

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, June 27, 1978

Time: 8:00 p.m.

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN, Mr. Warren Steen: Gentlemen, we have a quorum. We are on Page 15 in the Estimates Boof under Attorney-General, Section 5, Law Courts, Subsection (h) Court Reporters. (h)(1) Salaries — the Member for Wellington.

MR. CORRIN: Actually, I would ask the Chairman to exercise favourable discretion and make a ruling that we go back to (g). It was not my understanding actually that the clause had been passed but I'm advised in fact that it was at 4:30. I had one very small matter which we could bring up under the Minister's Salary but I'm sure, because of its nature, it could be dealt with more efficiently and adequately right now.

MR. CHAIRMAN: My suggestion to the Member for Wellington would be that we have not passed the full resolution, Resolution 23, which is all of Law Courts, you see, the whole item.

MR. CORRIN: Yes.

MR. CHAIRMAN: When we get down to the end of that section, prior to passing it, that would afford you an opportunity to ask a question on anything pertaining to that resolution.

MR. CORRIN: That's fine.

MR. CHAIRMAN: Court Reporters (h)(1) Salaries—pass; (h)(2) Other Expenditures—pass; (j) Sheriffs and Bailiffs, 5.(j)(1) Salaries—pass?

MR. CORRIN: Actually it occurs to me that perhaps I can deal with the matter that I just referred to and averred to at this point because it is a question of the bailiff service. It's not really a bailiff but it's the —(Interjection)— We're not supposed to name names, Mr. Chairman. When the two are synonymous, there is no need to mention names when referring to bailiffs in the subject.

MR. CHAIRMAN: To the Member for Wellington, is there an item under (j) that you wish to . . .

MR. CORRIN: Well, it is in the sense that there has been a good deal of concern about the officers of the sheriff's office who have been serving the Provincial Judges' Court, Family Division, and I presume that these two are integrated so I could bring up the matter under this particular item.

For some time now, members of the profession have been growling about the manner in which services are effected by the sheriff's officers who are seconded to the Family Court Division. There has been considerable trouble getting services made on time, if at all, because these officers, for one reason or another, are retained on a regular Civil Service basis and therefore, we are told they are not available for services after 4:30 in the afternoon and/or on weekends. As a result of that, obviously, particularly in the case of people who are working and who are the subject of summons services, it is exceedingly difficult to give effect to these.

I was wondering, and I know that just recently the Family Law Subsection of the Manitoba Bar Association also wondered in the form of a resolution which I believe has been sent to the office of the Attorney-General, whether or not it would be possible to have sheriff's officers associated with that division to work overtime or at least retain sufficient officers so that some of them could go on a shift that entailed evening duty and weekend duty. I suppose an alternative to that would be an amendment to the Act that would allow counsel utilizing that court division to retain private bailiff services.

In any event, this has been a problem for some time. I know that a group of members of the Family Law Subsection did in fact write a letter to the sheriff's office advising the sheriff of the

difficulties that had been experienced by the practising bar. I thought perhaps — I was hoping, Mr. Chairman — we could have a declaration of intent on the part of the Minister in order to apprise members of the bar and anxious clients as well of what might transpire in this regard.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, I must admit that I don't recall having received anything from any individual or organization with respect to the concern that the honourable member raises, but I am advised that the bailiffs do work after 4:30 and are paid overtime for work in the evenings and on the weekends, but we will certainly enquire.

MR. CORRIN: I think that this possibly is quite correct with respect to the bailiffs that serve out of the general office, the main office. For some reason there has always been an anomaly with respect to the Family Court Division. On numerous occasions, I know, I have phoned the Clerk of that court and advised that lady that a certain respondent was available for service only after 4:30 because he or she worked regular hours during the daytime and I gave them a location and a time when proper service could be effected and was advised, in response to that, that they couldn't help me because the bailiffs didn't have to work after 4:30 in the afternoon and weren't available for that sort of service. I can show you, in the Family Law Notes, which is of course presumably something we both receive — it is published by the Manitoba Branch of the Canadian Bar Association and the Law Society of Manitoba — in the June 1978 edition under Family Law Notes, recording the minutes of the meeting of the Family Law Subsection, there is an item respecting this resolution and the action that the subsection deemed necessary in this regard. So it is a concern not only to myself but to representatives of the practising bar in this province.

MR. MERCIER: Mr. Chairman, I am advised that in fact the bailiffs serving the Family Court work much more overtime than do the bailiffs serving the other courts. But I thank the honourable member for raising the matter. I hadn't noticed that in that publication and we'll enquire into the matter. Perhaps if he would wish to give us particulars of the incident he refers to, privately, we can also look specifically into that matter and attempt to resolve this concern.

MR. CORRIN: Do you want me to give you particulars of the incident? —(Interjection)— I'll do that privately.

MR. CHAIRMAN: (j) Sheriffs and Bailiffs—pass; (k) Personal Property Security Registry, (1) Salaries—pass; (2) Other Expenditures— pass; (i) Fatality Inquiries Act (1) Salaries—pass — the Member for Elmwood.

MR. RUSSELL DOERN: Mr. Chairman, I would like to raise a matter that has been really bothering me for well over a year and I feel this is the first opportunity I have had to raise the question, because it is a matter that arose during our administration and I believe that it is a miscarriage of justice and that it is something that I would like the Attorney-General to look into.

I refer to the conduct of an inquiry concerning an investigation into a fatality at the Manitoba School for the Retardates at Portage la Prairie. This was conducted a year ago, in June and in August of 1977. I want to draw this to the attention of the Attorney-General and ask him to investigate the conduct of the inquiry. It is very difficult for a Member of the Opposition to make an appeal to a member of the government because of obvious political differences, but I have to tell the Attorney-General that in my opinion, as a layman, this was a miscarriage of justice and that things were said and done in the scope of this inquiry which, from my view as one who is not an expert in the field, exceeded the normal bounds, the normal manner in which such an inquiry could be conducted.

I would give the Attorney-General the following general comments and then I would like to read for him some excerpts from the transcripts of the inquiry and ask him whether he would take this under advisement with his staff and determine whether or not the Crown Attorney, a David Rampersad, and the Magistrate or Provincial Judge, Robert Trudel, in fact appropriately conducted themselves in this particular inquiry. I believe, Mr. Chairman, that the inquiry was conducted in a political and quasi political manner. It, among other things, questioned the priorities of the government. It was full of sarcasm, badgering of witnesses, innuendoes, and it was extremely difficult for anybody who participated in the inquiry to make any fair comment because of the concern, on their part, to be held in contempt of court.

Now, the two men in question have had their day in court, they appeared to be able to speak with great freedom both in the courtroom and to the media, in the case of the Magistrate, and I don't know exactly what the appropriate method would be for the A-G's department to make an

examination of the transcripts, whether it should be the Chief Justice who should look at the transcripts and examine the testimony in relation to Judge Trudel and whether the Attorney-General's Department should study the same material vis-a-vis David Rampersad.

But I would like to draw to the attention of the Attorney-General comments, and questions, and statements made in the course of the inquiry, because as a layman, when I read these I find it most distressing that members of the public, of the government, of whatever, had to feel this kind of an inquiry in a Provincial Court. And I don't care under what context this was, I don't care who was conducting the inquiry, I don't care what the charges were, it just strikes me that when citizens are hauled into Court and treated in a highhanded fashion, and in an unfair fashion, that this is not the kind of justice that should be meted out in Manitoba.

I'll just read you a number of instances from Mr. Nordman's testimony when he appeared in the hands of a Crown Attorney. A question just saying to him, for example, "This is just hypothetical, don't be too sensitive about it, Mr. Nordman," this is on Page 5 of Mr. Nordman's transcript. On the next page, Page 6, "You are the pinnacle, you are not the bad guy or anything like that, you are the saviour, you are the one that can do that." Mr. Nordman replied to that, he said, "That's very complimentary, but I doubt if it's true." And then he was told, "Don't take the compliment before you can see if you can do this job."

A MEMBER: Who's questioning him?

MR. DOERN: He's being questioned by Mr. Rampersad, who is the Crown Attorney.

He was asked on Page 11 for information, and when he answered it he was then questioned as follows:

"No, you just wait a minute until I ask the question, if you don't mind." Further on, he was very concerned about the fact, he started questioning Mr. Nordman on Page 21 about the Woodsworth Building, he wanted to know what floor Mr. Nordman was on. Question, "By the way, where's your office?" Answer, "In the Woodsworth Building." Question, "What floor?" Answer, "The fifteenth." Question, "Fifteenth Floor?" Answer, "Yes." Question, "That's the top floor?" Answer, "Correct. In 75 and 76, etc., etc., etc."

Question on Page 22, "Access, you are talking about roads. Is this correct? Access to the buildings?" And Mr. Nordman says, "That's right. You have to get a fire engine into a building before you can fight the fire, that is what this is about." And then Mr. Rampersad says, "That's how you do it, eh? You have to get a fire engine in first to the building." And Mr. Nordman says, "Uhuh, this is part of the program."

On Page 33, he's questioning and Mr. Nordman says, "No, not really. A project is a project whether it is \$5 or \$5 million." And the question, "Is the fact that you have people at the Manitoba School, you know, of a low mental capacity, don't you get away from your — you know, for want of a better word — straitjacket." End then he says, "And deal with the persons per se as opposed to, you know, just a figure for a project. What I am getting at is, do you use the heart at all?" Do you use the heart at all? Clumsy wording, among other things, but in other words, do you have any heart? Mr. Nordman said, "Of course we do, naturally you do." Question, "Did you do that in this case, Mr. Nordman?" Answer, "In this case?" Question, "Yes." Answer, "I have a great deal of sympathy for the situation that happened." Is that the sort of thing you ask, Mr. Chairman, when you're in court? Do you ask people whether they have heart? Do you ask them whether they are at the top of the heap, whether they think they are the Saviour. Do you ask them where their office is located. Is that relevant information, relevant kind of query, sarcasm, badgering, questions and comparisons about whether the government had the right to spend money in certain departments — Industry and Commerce, Red River College. I mean is this the kind of questions that a Crown Attorney asks in the nature of his inquiries? Does he question government priorities? Does he have a right to question the government on Cabinet decisions? Does he have a right to direct or ask as to the direction of a government thrust across the board? Is that the proper kind of inquiry, proper kind of questioning that a witness must answer, be he a civil servant or anyone else?

Then again on 47, "And Broadway and Kennedy there is the Woodsworth Building. I believe your office is on the fifteenth floor." Well, you know, Mr. Chairman, I must say because I cannot hold it back, that I think it is a well-known fact that between the Department of Public Works and the Attorney-General's Department a year or so ago there was some hard feeling because the Attorney-General's Department was interested in occupying the top floor of the Woodsworth Building, and the Department of Public Works informed them that this would be occupied by Public Works, and maybe this was hard to swallow. Maybe this was difficult for some of the Crown Attorneys or some of the people in the department to swallow, but that's what happened. —(Interjection)— Well, Mr. Chairman, if the member opposite doesn't know what we're talking about he should absent himself. We're talking about the fatalities inquiries. I'm talking about such an inquiry.

Question: "Well, it would seem that they don't carry a hell of a lot of weight as regard to getting

projects done." This kind of questioning going on. An answer from Mr. Nordman saying, "That's a rather harsh way of putting it." And the question from Rampersad, "Well, you have to be harsh. You're the one that chopped this thing off the block and said this isn't going on. You've told us about this."

Well, you know, Mr. Chairman, I could go on and on and I have copies of what I consider to be examples of inappropriate questioning and inappropriate comment put by this man in the inquiry and the result, of course, is well known; namely, that at one particular point the former Deputy Minister of Public Works asked — first of all exploded, and then asked to be relieved of his participation in the hearing. He was not well at the time. He had a heart attack. We made inquiries both, I think, official and unofficial of the Attorney-General's Department whether it would be necessary for him to appear and we were told that, despite the fact that he had a heart attack, he would have to appear and then he was subject to this kind of cross-examination. At a final point in the inquiry he asked whether he could be released from the witness stand. He was and then later there was also an explosion when he — because of the tremendous stress he was put under — swore. And a big thing was made out of this. Well I say, Mr. Chairman, that when a person is subjected to this, even when he is healthy and not under any physical impairments, that this would be pretty hard for anybody to take.

I could read you similar excerpts from this inquiry in relation to Keith MacMillan, who was also questioned during the course of this particular inquiry, and Mr. MacMillan, because of I suppose a different personality, took more abuse from the Crown Attorney whereas Mr. Nordman, who perhaps is a stronger personality — but I have great respect for both men and know them both well — but whereas Mr. MacMillan probably swallowed hard and simply took some of this particular criticism and sarcasm, Mr. Nordman exploded. I would like to know whether a Crown Attorney has just the complete range of being able to lambaste witnesses, and whether a judge, a Provincial Judge should allow a Crown Attorney to range so far afield in what I would regard as improper conduct.

So I would ask the Attorney-General whether he would be prepared to examine or re-examine these transcripts and decide whether or not this inquiry was properly conducted because in my opinion it certainly wasn't, and if this is the way inquiries are conducted then I think that we should re-examine the whole process. I think we should provide defence counsel for people who are appearing because I just cannot believe that this sort of thing goes on in Manitoba courts.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, I will take the honourable member's concerns under advisement and advise him later on what action, if any, I will take.

MR. DOERN: Well, Mr. Chairman, then I will ask the Attorney-General to familiarize himself with the whole transcript. I will give to him sections which I personally marked which I feel are the particular offending passages and, you know, I have to appeal to him across political lines and I'm glad that I can do that to this extent, that if I had made the same appeal to my colleague, the Member for Selkirk, some people might have thought this was questionable, that this was, in fact, not going to be a fair examination. But since I am a member of the opposition and since the AG is a member of the government, if the Attorney-General gives this a fair and rational and just examination, I believe he will arrive at the same conclusion that I do.

MR. CHAIRMAN: Fatality Inquiries Act — Other Expenditures—pass; Passed.
(m)Canada-Manitoba Court Communicators: Salaries — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, this has been, I think, one of the most successful programs and again it was a program that was launched by Mr. Mackling while he was Attorney-General. What I would like to ascertain from the Attorney-General is how many Court Communicators are presently serving now compared to this time last year?

MR. MERCIER: The same number.

MR. PAWLEY: Then I have to, in that event, ask the Attorney-General this question. I had understood that we had arranged for a different financing plan by which there was further financing made available from the Federal Government, which would permit us to increase the number of communicators. Now I am not sure whether that occurred prior to the Estimates of last year or Recoverable from Canada this year, \$127,000.00. Could the Attorney-General advise me how that compares with last year's Recoverable?

MR. MERCIER: My information is that it is shared 50-50, and that there has been no change in

the formula.

MR. PAWLEY: Well, there is something wrong with that because I have last year's Estimate book here, and I notice that the Recoverable from Canada last year . . . I'm trying to locate the Court Communicator in last year's. I thought that the new arrangement which was negotiated had taken place after last year's Estimates, it was before last year's Estimates, eh? Is the Court Communicator Program then still reportable to the Attorney-General? Has the structure been changed in any way, shape, or form?

MR. MERCIER: No, no change.

MR. PAWLEY: Because there had been representations by some in Ottawa proposing a change in the reporting structure which we had resisted in Manitoba, and I gather from the Attorney-General there has been no continued resistance to the effort to make a change.

MR. MERCIER: That's right, that's right.

MR. CHAIRMAN: (m)(1)—pass; (m)(2)—pass. Before we deal with the resolution, the Member for Wellington asked if he could. . .

MR. CORRIN: He raised it.

MR. CHAIRMAN: You've raised your point?

MR. CORRIN: We have already raised it under the Sheriffs and Bailiffs.

MR. CHAIRMAN: I thought it was another point. All right then. The Member for Selkirk.

MR. PAWLEY: I would like to just, before this resolution is past because I stepped out, if I can still pose this question, Mr. Chairman, the Personal Property Security Registry; I am concerned that that program carry itself, it's a program that is dedicated towards principally serving the commercial community and I want an assurance that this program which has been very costly to implement over the years, will be full, will be self-sustaining and will not be a drain on the general taxpayer.

MR. CHAIAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, the total expenses to date, I believe in 1977-78, were \$75,300 and then \$652,000 this year, and it's expected that the revenue to be collected by the program during this year will be \$694,300, so it would appear that perhaps apart from a small initial cost to set up the department that certainly this year revenues will exceed expenditures by \$42,000.00.

MR. PAWLEY: Okay, I am reassured; I am pleased to hear that.

MR. CHAIRMAN: Resolution 23 — Resolved that there be granted to Her Majesty a sum not exceeding \$8,262,400 for Attorney-General Law Courts — Pass.

Item 6. Legislative Counsel. 6.(a)Salaries—pass; Other Expenditures—pass. Resolution 24 — Resolved that there be granted to Her Majesty a sum not exceeding \$191,400 for Attorney-General, Legislative Counsel — pass.

Item 7. Law Enforcement — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I have a number of questions I would like to ask under this section, 25. First, I would like a report as to the 3-B Program.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: You're talking about the Dakota Ojibway Program?

MR. PAWLEY: No, I'm speaking of the other program; the two programs. In fact, I wish a report on each of the programs, but I started with the 3-B Program, as I would like to know just how many individuals of native background have been trained, are now in police work in the northern areas. I would like some indication as to where they are so located and the plans for the future in pertaining to that particular program before I deal with the Ojibway Program.

MR. MERCIER: Mr. Chairman, my advice is that there are a total of 10 members in the field now and they are attempting to recruit more for training to be in the field in future years. With respect to the Dakota Ojibway. . .

MR. PAWLEY: Mr. Chairman, before we proceed to the Ojibway, if I could deal first with the 3-B, I am a little surprised that the program hasn't expanded beyond that point because it seems to me last year at this time, we were nearly at that point.

MR. MERCIER: We're dealing with the budget, Mr. Chairman, that was approved by the previous government the previous year. \$

MR. PAWLEY: But are you indicating that there is a plateau now and that there will not be an increase during this coming year, in the officers under the 3-B.

MR. MERCIER: Not at all. They are attempting to recruit additional men for the field, it is my understanding.

MR. PAWLEY: Well are there any projections to how many will be included in this budget, how many additional SMY under the 3-B Program for this year?

MR. MERCIER: Mr. Chairman, looking to an additional 10 this year, over and above the 10 that were previously in the field, and when the recruitment and training is completed it will mean a total of 20 in the field. That would appear to be a pretty substantial increase.

MR. PAWLEY: Could I then have a report on the Ojibway Program?

MR. MERCIER: With respect to the Dakota Ojibway Program, Mr. Chairman, of course there was an agreement under which the Provincial Government agreed to pay \$80,000 per year towards the cost of that program. I believe that this is the second year of that program. The men were sent to Regina for training this past — I believe it was late winter or early spring — and completed their training programs and are now in the field. They have not been active for very long, so that I haven't yet received any progress reports as to the success or lack of success of that program.

MR. PAWLEY: Could the Attorney-General advise whether a commission has been established which is responsible for the carrying out of this program, and if so, if he could indicate the make-up of the coittee at the present time — the commission?

MR. MERCIER: Mr. Chairman, in fact, we will have, I believe it will be in a Statute Law Amendment Act, an amendment which will provide for the police commission for the Dakota Ojibway force.

MR. PAWLEY: Has the Attorney-General indicated his representative on that commission?

MR. MERCIER: Probably be Mr. Wiens, but of course the commission is not yet legally in force, but Mr. Wiens has been doing most of the work in co-operation the RCMP.

MR. PAWLEY: So I can infer from the Attorney-General's remarks then that this program is continuing as had earlier been planned and there has been no deviation in plans pertaining to same.

MR. MERCIER: Yes.

MR. PAWLEY: That's all the questions I have for the moment.

MR. CHAIRMAN: Item 7. Law Enforcement — the Member for Wellington, then Fort Rouge.

MR. CORRIN: Thank you. Mr. Chairman, my question is with respect to a matter which has been before the public for many months now, one that has been discussed in the Legislature on several occasions, and that is the question of the allegations — well, they're more than allegations at this point — the evidence that has been received by the MacDonalld Commission of Inquiry pertaining to illegal acts committed by the members of the Royal Canadian Mounted Police. These have been disclosed to be primarily surreptitious entries — break and enters involving trespasses for the

of establishing wire taps and doing illegal searches in cases where search warrants were not obtained. Statistics revealed at the RCMP investigation indicated that between 1963 and 1974, for instance, there were about 1,000 illegal entries involving the installation of wire tap devices by the RCMP. There was also an indication that since 1970 some 419 searches were conducted by that force without search warrants. These were cases where the police admitted that they didn't have enough evidence to obtain the warrants but indicated that they thought the search would be in the public interest and that they were trying to detect crime.

There has been serious concern, I think, and criticism levelled by the Canadian Civil Liberties Association and, as I'm sure we all know, they have called upon provincial Attorneys-General to give consideration to enforcement of the law within their jurisdiction. This is a matter, I think, of considerable urgency because I don't have to tell the Attorney-General, of course, provisions of the Criminal Code but in this country, for instance, there is a conspiracy section, for the benefit perhaps, Mr. Chairman, of other members who are not as privy to the law as the Honourable Attorney-General, that says that everyone who conspires with anyone to effect a lawful purpose by unlawful means is guilty of an indictable offense. It's a very serious matter and, as I said, one that is dealt with by the Criminal Code legislation of this country.

Now in view of the fact that there have been these revelations and there has been a call by the Civil Liberties Association I would ask whether or not it's the — first of all, whether or not the Attorney-General has made any effort to contact the MacDonald Inquiry in order to establish whether any of these break-ins took place within the Manitoba jurisdiction and if, in fact, he has done that and has established that such illegal entries did take place within our province whether or not he would now be willing to give consideration to the laying of charges against members of the Force who participated in this or people who perhaps gave orders that were effectively involved in conspiracy to commit such unlawful acts.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, the subject of the MacDonald Commission will be on the agenda of the meeting of Attorneys-General this week. We in that end and the honourable member raised expect to participate has a number of questions. I would frankly prefer to wait to answer any of them until after the meeting of Attorneys-General because the whole subject of the MacDonald Commission Inquiry is being considered by all Attorneys-General. If there are any specific matters the honourable member would still wish to raise . . .

MR. CORRIN: Well, I must say as supplementary to that response, that I suppose I'm not assuaged by the concern that has been elicited from the Minister. The Minister indicates that this matter is to be, and to use his words, debated at the conference of the provincial Attorneys-General but the provincial Attorneys-General en masse do not govern the affairs of this province. We're governed by a Progressive Conservative Government and, Mr. Chairman, I needn't remind you that the Minister with us this evening is the individual responsible for the administration of justice in our province, and although I'm sure that many interesting arguments and discussions may well take place in Edmonton I think that the situation does require a somewhat more activist approach.

I think, first of all, as I've suggested, that it's the simple responsibility of the Minister to avail himself of the opportunity to contact the MacDonald Inquiry Commissioners in order to establish whether any of these illegal acts did in fact take place within our boundaries, within the Province of Manitoba. That is, of course, I think the first order of business.

