

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 p.m., Monday, March 27, 1972

COMMITTEE OF SUPPLY

MR. CHAIRMAN: The Attorney-General's Department, Resolution 22 (a).

The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, I regret the fact that the Honourable Member from Roblin isn't here yet. He was a little annoyed that I hadn't answered to his satisfaction some matters that he raised but in his absence I will see if I can just take a moment or two to review his remarks a little more closely. He was concerned about many of the things that had been questioned by others of his colleagues and other members of the House. The one item that I thought that he was concerned about most was the question of the adequacy of police services and he indicated his concern that the smaller communities get more adequate police protection, and I have sympathy with the argument he advances but the question of expansion of more police services to more communities within the province directly involves a greater incidence of public spending for these services; and what I failed to recognize in the honourable member's remarks was the recognition that any expanded police services would cost considerably more money and how he could argue on the basis of what another of his colleagues advanced - that we would be able to substantially reduce the cost of police services and yet provide expanded services for the communities he's concerned about. I just can't see how that can be done. Now perhaps the Honourable Member from Fort Garry will be elaborating later. I think . . .

MR. CHAIRMAN: Resolution 22 (a) -- passed; (b) -- passed; (c) (1) -- passed; (2) -- passed; Resolution 22, \$342,200 -- passed. Resolution 23 (a) -- passed; (a) (1) -- passed; (2) -- passed; (a) -- passed; (b) (1) -- passed . . . The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): I may not have been present, but I do recall that I asked the Attorney-General just how many prosecutions have been entered into under the snooper clauses of the several bills that we passed during the last session. I don't know whether this is the proper place but you can guide me. I believe I asked the Attorney-General if he could give us the number of prosecutions that had been entered into under the various snooper bills that were passed, that is, how many sets of books were seized?

MR. MACKLING: Mr. Chairman, the Honourable Member from Swan River was not in the House when I indicated in answer to his concern that there have been no inquiries that I am aware of, to my department from any department for applications to court. Now the legislation that was passed last session was amended to make specific provision for an application to the court for an order in the event that any assistance is necessary for the inspection of records and so on.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Under 2 (c) Less Recoverable from Other Appropriations. Could the Minister tell us, is this fines that they collect that are going to offset the amount being expended?

MR. MACKLING: 2 (c) what, Mr. Chairman?

MR. FROESE: That's the \$300,000.

MR. MACKLING: Well, Mr. Chairman, the Department operates on a parallel with a large law firm, such that the services that are accorded to line departments of government are charged accordingly and that's what the \$300,000 indicates. That that is recoverable from the other departments. Other Departments must have within their budget monies to pay for their legal services.

MR. FROESE: Mr. Chairman, this is all government money then and in other words, coming from other departments.

MR. MACKLING: Right. That's right, Mr. Chairman.

MR. CHAIRMAN: (1) -- passed; (2) -- passed; (b) -- passed; The Honourable Member for . . .

MR. ENNS: We're on 3 (b)? 3 (b) I thought.

MR. CHAIRMAN: (2) (c).

MR. ENNS: Oh I'm sorry, then I'll wait for a moment.

MR. CHAIRMAN: Passed; (c) -- passed. Resolution 23, \$776,200.00 passed. 3 (a) (1) -- passed; (2) -- passed; (b) (1) -- passed. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, we believe that the appropriation for the Manitoba Human Rights Commission in the forthcoming fiscal year is too high, substantially too high. It's our recommendation that the figure of \$248,700 which is appropriated, or requested, should be reduced to something in the neighbourhood of \$80,000 which would put it just slightly, just fractionally above the level of the amount that was appropriated for that particular phase of the Attorney General's Department operations in the fiscal year just ending; and we would request of the Attorney-General that he justify even that amount of increase by explaining to the committee, Sir, what the reasoning is behind that boost in appropriations. It's an increase of something in the neighbourhood of \$170,000, and an increase in the neighbourhood of \$170,000 which is in excess I believe of 300 percent. The over-all vote, vote 24 governing boards and commissions and the operation of same, constitutes an item that has increased in terms of requested expenditure by 54 percent from last year to this year, Mr. Chairman, and that increase is attributable almost entirely to the increase requested for the Manitoba Human Rights Commission.

It is interesting that the major portion of the increase for the Human Rights Commission comes under the category of "other expenditures". The "other expenditures" item rises or the request is made that it rise from \$45,200 in the fiscal year just ended to \$177,900 in the fiscal year which we are just approaching. Salaries increased by about 100 percent from \$33,600 to \$70,800 and we are concerned, Mr. Chairman, that the Attorney-General advise the committee, and the people of Manitoba, what he has in mind under the heading and category of "other expenditures." In any event, regardless of what he has in mind, it's our proposition, Sir, that that kind of an appropriation for the Human Rights Commission can be called into question on the basis of the past performance of the Human Rights Commission and the anticipated future performance of it. We would like to know what the Human Rights Commission has done that earns it that kind of an increase in requested revenues from the Manitoba taxpayer.

MR. CHAIRMAN: The Attorney-General.

MR. MACKLING: Mr. Chairman, I would like to answer the questions and then if there still remains some lingering doubt on the part of members of the opposition, well I'm sure they'll express them. The staff of the Human Rights Commission was increased from three when it commenced operations and made it six at the end of the fiscal year, so there was an in-year increase in staff within the term, so that there were six staff members at the end of the fiscal year.

The salaries also increased by some \$37,000 due to the expansion of staff, that I mentioned, and also due to the general salary increase and annual increments for personnel on staff, plus an anticipated staff increase of two members for the year 1972-73. The other expenditures which are referred to will be increased by approximately \$133,000 to provide for the commission of several research projects, the implementation of a public educational program, the holding of public meetings, preparation of exhibits, public displays, and so on, and the travelling expenses for the commission to hold hearings in various parts of Manitoba outside the Greater Winnipeg area.

Now, Mr. Chairman, there are various research projects which the Human Rights Commission would like to initiate and we plan to assist them, particularly dealing with human rights as it affects native people in the community; in the educational system there have been criticisms about biases and prejudices revealed in educational checks and so on; investigations in respect to human rights in housing, employment and so on.

The increase, budgeted increase, will of course cover the staff necessities of office furniture, equipment and so on, printing of reports, copying of reports and material, and the printing of brochures.

The Human Rights Commission, if it is to be effective has to have an extensive educational program and as part of its *raison d'etre* is the formulation of Human Rights concepts and programs in the community that must be done by an effective educational or outreach program, and this is what this budget will provide for, including the preparation of displays and so on for public meetings. It's just simply not good enough, Mr. Chairman, to have a Human Rights Commission available in one large centre and holding hearings only in Winnipeg. They must be ambulatory and move in and about the province and respond to the needs of all of the people of Manitoba. I think those largely should answer my honourable friend's concerns. I might also say, Mr. Chairman, that when compared to the operation of Human Rights Commissions

(MR. MACKLING cont'd) elsewhere, particularly Ontario - that I am sure my honourable friend would like to look at - would indicate that what we are operating here is a very lean, tight, and I hope, a very effective Human Rights Commission.

MR. CHAIRMAN: The Honourable Member for Lakeside. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, we don't quarrel with the outreach that the Attorney-General desires in this particular area, all things being equal, but we do quarrel with the kind of expenditure contemplated and requested at a time when the Attorney-General, I am sure, is as sensitive as anybody in this House to the difficulties being borne by the taxpayers of Manitoba, and at a time when the over-all estimates, the over-all budget of departmental appropriations requested by the government is up by some 11 to 11 1/2 percent from last year. I suggest, Mr. Speaker, that one has to search very hard and very far, and I think I can say this without being unfair. Perhaps it's being hyper-critical but I think I can say without being unfair, that one has to search rather hard and rather far to find examples in the past twelve months of when the Human Rights Commission even justified it's last year's budget. And we say that the ideals and the aspirations may be desirable and may be admirable but this kind of outreach, this kind of idealistic operation which the Attorney-General envisions and has just defined is a luxury that we can't afford at this time in the face of the over-all increase in appropriations requested by this government, and we would not be agreeable to this kind of an increase simply on the explanation that the Attorney-General has offered up to this point.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Chairman, through a process of mental telepathy it is precisely on this point that I wish to cut through the gobble-de-gook that we've been hearing and get down to specific instances. The Attorney-General - Mr. Chairman, before I do that I should acknowledge the departure of tradition in this House and welcome the senior mandarins of the Attorney-General's department onto the floor of this House. It's I think a departure that I certainly welcome. We have all, and certainly those few of us on this side of the bench that have exercised, gone through the exercise of passing hand signals and notes and flurries, and what have you, during the period of a Minister's Estimates, can appreciate that and so I simply acknowledge the appearance of the senior members of the staff on the floor and this is a welcome innovation.

