



**Second Session — Thirty-Second Legislature**  
of the  
**Legislative Assembly of Manitoba**

**STANDING COMMITTEE**  
on  
**STATUTORY REGULATIONS**  
and  
**ORDERS**

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**31-32 Elizabeth II**

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*Chairperson*  
*Ms. Myrna Phillips*  
*Constituency of Wolseley*



MG-8048

**VOL. XXXI No. 11 - 8:00 p.m., TUESDAY, 16 AUGUST, 1983.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
<b>ADAM, Hon. A.R. (Pete)</b>	Ste. Rose	NDP
<b>ANSTETT, Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
<b>BUCKLASCHUK, Hon. John M.</b>	Gimli	NDP
<b>CARROLL, Q.C., Henry N.</b>	Brandon West	IND
<b>CORRIN, Brian</b>	Ellice	NDP
<b>COWAN, Hon. Jay</b>	Churchill	NDP
<b>DESJARDINS, Hon. Laurent</b>	St. Boniface	NDP
<b>DODICK, Doreen</b>	Riel	NDP
<b>DOERN, Russell</b>	Elmwood	NDP
<b>DOLIN, Hon. Mary Beth</b>	Kildonan	NDP
<b>DOWNEY, James E.</b>	Arthur	PC
<b>DRIEDGER, Albert</b>	Emerson	PC
<b>ENNS, Harry</b>	Lakeside	PC
<b>EVANS, Hon. Leonard S.</b>	Brandon East	NDP
<b>EYLER, Phil</b>	River East	NDP
<b>FILMON, Gary</b>	Tuxedo	PC
<b>FOX, Peter</b>	Concordia	NDP
<b>GOURLAY, D.M. (Doug)</b>	Swan River	PC
<b>GRAHAM, Harry</b>	Virden	PC
<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
<b>HARAPIAK, Harry M.</b>	The Pas	NDP
<b>HARPER, Elijah</b>	Rupertsland	NDP
<b>HEMPHILL, Hon. Maureen</b>	Logan	NDP
<b>HYDE, Lloyd</b>	Portage la Prairie	PC
<b>JOHNSTON, J. Frank</b>	Sturgeon Creek	PC
<b>KOSTYRA, Hon. Eugene</b>	Seven Oaks	NDP
<b>KOVNATS, Abe</b>	Niakwa	PC
<b>LECUYER, Gérard</b>	Radisson	NDP
<b>LYON, Q.C., Hon. Sterling</b>	Charleswood	PC
<b>MACKLING, Q.C., Hon. Al</b>	St. James	NDP
<b>MALINOWSKI, Donald M.</b>	St. Johns	NDP
<b>MANNES, Clayton</b>	Morris	PC
<b>McKENZIE, J. Wally</b>	Roblin-Russell	PC
<b>MERCIER, Q.C., G.W.J. (Gerry)</b>	St. Norbert	PC
<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
<b>ORCHARD, Donald</b>	Pembina	PC
<b>PAWLEY, Q.C., Hon. Howard R.</b>	Selkirk	NDP
<b>PARASIUK, Hon. Wilson</b>	Transcona	NDP
<b>PENNER, Q.C., Hon. Roland</b>	Fort Rouge	NDP
<b>PHILLIPS, Myrna A.</b>	Wolseley	NDP
<b>PLOHMAN, Hon. John</b>	Dauphin	NDP
<b>RANSOM, A. Brian</b>	Turtle Mountain	PC
<b>SANTOS, Conrad</b>	Burrows	NDP
<b>SCHROEDER, Hon. Vic</b>	Rossmere	NDP
<b>SCOTT, Don</b>	Inkster	NDP
<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
<b>SMITH, Hon. Muriel</b>	Osborne	NDP
<b>STEEN, Warren</b>	River Heights	PC
<b>STORIE, Hon. Jerry T.</b>	Flin Flon	NDP
<b>URUSKI, Hon. Bill</b>	Interlake	NDP
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<b>WALDING, Hon. D. James</b>	St. Vital	NDP

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON STATUTORY REGULATIONS AND ORDERS**

**Tuesday, 16 August, 1983**

**TIME — 8:00 p.m.**

**LOCATION — Winnipeg**

**CHAIRPERSON — Ms. Myrna Phillips (Wolseley)**

**ATTENDANCE — QUORUM - 6**

*Members of the Committee present:*

Hon. Messrs. Evans and Storie

Mrs. Dodick, Messrs. Harper, Kovnats,  
McKenzie, Orchard, Ms. Phillips, Messrs.  
Sherman and Scott.

**WITNESSES:** Mr. Abe Arnold, Manitoba  
Association for Rights and Liberties

Mr. Larry Allen, Native Family Services and  
Winnipeg Coalition for Urban and Native Child  
Welfare

Mr. Paul Walsh, Children's Aid Society of  
Winnipeg

Mr. Cyril Lillie, Social Workers' Union,  
Children's Aid Society of Winnipeg

Ms. Linda Milburn, Social Worker, Children's  
Aid Society of Winnipeg.

**MATTERS UNDER DISCUSSION:**

Bill 107 - An Act to amend The Child Welfare  
Act (2)

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**MR. ASSISTANT CLERK, G. Mackintosh:** The  
committee will come to order. Since the Chairman has  
been replaced, are there any nominations for the Chair?

**HON. L. EVANS:** Mr. Chairperson, I move that the  
Member for Wolseley, Myrna Phillips, act as the  
Chairperson for this committee.

**MR. ASSISTANT CLERK:** Is it the pleasure of the  
committee that Ms. Phillips take the Chair? (Agreed)  
Ms. Phillips.

**MADAM CHAIRPERSON:** We'll begin by hearing  
delegations and the first delegation is the Manitoba  
Association for Rights and Liberties, Mr. Abe Arnold.

**MR. A. ARNOLD:** Have the copies been distributed,  
Madam Chairman? Can we get a couple of extra copies  
down here if you have them to spare, please.

I find myself in a bit of a conflict here tonight because  
MARL is supposed to appear at two committees at the  
same time, and we couldn't bring in another person  
from the lake for a second night in a row, so I've decided  
to be here and let our written submission speak for  
itself at the other committee.

The Manitoba Association for Rights and Liberties  
would like to respond to Bill 107 dealing with the  
proposed amendments to The Child Welfare Act and  
also to the policy paper of the Minister of Community  
Services and Corrections, Mr. Evans, dealing with  
regional delivery structure of Winnipeg Child Care  
Services.

To begin with, I should say that we agree with the  
statement made by Provincial Court Judge, Edwin  
Kimelman, in his Interim Report for the Review  
Committee on Indian and Metis Adoptions and  
Placements where he states, on Page 20: "It is  
imperative that child welfare services are continually  
responsive to existing and changing needs of  
communities and such sensitivity must be built into the  
very structure of the child welfare system."

MARL supports some aspects of the move of the  
government towards the regionalization of the various  
child care agencies serving Winnipeg. We agree with  
Judge Kimelman that in order for these agencies to  
respond effectively to the needs of their clients they  
should be community-based.

Even though MARL accepts this decentralized  
approach to the delivery of child welfare services, we  
are concerned that the administration of the service  
maintain some aspects of centralization. For instance,  
we feel that the movement of family members from  
one child service area to another should be easily and  
efficiently handled by the child care authorities without  
delay and without duplication of administrative tasks.  
We feel that this can best be managed through the  
centralized administration of four to six community-  
based centres.

Further we favour retaining some form of centralized  
administrative services for certain purposes, such as,  
better training of staff, specialization of certain services  
and greater consistency in child care policy and  
procedure.

In summary on this aspect, although we tend to agree  
with the concept of regionalization of child care services,  
we feel that the smaller community-based centres  
should be administered to a manageable degree on a  
centralized basis. Now with direct regard to Bill 107,  
we would suggest that while this may be related to the  
issue of regionalization of child care services, it should  
not be considered merely as the means of implementing  
this program of community-based centres.

Whether the directors of the Children's Aid Societies  
are to be appointed by the Lieutenant-Governor-in-  
Council rather than elected, MARL believes that the  
board of any child care agency must reflect the interests  
of those in our community who are most affected by  
the policies and operations of these agencies. MARL  
is opposed to the politicization of the child care agency  
boards, dealing as they do with such sensitive and  
crucial issues as child care and child protection. We  
do not want to see the possibility of a complete  
replacement of the board of the Children's Aid every  
time the government changes; nor do we feel that a

criterion such as political leanings should be a guide to fulfilling the board's membership requirements.

If the government wishes to ensure that our child care service agencies are more sensitive to community needs, we believe that the board of directors must, in fact, be representative of those community members most involved in the service.

Obviously, every effort must be made to ensure that representation by the Native community of Winnipeg is adequately built in to the regionalized child care service. MARL suggests that a Native Advisory Committee be established to assist in policy making within the child care service. I believe we suggested this before in regard to when we appeared before Judge Kimelman, for example. We would further suggest that the Native Advisory Committee should have the responsibility of either appointing or electing members to the board of directors of the agency.

CAS board members may also be selected from other interested groups, such as lawyers, psychologists and social workers who are practising in the area of child welfare. We should avoid the danger of having a board of directors that appears to be completely politically controlled. This seems to be the main problem conveyed by the proposed Bill 107.

The setting of guidelines for the election or appointment of CAS board members should, therefore, have the objective of establishing a board that is sensitive and responsive to children's needs, as well as to community needs. Any plan for the regionalization of child care services must take into consideration the importance of having a board of directors that would be responsive to these real needs.

Now these are my comments, Madam Chairman. I would try to answer questions, but I must say that since none of the representatives of our children's concerned group are here tonight, I may have to take some questions as notice of motion.

**MADAM CHAIRPERSON:** The Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Madam Chairman. Mr. Arnold, your brief is very interesting from the perspective of offering a guideline, but I wonder if I could ask you, sir, whether you could comment directly for my edification. Does MARL agree with Bill 107, or is MARL opposed to Bill 107?

**MR. A. ARNOLD:** I would say that this bill, it seems, has been prepared kind of on an emergency basis. I don't know if this is the best way to deal with the issue. In our brief, we are trying to talk about some fundamental approaches to the question of setting up a Children's Aid Board. So I would say that we would not strongly support doing it in this particular manner, according to this bill.

**MR. L. SHERMAN:** Certainly, the inference that I draw, Madam Chairman, from the brief is that MARL is highly doubtful or dubious of the value of Bill 107. I'm glad to have Mr. Arnold confirm that.

Mr. Arnold, on Page 2 of your brief, you suggest that MARL is of the view that, "The board of any child care agency must reflect the interests of those in our community who are most affected by the policies and

operations of those agencies." In MARL's view, who are those people whose interests are of paramount importance for reflection here, the children at risk themselves, or whom would you suggest?

**MR. A. ARNOLD:** We have already suggested, and it's well known that the major element in the community whose children are being served by Children's Aid is the Native community. We feel that proper arrangements should be made for the Native community to be represented and to be involved in the board of any Children's Aid Society or child caring agency.

Now I know there are moves in this direction, and that the Native community is beginning to establish and has established a number of its own child caring agencies. I believe that MARL recently wrote a letter in support of the efforts to have a Native children's agency established for Winnipeg. So that we would support those moves. They are the main element.

We also suggest that some elements from the professional community like lawyers, psychologists, social workers could be as well directly represented on the Children's Aid Board, if they are not already. I suppose they are represented to some extent, but it's the manner in which they are chosen.

It seems to me that some of the bodies, like perhaps the Family Law Subsection of the Bar could be asked to name somebody to the Children's Aid, or things like that, so that the board of the Children's Aid could be composed in a different kind of a way without the government exerting a heavy hand, and not necessarily in the present way in which it's being done.

**MR. L. SHERMAN:** Madam Chairman, through you to Mr. Arnold, I would like to ask you, Mr. Arnold, whether you think that the impact and the ramifications of Bill 107 primarily bear upon the Native child welfare community. You seem to be addressing your remarks with respect to the bill primarily from that perspective, but are you saying that the fallout from this bill only or exclusively has ramifications for the Native child welfare community, or could I suggest to you that it has ramifications for the whole child welfare?

**MR. A. ARNOLD:** I think it has general ramifications. My understanding is that the reason for this bill is in order to carry through with the proposed regionalization. I think there was a statement or some comment by the Minister in his statement on regionalization that it might not be necessary to invoke the proposals of this bill if the proposed regionalization could be carried out with the co-operation of the present board. So in other words really, in a sense, the regionalization plan is more important than the bill. If the regionalization plan can be adequately carried and reflect some of the concerns that we express, then maybe the bill becomes unnecessary, I don't know.

**MR. L. SHERMAN:** I have one further question, Madam Chairman, thank you.

I'd like to ask Mr. Arnold, whether he would be interested in serving in a voluntary capacity on a Board of a Children's Aid Society if this type of legislation were on our statute books, or whether he would find that it discouraged that voluntary spirit for which he is so justly renowned in our community.

**MR. A. ARNOLD:** I don't think I should repond directly to that question but let me say that I think it would be easier for an organization like ours, like MARL, to participate, if the board of the agency were being selected according to the guide lines that we suggest, rather than the way in which it's being proposed here.

**MR. L. SHERMAN:** Thank you, Madam Chairperson.

**MADAM CHAIRPERSON:** Mr. Minister.

**HON. L. EVANS:** Thank you, Madam Chairperson. First of all I'd like to thank Mr. Arnold for his brief - all of his briefs, all of the briefs of the Manitoba Association for Rights and Liberties are very challenging and have ideas and are usually very thoughtful. I am a little unclear however, about a couple of matters and I'd like to ask one or two questions.

Because there seems to be a bit of a contradiction in the brief, in my reading of it and my listening to Mr. Aronold's presentation, is MARL supporting the idea of a smaller delivery unit? You see, the brief refers to our policy statement as well as the bill. The bill, of course, itself is very limited, very narrow, giving the Lieutenant-Governor-in-Council the power to appoint or dis-appoint, members to Boards of Directors of Children's Aid Societies. Of course, we've indicated that this is a interim measure, and I gather Mr. Arnold is aware that this is strictly an interim measure, a short-term measure. But I'd like to know, talking about the policy aspects, whether MARL agrees with the concept of a smaller delivery unit in Child and Family Services?

**MR. A. ARNOLD:** Yes, I think we would favour the smaller delivery unit, providing it is not so completely decentralized that some children might get lost within the system, because I think we're all aware that there is considerable movement, even within the city, of some of the people whose children that get involved with the child care system. So you have to be able to keep track of everyone.

I know that reference has been made to the regionalized school board system and I suppose, by and large, the regionalized school board system works pretty well, but I even know of situations where the children get lost in that system in moving from one area to another. So this is the main caution to be taken into consideration, that you can have a smaller delivery unit provided there are still some centralized aspects so that if a child in care happens to move from one area of the city to another it won't get lost and it'll still be kept proper track of.

**HON. L. EVANS:** Thank you, Madam Chairperson. I wonder - I appreciate the fact that Mr. Arnold had certain limited knowledge in this area which he indicated earlier - whether he is aware that the delivery of child and family services in the Province of Manitoba involves far more, of course, than the Children's Aid Society of Winnipeg. Within the City of Winnipeg alone we have three organizations - Eastern, as well as Winnipeg and, of course, the department itself offers services in the west end of the city. But also, in addition, we have the CAS of Central Manitoba and the CAS of Western Manitoba and, indeed, we have our Child and Family

Service Division of the Department in the Parklands area, the Interlake region and the North. Would he not agree that this organizational structure, therefore, does require some degree of co-ordination at the centre and that it could be offered by the Child Welfare Directorate of the department?

**MR. A. ARNOLD:** Well, I would say that is quite likely so; that certainly the child caring system needs rationalization, shall we say, and we know that certain things are being undertaken, certain things are being planned that we are aware, we're not aware of all of the details, but certainly the system needs rationalization and, hopefully, if the regionalization within Winnipeg is rationalized in a proper manner, hopefully it will be helpful. But whether this particular bill will contribute to that is a question. I mean, the government has to, in its own wisdom, has to decide whether it really needs this particular bill to allow for the rationalization, or whether it can be done through existing provisions of the legislation.

**HON. L. EVANS:** Thank you, Madam Chairperson. I wonder if Mr. Arnold could comment on methods and means or criteria to be used in selecting members of boards of childrens' aid societies or child and family agencies. He may have made some comment on this earlier, but I'd like to hear his views on what should be the criteria for selection to m`mbers of . . .