Having established that for one, as a member of the Legislature and I'm sure most members of the public, would be interested to know if this in fact did transpire, when and in what circumstances' and who was affected? I wouldn't be and I'm not satisfied that the RCMP only commits illegal acts when they're absolutely certain that they're in the public interest. I think that what is in the public interest is very often a question of political discussion. Not everybody has the same thing in mind when we discuss the public interest.

For instance there have been indications in the past that the RCMP has surveyed the offices and residences and generally the lives of people in political offices in all Parties in this country. We know that took place in the United States. We know that during the 1950s, the 1960s and to the mid 1970s there were certainly very active programs conducted by the Central Intelligence Agency in the United States in the public interest, that went very far afield indeed in this regard. Frankly I'm most concerned because, as I suggested earlier, the definition of public interest varies from place to place, time to time, person to person, and in that context the only opinion that is relevant in this province, of course, is with respect, yours. Mr. Chairman, through you to the Attorney-General, the Attorney-General, because the Attorney-General is responsible for law enforcement and he is privileged to be in a position where he can define what the public interest is. So I would ask, most strenuously ask, that the Minister immediately forthwith give consideration to contacting Mr. Justice MacDonald or people associated

with his inquiry and obtain statistics, information so that we can review this matter in a more thorough and a more substantive manner, and I would say, I'm not afraid to go on the record, I think that if the law has been broken, then the law to be respected must be seen to be equally applicable to all our citizens, and those who have broken the law must be brought to justice. There is no excuse for any officer of Her Majesty's police force to commit any such illegal act in direct transgression of the criminal code of our country. So I would urge you again, Mr. Minister, to take immediate steps to look into this matter.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, all I did was indicate, in fact, I think the concern all Attorneys-General across Canada have over the MacDonald Commission, and as a result of that concern, it is on the agenda for discussion by all Attorneys-General in the next few days at the meeting. I, in fact, have been delegated to lead that particular discussion. The honourable member raised a number of questions, some of which I have answered in the House, perhaps the member was not present. I was asked a question by the —(Interjection)— no, there have been a number of questions. I was asked by the Honourable Member for Inkster with respect to surveillance of the members of the Legislative Assembly and responded by advising that the commanding officer has advised me that no members of the Legislature had been the subjects of surveillance or investigation, in response to that question.

I can also indicate, Mr. Chairman, that subsequent to the publicity with respect to break-ins I received a response from the commanding officer of "D" Division in Manitoba, that there have been no unauthorized or illegal break-ins committed by the RCMP force in Manitoba dating back to January 1st, 1970 and it was a survey that was done by all the members in the force, with the possible exception of two members of the force who had left the force, who could not be contacted.

MR. CHAIRMAN: The Member for Fort Rouge is the next person. The Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I would just like to ask the Attorney-General to begin with, whether in this particular appropriation there is any support, additional support, for the prevention enforcement of police in crime problems in the City of Winnipeg?

MR. MERCIER: Mr. Chairman, there is a grant that is made to the City of Winnipeg for the support of City of Winnipeg police services, but of course the RCMP do not police the City of Winnipeg.

MR. AXWORTHY: Mr. Chairman, I am aware of the division of jurisdiction, but I am asking if there is any moneys assigned to his department that would support any of the activities of the problem of crime or enforcement against crime in the City of Winnipeg.

MR. MERCIER: Mr. Chairman, I believe that there is a grant that is included within the unconditional grant moneys of a little over \$1 million that has been designated in the past for police services.

MR. AXWORTHY: Mr. Chairman, could I ask the Attorney-General what has happened to the proposal that was a subject of a discussion paper, I believe it was just about a year or perhaps 18 months ago, wherein the Province of Manitoba indicated it was first going to take some responsibility of the training of police, setting up a police college, and secondly, undertake special programs in the inner City of Winnipeg, and accept some responsibility and jurisdiction in those areas.

MR. MERCIER: Mr. Chairman, that may, I can only assume, have been a paper possibly done by the Manitoba Police Commission; it hasn't been forwarded to me since I've been in office.

MR. AXWORTHY: Well then, I would ask the Attorney-General, does that mean that there is no longer any interest in that particular problem, or that the Police Commission or the Attorney-General's office has dropped any attention to that particular question of improved policing.

MR. MERCIER: The matter has simply not been brought to my attention but I will certainly undertake to inquire into that paper or that proposal, and review it.

MR. AXWORTHY: Mr. Chairman, the reason I raise the issue is this, that I don't think it should

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come as any great surprise to the Attorney-General, considering he was a former member of City Council, but he is quite aware that the constant problem faced by the City Police, is a lack of funds raised through the property tax system for the lack of what they consider to be effective police protection, in relation to the kind of crime and order problems that are now being faced, and that problem is becoming increasingly more serious and widespread. I think that the Attorney-General would be aware that the statistics related to the increase in juvenile crime has gone up substantially in the last 3 or 4 years, I think at almost the rate of 10 percent a year, and in a recent discussion with the superintendent involved with the law enforcement in my own part of the city, District 6, he indicated there has been substantial incidence in the increase of violent crimes, crimes against people, and that the problem is that there is not sufficient support for the developing of new equipment. For example, till only very recently, within the last couple of weeks, a simple lack of hand-held mikes, or intercom microphones, was a handicap to preventing any form of police patrol, neighbourhood street patrol, because there was no way of communication between them.

It would seem to me, Mr. Chairman, that in response to that particular issue, it is not sufficient to assume that the property tax burden, which is already overburdened because of the action of this government, should be entirely and completely devoted towards the property tax holders as a way of trying to keep order in the city, particularly because many of the problems are faced because of a large migration to the city, native people in large part who run into problems of conduct. A large part of the work of the police force in the central part of the city is taken up with housekeeping tasks, and simple order tasks, and I think the estimation of the Chief of Police is that they are something like 250 policemen short at the present time. That means, Mr. Chairman, that in several communities within the central area of Winnipeg and on its borders, including my own in Fort Rouge, they have been unable to extend the affirmative action program, that it has had to be halted or at least to be restricted to only the core area of the city, even though the incidence of crime, and personal crime, are increasing substantially in the other areas.

It would seem to me that as the chief law officer of the province, with responsibility in this area, and as one starts sorting out the priorities, it would strike me that this would have been a particularly critical one to look at, as it is becoming one of very significant proportions and one which is causing severe damage and danger to a lot of people and I would be interested in knowing what the Attorney-General intends to do about it.

MR. MERCIER: Mr. Chairman, shortly after assuming this office and probably fortunately, because I also had the opportunity to look after Municipal Affairs and Urban Affairs, I became concerned with the cost of policing to municipalities and cities and towns and villages. The previous government did take some steps with respect to a special grant to a number of municipalities, a Municipal Policing Grant. Apart from the urban problems, there are many problems in the rural areas where the rurals pay nothing for police services. The smaller towns between certain numbers of population have to pay for police services. There are particular hardships on resort areas.

For example, I met with the Town of Winnipeg Beach who are required to contract for a total, I believe, of six members of the RCMP when actually only a few would suffice during the winter but the larger number are required because of the large influx of people during the summer season. So because of the ad hoc methods by which the matter has been treated in the past, certainly it was an improvement, the Municipal Policing Grant. But I was of the view at that time that there has to be some rationalization of assistance to municipalities and cities and towns and villages for police services.

So it was three or four months ago that I have asked the Attorney-General's Department, in conjunction with Urban Affairs and Municipal Affairs, to review the police grants in an attempt to rationalize them and in an attempt to recognize the difficulty that some municipalities have during the summer resort season and to recognize the fact that the cost of policing is a growing and substantial one. As is evident from this budget, you can see in this particular item the increase in the cost of law enforcement, basically the RCMP, over \$2 million in one year, 20 percent. This is something that is affecting each and every municipality throughout the province and one that is very difficult to continue to be supported by the municipal tax, the property tax system.

So I requested this review take place in time for the Estimates to be prepared next year, and hopefully next year we will be able to take some steps to improve the financial position of municipalities with respect to policing. I don't want to hold out any false hopes in one particular area when in fact there will be a review of municipal financing in total, so it may very well be that greater assistance for policing could be included in an overall formula, but none of that has as yet been resolved. It is still in the process of review and study. I recognized this particular problem some time ago and hopefully at this time next year, we will be able to report on having done something significant to alleviate this problem.

MR. AXWORTHY: Mr. Chairman, I am pleased to learn that there are some steps being taken to

review the situation. In the Attorney-General's description he was talking so much about beaches and resorts that I didn't quite hear mentioned what was going on in central Winnipeg. While I have a great deal of concern about what happens in Winnipeg Beach, I think I am a little bit more concerned about what happens on River Avenue at the present moment. It is an ongoing 12-month problem.

I could inform, for example, the Attorney-General, that for the past three weeks I have had a series of meetings with people in my own community who are becoming increasingly concerned and raised the issues with me about problems of vagrancy, problems of disorderly conduct, increasing problems of personal street crimes, purse snatching and personal attacks. This is an area which I think by most accounts is generally considered to be quite safe and secure, and should be, because I think it is one of the great attractions of that area. And yet people in the community have begun to express a very serious concern about these problems and while we have received very good co-operation from the City of Winnipeg Police Department as far as it goes, they simply say, "We are limited simply because we don't have the manpower," police power, I guess, is the proper way to put it, "to extend any further assistance."

The thing that I would want to emphasize to the Attorney-General in this review, is the need to also, aside from revising the conditional grant program or support grant program — I think it is the responsibility of the province to support the innovative features that police work requires in order to tackle some of the very specific problems, particularly in the area of youth crime which I consider to be one of the most difficult, complex ones to solve and also things like setting up a paraprofessional program which I believe was one of the proposals that came forward in a draft paper by the Police Commission a year ago. By using a paraprofessional program, it would involve or bring into police work members of the community representing different community groups and organizations, particularly in the central city, using it to recruit native people so they could become part of the police force, which they are not now — I don't believe there are any native police personnel in the City of Winnipeg — beginning to incorporate and recruit them as part of the police force so that there would be a much closer affiliation and contact with that population group, which is a substantial number in the central city which do not have any people represented in the police force.

It would seem to me that if we are going to undertake these kinds of innovations in terms of new equipment, new policing techniques, training and education, again I would digress for a moment and say that there has been substantial talk of the need to develop specialized police techniques and educational programs to deal with certain kinds of problems. Again I would emphasize youth crime and certain central city problems. It appears to me something that senior levels of government should be expected to provide and something I think — I'm not just putting the onus entirely on the province — I think it is something that the Solicitor-General's department should be asked to support more substantially than it has in the past. But it would appear to me that without that kind of support the City Police will be constantly faced with nothing more than being able to maintain just a minimum line of protection because the population is growing, the nature of police work is becoming more complicated and the requirements are more expensive all the time, that we won't be able to undertake any of the kind of new forms of police techniques that I think are essential if we are going to begin meeting fairly head on what I consider to be one of the really seriously growing problems in our city.

So I would ask the Minister, in this review, to examine very fundamentally what capacity there is to provide support for the development of alternative or innovative police techniques and programs to meet very specialized and very serious growing problems in the City of Winnipeg.

MR. MERCIER: Mr. Chairman, the honourable member was critical of the fact that I referred to a resort area as an example. . .

MR. AXWORTHY: . . . I was not critical. I just said that I was a little confused that he spent more time talking about that than the question I raised.

MR. MERCIER: I can appreciate, Mr. Chairman, that the honourable member is not interested in rural areas of this particular province . . .

MR. AXWORTHY: Mr. Chairman, on a point of order, I did not say I was not interested. If the Attorney-General would spend more time listening to what I have just said, rather than trying to make his peculiar little points, I said I was just a little confused because he spent so much time talking about it that I didn't hear what he had to say about the city. I made no reference at all to my disinterest or lack of interest in rural areas and I would wish the Attorney-General to confine his remarks to what I said.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, I'm glad that the honourable member corrected my impressions of what he said because I wanted to indicate that some time ago, over three or four months ago, I had a concern for the impact of policing costs on municipalities and for that reason, a review of the grants that are available to municipalities and cities was requested by myself and is being looked at in co-operation with Urban Affairs, Municipal Affairs and the Attorney-General's Department. I am hopeful that this interdepartmental review will provide some valuable information for our government and perhaps some methods by which we can assist municipalities with these particular costs.

The honourable member has referred to the special problem of youth in his particular constituency and I want to point out to him again that this has been of particular concern to me. The effectiveness of the whole Juvenile Court system has been a concern that I have had and a concern that very many people who I have talked to in the community have. For that reason, within the past few days I have authorized the Chief Judge of the Provincial Judges' Court to proceed with a juvenile justice committee composed of a juvenile judge from the Family Court, a Crown Attorney from the Family Court, representatives of the Department of Corrections, representatives of the City of Winnipeg Police Department Youth Division, to review our Juvenile Court operation and its effectiveness and methods by which we can approve that system of justice, and also particularly in conjunction with The Juvenile Offenders Act presently being proposed by the Federal Government, Department of Justice. My hope would be, Mr. Chairman, that by having an all-encompassing committee like this composed of various interests, that we will receive some valuable information, hopefully some valuable advice as to how we can improve that particular system.

I would only hope, Mr. Chairman, referring again to the costs of policing, that the Honourable Member for Fort Rouge could convince the Federal Minister of Urban Affairs to increase the grant to the Province of Manitoba under the proposed Community Services Grant, as requested at the meeting with Mr. Ouellet. It would probably provide additional moneys to the City of Winnipeg to assist them with not only policing problems, but their general problems.

I might say, Mr. Chairman, and you may in fact recall this yourself, that I think it would be incorrect to say that the City of Winnipeg Council has not spent sufficient moneys on police services in the City of Winnipeg. I recall, Mr. Chairman, final budget meetings at which 60 policemen and 70 policemen were added in one motion to the Police Department staff. I think over the past few years, since amalgamation, Mr. Chairman, there has been a tremendous amount of money added to the police budgets in the City of Winnipeg and City Council cannot be faulted for spending sufficient amounts of money on the police force in the City of Winnipeg.

MR. AXWORTHY: Mr. Chairman, I wasn't necessarily assigning blame when I was commenting on the situation. The situation is, though, that if you look at the grant structure that was provided by the Province of Manitoba to the City of Winnipeg this year, it is substantially, almost at a frozen number, and substantially less than the city has requested. I think we'll have an opportunity to talk about that question at a later date, but I think the Attorney-General, as a former counsel would recognize that the Province of Manitoba on a per capita basis supplies less assistance to the City of Winnipeg, than almost any other province to any one of its major cities in the entire country. And that the City of Winnipeg must support, through the property tax system, a higher proportion of costs for its goods and services than almost any other major city; and that it is a constant problem of catch-up arrangements. I think that the Attorney-General, who was the former chairman of Public Works, probably argued eloquently in close quarters just about this time last year, meeting with his counterparts of the province for increased assistance, and yet that increase in assistance was obviously not forthcoming this year. In fact, if one looks at the grant structure, there has been a fall-off of support for the City of Winnipeg, so it is a matter that we are getting caught in the stringencies.

I would also say, by just way of comment, that I'd be more than anxious and willing to endorse to the Federal Minister of Urban Affairs, additional expenditures for Community Services program, as long as the Attorney-General promised that he would be able to contain the remarks of his First Minister, who wouldn't accuse the Federal Government of becoming spendthrifts by giving us more money, which he is apt to do on a fairly frequent basis.

In other words, we have to assume that it's not just the Province of Manitoba that has to restrict its budgets. I think that it is something that all levels of government are required to do. The question we are asking him and it's one then of how do you get out of that dilemma in terms of responding to the service. I think it is fair to say that the only way to pay for the additional extra services for policing in the city, because I believe that many of the conditions they face are ones which are because it is the City of Winnipeg, and it becomes the repository of a lot of other conditions that are caused in the rest of the province, and it needs some sort of special support beyond the basic

grant structure. And I am simply hoping that within that review, those special circumstances will be taken into account.

I would like to ask the Attorney-General this, though, that in the reviews that he has set up, both in terms of the specific question of funding for police services as well as the review which, I believe, he said that he set up for the Juvenile Court System — as I understood his description of it, it was primarily an in-House interdepartmental review — I would like to ask whether there will be any opportunity for outside organizations who are involved in the field of law enforcement, whether it's the Municipal Police Departments themselves, or the City Councils representing them, some of the social organizations dealing in problems of young people and young offenders, whether they will have an opportunity to comment or make recommendations or responses to the recommendations before they are implemented and considered by Cabinet?

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, there's a pretty wide involvement on this committee from the juvenile judges, Crown Attorneys, social workers, from the probation officers, from the Department of Corrections, and the representatives of the Youth Division of the City of Winnipeg Police Department. It may very well be that, when their review is completed and their recommendations made, that it might be opportune to ask for public comment. That will have to be something, though, to be determined at a future date.

MR. AXWORTHY: Mr. Chairman, I would ask then, does the terms of reference for this review also include support for those organizations and agencies dealing in the area of juvenile crime, but which may themselves not necessarily just be Police Departments? I'm thinking of particularly the question of where the Youth Action Centre in downtown Winnipeg has been cancelled, or has had its funding withdrawn, and yet it was a group that directed itself very much to the issue of delinquency and young people with problems of crime in the central part of the city. And I again would make the request to the Minister, that in that review the terms of reference include those — if you want to call them I guess — alternative agencies dealing with the problem as part of the overall network that might be employed to combat the condition that we're facing.

MR. MERCIER: Mr. Chairman, I believe that the terms of reference are wide enough, are all-encompassing enough, so as to include a consideration of the support services that are required for an effective juvenile system.

MR. AXWORTHY: Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I would like to just express disappointment at the Attorney-General's answer to the questions that were posed by the Member for Wellington, dealing with the issue of alleged RCMP break-ins. I was particularly disappointed that the Attorney-General indicated that his inquiries had been made to the Commanding Officer "D" Division.

Mr. Chairman, the RCMP have not been the most enthusiastic presenters of material to either the Solicitor-General or to the MacDonald Commission insofar as the revelations that have been unfolded to this point dealing with break-ins, so that I am somewhat disappointed and a little surprised that the Attorney-General would have directed his inquiry to the Commanding Officer "D" Division rather than to the political head of this particular Branch of the RCMP, the Solicitor-General in Ottawa. Or, alternatively, to have directed his inquiries to the MacDonald Commission. And, Mr. Chairman, I fail to understand how the Attorney-General would defer providing the Member for Wellington with answers to the simple question as to whether . . .

MR. MERCIER: Mr. Chairman, I did not defer providing any answers.

MR. PAWLEY: Well, if the Attorney-General would just settle back and wait until I have completed my remarks. To the simple question as to whether he would make inquiries of the MacDonald Commission, his answer was that he had made inquiries to the Commanding Officer "D" Division, which is, I think, no answer to the question posed by the Member for Wellington. Secondly, whether he would prosecute for illegal break-ins? I would have thought that the Attorney-General would have, of course, answered if any break-ins were brought to his attention by any citizen, any citizen in Manitoba, he would, of course, prosecute. And therefore I am a little puzzled by what I feel is non-answers to the questions that were posed by the Member for Wellington.

MR. MERCIER: Well, Mr. Chairman, I indicated that we are presently reviewing four volumes of transcripts from the MacDonald Commission. We have communicated with the MacDonald Commission, and have these on hand, and are in the process of reviewing those volumes.

In answer to the question from the Member for Wellington, I indicated that my information was certainly, to date, that there had been no illegal or authorized break-ins. I think that it goes without saying that if there is an illegal break-in, that prosecutions would be commenced against the persons involved, whoever they may be. I indicated that there was a concern by Attorneys-General across Canada with respect to revelations before the MacDonald Commission. That is why this particular subject is on the agenda of the meeting of Attorneys-General this particular week, and I hope to be able, after that meeting, which concerns will be expressed I'm sure by a number of very interested Attorneys-General including myself, a unified, perhaps not necessarily unified but certainly it will be invaluable for each and every one of us to have everyone's concerns expressed, and will help, I think, every province in formulating an approach to this particular problem.

MR. PAWLEY: Well, I am pleased to hear the Attorney-General clarify that he would prosecute anyone that was involved in an illegal break-in. Certainly that was not the indication, or he had failed to give that indication to the Member for Wellington, when the Member for Wellington specifically asked that question, so I am pleased that the Attorney-General has removed any doubt as to his position relating to that.

I would, however, still like to know from the Attorney-General why he would not make inquiries in this respect from the Solicitor-General in Ottawa?

MR. MERCIER: Well, Mr. Chairman, the Solicitor-General is, in fact, inquiring himself through the appointment of the MacDonald Commission, and that's why, to date, we have been communicating directly with the MacDonald Commission and obtaining transcripts. Certainly, I would expect, and I'm sure that the Member for Selkirk would have expected — and I repeat in case he wasn't listening — I would expect and I'm sure the Member for Selkirk would have expected while he was Attorney-General that if the Solicitor-General was aware of illegal activities conducted by the RCMP in any province, that he would immediately inform the Attorney-General of that particular province.

Certainly it is something additional that could be done to communicate with the Solicitor-General, to positively make that inquiry, but to date we are operating under the assumption that he is making this inquiry, that he appointed this inquiry and we've communicated directly with that organization. It may very well be, as the result of the meeting this week, that some approach might be made to the Solicitor-General.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: I have to pursue that. I must say that the Attorney-General's observation that the Solicitor-General would take immediate steps to inform the Provincial Attorneys-General of any such transgressions that occurred within their boundaries is exceedingly naive, I must say, at best. This is the same individual who has come under tremendous pressure by newspapers and media across the country, interested citizens, the Civil Liberties Association, for having been lax, for having been surreptitious and covertly attempted to cover up these very transgressions that are alleged against the RCMP.

So to suggest that the Solicitor-General, the Federal Solicitor-General would rush to the aid of Provincial Attorneys-General, is to say the best, very ludicrous, Mr. Chairman.

With respect to the fact that there is now an ongoing review of transcripts, I must say that I did not in the first instance hear that either was not aware that the Attorney-General had advised us that there had been obtained all the transcripts of the MacDonald Inquiry Commission, but I should note for the Attorney-General's information that the major disclosure took place on or about April 18th, when Assistant Commissioner Thomas Venner, Head of RCMP Criminal Investigations, was on the stand, with respect to his participation, and officers under his direction, in this matter. So, over two months has now transpired, has now passed since Assistant Commissioner Venner gave his evidence, which was recorded for instance in the Globe and Mail, a report I have before me, April 20, 1978, indicating, as I said, that there were these break-ins, there were some 419 searches taken place since 1970 without search warrants, there was approximately 1,000 entries that may have entailed break-ins in pursuit of the installation of some 3,288 wire-taps. These things are all a matter of public record, I don't know why it's so difficult to sift through that information and to get to the bottom of it and find out whether or not any of those did take place in this province. tm\$

Now, the Attorney-General has, I suppose, now reached a form of consensus with myself and the Honourable Member for Selkirk. We would now all appear to concur that if and when it is

that any of these transgressions took place within our province, that the Attorney-General will pursue the normal process of law and prosecute those members of the Force who are involved in the unlawful activities, and I commend him for taking that position.