Now back to the Attorney-General, and he has of course, and this is one of the reasons why within the imminent presence of the senior advisors of his staff, why we can now expect clear and concise and immediate answers to any questions that we put. The answer that I want to put to him right now is in follow-up to the questions raised by the Honourable Member for Fort Garry. During the course of the introduction of his estimates, the Attorney-General indicated to us very clearly the number of cases that were referred to the Human Rights Commission. I would now like to know precisely the number of cases where the Human Rights Commission in fact acted, and . . . the number of cases where a violation of Human Rights occurred in Manitoba in the last year. I think for the taxpayers to support to the tune of these sums of money that are being requested here, this is a very logical question. I think it's a question that is in keeping with the statements and comments of the Member for Fort Garry. It is not a suggestion on our part, that the ideal and the concerns of the Human Rights Commission should not be supported, should not be supported by the necessary funds, but a mere listing of the number of, you know, applications or concerns that were forwarded to the Human Rights Commission for their consideration does not give us any barometer, or any measure, as to the extent to which Human Rights were in fact being violated either by Manitoba employers, by Manitoba landlords, or by government agencies, or by government you know - or any other employee, agencies precisely how many specific cases of actual discrimination and violation of Human Rights were discovered for the, what is it, the \$78,000 that we are now asking the taxpayers of Manitoba to pay, were discovered and were acted upon by the Human Rights Commission. That I think is the essential question and the principal question that we would want to have answered at this particular time.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Just before the Minister does reply, I would like to know whether there's any overlapping between this commission and the Ombudsman and whether any cases have been referred vice versa. Also in connection - the Minister mentioned hearings before. How many hearings have been conducted during the past year?

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, I might as well ask a couple of more question that I have on the same area before the Minister gets up to answer. Is there a report from the Human Rights Commission, and has it been tabled, because if we cannot find out how many hearings the Human Rights Commission held, how many meetings they had last year, where these meetings were held, the Commission may be just -- it remains a Commission in name only? We would like to know what kind of work they have been doing. So I feel that the Minister should tell us how many meetings, or how many hearings they held last year, how many complaints they received, and where the meetings were held. He mentioned they had to be held throughout the province, and I think we should be told where and what areas, or what cities or towns they were held.

I think also the other point that I would like to know if the members are full time, or are they part time, and how big is the staff, and how many are full time. It appears to me that the bigger portion or the biggest percentage of the costs is involved in the salaries, so I'm sure that it would be interesting for us to know just how many people are full time and what salaries they are paid as well. So I hope that the Minister will be able to give us these answers.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, with your indulgence and the members of the House, perhaps I can deal with the last questions first and go back to the question of the Honourable Member for Lakeside.

In respect to the activities of the commission outside of the City of Winnipeg, there may be others which I will - I'm not closely familiar with. But I think honourable members can recall that there were two significant cases or areas of concern that the Human Rights Commission brought to my attention, the attention of the government, and which have been acted on. One involving alleged discrimination in the City of Brandon and as a result of their recommendation a commission of enquiry was appointed and has been holding hearings. I anticipate that we will be receiving a report sometime in the near future in respect to that case.

Also the Human Rights Commission investigated a complaint in respect to an employment practice in the Town of Dauphin and on the basis of recommendation by the commission a court action was initiated which hasn't been proceeded with because the irregularity in employment practice has been rectified by the town.

Those significant cases I can draw to your attention. In respect to others I can't go into as much detail. However, it's the concern of the commission to have more of an outreach program and more of an educational program, and that requires additional staff, time, and it requires additional money.

Now turning to the specifics of the concern of the Honourable Member for Lakeside, if I can, I'm advised that the caseload report to the end of February 1972, were a total of 201 cases. And, Mr. Chairman, I might add that it's difficult for me to recall whether or not honourable members were in the House when I did review and sketch in some detail about the operations of the Human Rights Commission. I want to say, and digress here for a moment from my note, that a number of recommendations have been addressed to me as Minister responsible, and they involve some further checking and research before decisions are made, and pursuant to the Act, in two instances, I have referred back to the Human Rights Commission for further confirmation of the particulars that they recommend because I can indicate now that -- you know it's not the usual thing that I have seen, or my department has seen, and we want to make very sure of the procedures involved before we embark. As a consequence some of the recommendations that the Human Rights Commission have made have not been public because we are looking at them, and looking at them carefully before we make those recommendations public - and I think honourable members would want that kind of close scrutiny and analysis before decisions are made, and that is our practice. So if honourable members are concerned that they are not doing much well they haven't been in operation all that long, and some of their recommendations have been made but are under study.

But going back to particulars as to what the commission has been doing I indicate that they have dealt with 201 formal complaints, three of them involving what we call "notices of failure to give adequate notice", ten involving accommodation other than housing, two involving housing, 129 cases involving alleged discriminatory practices in employment, six alleged discrimination in respect to trade union activity, 34 alleged breaches of Human Rights regulations and principles in the act dealing with advertisements, 15 in respect to contracts and two in

(MR. MACKLING cont'd) respect to attempts to take reprisals against those who are employed and who have made a complaint to the Human Rights Commission. There were a total of 50 informal complaints for a grand total of complaints of 251. Of that 251, 78 of those complaints were considered settled by the commission, 52 were considered and dismissed, and 121 are yet to be disposed. Now in some instances they have held hearings where there has been an extensive time taken with particular cases. Evidence taken and rather exhaustive hearings in order to arrive at a state of facts upon which recommendation can be made to government, and I have two or three of those recommendations that have been received that have received close scrutiny, have been referred back for further particularization and will be, or at least a decision will be announced within the relatively near future.

In addition the Human Rights Commission has on its educational outreach aspect conducted 27 speeches, 27 media interviews and broadcasts, 11 conferences and 136 meetings with community organizations. So you can see, Mr. Chairman, that the Commission has been busy and it has been doing a very thorough job.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Well, Mr. Chairman, we're all very interested in listening to the explanations given by the Attorney-General and one must say that for an organization that has been in existence in the short period that the Minister claims they've been in existence, they have certainly learned the fundamentals of Parkinson's law. An increase in budget of the Human Rights Commission from 78 million - \$78,000 -- and I wouldn't be surprised if before very long it would be \$78 million -- to \$248,700. The Minister still has not explained what the Human Rights Commission intends to do with the additional monies that it is expecting to get appropriated in this coming season. He has given us two examples of where the Human Rights Commission has dealt with matters that has been brought before it, and one must ask the question if the taxpayers of this country have received \$78,000 worth in the two examples that have been dealt with by the Commission. The increase to \$248,000, Sir, is an inordinately large amount of money to be borne by the taxpayers for so little that is being done by this Commission.

The Minister says that they're going to conduct an educational program. Well, Sir, one wonders what kind of an educational program that they have in mind. Are they going to do as they did in the matter of the community clinics where they had to hire activists in order to get people activated? Are they going to hire people to promote human rights problems before this Commission just to insure that they have something to do? -- and further waste taxpayers' money.

Mr. Chairman, the Committee is entitled to better answers than the Minister has given up till now and we hope that he'll be able to provide some suitable answers, answers that are acceptable to this Committee in the explanation of the kind of a role that the Human Rights Commission has been playing in this province up till this time.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, further to what my colleague the Member for Morris has just said, I would ask the Attorney-General to what extent the kinds of things that he suggests to this Committee have been done by the Human Rights Commission, and the kinds of things that will be done by the Human Rights Commission he hopes in the future overlap with the kinds of services that are supposedly being rendered to the people of Manitoba by the Ombudsman by the Rentlman, by the Minister himself and his colleagues and the other ministerial departments, by MLA's, who are supposed to be looking after their constituents, and by union business agents and business representatives who are supposed to be looking after their memberships, to what extent is there overlap and padding and redundancy? It seems to me, Sir, that the time has come -- we've talked about fat in the budget, in the appropriations, we've talked about onerous burdens of taxation -- the time has come to start zeroing in on some of those areas of fat and to start cutting, and to start paring. Land luxuries are all well and good but we can't afford these luxuries at this time.

