed to the continuance of Churchill. We are working on that aspect of it. The fact that the Member for Dauphin (Mr. Plohman) wants us to get out there and beat drums all the time, a lot of work has been going on and we will continue to do so. Together with my Premier and my colleagues we are working for the retention of Churchill, for the port, for the line as well.

Mr. Deputy Speaker: The time for Question Period has expired.

NON-POLITICAL STATEMENTS

Mr. Deputy Speaker: Order, please. The Honourable Minister of Agriculture.

Hon. Glen Findlay (Minister of Agriculture): Mr. Deputy Speaker, may I have leave for a non-political statement?

Mr. Deputy Speaker: Is there leave? (Agreed)

Mr. Findlay: Mr. Deputy Speaker, I would like at this time to pay tribute to the many thousands of women who have been involved in the Women's Institute movement in Manitoba and across this country. Manitoba is celebrating its 80th year of activity in the Women's Institute movement.

Right now across the world there are some 9 million people involved in the Women's Institute movement, some 40,000 in the country of Canada and some 1,400 in the Province of Manitoba celebrating their 80th anniversary on this February 19, Women's Institute Day. I would like to pay tribute to all these women who work, particularly in rural Manitoba on various initiatives such as agriculture, home economics, health, education, recreation, arts and Canadian unity, a group of women dedicated to make Manitoba, rural Manitoba in particular, a better place to live. This, their 80th anniversary, I know the Women's Institute movement will continue to do good and better things in the years to come and I wish them well. Thank you, very much.

Mr. Bill Uruski (Interlake): Mr. Deputy Speaker, I would also like leave to make a non-political statement following the Minister of Agriculture (Mr. Findlay).

Mr. Deputy Speaker, I too would like to take a moment to congratulate the Women's Institute, a women's movement that has a fine history in this province and indeed around the world. It was formed as I understand in the Province of Ontario, the community of Stoney Creek. In fact I have, just as an aside, relatives living in that small community of Stoney Creek outside of Hamilton.

Mr. Deputy Speaker, Members on this side want to indicate that I had the honour of liaising with the Premier, with the Women's Institute, on a number of occasions as Minister of Agriculture. I want to say that the progressive nature of the women of this province certainly has a message for their spouses in the farm community. It is and has been the women's movement in this province that has led the way for formulating policy and solidifying policy in many key areas. In fact while some in the farm organizations were opposing farm land ownership legislation, it was the Women's Institute who supported the need for farm land ownership in this area.

Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please.

Mr. Uruski: Mr. Deputy Speaker, I am paying tribute to the women's organization in this province, and I am sure that all Members of this House would want to do likewise. For Members now to say that the issues that they reach out and deal with are political, absolutely, they are dealing in the everyday lives of Manitobans. I give them credit for the positive stance, and I wish them many years of success. Thank you.

Ms. Avis Gray (Ellice): May I have leave to make a non-political statement?

Mr. Deputy Speaker: Is there leave? (Agreed)

Ms. Gray: Mr. Deputy Speaker, I would like to quote the following as we pay tribute to the Women's Institute: "I am convinced that my life belongs to the whole community, and as long as I live, it is my privilege to do for it whatever I can, for the harder I work the more I live. Life is no brief candle for me, it is a sort of splendid torch which I get hold of for a moment, and I want to make it burn as brightly as possible before turning it over to future generations."

Those words of George Bernard Shaw I believe amply reflect 80 years of service by the Manitoba Women's Institute. The Women's Institute's organization has always and will continue to support communities through the development of worthwhile educational programs by actually educating the communities on very timely issues, by effective lobbying of Governments for needed changes, and by providing a networking opportunity for their members.

The Women's Institute strives to improve the quality of life for families and individuals through their various efforts, and it is this worthy goal that the institute has pursued for some 80 years and we all hope will continue to pursue for years to come so that future generations will have a better quality of life. Certainly as the Minister of Agriculture (Mr. Findlay) has said, the Women's Institute is primarily a rural organization, but we do have chapters who have been active in the City of Winnipeg as well. As we pay tribute to this organization, one is reminded of how the issues facing the communities, which the Women's Institute have championed, have changed over the years, but the message underlying has remained the same, and that is, the improvement of quality of life for families and improvement in our communities, rural and urban.

On behalf of the Liberal Caucus, we salute the Women's Institute.

ORDERS OF THE DAY

WRITTEN QUESTIONS (No. 6)

Mrs. Sharon Carstairs (Leader of the Opposition)—

Has the Premier received confirmation from the Federal Government that the Federal Immigration office in Winnipeg will not be scaled down or moved out of province?

If confirmation has been received, would the Premier present this information to the House?

HOUSE BUSINESS

Hon. James McCrae (Government House Leader): Mr. Deputy Speaker, the Standing Committee on Public Utilities and Natural Resources will meet in Room 254 on Tuesday, February 20 at 10 a.m. to consider Bills 81 and 82.

The Standing Committee on Industrial Relations will meet in Room 255, Thursday, February 22 at 10 a.m. to consider Bill 31.

Mr. Deputy Speaker, would you be so kind as to call the following Bills: 98, 49 to 52 inclusive, 57, 70, 35, 19, 84, 59, 60, 47, 48, 56, 80, and the remainder as listed on the Order Paper.

An Honourable Member: Jim, how about -(inaudible)-

Mr. McCrae: No, they will not go.

SECOND READINGS

BILL NO. 98—THE MANITOBA DATA SERVICES DISPOSITION AND CONSEQUENTIAL AMENDMENTS ACT

Hon. Clayton Manness (Minister of Finance) presented Bill No. 98, The Manitoba Data Services Disposition and Consequential Amendments Act, (Loi sur l'aliénation de la Commission des services d'informatique du Manitoba et modifications corrélatives) for second reading, to be referred to a committee of this House.

* (1420)

MOTION presented.

Mr. Manness: Mr. Deputy Speaker, it is a pleasure to rise and bring forward Bill 98 for second reading. I am delighted that the third Party is obviously interested in this Bill also and no doubt will be having a lot to say with respect to it. - (interjection)- I think I just heard the Member for Interlake (Mr. Uruski) say, you are damn right. I guess by that I mean that he himself will be speaking to this Bill too.

Mr. Deputy Speaker, in keeping with our throne speech commitments, our Government announced its willingness to consider the potential divestiture of Manitoba Data Services. I believe, as does this Government, that the potential successful sale of the company will lead to growth opportunities for Manitoba Data Services and will assist in the attraction of additional technologically advanced industry to this province.

We believe divestiture is a tool designed to achieve broad economic policy goals and is not an end in itself. We will only proceed with the divestiture of Manitoba Data Services if we can create enough significant investment in the critical mass required to build an information-technology industry in Winnipeg, thereby creating hundreds of new skilled and professional jobs for Manitobans who otherwise would have to leave the province to find work in their chosen profession.

I would expect that all Members of this House will accept this as a laudable goal. To those doubters in our midst, I would say, allow your mind to open just a little bit so you can see the potential that Manitoba Data Services has in creating new economic development within this province. To those that would say "balderdash" or "hogwash," I say then you are

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not interested whatsoever in economic development in this province. You believe that the status quo will do.

Mr. Deputy Speaker, why do we want to divest of Manitoba Data Services?

An Honourable Member: Where is the beef?

Mr. Manness: Well, the Leader of the third Party says, where is the beef? If he would just allow me to put my remarks on the record, maybe he will be more satisfied than apparently he is at this point in time.

Why do we want to divest of Manitoba Data Services? As I have indicated on several occasions, we considered the divestiture of Manitoba Data Services as a result of an unsolicited offer to purchase the company. When we were approached, it made us realize what could be accomplished by using this Crown corporation as a launch for major economic development thrust within the high-tech area.

We are more convinced than ever before with respect to that, having received 11 bona fide offers, all of them with a strong economic development perspective. Mr. Deputy Speaker, 11 initial proponents, many with operations globally, had preliminary discussions with the divestiture team. Four companies were short listed, which embarked on more detailed discussions with that team. The list was narrowed down to the two most serious contenders and draft purchase agreements are at present being negotiated with those two. Two final purchase agreements are now being readied to bring before Cabinet.

Why do we need this legislation, Bill 98? To make it very clear our intent with respect to the divestiture of Manitoba Data Services and to be open and forthright about it, it was necessary in our viewpoint to bring forward legislation. This is an open Government. We take great solace in the fact that wherever possible we have tried to present information with respect not only to divestitures but with respect to the fiscal standing of this province, at times which are in fairness to the Members opposite. Mr. Deputy Speaker, it is our watchword.

We think there could be nothing better but to elevate the discussions surrounding the potential divestiture of Manitoba Data Services, and elevate that discussion to become a major policy discussion area within the Legislature.

Mr. Deputy Speaker, we also believe that Cabinet should have a free hand after some of the discussion in this House to conclude an agreement with any company that Executive Council decides represents the best potential for the province.

Mr. Deputy Speaker, we also do not want to leave any lingering doubt regarding our right to sell the Crown corporation, Manitoba Data Services. Another reason we bring forward Bill No. 98 is, rather than deal with some obscure legislation, and I am referring specifically to the library Act that was written over 40 years ago, we want to ensure that the Government has the clear authority to dispose of it in any manner it wishes, either through sale of assets or through sale of shares.

Mr. Deputy Speaker, our legal counsel, Members have been asking me over and over again with respect to the opinion surrounding the library Act, our legal counsel confirms that The Legislative Library Act is not prohibitory to the sale. Nevertheless, there is enough information and uncertainty surrounding this whole area that we deem it wise to bring forward enabling legislation at this point in time.

Mr. Deputy Speaker, we do not want to see the process go off the road because of some obscure Act written years ago when technology and the use of technology was nowhere contemplated at the time.

Mr. Deputy Speaker, economic benefits—as a Government we feel no ideological commitment to the devolution of Crown assets. Instead, from a rational policy objective we are using Crown divestitures as levers to significant economic development, as a lever to significant job creation and as a lever to significant investment growth.

This will allow us to take advantage of a unique opportunity to lever significant investment in our province by private sector companies with access to global markets.

Mr. Deputy Speaker, we are constantly asked by Members opposite to lay before the people of Manitoba our economic plan. This is one of the planks of our economic plan. Members opposite, their economic plan was to borrow hundreds of millions of dollars outside of the province, favour short-term jobs by them, help the employment statistics for a point of time and then come forward today and ask us why we do not have money to direct additionally into social services—

Mr. Deputy Speaker: The Honourable Member for—

Mr. Manness: —when we have \$600 million a year that we are directing towards interest costs.

Some Honourable Members: Oh, oh!

Mr. Deputy Speaker: Order, please.

Mr. Deputy Speaker: The Honourable Member for Flin Flon on a point of order.

Mr. Jerry Storie (Flin Flon): On two points of order, first of all, Mr. Deputy Speaker, the Member starts a diatribe about what he believes the previous Government did with respect to economic development, does not recognize the \$200 million dollar Jobs Fund, the Venture Capital Fund, the Technology Commercialization Fund and at least seven other programs that created jobs in this province in an unprecedented way.

On point of order—

Mr. Deputy Speaker: Order.

Mr. Storie: —No. 2, Mr. Deputy Speaker, is, the Member for Morris continues to—

Mr. Deputy Speaker: Order, please; order, please.

Mr. Storie: —lack any relevancy in his speech. His remarks are supposed to be addressed to Bill No. 98.

Mr. Deputy Speaker: Order, please. The Honourable Member does not have a point of order, one or two. The Honourable Minister of Finance (Mr. Manness) has the floor.

Mr. Manness: Mr. Deputy Speaker, I am talking as to why the Government is divesting Manitoba Data Services, why it is we are bringing in this enabling legislation. Let me say to the Member opposite, I am fully aware of all those programs he talked about. I am fully aware that the money for all of them was borrowed and today we are paying \$600 million a year in interest. That is why we do not have the flexibility in many cases to direct additional funding to the well meaning and intentioned social service agencies in our province.

Mr. Deputy Speaker, to use Manitoba Data Services as a catalyst for economic renewal, specifically in support of our fledgling Manitoba companies and for the establishment of a critical mass required for the information of an environmentally clean high growth, knowledge based industry, smart jobs for the young people of this province, Mr. Deputy Speaker, that is what our initiative is; that is what our goal is. Today, we have a number of smaller companies that are within this smart industry, small companies in the Manitoba context who are trying to reach out, who are trying to develop, within their own sphere, the necessary mass of human resources, of investment capital, to reach out into the global trading economy and to export that knowledge base.

Mr. Deputy Speaker, they are having difficulties. Indeed, if Manitoba Data Services can be divested, and if a large player can come in and give them the foundation and the stability that is needed, we not only win one way we win several ways.

That is the essence of the divestiture of Manitoba Data Services. When the NDP particularly are opposed to it what they are saying is, they are denying the potential for these fledgling companies in our midst who are trying to export within the smart industry, they are denying them a birthright to greater and greater economic opportunity.

Mr. Deputy Speaker, no longer should young Manitobans have to choose to leave this province if their vocation is in the smart industry, in search of employment. That has happened long enough. Therefore, I say to you this is part of our economic plan. It is an important plank, and it should be seen as such by the NDP.

* (1430)

It is my hope to be able to welcome professionals born and educated in Manitoba, but now residents in other provinces, back home as we build a reputation as a place where skilled professionals in this industry

can have a future. Our intentions are noble. Hopefully all the Parties in this House will see that and will come forward and support this legislation.

However, before any divestiture of Manitoba Data Services it must be demonstrated that there is a strong commitment to the building of alliances between the university community, its graduates and Manitoba companies who are capable of exceptional growth, provided the appropriate infrastructure can be established with a dynamic company with global opportunities.

What else on the economic side? We see if we divest that there will be an opportunity for the development of strategic alliances with Manitoba small businesses in order that significant spinoffs occur for other niche Manitoba companies, in essence providing them with a platform from which to grow.

Of course they will be provided with new investment money that they need. Of course, Mr. Deputy Speaker, they will be—and I am talking again about the fledgling Manitoba companies that today need support providing they will be provided with the global market opportunities that they today cannot access themselves. They will also be helped to develop products that they either do not have the technical expertise to develop on their own or the capital need for further research and development.

Mr. Deputy Speaker, in a world where information technology recognizes no artificial boundaries we have a window of opportunity to create an infrastructure where potentially hundreds of jobs will be created, where the divestiture will lever millions in direct investments and where these investments will link Manitoba universities to information industry in joint endeavours and co-operative training.

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

Mr. Acting Speaker, I would like now to talk about the divestiture criteria. I would like to talk particularly in the area of confidentiality, because this Bill basically covers two areas: one, providing Government the enabling legislation required; secondly, it talks about confidentiality of data, an important issue not only to Members opposite but indeed to the Government of Manitoba.

Let me state again for the record that before any divestiture can take place the Government must be completely satisfied that all criteria are met, particularly with respect to confidentiality of processed data.

Included in Bill 98 is a provision requiring that any third party data processing agreement guarantees that the security and the integrity of information processed will not be breached.—(Interjection)—

Mr. Acting Speaker, the Leader of the third Party (Mr. Doer) says he wants to hear how it is we are going to talk about or maintain confidentiality of data. I am trying to lay that out now, and if he wishes to listen he may find himself supportive of the Bill.

Mr. Acting Speaker, currently there is no agreement respecting confidentiality or procedures for

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confidentiality. With this legislation we will be formalizing this process. In place today at present Manitoba Data Services employees swear an oath of secrecy to the Crown corporation Manitoba Data Services. No oath is sworn to the Government, just one to the Manitoba Data Services.

Mr. Acting Speaker, we will do better. We will ensure a better system than than. Any agreement we enter into will require that contracts as between the third party processor and Government, any department of Government, contain specific confidentiality procedures that to date have never been spelled out in formal agreement. Right today there are no formal agreements for the most part as between the Manitoba Data Services and Government that lie in departments.

Mr. Acting Speaker, while the data may be stored by a non-Government body, the right to access that information stays with the Government. This includes the secret codes needed to access the data.

Other criteria in addition include continuance of existing MDS jobs and employee obligations, second, a guarantee of significant new job creation; third, establishment of and investment in new value added business beyond the provision of service bureau services; fourth, broadening of client source revenues to include national and international accounts; fifth, establishment of co-operative educational opportunities with Manitoba's universities; sixth, position of new MDS technology through investment and product research and development; seventh, and I have just added this to the list, this corporation will be paying taxes to the Province of Manitoba, something that Manitoba Data Services never did.

Mr. Acting Speaker, these are the criteria that have guided us through all of our discussions with potential acquirers that have sought the Crown corporation, Manitoba Data Services.

Mr. Acting Speaker, there have been other elements that we have discussed during the heavy negotiations and it is these. I will lay them out for the House. All cash on hand and term deposits will be pulled out of Manitoba Data Services. They will be pulled out so any deal that we arrive at will be basis the book value of the company, less cash on hand, and taking into account the goodwill of that company.

The purchase price—let me indicate to Members it is significantly over the book value. The book value today is \$9 million, significantly over. The province and the company will jointly pursue the development of electronic archival facility. We are also negotiating that this agreement will have a key education and training component which involves the company providing scholarships in computer sciences, something that MDS does not do today; providing guest lecturers, something that does not happen today; providing for the development of a co-op program so university students can have actual hands-on experience with the company while conducting their studies. Another aspect that is not provided by MDS today, computer time to students at university, training and upgrading existing staff at Manitoba Data Services, an upgrading program for existing staff that is in place today.