MR. MERCIER: Mr. Chairman, I don't know whether the Member for Wellington is listening, because I indicated that I had made a direct inquiry of the Commanding Officer of the RCMP in Manitoba subsequent to these so-called revelations before the MacDonald Inquiry, as to illegal or authorized break-ins, and he has conformed in writing that there were none. Now again the Member for Wellington is suggesting at the beginning of his comments that I perhaps would be naive to think that the Solicitor-General of Canada would not advise a provincial Attorney-General of any knowledge he had with respect to infractions of the Criminal Code within a province. I find that unbelievable, Mr. Chairman.

If the honourable member is so distrustful of the whole system, then I ask him, who the hell can he believe? To suggest that is completely unfounded, the Solicitor-General would not do that. Mr. Chairman, it was for the reason that, I believe, the Solicitor-General at the time had a concern about illegal activities that the MacDonald Inquiry was appointed. That Commission has been operating for some time. We in Manitoba communicated with the MacDonald Commission. We have obtained transcripts of those hearings to review and determine what kind of activity is being conducted in Manitoba.

Mr. Chairman, I would suggest that we are taking — up until now and considering the fact that the MacDonald Commission has not completed its enquiries and therefore not made any recommendations — taking every step that we can at this particular time to keep on top of this particular situation.

MR. CHAIRMAN: The Member for Wellington, and I might remind him that he jumped out of order from his colleague, the Member for Winnipeg Centre. The Member for Wellington.

MR. CORRIN: A supplementary, I am sure the Member for Winnipeg Centre would like me to pursue it on his behalf.

I would like to point out that if I am distrustful, the Minister must be ingenuous and I must point out that I have by very fine authority that there is good reason to be very suspicious in this case, and that authority is none other than the Leader of the Progressive Conservative Federal Party, Joe Clark, who has been prosecuting this case in a manner in the Commons that indicates that he is most concerned about these revelations. He has certainly . . . —(Interjection)— That is right. In this respect I can't agree more. He has been protecting the public interest and he has been doing so demonstrably in the House of Commons.

I would certainly suggest that it is specious to suggest, it is absolute bunk to quote that other federal leader of some pre-eminence, to suggest that there is no reason to be distrustful.

The editor of one of Canada's leading national newspapers, The Globe and Mail, has called for the resignation of the Solicitor-General of this country on this issue. I don't know whether you may consider this individual, the publisher and the editor, to be overly distrustful, but I think on the face of it, given the fact that under oath — not over the telephone with Division "B" Commander — but on oath the Assistant Commissioner of the RCMP Criminal Investigation Division testified before the MacDonald Inquiry that these transgressions had taken place. That was under oath, under subpoena and oath with counsel present on his behalf.

So to suggest that we are making a mountain out of a mole hill on this issue, Mr. Chairman, is absurd. I don't know why the Minister wants to take this ostrich-like position, bury his head in the sand and pretend nothing is going on. The mentality is reminiscent of that which prevailed back in what could be very ineptly described as the "good old days", the days when the purview of the Attorney-General's Office was thought just to be a matter of law enforcement in the strictest sense, and that was applied as against criminals. None of the other so-called soft services prevailed, such as the Human Rights aspects and Legal Aid, and so on, but this is a matter that is pressing not only NDP Members in this House, but Progressive-Conservative Members of the highest order in Ottawa. I would suggest that the Minister perhaps shouldn't go to Edmonton to chair a panel on this subject constituted of his fellow Attorneys-General, but rather should go to Ottawa and have a good discussion with Joe Clark pertinent to what has transpired in the House of Commons in this regard, and what revelations have in fact been made at the MacDonald Inquiry in Montreal.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, there is no question that law enforcement people are concerned about the illegal activities that have been alleged to have occurred and have been brought before

the MacDonald Inquiry, but we are not talking about Canada here. Perhaps the honourable member will choose to run in an election that will gain him a seat in Federal Parliament. We are talking about Manitoba and there is no evidence, Mr. Chairman, that there have been any illegal activities in Manitoba.

We, again, are reviewing the transcripts before the MacDonald Commission, Mr. Chairman, and to date there has been no indication of illegal or unauthorized break-ins or instances of surveillance that have been revealed to the MacDonald Inquiry.

MR. CORRIN: I would suggest that if the Attorney-General, and I will bend over backwards to be as respectful as I can under the circumstances — I am making a serious effort to communicate, but there is definitely a breakdown between us. If the Attorney-General by analogy might consider the situation where his department was under a suspicion that a given citizen had transgressed the criminal law in this province, I don't think that the department would simply stop, having telephoned the alleged offender and asked him whether or not he had been involved in any breakage of the law. I don't think that the investigation would stop at that point. I think rather than stop his investigation at that point, he might try and establish some other independent evidence, I think that is the normal course of affairs. I think it is most foolish, given the fact that Assistant Commissioner Venner only appeared before Justice MacDonald's Federal Inquiry under subpoena in the presence of counsel, and didn't volunteer to share his files and his memoirs with either the Federal Solicitor-General, the Prime Minister, the Leader of the Opposition or Mr. Justice MacDonald, voluntarily. I would think it is rather absurd to suggest that a phone call to Company "B's" Commanding Officer will suffice to establish that nothing has happened in this province.

Why in the heck can't a letter go out to Justice MacDonald and why can't we find out whether or not anything has happened in our province?

MR. MERCIER: I don't know how thick the skull is of the Member for Wellington, Mr. Chairman, but I have indicated on numerous occasions now that our department has communicated with the MacDonald Inquiry and we are in fact reviewing the transcripts of evidence brought before the MacDonald Inquiry. I believe, Mr. Chairman, that is the complete evidence before the Commission that we are in fact reviewing. So that his suggestions are completely incorrect.

MR. CORRIN: Mr. Chairman, a supplementary. I would like to quote somebody that I am sure is very dear to the Minister's heart and I think it is apropos these circumstances, Jeremy Bentham. He said, "The law is a protection for the mighty and a punishment for the small." He said that on or about the year 1800 and I would think that it is very applicable to the Minister's position in this regard.

MR. CHAIRMAN: The Member for Winnipeg Centre. I won't even ask the Attorney-General whether he met the man or not. The Member for Winnipeg Centre.

MR. BOYCE: Well, perhaps the Attorney-General would like to discuss just how well the Solicitor-General communicates with the Attorneys-General and with his colleague, the Honourable Attorney-General Mr. Foster in Alberta the next time he bumps into him, because I hear that he is enjoined by eight other provinces in arguing this point at the moment before the courts.

MR. MERCIER: Mr. Chairman, that is not a question of communication and I would appreciate again. . .

MR. BOYCE: Mr. Chairman, just. . .

MR. MERCIER: I'm sorry, Mr. Chairman, I thought he paused.

MR. CHAIRMAN: To the Member for Winnipeg Centre, the Attorney-General is not quite aware of your speaking habits and I guess he thought that you were through your sentence and were just standing to stretch. The Member for Winnipeg Centre is the recognized speaker.

MR. BOYCE: There is nothing wrong with the Attorney-General's eyesight, it is his hearing that we question.

Mr. Chairman, perhaps the Attorney-General could advise us what it costs us per staff man year for the RCMP at the present time.

MR. MERCIER: Per man or per capita?

MR. BOYCE: Per RCMP staff man year.

MR. MERCIER: I would like to get the accurate figure, Mr. Chairman, so perhaps the member would like to proceed further.

MR. BOYCE: Mr. Chairman, while the staff is looking up that particular figure, as I understand it the last contract with the Federal Government relative to the services of the RCMP called for a sliding percentage scale, as I recall I think it was 42 percent this year sliding to 48 or 50 percent the last year of the contract. Is that correct?

MR. MERCIER: Manitoba's percentage of the cost in 1975-76 was 52 percent. It increased by one percentage point every year so that this year in 1978-79 it is 55 percent of the cost. Next year is the last year of the agreement, 1979-80.

MR. BOYCE: Reaching?

MR. MERCIER: At which point it will be 56 percent.

MR. CORRIN: There is a tornado warning out and everyone is quite concerned about the sky.

MR. BOYCE: Yes, Mr. Chairman, there is a weather warning out. Apparently there was a tornado spotted at St. Ambroise. It is up as far as Teulon apparently, through Winnipeg as far north as . . .

MR. CHAIRMAN: We better pass these Estimates in a hurry then.

MR. BOYCE: Has the staff found the figures yet?

MR. MERCIER: Still looking.

MR. BOYCE: Well, just while they are looking then. To go back a bit to the comments of the Member for Fort Rouge. . . —(Interjection)— Our heifer dust spreading friend over there is trying to chirp from his seat.

But to go back to the comments of the Member for Fort Rouge, in looking at some of the news which is coming out of Vancouver, for example, where it is the intention of the Provincial Government to encourage some 8,000 unemployed youth, who can't find employment, to float out of the city. It appears as if it is going to be a long hot summer and it is striking very close to home.

Right next door to me about two weeks we had an arson case, where they set a fire in the garage and on the front steps of a vacant house immediately adjacent to my own. I wish to add my concerns to those of the Member for Fort Rouge, that some of the programs which were initiated are being cut back by the present government, not only in this department, but in the Department of Health. I am advised that the government is considering elimination of a position which served the community in the Inner City quite well from the days of Roblin. It was the Conservative administration in their wisdom at that time, they seemed to have been more wise in those days, Mr. Chairman, than they are currently. The services of a community worker who was able to keep the lid on many of the problems, but here again the Conservative Government has shown their colours in that they would rather lock people up and arrest them. It is funny thing, there is a direct relationship between the number of law enforcement officers and the index of crime rates. We disperse more law enforcement officers through the community and it seems that the crime increases.

But if there is any way that the Attorney-General can speed up the process through which the Federal Government will finally get off their duffs and come to grips with the problem of young people in our country. The proposed legislation, "Young People In Conflict with the Law," has been in the mill for so long that I think it's got cobwebs all over it. I would suggest that the Attorney-General doesn't hold his breath, because it seems to be one of those things that gets swept under the carpet.

MR. MERCIER: That's on the agenda too.

MR. BOYCE: It's on the agenda. I know it's on the agenda, and I see that the Attorney-General has the wisdom to continue on many things that were started, but those people who sow sometimes don't get to reap. Perhaps the Attorney-General's got that figure now. I thought maybe I'd have to give my Greek speech to give you time to find it.

MR. MERCIER: 54 percent of \$40,200.00.

MR. BOYCE: So it's 54 percent of \$40,000.00. And of course this goes to the one of the other points which was raised by the Member of Fort Rouge. We share common problems in this area. So if you take even 50 percent of \$40,000, is \$20,000, and where this current government, in their wisdom, is cutting out people who are involved with the Main Street Project, for example, many people believe that law enforcement officers should be involved with law enforcement, that if we have socially disruptive elements in our community, that these functions should more and more be removed from law enforcement officer per se. And in some jurisdictions, they have added to the capacity of police forces, under the jurisdiction of police, auxiliary policemen, and other such named people, who really do other things than straight law enforcement. If it's someone in the community who is being socially disruptive, and it is the opinion of the people who have to dispatch someone to be of assistance to the community, and no criminal charges seemed to be involved then ed, someone other than a police officer, is dispatched to take care of that.

Now, I know many men of the RCMP officers in Manitoba volved in highway patrol and this is not are in/ germane to the whole bag of RCMP. deployment within the province. Nevertheless, under the statutes of the Legislative Assembly of Manitoba, the authority for law enforcement, which is vested in the Attorney-General, is delegated through The City of Winnipeg Act and other Acts to various jurisdictions. Nevertheless, the whole law enforcement or peace in our community is a responsibility of the Legislative Assembly, and I firmly believe, while you can delegate authority, you can't abdicate responsibility, and I think we, as legislators, have to come to grips with this particular problem because we can't continually add more and more policemen to solve the problems which are becoming more prominent in our society. In urban settings oft-times it's domestic quarrels and things of that nature, which we are asking police to take care of, and it is a very very costly process.

So, I wonder, Mr. Chairman, if in his review of law enforcement in the province, that the Attorney-General will look at a better alignment of the different capacities to deal with these problems. From one extreme, we have contracted out in the City of Winnipeg to. . . The Corps of Commissionaires I still think have the contract for traffic tickets, for policing traffic. So in reviewing this, would the Attorney-General take under advisement those things of which I speak, more along the lines of things which are socially disruptive but nevertheless take up a considerable amount of manpower from a police standpoint. And through the whole province, I don't know what the staff man year cost is to the City of Winnipeg or other municipalities, but I think the fact that it's costing Canadian taxpayers \$40,000 a year plus for an RCMP constable, so even directly to Manitoba taxpayers, it's over \$20,000 a year to deploy an RCMP constable to control the highways.

So, perhaps the time is ripe, Mr. Chairman, for the province to consider the establishment of some type of provincial capacity to deal with problems which could, at this point in time, be removed from the traditionally law enforcement manner in which we have done things, in and through and with the co-operation of those people who are charged with the responsibility of law enforcement.

MR. MERCIER: Yes, Mr. Chairman, I'm prepared to take those matters under advisement. I guess the one difficulty that is always brought forward, that if you establish, for example, say a Manitoba police force to deal with highway traffic offences and patrolling on highways, then unless that force is adequately trained, quite often the carrying out of that responsibility leads into unexpected difficulties with people who may be more serious offenders of the law, and that's always a problem that would have to be considered in trying to establish less expensive methods of dealing with some areas of law enforcement.

That doesn't answer all of the questions that the member raised, but I'm prepared to take those under advisement, and I think there would have to be a good deal of discussion and co-operation of course with the Department of Corrections.

MR. BOYCE: Well, Mr. Chairman, I would agree with the AttorneyGeneral there are problems, and I'm not suggesting that this be done overnight, because it is something which has to be well planned, and well thought, and well co-ordinated, as far as the implementation of such a suggestion is concerned. But nevertheless, in looking at Vancouver, where it took some time to have the regular constabulary of the RCMP accept the concept of auxiliary police, nevertheless when they did accept it and they worked it through the system, I understand that after three or four years, it is now working well. And I share the Attorney-General's apprehension on the e, recent cas which I won't comment on, that is before the courts, but in the southern part of the province where I understand the individuals were stopped more or less as a traffic offence, and it was much more than that. So, I share the Attorney-General's apprehension in that regard. So, I'm not suggesting that it's a very simple problem, but more in the urban setting, where, after the police have had an experience with

some people in the community and three or four calls have come in relative to these people, the dispatchers have a certain familiarity with what can be anticipated, but nevertheless, under the current setup, the police have no other alternative except to dispatch a cruiser car, and one or two constables. So I wish to encourage the Attorney-General to start on the investigative road in this regard, and I don't expect an answer within the next year or two, but if we don't start now, we'll never get there.

MR. CHAIRMAN: The Member for Transcona.

MR. PARASIUK: Mr. Chairman, I didn't want to prolong the debate that much, I just asked for the floor. I just asked for the floor. I can be prompted to take some time however, if people are trying to prompt me in that direction. I think that people are trying to heckle me in that direction and I wouldn't want to be influenced by them.

I was drawn into the debate however, by the comments of the Attorney-General when he was criticizing my colleague, the Member for Wellington, for raising things which were a federal matter. I think he did that, he was saying that the MacDonald Commission is a federal matter, why raise it here? Now, given that —(Interjection)— What did you say specifically then, because I know you did criticize him for raising a federal matter here?

MR. MERCIER: I wasn't criticizing him because it's a federal matter because it's not a federal matter.

MR. CHAIRMAN: The Member for Wellington on a point of order?

MR. CORRIN: I must comment, not on this, but I must comment on the procedures, Mr. Chairman, I note there has been a very wide variance in discrepancy as between the procedures that have pertained to the various departments that have come before us for Estimate review. We've gone all the way from one extreme now, the Minister of Labour, who insisted that she bank all questions, with your support, Mr. Chairman, for long hours, if not sometimes day on end. And now we have a situation which has become continuous and repetitive, where this particular Minister chooses to intercede not on a point of order or any other matter of parliamentary procedure, but rather just on his whim, and I think we've been most gracious in giving him some accord in this response, and that we've acquiesced in the face of these deliberate interventions, but I think, for the sake of — consistency isn't always a virtue, I'll admit that, unlike my colleague for Inkster, consistency is not always a virtue but I would suggest that sometimes it's definitely a grace, and in this particular case, I would suggest that there should be equal applicability of the rules, Mr. Chairman. So I just draw this to your attention, that we have a substantial variance as to the rules of procedure in these Estimates.

MR. CHAIRMAN: To the Member for Wellington, in the case of the Minister of Labour, it's any Minister's prerogative to handle his or her Estimates in the manner they wish, particularly in answering questions, and when we're dealing with 57 different personalities, it's not always easy to conduct one set of Estimates in the identical manner that you may have conducted the previous set. This Minister happens to have answers on the tip of his tongue and he's so anxious to give them to you, that I have at times some difficulty in restraining him. The Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I didn't feel it was a question of answers, but a problem of interjecting before being recognized, and it may be with an answer or may not be with an answer, but I would think that we all have to receive your recognition, Mr. Chairman, prior to our entering into the discussion.

MR. CHAIRMAN: We'll do our best to try and keep the Minister very patient and let him answer the people at the appropriate time. The Member for Transcona.

MR. PARASIUK: Mr. Chairman, I wasn't able to get the Minister's interjection. I will now ask him if, he in fact, was criticizing the Member for Wellington for raising an issue which he thought was federal?

MR. MERCIER: No, Mr. Chairman. Perhaps I should, Mr. Chairman, apologize to you and the members of the committee if I have interjected, but my objection or comments with respect to comments of the Member for Wellington, were not objections related to this being a matter within federal jurisdiction, because it's not it's an inquiry, rather a general inquiry, but does relate to whether or not there were illegal activities within areas of provincial jurisdiction. So, I concede it relates very

directly to any of the provincial jurisdictions.

MR. PARASIUK: So, on the basis of that answer I'll pass on my next question, because it was related to the . . .

MR. CHARRMAN: The committee will recess while there is a vote.

t *The Committee retired to the House.*

MR. CHAIRMAN: Gentlemen, we have a quorum. Committee come back to order. We are on item 7. Law Enforcement — pass — the Member for Transcona.

MR. PARASIUK: Mr. Chairman, I did check with my colleague, the Member for Wellington, and the Minister did suggest to my colleague that he might be seeking a Federal seat in constantly raising the RCMP issue, and in the light of that suggestion and since we are on Law Enforcement, I would like the Minister to comment on the resolution of the Member for St. Matthews regarding capital punishment. Does he consider that to be within the realm of the Provincial Legislature, within the realm of provincial law enforcement, or whether in fact he doesn't think that this is some type of grandstand play on the part of the Member for St. Matthews, who is raising a completely irrelevant issue to the Manitoba Legislature. I don't know whether in fact his colleague, the Member for St. Matthews, is seeking a Federal nomination. I gather that the Conservative Party has already nominated in that particular riding; he may be seeking the River Heights-Fort Garry Riding, I gather that's been held back for a few weeks.

I am wondering also whether in fact the Minister would be prepared to comment on that particular issue, because people in the province may in fact get the misconception that the Province of Manitoba, and specifically the Legislature of Manitoba, can do something substantive with respect to the issue of capital punishment.

MR. CHAIRMAN: I might tell the Member for Transcona that his question is out of order because it's anticipation, and if he wants to refer to the Rule Book, it's Rule 27, Section 5(d).

MR. PARASIUK: What does it say? Anticipation of. . .

MR. CHAIRMAN: The motion shall not anticipate a matter that has been previously appointed for consideration by the House, or with reference to which a notice of motion has previously been given and not withdrawn. And what you're doing is, you are asking the Minister to anticipate on another matter.

MR. PARASIUK: Well, I am asking under Law Enforcement, whether in fact the Province of Manitoba does have any jurisdiction at all, and can influence substantively the issue of capital punishment. I have changed the question.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, I would expect that the Federal Government would be open to receive expressions of opinion from any major organization or group within this country on a matter of that importance.

MR. PARASIUK: Mr. Chairman, has the Minister then, since he feels that the Federal Government would be prepared to receive petitions, or proposals, or suggestions, from important or various groups in society on this matter, has he, as the chief law enforcement officer in the province, made a suggestion to the Federal Government that they should reconsider or reinstitute capital punishment? Have you made that suggestion, as the Attorney-General of the Province of Manitoba?

MR. MERCIER: Not directly to any federal Minister, Mr. Chairman, but I have expressed that opinion.

MR. PARASIUK: But you have not contacted the Federal Solicitor-General, to present him with that particular opinion of the Attorney-General of Manitoba?

MR. MERCIER: No, I have not.

MR. PARASIUK: You haven't. Thank you.

MR. CHAIRMAN: Item 7 — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I would like to just very briefly deal with a matter which has concerned me for some time, and I would refer the Attorney-General to an article of January 7th which mentions that Winnipeg Police and Canadian customs officials made an investigation pertaining to a magazine known as Soldier of Fortune. Now in this magazine, there was detailed descriptions as to how killing can be undertaken, one person of another; in one column in the magazine there was a knife fighting. The magazine described the latest methods used by New York hoodlums to kill someone with a knife in front of other people, without the onlookers knowing that in fact a knife was being used. There were also many advertisements in the magazine for machine guns, books for building and modifying weapons, wide assortment of knives, lethal blades disguised as belt buckles, trench knives with brass knuckle grips.

Now there is a great deal of concern expressed in the community about pornography and actions pertaining to pornography, and censorship, but if there is any type of magazine in which I have some sympathy in something being done about, it is magazines such as this that explain in implicit terms how killing can be undertaken, one individual of another, how acts of terrorism can be carried on and described in easy to learn lessons. Now in this case, the article indicated that the law enforcement officers indicated that they would be examining the magazine, and had indicated that if it breaks the law, will be taking action. Now, I have heard of no action being taken in connection with this magazine, so I have to assume either that there was no legal basis to launch any action, or if there was in fact a legal basis for taking action, that for some reason it wasn't undertaken by the Attorney-General's department. If there isn't sufficient basis now within the law to do something about publications of this nature, I wonder if the Attorney-General would consider making recommendations in order to assist law enforcement officers to the Federal Government for amendments in the code.

MR. MERCIER: Mr. Chairman, I am not aware of the specific investigation into this particular magazine, but it may very well be that that magazine did not come within the existing definition of obscene in the criminal code, but it would appear to come within the proposed amendment to the criminal code as where a dominant characteristic of the matter or thing is undue exploitation of violence. That has not been a part of the definition of obscene before; it had to be sex plus violence. The sex aspect may be lacking in this particular publication which might account for the fact that there was no proceedings taken, but it would appear that it would come within the new proposed definition, of which I am aware and I am sure that the honourable member is aware of many groups in Canada who have been suggesting that the undue exploitation of violence should come within that definition. Those amendments have not been passed by the Federal Government, and there again is subject on the agenda of the meeting of the Attorney-Generals for review.

MR. PAWLEY: Mr. Chairman, I wonder if the Attorney-General would be amen — able to considering I know that the Minister of Justice has provided the customs officials with a list of publications that are considered obscene and through the vehicle of the custom gates, there is some control insofar as the type of material that enters into Canada — I am wondering if the Attorney-General would and I'm not asking for a specific commitment now outside of I request that the Attorney-General consider taking this matter up with the Minister of Justice to ascertain whether publication of this nature could be included among other publications that are listed by custom officials, in order to prevent their entry into Canada.