MR. CHAIRMAN: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Chairman, the Minister has mentioned meetings and hearings of the Human Rights Commission in Brandon. I'm interested in this particular aspect of their activities. I presume the Minister is referring to the hearings held by a commission that's more commonly referred to as the Toal Commission in Brandon. Mr. Chairman, this commission has been meeting and hearing briefs I think since November 29th of 1971.

(MR. MCGILL cont'd)

I would like to find out from the Minister what has been the cost of this commission's activities to date. I would like the Minister to explain why the hearings have been held only on Mondays and then terminated. It seemed to me that if costs were a serious consideration, and I'm sure they are to everyone in the Assembly, why these hearings were not held continuously until they were completed. I'm sure that the expense of bringing witnesses to Brandon, to bringing the members of the Commission to Brandon on Mondays, then returning to Winnipeg or wherever their homes were, to meet the following Monday must have added considerably to the total cost of the activities of this Commission. So, Mr. Chairman, I think it's important to know -- there must have been reasons why it was not possible for the Commission to conduct its hearings on continuous and consecutive days until they had been completed. There were charges brought I think during the time the commission was holding these hearings that perhaps they were exceeding their terms of reference. Perhaps the Minister could clearly explain to the House what those terms of reference are and whether or not in his opinion they were being adhered to.

But, Mr. Chairman, I think I would very much like the Minister to tell us if he can what costs have been incurred by the Toal Commission to date; why they are not meeting consecutively, and how long it will be probably before their work is terminated. I understand that they've had ten hearings in all so far and that there are possibly going to be additional ones. These are some of the concerns, Mr. Chairman, that we have when we look at the great increase in the budgeted figure from \$78,000 last year to \$248,700 this year.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, since we are dealing with the Human Rights Commission and if we are going to allocate the amount to the Commission as is prescribed in the estimates, I just wonder whether the government has given any thought of having this commission investigated, the charges that we heard, that were made here this afternoon, and the grievances that were expressed in connection with the people up north. Is it the intention of the government to have this commission investigated in this particular case? --(Interjection)-- Well if we are going to allocate the money maybe we could really get something out of it and certainly this should be plenty to investigate a case of that kind, and it involves human rights as we've heard being expressed by the Member for Thompson, and also the other member that spoke, so I would like to hear from the Minister whether this Commission will be put to use in this connection.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, instead of going in reverse order this time, I will go from the top. Mr. Chairman, we've heard the classic: now, Mr. Chairman, look at this wastage and so on from the Honourable Member from Morris. You know if he would compare -- if he would compare --(Interjection)-- Now the monkeys in the zoo are unhappy because they haven't been fed properly tonight apparently, Mr. Chairman, and I think someone should give them some peanuts. --(Interjections)-- Well I think peanuts would be squandered on that one. --(Interjections)--

MR. CHAIRMAN: Order please. The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, I think the Honourable Member from Morris should visit some time in our sister Province of Ontario where they have had a Human Rights Commission established for some years. Now I don't know whether there is a fundamental difference between the Tories from Ontario and the Tories from Manitoba, but it appears there must be because human rights activity seems to be something entirely foreign, and something entirely subject, something entirely wasteful from their point of view. --(Interjections)-- I know that year in and year out there were requests made in this House to the previous administration for some activity in the field of human rights and it was spurned. Now there's a marked contrast with some of the representatives from the Liberal Party. I know that there have been statements made recently that -- and I think the Honourable Member from Assiniboia criticized the budget as not having enough in it in respect to the advancement of human rights. Now surely we can't be damned both ways. Now --(Interjection)-- by Opposition critics. Surely if the Honourable Member from Morris and the Honourable Member from Fort Garry would perhaps dialogue once in a while with what other Conservatives, much more progressive apparently, are doing in other parts of Canada, they might not come out with these . . . statements that they make in this House. The honourable members just don't

(MR. MACKLING cont'd) want to appreciate the extent of my remarks when I gave an overview to the activities of this department, nor do they want to accept now that the Human Rights Commission has made recommendations and they have spent a great deal of time in respect to some very important cases, and I'm not at liberty to discuss those cases in this House before the decisions have been made. My honourable friends would like me to perhaps get involved in saying things that I should not say at this stage. But I won't --(Interjection)-- Well we've got another commentary by another honourable member. Maybe she might like to make a contribution later on - I'd welcome that.

But in any event, Mr. Chairman, I have indicated an extensive number of cases in which the Human Rights Commission has been involved and it's not simply two cases that the Honourable Member from Morris likes to characterize, and I'm glad that he's saying those things from his seat because they will be registered in Hansard, and I'm glad that they're there, Mr. Chairman.

Now the Honourable Member from Fort Garry I don't think is quite as negative, although it's very difficult to tell. He says, surely the Ombudsman can look after these things. If you've read the Ombudsman's report he'll indicate to you that he had many complaints in respect to problems involving municipal government, and he is specifically prohibited from being involved, and that's why the Human Rights Commission was involved in Dauphin and in Brandon. --(Interjection)-- Yes. Oh, all right we'll get to your other one.

Now he's concerned about the Rentalsman. Well later on when we get to the budget of the Minister of Consumer Corporate and Internal Services, I'll have something to tell you about the work of the Rentalsman. --(Interjection)-- Well I don't know when we're going to get there. Her Majesty's loyal Opposition is concerned to review all budgets but they really don't want to pass this item. --(Interjection)-- I can assure the Honourable Member from Churchill that I'm prepared to stay here 90 hours, if necessary, on my budget to satisfy the questions, the demands and the criticisms of the honourable members opposite. I'd be delighted, I'll be delighted. The honourable member says that MLAs should be able to look after these things, or the Rentalsman. We're living - I want the Honourable Member from Fort Garry to realize that we're living in a very complex society and a lot of these problems that have existed in society have gone unanswered for decades, and I want to assure the Honourable Member from Fort Garry that the Human Rights Commission in Ontario has been busily employed despite the fact that there are many good, I suppose some bad and some indifferent, Progressive Conservative members of the Legislature in Ontario. I want to assure the honourable member that the Rentalsman has within his course of activities innumerable cases to deal with in respect to the concerns applying to the provisions of the Landlord and Tenants Act.

The Human Rights Commission is in effect carrying out a fundamental need in respect to the granting or the development of much greater equalities in the opportunities of those who would otherwise have been the subject of racial prejudice, prejudice and discrimination on the basis of sex, and so on, and those cases that the Human Rights Commission have advanced and that have been made public, clearly indicate the kind of activity that they are capable of and the good work that they are doing.

Now the Honourable Member from Brandon West is concerned about the Toal Commission. Well I don't know whether he is critical of the Toal Commission, or whether he's just concerned about mechanics. I don't know why Mondays only. I can only assume that there are people who come from outside of Brandon as well as those in Brandon, and a specific date is set aside so that people can be there, and when those people who have been expected to attend have completed their testimony then others can be scheduled for a specific day again, rather than have people sitting around waiting until you can finally get to them and question them. And I think that makes good sense. We're not being charged all the days that the Commission isn't sitting only the days the Commission is sitting. And my understanding is that the arrangements for the Commission have been very economical and they are not, as I understand it, building up a big account that they are going to pass on here. It's my understanding that they have held an extensive - they have spent an extensive time in hearing witnesses but that is in keeping with the concern that there be a very comprehensive look at the concerns that were manifest in the criticisms brought that there was discriminatory practice against native people in the City of Brandon.

And it just - it isn't confined, it's a fairly broad term of reference that is being given the Commission. I don't have the specifics before me but I'll be happy to disclose those at any time rather than hold up the business of the House while I summon the file. We don't have it here.

(MR. MACKLING cont'd) I'll be happy to disclose that any time that I'm asked. But I'm assured that the hearings have probably run their course and we should be getting a report in due time.