**MR. A. ARNOLD:** Well, I don't know if I'm prepared to go further than we've already gone in the brief. We can sit down and elaborate on it at some point, but since we've only been able to consult with a few of the members in our children's area, I think we've given some good suggestions here and I think it can be elaborated on further, but I don't think I'm prepared to do that this evening.

**HON. L. EVANS:** I appreciate that position, Madam Chairperson, but I thought I'd take the opportunity to get some of these suggestions from MARL.

Does - and again you may not have any comment on this, but since we're on the subject - does MARL have any suggestion as to ideal sizes of boards? There are 30 people now on the Children's Aid Society of Winnipeg Board.

**MR. A. ARNOLD:** Well, the ideal size would be a board that could work together. I mean, MARL has a board of 30 and sometimes it gets bigger than that and we're able to work together but, you know, sometimes a board of 12 can't work together. I think the ideal size really depends on the composition and where they come from. I have a feeling if they were selected from specified areas along the lines that we have suggested without having, shall we say, too strong vested interests but, having the overall interests of the community and of the children in mind, then I think you could establish a better kind of board.

**HON. L. EVANS:** Just one last question, Madam Chairperson, in our policy statement we indicated a commitment to maintaining the private delivery system within the City of Winnipeg, in other words, the

maintenance of an agency system whereby the bulk of the board would be chosen from the community, as most non-profit organization boards can be or should be.

Seven out of 10 Canadian provinces do not have children's aid societies, it is run entirely by the government: the Department of Social Services in Nova Scotia; the Department of Human Resources in British Columbia; etc. Manitoba, Ontario and Nova Scotia are the only three provinces that have children's aid societies, and if you look at the legislation, we have the weakest legislation, in terms of government involvement in the whole system.

So my question then is, does MARL favour the position that we've taking, and that is, the maintenance of, I guess, a mixed system but, within the City of Winnipeg, the proposal to provide a privately-based system . . .

**MR. A. ARNOLD:** I don't think MARL would necessarily be committed to maintaining a private system. I think there should be voluntary input from various elements in the community, but I don't think that necessarily requires the indefinite maintenance of a private system. I think you could look at the best of the systems that have been developed in other parts of the country, and possibly come up with a more appropriate model for Manitoba.

**HON. L. EVANS:** I just want to thank Mr. Arnold, and trust that his organization will be on hand next year when we discuss the major changes to the child welfare legislation.

Thank you.

**MADAM CHAIRPERSON:** The Member for Inkster.

**MR. D. SCOTT:** Thank you, Madam Chairperson. There are a couple of points that you made, Mr. Arnold, in your presentation that kind of surprised me in a way. Maybe it's just perhaps my misinterpretation of them.

You mentioned that you were in favour, or at least could see advantages in a purely Native child care agency.

**MR. A. ARNOLD:** No, we didn't say that, not in this brief. We have supported the Native community in their efforts to get better care for their children and, therefore, since the present efforts seem to be directed towards the establishment of Native child agencies and some improvements are being effected that way, well we go along with that, but we don't necessarily say that is the absolute ultimate solution.

I think we would probably favour an integrated system, with the Native community though having full say in regard to how Native children are being handled.

**MR. D. SCOTT:** So you are not . . . Excuse the interruptions here.

**MR. A. ARNOLD:** You better let the bikers go. They've been demonstrating out there.

**MR. D. SCOTT:** Put on a helmet, and you can hear better.

So you are not then saying that you are in favour of racially-oriented child care services?

**MR. A. ARNOLD:** As a matter of ultimate principle, and I think we indicated that even when we made our presentation to the Kimelman Committee, and I have a copy of it here, but I think I can remember. I think we stated that while we support the efforts of the Native community to have more influence and more say and even a certain amount of control at this time over the question of what is happening with Native children, I think this is because of the fact that there has been such an imbalance up to now, of the fact that there has been very little until the last couple of years, very little input from the Native community into what was happening with their children, that therefore this is what is happening now, it's helping to correct the balance. But in the long run, I think that I personally and I think that members of our organization, sort of nodded in that direction in our brief to the Kimelman Committee, would favour some kind of integrated system in which everyone was involved, but without one element of the community sort of dominating what was happening to the children of another element.

**MADAM CHAIRPERSON:** The Member for Inkster.

**MR. D. SCOTT:** On another area, and this is to deal basically with the responsibility of the province, where the ultimate responsibility for child care rests, is with the province, more so than with the agencies. The agencies are the delivery points. If an agency has an obvious problem - and I think there has been plenty of evidence to show that the CAS of Winnipeg has had some pretty serious problems - do you not feel that there should be some mechanism where the province can intervene, whether it's through board appointments as we are doing with this legislation, in order to get that child care organization back servicing the people who we're supposed to be servicing, in other words, the children, and not being quite so concerned with their own bureaucratic internal squabbles that they may have with the organization or may evolve through this so-called volunteer and elected from a volunteer association board of directors?

**MR. A. ARNOLD:** I'm not sure. You see, we have spoken to the Minister and written to the Minister on previous occasions in regard to the fact that a certain section of the act, mainly providing for a review committee, was never implemented. I'm not certain, but I have the feeling that if that review committee which was provided in the act had been implemented, that the changes could have been brought about through the agency of that review committee rather than have to introduce this legislation. Now, I'm not positive about that but I have that feeling.

**MADAM CHAIRPERSON:** Further questions? The Member for Rupertsland.

**MR. E. HARPER:** The Member for Inkster asked what I wanted to ask, that was regarding the setting up of a Native child care agency. However, you seem to put hesitancy on whether the government would appoint

a board of directors, where the board might change as a result of change of government. How do you see this Native advisory committee being established? How do you see it being appointed, or is that a voluntary organization? How should it function?

**MR. A. ARNOLD:** Well, I would say there should be some consultation with representative groups from the Native community to see how such a committee should be established. I wouldn't propose to suggest who should represent the Native community. I think the government should ask the Native community or the various Native organizations who they think should represent them and ask them to assist in arriving at the solution.

**MR. E. HARPER:** I wasn't speaking against whether the government should consult or not, but I was just wondering if you had any suggestions, since you have mentioned before that these were suggestions and didn't want to get into or weren't really aware of the details because you don't have your people here. To me the Children's Aid Society has been a source of frustration and I totally support because an organization such as when you have children placed out of the province, 86 percent out of the province, who are Native children, and out of the country 97 percent are Native children that are placed out of the country, to me that says something. I believe that something has to be done and I think the government has taken a step in the right direction but not to the extent that I would like to see it happen or being dealt with.

How do you account for these kinds of actions in terms of what would be basically problems that you see in terms of setting up, supporting the Native child care agency.

**MR. A. ARNOLD:** Well, I don't think I can really respond to that point, not having been involved directly with any child caring agencies myself. With respect to this legislation, I think I mentioned it at least once, that if the government in its wisdom feels that it must have this legislation, it's going to make the decision. We don't particularly like this particular method, but if the government feels it's essential and relating to the regionalization plans, well, it'll have to do it. But we would have preferred some other way with other guidelines and that sort of thing.

**MR. E. HARPER:** One more question. This is in relation to protection of children, especially treaty Indians that do have status, and also, I might say on aboriginal children which are the Metis people who have acquired rights under the Constitution. Are you aware that the Federal Government may be proposing a sort of Federal child welfare legislation?

**MR. A. ARNOLD:** No, I'm not aware of that. I know there have been situations in which Native children have been the victims of buck-passing, because Native children on the reserves or status Indians have been considered the responsibility of the Federal Government and therefore have not been eligible for certain provincial services. I hope that has been done away with, but I am not particularly aware of what the Federal Government is planning at this time in that regard.

**MADAM CHAIRPERSON:** Excuse me. Before we proceed to another question, the proceedings tonight are being recorded for Hansard and I would appreciate it if each party would wait until I recognize them so that the people who are printing this can get the proper names attached to the proper speeches, or questions and answers as they are to be.

The Member of Rupertsland.

**MR. E. HARPER:** I finished my questions. Thank you.

**MADAM CHAIRPERSON:** The Member for Niakwa.

**MR. A. KOVNATS:** Thank you, Madam Chairman. At the bottom of Page 2, I've got a couple of little questions for clarification only, Mr. Arnold, and I would call you by first name except that it keeps eluding me. At the very bottom of Page 2, it starts off with a word that just hit me right between the eyes, it says, "Obviously, every effort must be made to ensure that representation by the Native community of Winnipeg is adequately built into the regionalized child care service." That word "obviously" kind of threw me, but let's go on just a little bit further. It says, "MARL suggests that a Native advisory committee be established to assist in policy making within the child care service."

Can you, as a representative of MARL, advise why it is obvious to you that every effort must be made to ensure representation by the Native community in Winnipeg and, as a representative of MARL, can you advise why the only reference is to a Native advisory committee and not to a group established from either the Jewish population, Ukrainian, Japanese, Chinese or whatever? Can you advise the differential and the thinking of MARL in this regard?

**MR. A. ARNOLD:** Well, I think there is a clear differential because of the fact that the overwhelming number of children in care, even in the City of Winnipeg, come from the Native community. Now I know that the Jewish community has its own agency and has had its own agency for many years. I don't necessarily suggest that the Jewish agency should become the model. I think it's a good agency, but I don't necessarily suggest it should become the model for everybody. I think all the others have been represented because they're sort of part of the so-called established community, whereby the Native community has been too much on the outside of the established community until now. This is the reason why, and you've had the representatives from the so-called dominant community, of whatever background they would be, really running the Children's Aid Society with the Native community sitting largely on the outside.

I think this is the reason why it is obvious to us, because our organization has been working closely with members of the Native community. It may not be obvious to some others, but it should be obvious to anyone who studies the figures and the whole situation as to what children are primarily involved in the child caring agencies.

**MADAM CHAIRPERSON:** The Member for Niakwa.

**MR. A. KOVNATS:** You've come up with a good point, Mr. Arnold, and I kind of agree, and I kind of agree

with the Member for Rupertsland. The Jewish community does kind of look after their own. I think that's what you were possibly suggesting, to some degree, that they are an agency of people of Jewish background who do look after that particular segment. Would you suggest that people of Native background look after their own, or be a government-funded agency similar to the Jewish agency?

**MR. A. ARNOLD:** Well, I've stated before that we are supporting the efforts of the Native community to take control and to look after their own children at this time; but I also suggested that ultimately I think that we would feel that we should be looking towards a totally integrated system that still takes into account the differing cultural backgrounds. It should not be impossible to do that over the long haul.

**MADAM CHAIRPERSON:** Any further questions?  
Mr. Minister.

**HON. L. EVANS:** Yes, the matter of, you know, what the Member for Niakwa brought up - and his recent question and answer is very a fundamental thing - to what extent should you organize an agency along racial lines or ethnic lines as opposed to public lines, if I can use those terms. By good public, I don't mean government; I mean public in the general sense, and I guess we're not to debate it, so I can ask it by means of a question.

Is Mr. Arnold appreciative of the fact that the Jewish Child and Family Service, which I agree is a very well-run agency, is a very very small agency with about 20 children in care and largely financing its own operations compared to the CAS of Winnipeg, which has 1,300 children in care and 99 percent of its funding provided for by the taxpayers?

**MADAM CHAIRPERSON:** Was that a question?

**HON. L. EVANS:** I just asked if he was aware of that.

**MR. A. ARNOLD:** I'm aware, yes.

**HON. L. EVANS:** In a sense I hate - I would just ask one general type of a question. Perhaps it's a bit hypothetical, but if the delegate, Mr. Arnold, was the Minister, or representative of the government, and he had options towards improving the system in the City of Winnipeg and indeed the whole Province of Manitoba, has he got anything specific that he would like to suggest to us other than what we have suggested so far?

We're getting a bit beyond the legislation, Madam Chairperson. The debate has gone on and we've got into big issues, but I mean there are other options. You could dissolve the Children's Aid Society, impose a government or you could just say just withdraw funding, allow the society to carry on and suggest that they obtain their own funds from whatever source through voluntary donations, etc.

But I guess my final question is if he had any suggestions as to how we should be proceeding?

**MR. A. ARNOLD:** I would suggest that we could arrange a meeting with some of the members of the children's

concerned group of MARL and get a lot of input when they all come back from the lake.

**HON. L. EVANS:** Thanks.

**MADAM CHAIRPERSON:** Thank you very much, Mr. Arnold.

The next delegate on the list is Mr. Vic Savino, the Dakota-Ojibway Child and Family Services. Is Mr. Savino not here? All right, I'll move on.

Mr. Larry Allen, a private citizen.

**MR. L. ALLEN:** Good evening, Madam Chairperson.

**MADAM CHAIRPERSON:** Mr. Allen, do you have copies of your presentation?

**MR. L. ALLEN:** No, I'm sorry, I don't have a prepared submission. I'm really not here only as a private citizen. I'm here representing two Native organizations, one is Native Family Services; the other is the Winnipeg Coalition on Native Child Welfare.

Just by way of explaining who these organizations are and what they do, I should tell you that Native Family Services is a grass-roots child care delivery service that's been started by the Native community. It's approximately 14 months old now; has at this time 150 families it's involved with, and has been providing services short of a mandated service delivery; meaning, obviously, we don't have the jurisdiction to apprehend children or to designate foster homes or any kind of a placement authority, but we've been providing what we would term, I suppose, a grass-roots families helping families, consumers helping consumers kind of delivery service to the Native community. As I said, I think we're dealing right now with 150 families. We estimate that up to the present time there are approximately 125 children living in their own homes or living in homes in their own community who otherwise would be in the care of the government.

If one does some multiplication, and estimates conservatively that for each child the government is spending approximately \$300 monthly for children in care. The Native Family Services estimates that right now, because of our intervention, because of the programs we've established and the work we've been doing in the Native community, this organization has saved this government approximately \$30,000 monthly. That figure is growing with every month that we're in operation.

The Winnipeg Coalition on Native Child Welfare is a group of people who are concerned about child welfare particularly as it relates to Native people. It's a group which has a representation from many of the Native groups operating in Winnipeg, including the MMF and the board of the Friendship Centre and so on. Virtually all of the active Native groups are represented in some form, indirectly, in the membership of the coalition.

I'm here to tell this committee that I have been asked to appear before you tonight to tell you that both these groups, and as I hope I've set out, the Coalition on Urban Native Child Welfare and Native Family Services is, in our opinion, the most representative group of Native people active in the child welfare area. I'm here to tell the committee that both these groups are wishing to support the passage of Bill 107.



My presentation tonight, and again I apologize that it's not prepared, is primarily dealing with 107. I really didn't come prepared to talk about the whole nature of whether we're in support of regionalization, which we are, and the reasons for that, but if anyone wants to ask me a question, then I'd be glad to go into that, but the actual prepared part is really dealing with 107 and why we accept 107.

**MADAM CHAIRPERSON:** Mr. Allen, as Chairperson, I appreciate that.

**MR. L. ALLEN:** Okay, thank you. I think maybe this committee should take what we have to say fairly seriously for several obvious reasons. I use that word "obvious" because obviously a great deal of child welfare relates to Native people. It's always been our contention that approximately two-thirds of the children involved in the child welfare system, either the Children's Aid Society of Winnipeg, Eastern, or dealt with by other agencies in Winnipeg, are Native or Metis children. Now I understand the Children's Aid Society has just done a study of their own and they put that figure somewhere lower, but nevertheless they place it at at least 50 percent of the children they're involved with are Native or Metis children.

The other reason why I think this is significant is that, as I hope most of you are aware as you would have received a copy of an application made on behalf of Native Family Services, which is an incorporated body, to the government under the existing Section 4 of the Child Welfare Act, Native Family Services has applied under that section to be recognized as a fully mandated child care delivery system, or child care delivery agency. That is before the government now, and it's our hope that when the implementation committee is established that the implementation committee will hear our proposal and will hear our suggestion that Native Family Services be acknowledged and accredited under the existing Section 4.

Now Bill 107 is an amendment to Section 4, but it doesn't take away, and my understanding is that the government doesn't at this point plan to take away, the primary sections in Section 4 which allow for agencies to petition the government to be accepted and mandated. I can tell you that it is the full intention of the Native community to seek out a full mandate to provide this kind of service to Native people.

It is our hope that if a regionalization system is prepared, if that's what happens, that there will be a separate agency dealing with Native matters with an overriding jurisdiction involving Native families; that Winnipeg Native Family Services will have an overriding jurisdiction to provide child care delivery service to all Native families in the city. It is our suggestion and submission that's the only practical and feasible way to deal with the problem of Natives involved with the child welfare system.