MR. MERCIER: Mr. Chairman, we'll take that matter under advisement.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Along this line then, Mr. Chairman, I suppose we should explore somewhat further, because I too am concerned about the undue exploitation of violence and it proliferates today not only in magazines but in movie theatres and other places as well, and unfortunately, even on the family TV screen, probably proliferating to a far greater extent than exploited sex. But on the question of motion pictures in dealing with undue exploitation of either sex or violence, I was wondering what the Attorney-General's position will be with respect to the continuation of the established Film Classification Review Board. There has been a good deal of controversy in the City of Winnipeg recently respecting the suitability and adequacy of this board. Factually, there has been a call for a return to a system of stricter censorship which would imply some discretion being exercised through the government offices by official appointees. Could the Honourable Minister indicate to the Committee, Mr. Chairman, whether or not the Film Classification Review Board will continue to be

constituted in its present fashion with its present mandate, or whether he foresees some change in the context of this particular agency.

MR. CHAIRMAN: Before the Attorney-General responds, I might tell the Honourable Member for Wellington, that the Film Classification Board is under the Minister of Tourism, Recreation and Cultural Affairs Estimates, under Resolution 109, Item 1.(g) Manitoba Film Classification Board; it's really not under this Minister's jurisdiction. If he wishes to answer, that's his prerogative.

MR. CORRIN: I'm willing to debate the question, but let's perhaps see whether the Minister wishes to respond.

MR. MERCIER: Mr. Chairman, my department has not yet given any consideration to any change in the operation, recommending any change in the operation of the Film Classification Board, and we have taken no action in that particular area to date.

MR. CORRIN: One of the reasons, of course, through you, Mr. Chairman, that I was concerned about this question was as a result of provincial fiscal restraint policies. It has been evident just reading the paper and following court proceedings of late, that there have been a number of prosecutions, pursuant to presentations in local movie houses of material that was deemed by the members of the Honourable Minister's department to be of an obscene nature content, and it was my opinion that possibly the Minister and/or his colleagues would take steps to cut back costs by reinstating a censorship board. I am not necessarily saying that I would be supportive of that as an individual member of the Legislature, but I thought that given the financial restraints that are prevailing, that consideration might be given by the Attorney-General to such a cost cutback. I was wondering whether the Attorney-General would see any merit in that position.

MR. MERCIER: Mr. Chairman, inasmuch as the honourable member has indicated he wouldn't support that kind of a change, and inasmuch as we have not to date considered any change in the present operation of the Film Classification Board, I see no need to pursue the matter any further.

MR. CORRIN: A supplementary. As a matter of interest, Mr. Chairman, would it be possible for the Minister to table with us the costs entailed in prosecutions involving one Mr. Joseph Gabriele, the proprietor of the Venus Theatre. Mr. Gabriele has appeared in court more than his fair share of times in the past 12 months. I believe that convictions have ensued. I was wondering whether or not, in view of the fact that there were full length trials that were conducted, whether or not the Minister could advise us of the costs of those particular trials in respect to those cases?

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Well, Mr. Chairman, I would suggest that nobody in Manitoba appears in Court more than his fair share.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Well, with due respect, I think that I could have more properly said that he had his lion's share of the business. But I think it's a matter of some concern, I know that I happen to represent a constituency where this theatre is located, and I could

MR. WILSON: Shame on you.

MR. CORRIN: I could respond to the Member for Wolseley. I may have a theatre, but he's got a lot better. I'm sure he gets lots of telephone calls. As a matter of fact, his office used to be located to significantly a greater nuisance. I believe there was a partition, I was never in the premises

MR. CHAIRMAN: I would remind the Member for Wellington that we're dealing with the Attorney-General's Estimates, and not the constituency of Wolseley.

MR. CORRIN: In any event, I think we should be concerned about the cost. Certainly, the citizens who live in the immediate area are quite concerned. They feel that it brings what they perceive as an unsavoury element into the community, and I suppose I'd have to say that although I can't say that their fears are justified, I can say that I truly do sympathize with those concerns and fears.

They are apprehensions that probably are well taken, so I would be very much interested in knowing what sort of costs we're looking at, and they are in a sense nuisance costs because realistically we all appreciate that Mr. Gabriele is operating what is probably a fairly lucrative commercial establishment. He is gaining a lot of publicity as a result of these lengthy trials that he participates in, and it is probably doing no harm in the sense that it is free advertising, provided by the Honourable Minister's department, so it's doing no harm to his particular business.

I know, Mr. Chairman, that this government is very supportive of business and free enterprise, but I think this really is stretching a point.

MR. MERCIER: Would you repeat that last sentence, I was . . .

MR. CORRIN: I don't know whether the Chairman will allow me to repeat that.

MR. CHAIRMAN: Yes, it's a very appropriate statement. You have my permission to repeat it.

MR. CORRIN: Well, thank you, Mr. Chairman. You know, Mr. Chairman, I must say that my respect for you is growing.

I suggested that your department was providing a good deal of free advertising for people such as Mr. Gabriele, proprietor of theatres that purvey what some would call lewd and obscene material, and I thought perhaps we should take into consideration what sort of costs have been entailed — lengthy trials, and appeals and prosecutions against such people — and give serious consideration to stiffening up some of the laws that may pertain to this area. And I pointed out that if a cost-conscious government, and a cost-conscious Minister such as yourself, were to make a serious effort in this respect, that very substantial financial gains could be made, and that of course would be to the benefit of the public purse.

MR. MERCIER: Well, Mr. Chairman, without dwelling on this subject too long, of course to balance off the question of costs of the administration of justice, you also have to balance off the freedom of individual members of society, and this is of course a very controversial area as to whether or not there should be a Censor Board reinstated. If it is to be considered, it will be considered by the government at a future date. There is no question there are costs in these prosecutions as there are in any other prosecutions. If the honourable member will recall, when we were both members of City Council, the Chief of Police for the City of Winnipeg recommended the stores that were remaining open all night should be required to be closed because there were costs involved in investigating break-ins when they occurred. Well, sure you could do that, and you could continue it on and say that because bank robberies had occurred, that they should be closed during the day, or should only be allowed to open for a certain very restricted hours. So I don't think that the costs of the administration of the system of justice are necessarily the only factor to be considered in this question, and I'll leave it at that.

MR. CHAIRMAN: The Member for Transcona.

MR. PARASIUK: Mr. Chairman, I will be raising an issue that possibly was discussed in the Health and Social Development Estimates. I wasn't able to be in on those Estimates when they were discussing Corrections, because I was in this committee. I'm just going to ask the Minister whether the Attorney-General's Department had any relationship with the Department of Health and Social Development on what was called the Proposed Diversion Program? Is his department aware of the negotiations that took place between the Department of Health and Social Development and the Solicitor-General regarding the Federal Government cost-sharing a program with the Provincial Government whereby people would in a sense be diverted away from the Court System, and I think it was going to be a three-year pilot project that was going to be put in place whereby this other system was going to be used? I think this arose because there was a tremendous log jam in the Courts, and people thought that there might be some alternative methods that could be used.

MR. MERCIER: Mr. Chairman, some members of the department have been involved in discussions, but it has been one that has been led by the Department of Corrections. Perhaps the member could take it up . . .

MR. PARASIUK: Well, I'll take it up in Question Period, and ask it that way.

I have one other question just on this area, and it is a very small one. At what stage does the province get involved in collecting money for traffic violations in the City of Winnipeg? I believe that at some stage it does.

MR. MERCIER: You mean after a fine has been . . .

MR. PARASIUK: There's a parking ticket issued to a person, the person does not pay the parking ticket. Who delivers the summons, and who is responsible for delivering the summons for parking tickets and collecting money from people who refuse to pay their parking tickets?!

MR. MERCIER: Well, my personal experience has been that the City Police Department delivers the subpoena. I would assume then that the if the individual did not appear, it would be carried out by the City of Winnipeg Police Department. It would be a matter then of . . .

MR. PARASIUK: Well, would the Minister then check into this.

MR. MERCIER: It would be a penalty with the alternative of serving a number of days in jail.

MR. PARASIUK: I have some information that I am not completely clear on which indicates that at some stage along the way the province has the responsibility of —(Interjection)— Then the Crown prosecutes those people who do not pay their tickets. My understanding is that there is a very large sum of money outstanding in this respect, and I am wondering whether in fact it might be better to either change the procedure regarding outstanding accounts, so to speak, or change it so that perhaps the penalties are greater for those people who refuse to answer a summons. I understand that the dollar sums involved are something in the order of excess of a half a million dollars. And furthermore, I understand that probably the most flagrant violators are those people who are aware that there has been a backlog, and aware that because of staff cuts or holdbacks or staff restraint, that people aren't being pursued in the Courts and prosecuted for not paying their tickets. So it strikes me that the in-group is knowing that they will not be prosecuted for not paying their tickets, and it's a very small matter, but in aggregate, I think the dollar sums involved are substantial enough to warrant an investigation.

MR. MERCIER: Mr. Chairman, I believe that this matter reached a sort of crisis proportion a few years ago, and then a system was instituted through the Police Department placing these tickets on computers so that they automatically come up and are processed, and my understanding now is that the collection is much more up-to-date as a result of the change in procedure that has been instituted over the past few summers, where the city has hired additional staff to assist in bringing it up-to-date. We can make another inquiry, if you wish.

MR. CHAIRMAN: 7. Law Enforcement—pass; Item 8. Public Trustee, (a) Salaries—pass; (b) — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I would just like to assure myself before we leave this department. Back in 1973, there had been a series of references to the Ombudsman, and the result of those references to the Ombudsman dealing with sloppy work in the Public Trustee's office, a number of organizational changes were undertaken in 1973 and 1974 — systems, staff-wise, senior management, etc. — and I just would like the Minister to comment as to whether this department is continuing to operate efficiently, as I believe it has since the 1973-74 shake-up, if one would like to call it, rather than slipping back into the ritual. I have no reason to feel that there's been any change in circumstances, but I think we should obtain from the Minister some indication.

MR. CHAIRMAN: Before the Attorney-General answers the Member for Selkirk, I failed to pass Resolution 25 officially, and it's a small sum of money, so we had better do it officially.

Resolution 25: Resolved that there be granted to Her Majesty a sum not exceeding \$12,892,300, for Law Enforcement — pass.

The Attorney-General on Item 8, Public Trustee.

MR. MERCIER: Mr. Chairman, I'm advised with respect to this item, that the matters that were raised with the Ombudsman, previously, have been cleared up, and I believe the administration, particularly the Public Trustee, Mr. Raichura, are to be congratulated for the efficient manner in which this department is now being administered, efficiently and well.

MR. PAWLEY: So is there any reduction in staff in this department?

MR. MERCIER: No, in fact we've added one position this year.

MR. PAWLEY: I see, okay.

MR. CHAIRMAN: 8.(b)—pass.

Resolution 26: Resolved that there be granted to Her Majesty a sum not exceeding \$686,500, for Attorney-General Public Trustee — pass.

Item 9. Canada-Manitoba Legal Aid, 9.(a) — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, if there is one area of extreme disappointment insofar as members of the opposition is concerned, it is the way that Legal Aid has been, I feel, mishandled, and has been the victim of the restraint process. The Attorney-General, only a few moments ago, had I thought put quite well the sentiment of his when he indicated that one must balance costs as against freedom of an individual's rights in society, and certainly one of the greatest rights in society is the right of all to have equal access to the administration of justice. It was for that reason that Legal Aid was introduced to Manitoba, and let me say to the Attorney-General that commentaries from outside Manitoba — for instance I would like to specifically refer to the Osler Commission Inquiry — Justice Osler in the Ontario Court, established by the Ontario Government had mentioned that the Manitoba plan was the most efficiently administered plan of Legal Aid in Canada. That was an observation made in 1977. The record of spending per person on Legal Aid in Manitoba was one-fifth of all provinces, and at the same time Legal Aid was recognized as among the most efficiently operated by such independent observers as Justice Osler.

Now what disappoints us is the fact that Legal Aid has been the victim of reductions. I would like to specifically mention those that concern us.

One, of course, is the imposition of a \$35.00 user fee. You know, I think that sometimes we don't realize what a burden \$35.00 can mean to one of very low income. I have certainly discovered that it is quite a burden to some of quite low income, when they are confronted with having to come up with \$35.00 as a user fee. I think it is only a deterrent, which has made less free the access of an individual to administration of justice.

The freezing of the eligibility guidelines is one too, that, of course, means the continued reduction insofar as the numbers in Manitoba that will have access to Legal Aid in this province.

We have seen a 15 percent holdback in payments to private lawyers, and normally I don't plead for the legal profession, but I would say to the Attorney-General that in this instance we will end up, unfortunately, with fewer and fewer senior counsel being prepared to undertake Legal Aid cases. As a result the poor in our society, the less well-off, will be the ones that will suffer.

The other aspect that concerns us is the elimination to a large extent of outreach programs. Outreach programs in the past several years have involved, I think, many useful efforts in the community, and it is my understanding there has been a reduction in this area.

So that I ask the Attorney-General whether the introduction of these, plus other items that I could make reference to in respect to Legal Aid, are the result of a policy from government, or whether it is a result of policy from the Board of Legal Aid. That is question No. 1 to the Attorney-General.

(2) Whether the changes are in general a result of the recommendations of the Task Force, an organizational rationalization of government; and

(3) Whether he is undertaking any review at the present time to ascertain the effects that are taking place insofar as the reduction in Legal Aid in Manitoba with a view of possibly — I say to the Attorney-General — repairing what I think is some of the damage that is being done to the Legal Aid system in Manitoba as a result of the actions by either the Legal Aid Board of Manitoba, or by himself, or by the Government of Manitoba.

MR. MERCIER: Mr. Chairman, the Honourable Member for Selkirk referred to the Osler Report. I, too, would like to quote from that particular report and Page 22 of that Task Force Report, which read as follows. It said, "In the course of our enquiries we have reviewed the new Legal Aid plans in the provinces of Quebec and Manitoba. We examine them in more detail in our later discussion. There are both similarities and differences between the Ontario and the Manitoba plan. There are few similarities and very marked differences between the Ontario and Quebec plans. We perceive major drawbacks and weaknesses in both those plans, just as they have many advantages. We cannot conceive that in either Manitoba or Quebec there will be an early and rapid expansion of resources sufficient to permit the salaried lawyers of the plan to keep abreast of their constantly increasing caseloads, to say nothing of the ability to continue with their educational creative and law reform functions that are strongly stressed by both of those plans."

There was, Mr. Chairman, inherent in those remarks, a questioning of the resources available to carry on with open-ended programs. The honourable member has referred to the \$35.00 user fee. Mr. Chairman, that was a policy adopted by the Board in light of the reduction that was made by the government in the Budget Estimates. It certainly had been considered, not to that amount, but a user fee had been considered as an option previously by the Legal Aid Board. The figure I believe which they had considered was \$25.00. It had also been considered by the Legal Aid Liaison Committee of the Law Society.

We are hoping, Mr. Chairman, of course with respect to the 15 percent holdback, that we will be in a position to make that final payment at the end of the year. This is not the first year that there has been a holdback. That was done by the previous government in past years.

With respect to the outreach programs, consideration I understand has been given by the Chairman of the Legal Aid Board, and the Board in discussions with the Law Society of Manitoba with a view to having the Law Society of Manitoba on a voluntary basis, as a part of their responsibility as lawyers, carry out an educational program and discussions in schools and community group, part of their responsibility to society as lawyers.

Mr. Chairman, it certainly has been considered by people who have reviewed legal aid programs in Canada and the United States, that because they have been open ended, and because the resources to finance all of these programs are not open ended, that there comes a point in time when a program has to be reviewed in detail, the cost effectiveness of it, and the cost benefits of it have to be reviewed. We have not yet formally considered the recommendations of the Task Force. I have indicated at the beginning of my Estimates that I intend when we receive the budget of Legal Aid, which we have not yet received in the department, that we will review that budget and after they have had a few months experience in operation under the new budget, that we will review that experience with them, and I most certainly would like to do that before preparation of the Estimates for next year, a process which will not start that far from now, so that we can ensure that basic system of legal aid is carried out and that there are no hardships.

That, in fact, I am advised has been the instructions of the Chairman of the Legal Aid Board to the Executive Director, to ensure that no cases of hardship do occur. Mr. Chairman, I look upon this area of the budget which has been imposed as a result of the financial restraint policies and the fact that the basic functions of the department, and I have indicated earlier, the cost of performing those functions has increased by over 10 percent — this is an area in which some review was necessary. The Legal Aid Board in fact had recommended a review of the whole operation of Legal Aid. This certainly is an ongoing one now as a result of the financial restraints which certainly forced the board to review the effectiveness of all of their programs, and hopefully from that study and experience the first few months in operation we can meet with them to review that with them to prepare for the Estimates next year and to ensure as I say, that there are no hardships and that a basic system of legal aid is carried out.

MR. CHAIRMAN: The Member for Selkirk.

MR. PAWLEY: Mr. Chairman, pertaining to the comments by the Attorney-General, there are certain areas that I do believe should be pointed out. I had been advised, and I have no reason to believe that the figures given to me were incorrect, that the cost of a case handled by a staff lawyer in the Legal Aid clinics, was \$125 compared to \$205 paid to a private practitioner for the same case. Now it is my understanding, and I look forward to the Attorney-General's comments, that we now have less staff lawyers operating from clinics, than was the case last October. Contracts have not been renewed, and there has been a reduction in the number of staff lawyers and that the proportion of cases that will end up with the private bar in that respect will increase, and so that I question that insofar as cost savings in the long term would be concerned.

Secondly, I am concerned about the remarks that the Attorney-General made in respect to Justice Osler and the program in Manitoba. He referred to a particular part of Justice Osler's report

costs, but it is my understanding that the costs of Legal Aid in Manitoba are compared to other provinces, that for example, our program cost per person assisted in Manitoba last year would be \$65 in 1977, compared to \$80 in Ontario; \$160 in Quebec, so certainly if the reference was to Quebec, there might be some justification for the comment; \$196 per person in British Columbia, so as far as costs are concerned our program has not been an open-ended program in comparison to other provinces and in fact, compares very reasonably.

I have to say to the Attorney-General, I look with great skepticism to any substantial increase in Outreach work undertaken by the Law Society of Manitoba. I do not expect the Law Society will fulfill this particular function as the Attorney-General appears to feel that they will undertake the function. I regret the fact that although the federal contribution was not decreased from last year to this year, in fact there was an increase of some \$23,000, from \$750,000 to \$773,000, Manitoba's share in fact has been decreased. If there had been a Federal Government decrease in share costs, then certainly one could understand some reduction in the share of costs on the part of Manitoba.

Next, I would like to ask the Attorney-General, what amounts are being received now insofar as interest on lawyers' trust accounts compared to the amounts which were received on the average of a quarterly basis last year. I suspect because of the inflation in land values, therefore the increase, and some of it's held in trust accounts, that interest being received from members of the bar is increasing. So I think, in fact, that if we consider the increased share from the Federal Government, increased share that is picked up by the bar and compare that to the very substantial reduction on the part of the Provincial Government's share that we certainly find that the province has very sharply reduced its commitment to Legal Aid in Manitoba.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, there has been a reduction in staff lawyers I'm advised by Legal Aid of five or six and it is hoped that much of the educational work will be carried out by the Law Society of Manitoba that was previously carried out by the staff lawyers. There has been no decrease in Federal Government funding and the interest on the trust moneys is not increased but remained fairly stable over the past three years. In fact the real concern will be that if there are certain revisions in federal legislation related to interest bearing accounts it may very well be that the interest money will be very severely reduced in future years.

MR. PAWLEY: Mr. Chairman, could I ask the Attorney-General what amount is included as a projection in that which will be recoverable in the \$2.823 million for Legal Aid for interest on lawyers' trust accounts as compared to that which was collected in the last fiscal year?

MR. MERCIER: Firstly, Mr. Chairman, we don't have those figures available. The advice from staff is that that amount has remained stable over the past three years.

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: On a point of order, Mr. Chairman, I might add that the Minister should be aware that the Member for Wolseley has volunteered to provide those figures and says that he will be producing them this evening, I believe. He said he can get them for the Minister.

MR. MERCIER: It will only be consistent with the co-operation I've received from members of the Committee.

MR. CORRIN: Fine caucus, as Harry Enns would say.

MR. CHAIRMAN: The Member for Selkirk, a further . . .

MR. PAWLEY: Mr. Chairman, what we really find if we accept as stable the interest on lawyers' trust accounts though I say to the Attorney-General that ought not to be the case, there should be an increase in interest. Something is wrong somewhere because of the inflation in land values, the inflation in the amount of moneys that are being held in trust, the increase in the number of commercial transactions, that interest should not be stable but there should be some increase. However I HAVE TO ACCEPT WHAT THE Attorney-General has indicated to me with some little surprise.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: If I could just make one comment on that, Mr. Chairman. In the past few years a number of lending institutions have made available to lawyers' accounts that bear interest on a daily basis, and I think the experience is that a growing number of lawyers are using those accounts to earn interest for their client's money and I think that accounts for the stable position of the amount of trust moneys available.

MR. PAWLEY: What we are in fact seeing then is a reduction. If we consider the Federal Government, a small increase in their share, we're seeing a decrease of about \$200,000 in commitment by government toward Legal Aid in Manitoba, and I just say to the Attorney-General that would seem to me to be rather inconsistent with the fact that there has been allowed an increase insofar as courts are concerned, police services, and the moneys that are allowed for increases in criminal prosecutions, civil litigation. There's been an increase in all those areas but insofar as Legal Aid is concerned there has been a significant drop in commitment along with the decrease in the level of services that are provided to the users of Legal Aid. I would like the Attorney-General to advise whether or not he intends to undertake, as Attorney-General, as Minister responsible for the Legal Aid program, an early review to ascertain whether or not this situation which has developed cannot be corrected forthwith.

MR. ME CIER: Mr. Chairman, I will undertake to review the operation of Legal Aid in the very near future with them and their experience under the reduced funding and the new policy guidelines that . . .

MR. CHAIRMAN: The Member for Transcona.

MR. PARASIUK: Mr. Chairman, I'd like to express my disappointment at the cutbacks in Legal Aid which I think are very substantial. You know, when there are cutbacks it's interesting to see who bears the brunt of restraint because that reflects the priorities of the government. The poor, the old, the sick, and those geographically remote are bearing the brunt of restraint and we have a situation where on the one hand the government will announce a senior citizens' program to reduce their school taxes, and I have a situation in Transcona where not one senior citizen qualifies for that particular program. Then here in the case of the Attorney-General's Department we find that the Estimates have gone up from \$28.3 million to \$31.2 million while at the same time there's been a cutback in Legal Aid. Again, who is going to be bearing the brunt of that restraint? It's going to be the consumers, it's going to be the people who require Legal Aid.