Mr. Acting Speaker, one of major elements of the negotiations, and probably one of the reasons that it has taken yet another two months longer than I may have hoped, is in the area of what we call the "golden chair" because certain Members opposite have always tried to conjure up the spectre that we were going to be selling our service bureau to somebody else who was going to then hold us captive to unwarranted price increases, or who would run off either with the assets, or move the head offices off, or somehow the Government would not have available to itself the service bureau, or that they would flaunt at us whatever legislation that we had before us dealing with confidentiality of data.

We have taken these concerns, we have taken them very seriously and that is why we have provided for a golden chair. If the purchaser violates key commitments of the agreement respecting confidentiality, service levels, transfer of business, employment commitments or financial managements, then the Government has the right to take back the asset of the company upon set terms.

(Mr. William Chornopyski, Deputy Speaker, in the Chair)

Mr. Deputy Speaker, I cannot provide any more detail around that but everywhere we have looked into the vehicle of a golden chair, every example that we have seen, none has provided a greater opportunity for the Government again to take back a service bureau if it is deemed that it is in the best interests of the public to do so.

Mr. Deputy Speaker, other conditions include that this purchaser of Manitoba Data Services cannot move the business, the headquarters or the Government business, outside of the Province of Manitoba. That is covenant within the agreement, and that the Government also has retained the right to employ the employees who do not want to remain with the new company. The Government has the first right of refusal—if the third Party decides they want to dispose of Manitoba Data Services, the Government retains the first right of refusal.

The Government will provide a revenue guarantee for five years. Written within that contract, though, is a guaranteed schedule of rate reductions reflecting the new technology generation that can come within that industry, and the fact that the cost of computing on a per unit basis continues to fall. These are some of the elements that are being negotiated right today.

* (1440)

Let me state that I wish to assure all Manitobans and Members of this House that this Government will not entertain the sale of Manitoba Data Services unless there is a significant potential economic benefit, but what we are talking about is a growth industry which is on the leading edge of research and technological development which is a knowledge based or smart industry in which Manitoba does not presently have a significant profile either nationally or internationally.

We have the opportunity via the divestiture of Manitoba Data Services to create the kind of critical

mass required to attract former Manitobans back to this province, to create significant new opportunities for young Manitobans and to bring significant new investment in an industry with a future. This is not ideology, this is an opportunity for Manitoba as we move into the decade of the '90s by entering the international world of information processing. It is an opportunity that we would be foolish to pass up.

I ask all Members of this House to help us and guide us along in this approach, because when Members opposite are talking about economic development, there can be no greater catalyst, no better opportunity today within all of the building blocks of Government to provide an economic catalyst than the divestiture of Manitoba Data Services. Thank you, Mr. Deputy Speaker.

Mr. John Angus (St. Norbert): For greater clarification, I wonder if the Minister would permit two or three questions on his remarks, by leave perhaps, Mr. Deputy Speaker.

Some Honourable Members: Leave.

Mr. Angus: Taking the last remarks first, on a number of occasions I have offered the Minister of Finance (Mr. Manness) my co-operation, my assistance, my help in trying to come to the best arrangement for Manitobans as possible, and he has not taken me up on it yet. My question is, why not? Why has he not asked for my help or even agreed to sit down with me and discuss it?

I will ask another question, Mr. Deputy Speaker. A more serious question is, why did the Minister choose the contract litigation route for the protection of confidential information versus a legislative route of protection of confidential information?

Mr. Manness: Let me acknowledge the fact that the Member for St. Norbert (Mr. Angus) has more than a passing interest in this divestiture and that he has provided his advice to me from time to time, much of it that I take very seriously and indeed have incorporated in a lot of the negotiating points of view. Although he may not recognize in the legislation, as we have laid before it, some of his work, I can assure him that if he had access to some of the negotiation contracts and some of the draft buy-and-sell agreements, he would recognize some of his contributions.

He might say to me, well, why do you not share that with me? Again I say to him, under the parliamentary system as we know it, Executive Council ultimately has to make these decisions, and furthermore, before that most of the proposals that have come forward to us, indeed all of them, are on a proprietary basis. They are to be kept confidential and Government cannot begin to open those up to Members opposite in spite of the fact that at times we may wish to do so.

As far as his question, we chose not to put hard penalties into legislation with respect to what might happen if a company were to violate some of the agreements, the agreement they would have to enter into before we possibly engaged in a sale, because

then the company to whom we are selling may legitimately ask who it is that they are dealing with. Are they dealing with the Government which has rights or are they dealing with the Legislature which has rights to impose through amendment any penalties it wishes?

I say to the Member opposite, if he is contemplating bringing in serious amendments with respect to the penalties that would have to be brought to bear should a company that we sold to for some reason, either purposely or not, have a major breach in confidentiality, Mr. Deputy Speaker, no company is going to sign the final document with us until they have seen what the legislation is. I dare say, I would think that most of the companies would not enter into an agreement where there was a forced amendment written into legislation which could be waived again by the force of the Legislature a year hence.

Mr. Deputy Speaker, I probably have not satisfied the Member with my response, but I am telling him why it is that the Government has seen fit at this point not to bring in those types of hard penalties within the legislation.

Mr. Angus: Some of these questions, Mr. Deputy Speaker, will be best referred to us at the committee stage, where we can get into more interaction. But there are a couple of serious questions that will affect the opportunity to speak on this Bill. One of them is: How do you arrive at the book value of the company at being in the \$9 million range?

Mr. Manness: Mr. Deputy Speaker, the book value is the value of the hard assets, the hardware, net of the costs or the amortization costs associated with them. It also takes into account some of the—that is the main book value asset and of course what the companies are interested in, the potential flow of stream of income that can be provided by Government after that point in time, plus, I might add, a dimension of that \$9 million is the value that acquirors put on the potential of that staff which is very highly regarded to generate additional profit.

Mr. Angus: Mr. Deputy Speaker, the Act wants some changes to The Municipal Act. I am not sure I have a clear understanding of why those changes are needed and what the repealing of the portion of the Manitoba Data Services at that level does, or why it is necessary to take that out.

Mr. Manness: Mr. Deputy Speaker, I promise to get back to the Minister. Certainly, I have had that information in my mind three or four days ago. I cannot recall right today why it is.

Mr. Angus: Mr. Deputy Speaker, perhaps the Minister can as well—I understand that some of the municipalities either did not have to pay taxes or collected taxes and there was some change there. Perhaps, while he is looking at that he could also get me the information as to the worth of the contracts that MDS has with the Manitoba Government right now, as I understand that there are no contracts in place, and that is why I wonder how they arrived at a value

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of the company. I am not sure how they valued the company at the \$9 million.

The final thing is, I hope, and perhaps the Minister can clarify this by his remarks, is he indicating that he is intending to attempt to sell the Crown corporation whether or not this Bill is passed, or is he going to have to wait until this Bill is passed before he can actually conclude the sale arrangement?

Mr. Manness: Mr. Deputy Speaker, we are in uncertain times in this Legislature. Obviously the Government has to maintain for itself the flexibility that is required. I wish I could answer the Member's question definitively. I cannot. Obviously, the Government will know a lot more as to how the Legislature as a whole is going to accept and be willing to accept the thrust behind Bill No. 98. Obviously that will have some bearing on the Government's ultimate decision.

* (1450)

Mr. Angus: Mr. Deputy Speaker, I will move, seconded by the Honourable Member, that the debate be adjourned. I am not sure of the procedure. The questions can best be saved for later.

Mr. Paul Edwards (St. James): Mr. Deputy Speaker, on a point of order, if I might.

Mr. Deputy Speaker: The Honourable Member for St. James (Mr. Edwards), on a point of order.

Mr. Edwards: Thank you, Mr. Deputy Speaker. Before we move on, I have just come back into the House and seen that the Minister had been speaking on this Bill and my friend from St. Norbert had been asking some questions.

I want to declare a conflict, Mr. Deputy Speaker, with respect to this Bill personally because of my employment. I will certainly be exiting myself from the Chamber for future debate on this Bill and throughout its process in this House.

Mr. Deputy Speaker: The Honourable Member for Brandon East (Mr. Leonard Evans), on a point of order.

Mr. Leonard Evans (Brandon East): On a point of order, Mr. Deputy Speaker, I would like to ask the Minister one question prior to the Member for St. Norbert (Mr. Angus) adjourning the debate.

Mr. Deputy Speaker: Is there leave? (Agreed)

Mr. Leonard Evans: I wonder if the Minister could indicate whether the companies are asking for a specific length of contract and what the Government is looking at. Is he looking at a five-year contract, a six-year contract or a four-year contract?

It seems to me that this is something that the Minister should be telling us at this point in time. There is no

reference to this of course in the legislation, but I would imagine from his discussions with the company he must have some idea of what kind of a guarantee any potential buyer would want prior to entering into this purchase.

Mr. Manness: Mr. Deputy Speaker, I made reference to the fact that certainly the Government would be putting up a guarantee. I can indicate to the Member, because he has asked this question on several occasions, that the negotiations are all centering around five years.

Mr. Angus: I move that the debate be adjourned, seconded by the Honourable Member for Sturgeon Creek (Mrs. Yeo).

MOTION presented and carried.

DEBATE ON SECOND READINGS BILL NO. 49—THE DOWER AMENDMENT ACT

Mr. Deputy Speaker: On the proposed motion of the Minister of Justice and Attorney General (Mr. McCrae), The Dower Amendment Act; (Loi modifiant la Loi sur le douaire), standing in the name of the Honourable Member for St. James (Mr. Edwards), the Honourable Member for St. James.

Mr. Paul Edwards (St. James): Thank you, Mr. Deputy Speaker. It is with great pleasure that I stand today to speak on this Bill before the House. I think it is an important Bill. It is unfortunate that I think the opportunity has been missed to do much that could have and should have been done with respect to The Dower Act. However, it is with some pleasure that I do stand today to talk about this Bill, which does go some way to dealing with some of the problems that The Dower Act has and has had for many years.

Mr. Deputy Speaker, let me, at the outset, remind Honourable Members that this Bill does fit in with the overall family law package put forward by this Government, that is Bills 47 through 52 and also Bill 57, which is certainly, I think, of interest to many of the same people whom the other family law Bills are of interest to. So I tend to treat them as a package.

I have previously, of course, spoken to Bills 47 and 48. I am mindful today that Bill 49, which is relatively short in terms of wording and pages, is probably the most important of the Bills in the package. I guess what I mean by that is not so much in terms of what it has achieved but what it could have achieved, what it should have achieved, and in terms of its implications on spouses in our province and in particular women, because simply by statistics we know that the vast majority of surviving spouses are women.

Mr. Deputy Speaker, The Dower Act has some overall purposes. Let me just deal very briefly with them. It is a very old piece of legislation that was set out specifically

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to deal with situations where a spouse died and did not make adequate provision for his/her spouse. As I have said before, by and large in our society, that has affected women. Certainly, men are also included under The Dower Act, but by and large it is women who have sought refuge under The Dower Act to protect their rights to the marital assets and to be able to provide for themselves as they go on in life and perhaps even try and provide for children of the marriage.

Mr. Deputy Speaker, it is simply a fact, increasingly less so thankfully, but it has simply been a fact of our society that the assets in a marriage have traditionally been held by the men. That has allowed the men, through the creation of wills, to deal with the marital assets. It was very, very, important, I think particularly in the farm family background, that the law provide for surviving spouses so they were not left in a lurch, because while certain marriages may have problems from time to time—and we can all recognize that simply by looking at the divorce and separation rate—but we must also recognize that marriage brings with it certain rights and also responsibilities.

Until a marriage has been fully and finally severed and property has been dealt with accordingly we must not judge the relationship itself but rather take it as that legally binding relationship, which means that the responsibilities are clear and are there for a spouse in terms of adequately providing for a surviving spouse after death.

The fundamental principle behind The Dower Act is that a surviving spouse be allowed to live in relative comfort. Of course, that is a fluctuating standard which is going to be based upon the standard that they had been living prior to one spouse dying, but in terms of the overall estate that spouse should get half of the estate.

Interestingly there is an exception to this. I agree with many of the critics of The Dower Act that it is an anomalous exemption, and that is if the spouse who dies leaves enough money to purchase an annuity which will provide \$15,000 per year to the surviving spouse, then that is an exemption from giving half of the estate. In other words, you can cut out your spouse when you die from receiving half of your estate by simply providing \$15,000 a year.

Now, Mr. Deputy Speaker, you and I do not think live excessive lives, but we know that \$15,000 a year does not go a long way in today's world. I think that we can all take notice of that issue without disputing it. Fifteen thousand dollars does not allow for even the bare minimum I would suggest of leading a relatively decent, affluent life. We all know in our society many live with less than that. That is indeed an embarrassment I would suggest to all of us and should be, but to have an Act which says that if you provide \$15,000 a year to your surviving spouse you do not have to give your surviving spouse half of your estate I think is quite out of step with today's reality.

That is a product of the past when \$15,000 was perhaps a lot of money. It is not today. I think we have to recognize there is a great danger in putting set figures like that into legislation. You never know when it is

going to come back up before the House to be revised, to make sure that it is in keeping with the real cost of living today. I think we have to look at putting something into this Act or indeed just deleting that whole section so that it is not an exemption, but certainly something to make sure that we do not put legislation into place with all the good will in the world which in fact does more harm than good. I think that we have to recognize we made a decision in this province when we brought in The Marital Property Act that we would not look at the specifics of the relationship between the parties which led to a breakup or a separation.

* (1500)

What we look at is the assets of the marriage, and we divide it in half. It is a simple principle. It is a principle that we have adopted in this province. I think it is an important principle to take if you will beyond the grave. I think we have to say that if you die, your property should simply be divided in half, so that your surviving spouse gets half of the assets of the marriage, and a minimum. I think that principle has to be carried. It is only right that it be consistent and go not just through a breakup of a marriage, through separation or divorce, but also the breakup of a marriage by death.

I think this Dower Act is seriously out of step with our time in that it puts in this fictitious figure of \$15,000 per year, that you could cut your wife or indeed your husband in a sense adrift after death for a mere \$15,000 a year.

Mr. Deputy Speaker, the other major area that I want to touch on with respect to this Act that is an omission is that this Act is rife with gender specific language. I think that in today's day and age—the Minister of Labour (Mrs. Hammond) across the way I am sure will sympathize with this comment—we have a Dower Act, which is not just out of step in its specifics of what it does but also in terms of the language. This Act throughout implies for instance that only men are judges. I think that anybody who has been around this province in the last few years will know that is certainly not the case. It is important that it not be the case, and we are continuing to have certainly sufficient numbers of very well qualified women lawyers who can take their place on the Bench and do a very fine job.

I think that what these prior comments speak to is that this Act requires what I would suggest is an overhaul. I think that we have some amendments before us today which are good, which should be supported. However, overall, it is too little and it has been a long time coming, and I think quite rightly it is being seen as a bit of a disappointment. In terms of certainly the women's community, I have read and very much appreciated the brief put forward by the Charter of Rights Coalition, and indeed I have received correspondence from Mona Brown of the Manitoba Association of Women in the Law, which speaks at length about this particular Bill and what is not there in this amendment Act. I think we have to take those concerns seriously.

While I do not profess to be an expert in family law as such, I certainly am appreciating this family law

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package as it works its way through the Legislature because I am becoming educated more so every day as I read these briefs and as I read the Acts and learn about what the state of the law is. I must say that I have a lot of sympathy for most, if not all, of the positions put forward by some of the groups who have taken the time to review this Bill and give me, and I would assume my friend the Member for St. Johns (Ms. Wasylycia-Leis), some guidance on not just what is in these Bills but what should be in these Bills.

Mr. Deputy Speaker, I want to cite what I consider to be the principle behind this Act and ask that all Honourable Members, as we talk about this Bill in the committee stage, remember the guiding principle and be guided by that principle, which is, and I want to quote from the statement put forward by the Charter of Rights Coalition, that marriage is a partnership of equals and that anything acquired by a couple during marriage is assumed to have been acquired through the efforts of both. That is a principle we have already accepted in this province through The Marital Property Act. That is a principle that has also been accepted at the federal level through the Divorce Act. That is a principle which should be accepted today in our society, and The Dower Act is no exception.

Indeed The Dower Act being out of step with the others does a great injustice in my view to surviving spouses in Manitoba and of course in particular women, because women are by and large the surviving spouses. That simply is a statistical fact.

Mr. Deputy Speaker, we want to be guided by that principle. We want to remember that this legislation was designed to protect the economic security of both spouses during their lifetimes and of the surviving spouse at the time of a spouse's death. We want to remember that was the intention of this Act. It was a well-intentioned Act. It has simply been perhaps neglected over the years. It has simply become out of step. It is not doing the job it was intended to do. In the process, while other pieces of legislation have in a sense passed it, we find that it can often do a lot of harm.

I think that we have to rethink this Act and come forward with amendments which, as I have suggested, overhaul this Act. It has many, many problems. While the amendments today—and I do not want to speak about them particularly in detail—do some good in bringing this Act into modernity. The fact is there is so much which is left undone, and we must always be cognizant of the fact that each of the partners in a marriage should have a right to an equal share of the accumulated assets, and that a surviving spouse in that regard should have the right to at least one-half of the estate at the time of the death of the other spouse.