Getting back to why I am here, and that is to speak about 107 and why our groups feel that 107 is a necessary piece of legislation. I think one of the very obvious answers is that, as it stands right now, the Children's Aid Society of Winnipeg, and I think I have to point out, as was pointed out by the Minister, and that is that we're dealing right now with a very interim

situation, because presumably regionalization is coming or change is coming. So the system that we're dealing with now, with Children's Aid Society of Winnipeg being this incredibly powerful agency controlling child welfare so completely in Winnipeg, hopefully that's only a temporary thing.

The applicability of 107, when the Children's Aid Society of Winnipeg has been broken up, may be changed somewhat, but it is our understanding that 107 is not meant to be a piece of legislation which will allow the government to permanently affect boards. It is our understanding that this legislation is more of an emergency measure which the government can use in the event that the boards of child care agencies are not being accountable and not being responsive. It is our view of the fact situation that leads us to this room tonight; that the Children's Aid Society of Winnipeg has not been accountable and that its actions have inevitably led to legislation being presented, such as, Bill 107.

It's our view, and I think it's obvious, that the structure of the board of the Children's Aid Society is self-perpetuating in that for one to become a member of the board of the Children's Aid Society you virtually have to be nominated by their Nominating Committee.

Now I think we have some background information on that that may be of some value to this committee, and that is, that the Native community decided, at one point this spring, that if we wanted to effect some change as far as the Children's Aid Society of Winnipeg, then we would have to do something internally, we would have to fight within the system. So we unearthed a copy of the by-laws; we had some difficulty. We found a copy of the By-laws of the Children's Aid Society of Winnipeg, and we determined that within the by-laws there was provision for people to become members of the Children's Aid Society, and that was done through a fairly complicated procedure which we set about to follow.

We then presented our applications for membership to the Children's Aid Society, and received the startling response that there were no members to the Children's Aid Society, the only way one would be allowed to nominate someone to this exalted board was if one was a member of the Children's Aid Society of Winnipeg, and there were no members. I shouldn't say there were no members, there had been a member. Some time in the distant past there had been a member, but he was long since dead. So, at the time we approached them, there were no longer any members of the Children's Aid Society, and we were told that if we wanted to be concerned about it we should wait until after the annual meeting and we should come back to them then and talk about it then.

So we then went, as a delegation, to the Nominating Committee of the Children's Aid Society, and we said, how do you justify with your 32-member board the fact that you're dealing with half Natives, or two-thirds of the people you're dealing with, the consumers of your services are Native people, and you don't have that kind of representation, in fact, at that time, I believe, they had one Native person on their board. They said to us, well we should be happy with what was being offered in that there was a new offering of six further Native people, and we should be happy with that.

We decided that we weren't happy with that, and the Native community decided, as you probably all know,

that we would present ourselves at that meeting and explain to the Children's Aid Society that we were no longer concerned with them and that we were going our own way. As I have already indicated, Native Family Services has been going its own way for some time and, in my opinion, although we have been suffering some growing pains and those growing pains have largely stemmed from lack of funding, which I hope in the near future that situation will be rectified, but although we have experienced some growing pains, I believe that our record indicates that we have been providing services to our community in a successful and efficient way.

So that's the first reason why we feel 107 is necessary, and that is that this board doesn't provide for open elections, it perpetrates itself, and it is not responsible, nor is it accountable.

The structure of the board itself. It is my understanding that the board at the present time, and certainly within my knowledge and, I would expect that probably throughout its history, has never had an actual consumer of the services on the board. Now I notice Mr. Walsh is here, and he is going to talk to you. If that's wrong he's going to tell you, but my understanding of the situation is that there is not a consumer of child care delivery service on the board of the Children's Aid Society, and that, to me, is a strange situation. I think that is one very glaring and obvious reason why this board has to be changed and shaken up.

I should tell you that Native Family Services now operates with a board. The operating principle, as to the make-up of that board, is that one-third of the board members are actual consumers, are people who have actually faced the loss of their children to an apprehending authority. These are people who have actually had their families touched, directly or indirectly, by the Children's Aid Society of Winnipeg or one of the other agencies. Another third of the board is made up of professional people who are concerned in this area; and the other third is by the general population.

So it would be my submission that the Board of the Children's Aid Society is not broken down that way. It's not representative of the people it is meant to serve, whereas Native Family Services has already inherently built into its very structure a system whereby it can be representative of the community it is trying to serve.

Now a third point, and I think probably the most significant point from the point of view of our group, is the fact that the Children's Aid Society has, in our opinion in our submission, from watching them closely and from watching the Native people be abused by the child welfare system in Winnipeg, is the fact that the Children's Aid Society of Winnipeg has never bothered to develop a long-term philosophy, or really any philosophy, as to planning for Native people. The Children's Aid Society of Winnipeg has not set up any apparatus for negotiating or for opening up a meaningful dialogue with Native people.

The Children's Aid Society of Winnipeg has operated on a crisis-to-crisis basis. They make ad hoc decisions based on the latest crisis, and I think the latest fury in the newspaper is somewhat typical of the way they operate. If they have any policy, if they have any philosophy, it's just what was their stance on the last crisis, and that's the way they go - from one crisis to another.

As far as we know they've never sat down, they've never opened up any lines of communication with the Native community and they've never been concerned about developing any kind of consistent policy or establishing any kind of real training programs in their own agency to deal with the fact that at least half and possibly two-thirds or more of their consumers are Native people.

Now they're going to tell you that they've started a link with New Careers, which is a program that's designed to provide some training for Native people to get into child welfare. I agree that this is something that they are doing and it's unfortunately somewhat belated and no where near enough.

I would find it very difficult to accept anybody on behalf of the Children's Aid Society offering or suggesting that they have in any way made any kind of step toward the Native community in the past and, if they have made that, they have only made it in the last little while. It would be my submission that they've only made it because they've had the sceptre of the government and the fact that the government has announced it's going to change things. That is hanging heavily over the Children's Aid Society. I think as result of that sword over their head, they have started to communicate, they have started to negotiate more in the last little while than we have seen certainly in my preceding seven years. Up to this point, the Children's Aid Society has taken a very hard line on most matters. Their only source of negotiation has been through the newspaper. Now, with the fact that the government is standing over them, watching them and has indicated it's going to change things, they are opening up.

I should tell you, and I would be misleading you to say, if I didn't admit that the Native community and the Children's Aid Society are communicating better now than we ever have before, but I think that that fact is another reason why we need 107. The Children's Aid Society is finally starting to behave itself in a responsible way, and they're starting to do that because the government is standing over them. I think that 107 can provide that function. If we supposed that the system was going to stay the way it is now, then Bill 107 gives the government an opportunity to get in there if the Children's Aid Society remains unaccountable. I think that that legislation provides the government with a way to maintain that kind of accountability which up to now has been missing. We're only starting to get it now.

The Children's Aid Society has taken an adversarial attitude to Native families. It certainly has been my experience that they have taken that attitude not only to Native families but to the white families that they are involved with as well. I can tell you that I have appeared in cases where workers have gone on the stand and they have said that they became involved with a family. They felt their function was to assess that family and their capability to parent. They came up with an assessment that indicated that as far as they were concerned, the family wasn't capable of parenting, and they have admitted on the stand that from that point on they felt they had no commitment to aid that family.

In one very recent case I was involved in, it was a case of a 16-year-old mother. They made the assessment that she wasn't acceptable to them. She

presented them with relatives whom they could consider as possible placements for the child, and the worker admitted in testimony on the stand that because they had done an assessment and determined that the mother wasn't acceptable as a mother, they didn't feel any commitment to check out these plans as far as relatives, extended family members who might provide a home to the family. I think that attitude is virtually immoral and that is one of the attitudes that has characterized - I think we'd be here all night if you wanted to hear all my criticisms of the Children's Aid Society - but that is one of the attitudes they have operated on and one of the reasons why, with that kind of arrogant attitude, we need some legislation, if that's the answer, to change that situation.

As I said earlier, Native Family Services wants to become a child care. We want to get into the business that the Children's Aid Society is in now. You might say, well, how can you be asking to become a child care delivery service yourself or an agency yourself, and stand there and suggest that legislation which would inhibit your power is good legislation? But we can do that, Madam Chairperson, for several reasons.

I think one of those reasons is the fact that the budget, as we understand it, of the Children's Aid Society is \$13 million. Now Native Family Services is not asking for \$13 million. However, it is our opinion and our submission that any government agency or any agency, whether it's government or private or whatever it is, that is receiving \$13 million of the taxes collected from the taxpayers should be and must be accountable. Native Family Services is obviously asking and hoping for money from the government. That being the case, we expect that hand in hand with government financing must be an accountability and we're prepared to be accountable.

As I indicated, our board has already been set up so that it will contain representation from all elements of our community. That board is prepared to be accountable and welcomes the involvement and the ongoing assessment of the government through the power afforded by Section 107.

Now the final area I wish to talk about and suggest for this committee's consideration as to why these two organizations that I'm here speaking for think that 107 is necessary, is the fact that Native Family Services has shown over its brief life and, as I indicated, Native Family Services really got started in July of 1982, I think we have shown by the fact that the service we have delivered, the efficiency with which it has been delivered, the number of children who are living happily or, hopefully, living safely within their own homes rather than within the care of the system or within the care of the government, has shown that a grass-roots organization which really does feature volunteer help, which really does feature people who have been through it themselves, helping other people who find themselves in that predicament, that that kind of thing can work.

I think that regionalization, when it allows smaller agencies which have a real feel for their community, can also be effective in that way. The spirit of people working together, of neighbourhoods working together, of neighbourhoods accepting that our children are our most precious commodity, and particularly the Native community is rising up and saying that our children are our most precious commodity. They can't continue

to be shipped out of the province, and the very spirit and soul of those Native homes can't be disrupted by apprehensions as has been the case in the past. The attitude of the Children's Aid Society, the combative adversarial approach, where they do an assessment and if they determine that the situation is untenable, then they go to court.

The fact of 160 contested cases by the Children's Aid Society within 1982 as opposed to 3 for Children's Aid Society of Eastern, I'm sure Mr. Walsh will tell you if he deals with that that there are reasons why Eastern only had 3 contested cases and there are reasons why Winnipeg had 160. But I find it hard to believe that there are reasons that can justify that kind of differential between two agencies operating within the same area, within the same city.

I think that Section 107 of the proposed bill is legislation that is long overdue. The Native community has been crying out to the government, this government and previous governments, to do something about what is perceived by the community to be a horrendous situation, a situation bordering on having international implications. It's about time that the government recognized that there has to be some accountability.

I think the attitude of the Children's Aid Society has been arrogant to the fullest extent. If anything, I think the remarks of the President of the Children's Aid Society as recently as last week, underscore the arrogance of that agency in that he told a public gathering that he didn't really care. If the government planned on regionalizing or planned on taking away the power of the Children's Aid Society, they may be prepared to fight that and he mentioned going to court and so on. I think for the President of the Children's Aid Society of Winnipeg to say that he is not planning on listening to the will of the people, as we accept that our government represents the will of the people; and if he is saying we don't care what the will of the people is, we don't care what the government is doing, we've got a mind of our own and we are holding on to our own situation despite what the government wants, that kind of arrogance when you're dealing with an area as sensitive as apprehensions of children and disruptions of families for good, I think that kind of arrogant attitude has to be cut down. We can't allow the board of our Children's Aid Society to operate in that kind of arrogant situation where they feel in control and whether the people like it or not, they're going to have to accept that.

For all these reasons, I urge this committee, and I certainly wish to make the presentation that it is on behalf of Native Family Services and the Winnipeg Coalition for Urban and Native Child Welfare that 107 is legislation we welcome and we support. That's all I have to say.

**MADAM CHAIRPERSON:** Thank you, Mr. Allen. Are there questions for Mr. Allen from the members of the committee?

Mr. Sherman.

**MR. L. SHERMAN:** Thank you, Madam Chairman. Mr. Allen, your presentation is interesting. It seems to be directed almost exclusively, however, to criticism of CAS Winnipeg and really - correct me, if I'm wrong - certainly

reflected in my view a total preoccupation on your part with your own grievances with CAS Winnipeg. Some critics of this legislation, myself among them, and I don't mind admitting it, have described this legislation as nothing more or less than a weapon for the Minister to pursue and win his own particular battle with CAS Winnipeg. I would infer from your presentation, that's precisely what it is, and that you see it the same way and that you laud it on those grounds. Would that be a fair inference or not?

**MR. L. ALLEN:** Not a fair inference, I don't think. I accept 107 because I see it as a necessary tool for government accountability. I think that we have operated now - this is the modern day - this is 1983, and yet we have a Children's Aid Society of Winnipeg that is dealing with 50 to 75 percent Native families, and up until early June had one Native director and had absolutely - I don't imagine there is anybody, even the greatest proponent of the Children's Aid Society of Winnipeg, could say that the Children's Aid Society of Winnipeg has a friend in the Native community. Virtually, there isn't a person . . .

I should tell you that, from my experience with the Native community, there isn't a Native family in this city that hasn't been touched, either directly or indirectly, by an apprehension of a child. This is far more than an issue in the newspaper or an issue on television to a vast percentage of our community, of our society. To these people, the Children's Aid Society of Winnipeg is the dreaded enemy. Now, how have we got to that place?

If our system requires that the government has to have some way to hold those boards accountable to the concerns of the community, then maybe 107 is the answer. It certainly is our opinion that it's needed, but it is not only because we are unhappy with the Children's Aid Society. I accept it as a necessary tool within the workings of the child welfare system.

I accept the proposal that we will have regionalization. We are hoping that regionalization will include a solely Native Children's Aid Society with this overriding jurisdiction. We welcome the fact. We want our agency, we intend to lobby, we intend to do everything necessary to get it, but we welcome 107. We welcome the government holding us accountable to our community. If we're not accountable, then the government should do something about it.

So we accept it as a necessary part of the system, not just as a response to the fact that the Children's Aid Society of Winnipeg has mishandled their mandate.

**MADAM CHAIRPERSON:** Mr. Sherman, any further questions?

**MR. L. SHERMAN:** Madam Chairman, through you to Mr. Allen, I appreciate the answer, Mr. Allen, but I repeat that you come on so strongly against CAS Winnipeg that one would suspect that you had a personal hand in drafting the legislation with the Minister.

Let me ask you this. I would like to ask you the question that I asked Mr. Arnold. Do you see the fallout from this legislation and the ramifications of this legislation as having meaning only and exclusively for the Native child welfare community? That's the only context in which you appear to be addressing it.

**MR. L. ALLEN:** No, I don't think so. I think that the fallout or the ramifications of 107 would affect the whole service delivery system. There are other people besides Native people who are affected by the child welfare system. I think that those people are entitled to feel that whoever is making these decisions - and this committee may or may not realize because you haven't actually had maybe on the street involvement with what we're dealing with here, but we are dealing with something which, I think and others have suggested, is more significant.

The most significant cases dealt with in our courts are cases where a government agency, or in the case of the Children's Aid Society of Winnipeg, is going to court to separate a family. They are going to court to take five children away from a mother and father, or take a baby, a newborn, away from its mother. These are highly significant matters. The situation that we have in this province just can't remain where the board of the agency that does more of that than any other agency is not accountable, is in no way responsible to the people it's supposed to serve.

So that affects everybody affected by apprehensions. There's got to be some way out. It is too much power to give to private organizations without some means for someone to question that power.

**MR. L. SHERMAN:** But, Madam Chairman, CAS Winnipeg is not the only Children's Aid Society that would be affected by this legislation. What I would like Mr. Allen's opinion on at this juncture is whether he believes and whether he is suggesting to this committee that legislation that I think could be draconian, given a particular Minister, given a particular government, leaving references to the present Minister out of it - the present Minister may be a very charitable, very wonderful, very lovely fellow, but let us assume that he is draconian. Let us assume that he has got less than admirable methods and ambitions. Are you saying to this committee that legislation of that kind is a good thing to put on the books, just because you've got an argument in the Native community with CAS Winnipeg?

**MR. L. ALLEN:** I think that there is a back and a front to everything. There is obviously a back side, an unfortunate side to this legislation, and that is that it places a certain amount of power in the hands of the government. If a government wanted to act perniciously, it could interfere with a Children's Aid Society or an agency, because it didn't agree with that agency. I think that's very true, and that may be the back side to the legislation.