And you know, as a freshman MLA you receive a lot of calls and you're not used to receiving all those calls and they're dealing with a whole set of government programs and you check them out and you determine where in fact assistance can be provided, and I've been finding that the senior citizens are having an especially hard time with this administration but at least I can provide some answers for them. The most difficult answers for me to provide as an MLA are those where constituents phone up asking legal questions. They want legal interpretations. What should I do. I've either got a civil situation or a criminal situation; what should I do in that situation? — (Interjection) — No, I think that I would prefer to have a government system and an administration in place where a person can receive some assistance, and unfortunately one of the reasons why people are afraid to phone a lawyer is that they're afraid that the phone call itself will cost them a lot of money. And that's pretty sad when people end up being afraid of justice because they can't afford it and that's the whole point of the Legal Aid program — to reduce that fear that people have — just as people used to be very afraid to go see a doctor because they were afraid that once they got in to see a doctor they couldn't afford to pay the bills. So that's why people came up with the medicare system, and I think that even the Member for Wolseley would probably be in favour of the medicare system.

Now it's for very similar reasons that governments came up with a Legal Aid program, and we are compounding that problem by cutting back on a very rational, sane program which provided access to justice for a large number of people who previously couldn't afford it or felt they couldn't afford it. I can't really understand the rationale and it's not been effectively provided for the government cutting back on that particular program. Indeed I have heard Conservatives say that we aren't inhuman, we believe in a civilized society, we believe that if people require assistance they should get it, and yet where are the areas where the cutbacks have taken place — precisely in those areas where people do require assistance.

Secondly, the cutbacks have been bad in a couple of other ways. Legal Aid lawyers are being restricted from pleading before provincial boards and agencies on behalf of interest groups. They've been very effective in the last year. They've done an excellent job before the Public Utilities Board, before the Milk Control Commission, and ironically it was the two Legal Aid lawyers, the staff lawyers, who represented those interest groups who were canned, who were fired, supposedly as part of

the cutback process. Now I'm still not sure, and I'm still not satisfied whether in fact those two people were fired because they did an effective job on behalf of the interest groups or whether in fact there was insufficient money to pay their continued salaries. And that's an issue that still is hanging. It's not been cleared up. The Task Force has in fact recommended that. The head of the Task Force Review Team is now the head of the Legal Aid Board. —(Interjection)— A coincidence, yes. So obviously the population has tremendous fears that interest groups will not be properly represented when they go before a board or a commission of the Provincial Government.

And the Minister has done nothing to reduce that fear. In fact he's indicated that that's a decision for the Executive Director. But at the same time he's cut back the budget that the Executive Director has.

Another area that concerns me is the cutback by the Legal Aid Board. It's not even a cutback; it's a complete emasculation of the Law Clinic which was run by students at the Faculty of Law at the University of Manitoba. It was a \$28,000 program. It operates for the summer. It pays for the administration of that program. Six summer students are involved, and the rest are volunteers. These are volunteer law students — second and third year law students — acting completely as volunteers. I'm delighted that they're doing that. I'm positive that the Member for Wolseley is also delighted. These second and third year lawyers weren't acting as mercenaries; they were acting as volunteers. They, in fact, felt and believed that when the Minister of Health and Social Development made some grandiose speeches regarding volunteerism that he in fact meant what he said. Furthermore they must have felt that he reflected the wishes of the government because I can recall him quite clearly saying, "We believe in volunteerism. We aren't going to pay for a number of these things. We want society to volunteer more, but we will indeed pay for some of the costs of co-ordination and for some of the costs of administering volunteers." Well, what more appropriate program in that respect than this one — the Law Clinic? We had a number of law students handling simple cases well, and handling them cheaply, so why stop it — why stop it? —(Interjection)— No, the province has the responsibility and can, in fact, provide that Law Clinic. It's not that much money. Now if the Minister wants to hide behind the Board and say, "Well, I'm not going to tell the Board how I should do this", surely, given the statements of his colleagues regarding volunteerism — statements which I'm quite certain he must agree with — then I think he should reconsider. I think he should meet with the Faculty of Law and I think he should fund that particular program. It's not an expensive program. It still can be made operational and it would provide a tremendous service to Manitobans.

So I'd like the Minister to indicate whether in fact the Law Clinic will be started up again for this summer.

MR. MERCIER: Mr. Chairman, if I can refer to a number of items that the member itemized. He referred to the contracts, I believe, to one or two members of Legal Aid and suggested that they had been fired. I would point out to the honourable member that one of the gentlemen, Mr. Peltz, his contract runs out at the end of June, I believe, I've recommended to Management Committee that that contract be renewed. The honourable member referred to representation of interest groups. Mr. Chairman, the Act and Regulations do allow the Executive Director and the Board to allow representation and there has been no interference with that discretion, and in fact, counsel had been appointed by legal aid to represent the group before the Public Utilities Board and the Milk Control Board.

With respect to the Law Clinic at the University of Manitoba, it would be fair to say, Mr. Chairman, that this is probably the lowest priority of the Legal Aid Board. This function that's carried out, they would contend is more one of legal education, rather than a legal aid program, but at the same time, we are presently, through the Chairman of the Legal Aid Board — I have met with the Chairman, and the Dean of the Law School, and other members of the Law School with respect to this item — presently carrying out negotiations with the Law Society and the Federal Department of Justice, with a view to consolidating a number of grants to continue the operation of the clinic and a number of other services in one package. Those discussions and negotiations have not been concluded yet.

MR. CHAIRMAN: The Member for Transcona.

MR. PARASIUK: Well, Mr. Chairman, I'm pleased that the Minister has acted in the case of Mr. Peltz. I can recall asking him a question in the House, and he indicated to me at that time, that both Mr. Peltz and Mr. Savino were going to be let go when their contracts expired on June 30, 1978. I'm glad he's considered at least keeping one of these on, because I think both of them had been commended by people involved in both of the hearings. I would hope that he would reconsider in the case of Mr. Savino as well, because I gather he did an excellent job with respect to Hydro.

MR. MERCIER: If I just might clarify that, the Legal Aid Board has made no recommendation with respect to Mr. Savino to date.

MR. PARASIUK: They have made no recommendation? Who made the recommendation with respect to Mr. Peltz? Was it you or the Board?

MR. MERCIER: The Legal Aid Board.

MR. PARASIUK: They made the recommendation. I don't want to get into when they did it, because they must have changed their mind with respect to Mr. Peltz because at one time it was quite clear that he was going to be terminated.

MR. MERCIER: That's correct, and another position opened up, and then they recommended him.

MR. PARASIUK: I was wondering if the Minister would be prepared to table for us the staffing plan for the Legal Aid Program as of July 1, 1977, and this is permanent, term and contract people, and what it is for July 1, 1978? I don't know if you have that available now, but I certainly would like a Ministerial commitment, that that would be made available to us.

MR. MERCIER: We can attempt to provide that, Mr. Chairman.

MR. PARASIUK: I would think that it's probably something that the Legal Aid Board has. It must have a staffing plan, and if that will be provided, I will take the Minister at his word, that he will be providing that at some time.

Mr. Chairman, I find that this very important item seems to be of very low priority, almost no priority, to the Member for Gladstone. —(Interjection)— That was the Member for Arthur? Oh, I would hate . . . I apologize.

MR. CHAIRMAN: May I remind the Member for Transcona to direct his comments through the chair.

MR. PARASIUK: That's right. No, Mr. Chairman, I find that the member is so caught up with beef, that he doesn't have any concerns for law.

Mr. Chairman, the Minister indicated that the Law Clinic was providing solely or primarily a legal education function. That's not my understanding. The law faculty has said that that group was providing very excellent work. I've heard no complaints from people who have had cases handled by the volunteers. So, therefore just to brush it off, as legal education, I think is quite an unfair commentary on the Law Clinic.

M . MERCIER: I didn't say that.

MR. PARASIUK: I think you did. And I try and listen carefully. I think you speak quite a distance from the microphone, so sometimes I don't pick it up, and if you didn't say that, I'll take it back. But I will read Hansard on that to check, I think you were saying that it was a low priority of the Legal Aid Board, because they viewed it primarily as a legal education function rather than as a legal aid service.

MR. MERCIER: Right.

MR. PARASIUK: I think if you have cases being dealt with for something in the order of, I think it was \$28.00 per case, there they're handled cheaply, you're in fact dealing with the concern for value for money, and you're also dealing with the concern that people do have access to legal advice, when in fact they are confronted by legal issues.

So, I'm hoping that the Minister will move more quickly on this work through the summer period right now. I would think that those law students who might be available to work on this program, and who would want to work on this program, do so over the summer months. And we're already at the end of June, and the Minister isn't indicating giving us any hope that we'll have a program in place by September, at which point, the students will have to get back to their law studies. So, is the Minister in a position to indicate when we might have some type of Law Clinic Program operational at the University of Manitoba?

MR. MERCIER: Mr. Chairman, while the program has operated during the months, with three or four full-time students, it has operated all year round. Unfortunately these discussions have been going on for some time, and have not yet been concluded, so I can't estimate, in fact, if and when the Clinic will be back in operation.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Mr. Chairman, in the area of legal aid, I'd like to refer to some of the comments of the Member for Selkirk, in no particular order, but he seemed to indicate that there was a bit of a problem in some areas, and I wanted to take sort of an opposing position in some of them, and one being in the area —(Interjection)— No, because I think it's a congratulation to our government and to the Task Force, and certainly to this Minister for implementing some of them.

I think in the area of the Outreach Programly we've got to certaingear down the amount of full-page ads that are taken out, and I'm sure the media will be at a loss, from the loss of revenue from some of these fullppage ads. But it seems to me that this is the type of situation, together with the trailers that are bought, and different road shows that go out into the country, looking for customers, attempting to drum up business and saying to the people, "You have a lot of problems, we need more cases to solve." And you look at almost every civil proceeding, and I am going to be a little humorous at times, because I think it's the only way you get your point across. —(Interjection)— Really I am serious.

It reminds me of a story of a gentleman that was talking to me, that said, "I've only been ruined twice in my life, once when I went to court and I lost a case, it took away all my money, but I worked hard and got back on my feet, then I was taken to court again but I won, but I still was ruined."

So, I think what you have here is a situation long overdue, a review of what's going on. The fish plant that is in this particular entire situation reminds me that a citizen between two lawyers is like a fish between two cats in many cases. —(Interjection)— 's I know, I'll tell you why, in tonight Free Press it spells out the reason why, Mr. Chairman.

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: The member would seem to be digressing substantially and significantly from the item before us, Mr. Chairman, and I don't think frankly —(Interjection)— not only our fish of any form beyond the purview of this particular Estimates review. But I believe that's within the purview of the Federal Estimates review, and I don't know whether the Member for Wolseley was about to embark on a review of the Freshwater Fish Corporation, but I think he should be ruled out of order, if he were going to deal with fish as opposed to legal aid.

MR. CHAIRMAN: I might tell the Member for Wellington that I don't believe that he has a point of order and I of course would ask the Member for Wolseley if he would stick to tte item before us, and I know that he's always done it in the past, and he will continue in his normal fashion. The Member for Wolseley.

MR. WILSON: Mr. Chairman, I think the Member for Wellington does not have a point of order.

MR. CHAIRMAN: I told him that.

MR. WILSON: Because I think there's a breath of fresh air, when somebody is willing to take and have an examination of that particular elitist group who is unwilling to be looked at, and have a window to the public, and even in tonight's paper, the lawyers say that did not bring a member of the profession into disrepute. I think the whole problem why members opposite and members of all government departments are unwilling to discuss many of the problems pertaining to legial aid, pertaining to the trust funds, pertaining to the money, is because they were afraid of bringing their industry into disrepute. But two mayors who were wearing two hats, namely, Mayor Steen, thought that legal aid was a rip-off and said it was a damn racket. But Mayor Steen wasn't alone. The Mayor of Vancouver said that in particular he was very concerned because over one million was in salaries, and he said, "I hope our system is not going to continue the ridiculous policy of free legal aid, especially in civil cases."

So, here you have two leaders of our community, two mayors, suggesting that something is wrong with the legal aid system, and our gcvrnement has done something about it, and I think what they have done has to be commended. They have turned around and put it back into the marketplace.

rather than setting up an empire of staff lawyers, and I think that we have to cut down on staff lawyers. I would like to ask the Minister, when did legal aid start, when did this wonderful creature start, and what was the amount that started the first year? What was the budget, was it \$300,000, and what is the budget today, \$3 million, \$2.8 million? This is what I'm getting at. It seems to me that because of the Outreach Program, because of the drum beating by members of the legal profession, we now have a backlog in the courts.

You can almost cut out hundreds of articles across Canada which relate to the the fact. Here's one by Norm Stewart, Chief of the Police, that says, "Free legal aid has meant an increase in the number of persons who plead not guilty." And he also says that the cost of policemen is over \$16.80 an hour, policemen standing in court, all these witness fees, the extra cost to the taxpayers. So, I suggest, Mr. Chairman, the real cost of free legal aid is not \$2.8 million, it's more like \$4 or \$5 million, and this is because you have to take these hidden costs into consideration. So, therefore, I don't think our government has gone far enough. —(Interjection)— No, I'm serious when I say this. I really feel that the advertisements where they want to get into every civil proceeding, or every important civil proceeding, to me, is not what legal aid was intended for.

It was intended that every man should have his day in court, when it came to certain criminal law, and in fact, in Ontario, and I'm quoting from an Ontario critic who happens to be Albert Roy, a Liberal critic, who says, "A review of the Legal Aid System should be conducted with the view of placing it under a public defender system in use in other jurisdictions." So, there is Ontario, there is everybody else complaining.

Then we get into the particular situation where the former government entered into an agreement with the Law Society of Manitoba that money that belonged to the citizens of Manitoba, the middle-income people, possibly some of the wealthy people, that this particular interest from trust accounts was to go towards paying for Legal Aid. Now, I certainly would agree with that. But now what we have, because I turned on a little bit of heat in the kitchen and started questioning this grant of up to \$300,000 a year, this contract that was entered into by the former government, now we have members of the legal profession running off to the federal people, and I would like the Minister to explain. He mentioned that the Federal people might take away this right, or something is cooking in the wind with the federal people, and I would like to know if he could suggest or crystal ball what that — or any member of the legal profession who is on this committee — what the federal people are up to, because I'm concerned that the interest from trust accounts of lawyers, they are unsatisfied, because a citizen member has raised the question as to the validity of this grant, this contract that the other government entered into with the legal profession, that returns over \$200,000 a year to the Law Society to run what is supposed to be for educational purposes.

Now we have the great revelation, which is long overdue, and I guess probably it was the difference — this is why there is no need for a great empire of staff lawyers, because the Law Society is given that grant to perform a voluntary function and they haven't been doing it. So that is why I was hinting at turning on the heat and cutting off that grant, because they were not out there volunteering their services, they were going to let the government do it.

Well, I suggest that the government can get out of this and save the taxpayers a lot of money. I welcome the suggestion that the Law Society is going to finally get back to the volunteer basis of doing something on this grant by agreement that the former government entered into.

Now we get into the Legal Aid problems that we have and I would suggest that we have to get out of the civil action. I am very concerned about the federal people tinkering. Why the lawyers of this province would run to the federal people, I have no way of knowing, and I am very interested in finding out what is in the wind and I urge any member of the legal profession to come forward and tell me what is happening if they have any information.

I would like to at this time — I had some notes given to me, speaking notes given to me by somebody who was very concerned . . .

MR. CHAIRMAN: The Member for Selkirk on a point of order.

MR. PAWLEY: The member is again referring to — yesterday it was a letter, today it is speaking notes handed to him. I believe it is the very same reference he made yesterday, unsigned letter or speaking notes, and you ruled yesterday that due to the fact it was not signed, it did not need to be tabled, yet the member is giving a great deal of credence, yesterday and today, to these written words of communication that he has received.

MR. CHAIRMAN: To the Member for Selkirk, you will notice that the Member for Wolseley learns very quickly. He now calls them speaking notes and no longer a signed letter from somebody. So he is permitted to use speaking notes if he wishes. The Member for Wolseley, please carry on.

MR. WILSON: Mr. Chairman, thank you. What I was getting at, basically, and I don't blame the Member for Selkirk, after all, most of my criticisms he is well aware of, either through private conversation or through some of the concerns I raised in past years. I kind of see that there is a window opening up; I see a breakthrough. I see the members of the legal profession finally doing some volunteer work in the community. I see the end to the unbelievable amount of civil cases that were seen to go unchecked, and they even made an amendment one time to the Legal Aid . . . when I found out that people who weren't even residents of Manitoba, despite the fact that they had an agreement, were being given Legal Aid. I even raised questions that I know of many cases in domestic things where the husband could literally be an extremely wealthy person and the woman could come in with an \$8,000 diamond ring on and without any question receive legal aid. I could see a doctor, a personal experience I had, who went to Legal Aid to get a bicycle back that belonged to him. These are the kinds of abuses that I think in civil action that are not called for. I think that Legal Aid was designed . . . I think it is absolutely appalling that a big joke in the prisons is that these repeated offenders . . . I think that a person who is a third or fourth offender who is literally a habitual criminal, at some point in time, when do the honest taxpayers of this province get some relief from this particular individual admitting to everyone who will listen, including the police probably, signing a statement, and then because he has got nothing else to do, will hire a Legal Aid lawyer to go through the court system.

I'm very interested, and I have asked a question about that motorcycle gang rape where they are going to the Supreme Court. I'm wondering how many cases in Legal Aid go to the Supreme Court?

MR. PAWLEY: I do say that that is a matter before the courts and the Attorney-General has been very quick previously to point out such instances. The member has referred specifically to a case that is going to the Supreme Court of Canada.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: It is going to the Supreme Court this fall.

MR. CHAIRMAN: . . . therefore, I would ask the Member for Wolseley to refrain from using that as an example in his argument. The Member for Wolseley.

MR. WILSON: Basically what I am getting at, in support of our government's cutbacks of Legal Aid, I still feel that they have got to plug some of the loopholes. But also, tied in with Legal Aid, is this whole matter of the agreement signed by the former government that gives a grant, by agreement, to the Law Society of Manitoba for \$200,000 to \$300,000 a year. I know of no other profession that is supported by the public trough and all of a sudden we have a tag day for some of the most affluent members of our society and we give them money to the tune of \$200,000 or \$300,000 a year. Now, the people in Wolseley are not the most affluent people in the world and they deserve a voice when it comes to what is suggested, that something has to be done. I have raised the concerns in the past and as a member of this government, I think that the legal and Law Society has a duty to get out there on a volunteer basis and listen to Justice Dixon's address to the graduating class. That's the type of thing, and that's why I'm probably one of the few members of our government who support the Law Clinic at the university, because I believe what they did as young individuals, second and third-year law students, they're full of ideals and they don't get into the particular scrambling for the whirling money pot that is there and the economic situation.

So there they are studying the books and they become majorly academic, true, but they also have ideas of justice and they get out there and they answer phone calls and they offer suggestions and this is why probably the only good thing about this ad is the dial-in, phone-in. I think this would cut out an awful lot of Legal Aid expense if we could continue with the Law Phone-In program because many suggestions that I have to handle as a politician, and I think that politicians in a sense are lawyers in that they are solving problems every day of a legal nature and whether it's, should my dog be on a leash or shouldn't he? And you quote certain by-laws. Now, there is no need for her to sign up for Legal Aid to get that advice. She can get it from her local councillor or politician. These are the kinds of things that can be done over the phone. I really feel that the Law Clinic is right on as well. I think that we have got to get Legal Aid out of civil action because if any young guy has got the nerve to go out and buy an \$8,000 car with no intention of paying for it, he has got no right to go down to Legal Aid and have them throw up roadblocks against the bank because they know that anytime a person files a statement of defence, the bank won't go to court. That is the type of thing that really gives me a very ill feeling in the pit of my stomach, when I see Legal Aid fighting civil actions when the person was over the legal age, signed a contract with certain

terms, and he should abide by those terms. And if he can't come up with the situation, we don't need Legal Aid to foster the debt dodging that is going on in this province and this is one of the things that really gets me.

I thought Legal Aid was there if a person had marital problems, if some juvenile who was caught for a particular crime or accused of a crime, he was entitled to his day in court. It wasn't to get into the area where the marriage counsellor . . . A person goes down to a marriage counsellor down in Tuxedo and they have got a problem, and immediately the marriage counsellor appoints a lawyer for him and a lawyer for her, and you know why that happens. There is a vested interest. The farther you carry on the situation in the courts, the bigger the fee, and that's why the marriage counsellors should stay away from the lawyers. They should offer advice and solve marital problems, not become agents for Legal Aid.

So I'll close with these remarks, Mr. Chairman. I would like the Minister to have a look at this Law Clinic. I would like the Minister to have a look at getting Legal Aid out of many of the civil problems that we have. There should be some certain guidelines or instructions and I think we should be aware of criticisms offered by both Mayor Steen and the mayor of Vancouver and the Chief of Police, Norm Stewart. Get some of these professional people who have to deal with Legal Aid, not leave it to some citizen or politician to have to take on this very very mammoth group of individuals. There is no pleasure in having to go to particular sporting clubs and everything and take criticism from lawyers in saying, why am I criticizing them. I would like somebody else to pick up the standard and I would even welcome it if it was some of the lawyer members of the opposition.

MR. CHAIRMAN: The Attorney-General.

MR. MERCIER: Mr. Chairman, just one explanation. The member asked about the concern that I had about a reduction in interest from trust accounts being available for legal education and legal aid. My understanding is that there are some proposed amendments to The Bank Act at the federal level with respect to specifying interest on a daily basis, that might have a serious effect on the amount of interest available from trust accounts and in fact this source of funds might evaporate completely.

MR. WILSON: Mr. Chairman, in response to that. So if the Federal Government makes an amendment to The Bank Act that the interest is on a daily basis, will we have some team of individuals or some investigative group who is going to see to it that this interest goes to the estates of people who have died, whose money is being held by lawyers, to property transactions, or is it going to be like it was in the old days where it has been suggested that many of these particular accounts, the interest, there was no accountability and it was swallowed by members of the profession?

MR. MERCIER: Mr. Chairman, the answer to that question will have to await the passing of legislation by the Federal Government.

MR. CHAIRN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. It is a dubious honour to follow the remarks, both factually . . . However, in a more serious vein and away from the diatribe that we have been presented with, I would like to address myself to a matter that is of imminent concern to members of my profession. I am going to share with members of the committee and the Honourable Attorney-General, a portion of minutes of a meeting of the Family Law Subsection of the Manitoba Bar Association. This meeting was held on March 28, 1978. It deals with a matter that has been of considerable concern to members of the legal profession because it involves a serious possibility, what has been considered to be factually a serious curtailment of the professional freedoms that we have enjoyed in this province for a very very long time. I will quote. The Minutes read as follows, and this was after there was notice given to the meeting that there had been instructions given by the Board of Legal Aid, Manitoba, that any practising lawyer on a Legal Aid panel, in other words, any member who is eligible to work with and through the Legal Aid system to provide assistance and be paid through that system, would be struck off such a panel for any abuse of the system. The committee, the subsection took note that the word "abuse", was in no way defined, and that the question of whether or not an abuse had actually transpired was left undefined and purely within the discretion and to the decision of the Board of Legal Aid.