Now the Honourable Member from Rhineland is - I think has been just saying that perhaps there should be some look by the Human Rights Commission at the charges and counter charges that are flying around and I, with all respect I really don't think that that is an application for the Human Rights Commission.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Well, Mr. Chairman - thank you Mr. Chairman. Let me then just put into perspective the remarks just made by the Honourable Attorney-General, and it's not my wish to continue needlessly the debate on the Estimates. But I look upon the actions of the Human Rights Commission, the monies that the taxpayers are called upon to put up to supply the necessary funds to maintain the Human Rights Commission as a barometer of our social behaviour in this province - and I really, you know - and I'm not concerned about the generalizations that the Attorney-General chooses to make at this time at this Estimate, but either we have discrimination in employment areas, discrimination in services, discriminations for reasons of sex, racial origin, colour, and what have you, and surely, you know, if you misread, or if you take -- and I thought the Member for Fort Garry made it very clear in his opening remarks with respect to this subject -- that, and if you choose to twist the suggestions from this side that would suggest that the Human Rights Commission has no place, then that's irresponsibility, but surely in this Chamber, and where we're dealing with the mechanics of . . . funding a properly run and organized Human Rights Commission, that we can use that Commission and we should use that Commission as a barometer of our social behaviour, social behaviour patterns in this province.

Now if the Commission tells us at the end of one year's operation that they have two, three or four cases, then I think there is some reason for us to suggest among ourselves, let's get rid of these few isolated pieces of prejudice that exist among our society but otherwise we're not that bad of a society and we're doing all right insofar as doing away with the kind of transgression of human rights that this Commission is specifically charged to deal with.

On the other hand, if we believe as individual members that we are far from being that perfect and that there are people that are being denied services in this province for reasons of race, creed, or colour, or religion, or sex; if we believe that there are Indians that are being denied access to services, or to a hotel or so forth; if we believe that job or job opportunities, employment opportunities, are being denied for reasons of prejudice, then obviously the Commission isn't doing a job in reporting these and bringing to light publicly the transgressions that may or may not be occurring.

So, Mr. Chairman, I suggest to you that it is not unreasonable at all for this Opposition at this time, or oppositions in the future -- in fact, Mr. Chairman, I think it's going to be a standard and a very necessary performance of any opposition in the future to look carefully at this particular area of the expropriations with respect to the Estimates, to do precisely what I said in the first place to use it as a barometer in our social behaviour patterns in this province.

If we have a bland commission report making only recommendations in private to government for possible future action, then that Commission obviously is not diligently searching out those areas where discrimination is taking place. Or the converse to that question is that the discrimination isn't taking place in the first place. And I would suggest to you, Mr. Chairman, that we recognize our failures within our communities, and within our society. We know that we have areas of concern and difficulty in this particular respect and all that the members of Her Royal Majesty's Opposition should be doing, and have every right to be doing in this particular instance, is to ascertain whether or not the particular funds to be voted in this item are justified, or whether the commission is doing it's job, and if not, why not.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. PATRICK; Mr. Chairman, I just want to correct a statement that the Attorney-General made and attributed to what I have said. I had never said that there wasn't enough money budgeted for the Human Rights Commission; what I did say, that there wasn't enough money budgeted for the Family Courts and I also said that there was not enough money budgeted for - as was stated by the Fact Finding Committee - for the legal aid. And I said if you're going to have a proper legal aid, we should have had more money; but I have never said

(MR. PATRICK cont'd)about the Human Rights Commission.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. FRANK JOHNSTON (Sturgeon Creek): Thank you, Mr. Chairman. Mr. Chairman, there's been a lot said on this particular item so far. What hasn't been said that an increase of \$170,000 in one item in the budget is just bad administration. If the Human Rights Commission is salary-wise having to have some more people, that's fine. They've said that they want to add two for the next coming year, and increments, and what have you. But I can't for the life of me understand this \$177,000 or \$178,000 when the taxes at the present time are such in Manitoba. Surely when they came before you and they said they wanted to hold meetings through Manitoba; when they wanted to have offices set up, which they're probably going to have to have. I don't know whether they're expanding their offices. Surely when this item in the budget was looked at, somebody might have said, look \$170,000 increase in one year is just, just realistic. The Human Rights Commission as you say may be doing a certain job but to be convinced by a commission that this is what we have to have in the next year, is just not taking a realistic look at budgeting. In fact you're not taking a realistic look at your duties as administrator to say look, you can possibly have an increase of \$50,000, or you can possibly have an increase of \$25,000 but to just say \$170,000 increase is very poor administration.

Mr. Chairman, the Attorney-General and I have worked on different budgets before and I'm surprised that he isn't just standing, jumping up and down on our side because when I previously worked with him if anybody had come in with that kind of an increase in a budget he'd have gone right out of his mind. Now I really would have liked to see him in his office when this happened because I have seen him lay the law down and I don't know why he hasn't here to have the administrative capability to say, let's have a reasonable increase in this item of the budget.

Now getting just \$178,000 on other expenditures means that there's a lot of waste going somewhere. Maybe they can do without as much literature this year; maybe they can have less meetings and maybe they can look at economies. And quite frankly, I don't think the Attorney-General has laid the law down to them as to how far they can go in the coming fiscal year, because it is bad administration to have this kind of an increase in one department.

MR. CHAIRMAN: The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): Mr. Chairman, I wanted to speak on this program on the Attorney-General's Department. First of all to say that unlike the members of the Opposition it seems to me that the people of Manitoba did get their money's worth, \$78,000 worth this past year. I have found that the - this particular Commission has been particularly dynamic and aggressive in seeking out and discovering and investigating aspects of discrimination, and the increase on the other hand involving \$170,000 is just once cent and a half for every Manitoban. It seems to me that in the fight for human equality and against discrimination, that's a very small price to pay.

I am interested in one particular aspect of the Commission's work this past year. There was a major study done last summer investigating the textbooks that are used throughout Manitoba, in particular with regards to discriminatory references to native people and to other minorities. I'd like to know whether the government intends to act on that particular report and what stage it's at at the present time.

Secondly, on the same subject, this investigation involved a very narrow aspect of discrimination, namely with regard to minority groups, particularly native people and other ethnic minorities, but there is obviously other kinds of discrimination and violations of human rights that are obvious in our textbooks, in particular I might refer to the sexes nature of our Readers throughout our elementary schools where on every other page we find women depicted as housewives, men as workers, women as nurses, men as doctors. -- (Interjection)-- here we have another voice of ignorance from our benches here. Women as secretaries, men as the engineers, girls playing with dolls, boys in sports. Clearly it seems to me a violation on every other page --(Interjection)-- why not, why shouldn't boys play with dolls and girls be involved in sports. It seems to me, Mr. Chairman, that women, the rights of women are being violated at every other page of our Readers used in elementary schools, and I would like to see a thorough investigation of this much along the same lines as was done last summer, and some action on this particular area.

Then, Mr. Chairman, there's one other area I'd like to see investigated thoroughly in Manitoba, as it is being done elsewhere, namely a systematic discrimination against women

(MR. GONICK cont'd) with regard to wages and in the area of occupations. We have known from studies done throughout North America that for any given occupation, the wages of women are lower than that for men - that there is a disproportionate, the proportionate distribution of women and men in various areas of occupation is distorted and unequal; that this kind of discrimination I am sure occurs in Manitoba, as it does elsewhere in North America, and I would like to see some of the extra money that has been allocated to this department, to this commission, being used to investigate this matter and the appropriate action taken by the government.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, dealing with the remarks of the Honourable Member for Lakeside, once again he indicates the same attitude. He's concerned to cut - and I don't blame, I don't blame anyone who is concerned about the cost of any institution. But I would like honourable members to realize that this commission was really operational only in May '71, and as I indicated a number of the recommendations are still with government for final consideration before recommendations are made public. In answer to the Honourable Member from Crescentwood, I would indicate to him that some of the recommendations, some of the reports that have been received by my department that are being reviewed, will have some wide-ranging influence on some of the concerns that he has indicated respecting discrimination against female workers in respect to wages, job opportunities, and so forth.

In respect to his concern about the textbook study - he mentioned that to me the other day in the House and I haven't had an opportunity yet to find out where that study is, and what has happened to it. But that is one of the works that the Human Rights Commission was involved with and I agree with him that more of that is necessary.

The Honourable Member from Lakeside takes this simplistic attitude respecting the Human Rights Commission, that the Human Rights Commission is set up in one year, they should be able to, you know, he seems to indicate, clean up all of the cases and they can disband. Well the Human Rights Commission has been operating in Ontario for many years and they have a tremendous outreach program, and the Human Rights Commission here has been looking at Ontario and have been making recommendations in respect to the pamphlets that are necessary - and some of it I think is far too rich from our point of view. I pointed out to some of the members of the Human Rights Commission, some of the staff, that we are going to have to do things better than Ontario for a tighter budget, and more effectively. But a lot of this is necessary and I hope in respect to, for example, the educational program in part to be organized on the basis of pamphlets outlining what the rights of individuals are, that we'll be able to have pamphlets published in the native tongue of our native peoples, so that these people, particularly, who have been the subject of discriminatory practice over the course of many years, will have an effective answer.