However, I think in anything, whether it's legislation or anything in life, you have to weigh the back and the front. We so obviously require the front, the good aspect, the aspect of accountability - as I said, from my own experience, I can tell you that we have already been experiencing the benefits from government intervention in the last few months. We have been experiencing an era of some co-operation. I would say that the obvious benefits outweigh the possibility that a pernicious government or a pernicious Minister could use that legislation in an unfortunate way.

I suppose that even if that did take place, there is always a response. The media is available and the courts

are available, and there are other methods to hopefully counteract that kind of misuse of power.

**MR. L. SHERMAN:** Madam Chairman, through you to Mr. Allen, do these two groups, the Native Family Services and the Winnipeg Coalition on Native Child Welfare, feel that the only way that they can achieve their legitimate ambition for autonomy in terms of child welfare services is through legislation of this kind. In other words, let's concede your point that the Native community has been short-changed in terms of recognition, in terms of participation, in terms of clout in this field. Let's concede your point that reform is needed. I think there's no argument there, but would you say, and would these two groups say, that this is the only way that they can achieve it, that it can't be done other than through, what I call, Draconian legislation?

**MR. L. ALLEN:** Well, Native Family Services had made it Section 4 application prior to the announcement of this proposed legislation. I think Section 4 gives us the opportunity to petition for a mandate under Section 4, and that is the answer as far as our two groups are concerned. There will never be an answer for the Native community until the Native people are controlling the Native child welfare.

I think Section 107 is good legislation, in any event, whether we could have accomplished our ends without it or not. I think that the fact that 107 is there is probably a good idea for our agency, for any agency. I believe we will have a regionalized system, and I think that those systems must be accountable in some way, and 107 will make them accountable.

But if I'm to reply directly to your question I think, no, that the Native community could have been satisfied without the passage of this legislation but, nevertheless, I feel that the legislation is appropriate and will certainly provide. If the public is concerned about Native people, for example, if the public has some reluctance to accept a Native Children's Aid Society, they may be happier about that if there's an overriding government control that's offered by 107.

Certainly speaking, not in my capacity representing those agencies, but as a lawyer who works in this area, aside from the Native issue, I welcome that accountability, not only to Winnipeg but to Eastern and everyone else; I welcome that overriding accountability.

**MADAM CHAIRPERSON:** Any further questions, Mr. Sherman.

**MR. L. SHERMAN:** I just have one more question Madam Chairman.

I'd like to ask Mr. Allen, on this point of accountability, and sort of community-based involvement which really is at the root, I think, of his presentation, or it's one of the roots of his presentation, it's certainly at the root of some of the arguments that the Minister has advanced in defense of the legislation. How do you get community-based involvement, and how can you be sure of community-based children's aid societies when those Boards are fashioned and constructed in a Minister's office, whether it's Mr. Evan's office, or my office, or anybody else's office?

**MADAM CHAIRPERSON:** Mr. Allen.

**MR. L. ALLEN:** As I stated at the outset, I perceive this legislation as being an emergency measure that the government will hold in obedience unless necessary. I think the legislation is constructed so that there's an in and there's an out for the government. The government can move in, and there's also a provision for the government moving out. It would be my understanding of the legislation that the way it would work is that only in cases where there was no co-operation, or that there was behaviour on the part of a board of a children's aid society that was deemed unaccountable, only then would 107 be implemented, and when the situation had righted itself the government would move out. So I don't see 107 as being a long term piece of legislation which will dictate how the boards of these agencies will be set up.

In fact, I would hope that the implementation committee will look at that question of how these boards are set up. Certainly we, in the Native community, hope that it'll be looked at from the Native perspective, and that it certainly is our intention to operate from a point of view of an elder's committee having a great deal of control and say as to what goes on in Native Family Services.

So really I don't see that 107 is meant to be the mechanism for the construction of boards in the future; I see it only as an emergency measure that the government may have to rely upon. But, once having done so, as soon as stability is restored to whatever agency they use it on, that they'll go back to a situation where the boards will be nominated from the agencies themselves.

**MR. L. SHERMAN:** I just want one concluding observation and half question. I appreciate Mr. Allen's confidence, but I would just ask him, in his 40-years-or-so of life in this country, on this planet as a citizen taxpayer, has he seen very many areas into which governments have moved, and then a few years later reluctantly withdrawn?

**MR. L. ALLEN:** I'm going to have to shave off my beard, I'm only 33. It must be the beard.

Well, I think, the government has learned a hard lesson, and I think our community is learning a hard lesson because, if we think we've had trouble up 'till now; if we think that this is an embarrassment; if we think the fact that Native children were being shipped out of our province down to the southern States and so on; if we think that's embarrassing I think we haven't seen really the full ramifications. I think the time has come that we've got to deal with this situation, a very bad situation, a situation which I feel borders on having international implications, as I said.

Obviously the Member for Fort Garry has hit upon the one area of the legislation that would concern anybody and, that is, abuse of that power. Any legislation which gives government power lends itself to misuse and one would hope that it's not going to be misused.

**MADAM CHAIRPERSON:** Mr. Minister.

**HON. L. EVANS:** Since we've got into the area of draconian measures and perniciousness, etc., I'd like

to ask Mr. Allen a couple of questions regarding The Child Welfare Act as it exists.

As he directly noted, Madam Chairperson, we're only relating to a couple of particular subsections of a large comprehensive, complicated Child Welfare Act. Would the delegate, Mr. Allen, indicate whether he's aware that the Government of the Province of Manitoba already has the power, if it so wishes to be draconian, to dissolve a children's aid society by Order-in-Council?

**MR. L. ALLEN:** Yes, I was aware of that.

**HON. L. EVANS:** Okay, yes. I thought the delegate was aware of that but I asked it because I would like other members of the committee, who are concerned about draconian measures, to know that a government can act, and already has the power to dissolve the Children's Aid Society of Winnipeg if it wanted to be draconian about it, and it can be done within hours.

The other question I have for the delegate, Mr. Allen, is would he agree that the legislation that we now have on the books, the existing Child Welfare Act, nowhere does it suggest that the Government of Manitoba, that the taxpayers of Manitoba, must fund the Children's Aid Society of Winnipeg or, indeed, any other children's aid society in Manitoba? There's nothing in the legislation which requires us to fund any agency of this nature.

**MR. L. ALLEN:** Yes to both questions, the first one and the second. I'm aware that the government has that power. I could say that there have been times when we'd hoped you might do it, might use that draconian power. Certainly if change doesn't happen fairly soon we might want to see that if this doesn't happen in 107. I'm also aware that there's no requirement in The Child Welfare Act that the government fund the Children's Aid Society.

**HON. L. EVANS:** Thank you, Madam Chairperson. I'm pleased to hear the delegate, Mr. Allen, agree that if, indeed, we wished to be draconian, because that term has been used around this table, we could indeed simply withhold funds.

Madam Chairperson, the other question I have, very specifically, and again to get the matter on the record because reference has been made by the Member for Fort Garry to a pernicious Minister, and a Minister with this power and that power and so on. Would the delegate observe, and agree, that we're reading properly here that the legislation refers to Lieutenant-Governor-in-Council may, by order, provide for the appointment of directors, or disappointment of directors, not any one particular Ministry?

**MR. L. ALLEN:** Yes, I would.

**HON. L. EVANS:** Yes, thank you.

**MADAM CHAIRPERSON:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Madam Chairman. Mr. Allen, have things got so bad in this province where elected boards, boards elected by the people, have to

have legislation such as this from the Minister to come down with the whip hand and say, look, you told a lie, now we'll proclaim this legislation? Is it that bad?

**MR. L. ALLEN:** They are not elected. The Board of the Children's Aid Society of Winnipeg is not elected by the people. They get there through nominations through their own nominating committee. Things are that bad.

**MR. W. MCKENZIE:** Can I ask you the second question? What are these international implications that you keep referring to?

**MR. L. ALLEN:** The international implications are that there are elements of our community who see that what has happened in Manitoba as far as Native families, as far as Native children, is a form of cultural genocide. They see the numbers, and the numbers are staggering, as to how many Native children left this province as a result of being picked up in their homes, for whatever reason, and apprehended by various child care agencies, most particularly the Children's Aid Society of Winnipeg.

They go through a process. Sometimes, they go through a process with counsel; sometimes they don't. In some situations, they never have the law explained to them; they never have their rights explained to them. In some cases, they don't even speak or understand English. Yet, they lose their children. In the past, those children have left this province. Some effort, and it's questionable how much effort, has been made to find homes for them in the province, and then they've gone. They have been sent.

The implications of that are international. If Manitoba doesn't do something about that, we will have an international scene on our hands. I think the obvious response is, well, we have done something in that at least we've got a moratorium now and the government has declared that you can't do that anymore. You can't send children out of the province. So that aspect is hopefully over and one would expect, with the Kimelman Commission, that it will never return.

But that isn't all. We operate here in Manitoba, in my submission and certainly in the submission of the people I am here for, in an outmoded way. Our social work in Manitoba and particularly the social work practised by the Children's Aid Society of Winnipeg, is some years behind the times. This isn't the forum to go into that, whether it's appropriate or isn't appropriate, but it certainly would be my suggestion from my exposure to it that there are other jurisdictions in other parts of this continent who are operating social work, who are carrying on delivery services to families that are based on prevention of trouble.

They get in there in the first place. One way they can do that is because they're regionalized; they're smaller. They operate in neighbourhoods; they know if someone down the street is having troubles. They know that if they are having troubles, the neighbour two houses over has looked after their kids in the past and they can pick up the kids and put them there, but not our Children's Aid Society. Our Children's Aid Society is a huge, big place operating out of 114 Garry Street, and they don't know those things. So they apprehend children and they ask questions later.

The psychological studies that are coming out now are proving - studies are being done to prove that children are emotionally abused from the moment they are apprehended. I have a four-year-old at home. If a Children's Aid Society or anybody was to come out to my house some night and take my child away from my house, even if they gave her back the next day or two days later, my child would suffer, according to these studies and I think according to common sense. My child would suffer for having been taken and in some cases, in many cases, taken by the police, by three policemen showing up at the door and taking that child.

This is a situation that can't continue. Other jurisdictions don't operate this way. They don't apprehend first and ask questions later. They concentrate on prevention, on finding out these things. They are operating in the modern world. We're not here. I think we are operating in an antiquated way. Why is that? I think that it's arguable that is the case, because the administration of the Children's Aid Society has been so arrogant that it has been reluctant to even admit that it's capable of mistakes.

If you review, as I did just yesterday, the press reports of this issue over the last year, you'll see questions - and not only the last year but preceding that. You'll see people raised points about the Children's Aid Society. What is their response? Inevitably, their response is, that's not the case. We are not bad. We're good. We don't make mistakes. I don't think that's appropriate.

It has left us with a situation where, until the moratorium, our children were being apprehended and leaving in shocking numbers. Even now, children and families are being subjected to outmoded philosophies of child welfare. There is a new way, there is a modern way to go about it, and we have people in Manitoba who have worked in those jurisdictions. Native Family Services is fortunate to have a person working for it who has worked in other jurisdictions where progressive principles are practised. If we don't stop, we do have an international situation, because we've got children suffering emotional abuse and families suffering unnecessary rupture.

One of the things the Minister has said, and we applaud him for that, is that, what's with the Children's Aid Society? Why do they have to go to court so much? Why is their court budget so huge when everybody else's isn't? It is because of this combative, adversarial, outmoded approach. The government doesn't have to spend all this money.

You wait until you see what Native Family Services can save. We are already saving this government lots of money, and we plan to continue. We are going to advance our idea, our grass-roots involvement. We are going to take that further into small businesses that are related, and we're going to open up jobs for Native people. We are spending - what? - \$14 million in the Children's Aid Society of Winnipeg? How many Native workers do they have? They have one worker and they fired her a couple weeks ago. I think Native people should have some of those jobs. There are Native people trained and ready for those jobs.

**MR. W. MCKENZIE:** If we politicize this board, will that solve the problem?

**MR. L. ALLEN:** Excuse me, I'm sorry. I didn't hear you.

**MR. W. MCKENZIE:** If by politicizing the board, as it was referred to by Mr. Arnold, will that solve the problem?

**MR. L. ALLEN:** I don't think this legislation is suggesting politicizing the Board of the Children's Aid Society. I think it's making an avenue available for the government to deal with the problem and not just now with this agency, but with future agencies. The government is saying, okay, we still accept that we don't have to get involved, unlike the seven other jurisdictions where the government runs the show. They are saying, okay, we are prepared to accept that private agencies can do the job, but we've got to have some control, because we haven't had control in the past and we have seen what's resulted.

So I don't see it as politicizing the board. I see it as forcing the board to be accountable. I hope I have already indicated that those of us who work within this area are already seeing positive results from the government, showing that it is prepared to exercise some clout.

**MADAM CHAIRPERSON:** Are there any further questions?

The Member for Rupertsland.

**MR. E. HARPER:** Just to follow up on Mr. Sherman's question relating to the Native child family service which is to be established, or some sort of other Native group. Don't you think that one of the problems has been that Native people have lacked some sort of control?

**MR. L. ALLEN:** Yes, I do. I think it's absolutely unbelievable that we can have a system that affects up to possibly a figure as high as three-quarters of the people involved with the Children's Aid Society, the consumers of these services, have no representation whatsoever. Up until recently, there has been no mechanism. Even now, there is no actual mechanism for the Native community to dialogue with the Children's Aid Society. I don't mean to say that we haven't been doing that, pushing that. In the last little while, we have, but certainly one of the problems has been the fact that the Native community has not been represented and has not had any control or even really any input.

**MR. E. HARPER:** I asked the other presenter about the question of the federal legislation respecting child welfare or whether the Federal Government will proceed with that. Do you know anything about it or where it's at, because I have been sort of trying to find out? Maybe you can provide me with some information.

**MR. L. ALLEN:** I don't really know too much about that, other than I have heard that that was on the drawing board. All I have heard is that it was considered but, as I understand, has been sort of put on the back burner and is not as hot an issue as it was at one time.

**MADAM CHAIRPERSON:** Are there any further questions? On behalf of the committee then, Mr. Allen, I'd like to thank you.

**MR. L. ALLEN:** Thank you for the opportunity to be here.

**MADAM CHAIRPERSON:** The next delegate is Mr. Paul Walsh for CAS Winnipeg.

**MR. P. WALSH:** Thank you, Madam Chairman. I appear on behalf of the Children's Aid Society of Winnipeg. I must say that the temptation to throw away these written remarks - I don't have a brief to present to the committee, given the shortness of time, and merely respond chapter and verse to some of the criticisms that were forthcoming by the speaker precedent are nearly overwhelming, but given what apparently is the CAS Winnipeg's knee-jerk justification of everything it does, as he characterizes it, I'll resist that temptation and restrict my comments to those that are prepared.

The Children's Aid Society of Winnipeg has some real deep concerns about Bill 107, and I'm going to address them in three compartments. The least important one I'll get over with first. I say the least important one, but I say not unimportant, and that is that the bill has the potential, the very real potential of confiscating property.

The Children's Aid Society, while it is true it is funded to a virtually total extent by government, has hundreds of thousands of dollars in legacy funds which it invests, and from which it spends interest and sometimes capital for various projects which it takes on from time to time. If the government is able to dismiss the board and replace it with its own nominees, that would have the effect of confiscating those legacy funds because the government board could then spend that money as it saw fit, responsive to government dictate.

I throw out to you the notion that that aspect may well be a confiscation of property that might be unconstitutional, as taking away the private property of others; and the legacy funds, you should remember, are monies that have been given or willed to the Children's Aid Society of Winnipeg to do with it as it pleases, or to fund certain programs beyond those that are funded by government, discretionary programs and the like; and that if the government is then free to replace the community based board with a government dictated board, it then will have access to take those funds over, spend them according to its own priorities, and will clearly breach faith with those who willed their money to the Children's Aid Society of Winnipeg in the belief that in perpetuity the agency would be a board that was a private board and not a government corporation or, indeed, a Crown corporation, which it would become during the currency of government management.

So I say to the government, in the passage of 107, consider very carefully what you are doing to private property. It may be that you have the attitude that the agency is yours because you fund it. The volunteer members of the board certainly don't agree with that, but if you have that notion, remember that there are large pools of money that are sitting in trust in the agency, given to the agency by people who did not in any way foresee in their wildest imaginations that one day government fiat would be spending those funds.

I say to you that from that aspect alone, it may be that you are without regard maybe even to this notion

and perhaps it's the first time you've heard it or considered it in danger of expropriating private monies for your own use. I ask that you consider that problem and deal with it. I say that's the least important problem, not unimportant, but the least important problem.