Now, there was considerable concern about this because for a very very long time, of course, we have been an independent profession, and we have enjoyed certain freedoms and prerogatives as a result of that, as have other independent professions. We have felt, and I speak now in the generic sense, we have felt that it is important to the administration of justice that the legal profession

not be manipulated or controlled by government, and so there has been a very zealous effort on the part of all members participating in the legal aid program to maintain our professional distance in order that we not be, to use a colloquial term, "sucked into the vortex of this particular program." We appreciate the need for it, we support it, we support it, although the Member for Wolseley may not concur, we do support it with our pocketbooks and our efforts. I assure him that the fees that have been received since they have been frozen for over three years are substantially less than would normally be expected through private arrangements made with clients, and do not represent, do not to any extent represent the income that would normally be enjoyed in the former respect.

In any event, the members of the subsection, having this before them for consideration, passed a resolution that Legal Aid Manitoba should not have the power to strike any lawyer off the panel and any complaints, if there were none, should be referred to the Law Society of Manitoba, as is provided in the enacting legislation, which enables that Society to govern the affairs, set regulations that govern the affairs of our professional body.

Now, this, in itself, is a very very serious transgression, but it goes one step further, and in order not to distort the record, not to taint the record, I'm going to read directly, and I will table this, I'm going to read directly from the minutes as they were published in the Manitoba Bar newsletter, which is published by the Law Society of Manitoba — this was the June, 1978 edition, Page 10, and it's item 6. "A discussion followed concerning the fact" — and I emphasize the word "fact," — "that Crown Attorneys are advised to report to the Attorney-General any lawyers who they feel are wasting the court's time, or being unreasonable, by using unnecessary preliminaries or pre-trial discovery. It seemed that the guideline as to what is a waste of the court's time is that of a guilty plea being entered, or an accused being found guilty at trial." I admit that may well be a very subjective observation, but nevertheless I think the committee can understand and appreciate the intent and the concern.

"The group thought that this was a ludicrous guideline, and further, that it was an unconscionable thing for Legal Aid Manitoba to participate in."

Now, the resolution that was passed by the majority of members present at the Bar Association Meeting was as follows: "The Crown Attorney's Department should not be used as spies on behalf of Legal Aid Manitoba against the private Bar."

And I might say, Mr. Chairman, that I heartily concur in that. I am quite concerned. This has been before us for some time. I am not sure frankly whether it is a fact, as stated in this particular minute, but I know that among the members of the practising bar of this province, it is now considered to be a fact, and if it is not a fact, I suggest that the Attorney-General utilize this opportunity to put his position on the record, to alter the record, to revise it in order that suitable and proper information be disseminated in this regard. I can say that "unconscionable" is the only word that would describe a situation of this sort. It's not at all acceptable. I know it was mentioned in the Task Force Report, the Attorney-General has mentioned that he did not participate in the preparation of the Task Force Report. He indicated that he did not take any part in that in the discussions that led up to the formulation of the recommendations, and that those recommendations are, for the most part, under review.\$

We would like to know, quite frankly, whether or not there are quislings in our midst, whether or not members of our profession are being required to file these reports against other members. If this is the case, that is not in the interests of the citizens, and I presume it is directed against legal aid, that legal aid lawyers, members of the private bar who are serving. If it is an attempt to subvert the course of justice it won't work, because lawyers in this province have powerful lungs, and they are capable of digging in their heels quite firmly. We will not have our precious freedom eroded. The beef producers may be willing to go that route, but I can assure you, the lawyers won't.

So, I would like a declaration of intent tonight from the Minister, if it's possible, and I'm sure he as a practising lawyer will appreciate the substance of this comment. The Member for Wolseley makes light of it. He makes light of lawyers in general. I would point out to him that both the Leader of his party and the Honourable Attorney-General are in fact lawyers, and the Federal Leader of his party, although he failed out of law school on two separate occasions, made a serious effort to participate in the affairs of our profession.

MR. MERCIER: Mr. Chairman, I guess the quality of the honourable member's arguments were best demonstrated in the last statement that he made. I indicated earlier that the Task Force recommendations had not yet been formally considered. They have, I'll repeat it again, that they have not yet been considered. I appreciate the honourable member's concern in this particular area, and I can assure him that his concern will be given very serious consideration when the recommendations are considered, and the recommendations of the Manitoba Bar Association are considered.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: The Minister didn't direct himself though to the question that I was most concerned about, and that is whether factually the Legal Aid Board has . . .

MR. MERCIER: It's not a fact.

MR. CORRIN: So there is no substance to the rumor, shall we call it, the allegation that the Crown Attorneys have been asked to turn information over to the Legal Aid Board, in order that they can consider action to be taken against members of the private bar who are supposedly abusing the system?

MR. MERCIER: No, there's no substance to that.

MR. CHAIRMAN: The Honourable Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I appreciate the Honourable Member for Wolseley giving us some opportunity to deal with views which probably reflect closer the views of his party than the views expressed by the Attorney-General in tonight's proceedings. I appreciate his forthrightness and his clarity in presenting what I know to be the views of many within his party. I do think there is an area or two that we should comment on.

First, he makes great reference to the government conducting a tag day for the most affluent members of our society. He suggested no other profession is so supported financially as is the legal profession, and we dealt with this last year in our Estimate Review and I thought at that time, the Member for Wolseley was informed and understood, that the money that we are dealing with here, is money that is collected from the legal profession, is collected from interest on trust accounts, and thus is payment back to the legal profession of \$1.00 in every four that is collected from trust accounts, so that the legal profession can use that money on continuing education. They've used this money in the past in order to deal with education programs for municipal officials, for adjusters in insurance claims, and many others. I thought we had clearly got this across last year when the Member for Wolseley lashed out with the same type of criticism, and what the Member for Wolseley is doing of course is trying to capitalize on what he knows to be a public feeling of distrust of the legal profession. He capitalizes on this issue, and has unfortunately, done this, year after year, though I believe every year it has been indicated to him exactly what the source of this money is and it's no —(Interjection)— Well, the Member for Wolseley suggests that this agreement be explained to the public. It's been explained in this Chamber for each of the last four years, I believe, but the Member for Wolseley continues to attempt to muddy the waters, hoping that the public will be confused as to what this agreement is.

So, I would ask the Attorney-General specifically whether in view of the Member for Wolseley's remarks, whether he intends to withdraw this funding from the Law Society of Manitoba?

MR. MERCIER: It's provided for in legislation, Mr. Chairman. There's proposed amendments before the Legislature this year.

MR. PAWLEY: Does he propose amendments to withdraw this method of finance?

MR. MERCIER: If such a proposal is made I'll let you know.

MR. PAWLEY: Well, I would think that in view of the lengthy criticism by a member of his own party, referring to this as a tag day, that the Attorney-General wouldn't be able to wait to get amendments into the Legislature in order to remedy this situation.

Secondly, the Member for Wolseley made reference to getting legal aid out of civil matters. I think the members should be aware again that 90 percent of the civil matters, involving legal aid, involve family court matters. So what he's really proposing is a vast vast amount of family court, get legal aid out of family court. —(Interjection)

Well, he is stating that, because his words were "Get legal aid out of civil actions." He made some reference about debt dodging which probably makes up one-eighth of one percent of the civil matters handled by legal aid. So I would suggest to the Honourable Member for Wolseley that if he didn't mean that, that he'd better be more cautious in his remarks because if he's intending to suggest that legal aid be removed from family law, then certainly it would be just one more step along the way of emasculating, not only the family law itself, but the effective administering of family law in Manitoba.

I don't want to spend too much more time with the Member for Wolseley's comments, but I want to draw to the Attorney-General reference that I have to a letter which was forwarded to the editor of a Winnipeg newspaper by the former director of legal aid in which he had indicated that secondary sources of financing which was received directly by the provincial government this year would increase by some \$250,000, which is a statement which I wished I could have provided to the member in my earlier remarks. bbut if the former director's statement is correct, and this was a letter which was published and I believe there to have been no rebuttal to the letter, then in fact we have seen an even more drastic cut, insofar as the province's share to legal aid than I would have anticipated in my earlier remarks.

MR. MERCIER: Mr. Chairman, I don't know what the basis is for the remarks of the former chairman in suggesting that there would be an increase in funding of \$250,000 in this fiscal year. There are negotiations under way for — and there have been for some time — for a revised formula of funding from the Federal Government. Those negotiations have not yet been concluded but I'm advised that, even under the most optimistic arrangement, the increase in funding would not be as much as that figure.

MR. CHAIRMAN: The Member for Selkirk.

MR. PAWLEY: I would like to pose one further question to the Minister and that is dealing with the statement in the Task Force Report suggesting that lawyers from Legal Aid were making presentations to the Law Amendments Committee. I indicateto the Minister responsible that d I knew of no such instance. The Minister responsible for the Task Force I believe acknowledged to me that he was not aware of the instance that he was making reference to in the Task Force. I'm still attempting to discover the instance. I would ask the Attorney-General if he could advise me where a certificate was issued by Legal Aid so that lawyers could appear before the Law Amendments Committee?

MR. MERCIER: I cannot either confirm or deny whether any certificates were issued for appearances before Law Amendments Committee but I can make an inquiry if you wish.

MR. PAWLEY: I would appreciate that because this is the statement that unfortunately found its way into print in the Task Force Report and I've been attempting to get to the roots of the statement

MR. MERCIER: I'll have an answer next week.

MR. PAWLEY: . . . from the Minister that was responsible for the Task Force. In view of the fact he couldn't provide me with the information, where he obtained that information, I was hopeful that the Attorney-General might and I'm pleased that he's undertaken to ascertain whether there's any accuracy in the report or not.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Thank you, Mr. Chairman. The Member for Wellington offered to table a particular document taking, I guess, for granted that very few citizens of Manitoba subscribe to the Manitoba Bar News, but I'd like to table something from the Manitoba Bar News — Page 101 — in which Justice Dixon is addressing a large group of lawyers and he says, "Be sufficiently alert to the interest of your fellow-man to bring to the attention of the Law Reform Committee and other law-making bodies improvements which you feel could and should be made. There are many." And I sit here as a layman, an ordinary person from out there in Wolseley and I see so many laws that are so redundant, so ridiculous, so vague, and it makes me absolutely annoyed that I would like to see for once some government repeal 50 laws in a year instead of passing 95 new ones every year, and this is the kind of thing that I sit here and watch 800 members of the legal profession who will not take Justice Dixon's word for what he meant. And he says, "Gentlemen, in your professional life so conduct yourself that those of us who are here this morning and all others will recall your admission to the bar with pride and satisfaction." And I'd like to table that because I think his words fall on deaf ears when it gets to dealing with Legal Aid, Mr. Chairman.

MR. CHAIRMAN: To the Member for Wolseley and Wellington you've both been reading from a public document. It does not need to be tabled. The Member for Wolseley.

MR. WILSON: I would also like to continue with the Member for Wellington and say how hard-pressed . . .

MR. CHAIRMAN: Please address your remarks to the Chair.

MR. WILSON: . . . Mr. Chairman, the legal profession was in their fees that they had to pay, and may I remind him that the fee is only \$175.00 a year for compulsory malpractice donation, or whatever it is, to the Law Society and that they only pay \$200 a year to practice in the province.

MR. CHAIRMAN: The Member for Transcona on a point of order.

MR. PARASIUK: Is this to do with Legal Aid, which is the topic, because all we've been hearing is a diatribe against lawyers and that's fair enough. I wonder if there's a position called lawyers and you just pick a card. But, you know, I'm not a lawyer, I'm not a lawyer, and I'm just listening to a person take a lot of time about 5 to 12, and if in fact he's got some horrible concerns with the law profession, and he spent a lot of time dealing with the law profession by the way, if in fact he's got so many concerns let him go before the Law Society. We aren't discussing the Law Society right now. If he wants to discuss the Law Society let him go before it, or let him go before the Manitoba Bar Association. We're coming on to midnight. We're trying to discuss Legal Aid and he wants to rampage on about lawyers who might have done him wrong.

MR. CHAIRMAN: The Member for Wolseley, will you try and stay to the Legal Aid section of our Estimates.

MR. WILSON: Mr. Chairman, yes. I would like to concur with some of the steps that the Minister has taken and disagree with the concerns of the Member for Selkirk. We talked about a user fee of \$35.00. I think this is excellent. I think it gets rid of a lot of nuisance cases. We talked about holding back 15 percent of the fees and I know of many many professions which have accounts receivable which they have to wait for money, and I think to suggest that Legal Aid is a victim of restraint I would say it's more like a victim of awareness on behalf of the public and I think that there is no suggestion that I mean to be critical, that says we are the best in Manitoba. The former Minister corrected himself and said, "We're the best in Canada." Why do we in Manitoba have to be the most expensive and the best? —(Interjection)— Well, then all right, why do we have to be . . .

MR. CHAIRMAN: To the Member for Wolseley I might point out that repeating oneself is not permitted in Committee and you did make many of those comments earlier on Legal Aid so would you try and introduce some new comments please.

MR. WILSON: Thank you, Mr. Chairman.

MR. GREEN: He doesn't have to. He could stop if he wants.

MR. CHAIRMAN: I'm glad the Member for Inkster made that suggestion. The Member for Wolseley.

MR. WILSON: You know, Mr. Chairman, there is a very very deep concern here that a particular person who may be lacking in the \$50.00 words if he was paying a lawyer's bill, can get up and make comments and I think this is excellent that I have this opportunity to make them. I have other people that have taken the time to come down and I've spent the time with them and they're very concerned that by making Legal Aid more selective we can curtail the use of legal assistance. Again I know that I've alluded to this, to repeated offenders and habitual criminals, and if we get down to that particular source you've got to offer some rebuttal to the Member for Wellington and the Member for Selkirk because, you know, it's all right for them to stand across there and defend this particular closed shop group but I suggest to you that the taxpayers of Manitoba could save an awful lot of money if we looked at the particular duties that Justice Dixon referred to, that the very fact that the Minister himself said that there now is going to be a volunteer basis by the Law Society to do some of the work that the staff lawyers and part of the Educational Grant that they receive, that this agreement that is so secret that it's never been printed in the papers. I welcome the tabling of that agreement at some particular time.

I'll just close with this remark. I do not intend to sit idly by while this closed shop group bandy back and forth how their particular organization is wronged. Mr. Justice Dixon spelled it out right here and if there is particular problems in our province the Law Society has a duty and every member

of that Law Society to come forward and make suggestions as to how we can improve government, how we can improve the laws, and that's what he's trying to say to you people out there, you are getting a grant through an agreement of \$200,000 a year. You have to educate through an educational program. You have to volunteer through the spirit of this grant and you have to offer suggestions to the government as to how we can improve things and what laws we can repeal, and I have yet to see a lawyer write me and say, "This law is terrible."

I had one particular lawyer send me a bill that says, do you know that children have a duty to look after their parents? Did you know that there was such a law on the books, that there is a duty for children to look after their parents but it's been forgotten about by convenience, or whatever. Now, if there is a law it should be spelled out and amended or disregarded. If we're getting into all of these senior citizen homes so that every particular son and daughter when their parents reach the age of 75, we put them in the senior citizen home, then . . .

MR. CHAIRMAN: The Member for Selkirk on a point of order.

MR. PAWLEY: These comments surely would be more fitting under the Minister's salary.

MR. WILSON: Yes, all right, I'll accept the criticism. Mr. Chairman, I'll leave with the comment that I'm extremely pleased with what the Minister has done to date and I hope he continues his review.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. I think it's imperative that, not that lawyers here make an attempt to defend the legal profession but, as the Member for Wolseley has suggested, that lawyers with some practical experience relate to members of Committee what, in fact, has taken place as a result of the cutbacks in the Legal Aid services? That's important, and I'll tell you, what may well have started off as being or thought to have been a mere austerity measure has turned around and has become in effect a battlefield entailing a war on the Manitoba poor. I don't say that for dramatic emphasis, it's true. A program that was conceptually founded as part of a war on poverty has become a war on the Manitoba poor and it's a bloody disgrace and I think it's time that we know factually what sort of hardships have prevailed as a result of some of these cutbacks, and in order to do that I'm going to share with you information provided to me about specific cases be in our courts and the types of hardships that are now existing that would formerly not have had to have been borne by people making application or presenting cases before the courts.

First of all, we heard earlier in the evening some discussion about — I believe actually this took place yesterday afternoon — we discussed the question of non-accessibility of Legal Aid Counsel to juveniles who did not present a real possibility in the opinion presumably of duty counsel or the director of Legal Aid of being transferred to adult court jurisdiction or being committed. Now, here's a case that took place two years ago and I ask you in all fairness would you put this little girl, a twelve year old girl, would you expose her to the possible prejudice that would flow from the hardship that's entailed in this particular regulation?

This little girl was charged, and she was under twelve years of age when she was charged. She was charged with arson with respect to the Tyndall Park School. In this case there was no possibility of transfer, as the Attorney-General will understand, she was beneath the statutory age, she was less than fourteen years so there was no possibility of transfer and it was a first offence — there had never been a previous charge against this little girl — so there was no possibility of a committal. She was of exceedingly tender years but this was a very traumatic situation. This little girl did not belong to a family who were sufficiently affluent or sufficiently cared to go out and get a private lawyer. That wasn't the situation at all. I checked on this very closely. They could frankly care less. It was not a matter of importance or interest to them so the little girl was facing a trial in the Family Division of the Provincial Judges Court without the assistance or without the benefit of the support of her family.

In that particular case counsel was appointed. It wasn't private counsel, it was in-house counsel applying the same theory that we discussed yesterday when discussing the retention of private counsel. Well, in this case, extrapolating from that theory it was decided to utilize in-house counsel, presumably an economy measure, and that, I should point out for the benefit of the Member for Wolseley, is done on a fairly regular basis — some 2,505 cases last year were dealt with in-house within the community law centres of this province and I believe there are some seven of them scattered about the province, and that is of a total of some 13,000 cases actually handled in the province by Legal Aid last year. But in this case, this little girl, not even twelve years of age, would be exposed to that same judicial process without benefit of legal counsel.

Now, I ask you, I ask all the members of this Committee. would you want to be party to that?

to me it's abhorrent. It's unconscionable that we would even consider putting a child of those years in sort. . . I should tell you that that little girl, after a full two-day trial, was acquitted. It's very important to note, she was acquitted. Her lawyer obviously made a very good presentation, and obviously he had considerable forensic skills. She was, in fact, acquitted of the charge, and the matter was laid to rest, but she would have been exposed to a situation where she may not even have had benefit of counsel, and who knows what may have happened, who knows. It could have been a traumatic turning point in this little girl's life.

Now, another rule, one that I find absolutely insensible, I can't understand it, not a member of the private bar that I know in this province can understand it, is the one that now forbids agreements to pay. Under the former system, lawyers could take, on the direction of Legal Aid, could take agreements-to-pay from clients using the service. So, that the client would promise to make repayment, restitution to the legal aid system of a certain amount, usually per month, whatever was within the client's financial ability, and the person would be granted a certificate, they would be ruled eligible for legal aid, and they could have council appointed. Nobody was hurt. Everybody was paid back. The fees that were received by the lawyer from Legal Aid were eventually, I understand in almost all cases recovered by the Legal Aid Board. There was no problem, it was just a case of deferral of fees. These were people who are on marginal incomes, usually people who were employed, but employed in low income situations, or people with a lot of dependents. Very often this was utilized by single parent family type people, separated women and so on, who were working, had families, and really couldn't afford to retain a private lawyer but it was of marginal situations where the director or his agent usually exercised discretion. Well, now that's no longer available. You can't do that.

Well, here's a situation, I ask you, is this fair? This is a case that actually happened. A woman was involved in a separation proceeding. She was eligible for legal aid. The day of the trial, the parties announced that through the auspices of their counsel, one being legal aid, they had managed to effect a reconciliation. Now, that is I think to the credit of counsel and I would presume to the benefit of society as a whole. Well, what happened was some nine months went by, and the marriage again went on the rocks and there was a dissolution, a falling out between the parties, and the lady in question, had to reapply for legal aid because her certificate had expired, nine months is over the limit and her certificate had expired. Well, in the interim, in the meanwhile, the income guideline freeze had come into effect, and the poor lady had received a small cost of living increase. Well, she was in the same position economically. Her position had not in any way appreciated. She'd received a cost of living increase, and because the goldarned guideline had been frozen (that's a bad one, I'll tell you what it means outside,) because she got this very small increment, very small cost of living increase, she was ineligible for legal aid, the same lady who had retained counsel just nine months earlier now was ineligible. Well, I tell you, I assure you, that that is an unconscionable situation, and it's absurd. This is a working person, a person who because she worked ironically was unable to avail herself of legal aid. If she had been a welfare recipient, she would have been able to get legal aid, so I suppose the solution here is to go on welfare so that you can get free legal aid. It's crazy. It's crazy. She could have paid the system back. . —(Interjection)—

Well, I'll tell you that there's a serious concern, because you know I'm wondering about what sort of quality we can expect for welfare recipients. I'm not sure that it's fair to expose people because of their modest financial circumstances to this sort of inequitable, unconscionable situation. Seriously speaking now, how many people here, if they had not received a salary increase on a very limited tariff, on what we consider professionally be minimum wage, for over three years, and then found out that they were confronted with a 15 percent reduction, this is a retreat from 1975 levels — in 1978, a full 15 percent reduction — how many people would in fact participate as fully as they would like to in that sort of situation? It's very very difficult.

You're a businessman — this is one thing I think I can appeal to you on — most of you are business people, you appreciate that costs of overhead have increased. Doing business is a costly endeavour, and most lawyers are not only professionals, but business people responsible for salaries and overhead and God knows how much these days. Some firms I'm told, downtown, some of your friends, by the way, are paying overhead costs of up-

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of 50-60 percent now in their pract It's a very competitive element, very competitive situation. So I ask you, what sort of quality of service can people on welfare expect when lawyers can't afford to take their cases?

Now, the Member for Wolseley thinks that windfalls are being bestowed upon members of the private bar. He's absolutely certain that members of the private bar are raking in the cash.

MR. CHAIRMAN: Order, the Member for Wellington has the floor, and I'm anticipating that he's going to conclude shortly, so would other members of the committee please stop interrupting the Member for Wellington.

MR. CORRIN: I should tell you that if this seems rapacious, let me tell you that in family court, the average cost per case in 1977, and the number of cases totalled some 881, was \$192.00. Now that may seem like an inordinate amount of money to pay, but I assure you that no lawyer is going to become, as you like to describe him or her, a fat cat on that sort of income, because that entails a considerable amount of work.

MR. ORCHARD: What about when you write out a mortgage on a farm, a title, and they charge you five hundred bucks.

MR. CHAIRMAN: To the members of the committee, we can only have one recognized speaker at a time. The Member for Wellington has the floor. The Member for Wellington.

MR. CORRIN: I don't normally respond to those sorts of things, but I think that the Minister should make the Member for Pembina aware that Legal Aid does not issue certificates for mortgages. I think it's important that he be aware of that fact, because it's that sort of misinformation which gives this government a very bad reputation in the legal community, and I will assure you that I will pass on the Hansard transcript to show — and I'll pass it on to lawyers practising in the Pembina area — to show them what sort of prehistoric stupidity is prevailing in that caucus.

MR. CHAIRMAN: 9.(a)—pass—the Member for Wellington.