Now the honourable member from Sturgeon Creek says that, you know, characteristically I should be the one that would be the first one to cut this budget. I want to assure him that that happened, it happened already because our Human Rights Commission was looking at Ontario and wanting to move as quickly as they were and we would rather that they work very carefully and pragmatically, and not just simply spend money like other commissions have in order to show they are doing great things. We have asked them to run a tight, frugal, but effective program, and that's what is being advanced here. I can only reiterate, Mr. Chairman, that what is involved here is not a wasteful use of money but a very carefully conceived and deliberate attempt to foster the rights of people in Manitoba by an effective Human Rights program.

MR. CHAIRMAN: The Hour being 9'00 o'clock and according to our House rules the last hour of each day is Private Members' hour. Committee rise and report. Call in the Speaker.

MR. PAULLEY: Mr. Chairman, before we rise . . . time for the strangers to leave the House.

MR. CHAIRMAN: Call in the Speaker.

IN SESSION

MR. WILLIAM JENKINS (Logan): Mr. Speaker, the Committee of Supply has adopted certain resolutions and directed me to report . . .

MR. SPEAKER: The Honourable Member for Logan.

MR. JENKINS: Mr. Speaker, I beg to move, seconded by the Honourable Member for Ste. Rose, that the report of the Committee be received.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried.

PRIVATE MEMBERS' RESOLUTIONS

MR. SPEAKER: We are now under Private Members' hour, Private Members' Resolutions are our next item of business. On the proposed motion of the Honourable Member for Birtle-Russell, the Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Virden,

WHEREAS farmers in this province are already suffering undue economic difficulties; and

WHEREAS theft of livestock further increases the farmers' economic plight,

THEREFORE BE IT RESOLVED that this Assembly recommend that the minimum penalty for rustling be established at \$250.00, plus restitution to the victim for the cost of the livestock stolen.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, last year in this Assembly I brought a resolution somewhat similar to this into the House where in effect dealing with the same problem of cattle rustling, we intended at that time to ask the Provincial Government to institute a program of brand inspection, which we believe would have improved the lot of the law enforcement officer and somewhat ease his difficult task of trying to establish and prove that cattle rustling, and other types of rustling, in fact were crimes.

It was very interesting, Mr. Speaker, at that time that the Member for Ste. Rose fully supported me at that particular time, as did members from this side of the House. However, Mr. Speaker, we didn't find that support was consistent by all members on that side and we find that the Member for St. George in effect wanted the resolution considerably watered down, and he moved an amendment on May 25th whereby we would strike out a certain section in the resolution where we ask for the passing of amending legislation, and he wanted it substituted therefore with the words "give consideration to the advisability of". At that time, Mr. Speaker, I expressed my concern that the Member for St. George might in fact be giving the rustler a chance to clean up his house before the law came into effect, and, in other words, it was giving the rustlers a lead time to clean up their business before the province moved in and effectively controlled their operations.

Mr. Speaker, I checked the Throne Speech very carefully and I could find no evidence in the Throne Speech whereby in fact the government had the intention to bring in legislation at this session to effectively control the abominable practice of cattle rustling.

Mr. Speaker, it's still prevalent in this province, in fact, I would say that it is still increasing in this province and this government has done nothing about it. We find here a government that has gone out to the people, especially in the last five or six months, into rural Manitoba and has made considerable number of political promises and have pointed with questionable pride to their activities in their endeavours to assist the agricultural industry. However this is one area, Mr. Speaker, in which they have done nothing and have showed no intention of doing anything.

So I found, Mr. Speaker, it was very difficult to try and get some activity from the Department of Agriculture, so this year I have turned around and appealed with this resolution to the Attorney-General for his assistance, because the wording of this resolution, Sir, asks for assistance in the implementation of the Criminal Code of Canada, and we realize that the writing of the Criminal Code of Canada is the responsibility of the Federal Government but the implementation and the supervision of that Act is the responsibility of the Provincial Government. And we find, Sir, that if you study some of the cases that have come before the courts, and there haven't been too many because it is exceedingly difficult for law enforcement officers to definitely prove cattle rustling and to get sufficient evidence to bring about conviction.

When I first raised this question with some of my colleagues and suggested a \$250.00 fine as a bare minimum, because the Criminal Code does not spell out the minimum -- the Criminal Code does suggest that there be a maximum of five years -- that ruled out some of the suggestions that we bring back the hanging tree. However, Sir, the cases that have come to light to date have left sufficient cause for alarm in the farming industry, that the people I believe in this province would suggest to the Attorney-General that there be stricter enforcement of the Criminal Code as respects cattle rustling.

(MR. GRAHAM cont'd)

And I would like to cite to you, Sir, a case in 1970 where three people were brought before the courts for the theft of six head of cattle, they were convicted, they weren't all convicted - one man received a six month sentence plus restitution, or in default of restitution an extra sixty days. The second man received a one-year suspended sentence plus probation, and there was no financial involvement on his part. The third person: there were no charges pressed and the person never appeared in court. At the same time, Sir, this case was also inter-provincial and the person that was convicted and sentenced to six months faced five other charges of cattle rustling in another jurisdiction and on those five other charges he received a sentence of six months concurrent on each of the charges. So in effect, the person, I would think would get out in a time considerably less than six months without any fine other than restitution. Now this person was not -- there is no way, Sir, that you could attribute this to a single individual prank on the part of a person because it was a well-planned operation. Repeated offenses all of the same nature, and I would suggest that in every case they were probably fairly lucrative. Unfortunately this man got caught. How many have not been caught?

There's another case, Mr. Speaker, that occurred last year and it was -- the final case came about after I had introduced my, or the final judgment in the case was handed down after I had spoken in the House on the matter of cattle rustling.

And this case also involved not six head but seven head of cattle and in this case also restitution was ordered by the court, as is provided in the Criminal Code of Canada. However there were no fines; there were no jail sentences; the three people involved were admitted to be delinquents and the case was adjourned sine die and to date they are on probation. To the agricultural community of Manitoba, Sir, this is not enough. When the agricultural economy of this province is seriously threatened and the one ray of hope facing the farmer is in the live-stock industry, we find that the application of the criminal code as respects the theft of livestock leaves much to be desired in the eyes of many of the farmers of this province.

So when we find that the Minister of Agriculture will do nothing in this respect, I now appeal to the Attorney-General to see if he will do something to help the farmers in Manitoba, and I look forward to hearing his contribution in this debate, just as I look forward to hearing the contribution from the Member for Winnipeg Centre who took the adjournment last year and I'm sure that in the intervening year he has had ample time to prepare a well-documented and a very worthwhile address on this particular subject.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, like the member who just spoke I too am a farmer, and married to a farmer's daughter, even though I have just ten acres and two horses, but I agree wholeheartedly with the member's presentation. There is only one thing that concerns me, Mr. Speaker, this session is only, I believe, three weeks old and I find on more than one occasion I am agreeing more with the Opposition this year and I am wondering if I am losing my grip, or the Opposition is becoming more reasonable and progressive. And this is a good case in point where they bring in this resolution. I think everybody will probably support it in the House. I think the only question is the amount of the fine and that is something I think we should compare with some other legislation that we have in Manitoba and the two cases, or two examples that come to mind, Mr. Speaker, are night-lighting and illegal hunting. Now I recall a case several years ago around Dauphin, there was three farmers went hunting and the police -- not the police - the Games Branch caught them with a car and a spotlight being shined in the bushes. They didn't fire a gun, didn't shoot anything but because they had their guns with them and they were shining a spotlight they paid I believe \$400.00 fine apiece; they had their guns confiscated, and I believe their car was confiscated too. And this same type of heavy sentence has applied to people shooting out of season.

Now it seems to me that if you can justify that kind of a fine for a person shooting game which really belongs to all of us, whether it's a moose or a deer or whatever. It doesn't belong to anybody, it belongs to all of us. If we can justify that kind of a severe penalty, it seems to me when we're dealing with somebody who is stealing from an individual, whether it's a farmer or a rancher, it seems to me we can justify at least that type of penalty.