This Act unfortunately simply does not achieve that. This Bill before us, I welcome, but I must also criticize simply because it is too short. The meat of what needs to be done to The Dower Act is not here and that is unfortunate. My caucus, and myself in particular, held off coming forward with our own suggestions for legislative reform in the family law area simply because we were told month after month after month that a family law package was coming forward. The

Government has known about the very grave problems with this Act overall throughout this process, yet has chosen to put forward a tidbit, if you will, Mr. Deputy Speaker, of reform on this Act. I think quite correctly it is being seen as a grave disappointment to the community in Manitoba that is deeply interested in these issues.

I do not know what plans the Minister has at the committee stage. I strongly suggest to him that prior to this reaching the committee stage, he rethink some of the things which he did not put into this amendment Act, and that he come forward at that time with some further amendments. While they technically may not be allowed to be brought in at a committee stage because they may not deal with the specific things that this amendment Act deals with, I will commit to him that if he comes forward with some amendments which deal with some of the concerns I have articulated today, and I am sure my friend, the Member for St. Johns (Ms. Wasylycia-Leis) will also articulate, knowing her past concern and receptiveness to many of the women's groups, I can only speak for myself, but I certainly will not object to him bringing forward at the committee stage the substantial amendments to be added to this Act. In fact, Mr. Deputy Speaker, on the contrary, I would welcome that.

Let me conclude simply by saying that to the extent that this Act does give priority to a spouse's fixed share of the estate over orders under the new Dependents Relief Act and does include some criteria under which a surviving separated spouse would lose his or her right to a claim of a portion under The Dower Act, to the extent that it works at those two problems, and I might add, not perfectly. There are still some problems in particular with the second thing which I have indicated this Act attempts to achieve. To the extent that it does make an effort on those two fronts, we certainly support this Act.

I hope that the Minister will come forward at the committee stage with some more substantial amendments to the Act. If he does not, I simply serve notice at this point that given that he has had the chance, he has come forward with this package, we will have to take the initiative in another Session of this House. Again I cannot speak for my friend the Member for St. Johns (Ms. Wasylycia-Leis), but I am sure that Members other than the ones in our caucus are disappointed that this Act has not taken us firmly into the 1990s in this province with respect to marital property and the rights of spouses who are surviving spouses, because we have attempted to deal with that.

* (1510)

We have had the debate in this House over the principle of the quality of share of assets during a marriage and after a marriage breakup. It seems to me absolutely illogical not to take this second step and to take it beyond the situation where the two spouses are living and into the situation where one spouse is left surviving the other. Thank you, Mr. Deputy Speaker.

Ms. Judy Wasylycia-Leis (St. Johns): Mr. Deputy Speaker, I am pleased to have this opportunity to begin

debating the Bill No. 49, The Dower Amendment Act, but also to make my initial comments on the family law package including Bills 47, 48, 49, 50, 51, and 52. This is an incredibly important package of legislative proposals. This is an incredibly important issue for families and for women in our society today.

As the Member for St. James (Mr. Edwards) has just said, it is important that we carry out this process of updating our family law, of bringing in reforms in this very important area in the most comprehensive meaningful way possible. As many have noted and the Minister himself, the Minister of Justice (Mr. McCrae) has noticed, when he introduced his package of Bills, Manitoba has long been considered a leader in this area of progressive family law, in laws that reflect changes in our society, the changing nature of relationships in the modern family, and the persistent pursuit of equality between women and men.

As he goes on to say, our Government is determined to continue Manitoba's record of leadership and innovation in this area. We want to hold the Minister and this Government to those words. We want to ensure that Manitoba's record for progressive family law, for innovative initiatives in this area, is held. There is a concern that I want to enunciate right off at the start of debate on Bill 49, but also at the start of debate on this entire package of legislative proposals, a concern that this package is not up to standard, is not up to the progressive model that we have presented to the rest of Canada, that it falls far short of what is absolutely needed in terms of recognizing the changing nature of the family and the ongoing pursuit of equality between women and men.

It does not make much sense, Mr. Deputy Speaker, to bring forward six Bills, a major legislative package in a vitally important area, pertaining to family issues and pertaining to equality for women, if that package does not attempt to meet every outstanding concern in that area and does not attempt to grapple with the critical issues that have been brought to the forefront of life here in Manitoba society.

It is with great concern that I enter this debate, a great concern for the inadequacies of this package, the weaknesses inherent in many of these Bills, and the fact that we are taking the time, the effort and the resources to bring into being progressive, modern, up-to-date statutes, and it falls far short of that.

All Members in this House will remember and hearken back to the '70s when Manitoba was a leader in terms of family law reform. Of course, all Members in this House will remember it was the NDP administration that led that battle, that listened to the voices of women and community activists and family members everywhere and brought forward significant proposals pertaining to equitable division of property and reform when it came to financial support, custody and access arrangements.

Manitoba at that time, as a result of the leadership from the NDP administration at that time and as a result of the persistence of the women's movement and the courage of women activists in Manitoba at that time, brought to life The Marital Property Act and The

Family Maintenance Act, the most progressive pieces of legislation of their kind anywhere in the country.

I believe the Minister of Justice (Mr. McCrae) is sincere when he says, we want to maintain that leadership position, we want to uphold that tradition, we want to keep steadfastly moving in the right direction. I believe, given those statements and that sincerity, that he will be open to some suggestions that we want to make here in this Chamber, that community groups, women's groups and family members will be making to this Government at the committee stage of all of these Bills. I believe the Minister of Justice and his colleagues will be open to those suggestions, because I dare say we would not want to let this opportunity pass of bringing forward the best possible family law changes anywhere in this country. That is within our grasp, Mr. Deputy Speaker. We have the resources. We have the knowledge. We have the experience. We have the commitment to do just that.

I believe that the Minister of Justice, in his haste to bring forward these Bills, has perhaps missed some of the widely held views of the women's community and the broader community at large. I believe that his lack of experience with consultative processes perhaps resulted in some of the inherent weaknesses in these Bills, because let us remember, Mr. Deputy Speaker, that the process to reform existing family law, to extend the principles of true equality into the areas that are addressed in these Bills, into the areas of succession matters, into the areas of equality upon the death of a partner in a relationship, that process began back in 1986. It began under the NDP administration, a Government of which I was a part. It began out of a sincere desire to carry Manitoba the next step forward, to update our statutes in line with the pioneering work that was done back in the late '70s.

It was during the NDP's time in office that the work was begun, a consultation process was begun, that a White Paper was drafted. It was our expectation and our sincere hope that the Minister of Justice (Mr. McCrae) would have worked from that point, built on the work that had already been done and circulated that White Paper on Family Law Reform to have an open democratic process for input and feedback from all interested parties in our society. I am sure that if the Minister had embarked on that process we would have before us a set of Bills much more complete and much more sensitive to the needs of families and women in our society today.

In fact, Mr. Deputy Speaker, I asked the Minister of Justice his intentions with respect to that White Paper early on in the term of office of this Government and was told that things were coming and that I would be pleasantly surprised. So I had anticipated that some sort of discussion paper would have been forthcoming for input from all sectors in our society. Nothing appeared, as we all know. No White Paper was forthcoming, not the one that was drafted during the NDP administration and dated January '87 and no other version of a discussion paper was forthcoming.

Now that White Paper, Mr. Deputy Speaker, was by no means the answer to all of the issues. It was by no means complete in terms of recommendations. It was

by no means totally responsive to the requests and the demands put forward to Governments by women's groups and by community organizations. It was an important start, and it was to have been an open dialogue. It was to have been a mechanism by which an open dialogue would have occurred so we could have had all the necessary input to make sure that our legislation was as up-to-date as possible.

* (1520)

The significant organization in all of this, in terms of input, in terms of the ideas, the knowledge, the expertise, the Charter of Rights Coalition in Manitoba also wrote to the Minister of Justice (Mr. McCrae) to ask about the White Paper. In fact, they wrote back on June 28, 1988. I will read briefly from that letter: I write on behalf of the Charter of Rights Coalition, a coalition of equality-seeking groups committed to ensuring Manitoba's statutes, regulations, programs and policies comply with and fulfill the Charter guarantees of equality for women and men. To this end we have completed two audits containing recommendations for the provincial Government. One area dealt with in considerable detail in our first audit was family law. Since that time the Attorney General's Department has also undertaken similar review leading to the preparation of a White Paper on Family Law. It is CORC's understanding that the Family Law White Paper is completed, printed and ready for release. We, along with many others, have been anxiously awaiting its release, given that the process first began in 1986.

Shortly after that, Mr. Deputy Speaker, I wrote to the Minister as well and asked him to release that discussion paper on family law. I believed, along with members of the CORC and other organizations that it was important to get public input early on in the process, so that we would be using our time and resources most judiciously and ensuring that our legislation was as comprehensive as possible and not requiring incredible work that must go into this process because of the need for major amendments.

As I said, the Minister responded. In one response on August 18, by way of a letter, he said to me that the White Paper that was being prepared was in part obsolete, because the Government has decided to proceed immediately with the Access Assistance Program, a statement which baffled all of us, given the fact that Access Assistance was but one tiny part of the discussion paper on family law and only one small aspect of this very critically important area. However, he went on to say that he recognized the importance of changing the legislation in family law matters to reflect current realities, and he looked forward to constructive participation in the debate on the appropriate adjustments to be made.

Here we are, Mr. Deputy Speaker, having missed an important step in this whole process, the step of open consultation and dialogue with interested individuals and community groups, now we are having to make up for that step that was missed. We are having to spend some time now slowing down the process to ensure that this once-in-a-lifetime opportunity of bringing into effect major family law changes is done

in the best way possible and in the most comprehensive way possible.

As we all recognize, family law changes are made or recommended because of a number of factors. One, of course, as the Minister of Justice (Mr. McCrae) said in his letter, it must reflect evolving relationships in the modern family—absolutely. Family law must also be updated and changed to keep us in line with our ongoing struggle to achieve equality between women and men—absolutely. Finally, Mr. Deputy Speaker, this family law package and this set of reforms is absolutely necessary to bring us in line with the Charter guarantees of equality.

As Members well know, the new Canadian Charter of Rights and Freedoms has been mentioned by Shelagh Day in a book entitled "Family Law in Canada, New Directions." This Charter offers an opportunity to reform Family Law, thereby reducing inequalities which particularly affect women. Historically, as we all know, the status and legal rights of women have been subsumed under those of their husbands. However, over the last century women have gradually won improvements with regard to property, maintenance, custody, divorce and other issues. We are now at an important stage in the history and life of this province and that is the updating of our existing legislation in the Family Law area to bring it in line with the Charter of Rights provisions.

To elaborate a bit, Mr. Deputy Speaker, on that point in terms of how much has actually changed and how much remains to be changed in order to truly reflect the provisions of the Charter and truly reflect the principles of equality between women and men and to actually tie in the importance of this legislative package, this Family Law package with respect to the broad Status of Women policy area, because I am sure, as the Minister responsible for the Status of Women (Mrs. Hammond) will agree, this is one of the critical issues facing women today. It is a critical economic issue that must be addressed in modern, progressive terms in order to make a significant step towards that definition of true equality between women and men.

We know that despite a century of change, reform is not complete. That is why these Bills are here today. We want to ensure that reform is as complete as possible, because in many ways family law, as Shelagh Day writes, still trails clouds of patriarchy. At the core of women's inequality in the family is her economic dependency. The reforms which have occurred to date have not totally altered this basic inequality, so it is our duty as legislators to ensure that we embark upon a process that brings in the most complete package of legislative reform in the family law area as possible.

When this package of legislative proposals was released to the public in October 1989, which is quite a long way from the first time the Minister of Justice (Mr. McCrae) committed himself to dealing with this area on a fairly urgent basis, it was received with mixed reaction. Certainly some of the amendments in this total package have been seen as very positive steps. As we go through each Bill and as we go through each Bill on a clause-by-clause basis at the committee stage, we will not hesitate to indicate the positive aspects of

these pieces of legislation, but, Mr. Deputy Speaker, there are many weaknesses in the proposals before us and there are many areas that have been missed completely in the drafting process.

The key organization involved in this whole area, the Charter of Rights Coalition in Manitoba, Mr. Deputy Speaker, reviewed this package and wrote to the Minister of Justice on November 13 and said, we are pleased that the legislation has been introduced and that your department has made a concerted effort to involve individuals in discussion, but as you are aware, CORC in Manitoba and other women's groups have been vitally interested in seeing amendments to the Acts which are covered in this proposed legislation. We have begun our review of the proposed legislation, a big task for a voluntary organization. Our preliminary review has revealed what we believe to be drafting errors and significant omissions in the proposed legislation.

Jeri Bjornson, on behalf of CORC, the co-ordinator for CORC, goes on to say, as I have just said and as the Minister himself has said, Manitoba has led the country in progressive family legislation and we want to see this continue. We want the final form of this legislation to reflect Manitoba's commitment to compliance with the Charter's sex equality guarantees as we are sure you do. Once major revisions are made to existing statutes, we are well aware that it is a long wait before there are any new amendments. Precisely my point, Mr. Deputy Speaker. It is a once in a lifetime opportunity. It is not something we can do easily and lightly. It must be as complete as possible. It must not be hurried; it must not be partial; it must not be half-hearted. It must reflect the fundamental principles behind the goal we all share of equality between women and men in our society today.

* (1530)

As the Member for St. James (Mr. Edwards) has mentioned, there are some flaws in all of these pieces of legislation, in particular the one before us. One of the overriding concerns that I want to address at the outset of any more detailed overview of this Act and the other pieces of legislation has to do with the absence in many cases of gender neutral language, something which came as quite a surprise to us in the New Democratic Party and I believe also to the Member for St. James, given the efforts on the part of this Government of late, I want to stress of late, to update Members in this House around gender neutral language.

(Mr. Mandrake, Acting Speaker, in the Chair)

In fact I refer specifically, Mr. Acting Speaker, to the Minister's seminar she held just several weeks ago, I believe, to try to familiarize Members in this House with the importance of removing the bias, sex bias, in the way in which they address women and men and to move towards gender neutral language. That seminar produced some very interesting material. It talked about the fact that language can be used to promote equity and that the guidelines the Minister herself had presented as part of that seminar are designed to help all of us recognize and use fair, accurate and balanced

expression in everyday communication, whether it be in the classroom, in the workplace, the Legislature or any part of our society. So it came as a bit of a shock to see that we are still dealing with legislation that is not free of sex bias and is not gender neutral. That is why, Mr. Acting Speaker, I asked the Minister responsible for the Status of Women in her Estimates of what was the official policy of this Government on gender neutral language. What was the directive that had gone out to all Ministers? What was the direction when it came to the drafting of legislation? I was assured that this Government was committed to gender neutral language.

I would assume on the basis of that commitment, on the basis of that seminar, that this Government will have no hesitation in amending the legislation, particularly The Dower Act, to ensure that it is totally drafted in gender neutral language. Specifically when it comes to The Dower Act, let me just read the comments from the overview presented by CORC, the Charter of Rights Coalition in Manitoba. That organization states, the language of The Dower Act, the one before us, Bill 49, is gender specific even though there is a section which states that specified terms are interchangeable, continuing to use phrases such as, "the testator and his wife, a married man and his wife, the owner and his wife," all of that perpetuates the stereotype that women are likely to be dependent upon their spouses in most cases.

I think if this Government is committed to showing leadership as the Minister responsible for the Status of Women (Mrs. Hammond) says it is prepared to do, then I think we start with legislation. We start with the kind of message we as legislators send out to the broader public so that there is no chance for assumptions of equality to be gleaned from our legislation. That I would ask, Mr. Acting Speaker, be seriously considered by the Minister of Justice (Mr. McCrae) and his colleagues. Let us not slide back in time and in this day and age, the 1990s, allow a piece of legislation to go through that is gender biased, is sex biased. Let us ensure that it is gender neutral in every sense of the word.

Mr. Acting Speaker, when one analyzes The Dower Act and all of these pieces of legislation obviously from a set of principles, I hope we are all working from the same set of principles. I am not sure, based on some of the gaps in these Bills. I am not sure in terms of some of the language in these Bills whether or not we are operating from the same set of principles. The principles that I apply and my colleagues in the New Democratic Party Caucus apply are very consistent with the principles enunciated by women's organizations in this province, by the Charter of Rights Coalition when it analyzed these six Bills that are all part of the Family Law package.

I want to put those principles on record because they will guide us as we work through these six Bills, as we study them clause by clause at committee stage and as we seek to ensure that some progressive amendments are made to this package. The first principle that must be applied as enunciated by the Charter of Rights Coalition pertains to what I have just

said about the Charter of Rights and Freedoms. As CORC says, the Canadian Charter of Rights and Freedoms guarantees equality between men and women, provincial legislation must be free from discrimination based on sex. This includes blatant discrimination, for example, laws which are written to treat women and men differently. It also includes laws which have an unequal or disparate impact on one's sex. For example, in succession legislation any provisions which discriminate against surviving spouses can be argued to discriminate against women on the basis of sex. This is because, as I am sure all Members in this House know, the majority of surviving spouses are women.

An Honourable Member: Well, that is changing.

Ms. Wasylycia-Leis: The Minister of Natural Resources (Mr. Enns) says that is changing. Certainly he is right, but I am sure he is interested in erasing any traces of sex bias in a piece of legislation sponsored by his Government. I am sure he is interested in working towards assuring full equality between women and men. One of the ways he can do that is by working with us to ensure some significant amendments are made to The Dower Act and to this entire package of Bills.