The reason I'm here today on behalf of the agency is to ask you why you're doing this. I don't understand it. I have been solicitor for the Children's Aid Society of Winnipeg since 1971. It's had the same constitution since 1971. Members of the board have come and gone, and I would like to know the names of the people who have been refused admission to the board of directors of the Children's Aid Society during the memories of all the people that are around this table until 1983?

There was comment made earlier by Mr. Allen that six wasn't enough. Well, if he read the constitution, and he said he managed to unearth it. He managed to unearth it because he wrote a letter to the Children's Aid Society of Winnipeg and said send me your constitution. The Children's Aid Society of Winnipeg sent him a copy of the constitution.

What he would have unearthed if he would have read further is that one-third of the board of the directors of the Children's Aid Society of Winnipeg is elected each year, which means that 10 people are elected each year and the other 20 people carry on for terms of three years so that the board rotates; so that placing 6 people from the Native community on a list of 10 when there were some people who had served in the past and wanted to continue serving, represented at that point in time - and remember - not over a long period of time, but at that point in time - a marked departure from the way the agency had behaved in the past.

Let me say, I'm not here to defend the past. John Sinclair said upon his succession to the presidency that systems that worked, that were operative for many many years are no longer reasonable in the light of present experience. So that if there is a demand on the part of the constituency served by the Children's Aid Society of Winnipeg to find expression on the board and that now finds expression in 1983, how can one blame the Children's Aid Society of Winnipeg for not having done something in 1982, '81, '80, '79 and so forth and so on, back to the time when this party was in power for those eight or nine years when no demand was made?

If a legitimate demand is made now and the responsiveness on the part of the Children's Aid Society of Winnipeg is to say yes, we have a self-perpetuating board, that's wrong. No one's complained about it before. Everybody who wanted to volunteer to the Children's Aid Society was able to come onto the board in a reasonable way, perhaps starting off as a volunteer, then working their way onto the board. No one complained; everybody thought that was a reasonable way of doing business, and we did business that way.

Now, that isn't a reasonable way. We have demands made for change and we'll change, because that is not in 1983, and may not have been in 1973, reasonable; but there wasn't a complaint in 1973. So whatever outmoded system was in place and that carried on because no one complained, why should the people now in office be burdened with the justification of it when they stand up and say we're going to change it? So what has the Children's Aid Society refused to do



in 1983 that it needs to be told if you don't shape up, we'll replace your board? What have we done? What is the complaint that we have refused to face?

The Children's Aid Society had a lengthy analysis of The Child Welfare Act. We presented a report to the government saying here are many areas that should see change. It's unfair that during an appeal period from an order that a child remain in care without the Court of Appeal granting a stay order. It's unfair that the media shouldn't have access to the court so long as they preserve confidentiality.

We made 20 recommendations. Of all of the recommendations in the latest amendments to The Child Welfare Act - not this one, but in the other bill - 90 percent of those recommendations found inspiration from the board of the Children's Aid Society of Winnipeg. A brief went forward and legislation came back. That was this year. So we're asking the question in a meaningful way and to an extent, I admit, rhetorical way, what did we not do? What did we refuse to do?

Now, admittedly, there has been some tension and some adversary posturing between the agency and the government. The agency feels protective of its jurisdiction; the agency feels protective of its structure. If the agency is now in the process of trying to respond to the legitimate demands for change, for deployment, for decentralization, whatever the operative phrase is, and I can say confidently on behalf of my client that you will find a Children's Aid Society, both from the point of view of the board and from the point of view of its management, anxious and willing to talk to you, anxious and willing to, while responding to its sense of integrity, respond to the appropriate and legitimate demands that government can and should make of it to be an up-to-date and modern agency in 1983, and to help implement those changes. But why, when you make your own case against this legislation by saying we can (a) cut off your funding, and we can (b) dissolve you tomorrow, do you escalate the adversary atmosphere between the government and the agency by passing a bill that says, we can dismiss your board?

Who on the board? I won't go through the names, because that would be unfair to just give you a litany of the names of the people and say that they're good people, because I don't think that you would quarrel with any particular board member as a person. Those people came onto the board in good faith. They said, being a board member of a child caring agency is inherently and, by its very act, a good thing to do and a good thing to be. I want to volunteer. I'll help.

The agency is going through a great period of introspection. It has suffered a lot of criticism, but why the big stick? What has the agency refused to do that the government has to take a step against a volunteer group of people who are trying their best to do a job? If the government said, by next year we want an open board; we want to see that the board can be elected by nominations and is totally open, and the agency refused to comply by its next election, you would have a case. If the government said, we want to make sure that certain geographical, constituent areas in the City of Winnipeg, based maybe on the same demarcation lines as the community committees, that they have an ability to elect members of the Board of the Children's Aid Society; we want that in place, and if that weren't done, you could bring in an act to say, well, we'll dismiss you and put in our people. But you have an issue.

You would say, the Children's Aid Society has refused the legitimate demands of government to do one, two, three, four and so forth down the list. But all I see is an atmosphere of hostility and adversariness, which I think has been contributed to on both sides - and perhaps that's a little unfaithful to my retainer if I might be so bold - that has to be de-escalated, that has to be brought down.

I would say that the first gesture of reconciliation should be the tabling of this bill, because you have the power to do this anyway. You told us that. You can cut off the funding; you can dissolve the agency. You have the hammers that you need. Wouldn't it be a gesture to say that you now know in no uncertain terms from a representative of the Children's Aid Society of Winnipeg that not only is the agency willing and anxious to talk, but they are willing to participate in a meaningful way in the process to make sure, not that its board is preserved and not that its present employees at management level continue with their jobs and not that its present president carry on in office, but that children are protected and that families are secure? That is the object of the exercise.

If you talk to any board member on the Board of the Children's Aid Society of Winnipeg, he or she will tell you that. That's why they are there, not to keep some Indian person off the board, not to take a place that rightfully belongs to someone else, but because a system was in place that no one questioned.

We got caught because we didn't take affirmative action. But where were the cries for affirmative action? Where was the demand? Who said, let me on the board, and criticized the agency for not having an open-door policy? Who is the person who couldn't gain access to the Children's Aid Society's decision-making board? Let that person come forward. Let that person be counted as one so that we can get to the second one and the third one, because there may be one, there may be two, I don't know. But there are not great numbers, and there may not even be one.

So the first question I am here to ask you is, why? Why escalate, when the aims and objectives of the Children's Aid Society now are - and if they weren't before, I don't apologize for what was before - to meet with government in a meaningful way to make the changes that are being demanded and seen in the community?

Now the third point I wanted to make was the incredible nature of this as a precedent. The switchboard lit up at the Children's Aid Society when this bill was pronounced. People recognize that its focus and aim is such that everybody isn't going to come crying that it is doomsday tomorrow and the thin edge of the wedge is going to result in a complete change in the kind of community in which we live. But at the same time, you should be aware of the tremendous concern in every other agency that has any funding from government whatsoever, as this being the kind of resort to which government will go - not withdraw the funding; not cut off the flow of money, but replace the board. Take over the money that was raised from other sources as well.

Then the issue arises, at what point in time, at what percentage of funding does government feel that it's appropriate to take over boards, 80 percent, 85 percent, 90? How much money does an organization have to

have of its own before the government doesn't feel that it can expropriate that small percentage? I tell you, the Children's Aid Society has hundreds of thousands of dollars of money that doesn't come from government.

I say that if we look at this piece of legislation as it presents, it is in a very narrow way a form of martial law. The solidarity that you will find emerging from other volunteer organizations as the reality dawns if this legislation is ever used - because I don't think the mere passage of it will cause the concern - but if it's ever used, will create a feeling in the community of distrust about any area in which volunteers assemble.

As I said before, I don't come here to defend the present method of assembling the volunteers for the Children's Aid Society. I don't defend self-perpetuating boards and I don't defend the notion that people should nominate their friends and exclude others. But I come here to tell you that the Children's Aid Society of Winnipeg is not only willing to change, but is contemplating change, that is actively concerning itself with change. You have the evidence of that and the promise from me on behalf of the executive and of the administration that they are prepared to play the proper role if invited to do so with you to effect change.

Thank you very much, Madam Chairman.

**MADAM CHAIRPERSON:** Thank you, Mr Walsh. Are there questions for Mr. Walsh.

Mr. Scott.

**MR. D. SCOTT:** Thank you, Madam Chairperson. First off, you say that the Society gets hundreds of thousands of dollars that it earns off of trust accounts . . .

**MR. P. WALSH:** No, I said it has several hundreds of thousands of dollars which it keeps invested and earns money.

**MR. D. SCOTT:** . . . and earns funds, so that it earns thousands of dollars . . .

**MR. P. WALSH:** Yes, it's about 300-and - I don't have the figures, but it's in the hundreds of thousands of dollars, legacy funds.

**MR. D. SCOTT:** My understanding is that the Children's Aid Society gets somewhere in the vicinity of \$12 million a year, or at least this past year, in provincial funding directly and probably another close to \$8 million for its charges that have been referred elsewhere in provincial funding as well, for a total of probably in the vicinity of \$20 million a year from public funding. Even the people who left money in trust for the operation of the Children's Aid Society, they left that money in trust for what reason?

**MR. P. WALSH:** I can't speak for them. Usually it's . . .

**MR. D. SCOTT:** For care of children, was it not?

**MR. P. WALSH:** As I say, I can't speak for them. Your idea would be equally valid as mine, and I don't disagree with it. I don't disagree with that, but the money was left to the agency in the knowledge that the ongoing

programs of the agency were funded by government, and that the donations through either gift or will would be used for discretionary programs over and beyond those that government itself would fund. Would you disagree with that? I'm not permitted to ask you a question so I say it rhetorically.

**MR. D. SCOTT:** You mentioned that you are retained by the CAS. You have been their solicitor now for 13 years. Could we ask you what your retainer fee is, or if you have a retainer fee?

**MADAM CHAIRPERSON:** I think I would rule that question out of order, Mr. Scott.

**MR. P. WALSH:** I think that's public information. I am not embarrassed to answer it, but I leave it with the Chairperson of course. I won't answer any question that is out of order.

**MR. D. SCOTT:** Madam Chairman, if I could dispute your questioning there, we are dealing with an agency that is almost 100 percent publicly financed, the expenditures of that agency are subject to the perusal of the Provincial Auditor; it may be farmed out to another agency, but the Provincial Auditor has the authority to be able to go in and we, as legislators, have a right to know how and where the money is being spent.

**MADAM CHAIRPERSON:** If the delegate wishes to answer the question, fine.

**MR. P. WALSH:** I don't have a positive passion to respond, but if the question is proper, well, I'm not embarrassed to answer it.

**MR. A. KOVNATS:** Madam Chairman on a point of order.

**MADAM CHAIRPERSON:** Yes, on the point of order.

**MR. A. KOVNATS:** I don't think that Mr. Walsh is here to be scrutinized and to be investigated at all, Madam Chairman, and I think the question, as you ruled, is out of order. I would request that he be directed not to answer it.

**MADAM CHAIRPERSON:** Yes, on the point of order.

**MR. L. SHERMAN:** Yes, on the point of order, Madam Chairman. I don't think he has to be directed not to answer, you have told him that he doesn't have to answer. I think he is at perfect liberty to exercise that right. I don't think the information is relevant. He's speaking for the Children's Aid Society with respect to child welfare, not with respect to what he commands as a lawyer.

**MADAM CHAIRPERSON:** Mr. Scott.

**MR. D. SCOTT:** Madam Chairperson, if I could extend the rationale for my asking this, is that I understand that Mr. Walsh's firm is the firm that is retained by the CAS for their legal charges. That we have, from the

CAS in the last year, I believe it was a figure given earlier, of 162 cases contested in the courts versus non-contested by the department, versus only three, I believe, by CAS Eastern Region. It seems to be, even with a larger population base of, say, three times that, or not even quite three times that, or around three times that of the CAS East, CAS Winnipeg seems to have an incredibly inordinate number of cases that it is going to the law courts with. I'm wondering and trying to get some idea as to how much money that has cost the public through the CAS practice of going to court so frequently and so often. One may question the rationale of the need for it when the rest of the province only having three cases in it.

**MADAM CHAIRPERSON:** On my point of order first, Mr. Walsh. I interpreted the original question as to be, what was your retainer for being here this evening? On that basis, I think that is up to your discretion as to whether you want to answer. If you want to answer the general question in terms of the overall legal bill for CAS in their annual budget, I think that's a different question. I think both of them could be found out through the budgetary process submitted to the department, but if you want to answer the question about the overall legal bill, I think that one would be in order. I think the question about your retainer for being here this evening is the one that I question in the first place.

**MR. P. WALSH:** I suppose that there would be a division of opinion as to whether I earned a penny of it. Let me say that the legal bill that the agency pays is each year separated and referred to specifically in its annual report at its annual meetings so in the published statement it has a figure "Legal Fees", and each year I go through some - because I suppose monetary matters tend to embarrass certain types of people - I go through machinations to explain that that is inclusive of disbursements and inclusive of the legal fee paid to another law firm that does all of the personnel matters, all the union work for the agency; but our firm gets paid a retainer on a monthly basis of \$2,000 which is designed to be applied on the entire caseload for preparation, and we're then paid a further per diem fee for court work.

Now, lest I go into detail, if you ask, I'll give you the figures if you like. I think that, in total, our firm earned less than \$150,000 last year in legal fees, and there are five lawyers who do the work. That included our overhead costs and, if you take that as part of a budget of \$20 million, if we didn't have any cases go to court I don't know what the saving would be for each child in care, or however you care to spread that thin.

I think I'm trying to make the point that I'm helping you as much as I can with the information regarding legal costs and to say that it is a very small amount of money.

**MADAM CHAIRPERSON:** Mr. Scott.

**MR. D. SCOTT:** Well, it may be small to you, sir, I don't know whether it's small in comparison to what they're spending in the other agencies providing similar services in other parts of the province.

One of the things you questioned was the willingness of volunteer organizations, and the individuals to participate as volunteers on these organizations, faced with such measures as Bill 107 and the implications that that may have on other associations. I believe you're the only person here from CAS Winnipeg, are you not? Are there not 30 board members on CAS Winnipeg? If that is the case, why do we not have all 30 board members and other members of CAS, in general, out here tonight to make presentations about the impact of this legislation on their willingness to volunteer. It seems that they are leaving it up to their legal counsel again.

**MR. P. WALSH:** Well, the help comes from the member opposite as to the procedure. I certainly was alerted to this bill and was obliged to follow it through the process. Given the fact that I was alerted to be here three hours ago, and it was felt by at least the management portion of Children's Aid that they ought not to present themselves here to argue against the bill but to leave it to their lawyer to make those arguments and, in term of the board, there just wasn't time to alert the board to make a presentation. So that if they could be here in number, if you sort of want a vote from the members of the board as to whether they're in favour of this legislation or not, all I can say is that I have been retained and instructed to come here and tell you what the agencies view is and to say, on behalf of the agency, that we want to co-operative, that we don't feel we need this harsh measure to bring us to the negotiating or bargaining table, and to suggest to you that it would be a gesture of de-escalation of hostilities to table or adjourn this bill, not necessarily withdraw it altogether, if you feel that you want to hold it in abeyance to bring it here.

But I can tell you, responsive to instructions received, that this is the position of the Board and the Executive of the Children's Aid Society. Why they're not here is because we only knew three hours ago that the meeting would take place.

**MR. D. SCOTT:** Well, if you're switchboard lit up from other agencies, as well, I would have expected that we would have had several calls from those agencies, most or many of whom, the volunteers in the other agencies as well, can come out to counter the so-called spirit and intent of the act. I'm surprised that they're not out backing up the CAS position as well.

**MADAM CHAIRPERSON:** Is that a question, Mr. Scott?

**MR. D. SCOTT:** My question, as I roll on here, you say that the CAS hasn't been questioned up until now. Was it not questioned quite strongly, even under the previous administration, over the points of foreign adoptions of sending children, particularly Native children, out of province and usually and often to the United States, a wholly different country? How can you say that the operations of the agency have never been questioned in the past and that, all of a sudden, the government seems to be reacting almost in a knee-jerk fashion?

**MR. P. WALSH:** I think the answer to that has to be that you have to take a broad view of it. I, for one,

once again I don't have specific instructions, feel very strongly about not placing either Indian or any other children from Canada outside of Canada, and I feel less strongly but have some views regarding placing children from Manitoba outside of our own community. But, I think that was done, it was done particularly to Indian children. It was felt in each case, where it was done, that a proper and good home was found for them, albeit out of the country. I think it's lamentable, I think there should have been positive action, but I think that no one is safe from criticism on the point. I think the Children's Aid Society did it and now that is seen not to have been a proper thing to have done because other alternatives should have been cultivated.