And I would ask the House to consider, and I hope that the Minister -- first of all, I hope that the Minister will bring in a bill this session, and when it's brought in I hope they consider a very stiff sentence, starting off with approximately, say \$1,000 fine; or let's lift the homebrew fine, or the night-lighting fine, and just simply transfer it under the rustling section and I don't

(MR. BOROWSKI cont'd) see why anybody should object to that. Two hundred and fifty dollar fine I suggest to you, Mr. Speaker, is a licence to steal. Cattle are fairly high today, price of cattle is fairly high, and what have you got to lose? If you go out and steal two head of cattle, if you are successful you've got \$600.00 or \$700.00. If you get caught well you pay \$250.00 fine. You know, you've got it made coming and going, and it seems to me that we shouldn't be sitting here passing legislation selling licences in effect to people who want to steal cattle. --(Interjection)-- Well I know some members in the Opposition would like to bring in hanging and I would certainly listen to their argument before I'd make up my mind. They certainly -- they had hanging at one time in the good old days in the west. I'm afraid if we bring in such a resolution some of us may lose some of our supporters in our constituency so I, you know, I would have to examine that very carefully.

And lastly, Mr. Speaker, I think we should consider the question of branding. You know, I was raised on a farm -- when I say that I'm serious -- we raised cattle, and cattle have a habit of straying, and people, they may get on to a herd and stay with the herd and if a person has 20 or 30 head or more he may not even know and there is -- it's very difficult to tell that it's your steer or heifer or cow, or whatever it is, and I think to help the police, to help the enforcement people that we should consider some technique of branding cattle in order to make the legislation, if it's brought in, this bill if it's brought in, to make that legislation and the bill meaningful. Thank you.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I just wish to rise to endorse the resolution that the Honourable Member for Birtle-Russell just brought in. I am sure that he is well acquainted with the problem and I understand and - I should say, that I am not at all suspicious that his herd has increased at all since we've heard all these problems, especially on the Agricultural Committee, and I should perhaps admit to the First Minister coming from the "Bible Belt," I'm not too well acquainted with the rustling problem. However, from listening to the many people during last winter's Agricultural Committee meetings, I know these people are serious and we are making fun of the word "hanging" here but actually this was announced and said quite openly that if the government, the present government or any other government is not willing to do anything at all, it may just lead to doing some hanging, and I'm not sure if they meant people or cattle, but I think they were sincere that something should be done by the present government.

I am glad to see the Member of Thompson admitting that - or I'd like to suggest to him that there are hopes for him especially since he's taking on a few hints from the Opposition. I think this is well because even as feeble, as nimble as we are on this side there's quite a few good points that could be picked up I'm sure. --(Interjection)-- Yes, it takes a little bigger man to admit - and I think the Honourable Minister of Labour, of course, knows this, and some get big enough that they just won't admit anymore.

However, coming back to the problem of rustling, I think perhaps the Member of Thompson was referring to the \$250 and, of course, I see in the resolution, it says plus restitution. But I would still agree with him that this figure is very low in comparison to the seriousness of the type of rustling that's been going on, especially in - I especially remember in the Swan River, Rossburn, and quite a few meetings down there, these fellows were very sincere about the problem. They had reason to be because some claimed they had lost up to \$600 to \$1000 a year of animal which beside and, of course, some more, but besides this loss things were going rough enough, as it happens the three or four years we've been having our problems in agriculture and this certainly doesn't help the matter at all.

I'm sure that we're going to hear from the Member for Ste. Rose because he was one of the members that had some real pertinent questions to quite a few of the farmers, and I thought they were very much in order, but I wanted to get up and support the Member for Birtle-Russell and I know that it is hard in the cases that we've heard, it is so hard to get the proof of evidence. There should be more of the -- branding should take place, we know this. But even then there should be a compulsory way of telling the people you can't just steal these animals and not be accountable, and it seems that it's nearly impossible to find proof of evidence that they've actually taken these animals. So, Mr. Speaker, while the resolution sounds harmless, I think it's a sincere resolution and I know that those of you that were on the Agricultural Committee last winter, this is a very serious problem with a lot of farmers in Manitoba.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. ADAMS: Thank you very much, Mr. Speaker. I don't intend to dwell too long on this resolution because I believe there are one or two members of the House that wish to make a contribution on this resolution. I don't always subscribe to the ideas and the policies that come forth on the opposite side of this House but I did last year, as the Member from Russell has indicated, I did support this resolution that he presented last year.

I think, Mr. Speaker, livestock producers have been victimized for many many years by unscrupulous people who are nothing more than parasites and who live on the hard work of industrious livestock producers. I think that it's high time that we do something about it in this province and I am prepared to support this resolution with some modification. I know that the -- I had quite a bit to say with the member -- my colleague from Thompson pretty well covered what I was intending to say.

Nevertheless I would like to say a few words on the case that came to light last year -- the Member from Birtle-Russell did cover it, but there was one fellow and as a matter of fact, his ranch is very very close to mine, and last year eight calves were stolen from his pasture, and while the people were apprehended, admitted to having taken these cattle, the man has not had any restitution to date and I say that this is too much of a loss for any livestock producer to endure.

I believe that the resolution as it is worded is ineffective. It's like the Member from Thompson says, nothing more than a licence to go out and rustle because at today's prices of livestock, one steer is worth approximately \$350 - 35 cents a pound today, today's market, and to have a minimum fine of \$250, well let's face it that's only about 60 percent of the cost of one animal. And when you look upon the other aspects of it, is that the person who gets caught shooting wild game out of season, he gets his equipment confiscated, his fire arms, as well as a very very heavy fine, and I likewise, like the Member from Thompson, I cannot see why we should not protect our livestock producers because in my opinion there isn't a wildlife animal that's worth as much as a domesticated one.

Mr. Speaker, we're prepared to accept this amended, but however I would like to recommend that this Assembly look into the possibility in the near future of introducing comprehensive brand inspection, because without this it's almost impossible for law enforcement officers to apprehend any culprit, or any rustler. He has to be caught almost in the act before they can make any charges stick. I would hope that if we are unable to bring legislation at this session, I would hope that we would at least try and bring something in at the next session, if possible. However realizing that this may cost the taxpayer some money, or the producers themselves, I don't know just how we would go about introducing a brand inspection because this would no doubt cost some money.

But I would like to propose an amendment to this resolution if I may, Mr. Speaker, and I move, seconded by the Member from St. George, that the resolution be amended as follows by striking out all the words after the word: "Assembly" in the third paragraph and substituting thereof the following: "1. Consider the advisability of introducing legislation that would impose heavy minimum penalties plus restitution to victims of stolen livestock."

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, I rise to add some few words to the debate on this resolution, largely out of the concern of the Honourable Member from Birtle-Russell that I be concerned with this question, and I want to assure honourable members of the House that long before I became a member of this Assembly I had occasion to have some particular experience as to the ramifications of this question. The Honourable Member from Morris indicated some very derogatory remarks but I'll let that pass, Mr. Speaker. I know that his remarks were in gest by the smile he has on his face. I've had occasion to act for a client involved in - I think the Honourable Member from Lakeside's constituency who - or perhaps it was the Honourable Member from St. George, I'm not sure of my geography that closely, but in any event it was in or about that area that had occasion to find difficulty in an accounting of cattle from lands which were being occupied in a kind of a family operation and there was a bit of a falling out within the family. It was very difficult to determine whether or not all of the cattle expected to have been returned from the property that was jointly used as grazing had been made and in order to determine whether or not all of the cattle to which he was entitled had been accounted for I questioned the delivery receipts at the stockyards, and I agree with the Honourable Member

(MR. MACKLING cont'd) from Ste. Rose that presently there is an inadequacy in the recording of registered brands because it is extremely difficult for the police, or for anyone else, to pursue their just returns from the cattle receipts if there isn't an adequate recording of registered brands. And that was the problem that I encountered in that case and it worked to the detriment, not only of my client, but I'm sure it's been a problem that has plagued many cattle raisers in the Province of Manitoba and I'm under the impression that this whole question is under active advisement with the Department of Agriculture. I know that I have questioned my colleague once before on this question and it's my understanding that they have given it consideration and I trust are still giving that question consideration.