An Honourable Member: You have my support.

Ms. Wasylycia-Leis: A principle—the Minister of Natural Resources (Mr. Enns) will agree I am sure with the second principle that guides the NDP in assessing these Bills, and it is certainly a key principle for an organization like the Charter of Rights Coalition here in Manitoba.

That principle is, very simply, that marriage is a partnership of equals. Anything acquired by a couple during marriage is assumed to have been acquired through the efforts of both. That means, therefore, that legislation should protect the economic security of both spouses during their lifetimes and of the surviving spouse at the time of a spouse's death.

It also means, Mr. Acting Speaker, that each of the partners has a right to an equal share of the accumulated assets at the time of marriage breakdown, and it means that a surviving spouse has the right to at least one-half of the estate at the time of a spouse's death.

Those are critical principles in assessing the effectiveness of a Bill like Bill 49, The Dower Amendment Act, and all of these Bills in the legislative package.

A third principle enunciated by CORC, and I hope all Members in this House, that must be a guiding light in terms of dealing with this legislative package, is as follows: Where there is no will, the law should reflect the majority of wills, and that is a principle that the Minister of Justice (Mr. McCrae), in his overview of this package says is present in this legislative package. He says it has been a guiding light, it has been a part of the framework for putting together this legislative package. But, Mr. Acting Speaker, we are not so clear about that. In fact, it would appear that in many instances, when one assesses all of these Acts,

particularly The Dower Act, that principle has not been applied widely and constructively.

* (1540)

The majority of spouses leave their entire estate to their surviving spouse. Therefore, it is our view and the view of women's organizations that the law should ensure that a widowed spouse receives the entire estate where there is no will, and I am sure Members in this House will recognize that principle as one that has been described as all to the spouse.

Finally, Mr. Acting Speaker, a principle that must be kept in mind in terms of assessing The Dower Act and all of the Bills in this package, and is enunciated again by CORC, states: Parents have a legal obligation to support their minor children. Once children reach the age of 18, parents may choose to support their adult children who are dependent for some reason. Parents do not have an obligation to support adult children unless dependent due to severe mental or physical incapacity, or to leave them a portion of their estates.

So, Mr. Acting Speaker, let us keep those principles in mind and let us hear from Members in this House if there is disagreement with those principles before we even start the clause-by-clause analysis of these Bills at the committee stage, because if we are talking from different principles, if we are coming at this whole policy area from different perspectives, then that should be made clear because the future of women is very much tied up in our response, as legislators, and how in tune we are to the principles that they uphold so strongly. These principles give us a way to assess the legislation before us, particularly Bill 49, The Dower Act.

The Dower Act, as Members know, is intended primarily to provide some measure of economic security to spouses. It provides for the right of a surviving spouse to choose a fixed share of the deceased spouse's estate where the deceased spouse has left less than that share to her or him in a will. It provides for the right of a surviving spouse to a life estate and the deceased spouse's homestead or home for the duration of her or his lifetime. It provides for the written consent of the non-owning spouse for the disposition of or encumbrance on the homestead.

We have to look at The Dower Act in terms of those provisions and recognize that there are some important amendments to this Act. It does give priority to the spouse's fixed share of the estate over orders under the new Dependant's Relief Act. It includes criteria under which a surviving separated spouse loses her or his right to claim a portion of the estate under The Dower Act.

However, having acknowledged the major objectives of this Act, and the amendments which significantly adhere to the principles I have enunciated, it is important for us to pause and focus on the major problems that are still in this Act that have not been addressed by the proposed amendments. It would be a shame to move forward in this direction without doing as complete a job as possible, without ensuring that our legislation is consistent with the principles that I have enunciated,

the principles about equality in a marriage, about the all-to-a-spouse question and about being in line with the Charter of Rights and Freedoms.

Mr. Acting Speaker, as the Member for St. James (Mr. Edwards) has already enunciated, there are some very major deficiencies with this Act. We certainly share that concern, and we certainly believe that amendments must be put forward to correct those deficiencies. We are hoping that the Minister of Justice (Mr. McCrae) and all of his colleagues, since they have expressed an openness to hearing from women's groups, even though they did miss an important step in the whole process, an important consultative step, they have expressed an interest to hear from women's groups and other citizens about their reaction to these six Bills and seem to be interested in receiving constructive amendments to these Bills.

I hope, and I am sure the Minister responsible for the Status of Women (Mrs. Hammond) will be leading the charge. I would hope she would be, given her work around the Women's Initiative, even though we have much disagreement with that whole exercise, if it does not translate into things like progressive Family Law legislation. We are looking to the Minister responsible for the Status of Women to work with the Minister of Justice (Mr. McCrae), who has expressed an openness, and together come forward with amendments that deal with the major concerns in this legislation.

Specifically, Mr. Acting Speaker, it is absolutely critical that The Dower Act be amended to reflect that principle of all to a spouse and it be amended to reflect the fact that the principle that has been enunciated not only by court but also by the Law Reform Commission is included in this legislation, and that is that a fixed share scheme be repealed, that is a minimum entitlement on the death of a spouse who leaves the will to surviving spouse receive a deferred one-half share of the spouse's marital property. That I think is an incredibly important area to be addressed in this Bill and must be addressed in terms of concrete amendments.

As CORC itself has said, The Dower Act—we back up, Mr. Acting Speaker. As CORC has said very clearly, of major concern are provisions in The Dower Act which allow a spouse to ensure that her or his surviving spouse receives less than one-half of the net value of the estate. Those exemptions as outlined in Section 16 allow a testator to make a limited request such as providing an annual income of \$15,000 for life, and if a testator includes one of the exemptions in her or his will, the surviving spouse has no right to choose to take a fixed share of one-half of the net estate under The Dower Act. As CORC has said so well I could not say it better myself, these exemptions are both illogical and discriminatory. They in effect afford widows spouse's rights which are inferior to the rights of a spouse upon marriage breakdown. The Dower Act should be amended immediately by deleting the exemptions in Section 16.

Finally, Mr. Acting Speaker, as I believe my time is coming to a close—two minutes, thank you—we will have an opportunity of course to go in more detail over these deficiencies and proposed amendments at the committee stage. However, I think it is important to

mention another major deficiency in this legislation, and that is, it needs to be amended to ensure that surviving separated spouses are afforded the right to choose to take a fixed share of the deceased spouse's estate unless there is an application pending for an accounting and equalization of assets under The Marital Property Act or their affairs have been finalized through a final agreement or a court order.

(Mr. Deputy Speaker in the Chair)

It is not consistent, Mr. Deputy Speaker, for this Dower Act to ignore the principles that have been enunciated and to set out criteria under which a surviving separated spouse would lose his or her claim to a fixed share of the estate of the deceased spouse, because clearly that kind of criteria are problematic. They do not require that the couple's affairs have been finalized before a surviving separated spouse loses her or his claim on the estate of the deceased spouse. I could go on at some length about the problems with The Dower Act. Let me conclude, however, by saying we look forward to a thorough clause-by-clause analysis at committee stage and an openness and a willingness on the part of the Members of the Government to propose and support amendments to ensure that we use this opportunity to bring forward the most up-to-date, complete, progressive and meaningful Family Law legislation anywhere in this country. Thank you.

QUESTION put, MOTION carried.

BILL NO. 51—THE MARITAL PROPERTY AMENDMENT ACT

Mr. Deputy Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 51, The Marital Property Amendment Act; (Loi modifiant la Loi sur les biens matrimoniaux), standing in the name of the Honourable Member for St. James (Mr. Edwards).

* (1550)

Mr. Paul Edwards (St. James): If I might, I would like to deal with these in some succession. We had done 47, 48 and 49. I wonder if we might deal with Bill 50 at this point, with Bill 51 being left to stand in my name.

POINT OF ORDER

An Honourable Member: On a point of order, Mr. Deputy Speaker.

Mr. Deputy Speaker: The Honourable Minister of Northern Affairs, on a point of order.

Hon. James Downey (Minister of Northern and Native Affairs): With respect, I believe you inadvertently called Bill No. 51 rather than Bill No. 50. Maybe you would wish to do it as initially requested by our House Leader, that would be to proceed to do 50 and then 51. I think the House would appreciate that.

Mr. Deputy Speaker: Agreed and so ordered.

**BILL NO. 50—THE WILLS
AMENDMENT ACT**

Mr. Deputy Speaker: On the proposed motion of the Honourable Minister of Justice (Mr. McCrae), Bill No. 50, The Wills Amendment Act; (Loi modifiant la Loi sur les testaments), standing in the name of the Honourable Member for St. James (Mr. Edwards).

Mr. Paul Edwards (St. James): Well, Mr. Deputy Speaker, I do not intend that my comments on this Bill will be long, but they will be extremely illuminating to all Honourable Members I can promise.

This is another in the series which makes up the family law package. It is a Bill which amends The Wills Act, which is of course an extremely important Act in our province and in fact governs the capacity of individuals to make wills and the formal requirements for the execution of wills. That is an important piece of legislation in this province. It is an important addition to this package. This Bill attempts to make one major amendment, that is that it provides that when a person dies with a will which leaves a gift to a child who had died without a will before the death of the person, the testator, that the gift would go to the children of the deceased child. Now that may not seem a major amendment. However, I think it is extremely important. It is not one I think that should bear much debate amongst Members. I do not think that there should be much controversy over this particular amendment.

I think that in fact the Bill reads in quite a straightforward fashion. I think it fits with what the majority of people would agree with in our society, and that is that the majority of people would choose to benefit their grandchildren over benefitting other in-laws. I think that meets with what is the common principle that most people follow in drawing up their wills. Nobody can accurately predict how many exceptions there are to that, but I think as much as possible, as I have indicated earlier in my comments on in particular The Dependents Relief Act in this series of Bills, that I do agree with the principle that we have to attempt to make these Bills, which deal with people where their wills are insufficient or not there, we have to attempt to make the laws conform with normal societal standards, what we think it is likely people would have done had they thought about it or had they known all of the facts when they drew up their will.

Of course we cannot expect people to always be able to predict what is going to happen or indeed to redraft their wills as soon as something changes. It just does not happen that way. People die with insufficient wills, wills which in fact cannot be complied with. This amendment attempts to deal with one of those situations where the person dies and has left a bequest to a child who has in fact died without a will before the death of that testator. I think to that extent this amendment is important and can and should be supported.

The one comment I want to leave on the record is that in fact because this legislative package does not include the amendment which I spoke about which should have been in The Dower Amendment Act, it

means that this proposal in this Act is less acceptable. I say that because unless The Dower Act is amended to guarantee that a surviving spouse receives one-half of the estate, this Bill may have to be amended to allow that the bequest revert back to the surviving spouse of the deceased testator.

Essentially what I am saying is that because you can buy your way out of The Dower Act so cheaply, Mr. Deputy Speaker, and this Government is making no attempt to change that, we may have to look at reverting what would normally go to the grandchildren back to the spouse, because I think we all have to agree that unless the surviving spouse is adequately taken care of we should not be thinking about the grandchildren.

The primary responsibility of a spouse drawing up a will is to take care of the surviving spouse. I do not think there should be debate in this House about that. Unfortunately, The Dower Act does not achieve that. That causes me great regret. I believe it is the matter of some significant disappointment amongst people who have thought about this package and worked on this package and given advice on this package and no doubt will appear before the committee on this package. So I simply indicate to the Minister that while this particular Act does make some progress in clearing up a situation which while perhaps not all that common is still one which leaves a gap in our legislation governing wills and the disposition of assets upon death, it is incongruous with the principle that the surviving spouse must be taken care of.

So I go back to my comments on The Dower Act to indicate to the Minister that he has to do something with The Dower Act. I challenge him. I ask him to come forward with some other amendments to The Dower Act which will adequately deal with the needs of a surviving spouse and which will have due regard to the principle of equality of assets in a marriage and upon the dissolution of a marriage, either by separation or divorce or indeed by death of one of the spouses. We must stay true to that principle. The Dower Act does not achieve that, and to that extent this Act, which gives to a grandchild what was supposed to have gone to a child, may have to be amended simply because we have to make sure that the surviving spouse is adequately taken care of.

Assets—I do not believe we can move into this area and agree to disperse assets to children or grandchildren before taking care of the surviving spouse. Regardless, in my view, of what the spouse who drew up the will wanted to do we must ensure that the surviving spouse is taken care of. That is a principle which cannot be stated emphatically enough.

I call on the Minister to take seriously the comments put forward by the groups that have commented on this Bill. I know that he has the same written briefs that I have. I look forward to hearing his comments on those briefs at the committee stage.

Let me suggest that he speak to the Member for Kirkfield Park (Mrs. Hammond), the Minister of Labour, who I know is very experienced and knowledgeable about these issues. Let me suggest that he consult with her about the underlying principles of The Dower Act

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and indeed the whole family law package and put it to the test of the guiding principle that I enunciated in speaking to The Dower Act, which is, as I have just said, equality of ownership of assets within a marriage.

* (1600)

I do not think The Dower Act passes that test to the extent that this Wills Amendment Act leads us further down the road of dissipating the assets of a surviving spouse. I have remaining questions, and while my earlier comments stand with regard to the importance of this Bill in clearing up what the law requires in a certain situation, but I must say that we have to keep in mind the very grave consequences of someone dying who attempts and sets out to frustrate his or her spouse's desire to live an adequate and a reasonable lifestyle after death. That is such a sad situation, Mr. Deputy Speaker, very unfortunately it does happen in our society with alarming regularity.

I think we had made some progress in the marital property area with respect to living spouses who separate. It is important that we carry that progress through for those who survive a spouse who perhaps maliciously, perhaps simply neglectfully, has not provided adequately. So, with that caution to the Minister I will conclude comments on this Bill and look forward to hearing from the Minister at the committee stage.

In conclusion, let me bring one other concern to the Minister's attention. Again, it is a concern which has been brought to my attention, and that is a Charter concern, that Section 8(1) of The Wills Act would appear in their opinion, that is the Charter of Rights Coalition, to allow for challenges under Section 15(1) of the Charter of Rights and Freedoms. That deals specifically with the situation in the Canadian Armed Forces. I do not intend to go into detail in that particular situation, but as I say, I know the Minister has received the same briefing paper that I have. I believe that the Minister having been given this notice should come forward at the committee stage with some explanation, and I will look forward to hearing it. Thank you, Mr. Deputy Speaker.

Mr. Deputy Speaker: The Honourable Member for Flin Flon.

Mr. Jerry Storie (Flin Flon): I do not intend to speak at length on this Bill or the subsequent Bills dealing with what is called family law in the Province of Manitoba, but I did want to add a couple of remarks.

Mr. Deputy Speaker, I am coming of age when the question of wills has a great deal more interest than it did some 20 years ago. My colleague for St. James (Mr. Edwards), who incidentally, or coincidentally, is a lawyer and is looking for some business from those who have not yet—

Mr. Deputy Speaker: The Honourable Member for St. James, on a point of order.

Mr. Edwards: Mr. Deputy Speaker, I feel compelled to defend myself on that. I do not even do wills. It is

certainly not my expertise.- (interjection)- The Minister of Labour (Mrs. Hammond) says everybody does wills. The firm I am with certainly has the capacity to do wills. I might say we generally do not make a lot of money on them, and I in particular make no money doing wills because I do not do them.

Mr. Deputy Speaker: The Honourable Member did not have a point of order. The Honourable Member for Flin Flon has the floor.

Mr. Storie: Thank you, Mr. Deputy Speaker. I did not want this to become a matter of controversy. It was said in jest. Although I am quite surprised that the Member for St. James does not do wills, I thought lawyers did anything. I stand corrected, and I want to thank the Member for St. James for correcting me on that small point.- (interjection)- He is indicating now from his seat he is not taking my business even if I beg him. That suits me just fine, incidentally.

I was not speaking in jest when I referenced the fact that wills have become more important to me as I have become older and seen parents, grandparents, brothers and sisters depart, die without the benefit of a will. I am also aware and have had contact with numerous constituents who have been left in extremely difficult circumstances through a lack of planning and through the appropriate will being in place.

What we are trying to do here is create an amendment to The Wills Act which will bring us in line with what is incidentally happening in other jurisdictions but what will also bring us in line with common sense. Now no one would argue that this particular amendment, which allows that someone who dies with a will, leaving a gift to a son or a daughter who has already died, this change would allow for the will to be automatically distributed to the grandchildren. Now there is nothing wrong with that in concept. However, as my colleague from St. James (Mr. Edwards) pointed out, because of some shortcomings in the amendments which were brought forward with respect to The Dower Act, this Act may not in fact cover all of the eventualities that a family could face in the event of the death of a family member.

In particular, there are groups out there who are supporting the premise that one of the shortcomings is not requiring in this Act the distribution of 50 percent of the assets going to the spouse immediately. That is only one of the shortcomings, and they recommend I believe that amendments be included in The Dower Act as well which would correct that particular shortcoming.

Mr. Deputy Speaker, what I wanted to say more specifically about this Act is the recognition that this particular Act and the others referenced in the Order Paper, Bills 48 through to Bill 52, are a recognition that there has been some injustice in the statutes of the Province of Manitoba when it comes to the distribution of assets on death or on the dissolution of property in the event of marriage break-up.