I don't know that the Government of Manitoba, through the Ministry, both of the NDP Party and the Conservative Party when they were in power - and maybe Mr. Sherman can speak to it - were not aware of what was being done and therefore were not involved and alert to these activities. So certainly when people cried out and said, this is wrong, that everybody responded properly and emphatically, but I don't know that everybody involved in the system wasn't alert to what was happening. There are many things that happened in the past that now seem dreadful and bad in reflection, and all we can say is that we do our best to make changes as the demand for change is voiced.

But I don't know, Sir, that the NDP Party when it was in power, before the Conservative Party was in power, was not alert to the notion that children were being placed out of the province, and that most of these children were Indian children. I don't know that. You might find out.

**MADAM CHAIRPERSON:** A final supplementary, Mr. Scott.

**MR. D. SCOTT:** Final question. Yes, it is a final question, Madam Chairperson.

You mentioned that the society was contemplating changing the thought that it would be a good idea to table this bill and not to bring it forth at this time because the society is changing.

I would ask you - when a government, which is ultimately responsible for the care of the children, and the full heap of the blame comes onto those of us who are accountable - in other words, those of us in government - for the care of those children, how long do you expect a government to wait for an organization, which is publicly funded especially to this extent, and that has such a tremendous responsibility to the children in the scope of the care that is assigned to it, how long can you expect the government to keep waiting for contemplated change?

**MR. P. WALSH:** Well, with all deference to the questioner I think the change is a two-way street and if it is a result of dialogue the government conceives that it is not yet ready to table its agenda for change, or indeed, even its new structure. It set up a commission. The Children's Aid Society was invited to participate. The commission changed its composition from a committee generally, to a one-man commission, with some input from the various other people who were sitting around the table; certain recommendations

came, so the process has been an ongoing one, and I question the notion that there should have been some change in place at a point in time prior.

I say, in the most generous way I can, I don't know that the Children's Aid Society could have come up with a faster agenda, or a better scenerio than the one that started off, that found its ignition, if you like, with the complaint by the Indian people that children were being placed outside the province; that found its first thrust of investigation with the Kimelman Commission, and now is finding new input from various sources into an agenda and formula for change.

All I'm saying is, as this process goes along, I think its going along at a reasonable clip and that if one, or two, or three years from the first cry of, or the first demand for altering the entire structure of child care delivery services in the City of Winnipeg we have something better in place, I don't think that we've done too badly. So I don't know about any criticism. It's always easy to say affirmative action should have been taken, or that somebody should have acted earlier.

There were other priorities; there were other agendas with other critical paths, other good things were done. I think that we can say, without my getting into sort of a brush with a wide bristle and white paint, to say that there were a lot of changes that had to be made in the agency over the last five years. Many people were complimentary of the substantial changes that took place over the last five or six years. Certain things weren't done. It's now apparent that certain things have to be done and all I'm saying to you is, starting today forward we want to be part of that change, and that we aren't a force for reaction, and we aren't an negative force in this process.

**MADAM CHAIRPERSON:** The Member for Fort Garry.

**MR. L. SHERMAN:** Thank you, Madam Chairman.

I'd like to ask Mr. Walsh whether he could respond to a question that he has addressed with respect to the attitude apparently taken by other volunteer organizations and volunteer agencies where this legislation is concerned, but whether he could respond to it from the point of view of CAS Winnipeg and children's aid societies as he knows them. I'd like to ask him, Madam Chairman, whether he has the strong impression from CAS Winnipeg people, volunteer board members, that this kind of legislation will damage volunteerism in the child welfare field?

**MR. P. WALSH:** I think the only way to respond to that is to give you an impression from a hands-on approach and that is, in my working with the board members and trying to finalize the proposals for change that we did forward to government, there wasn't one board member who didn't feel that he or she was making a real contribution to child welfare, learning about it and being able to make a real contribution to the protection of children and the maintenance of family life in Manitoba. No one felt that they were there at someone elses expense.

Each of them have if asked now would concede that there should have been greater representation from other groups and other aspects of the community - not to their own exclusion - because they have enjoyed

the process and each of them felt for their own part that they were playing a meaningful role in it.

Now that someone is telling them that they as a group, can and should be dismissed for somehow failing to respond in an overall way to a grand design which they haven't been alerted to, and of which they haven't been informed, leaves many of them, at least to my ear, puzzled and crestfallen in the sense that they want to know what they could have done, how they could have been given a chance to respond so that they wouldn't need this law.

So that's the kind of question I bring to you, responsive to the people on the board that I've talked to, what did we do? Lay out a timetable for us, and lay our parameters, and say - here are the criteria, shape up your board, you don't have a responsive board - here are the criteria that government expects any child-caring agency board to meet; Central, Brandon, Portage la Prairie, Eastern, Winnipeg, every board has to meet these criteria. If we don't do it then we've failed in our task and we haven't responded to what's been called - the will of the people - or the expression of the government's design in the area of child welfare.

It's hard to come to the members of the board, to 30 people, who have been putting in long hours, making a contribution to revisions of the law and saying, you've done such a poor job that the Minister feels he needs laws to throw you all out. They, through me, are asking why? What did we do wrong? How can we shape up to meet the legitimate aspirations of government and still discharge our obligations?

**MADAM CHAIRPERSON:** A further question, Mr. Sherman.

**MR. L. SHERMAN:** Yes, Madam Chairman. Mr. Walsh has referred to tensions that currently exist between CAS Winnipeg and the Provincial Government, and he's made the case that those tensions seem to have been escalated to some considerable degree - and there's fault on both sides - and the occasion is at hand for a gesture of de-escalation by the government.

I would like to ask him whether he is aware of efforts in recent months - and he may not be but I would like to ask him, Madam Chairman - if he's aware of efforts in recent months and in recent weeks by CAS Winnipeg, to sit down with the government, and particularly to sit down with the Ministry, to address those tensions and to establish proper communication between the two parties. Has there been such effort made, such initiatives undertaken by CAS Winnipeg in recent weeks or recent months, to Mr. Walsh's knowledge?

**MR. P. WALSH:** I think to respond to that question would not be part of any solution. I think that my clear instruction is to make representations that help solve problems, not create them.

I think that if there have been overtures for meetings, I know there have been feelers out from both sides, and if meetings haven't taken place they should take place, and that's why I'm here today. I don't want to say that requests for meetings by the agency have not been met with positively or that even some contact hasn't taken place. What I am here today to say, in a public way, is that meetings should be ongoing, and

should take place, and that perhaps sort of the negotiating, in a distant way, has proved finally to be non-productive.

**MR. L. SHERMAN:** Well, I think that's a very constructive answer, Madam Chairman, because it seems to me that represents a gesture of de-escalation by CAS Winnipeg, if I may use Mr. Walsh's own terms, and it would appear to lob the ball into the government's court for a reciprocal gesture at this juncture.

**MADAM CHAIRPERSON:** Do you have a question?

**MR. L. SHERMAN:** Yes, I'm coming to it, Madam Chairman. That was my preamble.

**MADAM CHAIRPERSON:** I thought that was stating your opinion.

**MR. L. SHERMAN:** I am now coming directly to the question.

**MADAM CHAIRPERSON:** Thank you.

**MR. L. SHERMAN:** When was CAS Winnipeg advised, in your knowledge, Mr. Walsh, that the government was contemplating this kind of legislation, the kind of legislation that's embodied in 107?

**MR. P. WALSH:** I don't have any instructions on that point. I can't say that - you know, you talk about CAS as if it sort of is - well, everybody describes it as a monolith, as if it just sort of has one eye, one mouth and one ear. I don't mean to create the picture of an ogre, but I suppose there are different points of view represented even on a self-perpetuating board. People on the board have spoken out on different sides of some issues and haven't, as you are well aware, exhibited total solidarity on all matters. So I don't know when CAS as an institution finds out about anything. Different people know at different times. I don't know; perhaps you'd be well-advised to ask the government when it formally advised the Children's Aid of this thing.

As I said before, I really think I'm being - I'll try and think of a nice word - invited by you to say we're unhappy with the way things have been in the past; but I think in many areas, government have equal cause to be unhappy about the way information has been delivered. So rather than just try and make the CAS case for how we've been treated unfairly or maybe without the appropriate deference, it would be well to turn our faces away from that and look forward to some future period of co-operation.

**MR. L. SHERMAN:** I just have one more question, Madam Chairman.

Mr. Walsh, if you can address this thing for a moment, perhaps not as the solicitor for CAS Winnipeg but as a lawyer and a citizen, would you have any particular reservations about 107 as a piece of legislation which could concentrate the type of power in the hands of a "government" of any stripe that could cut both ways? Do you see difficulties in the legislation itself or terms of the implicit authoritarianism that might be contained in it?

**MR. P. WALSH:** The Minister makes the point that in only three provinces is there a Children's Aid Society in place, and that in the other provinces service is rendered by the government directly. If the government were to come out and say, we are going to deliver the service directly, I might quarrel with them on a philosophical basis, saying I like the present system; I like the idea of volunteer boards; I'm partial to the way we're doing it in Manitoba and Ontario, and not partial to the way it's being done in British Columbia and so forth and so on. So when you say Bill 107 concentrates a lot of power in government hands, I can't say that I am frightened of that, so long as the government says, this is what we want to do, we want to run the show and we want to run it at a bit of a distance from us by running it like a Crown corporation.

I suppose there are all sorts of examples where government runs services not directly out of its own office but through a Crown corporation. So if the government is saying - and let's not be fooled - what they're saying is that, if necessary, we'll run the Children's Aid Society as a Crown corporation, not through the ministry, but we hold out the carrot of returning it to private hands if we can find the right private hands, although it would be by way of an election and they couldn't be confident as to who would be elected, although they might wait for the right time.

It doesn't make me frightened or in any way concerned for my civil liberties, no; but if invoked and if used, I don't think it will ever get back to community-based boards. That's my concern. My concern is that we should move from the kind of boards we have now, which we recognize are not sufficiently open or democratically responsive to boards that are more open and democratically responsive, and we don't need a period of martial law to achieve that goal, because I'm afraid that when we get into that period, then what will happen is that child care services will be delivered through a government Crown agency and perpetuity will never get out of it. That's what concerns me, not any civil liberties concern.

**MR. L. SHERMAN:** Thank you very much, Madam Chairman.

**MADAM CHAIRPERSON:** Thank you, Mr. Sherman.  
Mr. Minister.

**HON. L. EVANS:** Thank you, Madam Chairperson. I'd like to ask Mr. Walsh regarding the community representation on the board of CAS Winnipeg. He indicated that the switchboards lit up when an announcement was made of this legislation. Exactly what community groups are represented on the present board of Children's Aid Society of Winnipeg?

**MR. P. WALSH:** I don't believe, Mr. Minister, that there are any organizations represented as organizations on the Children's Aid Society Board. I know that there are city councillors on the board, but I don't think they represent the city council. I know that there are members of the police department on the board, but I don't think they represent the police department. I find it difficult because I don't think I'm here as an apologist for the makeup of the board. I think that the

board considers itself, and maybe its own self-assessment is open to criticism, but I don't think they see themselves as representing constituencies. They are not a syndicalist board. They see themselves as individuals who have made a contribution or a mark in the community of various sorts who have been asked because they have something to offer to come and sit on the Children's Aid Society Board.

Now, they might say, each one of them individually, yes, there should be more representation from other areas, we are not a sufficiently, broadly based group; but they themselves don't feel that they're holding out somebody else. So I don't think that anybody sees himself or herself on the Children's Aid Board as being the representative of an organization. I think they all see themselves as being there as individuals.

**HON. L. EVANS:** Mr. Walsh, are you aware that there are some very serious differences of views on the board of CAS Winnipeg? Do you allude to the organization, the corporation not being a monolithic organization? I'm inclined to agree with you. It's a large diverse organization, but are you also aware of the fact that there are some very major serious divisions of opinion, so serious in some instances that it has caused one or two or three resignations recently?

**MR. P. WALSH:** There's no question that the board has undergone a period of strain responsive to what appeared to be upcoming changes and how quickly and responsively those changes should be accommodated, and how blameworthy or otherwise the agency is in its public stances.

I don't think that anybody who reads the paper would find those comments to be surprising; but I do think that the overwhelming numbers on the board are people of good will. Even those who sort of are felt by others to speak out and break solidarity on occasion are regarded as people who are trying to promote the objectives of The Child Welfare Act and, consequently, while you're correct in your assessment that there are factions and diverse opinions and even groups of opinions on the board, I think it's the general feeling on the board that these situations can be reconciled. I don't know if absolutely. I can't speak for every last person on the board as to how willing that person is to accommodate, but that they can be reconciled if somehow or other the very bad atmosphere of confrontation and adversary presentation could be minimized and eliminated if possible so that people can get on with their business, talk to each other and not feel the obligation to be as self-protective as one is when one feels one is always out in the open.

Maybe I'm going a little beyond my instructions in saying that. It's just a personal opinion from the board members who have drawn me aside in saying we've somehow got to stop this distance increasing with government. Government is our funder, government represents, as has been said before, the manifest will of the people at election time, and we have to accommodate to very real concerns about the openness of our agency both at the board level and both into input, into structure and ideas from government. Every man and woman on the board, to the last person, concedes that. There is no division of opinion on that,

but there is concern as to who is moving in what direction because so much of the discussion is in public. If that were brought to an acceptable level - I don't know if eliminated altogether is a realistic possibility - these same people who worked together before for many years, could do so again. That's what they all say individually.

**HON. L. EVANS:** Mr. Walsh referred to sums of money. I don't know whether he used the term trust monies or whatever, and alluded to confiscation of property, or that this would be tantamount to confiscation of property. Could Mr. Walsh indicate how many dollars he is speaking of, just in approximation?

**MR. P. WALSH:** It's between \$300,000 and \$400,000, as I understand it, but I'll undertake to get you the exact figure that the legacy funds stand at.

**HON. L. EVANS:** \$300,000 to \$400,000.00.

**MR. P. WALSH:** That's my understanding.

**HON. L. EVANS:** Is Mr. Walsh aware that the monies that we spend directly and indirectly to and through Children's Aid Society of Winnipeg is approximately \$12 million per annum?

**MR. P. WALSH:** Yes.

**HON. L. EVANS:** So that we are talking about a very small amount of property that you suggest we may be in the process of confiscating if we should go the way of the legislation, or it may be suggested in the legislation.

**MR. P. WALSH:** Compared to my fee or compared to the budget?

**HON. L. EVANS:** Would Mr. Walsh not agree that, if this legislation is implemented, if its passed and if an Order-in-Council is passed whereby a new board is put in place, that that legal entity still remains and that the Children's Aid Society of Winnipeg continues to exist as a corporation, indeed, with those funds?

**MR. P. WALSH:** Yes, but you clearly understand that it would be a much different kind of corporation and not the kind of corporation at all envisaged by the donors of those funds. I mean, you can say one thing and I can say another, but I think that it should be clearly understood by both of us as a fact that if people want to donate money to government, they can do that directly, but if they want to donate money to private agencies, even though those private agencies get virtually all of their ongoing budgets from government, they do that in the expectation that those agencies will remain private in perpetuity.

Until Bill 107, while the government has had on occasion and from time to time its differences with the Children's Aid Society of Winnipeg, the notion that it would make it a Crown corporation was in no one's contemplation outside of government. Now that that comes upon us, the concern is that those monies will be just used up, given the fact that they bear a small

ratio to the overall budget, in the ongoing workings of the agency and not be treated in the form that they were donated.

**HON. L. EVANS:** Madam Chairperson, I assume that whoever gave the money certainly donated the money with the view to assisting children and their families. Then would the delegate not think it reasonable that government, which has the ultimate responsibility as well, should require of CAS Winnipeg to utilize any and all funds to care for children, particularly in this day and age of a great shortage of funds and particularly when CAS of Winnipeg, I think, has a current deficit of something in the order of \$400,000.00? Is that not reasonable?

In other words, what I am suggesting, would Mr. Walsh not agree that, even though there is this sum of \$300,000 to \$400,000 that he estimates - and I appreciate that it's just an estimate - that it would not be unreasonable for government to say, well, times are tough. We don't have the money we would like to have. We're giving you a lot now. You have a deficit of \$400,000.00. It's all for the welfare of the children and the families. Is it unreasonable that we ask of you to utilize those funds to help us, to help the taxpayers by allocating those funds to offset that deficit?