The concern that the Honourable Member from Ste. Rose makes however is that if such a system is developed it will involve considerably more public expense and it will involve more civil servants somewhere, and then we'll be subject to the criticism that here we are spending more tax dollars, employing more civil servants to do a program. But when there is the need I think then that government has to respond to it and that's why you've heard nothing but positive utterances from this side of the House that there is a legitimate need and there must be more effective ways found to cope with the problem.

Now the suggestions that are made that there ought to be much heavier penalties imposed is something that I can't accept in total without some reservation because as the Honourable Member from Birtle-Russell has pointed out, there are occasions when the persons who have embarked on this nefarious practice are nevertheless ones that have to be considered in the light of their particular circumstances, and I gather that in one of the cases that he mentioned there were three juveniles involved. Now it may be his attitude, and it may be the attitude of many other people in Manitoba, that juveniles ought to be put in jail. Maybe they ought to be spanked, they should be whipped, and so on. Now that could be the attitude of some honourable members but I hope that attitude is an extremely minority position. There have been many instances, I'm sure, when young people for various reasons have followed an extremely ludicrous course of conduct but for a very short period of time, and the fact that they are brought before a court, they've suffered the embarrassment and the humiliation, both to themselves and to their families, of having to face the authorities and to face their peers is in many instances sufficient to bring those people to a sense of reality about where they stand in society. Now that isn't always the case, that isn't always the case. But you know, I happen to believe that with young people you always give them a second chance. We don't just, we don't just say, you know, that's it you're going to be treated like everyone else and put them in jail, or subject them to such a fine that they can't pay it because they're either without jobs, because our society has been in as a whole, and I want to make this very clear, our society has been in a downturn. The job opportunities aren't necessarily available in the particular area where they live and they shouldn't be subjected to such rigorous treatment that they're completely disillusioned with any hope of remedying themselves and improving their lot in society. And I hope that isn't the attitude that's uppermost in the minds of the honourable members from the opposite side of the House.

I think that every,--(Interjection)-- Mr. Speaker, I think that every case has to be judged on the merits of that case, and every individual that comes before the court has to be examined on the basis of his status and condition in life at the time, and you just can't impose a regular get harsh, get tough attitude in all cases. I admit the gravity of the situation when it affects people, particularly when the economy, the agricultural economy certainly needs ever greater assistance, and the fact that a farmer may suffer a very substantial loss in the loss of livestock is a very serious question. That's why, as I indicate, Mr. Speaker, I'm in sympathy and that's why members on this side of the House who've spoken have indicated their concern for a much more effective solution to these problems. But I want to reiterate, Mr. Speaker, that I want to disassociate myself from that carte blanche condemnation of people that have committed an error, a very substantial, a very grievous error. I think that first offenders in every instance, you know, save the most heinous of crimes, the taking of human life, or very serious injury, coldly and calculatedly perpetrated against a fellow human being, that with those exceptions, generally the first offender has to be given that kind of discipline but sympathetic consideration which characterizes and distinguishes the human race from a sheer animalistic society. So I implore honourable members that when we vote favourable to giving consideration as the Honourable Member from Ste. Rose has indicated, favourable consideration, or take under active advisement this whole question, we do so under the parameters and the concerns that I've indicated.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. J. R. FERGUSON (Gladstone): Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Churchill on a question.

MR. BEARD: Would the Honourable Minister be in favour of government restitution in respect to the stolen livestock?

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: Well, Mr. Speaker, generally yes. If the livestock can be apprehended, that is, if the person who has committed the offense is identified and has either been tried and convicted or has pleaded guilty and the livestock are available, I see no reason why full restitution can not be made by the return of the livestock to the person who has been a victim of the offense. If however the livestock have been disposed of, then it's a question of trying to invoke restitution on a monetary basis and that may or may not always be possible. The person may have been so desperate under the situation that he felt himself to be that he took the desperate ends and stole and in those circumstances it may not be possible to get restitution from that person. He may have lost his farm, lost his employment, and gone to some desperate means, so that you can't say categorically that in every instance you can obtain restitution from the convicted person.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: Well, Mr. Speaker, this has certainly been a pleasure to listen to, and as we've travelled through the country this year and the facts were brought before the Agricultural Committee what was going on in the rural areas, the increase in the rustling that is taking place, and then we come into the Legislature and the Attorney-General stands up and says that each young person, each juvenile is entitled to go out and steal one animal, then if you're unfortunate enough if you're hungry you can go out and steal them; I would like very much to know if he had a herd of cattle if he would like to go along with this kind of a deal. I've never heard such a bunch of tripe in my life. It's quite plain to be seen that the Attorney-General has never gone out and watched his herd at night and tried to chase the Jacklighters out of his field and have the spotlight going around a whole section of land. Eleven deer were shot in one section of land on my place last year and my pasture was one mile away from it, and the Attorney-General can get up and talk like this, it's ridiculous.

And over across the way I will certainly give the Member from Thompson a little bit of credit today, he went along with - he was kind of agreeable at times as a matter of fact. The man beside him, the Member from St. George, had a big grin on his face, I'd like to know how he would like it if somebody walked up to his fence and clipped the thing and rustled a few, maybe 20, 30, 40, 50 of his turkeys. I wonder if his smile would be just as big, if he'd be just as happy about the whole thing. I would doubt it very much. He could brand them or he could look for some compensation from the State I suppose for it, but it's quite a thought. Now I believe it's a real good resolution and I certainly agree with the timing of it coming in.

MR. SPEAKER: Order please. The Honourable Attorney-General.

MR. MACKLING: I rise on a point of question of privilege, Mr. Speaker, personal privilege. The honourable member ...

MR. SPEAKER: Order please.

MR. MACKLING: The honourable member in his words is imputing to honourable members on this side of the House that we find happiness in the victimization of some people in this province of theft and I would like him to withdraw that. That's a clear indication from his remarks that we find it very funny.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. FERGUSON: Well, Mr. Speaker, all I said was that there seems to be a lot of hilarity, and if they enjoy rustling, that's their privilege.

I think that the thing, the fact that we have to face here, Mr. Speaker, is the difficulty of policing, and this rustling, the complaints that come in, the hours that it takes a policeman to go out, then you have to face the fact that possibly, if they do catch someone, where are they going? The prosecutions have been listed -- and I'm not saying that this is any fault of the Attorney-General, it certainly isn't -- but the idea of this resolution is to bring before the people and the public, and this Legislature, the fact that the fine is not stiff enough. And as far as I'm concerned \$250 is certainly not even a start. We've got to accept the fact that this possibly includes turkeys ...

MR. SPEAKER: Order please. The Chair is cognizant of someone smoking in this

(MR. SPEAKER cont'd) Assembly; will you put it out. The Honourable Member for Gladstone.

MR. FERGUSON: But with the smaller animals, your sheep, hogs, etc., this possibly would have some bearing but certainly not in livestock. I do believe that when a policeman is lucky enough to make a prosecution that some teeth should be put into the law and I would suggest that in giving consideration to this thing that the \$1000 be the minimum and as far as the restitution goes, I don't know whether the Attorney-General said that this was going to be a State restitution, or was going to come from the individual, or where it was going to come from, this would have to be a pretty difficult thing to arrive at. And I believe that would be all I have to say on this, Mr. Speaker. Thank you.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (BUD) BOYCE (Winnipeg Centre): Gosh, after that I better say something. But I find myself in empathy with the Member for Gladstone because as the Attorney-General was making his remarks about our attitude towards law enforcement, I couldn't help but think that if I caught somebody rustling one of mine, one of my cattle as I did breaking into one of my stores one time, my response was to try and drive his rear end up to his shoulders. So really, it is a problem. It is an ever-increasing problem as the Member for Birtle-Russell pointed out that some of the people that were involved in some cases that he was familiar with were placed on probation. I happened to have occasion to be talking to -- I still call him Chief Taft -- you know nowadays the police are charged with police brutality if they use the old type of law enforcement that I was dragged up with, that if one of these policemen caught you in some kind of mischief then justice and trial and sentence was swift and sure. But nowadays they call it police brutality.

But I really question though whether fines are an answer to the problem as outlined by the Member for Birtle-Russell because what we're talking about is getting - catching somebody who has been rustling and if -- they rustle in the first place perhaps because they haven't got any money, so we're just, you know, compounding the total social cost.