We have in the Province of Manitoba been fortunate enough to lead the country when it comes to recognizing

the inequities which are in statute in the Province of Manitoba. The inequities almost inevitably refer to the fact that women, the female spouses in this partnership, do not receive the kinds of benefits after the dissolution of a marriage or at death that they are entitled to. These small amendments that we see coming forward from the Attorney General's Department—and this is not the first year where the Attorney General has had on the Order Paper a list of Bills dealing with what is commonly called family law, nor will it be the last.

What we are seeing now, however, is what some of us would call tinkering, that there has been a great deal of time and effort put into substantial amendments to The Marital Property Act and numerous other family law packages changing the principle of the distribution of assets, the distribution of pension rights, the distribution of the total assets of an estate or the distribution of the assets of a family at the break-up of that family. We are now seeing I guess some of the more controversial amendments in the sense that each of these amendments brings with it a whole series of other questions.

* (1610)

The Member for St. James (Mr. Edwards) I think suggested that while most people might want to have the bequest of a departed assigned to the grandchildren as opposed to some other family member, clearly no one in this Chamber can say categorically that always could be or should be the case. I think we have to recognize that any individual may choose for their own reasons to wish, to desire the distribution in some other form. As I said, there are some groups out there, I am sure, people who will be coming forward at committee stage to review the amendments who will propose additional amendments, who will propose a different tack with respect to The Wills Act and as I explained earlier to The Dower Act as well.

There are no guarantees, and it is difficult to sit in this Legislature or stand in this Legislature, Mr. Deputy Speaker, and say, let us pass an amendment which requires thus and so to be the case when we know that there are going to be exceptions. There will be legitimate exceptions. I suppose as always we can leave those exceptions to the good graces of the parties involved to arbitrate, to negotiate in some way, or as is more than likely the case, those disputes will end up a separate set of legal arguments in a court of some jurisdiction or other. That certainly seems possible.

Therein lies the rub, because there is no doubt that as soon as you create, intentionally in this case, circumstances where you know there are going to be exceptions you are creating a situation where the people who have financial resources can have those issues addressed in the courts. They can hire professional legal help, they can take the time to have those addressed in the court, they can wait the year or two or whatever it takes for that to be addressed through the courts and some judicial resolution be proposed.

On the other hand, for probably the vast majority of people for whom this will be an extremely important matter, and yet not one which they want to use up their

own family resources to resolve through the courts, there may in fact be a twin problem, the first problem being that the intention of the deceased may not in fact be carried out. That is always a dilemma when wills are contested, for example. So that is dilemma No. 1. Dilemma No. 2 may be that the benefit which would flow to some individual may in fact be virtually nothing, may be non-existent, may end up in fact to be a bill owing as a result of a lengthy court battle, a lengthy legal dispute over the intentions, over the interpretation of the new amendment to The Wills Act or to The Dower Act itself.

The problems that we are creating by passing these amendments I think should be considered rather carefully. As I said, most people believe that we are moving in the right direction. If you simply say, this makes good sense, this is common sense to propose these amendments and have them carried forward, you are neglecting the fact that we already know that some people are going to object.

Mr. Deputy Speaker, the Attorney General (Mr. McCrae) in his comments, in his introduction or explanation of the amendments and their necessity, mentions that this brings Manitoba in line with other Canadian jurisdictions. Again this legislation really flows from a whole series of amendments that were introduced as long ago as 10 years. I give credit to the previous Attorney General, the previous Member for St. Norbert, who was extremely progressive when it came to issues like maintenance payments, Marital Property Act amendments, who followed the lead of the previous Government set back in the early '70s when these amendments actually were first proposed but really has left us in a position where we are leading.

Now again these amendments that we are seeing are not substantial in nature but what they do, and I emphasize this point, is create a pocket of uncertainty in the legislation itself, because we are now dictating very specific circumstances with respect to the distribution of the estate of an individual who had his own intentions with respect to that estate. It becomes problematic for us as legislators, because as I say it is difficult for us to say, in fact it is difficult for family members to say with any degree of certainty, what the real intentions of a deceased person were. We are all aware of the fact that over time intentions change. Whether those intentions are changed for the benefit of the benefactors in the will is always a matter of question. Intentions change and they, of necessity, have to be reflected in the will.

What has happened in this amendment of course is that when someone dies—if unbeknownst or after the death a benefactor dies the distribution of assets goes according to the legislation and not necessarily the wishes or what would have been the wishes of the deceased person.

Mr. Deputy Speaker, the legislation again is headed in the right direction. I hope that the Attorney General (Mr. McCrae), when this Bill goes to committee, is willing to consider amendments, some further small amendments, I hope friendly amendments.

Certainly, it would be rather presumptuous of the Minister responsible for this legislation to assume that

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his department or the Law Reform Commission, from whom the basics of this amendment came, have all of the knowledge or understand all of the implications of this Act. If people come forward and make intelligent suggestions about how we might improve it, how we might make sure that the intentions of a deceased person are followed, and yet where that is not possible, the benefactors should be the grandchildren, perhaps we can have the best of both worlds. Even having said that we know it is not always going to be possible.

Mr. Deputy Speaker, the Minister responsible also suggested that the amendment will allow the grandchildren rather than the spouse of the deceased child, which would be a daughter-in-law or son-in-law, to receive the benefit. Again, some would think that was presumptuous. Of course, we would only be guessing about or speculating on hypothetical cases if we said that depending on the relationship between that particular person and a son-in-law or daughter-in-law that may have been most appropriate.

The Minister of Justice (Mr. McCrae) is going to have to explain to the committee, if he does not to the Legislature at second reading, how he is going to deal with wills when they are contested on the basis of these amendments. How is he going to deal with exceptional cases? I certainly do not recall in the Minister's words any recognition of the potential for problems. So hopefully he has done some thinking in the meantime and will be able to provide us with those as we go to committee.

Mr. Deputy Speaker, the amendments are perhaps a little short on detail. We know there are going to be problems with them, but we are prepared to let this go to committee. There may be other people who want to raise more specific concerns about the amendments. I know my colleague, the Member for St. Johns (Ms. Wasylycia-Leis), has some comments she wants to put on record, but I would also be interested in hearing from someone on the Government side.

Perhaps the Minister of Family Services (Mrs. Oleson) could provide us with her comments in terms of how these amendments, this package of amendments, fits in with the philosophy of Child and Family Services, how it fits in with the maintenance of family relations, how it fits in with the economic security of families. I am assuming that the Minister of Family Services and her staff have reviewed all of the implications of these Acts in terms of the benefits that are available to programs under her jurisdiction.

Again, many of the pieces of legislation that we have dealt with over the years in terms of family law have had to do with the maintenance of families and although this is not quite as directly related, certainly if we intend that in these particular cases the money is distributed to grandchildren, it may in fact be creating financial problems for the daughter-in-law or the son-in-law, those without families, if it was the intention of the deceased to have the money go in that direction, and we may be creating some other problems.

Mr. Deputy Speaker, I think I am certainly prepared to support this through to committee and we will observe at that time whether there are any other

significant, substantial amendments which are brought forward at that time. Thank you, Mr. Deputy Speaker.

* (1620)

Ms. Judy Wasylycia-Leis (St. Johns): Mr. Deputy Speaker, I am pleased with this opportunity to carry on this discussion on family law reform here in Manitoba, to address this particular Bill, The Wills Amendment Act, but to relate it again to the package we have before us, as the Minister of Justice (Mr. McCrae) has called it, the family law legislative package for 1989.

I want to go back, Mr. Deputy Speaker, and put this particular Act, The Wills Amendment Act, in the context of what we are trying to do in terms of this entire legislative package, in terms of family law reform here in Manitoba, and hope that in the process we will have agreed upon some significant amendments to the entire package to make it more consistent with the principles that I have enunciated in this House and that I believe many Members in this House agree with.

I think in all of the debate and discussion around these six Bills that fall under the family law legislative package we have to ask ourselves each and every time if that Bill, if this piece of legislation, is consistent with all of the principles that are in my view underwriting the entire area of family law reform.

I have mentioned those principles and I want to do it again, and I want to tie it into The Wills Amendment Act, because I believe that this Bill too needs to be addressed and dealt with in that context and may have to be changed accordingly if we are not prepared to make comprehensive changes required for this entire package. I think we want to remember that the principles guiding us in dealing with The Wills Amendment Act and The Dower Amendment Act and in the four other Acts before us must tie into the Charter of Rights and Freedoms and the guarantees in that Charter for equality between men and women.

We have to ask ourselves, does this Bill, do all of these Bills, meet the requirements, meet the quality guarantees under the Charter because, after all, that is one of the primary reasons for this family law legislative package. This package is before us to bring our laws in line with the Charter of Rights and Freedoms.

Just to refresh the memories of Members here in the House about those provisions, let me read again Section 15.(1) of the Charter of Rights and Freedoms. It says, "Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Let me also read, Mr. Deputy Speaker, Section 15.(2) of The Charter of Rights and Freedoms which says, "Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups, including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Those sections in the Constitution Act must be a fundamental guiding light and principle when we address The Wills Amendment Act and all other five Bills in this legislative package.

Now on the surface, on its own, The Wills Amendment Act does not appear to diverge from that principle, does not appear to detract from the goals as set out by the Charter, does not appear to be going in the opposite direction of the guarantees under the Charter but taken as part of this package it certainly does raise serious questions about the intentions of this Government to bring succession laws in this province in line with the Charter of Rights and Freedoms.

The critical overriding issue in this entire package is whether or not this legislative package together, all Bills together, adhere to the principle of marriage as a partnership of equals, adheres to the principle of legislation that protects both spouses, that ensures economic security of both spouses during their lifetimes and for the surviving spouse at the time of the other spouse's death.

Have we lived up to the principle of marriage as a partnership of equals? Have we ensured that each of the partners has a right to an equal share of the accumulated assets at the time of marriage breakdown? Have we ensured that we are true to the principle that a surviving spouse has the right to at least one-half of the estate at the time of the spouse's death?

Mr. Deputy Speaker, if one looks at The Wills Amendment Act, in conjunction with this package of Bills, it is clear that we have not met the minimum equality guarantees of the Charter. That I think is the first obligation of this Government, the Members on the Conservative Benches, to ensure that any package that is primarily geared to bring our laws in line with the Charter does exactly that. It fails on that fundamental test, that first test, is it in line with the Charter? I say that, Mr. Deputy Speaker, with respect to this Act and with respect to all Acts as part of this legislative package, because in effect if we do not deal with those areas that do not meet the minimum equality guarantees in the Charter then we cannot accept one part of that package. It must be a total package or we have not met the equality guarantees under the Charter.

Mr. Deputy Speaker, Members in this House should be fully briefed and aware of the incredible work that has been done by CORC to assess all of our laws to see if they are in line with the Charter and to assess where gaps and deficiencies exist in our legislation vis-a-vis the Charter of Rights and Freedoms. I want to refer Members to the section in the first audit done by CORC entitled Succession Legislation and refer to some of the comments made in this report. That section starts off by saying a study of succession legislation requires that the writer adopt a somewhat different although not incompatible approach from that adopted in a study of property legislation. While property legislation seeks largely to protect and balance the rights of spouses to share in property upon marriage breakdown, succession legislation seeks to protect and preserve the rights of survivors. The competing claims may be quite different in the event of the death of one spouse and in the event of a marital breakdown.

That report goes on to say the major criticism of present succession legislation in Manitoba is that in many instances the legislation affords a widowed spouse rights which are inferior to the rights of spouses upon marriage breakdown. The situation is illogical and discriminatory and may lead to a number of challenges under the Charter of Rights and Freedoms unless steps are taken immediately to amend the relevant statutes.

This audit further says the proposals for reform which we make in the following discussion of succession legislation are based on the existing deferred sharing of property regime under The Marital Property Act. In the event that The Marital Property Act is amended to provide for a community of property regime as this organization has proposed, further study of succession legislation will be required.

The key question, Mr. Deputy Speaker, that must be asked is, do these legislative proposals, this family law package, 1989, correct that inequity? Does it ensure that a widowed spouse does not receive inferior benefits than an individual who would be receiving benefits upon marriage breakdown? Does the legislation ensure that a widowed spouse's rights are no longer inferior to the rights of spouses upon marriage breakdown?

* (1630)

It is clear that as a package we have not yet achieved that goal. In fact, if we are going to deal with The Wills Amendment Act it must be done in conjunction with The Dower Amendment Act. The Dower Act as drafted and presented by the Government does not meet the minimum equality guarantees of the Charter. Until we address that fact, Mr. Deputy Speaker, we will not have made significant gains on behalf of individual rights and freedoms in this province and certainly not made much of a step forward for ensuring greater equality between women and men.

If you look specifically, Mr. Deputy Speaker, at Section 34(b) of The Wills Amendment Act, it is clear that this section is not acceptable unless The Dower Act is amended to ensure that it is in line with the Charter of Rights and Freedoms, which it does not now do. So we cannot begin to address these amendments unless we have dealt with the critical issues in The Dower Act.

In fact, as CORC has put so well, this section, Section 34(b), is not acceptable unless or until The Dower Act is amended to guarantee the surviving spouse 50 percent of the estate, and all exemptions under Section 16 of The Dower Act are deleted. That is something which is not part of this legislative package. If these changes are not made, this Bill, The Wills Amendment Act would, in fact, have to be amended so that the bequest would revert back to the surviving spouse.

Mr. Deputy Speaker, the critical business at hand for all of us in this Legislature is to first address the very glaring gaps and deficiencies in this package when it comes to discrepancies or inconsistencies with the Charter of Rights and Freedoms. As I said in my remarks dealing with The Dower Act, while it makes some improvements and steps in the right direction by not dealing with Section 15 and Section 16 in the current legislation, we have not achieved the basic objective of consistency with the Charter of Rights and Freedoms.

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As I said earlier, Section 15, presently in that legislation, accords the surviving spouse the right to elect, to take in accordance with the deceased spouse's will, or to take a fixed share of the net estate where the will does not make provisions equal to those in The Dower Act. As CORC has pointed out, there are problems with calculation of the estate and what is included and excluded in this section. I think as many of us in this House believe, and I hope Members on the Conservative benches are coming to this position, the first task at hand is for us to appeal or repeal Section 15(1) and Section 15(2) in order to begin to deal with this problem and to substitute those sections with more progressive, modern, up-to-date thinking and wording.

I would put on the record one such suggestion, for the Minister of Justice (Mr. McCrae) and his colleagues, to seriously consider when briefing themselves prior to committee stage of this Bill, so that we can get on with the business at hand and ensure that we have a quick and speedy set of amendments ready to go. That wording suggested by CORC is as follows: The surviving spouse of every testator who, by will, has not left the surviving spouse at least one-half of the net value of the estate except in cases where Section 22 applies. CORC further suggests that there should be a further amendment to include all assets owned by the testator at death without exclusion and without inclusion of any other benefit. This should include the definition of net estate. The calculation of the net value should be identical to the calculation of net value of the estate of the intestate under The Devolution of Estates Act, renamed The Intestates Succession Act in the proposed legislation.

Further, CORC says the calculation of the surviving spouses entitlement to one-half of the estate should not include the value of proceeds of any insurance policy on the deceased life payable to the surviving spouse, nor the value of any property transferred to or gifted to the surviving spouse by the testator during the marriage.

So you see, Mr. Deputy Speaker, it is very, very difficult to give any kind of support to Bill 50, The Wills Amendment Act, unless we deal with the very glaring deficiencies in other parts of this package, particularly Bill 49, The Dower Act. One other area, as I mentioned previously, that must be addressed, if we are even to meet minimally the equality guarantees of the Charter, is to repeal Section 16 of The Dower Act.

As has been mentioned previously by the Member for St. James (Mr. Edwards), I believe, and myself, Section 16 now allows the testator to make a limited bequest of less than one-half the estate by providing an annual income of, for life, \$15,000, a paltry sum; or providing a limited bequest from a large estate; or by purposely reducing the value of the estate prior to death. This can result in a situation where the surviving spouse has rights which are inferior to those of a spouse upon marriage breakdown. Precisely my point when I referenced this whole area of bringing our succession legislation in line with the Charter of Rights and Freedoms.

As has been strongly recommended by many in our society, particularly women's groups in Manitoba, this

section of the Act must be repealed. There should be no exception to the obligation of the testator to leave by will, one-half of the net value of the estate to her/his spouse.

Mr. Deputy Speaker, following through on action around those critical areas in The Dower Act would go a long way toward bringing this package in line with the Charter and toward meeting the principle of treating marriage as a partnership of equals.

I think at every step of the way, as I said earlier, we must ask ourselves the questions, each one of these Bills: Does it reflect that principle of marriage as a partnership of equals? Does it reflect the general pattern in society where the majority of wills ensures that the spouses leave their entire estate to their surviving spouse, the "all to the spouse" concept? Does it ensure economic security for the surviving spouse in the full sense of the word and thereby meet one of the outstanding equality matters in our society today?

The Wills Act currently, the current Bill without considering the amendments, governs the capacity of individuals to make wills and formal requirements for the execution of wills, as all Members in this House know. Specifically, I want to refer to Section 8 of the present Wills Act since that is certainly the area that we must look at in terms of contravention of the Charter of Rights and Freedoms. That section states that: "A will may be made by a person who is under the age of 18 years is not valid unless, at the time of making the will, the person is or has been married; or is a member of a component of the Canadian forces that is referred to in the National Defence Act, or is a person described in Section 5.