**MADAM CHAIRPERSON:** On a point of order, Mr. Walsh. My understanding was that you referred to the extra funds as in relation to who controls them in relation to Bill 107.

**MR. P. WALSH:** Yes.

**MADAM CHAIRPERSON:** Not necessarily on how they should be used in some hypothetical situation. It seems to me the question could be rephrased in terms of Bill 107. I hate to call my Minister to order.

**MR. P. WALSH:** Let me respond to it in that context, Madam Chairman. No. I think that there are many areas in the community where governments and private organizations work at parallel purposes. If a group of individuals want to get together as volunteers to provide services that are already provided by government, they are free to do that. They can provide volunteer services. Indeed Mr. Allen's group has said that they don't like the groups that are being funded by the government, and they have voluntarily gotten together and are providing a volunteer parallel service.

If that group receives money in trust, I think that the obligation of the group is to keep the corpus, the capital amount of that, as intact as possible and respond to the wishes of the donors to just see the income earned by those funds used in addition to and not supplementing or not replacing the ongoing funding that is the clear responsibility of government as government sees it.

So if you are saying now that there exists a fund which donors have contributed to voluntarily that should now be sucked up into the system because the government is not able to fund to the same extent as before, then the fund will disappear. The wish of the donors to have a fund available on an ongoing basis to fund, let's say, pilot projects or imaginative schemes

or research or investigation and things like that at the discretion of a board not responsive to government, you take away that option from the board. You can do it perhaps. Perhaps you have the power to do it, and you're answerable ultimately to the people for doing that.

I disagree with your inclination to do that, and I think it would be wrong. We have a difference of opinion there. I don't think it's earth-shaking, but we do have a difference of opinion.

**HON. L. EVANS:** Does Mr. Walsh agree that this is permissive legislation? In other words, the bill, if passed, gives the government permission, in effect, to pass an Order-in-Council which would change the board of directors.

**MR. P. WALSH:** Yes, indeed. It's exactly why I think that it would be a gesture that would be more than reciprocated in kind if it were tabled at this juncture, because it is enabling legislation and because it is being used more to have it there than to actually implement it. Because you are not saying that as soon as this bill is passed, I am, within the next three, four, five, six months, going to replace the Board of the Children's Aid Society of Winnipeg or any other agency, either when Mr. Allen's agency becomes mandated, you are not going to replace his agency or the Board of the Jewish Child and Family Services, not now packing their bags and cleaning out their desks.

That's why I say, given the other remedial approaches that you have and the fact that there are going to be substantial changes, I'm saying, give the Children's Aid Society a chance. This would be an excellent gesture that would be more than reciprocated, I tell you. I don't say that in any way as a sort of a threatening remark, because I think that, even if the bill is passed, you're going to find that the agency will still be of the same demeanour to want to positively play a role in any change that comes about.

What you will have done is taken a lot of the heart out of the, at least, present board, many of whom should remain. They should be added to in their numbers and broadened to in their base. But, if you're dealing with the people who are there now and wanting some response from them of a positive kind, I think that this would be a good gesture.

I recognize, yes, to answer your question flatly since it was a question which just required an obvious answer, yes, it's permissive legislation.

**HON. L. EVANS:** Madam Chairperson, does Mr. Walsh agree that the government, any provincial government, the Government of Manitoba has the ultimate and final responsibility for child welfare in Manitoba, and that this democratically elected government, whichever party, has the right and responsibility to establish that kind of a system that it believes is the best for the children and their families involved?

**MR. P. WALSH:** Without equivocation, yes. All we're asking to do is to play a role in that that we have historically played without the burden of looking over our shoulder at this piece of legislation. So we don't quarrel with your authority, we don't quarrel with your

mandate or you right in a democratic society to do ultimately what you wish to do.

All we're saying is that historically we're at a certain juncture, and that there has been in place, in Winnipeg, a Children's Aid Society of Winnipeg for a long time, over 50 years, and that for so many of those years there was nothing but praise and congratulations coming to everyone - board, staff, management - who try to do a job on behalf of children in Manitoba. We're saying that if there have been disputes with government in the last year or so that that shouldn't necessarily escalate to the point where we've gotten, and that we should be stepping back from where we are, recognizing the long history of co-operation and good service that has been rendered by our agency, and the co-operation that we've shown in the past with government.

**HON. L. EVANS:** Yes, thank you, Madam Chairperson. Is Mr. Walsh aware of our policy statement, which was issued around the time of the tabling of the bill, whereby we stated we wish to establish an implementation committee to rationalize and reorganize the delivery of child and family services in the City of Winnipeg, and on that committee would be a representative of the Children's Aid Society of Winnipeg? In effect, a committee which would permit, not only various organizations that are interested in child and family welfare, such as, Native organizations, but also CAS of Eastern and, of course, CAS of Winnipeg, providing that opportunity to co-operate and support the government in its desire to do the right thing for child and family welfare?

**MR. P. WALSH:** The answer to that question again is, yes, Mr. Minister. But if you'll let me answer that question with a rhetorical question and it's this. Will you let us nominate and appoint our own people to that committee? Well I want to elaborate on that because I think that, like what Mr. Allen said, if you're going to have open organizations, and you're going to invite an agency to participate, then you say to the agency, well you have two spots at this table, you send us the two people whom you designate to come to the table. It's not for me to tell you which two people because that's a self-perpetuating committee, you see.

The definition of an open committee would be one where the agency was asked which two people it wanted to send, it would go through its deliberations and nominate and appoint its own two people. So, yes, the agency is anxious and, indeed, now deliberating about the kind of contribution it can make, and would like to talk to you about that. Indeed, indirectly probably is doing that right now. It is the hope of the agency that it will be able to make a contribution responsive to its own grass roots, and its own mandate to provide change.

So, yes, the answer is we're aware of the committee, and we hope that we will be able to come to the committee on our own two feet.

**HON. L. EVANS:** Again, we're not to enter into debate but maybe I can make the point again by a question, and that is, is Mr. Walsh not aware that the normal way of establishing committees, asking various groups to be represented, is obviously to suggest to that



organization, to the group, to nominate who they think is the best person, or persons, to represent their points of view?

**MR. P. WALSH:** Well, then responding to that. If it's done in that way so that the board itself will decide who its representatives are, I think that the board is more than anxious to, hopefully, relative to the constituency it serves, and sort of not want to overwhelm the committee by its numbers, hopefully relative to the constituency it serves and the size of the agency, which you know by the number of dollars that you give it, hopefully they will be able to send a good contingent of people who will represent, not a monolithic point of view, but perhaps a range or a breath of views on that committee. We look forward to receiving the invitation to participate and to go through the deliberative and elective process of choosing our nominees.

**HON. L. EVANS:** Well one final question. Given the fact that we have stated our objective being that of rationalization, improvement involving a form of regionalization, maintaining the private system, can Mr. Walsh advise us, as the legal counsel for the CAS of Winnipeg, that his organization does accept our objective, our policy objective, and that is to achieve a regionalization of the delivery of child and family services in the City of Winnipeg?

**MR. P. WALSH:** I tell you right now I'm going to answer that question somewhat obliquely. I know that there is an ongoing effort in the management portion of the agency that is being waited upon by the board so that it can make its input responsive to more information to select modalities of accommodating just those goals. So while I don't say, yes, to a catch word like decentralization or deployment or democratization or openness, I think there are a variety of concerns that all have to be answered at the same time.

It may be that, as discussion ripens a lot of these ideas, we may move some distance from initial concepts, but I don't think that we're going to even try to avoid the responsibility to open up child care services to the constituents that it serves, to democratize it and to bring it closer to the people, and to do it in such a way that there are certain regional groupings that can find accommodation and expression within those regional groupings. I might say to you that you've managed to do that with the City of Winnipeg and maintain a unicity while, at the same time, retaining community committees, resident advisory groups and local participation, and even local budgets within an omnibus structure.

One wonders, thinking out loud, at a very early stage whether there are possibilities for the deployment, delivery and decentralization of service in such a way that could accommodate all of the objectives in your paper, which I read more than once. The effort that is now being made to accommodate all of the goals in that paper in such a way that there is case control so that clients are not lost in the system, so that people move from one area of the city to another, that they can be followed and their cases managed, so that there can be expert input, not necessarily only on a regional

basis, but on a city-wide basis, so that all of these goals can be cross-referenced and managed in such a way that all of the objectives that you articulate are accommodated, and that some of the concerns that people have about the effectiveness of some central management control are also adhered to. So while I'm not trying to play with words anymore than I have to, I'm wondering whether, in the ongoing discussions, certain ideas won't ripen and go beyond the stage where they're now at.

**HON. L. EVANS:** Thank you.

**MADAM CHAIRPERSON:** The Member for Rupertsland.

**MR. E. HARPER:** Thank you, Madam Chairperson. Mr. Walsh, you responded to many questions with a question. First of all, you said give us a chance, give us some guidelines; what have we done? May I respond to the reality of the situation, the most noted being 86 percent of all the children who are placed out of the province were Native children. Of all the children that are placed out of the country, 97 percent were Native children. How can a children's aid society, as such, that cares for children, not be so sensitive? That is the reality of the situation. It is outrageous, ludicrous, insensitive. I think some Native people describe it as a cultural genocide. I just can't believe a children's aid society has acted in that fashion for many years, has not been sensitive.

My question is how long has the Children's Aid Society known about this issue, or have there been any Native people involved or invited to participate? I would like to know the names of the Native people that are involved or rejected.

**MR. P. WALSH:** Mr. Harper, there was a case in front of the Court of Appeal about 10 years ago, and the case is named, Nelson and Children's Aid Society of Eastern Manitoba. The Nelson family argued in the Court of Appeal that it was unlawful to place children under a permanent order to a child caring agency. The lawyer for the Nelson family was myself.

You see, I don't think that you can go back 10 years and say that people who are doing things, at a point in time, did it with either a malicious intent or a desire to wreck havoc or obtain a certain pernicious result to any particular group. I don't think so, because I can tell you that, as a former solicitor for the Manitoba Indian Brotherhood, as it once was, and as a former solicitor to the National Indian Brotherhood of Canada, as it once was, that when a group of people awakens to find that certain of its rights are being abrogated; that certain of its interests are being adversely affected; that its property is being dealt with in a way that is adverse to its legitimate monetary interests, never mind its own culture, it has to speak up and the community has to listen. That it is very often too much to expect a community, of its own motion, to be that sensitive to the needs of the minority.

Now when the minority speaks out, if the majority, if the major group, and I, let me tell you, as an individual don't feel myself to be a part of any majority group, but when the minority speaks out and the majority don't

listen, and don't respond, and don't take the right action, there is no question that you have a cause for complaint. But to say that affirmative action should have been taken, not by the affected party, but by the party who believed, at that point in time, that they were acting in the best interests of children, placing them in homes that they ostensibly couldn't get in Manitoba - and I say, ostensibly, because they could get them because affirmative action could have brought forward families to look after those children. I agree with you, but the dialogue has to take place from both sides.

Now that it's taking place from both sides you are getting action and you're getting results. I don't think, as I said earlier to a question, that you can lay the blame at the feet of one agency, or the feet of one government, or the feet of one party, because I say that, over the period of time the children were placed outside of this province, there is no party and no government and no agency that was not complicit in that. There was one lawyer and one family that tried to stop it, and they were not allowed to do that by the Court of Appeal in Manitoba.

**MR. E. HARPER:** Thank you, Mr. Walsh, for your answer. Don't you support the government that it's about time that the needs and the aspirations of the people most affected should be responded to?

**MR. P. WALSH:** Yes.

**MR. E. HARPER:** Don't you think that this legislation will do that?

**MR. P. WALSH:** It doesn't anywhere say in the legislation what it will do. That's my problem with it. If it said that we will replace the board by having so many people from this area and so many people from that area and we're going to give the Children's Aid Society six months to democratize its board or we'll implement this law, I could understand it. But, Mr. Harper, the legislation only says that the government can make the Children's Aid Society, in any jurisdiction, a Crown corporation and, as such, I say that, while you have the power to withdraw funding and you have the power to disband the Children's Aid Society of Winnipeg if you don't like it, as a gesture, because you have these other bigger sticks, as a gesture to bring momentum of a positive nature to the discussions, to table this legislation so that the volunteers, so that the people that you want input that are still on the Board of the Children's Aid Society of Winnipeg will be heartened and encouraged to participate affirmatively in the process because they want to do that.

**MR. E. HARPER:** Don't you think one of the problems has been that the Children's Aid Society has not been accountable to the people mostly affected? Don't you think that accountability should rest with the government responsible that's elected of the day?

**MR. P. WALSH:** The Children's Aid Society of Winnipeg has always been accountable. Each year it has to go to government to get its budget, and each year the Government of the Day has reviewed the activities, knows how much money is spent in each department,

knows what happens to each and every child in care, knows where each and every child is placed, knows what happens. There are no secrets between the Children's Aid Society of Winnipeg, of Eastern, of anywhere and the Government of the Day, no secrets. So they are responsive because they get their funding, and there is total disclosure.

**MR. E. HARPER:** Don't you think part of the frustration has been the Native people to get access, and also to work with the Children's Aid Society?

**MR. P. WALSH:** Yes, I agree. I don't disagree. I am saying, you ask for access, you should get access. The first complaint, when someone says, can I come in, and the person on the inside says, yes, you can come in, to say, why didn't you let me in yesterday? My answer is, but yesterday you didn't knock. I mean, what kind of a criticism is that? You are knocking on the door today, and the president of the agency says, yes, we had a self-perpetuating bureaucracy; nobody complained about it before, now that you point our nose in that direction it's a bad thing, we should change it. We are going to change it, it was wrong, it is wrong now.

**MADAM CHAIRPERSON:** Do you have a further question, Mr. Harper?

**MR. E. HARPER:** Yes, I was just wondering why it took CAS within the last couple of years to sort of notice this problem, this already was a condition that existed.

**MR. P. WALSH:** Mr. Harper, there are so many social problems that are being solved on an ongoing basis, and the entreaty is always why did it take so long. Usually the answer is, because the people affected didn't complain.

**MADAM CHAIRPERSON:** Are there any further questions for Mr. Walsh from the committee? If not, on behalf of the committee, Mr. Walsh, I thank you for your presentation.

**MR. P. WALSH:** I thank you for your committee's endurance, Madam Chairman.

**MADAM CHAIRPERSON:** And your endurance. The next delegate is Mr. Cyril Lillie, representing the President of the Social Workers Union of CAS Winnipeg.

**MR. C. LILLIE:** I thank this committee, at this late hour, for listening to me. I will never again be critical of civil servants.

**MADAM CHAIRPERSON:** It's early, according to our record.

**MR. C. LILLIE:** Perhaps the fact that I'm here as the President of the Social Workers Union is a misdemeanour. I am here as a front line social worker. I am one of the people that you, as both sides of a government, expect to be out in the community dealing on your behalf, and on the behalf of the people of the City of Winnipeg, with the children whom we are all

caring and are concerned about. I am one of the people who sits on the inside, sometimes looking critically at what government does with what we would like to see done with those children. But I am also one of the people who is able to look at the inside of the existing agency, whom I represent, and see many problems in how child welfare services are delivered. It's those things that I would like to spend some time with you speaking about tonight.

I am also one of the individuals who has been refused a seat on the Board of the Directors of the Children's Aid Society of Winnipeg, for the board tell us that staff may not sit on that board, even though we are able to assist them with problems because we are the people who, perhaps more than anyone, can see what the problems are and can offer solutions to those problems to that board.

It is interesting in Mr. Walsh's address to you that he said that the Board of the Children's Aid Society was a self-perpetuating board when, in fact, the board President, at a meeting recently with us, indicated that, in fact, that board was not a self-perpetuating board. So we are left with the question of who is right on that issue.

I would like to talk about some things which are concerning to me. The first of which is, how does the agency itself develop its service goals and policies when neither the staff, nor the middle management of that agency, in general, are consulted, and certainly not the community? So that when we formulate child welfare policy and begin to implement that, who are the people that do that? It is not us who are responsible for the eventual outcome of that and have to take care of those policies. Those policies now are currently made by a very select number of people who sit upstairs. It is not the board of directors, but a small number of management people upstairs.