Now I was very interested in the question by the Member for Churchill that perhaps this is a direction that we should move as perhaps in a broader field of compensation to people who suffer because of crime.

It was rather ridiculous in one particular case, one of my stores was broken into one time and the police called me down and asked how much was stolen. So I said well, it couldn't have been very much, about \$5.00 because that was all that was in the till. So a few weeks later I got one of those little cards from the police to tell me to come down to the police station to pick up my property and in the intervening period I had balanced the till and it was \$8.37, or something. When I got to the police station they gave me an envelope with \$5.00 in it, and I said, "Well where's the rest of it?" He said, "well that's all you said there was there so we gave the fellow the change." So on top of a \$37.00 repair bill to the back door that the kid booted in, it is annoying. So that when we're talking about real gut issues and problems of people who produce things and then have somebody come along and take it away from them, or destroy it, it really is a problem. But I would suggest that perhaps this amendment that is offered by my colleague from Ste. Rose -- I for one on this side of the House would like to see us move perhaps further, but I think this is a step in the right direction.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker, Well we have fairly good cross section of opinion on this resolution and to a large extent there is a unanimity that seems to come forward with perhaps some question as to how the Attorney-General's Department should indeed handle the rustlers involved. But the resolution also of course affords me, Mr. Speaker, to tell you a true life story of the - a particular cattle breeder and how he handled his particular cattle rustling situation in the Interlake, which I so proudly represent, and where we have not only intelligent cattle but also intelligent cattle breeders and cattle raisers. This is a true situation, Mr. Speaker, that I think is appropriate to read into the record, a number of specific instances of cattle rustling have been mentioned by the Member for Ste. Rose, the Member for Birtle-Russell, and others. I change only the names so that those who are involved -- both cattle and beast would not be embarrassed. But there was a constituent of mine who lost a, or who had a good 800 pound feeder steer rustled. He had traced the animal, that in fact it had been sold through one of our local auction rings, also in my constituency, and he knew this much with the help of the RCMP, that it had ended up in a large cattle feeding operation just outside of

(MR. ENNS cont'd) Carman, where some two to three thousand head of cattle are being fed. Now the question that the RCMP always had in mind, how possibly could the farmer identify the cattle beast in question to the satisfaction of the new owners who had quite correctly paid out money and bought him at this auction sale. My good constituent went into this large feed lot and once surrounded with hundreds, literally thousands of feeder steers, he called out several times, Charley, Charley, and the beast came to him directly and the RCMP recognized the undisputed ownership of the animal and he got his animal back. Now that's one way and one particular specific instance that without . . . branding that's how my particular constituent regained, regained his lost animal.

Mr. Speaker, the Honourable Member of Thompson, you know, gave us some cause for concern just a little while ago. We're not quite sure whether he was threatening us with his support or just what it was that he had in mind when he indicated that he had some benevolent things to say about us with respect to this particular resolution. Nonetheless, he did voice I think sentiments that were expressed from both side of the House that there is a general feeling that by and large the law, and the courts, have not kept up-to-date with firstly, the value of livestock, and actually the real and serious loss incurred by what has become, you know, an increasing problem in rural Manitoba.

And, of course, Sir, the problem for the benefit of those who are not immediately faced with it, or faced with it everyday, it increases during times of high cattle values. A mature beef animal is an animal, or is a prize worth going after for the thief and that really of course is what a cattle rustler is if he so decides to make his little bit of extra cash in that manner. I find it rather incongruous for the Attorney-General not to point out to those members who understandably, you know, at first flush suggest the matter of restitution be attached to whatever penalty the government finally affixes for the crime of cattle rustling, but I would hardly impose upon, or suggest that the Attorney-General's office, or the government, can seriously consider the matter of restitution. I think we recognize, correctly, that we have come a good step forward in such legislation where we now at least are prepared to pay injuries that people receive as a result of a criminal offense. The matter of restitution to be provided, other than if the actual animal beast is there to be the restitution, but for the State to consider to pay the restitution, or the taxpayer as a whole to pay the restitution, that really enlarges an entirely bigger question. What do you do with the bank robber that robs fifty or sixty thousand dollars; or what do you do with the school trustee that takes seventy or eighty thousand dollars from the community or the government? Restitution by way of government is really not, is really not -- not trustee pardon me. Not trustee, no, a school official, an elected one.

MR. SPEAKER: Order please.

MR. ENNS: No but I think the Attorney-General knows what I mean. The general area of restitution which you know, is a -- theoretically certainly one that we'd all like to entertain, but it's a very difficult one of the state, for the Attorney-General to entertain seriously. So really the answer lies in a recognition and this is the gist of the resolution to recognize that cattle rustling is a serious problem for those people involved in the cattle industry. It's a serious problem because it's a crime that can be engaged in with a fairly high level of hopes of not being detected. It's done in wide-open spaces, wide-open countries; it could be done at night; it could be done under the guise of the legitimate sport of hunting; it could be done under the guise, that is access to the land, access to the cattle, access to the areas where cattle are unfenced by and large. Farmers, although I'm sad to say, in increasing numbers are putting up more and more "no trespassing" signs because of abuse to their property by people that use their property for various reasons, whether it's bird watching, to camera bugging, or organ shooting. But all of these situations give rise to the ready access, to the ready access to the crime of cattle rustling. --(Interjection)-- Which kind of shooting? --(Interjection)-- Camera shooting, camera shooting is what I referred to. --(Interjection)-- Did I say organ shooting?

Mr. Speaker, I don't want to chastise the members opposite too severely at this late hour of the night, I really should because again they're displaying a dismal lack of compassion, understanding, for that half of Manitobans that live outside of the immediate urban area. It's understandable, of course, because when you look at the members opposite, it's been a long time since any of them walked through a little bit of the Good Lord's natural fertilizer that these four-legged beasts provide. It's been a long time since any of those members experienced what a number of us on this side experience every morning virtually before we come to this

(MR. ENNS cont'd) session that, the birth of a new born calf, particularly at this time of year. We nurture that calf through six, seven months and then only to have it stolen from us. So, Mr. Chairman, the resolution should be treated seriously. I hope the Attorney-General will impress upon his law enforcement officers that it is a matter of rising concern and I would leave really -- I think the Member for Birtle-Russell would be prepared to leave to the good judgment of the Attorney-General to perhaps assimilate the amendment offered by the Member for Ste. Rose, but certainly to underline the fact that it is a problem and it should be dealt with more expeditiously than it is.

MR. SPEAKER: The hour being 10:00 o'clock --(Interjection)--

MR. SPEAKER put the question.

MR. SPEAKER: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Member for . . .

MR. SPEAKER: Order please.

MR. GRAHAM: I would like to speak at the present time and ask leave of the House to extend the hour, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, according to the rules of the House there is no adjournment. If there is no vote taken at 10:00 o'clock, I believe we agreed informally yesterday that a debate which was not concluded was given the understanding that the Honourable Member for Ste. Rose would be the first speaker when the resolution next came on the Order Paper, and I would suggest there would be no objection as far as we are concerned if the same arrangement was made insofar as the Honourable Member for Birtle-Russell on the amendment as proposed by the Honourable Member for Ste. Rose, otherwise the motion would die on the Order Paper. If that's agreeable.

MR. SPEAKER: (Agreed) Order please. The hour being 10:00 o'clock . . . The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, just before you -- if I may just before you adjourn the House, or leave your Chair, may I make an announcement to the House. I believe, Mr. Speaker, that there is agreement with the parties in the House that we will not sit on Thursday evening prior to Good Friday, and that it is agreeable that the House would adjourn at 5:30 on Thursday, and I would like, Mr. Speaker, to make this announcement subject of course to the usual agreement of members in the Assembly, so that we know that at 5:30 on Thursday the House would then adjourn until 2:30 on Tuesday. Monday in Holy Week then would be observed by the House.

MR. SPEAKER: Order please. In view of the announcement - Order please. In view of the announcement does the House intend to meet at 10:00 o'clock on Thursday, or at 2:30?

MR. PAULLEY: No, Mr. Speaker, it's not my understanding that the House would meet at 10:00 o'clock on Thursday morning. We would meet, Sir, at 2:30, our normal, the time of meeting on Thursday; we would sit until 5:30 the House would then adjourn until 2:30 on Tuesday the week following.

MR. SPEAKER: Very well. The hour being 10:00 o'clock, the House is accordingly adjourned until 2:30 Tuesday afternoon.