This section, as it stands, allows for at least two potential challenges vis-a-vis the Charter of Rights and Freedoms. I am referring now to pages 2.35 and on in the first audit done by the Charter of Rights Coalition here in Manitoba. That audit states that no person under 18 years of age may validly make a will unless that person is, or has been, married, or unless that person is a member of the regular force of the Canadian forces, or unless a member of the Canadian forces on active service, or when at sea, or in the course of a voyage.

* (1640)

It can be argued, CORC says, that Section 8(1)(a) discriminates on the basis of marital status by allowing only married or previously married infants to make wills. While the objective of this section may have been the protection of the dependants of married infants there is no requirement in the legislation that a married infant have any dependants in order to be able to validly execute a will.

Secondly, CORC says, there would appear to be no logical rationale for allowing infant members of the armed forces to make wills while civilian infants to not have this right. As the grave majority of members of the armed forces are men it can be argued that the exemption in favour of members of the armed forces benefits male infants to a far greater degree than female infants and thus is discriminatory.

I would recommend to Members that they peruse the other sections of this audit done by CORC, when

it comes to The Wills Act particularly, and recommend consideration to the recommendations found on pages 2.35, 2.36 and 2.37 since they are all related to Bill 50, which is before us, and all an integral part of the discussion we are now having around this entire legislative package.

Mr. Deputy Speaker, one of the critical tasks before us is to take our society a step forward in terms of progressive legislation when it comes to property and when it comes to succession matters. I referred earlier in my remarks to some of the changes in thinking that have taken place over the years, but also mention how much further we have to go to be truly consistent with the principles of equality.

I wanted to refer again to a very excellent book by the Canadian Advisory Council on the Status of Women entitled "Family Law in Canada, New Directions" and again quote from the first chapter, which was written by Shelagh Day, because I think she helps to put it all in perspective. She writes that family law is a branch of law of prime importance to women, since decisions regarding marriage, separation, divorce, family, property and the care of children directly affect women's equality, independence, security and economic status. Although traditionally the family has been viewed as women's sphere, "the place in which she held sway," the law governing the family has been the principal instrument for subjugating women. Women's lack of status in the family has provided the negative model for the treatment of women in every other sphere.

Shelagh Day goes on to say that both Napoleonic Law and British Common Law, from which Canadian Law is derived, deprived married women of legal personhood and as well deprived women of independence and equality.

The traditional status of married women at law is summarized in Blackstone's famous aphorism: Husband and wife are one person and the husband is that one. A further quote from Blackstone: The very being or legal existence of the woman is suspended during marriage.

(Mr. Speaker in the Chair)

Shelagh Day goes on to say that upon marriage a woman's property customarily passed to her husband. Money she earned, gifts she was given or property she inherited all belonged to her husband. A married woman had no right to contract or to make a will nor could she sue or be sued independently. Marriage also resulted in a woman's physical person and her sexuality becoming her husband's property. He had the right to physically 'correct her'—in other words to rape her, to control her physical movement and to determine her domicile and place of residence.

Children were also entirely in the control of the husband as he was the sole guardian of them with the right to make all decisions regarding their care, discipline and education. Married women assumed the names and nationalities of their husbands and lost their own. The husband was responsible for any illegal actions of his wife. She could not testify in court against her husband nor could she sue him for actions against her.

A married woman could not divorce and only in extreme circumstances could she live apart from her husband. Her only basic legal right was to have her husband supply the necessities of life.

Just to go on very briefly, Shelagh Day writes, "In 19th Century Canada, this was the state of the law. Reform of the law was required constructing a legal personality for married women and introducing equality for women inside the family law scheme. Over the last century," as Shelagh Day says, "women have gained the right to own separate property, to make contracts, to obtain maintenance when separated from or deserted by their husband, to have custody and parental authority with respect to their own children, to retain their own citizenship, to be dealt with as separate persons by the criminal and civil law and to divorce and separate from their husband."

To repeat a quote that I mentioned in my remarks on The Dower Act, Shelagh Day says, "Despite a century of change, reform is not complete."

Mr. Speaker, that is certainly a point that must be made today as we assess this package and unfortunately have to conclude, based on what has been presented to us, that family law at least in the minds of the Conservative Government, still trails clouds of patriarchy, because you see entrenched in this legislation, not dealt with by this package, is that notion of women's inequality in the family and economic dependency. This package does not entirely alter the basic inequality.

An Honourable Member: It is flawed.

Ms. Wasylycia-Leis: As the Member for Thompson (Mr. Ashton) says, it is flawed. The package is flawed. It does not alter this basic inequality but, more importantly, since the Conservatives are often interested in their legal obligations, it does not meet the minimum guarantees of equality under the Charter.

I would hope that even if Members in the Conservative Party are not yet prepared to deal fully and completely with the notion of true equality, of economic independence, of marriage as a partnership of equals, then at least they will address the fact that this legislative package is not yet in line, does not bring Manitoba's succession legislation in line with the Charter of Rights and Freedoms. It is certainly our hope that if nothing else, Members of the Government will at least want to be in line with the law of the land, will at least want to be consistent with the Charter of Rights and Freedoms.

Mr. Speaker, I mentioned at the outset of my remarks something that CORC has also referred to on numerous occasions. That is, that succession legislation, of which Bill 50 is a part, needs to be addressed from the points of view that I have outlined, as well as from the whole question of what kind of property regime we feel is appropriate in our society today. In fact, CORC has suggested that what we really should be doing, if we are opening up this whole area of family law and bringing in a package of legislation, that we should be looking at the notions that now guide, at the concept of property

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regime that now guide our thinking in legislation. In fact, address it from a new concept, not a new concept in terms of the women's movement but certainly new in terms of legislation that is now before us, and that is the question of community of property.

If one was to start addressing succession legislation from the notion of the community of property regime, we would be looking at a much different set of amendments and legislative proposals. It is regrettable, Mr. Speaker, that Manitobans did not have the opportunity to express their views on that matter before this legislative package was brought to the House. It is regrettable that the White Paper on Family Law was not circulated to Manitobans everywhere so that input could have been sought and feedback received about future directions in this area, because it is a perfect opportunity to address the appropriateness of the property regime that now guides our legislation and our thinking. It is certainly timely for us to seriously address the concept of community of property. That concept for many people, including myself, is certainly the ideal marital property regime.

* (1650)

To quote from another article in that excellent book put out by the Canadian Advisory Council on the Status of Women, entitled "Family Law in Canada, New Directions." I would like to quote briefly from Freda Steel, who wrote a chapter entitled *The Ideal Marital Property Regime, What Would it Be?* She states: If marriage is truly a partnership, the economic interdependence of the spouses must be reflected in matrimonial property laws. In recent years, there has been strong pressure from feminists for the implementation of a system of full and immediate community of property. The theory behind this is that only where both spouses have equal rights to all the property, will the true partnership nature of the marriage be recognized.

Now, that is quite a leap forward in terms of current legislation and a giant leap forward in terms, I am sure, of the thinking on the part of Conservatives in this Chamber. I would recommend this book and all literature on this question to Members on the Conservative benches. I am sure it is in the library. I am sure it is also readily available through our own Manitoba Advisory Council on the Status of Women since it does delineate in great detail the various types of property regimes that are at our disposal and would be a valuable resource for all Members in this House in terms of understanding the differences between traditional community of property, full and immediate community of property, and deferred community property.

Now traditional community of property is probably something Members in the Conservative benches are fairly in tune with. It is certainly the regime that is most likely to be in sync with their way of thinking. It is one in which property owned and acquired by either husband or wife during marriage is the common property of both, although the husband has sole control and management of it. Often the regime is modified, for example, to exclude gifts or inheritance from a third party.

Now contrast that with full and immediate community of property which is also a regime in which matrimonial assets are shared immediately upon marriage. Entitlement, by the way, arises at the time of the marriage rather than the time of the disillusion. However, in sharp contrast to the traditional model, the administration of those assets is shared jointly by the spouses.

Now let us compare all of that to the deferred community property model which is based on a general theory that all marital property, again the definition of marital property depends upon the jurisdiction, but it is based on a theory that marital property is to be shared equally when the marriage partnership is dissolved. Separate property rights continue to exist during marriage, although some restrictions are placed on those rights to protect the eventual deferred distribution between the spouses. Deferred sharing regimes currently exist in countries such as Denmark, Sweden, Norway and Finland. This model by the way was in operation as early as 1920. So you see, Mr. Speaker, there are significant differences in approach which could result in significantly different legislative proposals.

The women's community has been very vocal about recommending over the years to the Government of the Day that the community of property regime would be the most consistent with our equality principles and then with our determination to respect and guarantee individual rights and freedoms. Regrettably we are a long way from that note of community of property.

Our goal through this legislative package is certainly to promote the notion of community property, but we have even a more fundamental, a more basic objective to achieve in this debate. That is to bring this package that has been presented by the Conservative Government of the Day at least in line with the equality provisions under the Charter of Rights and Freedoms. As a minimal gesture, as a minimal obligation, this legislative package must be brought in line with the Charter of Rights and Freedoms. In so doing we will have taken one step closer to community of property and to true equality between women and men and one step closer to the principle where marriage is truly seen as a partnership of equals.

So, Mr. Speaker, in concluding my remarks about The Wills Amendment Act, let me say that we would have little difficulty with this Act if this entire legislative package had been in tune and in line with the Charter of Rights and Freedoms and if in particular The Dower Act had guaranteed the surviving spouse 50 percent of the estate, and if all of the exemptions under Section 16 of The Dower Act had been deleted. If these changes are made, this fundamental step towards equality and towards consistency with the Charter of Rights and Freedoms is achieved, then we will be able to support Bill 50. However, if that is not forthcoming, if those amendments are not proposed, if the Government of the Day does not see fit to at least bring this legislative package in line with the Charter of Rights and Freedoms, then I am afraid, Mr. Speaker, we will have difficulty supporting any part of this package.

You see, if we do not use this opportunity to bring forward the most complete, comprehensive package

that ensures equality and is in line with the Charter of Rights and Freedoms, we will have achieved—

Mr. Speaker: Order, please. According to the Rules, I must interrupt the Honourable Member. When this matter is again before the House, the Honourable Member will have three minutes remaining.

* (1700)

PRIVATE MEMBERS' BUSINESS

Mr. Speaker: The hour being 5 p.m., time for Private Members' Business.

COMMITTEE CHANGES

Mr. Kevin Lamoureux (Inkster): I move, seconded by the Member for St. James (Mr. Edwards), that the composition of the Standing Committee on Industrial Relations be amended as follows, Member for Ellice (Ms. Gray) for Fort Garry (Mr. Laurie Evans).

The second committee change, I move, seconded once again by the Member for St. James (Mr. Edwards), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Wolseley (Mr. Taylor) for Sturgeon Creek (Mrs. Yeo), Niakwa (Mr. Herold Driedger) for Springfield (Mr. Roch), Selkirk (Mrs. Charles) for Radisson (Mr. Patterson).

Mr. Speaker: Agreed? Agreed.

PROPOSED RESOLUTIONS

RES. NO. 35—ESTABLISHMENT OF OBSTETRICAL CENTRES

Mr. Speaker: On the proposed resolution of the Honourable Member for Burrows (Mr. Chornopyski), Resolution No. 35, Establishment of Obstetrical Centres, the Honourable Member for Inkster.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, with leave, I would like to take the opportunity to introduce it on behalf of my colleague for Burrows.

Mr. Speaker: Is there leave for the Honourable Member for Inkster to introduce the resolution of the Honourable Member for Burrows (Mr. Chornopyski)? Agreed. The Honourable Member for Inkster.

Mr. Lamoureux: Mr. Speaker, I move, seconded by the Member for St. Vital (Mr. Rose) that

WHEREAS the City of Winnipeg is experiencing a crisis in obstetrical care; and

WHEREAS the obstetrical units at Seven Oaks General Hospital and Concordia Hospital were closed by the previous NDP Government and additional space at the Health Sciences Centre and the St. Boniface General Hospital to compensate for the closure has not come to pass; and

WHEREAS the obstetrical units at the Health Sciences Centre and the St. Boniface General Hospital suffer from overcrowding; and

WHEREAS the northern area of Winnipeg represents a young and growing population that has no readily accessible obstetrical services; and

WHEREAS it is essential that all citizens of Winnipeg have ready access to quality obstetrical and maternal/child care; and

WHEREAS the present Government has failed to provide leadership for the delivery of obstetrical services.

THEREFORE BE IT RESOLVED that the Legislative Assembly of Manitoba encourage the Minister of Health to consider conducting a needs survey and analysis for obstetrical services required in Winnipeg now and in the next decade; and

BE IT FURTHER RESOLVED that analysis of the forthcoming data could include the potential for establishment of obstetrical centres of care to meet the needs of Winnipeg, including the needs of north Winnipeg.

MOTION presented.

Mr. Lamoureux: It does indeed give me great pleasure to talk to this particular resolution that my colleague from Burrows had taken to heart and brought to this Chamber. It is an issue that has been raised on numerous occasions, both in my riding and by my colleagues from Kildonan, Seven Oaks and Burrows, as something that does need to be addressed.

On March 15, 1983, the then Health Minister, the Honourable Larry Desjardins, announced the closure of an obstetrical ward at the Seven Oaks General Hospital, along with the Concordia Hospital. He had done so in favour of a centralized approach designed to promote quality of care and cost efficiency. With hindsight I guess to some degree, I must say it is somewhat disappointing that a decision of that nature would have been taken out on the north end first.

If the then Minister of Health was wanting to start centralizing the obstetrics, one would have anticipated that it would have been done on a more equal basis, i.e., hospitals in different areas in the city, not two that are in the north end, and one, Concordia, of course, being in the east end, which is actually two ridings and which the NDP had formerly held. It shows that they did not really show the support for the communities which they represented.

Mr. Speaker, the north end has been growing at a tremendous rate. In fact, I have spoken on my grievance regarding the overcrowding at our schools. The reason we have the overcrowding at the schools is because of the number of large families that are moving into the north end. When the obstetrics section of the hospitals were shut down by the NDP administration, the argument was that it did not have the youth, it did not have the young families that were having the births,

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so it was not efficient or cost efficient to have an obstetrical ward located in the Seven Oaks Hospital.

The area was still a growing area, and it calls into question whether or not you believe in a community-based health care service and what degree of service you want to offer in your communities. Many families that live in my area would like to be able to have their babies in the area in which they live. Other citizens in the City of Winnipeg, in the rural areas of our province, where they have their babies is, generally speaking, or they hope to, inside the communities in which they live. Mr Speaker, that should be the case wherever possible. If it is feasible or it looks in the future that it will become feasible, that is what you should be moving toward accomplishing.

The Government of the Day was hoping to save thousands of dollars. I believe, thinking in terms of being very shortsighted, had they realized that the area was in fact growing and had given some serious thought and had done some studies and so forth, they would have found out that in fact this area, the north end of the city, was in fact growing at a rate in which they would be able to have an obstetrics—

An Honourable Member: Who built the hospital?

Mr. Lamoureux: The Member for Concordia (Mr. Doer) says, who built the hospital. I would hope that they would build a hospital where there is a hospital needed. It is very disappointing that they would have to take, as the Member for Transcona (Mr. Kozak) has pointed out, a step backward in denying the residents of the north end the opportunity to have their children in that particular facility. They had the space available that was in there. It was planned to be in there, and it was withdrawn. The negative effects that it has is something that really was not taken into account.

You have general practitioners who go into delivering babies, who have their licence with the Seven Oaks. They might not necessarily be able to deliver the babies in the Health Sciences Centre, so it somewhat limits those doctors. By doing that you are not just limiting the doctors, you are also limiting the patients. Those are some of the things I do not believe the then administration looked at when they had callously decided to shut down the obstetrics at the Seven Oaks Hospital.

The Member for Transcona (Mr. Kozak) says—and Concordia. Mr. Speaker, I think virtually all the comments that I am seeing here can be applied to the Concordia Hospital. The Member for Transcona has also been out, he tells me, in his riding and has heard there is a high degree of families that are bringing to his attention that fact that the Concordia had shut down a service that was very valuable. The Concordia Hospital had shut down a service that was very valuable to the residents of that particular community.

If we take a look at the demographics and what is in fact has been happening in the north end and in Transcona, as I have been trying to point out, we have a large influx of youth that are moving into the north end of Winnipeg. The birth rate is in fact increasing.

It is starting to show in terms of actual numbers by looking at other things such as our schools and how they are becoming quickly very overcrowded. If this was taken into account when the decision was being made that the north end is in fact a very vibrant area of the city that is actually growing, the Government of the Day would, at least I would have liked to have thought, have changed their minds. So they did not really do the planning that was necessary.

* (1710)

What is really beyond myself is that this came from a Government that so-called says that they represent the north end. The NDP do in fact not represent the north end. We can take issues such as the obstetrics unit they shut down that show their concern is not for the north enders of the City of Winnipeg. Mr. Speaker, we can take issues such as the obstetrics, we can go to the Pharmacare card program, to the Seniors' Transport. The previous administration took for granted north end residents and felt that they could get away with it, realizing at that time that the Liberal Party had no representatives there. I trust that neglect of this nature will not happen again in the north end of Winnipeg because we do have representation that will not take them for granted.

None of us take our seats for granted and will be working to ensure that the north end of the City of Winnipeg does receive the representation that they deserve; that they receive the representation that they have not had in the last 18-20 years; that people, as a Legislature, it is ultimately our responsibilities to ensure that the issues are treated in a very fair fashion.