MR. CORRIN: Mr. Chairman, I haven't finished my remarks.

MR. CHAIRMAN: Oh, the Member for Wellington.

MR. CORRIN: I was in the process of describing inequities that had transpired as a result of these cutbacks, and let us deal with specifics, because I think to make it understood, I think it's best to deal with specific case situations to see how it affects, because these are your constituents, my constituents.

Legal Aid never awarded certificates with respect to summary conviction offences, these are offences that were thought to be, are considered to be of a low risk factor in terms of potential incarceration or committal, and therefore, the Legal Aid Board for many years has never allowed, to my knowledge, a legal aid counsel to be appointed with respect to them. Now, that is not to say that summary conviction offences under the Criminal Code are that minor, because I can assure you that a client, one of our constituents, when confronted with a charge, takes it most seriously.\$

Here's a case of a man who is charged with a summary conviction offence, an assault charge, and in this case, I can assure you, the man was quite indignant, he did not feel that he assaulted the other individual. In this case, he was of course not eligible for regular counsel. He was working part time, but . . .

MR. CHAIRMAN: The Member for Gladstone.

MR. FERGUSON: A point of order. I think our side would be quite willing to have the member table all of these cases that he's talking about, and put them in the Hansard, we're quite willing to accept them.

MR. PAWLEY: We're interested in them, the government members may not be interested.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: This individual, who was charged with assault, was not financially eligible for legal aid. It was a summary conviction offence, but legal aid, as a matter of course, used to send these people, people charged with these sorts of informations, to the University Law Centre, and the University of Manitoba. They weren't required to retain a private lawyer, and as I told you this person was working part time, but you know had a lot of financial responsibilities. Well he had to retain a private lawyer.

Now, formally, this individual would have been treated by the Law Clinic. Now, notwithstanding the support of the Member for Wolseley, and I would suggest in this case, he's quite correct, when he says that this is a good example of freely volunteered time, and this particular program is well within the context of the concerns expressed by people such as the Minister of Health and Social Development, this particular clinic would have been able to serve him, as it did some 500 persons last year, 500 people in his situation, these were with respect to matters of less criminal nature, civil matters in Small Claims Court, and labour disputes of a minor nature. A variety of people were served from all over the community, at an average cost of less than \$60.00 per case. Now, compare that to the fees that this man might well have been coerced into paying to a member of the private bar. It's true, lawyer's fees are expensive. I don't think there's a member of the practising bar in this province who isn't concerned about it. It's true. By the very nature of the profession. That's why in England today they're talking about something that I think members on the other side of this House would find most abhorrent, but I warn you, they talked about legal aid a decade before we did. They are talking very seriously at socializing the legal profession and they're now in the midst of considerable debate and public discussion in committee level in the House of Commons about the possibility of doing that.

Well, I assure you, if you want to protect the — as the Member for Wolseley is wont to call it — the legal industry in this province. . . If you want to protect what he refers to as the legal industry, then I think you should give serious consideration to revising your thoughts with respect to the funding of such a very important voluntary program as the legal aid, the University Law Clinic. I might tell you that your friends, some of your friends, because they are your friends, the Attorney-General rose in his defence just yesterday, Mr. Shulman, has voted, in his capacity as a bencher, and I'll tell you the vote was 14 to six in favour of the resolution that the Law Society of Manitoba support in principle the re-establishment of this clinic. They describe it as a good thing. And they say that the appropriate authority should be encouraged to fund its re-establishment. —(Interjection)— 14 to 6. And I might tell you that Mr. Hague was at that meeting, Mr. Jessiman was excused just before the vote was taken. That might be of interest to members opposite. But Mr. Shulman did not leave the Chamber. —(Interjection)— I think you know which Hague and which Jessiman.

I assure you that some of your initiatives are not perceived as being reformist by your supporters. They're working a hardship on the people of this province, and I think it's upon you to take steps to rectify this very serious situation as soon as possible. The Member for Wolseley is of the impression that Legal Aid had nothing to do with the Law Clinic. Well, obviously he's again misinformed. The Legal Aid Clinic, if he would like some particulars about it, was, in fact, started, initiated by Legal Aid Manitoba. It operated for some eight years, as I said, at a cost in 1977 of some \$28,000.00. It entailed the review some of the figures that have already been given in more detail. Only one full-time position, that was of one stenographer, a secretary, who was earning some \$8,000 per annum. The only other costs were with respect to office supplies, stationery, telephone, things of that nature, which amounted to \$3,000, and salaries for a practicing lawyer to supervise the students at some \$4,000 per year. There were a number of part-time positions available to law students in their second and third years, available during the four summer months, and these were paid \$2,400 per student. So, at an average cost of less than \$60 per case, as compared to that \$25 to \$75 per hour, if the case were handled at the private bar, some 500 people were availed the opportunity to have legal services on a relatively volunteer basis, and I can assure you that is, in my opinion, preventative law. That is the type of law that creates less social conflict, it saves money, it saves considerable amounts of acrimony, it entails savings of Court time because a lot of these cases are curtailed — they are nipped in the bud because people are advised of their rights, and as a result don't do foolish things, they don't get involved in costly litigation —(Interjection)— The man over there just hit it right on the head, that's right, they can't afford costly litigation, and they can't afford \$25 to \$75 per hour, so why not? If a young law student is willing to volunteer his time, why not? Is it the ends of the earth to have that? It should be encouraged. It is preventative law, and it is a darned good idea. Thank you.

MR. CHAIRMAN: Just before I recognize the Member for Selkirk, could we take a 30 second recess

to let the man change the tape?

Hansard is back in business, and the Chairman recognizes the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I'd like to return to the Attorney-General and the answer which he provided to me which arose from comments by the Member for Wolseley pertaining to the Law Society Manitoba Agreement, pertaining to the alleged grant which the Member for Wolseley referred to as being paid to the Law Society.

When the Attorney-General was questioned about this, he dodged, I think, dodged really dealing with the issue as to whether or not he would eliminate the program by suggesting that his hands were tied by statute to provide this money. I would like to ask the Attorney-General if he would not agree with me, that the amount which he gives to the Law Society is not tied by statute, in fact he could pay as little as \$10,000 or \$25,000 or \$50,000 rather than \$200,000 to \$300,000 and still be within the parameters of the statute?

MR. MERCIER: Yes.

MR. PAWLEY: Then would the Attorney-General not wish to consider that in view of the attack which has been launched by the Member for Wolseley on the nature of this program?

MR. CHAIRMAN: 9.(a)—pass — the Member for Selkirk.

MR. PAWLEY: Mr. Chairman, the Member for Wolseley also proposed that the agreement be tabled. Are you prepared to table the agreement?

MR. MERCIER: Mr. Chairman, I'm advised there is no written agreement with respect to that matter. Maybe correspondence which initiated the program, but I'm advised that there is no written agreement.

MR. CHAIRMAN: 9.(a)—pass; 9.(b)—pass. Resolution 27: Be it resolved that there be granted to Her Majesty a sum not exceeding \$2,823,700, for Attorney-General Canada-Manitoba Legal Aid — pass.

If you'll turn back a page in your book, we go back to Resolution 19. The one remaining item left is 1.(a) Minister's Compensation — Salary and Representation Allowance — the Member for Inkster.

MR. GREEN: Mr. Chairman, it's early in the morning, and members are understandably impatient. I want to say in defense of myself that I have waited through these Estimates to deal with this question, which I will readily admit is not earthshaking, but it does involve, in my opinion, some degree of either lack of judgment or — and I hesitate to say this — deliberate omission on the part of the Attorney-General.

Now, Mr. Chairman, first of all let me again say that the issue is not earthshaking, but it is a very human issue, and can be an emotional issue. Both the previous Attorneys-General made somewhat cool remarks towards the concept of awarding Queen's Counsel, and one of the features that comes in when Queen's Counsels are awarded is that personalities are involved. The fact that somebody doesn't get one is not supposed to be a problem for him and yet everybody is human, and I think that when there are obvious problems associated with the appointments that perhaps they should be raised.

I ask the Attorney-General this, Queen's Counsel are appointed for various reasons: one, because they are eminent counsel; others, because they have made great contributions to the community in one form or another. Premier Duff Roblin used to appoint Queen's Counsel because he considered that anybody who had the support of the community to be elected to the Legislature deserved to be named Queen's Counsel, and on that basis, I think Mr. Spivak was appointed, then other members of the Legislature. I note that the rule did not apply to myself, and the only way I could become Queen's Counsel is to be there when the appointments were made, which did occur, which is not really that bad, actually, it has its compensation.

We had a list this year, Mr. Chairman, which contained, in my opinion, both an oversight and an insult, and I wish to say that I am not here as the representative of any person, but it is a matter of public interest, and the Attorney-General should be aware that it is a matter of public interest. We have a man who was elected to the Legislature 1966-69 — he was a Conservative by the way — practised law for a number of years, is now elected as Mayor of the City of Winnipeg, Mayor for 600,000 people in this community, who was not appointed Queen's Counsel. Now, Mr. Chairman, that's not a desperate situation, I suppose somebody could live with that. The problem is that the person who he defeated, and is the Deputy Mayor, is appointed Queen's Counsel, and I think that

that kind of an appointment in the light of the two people —(Interjection)— No, the fact is that Robert Steen is, I believe, was, I believe still is, a Conservative, sat in the Legislature and I gather, Mr. Chairman, that you will be somewhat embarrassed by this presentation, but nevertheless I think it is right, and I am making the presentation.

I consider the Conservative party to be insulting to the Mayor of the City of Winnipeg, who is elected to the Legislature, was a practicing lawyer, who is elected to be the Mayor of all of the people of the City of Winnipeg, when they appoint the Deputy Mayor as Queen's Counsel and do not appoint him as Queen's Counsel. I do not know what kind of judgment goes into that appointment, but I suggest, Mr. Chairman, that it is insulting to the Mayor of Winnipeg; it is an imprudent way of dealing with Queen's Counsel appointments, and everyone will agree, Mr. Chairman, that appointments are not made necessarily for work in Court. Mr. Spivak was not a practicing lawyer — I am not saying that he did not have a practicing certificate but was not prominently before the Courts in the Province of Manitoba, but deserved to be appointed Queen's Counsel on the basis of his public service. The same I will not say is true of other appointments, but nevertheless people are appointed for public service, and I don't know what more public service you can have than being elected first as an MLA, then as a Councillor, then as Mayor of the City of Winnipeg. And the oversight could even be ignored, if you don't appoint the Deputy Mayor, but you appoint the Deputy Mayor and do not appoint the Mayor, after one had been named by the citizens of Winnipeg and the other not.

So I raise this matter publicly. I assure you, Mr. Chairman, and I ask the committee to believe me, that Robert Steen would probably be embarrassed by what I am now doing, did not request that I do it, did not discuss it with me, nor do I have any notion that he feels chagrined. I feel chagrined that the appointment would be made to the Deputy Mayor, and not to the Mayor at the same time.

MR. MERCIER: Mr. Chairman, obviously there has been quite a change in the Honourable Meer for Inkster's view and concern for the position of the Mayor since Mayor Juba has left office. Mr. Chairman, there is no question that Mayor Steen, whom I have in fact been reported on in the newspaper as being a supporter of his in the mayoralty campaign, is deserving of a Queen's Counsel appointment. Mr. Norrie is a few years older and was at the time the Deputy Secretary of the Law Society, in addition to the position he held with the City Council. I'm not going to get involved in a comparison of the two, Mr. Chairman. Both men are eminently qualified for appointments as Queen's Counsel, and perhaps because the previous government had left so many qualified members of the legal profession without Queen's Counsel appointments, as a result of their appointments in the past years, that there were some difficult choices to be made, but I'm sure that the government will very seriously consider Mayor Steen for an appointment in the future.

MR. GREEN: Mr. Chairman, I have nothing more to say on the question. I believe that the point will have been heard and well taken. But, Mr. Chairman, I don't wish to start another debate at this hour, but I don't know what the member is referring to when he says that my position vis-a-vis the Mayor of Winnipeg has changed since the Mayor changed. I had every regard for Steve Juba, and have always said, and said publicly, that I regard Steve Juba as the best Mayor that the City of Winnipeg has ever had.

MR. MERCIER: I can only say, and we will get into this debate later, Mr. Chairman, I wish that esteem for his office had been carried through and demonstrated in the legislation they passed under The City of Winnipeg Act.

MR. CHAIRMAN: 1.(a)—pass — the Member for Inkster.

MR. GREEN: Mr. Chairman, I believe that The City of Winnipeg Act, as it was passed, gave more power to the Mayor of the City of Winnipeg, than he ever had previously.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: My question I suppose is supplementary and pursuant to the great concerns evinced by the Member for Inkster for the professional reputation of the Mayor of Winnipeg. I must say, for other reasons, I'm not motivated to feel that it's the most pressing matter. Quite frankly, I think the whole question of Q.C.s is quite irrelevant. I don't think that it's of any significance or importance — I don't think any social progress will be effected by the awarding of Q.C.s. In the past, my only concern was that they represented political pork-barrelling —(Interjection)— Yes, they do, we like them. But they represented a very crass sort of politics that kept people in line, and bought gratuitous services from members of my profession. I for one felt, and still do feel, that they are not a matter

that is germane to the administration of justice or to the profession as it now exists in this country. At one time, the Q.C. was a significant matter, I suppose, when it was what it was intended to be, an award conferred by Her Majesty on a capable barrister, a person who had excelled in the courts, who, through years of experience and very obvious ability was recommended by the High Courts of Great Britain to Her Majesty for appointment in her New Year's Dyy list. I suppose in those days the award, the recognition, was suitable and was appropriate. It meant something. In that country not everybody can practise before the courts. Some are solicitors and some are barristers and to be a Queen's Counsel, to be a barrister who could wear a special robe and could show those letters after his name, Q.C., was very very significant indeed and it showed significant merit and significant devotion to the pursuit of an individual's career.

My concern now is that the recognition, the award, be not further watered down. If the award must be made, I personally subscribe to the system that had been worked out, I believe, on a co-operative basis between the Law Society, the former Attorney-General and the Courts, one that entailed the involvement of all three of those parties in effecting recognition of a Queen's Counsel. I don't go for this idea, notwithstanding that Duff Roblin may have been the one who first initiated it, that just because a person comes to the Legislature, for instance, that in itself is grounds for the awarding of the order of merit. I think that there has to be a little more and I think that the people who are in a position to assess and evaluate an individual lawyer's merit, are the people who sit in our courts, in the Court of Appeal, in the Court of Queen's Bench, people who serve on the Law Society of Manitoba. I am told that they take into account — these people do in effect take into account the extra-curricular activities of members of the legal profession, the contribution these people may have made to their communities. They don't just look at the question of skills. But I must say that I'm not motivated to concern myself, and I don't think the business of this committee should be bothered with concerning ourselves about whether or not we can confer, posthumously as it were, an award of this sort on an ex-MLA, now a mayor.

MR. CHAIRMAN: The Member for Selkirk.

MR. PAWLEY: Mr. Chairman, I just want to make a few brief comments. First, I want to indicate partial agreement with the Member for Wellington and partial disagreement. First, I want to disagree with him to the extent that I feel that in general, the Queen's Counsel appointments, not only during the past eight years, but prior to that, were generally good appointments and I believe that they were ones of merit. May I say that it was our government that recognized the legal competence of Mr. Ken Houston and appointed him a Q.C. and that on its very own certainly demonstrates that there was no pork-barrelling.

But I want to indicate to the Member for Wellington that I agree with him to the extent — and I would recommend to the Attorney-General — that it be a practice that be abolished. One of these years, I believe a government will abolish the practice and I believe the Law Societies are moving to that position.

In respect to the Estimates as a whole, I want to just express some disappointment at the trends which are beginning to take place within the operations of the Attorney-General and I want to make this very very brief because of the lateness of the hour but I believe that they should be spelled out, that at the beginning I indicated that from the period 1969 to 1977, the department of the Attorney-General had taken on a somewhat different role in addition to the traditional role, a role which involved people services. It has been those services which are outside of the realm of the court, the law enforcement and prosecutions, that I do believe within the space of some nine months have been watered down and have been weakened in their effectiveness. I want to relate those that have been cited during the Estimate review.

First, the Unified Family Court. The deferral of the Unified Family Court, the uncertainty as to whether Federal moneys have been lost and the uncertainty as to whether in fact that Unified Family Court will be resumed at any time in the future is certainly evidence of that.

The long debate that we had with Legal Aid. Fortunately the Attorney-General has not gone the distance that the Member for Wolseley would recommend that he proceed, but certainly he has gone a considerable distance towards deforming the Legal Aid system in the Province of Manitoba, regrettably, possibly due to the restraints that had been imposed upon him, but certainly I think there is a message.

Insofar as the Human Rights Commission, there has also been a decrease in the allocation of funds for the Human Rights Commission, a decrease in the effectiveness of the Human Rights Commission, I suggest, in the northern areas and in the areas of education and promotion.

The Law Reform Commission — I recall the Member for Birtle-Russell speaking at great lengths in the past about the importance of the Law Reform Commission, highly touting it as a very important reform which was launched by Mr. Mackling while he was Attorney-General. We see ourselves rapidly on the road to the appointment of a part-time Law Reform Commission, again the down-playing

of this important function.

When we examine this, along with the Attorney-General's lead, I suggest, in watering down the Family Law legislation, unfortunately I fear that there is a trend which I would urge the Attorney-General to arrest and not continue proceeding along the road towards a return to the pre-1969 period when the Attorney-General's Department was little more than a department which was involved with prosecutions, with law enforcement, and the courts. We have gone some distance in nine months; I fear what lies ahead if this trend continues.

We are not going to move a motion at this time dealing with the Minister's salary as I do believe at this point it would be premature. I believe that the Minister has taken a number of matters under review and let me say to him that we will be watching carefully over the next one year period to ascertain whether the beginnings of what I believe I can say on this side we fear, continue or whether those trends will be arrested.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Very quickly, Mr. Chairman, I wanted to support the Member for Inkster in his concerns and I, too, would like to voice support for Mayor Steen receiving this Q.C., except that I would hope that his group would be the last to be appointed because I share the concerns of the Member for Wellington and when he brings in his Private Member's bill, if we are all given a free vote, I will be one that will be seeking to have these abolished, based on the fact — it hasn't been mentioned by members opposite — the fact that anyone who is appointed a Q.C., I believe, also receives some sort of monetary recognition in that his hourly schedule or tariff of fees increases from \$25.00 an hour to \$100.00 an hour.

MR. PAWLEY: No, that's not true.

MR. WILSON: I suggest that most Q.C.'s legal costs are extremely higher than those who do not carry that title.

MR. CHAIRMAN: 1.(a)—pass; Resolution 19: Resolved that there be granted to Her Majesty a sum not exceeding \$621,900—pass.

Gentlemen, that concludes the Estimates of the AttorneyGeneral.
Committee rise.\$

SUPPLY — NORTHERN AFFAIRS

MR. CHAIRMAN, Mr. Abe Kovnats: I would direct the honourable members to page 68 in the Main Estimates, Department of Northern Affairs and Renewable Resources and Transportation Services. We are on Resolution 103, Clause 9.—pass.

Resolution 103: Resolved that there be granted to Her Majesty a sum not exceeding \$4,424,400 for Northern Affairs and Renewable Resources and Transportation Services. Acquisition/Construction of Physical Assets: \$4,424,400.00—pass.

I would direct the attention of honourable members to Page 65, Resolution No. 97, Clause 3. Fisheries and Wildlife Division. Item (a)(1) Salaries—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Thank you, Mr. Chairman. I wonder if the Minister could give us a breakdown here as to what changes there have been in the divisional administration given the doubling of the amount from last year in this appropriation.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, 3.(a)(1), in 1977-78 there were six people in what now is this particular division and today there are nine. It is a new section to the effect that previously this particular area was a fish and wildlife licensing area and there were six people in that particular area. We are now attaching to it a director's position, a secretary and an administration officer which is three additional positions for that particular area.

MR. BOSTROM: These three additional positions that are attached to this section, can the Minister explain if these have been transfers from other sections or are they new positions, and also where will they be located or based as staff within the department?

MR. MacMASTER: They will be located in Winnipeg, Mr. Chairman, and it's three new positions

of a Director of the entire division with a Secretary and an Administration Officer to work with him or her, whoever becomes the successful director. They are all vacant at the particular moment, Mr. Chairman.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, before we leave this I would just like to make a comment that this appears to be following the pattern that we have seen established in these Estimates, and that is that the programs that are related to people development, services to people and services to communities, have been cut drastically by this government. And in fact even wherein this section has been reduced, they still seem to feel the need to increase the administrative people, to increase the bureaucracy within the City of Winnipeg and it would seem rather ironic when this government seems to be trying to portray just the opposite to the public of Manitoba, Mr. Chairman. When we go through these Estimates we find out that they are making cuts in all the areas that affect the communities and affect the people in Northern Manitoba, particularly in the remote communities, and at the same time they are increasing the staffing of the head offices, increasing the senior levels of the Civil Service.

Mr. Chairman, I don't believe that is necessary and I think that this kind of increase in this section is unwarranted.

MR. CHAIRMAN: (1)—pass; (2)—pass; (a)—pass; (b)(1) Salaries— —pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Yes, Mr. Chairman, I note in the organizational chart which the Minister supplied us with that there is supposed to be a Director of Fisheries and Wildlife Division, which is vacant at the present time. That person is supposed to be reporting to an Assistant Deputy Minister, who, as the Minister has explained, has been transferred over to another section of the government for other duties. So in effect I suppose what you have is a Wildlife Management Branch head and a Fisheries Management Branch head, who are now reporting directly to the Deputy Minister, because there are no other staff in the other positions that have been available.

Can the Minister indicate to us if these branch head positions are filled and, if not, when he expects to have people in those positions, and also what his intentions are with respect to the Director's position?

MR. MacMASTER: Both of the branch heads are filled; one Acting and the other specifically filled and we intend to advertise nationally, if necessary, for the Director's position, Mr. Chairman.

MR. CHAIRMAN: (b)(1)—pass — the Honourable Member for The Pas.

MR. McBRYDE: Mr. Chairman, I wonder if the Minister could just give us the staff when he came to office and the staff now.

Mr. Chairman, since we hope to get to the Minister's Salary this evening, I wonder whether or not he could be prepared to give us at that time a summary for the whole department in terms of total staff and total reductions.

MR. MacMASTER: On this particular section, 3.(b), in the Wildlife area there, there was 27.26. There's an addition in that area to 30.26. The positions that must be filled, as I mentioned, the Head of Wildlife Management, there is an acting person in that and that position has to be filled and there was requirement for two secretarial staff in that particular division. There's literally, thousands of letters and questions and queries coming in to this particular department, and it was felt that the general public, at large, is not being served adequately with answering of their queries or questions and applications for information.

I'll get the number of vacancies just in a second in those two particular areas, Mr. Chairman.

MR. McBRYDE: Yes, Mr. Chairman. I wonder where the three additional staff are located? And I wonder, Mr. Chairman, if this particular section is doing any work in the area of ungulate husbandry.

A MEMBER: In other words, finding husbands for ungulates.