We wonder whether the existing board structure assures the best possible community representation and the greatest amount of accountability to the community that it serves. We wonder what changes the Children's Aid Society of Winnipeg and its Board can make to implement that. Who are the people who do that? It is not us who are responsible for the eventual outcome for that and have to take care of those policies. Those policies now are currently made by a very select number of people who sit upstairs. It's not the board of directors but a small number of management people upstairs.

We wonder whether the existing board structure assures the best possible community representation and the greatest amount of accountability to the community that it serves. We wonder what changes the Children's Aid Society of Winnipeg and its board can make and implement on an ongoing basis, which makes the executive director and the members of that board more accountable to the community it serves and to the staff, both for the quality of service and the manner of which that service is administered.

We wonder why there are problems at the agency. The staff members directed a letter to the Acting Director of Child Welfare in January indicating that problems which had been ongoing at the agency for a number of years were still occurring. Staff were being mistreated when questions arose from those staff as to, in fact, how child welfare policies were made. They

were criticized. Often negative evaluations were given from those people in efforts to keep the criticism down.

Our concerns centre around whether in fact the existing structure delivers the best possible use of the monies which the government grants to it. We're concerned that our agency has about 41 percent of its children in group home care, a highly expensive way to treat children, when the other eight child welfare agencies in the province have an average of only 17 percent of their children in group home care.

We do 43 percent of the child welfare in the Province of Manitoba and spend more than 49 percent of the budget. For that extra money, this government should be able to expect better services. In fact, those services are not forthcoming.

Four major studies have been done on the Children's Aid Society recently; one in 1977 by the Special Studies Committee. We have the Carr Report; we have the Kimelman Report; we have the Planning Committee Report; and we have a fifth report which has been done by the agency itself.

The first four reports indicate that a diversified child welfare system, having up to six agencies, would be an appropriate way to do child welfare, with staff numbers somewhere between 100,000 and 120,000 individuals per unit. All the recommendations that have been given would indicate that small child welfare agencies, community-based, can be more accountable, especially if those have private boards within them.

At the Children's Aid Society of Winnipeg we, as social workers, are faced on the day-to-day decisions of the service policies as they now exist. Sometimes we wonder how the decisions are made. For example, at one time 95 percent of the children 12 years and under in care in the Province of Manitoba were Children's Aid Society kids, that's a large proportion of children. The statistics are so skewed that our agency stands out in a very negative way. We have a large number of children in contested hearings. We've heard statistics about that.

In reviewing other literature I find that the city of London, Ontario, in the past three years, had done 7,000 child welfare cases and they'd had one contested hearing. They have community-based boards.

I'd like this committee to know that I and other staff members, who are social workers of the Children's Aid Society of Winnipeg, in a large measure and a large number of us support Bill No. 107 and anxiously await the passage of that bill and if necessary, the implementation of that to assure accountability for what we're doing. That's interesting because we would perhaps be more affected by it than anybody. But the government in fighting the way that the society itself tries to deal with those issues - I'm in possession of a memo written about two weeks ago by the Executive Director of the Society, which indicates that she will do all she can to stall the government on these bills, that they will stonewall in every way that they can.

One wonders with the public statements that are made, that will co-operate and the behind-the-scenes efforts to stall where, in fact, the truth lies.

Our adoption records are horrendous. We adopt by far the lowest number of children in the past three years of all the other child welfare agencies. We're consistently ninth in those types of statistics. Our cost per child in care far exceeds the other children's aid societies.

I guess having said all those things and having said that personally I support what's going on, I am also concerned as to how the agency itself will deal with these matters as whatever decisions are taken by this government, because we will be affected by it.

But let me reiterate to you again in kind of a closing way, that I support and the staff whom I have talked to over the past several weeks do support the passage of this bill. It's unfortunate that we had such little time to prepare for this. I found out about it at 4:30 this afternoon because a large number of staff intended to come and show their support for this.

That's the essence of what I have to say to you and I'll respond to any questions you have.

**MADAM CHAIRPERSON:** Thank you, Mr. Lillie. Are there questions from the committee? Mr. Minister.

**HON. L. EVANS:** Madam Chairperson, I really don't have any questions. I simply want to say that I thank the delegate, Mr. Lillie, for coming here and expressing the views of the staff. I know they're very well thought out and we're listening to the voice of experience.

**MADAM CHAIRPERSON:** Are there any further questions? If not, I thank you on behalf of the committee, Mr. Lillie.

**MR. C. LILLIE:** Thank you, Madam Chairperson.

**MADAM CHAIRPERSON:** The next delegate is Linda Milburn, a social worker with CAS - it doesn't say. . .

**MS. L. MILBURN:** The Children's Aid of Winnipeg.

**MADAM CHAIRPERSON:** Thank you.

**MS. L. MILBURN:** I just wanted to come and speak to you as an individual worker, but also one who has talked to my fellow workers and has a reasonable idea of how they're feeling.

This situation at the agency has made working there very difficult. We are feeling very anxious that Bill 107 be supported and put into operation.

Most of the social workers at the agency support this bill. There are one or two, and I mean that literally, who have some objections to it. But we're all feeling like we're being used as political footballs by the various people in the case that our jobs, which are difficult enough as it is, are being made more difficult by the delays and the various personalities that have come into the fight over the bill and over the issues that have been raised.

We all feel that there are problems at the agency that need to be solved; that we have been harassed by management; and that our views of how child welfare should be practised have never been listened to and those who have tried to practise supportive child welfare have been penalized for it. We felt that we've been controlled and harassed long enough and we'd like to see some changes made at the agency. I guess we're feeling that our agency has lost its credibility and we'd like to see something happen and something happen soon.

Thank you.

**MADAM CHAIRPERSON:** Thank you, Ms. Milburn. Mr. Minister.

**HON. L. EVANS:** Well, again, Madam Chairperson, I really don't have any questions, although I suppose I could ask the delegate a number of questions as to the difficulties that she sees in the agency now. However, we've been made aware of them from various organizations and individuals over the course of the last year or so. So I want to thank the delegate very much for her very thoughtful, warm and interesting presentation.

**MADAM CHAIRPERSON:** Mr. Scott.

**MR. D. SCOTT:** Thank you, Madame Chairperson. Ms. Milburn, I take it from your presentation that you're not willing to wait any longer for any contemplated change on behalf of the board's direction or of the management's direction of CAS?

**MS. L. MILBURN:** I guess, from what we've seen, we don't really feel that a change is possible. We've heard a lot of talk about people changing their attitudes, people changing the way things are done, but we haven't seen any evidence of that, and all we've seen is further scapegoating and blaming going on with individual workers getting in the way and being used as targets.

**MR. D. SCOTT:** Thank you, Ms. Milburn.

**MADAM CHAIRPERSON:** Any further questions? Mr. Sherman.

**MR. L. SHERMAN:** Sorry, I want to apologize to the delegation for having been out of the room momentarily at the time that she made her presentation.

I understand the main thrust of that presentation and I would just ask her whether she, given the fact that there are grievances at CAS Winnipeg among staff and among professional personnel, I would just like to ask her whether she feels that this kind of legislation is necessary to address those grievances?

**MS. L. MILBURN:** From where we're sitting, yes, we do feel it's necessary. We tried to get through to the board, without success, for a couple of months and then when we did get through to the board, we made presentations to the ad hoc personnel committee. The ad hoc personnel committee made certain recommendations to the board and the board did not put those into operation. I guess we're feeling as if we tried all the other avenues; we have heard a number of promises made and none kept, and it just seems to be escalating to the point where we just don't feel that there's any other solution.

**MR. L. SHERMAN:** Could I ask you this? Given those grievances and given those frustrations and given the fact that the Minister, I'm sure, would be responsive to your complaints if you were to go to him, and given the fact that he and the government could address the problem at CAS Winnipeg exclusively, without getting into the child welfare field in a wholesale way such as implied in this legislation, do you not think that there

could be a selective rifle approach taken to your problem rather than what appears here to be an all out assault by cannons?

**MS. L. MILBURN:** All I can say is that from what we've seen, we have tried to get through to our own management people, we have tried to get through to the board with no success. I guess I'm just not sure how else it can be done except by a measure such as Bill 107 provides. Can you elaborate on how else you think it could be done? I couldn't think of any other way myself.

**MADAM CHAIRPERSON:** The delegation is not allowed to question the committee.

**MS. L. MILBURN:** I'm sorry.

**MADAM CHAIRPERSON:** If the Member for Fort Garry can answer the question in the form of a question, I would allow it.

**MR. L. SHERMAN:** I could offer a preamble to my next question . . .

**MADAM CHAIRPERSON:** A short preamble.

**MR. L. SHERMAN:** . . . and just suggest that CAS Winnipeg could deal with the Minister on the base of its problems alone, but moving on from that for a moment, could the delegate envision a situation where three or four years down the road or at any time, any space of time down the road, legislation of this sort could work to her disadvantage and the disadvantage of her professional colleagues in an agency like CAS Winnipeg, or could she envision a situation down the road where she was serving as a volunteer board member on a Children's Aid Society somewhere in Manitoba and was suddenly unceremoniously removed from that post at the whim of the government and the Minister of the Day? Can she envision that sort of situation and would she be uncomfortable in that sort of situation?

**MS. L. MILBURN:** I am a member of the board of Family Services of Winnipeg, and I may say that if it had been shown that I had not been doing the job to the benefit of the clients to that agency and the benefit of the social workers in that agency, I would expect that the government should move in, because service is what is important and I believe that social workers are the instruments of that service; and if the social workers aren't being listened to and if the clients are not happy, there are big problems and something should be done.

**MR. L. SHERMAN:** If it had been shown that you had not been doing your job correctly, what if the Minister of the Day or the Government of the Day determined that you had not been doing your job when you knew in your own heart that you had been doing your job, but because of the clash of philosophical differences - and I don't necessarily mean political differences, but just philosophical differences in the child welfare field - the Government of the Day were to take that kind

of action, that would be action that was taken despite the fact that in your heart you knew that you had been doing a good job, can you not see that as being damaging and discouraging to the system and particularly to the institution of volunteerism in the system?

**MS. L. MILBURN:** I guess I can only answer by bringing it back to Children's Aid of Winnipeg. I can't see how any member of that board can believe that they have been doing their job properly when they've got clients complaining, they've got the Native community complaining and they've got their staff complaining. That's rather overwhelming. I just can't see that if I was a member of the board, I would think that I had been doing my job correctly.

**MADAM CHAIRPERSON:** Further questions, Mr. Sherman?

**MR. L. SHERMAN:** No, thank you, Madam Chairman.

**MADAM CHAIRPERSON:** Mr. Minister.

**HON. L. EVANS:** Yes, I'd like to ask a couple of very brief questions. Is the delegate aware that upon receipt of information that there were some very major and very serious staff management problems and that we were appealed to as a government and as a Minister to take action; that we requested the Board of Directors of CAS of Winnipeg to deal with the matter and in response to that request, that they did set up an ad hoc personnel committee to look into the serious staff management problems that existed?

**MS. L. MILBURN:** Yes, I am aware of that.

**HON. L. EVANS:** Again - and perhaps this is more for the information for the Member for Fort Garry who may have been away during that portion of the delegate's presentation, Madam Chairperson - did the delegate say or indicate that the ad hoc personnel committee to which I just referred, discussed the very serious matters with virtually dozens of staff, and that that ad hoc personnel committee recommended unanimously to the board of directors certain major changes and that the board of directors rejected the unanimous report of the ad hoc personnel committee which spent weeks upon weeks looking into the serious staff management relations?

**MS. L. MILBURN:** Yes, I am aware of that. I, in fact, presented to that personnel committee.

**HON. L. EVANS:** Is the delegate saying that she, in fact, made a presentation to that committee?

**MS. L. MILBURN:** Yes, I did.

**HON. L. EVANS:** Can you advise whether there was a - I think I know the answer but I'm going to ask it anyway. Generally, what was the response or the feeling among the professional staff at CAS Winnipeg to the action of the board to reject the unanimous recommendation of the ad hoc personnel committee?

**MS. L. MILBURN:** The staff was dismayed, upset, very much so.

**HON. L. EVANS:** Yes, so in effect the staff, I would assume, then appreciated the fact that the government did request the Board of Directors to look into their own affairs, their own management staff problems, to deal with them but that, after months of work by the ad hoc personnel committee, nothing came of that work and that, therefore, there was a great deal of frustration. Is there and has there been a great deal of frustration, therefore, by the staff because of this, and are the staff aware that the government did make efforts to cause the problem to be dealt with by the CAS Board itself?

**MS. L. MILBURN:** Yes, the staff is aware of all the efforts made by government on their behalf. The staff felt frustrated by the board's response to those efforts.

**HON. L. EVANS:** Just one final question then, Madam Chairperson. Is it the opinion of the delegate, Ms. Milburn, that this situation, this inadequate staff management situation, and everything that's involved in this, has this had a detrimental affect on the delivery of service to children and their families?

**MS. L. MILBURN:** I believe it has. We have tried very very hard not to let it affect service delivery, but we're people just like anyone else. This is an area where you put yourself on the line every day, and the only tool you have is yourself, your skills, your personality, your caring, your character. All those things can be affected when there is turmoil and upset in the place in which you work. It's very difficult to concentrate on someone else's difficulties when parenting when you, yourself, feel that your job is endangered or that you're being subjected to unfair criticism or being treated unjustly by those for whom you work.

**HON. L. EVANS:** Thank you. I have concluded my questioning and, again, I want to thank the delegate very much for taking the time to appear before the committee and to give us the benefit of reviews and thoughts on this matter.

Thank you.

**MADAM CHAIRPERSON:** Thank you, Ms. Milburn. On behalf of the committee, I offer our appreciation for you appearing.

That completes the delegations presenting briefs tonight. I believe it's the will of the committee to proceed clause-by-clause with the bill. Page-by-page.

Mr. Sherman.

**MR. L. SHERMAN:** Madam Chairman, to expedite matters, I don't intend to make four separate addresses, on behalf of my colleagues, to the four sections of the bill that we will be dealing with. So, perhaps, we could deal with just on the basis of the bill and permit me to register a couple of comments on the record on behalf of my caucus.

**MADAM CHAIRPERSON:** That's agreeable with me, Mr. Sherman, if it's agreeable with the committee.

**MR. L. SHERMAN:** Thank you. Madam Chairman, my colleagues and I are opposed to this bill and I think we've made that plain and I have attempted to make it plain in debate in the House on second reading.

It's not my intention to belabour the point or to delay the work of the committee tonight by repeating the comments that I made on second reading. I would just like to say, very briefly, that we believe that it is an unnecessary and an undesirable piece of legislation; that it does not address the basic problems that challenge us in the child welfare field at the present time and that, essentially, is the care and safekeeping of the child at risk.

Nowhere does this bill appear to us to address that crucial and important agent. It addresses political disputations; it addresses philosophical differences; it addresses the question of leverage in argument, but it does not deal with, or address, the subject matter that should be at the heart of legislation of this kind and, that is, the child at risk. We don't think that it serves the system well and we don't think that it will serve the institution of volunteerism well, and we think further that it concentrates, or has the potential to concentrate, too much power in the hands of the Government of the Day and the Minister of the Day, be that government, be that Minister of whatever political persuasion.

We have no objection whatsoever, Madam Chairman, and I would like to make it very clear, to the implied reform of the child and family service field and the child welfare field, where the legitimate ambitions and rights of our fellow citizens of Native ancestry are concerned; we believe, and I have said in debate in the House, that reform of the system to recognize the rights of the Native community and provide them with their legitimate autonomy are long overdue. We subscribe to the establishment of a Native child welfare system, but we believe that Bill 107 deals only minimally with that issue and, for the benefits that it might deliver to the advocates of a separate Native child welfare system, it has to be judged by its downsides and the penalties that it imposes on the whole system, in general, in terms of the authority that it would concentrate in the hands of the Minister and the government.

So I just want to make that point clear, that whatever anyone sees in this legislation as being helpful towards the development of a Native child welfare system receives our support, but if you look beyond that to what it does to the system, what it does to volunteerism, what it does to democracy, in fact, in terms of concentration of political power, I would hope that all members of the committee, and particularly the Minister, can see the sincerity of the position that we are taking.

So with those few words, Madam Chairman, I want to register our opposition to it and our intention to vote against it on third reading and relieve the committee, at this point in time, of having to go through this discussion with us and this debate with us on a clause-by-clause basis.

**MADAM CHAIRPERSON:** Page-by-page. Page 1—pass; Page 2—pass; Preamble—pass; Title—pass; Bill be reported—pass.

**MR. L. SHERMAN:** On division.

**MADAM CHAIRPERSON:** On division.  
Committee rise.