When it came to north Winnipeg concerns, we do not see the Opposition that came forward from the shutting down. Where were the north end MLAs at the time when the Minister of Health, back in '82, was suggesting the closure? I have to ask that question. We have now a situation in which we have births that go over to the St. Boniface Hospital, the Health Sciences Centre, that because of overcrowding they have to go to different hospitals. These are births that could have taken place at the Seven Oaks and Concordia Hospitals, but because there was no thought, serious thought, given to the need for obstetrics at the Seven Oaks and Concordia Hospitals the door was shut, and shut inappropriately and unfairly I would argue, Mr. Speaker.

If we are going to go toward community-based obstetrics, then the north end of Winnipeg deserves to have obstetrics offered to their residents, and Concordia deserves to be able to offer that service. Mr. Speaker, if the Government of the Day, or the Government back then did not want to have community-based obstetrics, then it should not have just taken it away from north end residents of the City of Winnipeg. It should have applied elsewhere in the city if they just want one or two institutions to offer obstetrics.

I, personally, Mr. Speaker, believe that obstetrics should be offered on a community basis, that a service of this nature, a health care service of this nature, is justified in having at the community hospitals. It was a step backward when the then NDP administration

moved and took the approach that it is no longer needed to offer a service of this nature to residents of the north end of Winnipeg.

The Government of the Day, today, should be looking on what the needs of the north end residents are. I am saying this afternoon that this is one of the needs, this is a concern that has been raised by a large number of my constituents and, like the overcrowding of schools, it is an issue that, as a north end MLA, I will bring to the Chamber on occasion, services that I believe are justified, at the very least justified for the simple reason is if other areas of the city can have it, well, then the north end residents are entitled to it too. They, too, pay taxes; they pay their portion of taxes.- (interjection)-

The Member for Transcona (Mr. Kozak) says that some of them were loyal, in fact, to the NDP administration, the then New Democratic Party. Today they are not, because they realize what the NDP really are. They realize that the damage and the hurt that the New Democratic Party caused to north end residents, whether, as I pointed out, it is the shutting down of the obstetrics to the younger families, whether it is to our seniors in terms of their effort, or lack of effort, toward having a Seniors' Transport, Mr. Speaker. Their efforts were not in the north end of the City of Winnipeg, that in fact they took for granted the loyalty of the north end residents, they took for granted that they will be put back in time after time. In 1988 the residents of the north end told them what they felt of the manner in which they have been treated by the NDP administration.

Mr. Speaker, my light is flashing, I would like to wind up by saying that I believe in community-based, served obstetrical units for all Manitobans, and where it is possible we should be moving into that direction.

It was a giant step backward when the then NDP Government withdrew the obstetrics to the people of Concordia and the people that live around the Seven Oaks Hospital. The Government could take a step forward if they will change the direction that the then NDP administration took and bring back the obstetrics to the Concordia and to the Seven Oaks Hospitals.

As I had pointed out, I thank my Member for Burrows (Mr. Chornopyski) for allowing me to introduce this on his behalf. I hope that I have done him justice in expressing what I feel are his concerns and are my concerns and in fact the concerns, as I have pointed out, of my colleague from Transcona to Kildonan to Seven Oaks and, of course, Burrows and myself, and in fact from the caucus, that we either go for community-based delivery of our babies in the province or we can take, or I would even suggest that we take a look at what the NDP administration previously was looking at. That, of course, was to withdraw the obstetrics and I hate the thought of how far they would have gone. Would they have gone into the rural areas and taken away the obstetric units from there? We do not know and thank God we will never find out with any luck.

Thank you, Mr. Speaker.

COMMITTEE CHANGES

Mr. Speaker: The Honourable Member for Gimli, with a committee change.

Mr. Edward Helwer (Gimli): Mr. Speaker, I wonder if I could make some changes to the—I move, seconded by the Member for Minnedosa (Mr. Gilleshammer), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: Helwer for Burrell, Enns for Albert Driedger, and Gilleshammer for Praznik.

Mr. Speaker: Agreed. The Honourable Member for Thompson, with committee changes.

Mr. Steve Ashton (Thompson): Yes, Mr. Speaker, I move, seconded by the Member for Concordia (Mr. Doer), that the composition of the Standing Committee on Privileges be amended as follows: the Member for Churchill (Mr. Cowan) for the Member for Brandon East (Mr. Leonard Evans); and myself, the Member for Thompson, for the Member for The Pas (Mr. Harapiak).

Mr. Speaker: Agreed.

The Honourable Member for Concordia, on Resolution No. 35.

Mr. Gary Doer (Leader of the Second Opposition): The utter and total hypocrisy of the Member for Inkster (Mr. Lamoureux) to bring forward a resolution like this, a Member of the Liberal Party of Manitoba, the same Party that took our universal Medicare program and in 1981, '82, '83 and '84, cut it back millions and millions of dollars on the people of Manitoba. He has the audacity to stand up in this House and talk about health care. I would never think a Liberal would ever have the opportunity to talk about health care.

The Liberal Party voted against Medicare in Saskatchewan. Let that be on the record. The Liberal Party voted against health care in Manitoba. Did you ever check the record of the Liberal Party and which way they were going on health care in this province? When Ed Schreyer tried to get rid of some of the user fees and the premiums, the Liberal Party voted against them on that provision too. The Liberal Party is now sending patients from Windsor, Ontario down to Detroit. The Liberal Party—the richest province in Canada—the Peterson Government is sending patients, Americanizing our health care system, and they stand up in this House, virtuous Liberals. What hypocrisy.

Mr. Speaker, we could have obstetrics in every hospital in Manitoba if Pierre Elliott Trudeau, the hero of the Liberal Party, and his other group of charlatans and gangsters that were putting all their friends and relatives in patronage appointments—when they were doing that, they cut health care in Manitoba 5 percent. Every percent was \$15 million. That is \$75 million they owe the people of Manitoba, \$75 million which we could put—well, you know, the interesting part is, what do the Liberals do about this terrible cutback? They obviously supported it, right? Did you not support the cutbacks? -(interjection)- Well then, why are they all signing up with Jean Chretien, the same Cabinet?

They all wheeled up with Jean Chretien. Oh, yeah, we are going to put our posteriors in the butter just like we did under Trudeau. They are all up there on the stage like a Billy Graham testimonial. Back to the future, Mr. Speaker, back to the cutbacks of our Medicare program. Watch your hypocrites. You cannot have it both ways -(interjection)- You cannot have it both ways.

* (1720)

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please.

POINT OF ORDER

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

Mr. Ed Mandrake (Assiniboia): A point of order, Mr. Speaker. We have before us the obstetrical services at Seven Oaks. I do not know where the Leader of New Democratic Party (Mr. Doer) has come from. He obviously must be taking lessons from Mr. Maloway—

Mr. Speaker: What is your point of order, please?

Mr. Mandrake: He has not addressed this particular issue. I wish he would do it. Let us not go on a tangent talking about everything else.

Some Honourable Members: Oh, oh!

Mr. Speaker: Order, please. The Honourable Member for Concordia, on the same point of order.

Mr. Doer: I already mentioned that the Liberal cutbacks would equal obstetric wards in every hospital in Manitoba, which clearly is germane to the resolution.

Mr. Speaker: I would like to thank the Honourable Member for Concordia, but I would remind Honourable Members that the matter that is before the House right now is Resolution No. 35 as introduced by the Honourable Member for Inkster (Mr. Lamoureux). I would also remind Members to keep their remarks relevant, but I would also at this time like to ask Honourable Members to give the opportunity to the Member for Concordia, because it seems to me it was nice and quiet here a few minutes ago when the Member for Inkster was making his presentation. I think we should give the Honourable Member for Concordia the same opportunity. The Honourable Member for Concordia.

Mr. Doer: Again, a wise set of rulings on the issues before—now Mr. Speaker, the Member for Inkster (Mr. Lamoureux) stands in this House like Joe Hill about the north end, right? He stands up here protecting the north end, but when we were fighting the differential and preferential treatment of the north end under a project by the Minister of Health (Mr. Orchard) to

privatize part of the home care in the north end, where were the Liberals? They were falling all over themselves not only to support the Minister of Health, they went further than the Minister of Health.

The Minister of Health was a puppy dog, not even a pit bull like he usually is, and I say that with all greatest of respect for his short-term malady that he is suffering. I have always said that the Minister of Health was spending too much time in this Chamber, and we will go out and help him cut some trees next week. We miss him dearly, Mr. Speaker.

The Liberals went further in terms of privatization than the Member for Pembina, the Minister of Health, did in terms of the north end. Not only did they have a troika at a press conference, I think the three troika—I cannot say that. The three Honourable Members from the north end—not only did they have a press conference, but they criticized the the NDP for standing up for people in the north end when they said that we should bring in—what did they say? Shall we bring in on the universal non-profit system? No. Shall we stop the privatization in the north end versus River Heights? No. They wanted to put in a means test for the home care.

They do not even understand health care. You know the best home care program in North America and they want to right-wing the Member for Pembina, the Minister of Health. That is how they stood up for the north-end of Manitoba. That is how they stand up for the north end of the City of Winnipeg.

Mr. Speaker, what is the Liberal policy on health care? Is it just a run in front of every parade? One day they want to throw out all the 40 percent of the people out of personal-care beds. Obviously some of those people are from the north end of the City of Winnipeg. I did not read in the Minnedosa paper some kind of exemption or exception for the members of Transcona or the members of the north end. It was throw 40 percent out. It was not 40 percent of people except for the north end or except for Transcona. It was 40 percent of Manitobans out of personal care period, full stop.

Mr. Speaker, then we see that the Liberal Leader during the last campaign wanted to put user fees in hospitals. She did not say, do not put user fees in the Concordia Hospital. She did not say, do not charge for slippers and dressing gowns, and televisions in the north end hospitals. She did not say not to charge in Concordia. She wanted to charge for meals in Concordia too. What are you going to do, tip the orderlies? Is that the Liberal health-care policy? Is it cash or Chargex? Are we going to have means tests on meals? Is that the Liberal philosophy on health?

We know where the New Democratic Party is coming from. We started Medicare in this country and we know where we stand. Now I find it rather ironic, Mr. Speaker, that the Members of the Liberal Party are talking about Seven Oaks and Concordia Hospitals against the New Democratic Party. I can remember lots of citizens opposing the building of the Seven Oaks Hospital in the north end. Yes, I can remember Liberals opposed to the building of Seven Oaks Hospital because the

Liberals said, the Seven Oaks Hospital was not necessary because the Health Sciences Centre would suffice for the north end of the City of Winnipeg. You wait, I will show you, Mr. Speaker. So Ed Schreyer went ahead—

An Honourable Member: There were not very many at the time.

Mr. Doer: Oh, listen to this. That is why he ran as—well, you know, the collective ignorance. Mr. Speaker, Seven Oaks Hospital was established by a New Democratic Government because they believed in the priorities of the north end. The new Concordia Hospital also was built by a New Democratic Government. The extension and improvement of the emergency ward in the Concordia Hospital was built by a New Democratic Government. The extension of the personal care beds which the Liberals opposed in Concordia Hospital was built by a New Democratic Government. The establishment of the out-surgery program at Concordia Hospital was built by a New Democratic Government. We do not need some latter-day expert from the Liberal Party, who cut the very nerves and guts out of health care in this province, to sit there and lecture in a hypocritical way about the success of the New Democratic Government in northeast Winnipeg and north end Winnipeg.

Mr. Speaker, now let us get to another fundamental hypocritical position of the Liberal Party. Remember in the last election when they could not tell us really what they were going to do except charge for meals in hospitals? The big tough Member for Inkster (Mr. Lamoureux), I have not heard him go out and say, I do not agree with my Leader on this issue. I have not heard the Member for Transcona (Mr. Kozak) say, I disagree with charging for meals. I have not heard a caucus revolt from the Liberals to reject the Liberal health care policies. Why do the Liberals not stand up to their own Leader? Why do they bring these Mickey-Mouse resolutions before this Chamber instead of standing up to their own Leader? They do not have the nerve, Mr. Speaker. They do not have the guts. They cannot do it. She calls them an adult child care centre, and then they walk away.

The actions do speak louder than words, Mr. Speaker. When I see a press release some day that the Liberals have rejected charging for meals in hospitals, that the Liberal Caucus has overruled their Leader not to throw out 40 percent of the people in personal care beds, when I see a Liberal press release taking on their Leader, then I will start thinking that they are going to stand up for the people in the north end. They have a River Heights health care policy, as they do with most other things in this Chamber.

Let me go on. How much time do I have left? Good, thank you, Mr. Speaker.-(interjection)- They do—a River Heights health care policy that is not very germane to the north end and northeast Winnipeg.

Mr. Speaker, again I find it rather curious that the Liberals would criticize the Tories for establishing task forces. Now we can do that because we were critical of task forces. What did the Liberals promise to do in

the last election about health care, in front of St. Boniface Hospital, no less, not in front of Concordia or Seven Oaks, but in front of St. Boniface Hospital? What did the Liberal Leader (Mrs. Carstairs) promise to do? Do you remember that? Do you remember what your Leader promised in the election? What was it? Was it not a royal commission on health care—right? A royal commission on health care—right.

* (1730)

What has that to do with this resolution? She did not say reinstate those programs in the last election. She promised a royal commission on health care. If you think the Minister of health care is slow in getting things out—I mean the Liberals established a royal commission on the plane that landed in Gimli, and it took a year and a half and \$1 million to find out that they did not have enough gas in the gas tank. Can you imagine how long a Liberal royal commission would take to decide what we should do on health care? They spent over \$1 million of taxpayers' money to find out that the plane ran out of gas. Can you imagine what they would do if they had a task force on health care? Every lawyer, every River Heights lawyer in this town would get lots of money. They would just be rolling in the cash. Of course, Manitobans who need very vital health care services would be left behind.

Mr. Speaker, they have changed their position. Here they want a needs survey and an analysis for obstetrical services. This is a subject that is very dear to my heart right now. I am eight weeks away for enjoying the pleasures of our first child. I have been doing a little studying about this thing because of the very nature of the joint situation with my wife and our pending child. I have gone to these, what they call prenatal classes -(interjection)- yes, something like that, and I have found out that labour usually lasts, on the first time, 18, 19 hours. I think there should be a constant review of health care needs and health care services in Manitoba. At the same time, I think we should always keep an eye on what are the priorities in our health care system.

Does it make more sense to expand the emergency sections of Seven Oaks and Concordia? Obviously every Member of this Chamber would like every health care service in every health care facility, in every region, in every community, in every street of our province. That is obvious. Mr. Speaker, when the Trudeau Government started cutting back on our health care payments and our transfer payments to our province, difficult decisions were made.

I personally would love to see obstetric wards in almost every hospital where it is feasible. There is no question about that. I would also like to see our emergency wards expanded. I would like to see the extended care beds which the Liberals do not support for Concordia Hospital. They said take that whole report and implement it. That would mean that the 60 extended care beds at the Concordia Hospital would not be built, Mr. Speaker, something that is really concerning staff, patients and other people at the Concordia Hospital. We hope the Liberals change their mind on that one as well.

In conclusion, the real issue here, and it really does come before tomorrow because the federal budget is out tomorrow, is the Mulroney Government is continuing on what the Trudeau Government did. I did not hear the Member for Inkster (Mr. Lamoureux) at that point raise it. We did it, and we were accused of fed bashing.

But the health care system has gone from 50-50 in 1980 down to a situation where potentially tomorrow we could be below 30 percent by the year 1995. That is an issue, quite frankly, that we should be looking at in a very non-partisan way. What Trudeau started and Mulroney is continuing will finish off health care and universal Medicare. Mr. Speaker, yes, we all want all facilities and all available resources in all facilities.

But, Mr. Speaker, let us join together tomorrow to stop what Trudeau started, to stop the erosion of our health care dollars and our universal Medicare program. We, in the New Democratic Party that built the hospital in the north end, that built the hospital in northeast Winnipeg, will be on the first firing line to protect universal Medicare, the program that the New Democrats established in this province.

Thank you very much, Mr. Speaker.

Mr. Paul Edwards (St. James): Mr. Speaker, I was not intending to speak to this resolution, but the Member for Concordia (Mr. Doer) has incited me, I believe, to stand up today and add some comments to this debate which I think is an important debate. Having suffered through the drivel coming from the Member for Concordia for the last approximately 15 or 20 minutes, I feel that it is incumbent upon me to add some facts and some factual context to this particular—

An Honourable Member: Do not be unfair, Paul. It was animated drivel.

Mr. Edwards: It was animated drivel, as I hear from the Member for Transcona (Mr. Kozak), that is true. It did add some life to the Chamber at this rather late hour this afternoon. However, I must say that the holier than thou, totally unsubstantiated, totally uncalled for attitude of the Member for Concordia truly sets a new record for hypocrisy in my view in this Chamber.

Mr. Speaker, this is the Member who sat at the Cabinet Table in the Government known most notably in the health-care field as the Government of bed closures. This is the Party of fiscal irresponsibility without parallel certainly in this province, perhaps in this country.—(interjection)— My friend, the Member for Inkster (Mr. Lamoureux) says the Commonwealth. Perhaps I have not researched that far—certainly in this province.

Mr. Speaker, this is also the Party that embarked upon, more specific to this resolution, a centralization policy with respect to obstetrics in this province. It is highly hypocritical for the Member for Concordia now to stand up and say that oh, he wishes that every hospital in the province could have an obstetrics ward. I realize that this is a partisan forum, and we will want to criticize the other Parties as much as possible. It is a competitive adversarial forum, but we must attempt

reasonably to stick to the facts. I think that, Mr. Speaker, it is precisely that warning that I bring to the Member for Concordia (Mr. Doer), who has had more problems sticking anywhere near the facts than any Member of this House, and that is a hard thing to do, given the people in his Party who stand up on a daily basis and stand there with rhetoric that is unparalleled in this House. They are truly the masters of rhetoric, but comes the judgement day, comes the crunch with the Third Party and their principles fly right out the window every time.

They are a Party that says one thing and does another, always. They promise everybody everything when in Opposition. Do you notice that, Mr. Speaker? When in Opposition they are the Party who can help—they will cure the woes of the world according to the Member for Concordia.

Let us look at the facts. Let us look at their history. Let us look at what they actually did. It is totally contrary to the things they say now, again and again and again. They are the Party of bed closures. They are the Party of centralization of obstetrics. Now they have changed their mind. Now they do not like bed closures. Now they say that it is important that everybody has obstetrical units.

The Member for Concordia (Mr. Doer) now says he did not say that. Now let him change what he said. He said he wishes that hospitals, and I do not intend to misquote the Member for Concordia, but I recall him specifically saying and I think the record will show, that he wished that hospitals around Manitoba would have obstetrical wards and that is absolutely contrary to what he did. The Government that he ascribes to, the Government he says was wonderful for this province did that. Can you believe it? Can you speak, Mr. Speaker?

It is unbelievable how times change and how the politics of desperation makes for strange bedfellows indeed. We are all learning a lesson here as we sit in this House month after month, as we see this Party prop up the Tories, their so-called arch enemies. As I have said, actions will speak louder than words, they do again and again and again. That is why this Party was pitched out horrendously by the people of Manitoba, who voted in masses against this Party, will again, they have no faith in this Party and they have good reason for that.

I do not mean to say that they do not have good reason to suspect and good reason to —(interjection)— the Member for Concordia (Mr. Doer) says the Party of the Chamber of Commerce. He has played that one to the hilt again and again and again. Whenever the facts are not kind of going his way he pulls that one out. It is a very interesting phenomenon.

On a fairly regular basis he likes to say, limousine Liberals, I believe is his line. We have a few BMW NDP's over there too. The fact is that the white wine Socialists are fully entrenched in the New Democratic Party of today. There is no question about that. That is why the true working people, the natural constituency, so-called natural constituency for the NDP voted in masses against this Party. We know why. Hypocrisy runs wild

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in that Party, has for years and the people saw through it because they will not be fooled for a very long time, and that was the critical problem with the New Democratic Party. They thought they could keep doing it again and again and again and they could not. You get away with it a few times, and they did get away with it a few times.

* (1740)

The fact is -(interjection)- and now the Member for Concordia (Mr. Doer) says tough decisions. Yes, well, he should have made a few tough decisions before he planned his speech today, because he did not make tough decisions today. He got up and gave us drivél again. It is not the first time and I venture to say it will not be the last.

An Honourable Member: You can say what you want.

Mr. Edwards: Mr. Speaker, now they are saying I can say what I want. You are right I can say what I want; I can tell the people what that Party is all about. But do you know what? I do not really have to tell them, because they know. This is the Party that claims so many things they never come through on. They never have, and they never will. They have no answers for the people of Manitoba. The people of Manitoba know that and have known that for sometime. I believe they will not forget it for some time.

So I simply stand today to speak in support of the resolution put forward by my friend, the Member for Burrows (Mr. Chornopyski) and spoken to by my colleague, the Member for Inkster (Mr. Lamoureux). It is an important resolution. I find it shocking that the Member for Concordia (Mr. Doer) would stand up in a hospital, which speaks so hypocritically in respect of an issue which presumably affects the area he represents. Mr. Speaker, this is the same area that I am sure many of his constituents frequent, yet he sees fit today to review this, in my view, extremely lightly and extremely hypocritically. I would ask that Members consider this resolution favourably. It is an important resolution, and I think the principles articulated are important and are worthy of more than drivél.

I go back to that. As I said, I did not intend to have to enhance the remarks of my colleague, the Member for Inkster, but truly I think that all Members deserve a response with some factual basis to the Member for Concordia's statements which set new limits—I should not say "new limits", because they will be broken again very shortly—for outrageous hypocrisy in this House. I think it is important to call people to order.

I ask Members to consider this resolution favourably and support it. I think it is important; it has taken a long time to come to debate in this House. I think it is important we deal with it favourably in this House today. Thank you, Mr. Speaker.

COMMITTEE CHANGE

Mr. Speaker: The Honourable Member for Gimli, with a committee change.

Mr. Edward Helwer (Gimli): Mr. Speaker, yes, I have a committee change.

I move, seconded by the Honourable Member for Minnedosa (Mr. Gilleshammer), that the composition of the Standing Committee on Natural Resources and Public Utilities be amended as follows: Cummings for Praznik.

Mr. Speaker: Agreed? Agreed.

RES. NO. 35—ESTABLISHMENT OF OBSTETRICAL CENTRES (Cont'd)

Mr. Speaker: The Honourable Member for Thompson on Resolution No. 35.

Mr. Steve Ashton (Thompson): Thank you, Mr. Speaker. I want to begin the debate by indicating, first of all, that I am very surprised that the Liberal Party—well, perhaps, I am not that surprised. I had hoped they would have broadened their perspective a bit in the last number of years, since they have had more than one Member in the Legislature. What I find very interesting about this resolution is that it completely ignores outside of the City of Winnipeg. This resolution includes not a single mention of any community, rural or northern, not a single community.

It talks about "WHEREAS the City of Winnipeg," I continue, that is in one of the WHEREASes, and the fourth WHEREAS talks about "the northern area of Winnipeg;" the fifth WHEREAS it talks about essential to all citizens of Winnipeg. In the final RESOLVED it talks about the "analysis of the forthcoming data should include the potential for establishment of obstetrical centres of care to meet the needs of Winnipeg, including the needs of north Winnipeg." I was under the impression that this was the Legislature of Manitoba, not the Legislature of the City of Winnipeg.

I would suggest to the Liberal Caucus before they start bringing resolutions of this type into the Legislature they should look beyond their perimeter vision. They should recognize that there is a good part of the province outside of the City of Winnipeg. When it comes to health care or obstetrical services or any matter, they should not be talking about the citizens of Winnipeg strictly, they should be talking about the citizens of Manitoba. I raise that because on issue after issue after issue I believe the Liberal Party of Manitoba has perimeter vision, and health care is one clear example, Mr. Speaker, where they have a clear case of perimeter vision.

I would sit here and I could go through this resolution and I could perhaps draft up some amendments that might correct some of the errors in this resolution. I suppose I could substitute in the words "Manitoba" wherever the words "Winnipeg" occur. After nearly two years of this Liberal Party with this current caucus in this House, I would have thought they would have learned the lesson themselves.

I can say that we in the New Democratic Party are not going to bail them out on this. They have brought in this resolution, which, perhaps while well intentioned, is clearly ignorant of the fact that there are people who live outside of the City of Winnipeg who have obstetrical needs, who have health care needs. It does not surprise

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me because I believe the Liberal Party has no vision for the many residents of northern Manitoba and rural communities, no vision at all, whether it be in terms of health care or obstetrical services.

Let us look at the facts in terms of rural and northern communities. Rural and northern communities do not have the luxury of having another hospital a few miles down the road. You are talking about 10 or 20 miles. In northern communities, you are talking about distances of hundreds of miles between different hospitals that provide obstetrical services—a fundamental difference than occurs in the City of Winnipeg.

Let us go a little bit further than that, Mr. Speaker. Not only are there not the same sort of facilities, but even where there are facilities, there are not the trained staff. Currently, in Thompson, for example, we just had our obstetrical specialist leave fairly recently. In fact, two doctors, a married couple, left, a general surgeon and an obstetrician.

Right now what is happening in the City of Thompson, in northern Manitoba, is that people are having to be medivacked to Winnipeg for deliveries. That is what is happening. Is that in this resolution? No, Mr. Speaker, nowhere is that to be found in this resolution. I really wonder where the Liberals were in their caucus when they drafted this up. They supposedly toured northern Manitoba. They apparently were in Thompson—

An Honourable Member: A bus tour.

Mr. Ashton: They went on a bus tour. I would have hoped that they would have picked up some of that feedback. -(interjection)- For the Member for St. Vital (Mr. Rose) indeed, they were well received in Thompson. Our community is a very hospitable community. We only ask one thing, Mr. Speaker, of visitors, one thing, and that is that they learn something after they leave. After seeing this resolution, I do not think they learned anything because there is no mention of Thompson. There is no mention of the North. There is no mention of any community outside of the City of Winnipeg and that is unacceptable. That is the first thing that is very clear in this resolution, the fact it refers only to the City of Winnipeg.

There is another difficulty, Mr. Speaker. It is in terms of -(interjection)- Mr. Speaker, once again, the Member for Inkster (Mr. Lamoureux) has not recognized the fact that in a lot of rural hospitals there are no obstetrical services being offered right now. There are none because of shortage of specialists, because of the situation in terms of hospitals. The Member for Inkster does not understand that. The Member for Inkster should take the time. I know he has been outside of Winnipeg once or twice, but he should take the time to come to the North, come to rural communities and find out what it is like in terms of health care resources.-(interjection)-

Well, yes, the Member for Assiniboia (Mr. Mandrake) says, look who is talking. How about if the Member for Assiniboia comes up and finds out what is

happening, because obviously he has not done the same thing either. He has not taken the time to talk to people in northern communities, in rural communities about their health care concerns.

Well, let us talk about the City of Winnipeg. It is interesting. This resolution is on the City of Winnipeg, talks about obstetrical services, talks about the Seven Oaks General Hospital and the Concordia Hospital. What do they want to do, Mr. Speaker? What do they want to do? They want to study the situation. My God, we have so many studies right now from the current Government. All we need now is Liberal studies on top of that. We have a Health Advisory Network that spent \$58 out of \$500,000 of its first-year budget. It is reporting. It is reviewing reviews.-(interjection)-

Mr. Speaker, indeed how can they criticize the Minister of Health (Mr. Orchard) when their solution to what they identify as being a problem, as limited in concept as it is, is to conduct a survey, conduct a survey and analysis of obstetrical service needs. My goodness, does this not sound like the Health Advisory Network and the subcommittees and the committees of the subcommittees and the task forces and the reviews. I do not think we need that.

You know the interesting thing is, it is pretty scary because if they do conduct this, if the Government was to say, yes we will study this, and I would say that they could very easily do that. They are studying virtually every other need in the health care system, not necessarily acting, but they are studying everything else.

* (1750)

Let us take a case example. The recent extended-care bed regime, what happened with the Liberals? This is how in-depth the analysis of the Liberal Party is. This is how much they are standing up for the interests of people in the North and northeast of Winnipeg. This review came out recently. It is a review of a subcommittee that reports to the Health Advisory Network. It was not released in this Legislature by the Minister of Health (Mr. Orchard). Copies were obtained.

What did the Liberals say? What did the Liberals say? On a proposal that would have seen no extended care beds for the Concordia Hospital, zero, none. They were approved, by the way, by the NDP Government and put on hold by the current Conservatives. What did the Liberals say? What did the Liberal Leader (Mrs. Carstairs) say? She went outside of this House and she said, I hope that this report will be put in place as soon as possible; it is a good report.

Mr. Speaker, that is incredible. That is absolutely incredible. I would ask the question to the Member for Inkster (Mr. Lamoureux) and the Member for St. James (Mr. Edwards), who talked today about representing the North and northeast of Winnipeg, how their Party Leader can have any credibility, how their Party can have any credibility whatsoever when, on the basis of a leaked report that they probably read for half an hour or an hour, they endorsed it 100 percent? How they, in good conscience, could endorse a report that, in spite of any redeeming features, was a stab in the back to the Concordia Hospital, the efforts of the people in

that community, the northeast of Winnipeg, who have fought for years to have an extended-care addition to the Concordia Hospital? How in good conscience could they do that? Is that anywhere in this resolution? No, it is not.

That is why I really wonder what is happening with the Liberal Party in terms of health care. I mean certainly when we hear them criticize the current Minister of Health (Mr. Orchard), I mean I have no problems with that. We have been critical, very critical of the current Government and the Minister of Health. I ask the Liberals, what is their agenda for health care?

For the Member for St. James (Mr. Edwards) who leaped to his feet after our Leader spoke in this debate, this feigned indignation over the comments, who dismissed the comments of the Member for Concordia (Mr. Doer), I just ask him, look at his Party's record in terms of health care. What are their policies? What is their platform? User fees for "non-essentials," like food, hospital meals, and slippers.

Mr. Speaker, I cannot understand why not a single Liberal Member of this Chamber has disowned that comment to this. I am very critical of the Conservatives. They opposed Medicare from the beginning. I have always questioned their commitment to Medicare. I have been very critical of the Minister of Health (Mr. Orchard) and the Premier (Mr. Filmon), but I will say one thing, even the Tories at this point in time—"at this point in time" is the way I should probably phrase it—have rejected user fees for hospitals. Perhaps just because they are in a minority Government, perhaps they realize the people of Manitoba are not going to accept that, regardless of what their views are philosophically. When you have the Conservatives say no to user fees, and the Liberals say yes, what is going on? What kind of agenda is this?

Let us talk about another thing that the Member for Concordia (Mr. Doer) referenced, home care—home care, Mr. Speaker. We were deluged last year by people who were having their home care restricted. They were having it restricted because of the actions of the Minister of Health (Mr. Orchard) and this Government. What did the Liberals do? Did the Liberals jump in as they do on other issues and say, yes, we agree with the NDP, this is wrong? No, what they did is, the three amigos of the North End held a press conference to suggest that they should bring in a new system for home care. What would they bring in—a means test.—(interjection)—The Member for Inkster (Mr. Lamoureux) said it was better than what we were proposing.

Let us see what is better for the people in Manitoba. Thus far, we have user fees and means tests, Mr. Speaker. What is the rest of the Liberal agenda for health care in this province? Is it going to be studies for the City of Winnipeg? Is it going to be more surveys and studies? We have that from the current Government. Quite frankly, when I look at the alternative, as much as I am critical of the current Government, I really ask the Liberals this question.

The Liberals like to pretend, Mr. Speaker, they like to talk as a Party that they are somehow different from the Conservatives. They are trying to find areas. In this

case on health care, they are different, all right. They are worse. They are more right wing than the Conservatives.

Mr. Speaker, on other issues they are the same as the Conservatives. Is this how they plan to campaign in the next election? Is the Member for Transcona (Mr. Kozak) whom I respect, is the Member for Springfield (Mr. Roch)—well, the Member for Springfield I am sure will have no problems with some of the more right wing positions. Perhaps I will rephrase that. The Member for Inkster (Mr. Lamoureux), the Member for St. Vital (Mr. Rose), the Member for Assiniboia (Mr. Mandrake), are they going to go in on their platform? If anybody asks them what is your position on health care, what are they going to say? User fees, means tests, is that their platform for Manitoba?

When they come to community —(interjection)— the Member for Springfield (Mr. Roch) surely must recognize what is wrong with this resolution, what I mentioned earlier. When they go outside of the City of Winnipeg, what is their response going to be to people's concerns about rural and northern needs, a resolution that calls for action in the City of Winnipeg, that talks about problems in the City of Winnipeg, the need for analysis in the City of Winnipeg.

Mr. Speaker, I would suggest to the Liberals before they come back to this Chamber with a motion on health care, a resolution on health care, I would make one basic suggestion. Please go back to your caucus, do your homework, analyze your health care policy, reject user fees, reject means tests, recognize that there is more to the Province of Manitoba than the City of Winnipeg, and then perhaps we can debate resolutions such as this, resolutions that will be far better and get some real positive suggestions out of the Liberals in this House, not the same bland, nonsensical policies that were seen coming out at this current time. Thank you.

Mr. Harold Gilleshammer (Minnedosa): Mr. Speaker, I am a little reluctant to get involved in this turf warfare between the other two Parties, but I will probably speak to the resolution put forward by the Member for Burrows (Mr. Chornopyski).

The Member for Thompson (Mr. Ashton) quite correctly enunciates from the preamble and the WHEREASes here the Liberals' lack of concern for rural Manitoba because, as they are asking for additional spending in the City of Winnipeg, they are suggesting that we cut back personal care home beds in the rural area, 40 percent of them as a matter of fact, and do not recognize the good work that is being done in those personal care homes, and have suggested that they only need 20 minutes of care everyday.

An Honourable Member: Is that what they said in Minnedosa?

Mr. Gilleshammer: That is documented in the Minnedosa Tribune that 40 percent of the people do not need to be in personal care homes. It goes without saying that 40 percent of the people on the waiting lists do not need to be there either, yet at the same

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time they are asking for massive construction of personal care home beds in Winnipeg, not recognizing the needs of rural Manitoba.

I also recognize that the Member for Inkster (Mr. Lamoureux) realized—

Mr. Speaker: Order, please; order, please. I am interrupting the proceedings according to the rules. When this motion is again before the House, the Honourable Member will have 14 minutes remaining.

The hour being 6 p.m., I am leaving the Chair with the understanding that the House will reconvene at 8 p.m.