MR. MacMASTER: In answer to his last question first, no. And in answer to the first question last, out of the 27.26 there was four vacancies; under the 30.26 that's presently in place, there are

of which we're actively engaged now in filling those positions. And another question that hasn't been asked, but often is, they were all Renewable Resources people.

MR. McBRYDE: Mr. Chairman, the Minister tried, but he missed the question I asked. The question I asked, with the additional three people, where are they located?

MR. MacMASTER: Winnipeg, Mr. Chairman.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Well, Mr. Chairman, seeing that this is such an important part of the department, I wonder if the Minister could indicate what the highlights are in this area and if he is changing the policy at all from other years, especially with respect to the regulations respecting deer hunting and if he's listening to the advice from his colleague from Gladstone, in terms of the perennial complaints that he brings up in the Legislature, which over the last eight years he had the opportunity of blaming the former government for everything he could think of and I'm wondering if he is continuing to blame the government or if the Minister has been able to solve his worries, or pacify him in any way. Mr. Chairman, I note he's conspicuous by his absence tonight when we are considering these Estimates. I know he's in the building because I saw him come in and I know he wouldn't have missed this section. Any other year he would have been in here making passionate speeches about night-lighting and all the rest of it. He probably has made his speech, Mr. Chairman, that's why I would like to know if the Minister has any revelations to give us with respect to what types of changes in management, if any, he has brought about which has necessitated the absence of the Member for Gladstone tonight.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: No major changes, Mr. Chairman. I would like to believe that I can deal with the difficulties from both sides of the House in a compassionate and understanding manner and we seem to be getting along reasonably well.

MR. BOSTROM: Well, Mr. Chairman, I would like to just put on the record then that the speeches that I've heard over the last three and one-half years or so and my former colleague, who was the Minister of the department before me, the Member for Inkster now, certainly heard the same speeches from the Member for Gladstone and I would like to just put on the record that from what I can see nothing has changed. The fact is that with respect to the problem with night-lighting, it is a problem that is a result of the treaties that have been signed between the Indian people of Manitoba and the Federal Government. With respect to that problem, it is the same now as it was before and if there is to be any solution to the concerns that people have in this province, they are going to have to bring those two groups together in some rational and sensible way. Mr. Chairman, there was a committee established by my department when I was Minister which was bringing the three groups together and I would like to know if the Minister is continuing the discussions to try to find the compassionate and understanding middle-ground that he talks about and if he has anything to report in that respect.

MR. CHAIRMAN: (1)—pass; (2)—pass; (b)—pass; (c)(1) Salaries— pass; (2)—pass; (c)—pass; (d)(1) Salaries—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, on Fisheries Management, could the Minister indicate if there are any changes here either in the area of policy or in staffing from previous years.

MR. CHAIRMAN: The Honourable Member for The Pas.

MR. McBRYDE: While the Minister is checking the answer to that question, I wonder if he could also give us the positions in this section and the positions that he is requiring now.

Mr. Chairman, I am sorry I was so taken aback by the comments of the Member for Gladstone, after the kind things the Member for Rupertsland had to say about it that I forgot to ask the Minister under (c) — and I wonder if he could just sneak in the answer under (c) — about the staff positions and whether there will be any change in those positions.

MR. MacMASTER: Just simply half a staff man year added in that particular section.

On the Fisheries, in 1977-78 there were 66.28; this year there is 58.03. There were four vacancies previously. There are four vacancies as of now.

The reductions, there were nine positions cut, Mr. Chairman, and one added for a net decrease of 8.25.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Well, Mr. Chairman, I believe there have been some changes in this section in terms of the programs that are being carried out by the government from last year. I wonder if the Minister could indicate, by way of a brief outline, which sections of the department have been changed, altered, amended and/or deleted since his takeover of the administration.

MR. MacMASTER: The major change that the member would be referring to, Mr. Chairman, would be the closing of the Hnaua Training Centre, where it's our opinion that it is advantageous to the people throughout the communities and throughout the areas in the province to have people go out into those communities once we've organized an area of reception for them rather than having them come in to the Centre to take their training in there.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, it doesn't give us very much breakdown here as to what is contained under the Estimate of Fisheries Management since there's no breakdown of any kind. Could the Minister give us an outline then of what this section relates to, what the different components will be of the particular section of the department? Will there be a component called Fish Hatchery Operations, and if so, what funding will they have if any? How much is allocated for research? How much for program development and so on?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Three sections really. There's your Fisheries Management, Fish Hatcheries and your Fish Research. The other expenditures, in the Fisheries Management there's \$333.9 thousand, the Fish Hatcheries there's \$153,000, and on Fisheries Research there's \$44.8 thousand.

MR. McBRYDE: Mr. Chairman, I wonder if the Minister could give us the regional location of the eight positions that were cut in this section.

MR. MacMASTER: I'll get that, Mr. Chairman.

M . CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Thank you, Mr. Chairman. I would seek some direction from both yourself and the Minister. Would this be the proper item under which to discuss the issuance or the potential issuance of domestic fishing permits to treaty Indian people?

MR. MacMASTER: I suppose that could be dealt with, Mr. Chairman, under this section, or the southern region; we have passed northern region and if the member wishes to discuss it, I suppose here is as good as any.

MR. COWAN: Yes, I would appreciate the opportunity to discuss it at this time, Mr. Chairman. As of early last week, I received correspondence from one of my constituents, actually from an Indian band in my constituency, showing great or considerable alarm over the fact that the province has indicated that it may be, and I at this time state, it may be issuing or requiring domestic fishing permits for treaty Indian people. I would like at this point to seek some clarification from the Minister and ask him if that is a fact that the province is at this time requiring that permit, or is the province considering the possibility of making that permit a requirement?

MR. MacMASTER: Discussions have taken place in that particular situation, Mr. Chairman, but the native fishing and hunting rights is — I don't think it's just a matter of the rights of the hunting which we mentioned the other night — I think it's a matter of their total rights which hopefully is now coming to a head, and going to have a conclusion in the national scene so that the provinces can get back to really understanding the role that they have to play. There has been some confusion over the past few years on it.

MR. COWAN: Thank you, Mr. Chairman. Well indeed there has been a bit of confusion over the last nuer of years, and that's not the last decade, that's the last decades, and I would ask the Minister

to take this opportunity to clarify his department's position in regard to the requirement of domestic fishing permits for treaty Indian people. I would like a philosophical, very brief if he wishes, philosophical outline. And then I'd also like to brought up-to-date on any discussions that have taken place, and where the Minister believes those discussions are leading to at this point.

MR. MacMASTER: The Federal legislation really dictates that something like the licencing we are proposing should be in place, but has not been imposed. We are in a very similar position to other provinces in that respect. There are some court rulings that would appear to dictate that we should be following that line. I would have to say that we are following it hesitantly, and I would think at this particular moment, we are trying to bide time hoping that a national conclusion can come forth. We have had some discussions with some of the native people and had hoped to reach a sort of a compromise at this particular moment, but I don't think that has been reached at all. I really have to say that some national conclusions have to take place, so that the provinces really know what they will have to be administering.

MR. COWAN: Yes, then I would ask the Minister if I am not correct in assuming that any issuance of a domestic fishing permit would have to be done by the Federal Government?

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, I see that the Minister was distracted momentarily. I will repeat the question. The question was, am I wrong in assuming that any issuance of a domestic fishing permit for treaty Indian people would have to be done by the Federal Government or through a federal agency?

MR. MacMASTER: Under The Resources Transfers Act, Mr. Chairman, the provinces were given that authority, and I am aware of the conflicting legislation on the national level, and we haven't enforced I suppose the authority that we have been given as has not other provinces. We are caught in the same mess as every other province, and I would hope that the Feds realize the mess that they have created for themselves and for others of us that have to administer on a provincial level.

MR. COWAN: Thank you, Mr. Chairman. Is the Minister indicating then that the Federal Government has ordered, or at least strongly suggested that the province require domestic fishing licences or permits for treaty Indian people?

MR. MacMASTER: Yes, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. BOSTROM: Is this a recent development, because this has never to my knowledge, ever been raised by the Federal Government in the past? Mr. Chairman, I don't see under which piece of legislation, provincial or federal, that they are bringing up the issue of native people requiring domestic fishing permits or licences. Would the Minister indicate to us when precisely he received this kind of word from the Federal Government?

MR. MacMASTER: I think it was an interpretation based upon the statutes by the Attorney-General's office in consultation with them. In turn, we had discussions with some of the native leaders, and we had hoped that this was a way around the legislation — not a way around, that's not proper terminology — a way of dealing with the situation. I just don't recall the discussions but I think it was intended to be a permit for the community itself for fishing for domestic purposes, which seemed to be a middle, if you wish, middle-road interpretation until it could be resolved nationally.

MR. COWAN: I would ask the Minister then to take some time to briefly detail who he has had discussions with among the Bands or the Treaty Indian people, and the actual result of those discussions, what sort of attitude the Treaty Indian people were bringing into the discussions and what sort of attitude they were leaving the discussions with.

MR. MacMASTER: There were some individual discussions with some chiefs and there were some discussions with the MIB. It was more of a proposal situation and I am aware that the proposal itself hasn't met with any great sense of concurrence from the chiefs throughout the Province of Manitoba.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Well, Mr. Chairman, what the Minister seems to be telling us is that this is a desire on the part of the Provincial Government rather than a requirement by the Federal Government, because if it were a requirement by the Federal Government, if I were the Minister and he has that responsibility now, I would tell them to go ahead and do whatever their responsibility is, but don't try to impose something on the Provincial Government that is not clearly stated anywhere. To my knowledge, Mr. Chairman, the treaties provide for the Indian people to be able to hunt and fish on any land to which they have right of access, for the purpose of taking food. Now, Mr. Chairman, that includes the fish in the lakes and rivers in northern Manitoba that are accessible to the Indian people. The idea of imposing a system of bureaucratic domestic fishing licences on the communities is just another attempt by some people to whittle away at those particular rights that the Indian people have. Now, it is a back-door method, Mr. Chairman. I believe if the Provincial Government, this Provincial Government in particular, has a desire to whittle away at the treaty rights of the Indian people, they should enter into those discussions head on, straight out and forward, work through the Federal Government and the Indian people of Manitoba and explain clearly what their intentions are. But this kind of a system, Mr. Chairman, of imposing a type of bureaucratic system of fishing licences or fishing permits or whatever you want to call them, is absolutely unnecessary from a legal point of view as far as the rights of the people are concerned in this case.

Mr. Chairman, I don't believe that the Indian people of Manitoba are going to take kindly to this kind of a back-door method by the Provincial Government to whittle away at something which they have enjoyed as a right since the time they have signed the treaties. Mr. Chairman, that right, the way the Indian people have exercised it, I think is a reasonable one. They have never abused it, particularly in northern Manitoba where the lakes are plentiful with fish and the communities are able to take a certain quantity of fish each year for their own domestic needs or for food. Mr. Chairman, they haven't needed to have some bureaucrat in Winnipeg issue them with a domestic fishing permit to do so. All that has been required in the past, and departmental officials had requested the Indian people to do this, is to put a tag on their nets indicating their treaty number so that the departmental people would know that that is a treaty Indian person's net and they would not then seize the net thinking it was an illegal one fishing commercially.

Mr. Chairman, that is the only system that is required at the present time. There is no need for the government to impose this bureaucratic system of permits on the people. I would like the Minister to clearly explain why he is taking this kind of a step at this time. From what I understand, Mr. Chairman, there have been some discussions with the Manitoba Indian Brotherhood, but there have not been detailed discussions with the Indian people of Manitoba. Even if they had agreement from the Manitoba Indian Brotherhood and Mr. Chairman, even if they had agreement from the individual chiefs, I don't believe that that would bind each individual Indian person in Manitoba to that agreement because each individual Indian person in Manitoba has certain rights that are guaranteed to them under the treaties — their local government can't negotiate those rights away from them.

So, Mr. Chairman, this process of consultation that the Minister is going through will have to be much more broad-based. It will have to be touching on each individual Indian person in the Province of Manitoba if he thinks he is going to negotiate away certain rights which they enjoy now under the treaties that were signed between the Indian people and the Government of Canada some 100 years or more ago.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Churchill.

MR. COWAN: I would seek some further clarification from the Minister as to what his department intends to do in regard to the requirement for domestic fishing permits for treaty Indian people if this situation, as he terms it, this onslaught on treaty rights, is not met with some legislative changes or met with some consideration by the Federal Government. In other words, if the Federal Government opts out of its responsibility to bring this to a conclusion, what is the province going to do? Are they going to require the issuance of domestic fishing permits?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, quite obviously, from discussions with the numbers of chiefs throughout the province, it certainly isn't an acceptable way to go and that will have a great bearing on any future discussions or any future direction that we would take. We are not trying to confront people; we are trying to consult with them. There is a major problem across the country which hasn't certainly been resolved as of today.

MR. COWAN: Will the Minister then assure this committee that his department will not impose a requirement for domestic fishing permit for treaty Indian people within the next year or two years?

MR. MacMASTER: I can't assure the member or anybody in the House or anybody in the Province of Manitoba that this may not become legislative law through the Federal Government in the year or two to come. We don't know what is going to happen to their hunting rights. There is a great deal of controversy, some right within this House, in relationship to their hunting rights. What the final conclusions of the Federal jurisdiction is in relationship to the rights of the treaty people will have to be resolved at that level.

MR. COWAN: Well, Mr. Chairman, throughout this discussion of the Northern Affairs Estimates, the Minister has spoken in philosophical and in general terms about the sanctity of treaty Indian people's rights in the Province of Manitoba and as a matter of fact, throughout Canada, the right to hunt and the right to fish. And I have agreed with the Minister throughout those discussions, or at least I have agreed with what I thought the Minister was saying throughout those discussions. I thought he was saying that there are certain treaty rights and that these rights over the years have been enshrined in legislation; and culturally, throughout the province in the bands in the north and the south, and that we must, as a legislative body, we must be a protector of all the people of Manitoba's rights, and we must be a defender of all the people of Manitoba's rights. For that reason, I thought that we were agreed that we would protect and we would defend those rights, even if it meant fighting the Federal Government, and it wouldn't be the first time that this Provincial Government has had to fight the Federal Government on an issue, nor would it be the last time. But I would hope that this Federal Government, from what the Minister had said, I would have hoped that this Federal Government would have stood fast —(Interjection)— Excuse me, this Provincial Government. I thank my colleague for The Pas. I would have hoped that this Provincial Government would have stood fast in protection of those rights.

But now comes the crunch. Now we have a situation where the Minister is telling us, well, the Federal Government is telling the Provincial Government they have to erode these rights, that they have to infringe upon these rights. It is a minor infringement at this point in time, but it is an infringement and for that reason, it is a precedent for this government. It erodes away — it will have the impact, the effect of eroding away its century-old rights. For that reason, the issuance of domestic fishing permits would be onerous. I'm sure it would be as onerous to the Minister as it would be to myself. It would be repugnant and it would be more than that, it would be dangerous.

There is going to be conflict around this issue and the Minister is going to find it not only coming from the Federal Government, but the Minister is going to find it coming from some of his colleagues, not all of his colleagues. He will find it coming from some of the people outside this House in the northern communities who perhaps view those rights of treaty rights of Indians in a different light, not knowing full well the situation that brought them about or the circumstances that necessitated them. So he will be under attack for his stand and I can only urge him, and I can only hope that he will stand fast in the protection of those treaty Indian rights.

But now when we ask him, can you assure us that the province will not make domestic fishing permits a requirement for treaty Indian people in the next year or two years, and we gave him a very specific time frame, we didn't say ad infinitum, we didn't say eternally, we didn't say for the tenure of his government. We said within the next year or the next two years, can you assure us that you can hold out for the next year or two years, that you can protect those rights so that the treaty Indian people themselves can have time to build a defence, can have time to draw themselves together into a functioning group that can fight this erosion of their rights, because it is not the only erosion, it's not the first, it's not the last. Now he says he can't assure us that he would do that. Now, although throughout the discussions I had to think I was agreeing with him, now I am doubtful. Now I am doubtful that I was agreeing with him. I'm doubtful that I was hearing him correctly. Philosophically he stands in favour of those rights, but when the crunch comes, then he can't assure us. So if he cannot assure us that the province will not impose a requirement for domestic fishing permits, perhaps at this time he can draw me back into his camp and he can assure us that he will fight with his utmost, that he will give it his best shot to ensure that the rights of treaty Indian people are not infringed upon, are not eroded away, and that in this particular instance, that he will fight the requirement for domestic fishing permits, and I will be glad to join him in that battle. I will be glad to stand by his side while we jointly try to protect those rights, if that is necessary, and I think it is important that we, as a legislative body, present a united front to any government or to any group that would want to infringe upon those rights.

So I would ask him, can he assure us that he is going to, in this instance, defend those rights

to his utmost. I would hope that if those rights are infringed upon, if those rights are eroded, that he would accept it as not only defeat for the Indian people, but he would have to accept it a bit as a personal defeat that he could not save them. Perhaps that would give him greater impetus to act in a much stronger and a much more foreboding way. So I would ask him, can he assure us that he will at least defend those rights to his utmost?

MR. MacMASTER: I suppose, Mr. Chairman, what brought a good portion of the situation to a head was the Katakis(?) case here in Manitoba where the judge himself ruled that we did not have the right to grant special dispensation to any particular segment of society and in that particular award, he questions the right of hunting and fishing. We felt, maybe wrongly, but we felt that until the issue was satisfied on a national level, seeing as we are compelled to uphold the law, that we would attempt at a compromise on an interim basis, of the permit. It has certainly not met with satisfactory disposition from the chiefs in the Province of Manitoba, but it was meant as a compromise on an interim basis until the Feds can make up their mind, and as the people in The Pas are now requesting that they really do, on a national level.

MR. COWAN: Mr. Chairman, the Minister says that it is has not met, or their attempt at a compromise has not met with success with the Indian people, with either the chiefs or their organizations. I would just like at this point to tell him, to my knowledge and to my understanding of those people and those organizations, they are not going to compromise away their rights, and any attempt at a compromise will meet with defeat as far as they are concerned. They will try to defeat that compromise. If we are not going to, at least they are going to stand fast to what they consider to be their lawful rights. The problem here is there is some questioning as to what are those lawful rights. But I can assure you those Indian people believe those treaty rights, and I believe those treaty rights, to be lawful rights, end they will defend them and they will not compromise them away.

So in light of that fact, the Minister has to make up his mind. A compromise will not work, so who is he going to side with? Is he going to side with those people in attempting to retain those rights? Now remember, somebody is trying to take something away from them. They are not trying to take anything away from us. They are not trying to take anything away from the people of Manitoba. They are not trying to enlarge upon their rights, but somebody is trying to take their rights away from them.

So I would ask the Minister — I would first tell him that the compromise will not work, that treaty Indian people of this province or any province in this country will not compromise any of their treaty rights away, and I only have to say that I agree with their stand. I will support their stand. But the Minister now has to stand up and say, will he also support that stand? There is no negotiation out of this one. They are not going to negotiate away their rights, so he has to take a stance. I have asked him to tell us, and by telling us, to tell the treaty Indian people in this province what that stance is going to be.

MR. MacMASTER: Not being a lawyer, Mr. Chairman, I don't know whether the Katakis(?) case award and his reference to special rights of individuals — you know, we are getting into a legal opinion and far be it from me to try to express that. But I have thought about it, that possibly when he makes reference to special rights to certain citizens, that it isn't really a special right if some legal interpretation was that it was their right and not . . . that they had a right and that in fact it wasn't a special right that you were permitting them to have. I suppose that is the point that we are at. I believe that it was their rights in the first place. He is claiming that we can't give special rights, and that is where we are caught in the middle right now.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupert'sland.

MR. BOSTROM: Mr. Chairman, after listening to the Minister, I really have my doubts as to whether or not this kind of thing was pushed at all by the Federal Government, and whether or not they had any role in initiating this issue of permits for the department. For the Minister's information, this issue came up once while I was Minister. This proposal was brought up to my desk, that there should be a system of domestic fishing licences for Indian people. At that time, Mr. Chairman, I had to make a decision on it and the decision I took at the time, I believe, was the right one, that this was not necessary. It was a bureaucratic intrusion and the only thing that the Indian people will see in this is an attempt by the Provincial Government to restrict and to impose some kind of restriction on the rights which they now have under the treaties and which the Provincial Government has no right to do, Mr. Chairman. They have no right to do that. Those treaties were signed between the Federal Government and the Indian people of Manitoba and the only two parties who can change those agreements are the Indian people and the Federal Government, or I suppose

the Federal Government could act unilaterally as the supreme law making body of Canada, the Parliament of Canada could change those rights.

But, Mr. Chairman, the Provincial Government does not have that power, as I tried in vain to explain to the Member for Gladstone over the last few years. The Provincial Government just does not have that right.

Now, Mr. Chairman, the —(Interjection)—

MR. CHAIRMAN: Order please. The Honourable Member for Gladstone on a point of order.

MR. JAMES R. FERGUSON: Thank you. I would like to straighten out something for the Member for Rupertsland, that is the fact that I never at any time made any statements about the treaty rights of the Indians. All I said was that the law should be enforced as it stands, which means that they have the right to hunt on unoccupied Crown land or land to which they have been granted access. On private land they should be prosecuted. And that is all I have ever said in this House.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Chairman, the Member for Gladstone has indicated that when Indians hunt on private land, they should be prosecuted. But, Mr. Speaker, it is equally unlawful for Indians or white people or Ukrainians or Germans or Jews or Icelanders, to hunt on private land and thus far, to my knowledge, the government has not prosecuted Ukrainians, Poles, Russians, Jews, white men, Anglo-Saxons, Irishmen, Scotsmen, for hunting on private land. They have permitted the owner to take a civil action or to prosecute but a person not of Indian descent has no right to hunt on private land and we tried to make that quite clear to all of the holders of licences by saying that just because a piece of land is not posted, doesn't mean you can go on that land without the farmer's consent and if you do, you are subject to civil actions or actions in trespass which then are very difficult under The Petty Trespassers Act. The agricultural community in Manitoba has had as much difficulty with non-Indians hunting on private land without the consent of the owner, as they have had with anybody else.

MR. CHAIRMAN: The Honourable Member for Gladstone.

MR. FERGUSON: On the same point of order, the Member for Inkster is very well aware that the maximum penalty under The Petty Trespass is \$25.00. He is also well aware that under the existing laws, whether it was a Jew, a Scotsman, a Ukrainian or a Chinaman or anyone else, the law —(Interjection)— Or a Mennonite. The law specifies at the present time that even I, as an individual, a landowner, if I drove across my alfalfa field at night with my lights on, with a rifle in that car which was not loaded, I would be eligible for prosecution. This is what I'm talking about and as usual, the Member for Inkster is trying to phase the thing out. There are existing laws to handle the people. I'm talking about the native people who have no right being out on my field or my neighbour's field with a gun to hunt on my land. And that's all I'm talking about.

MR. CHAIRMAN: The Honourable Member for Inkster, on the same point of order.

MR. GREEN: Mr. Chairman, I don't know that it is a point of order but it is certainly a proper point of debate. Doesn't the honourable member say that if it was an Anglo-Saxon with a gun, with his lights on, on his property, on private land, that he would be subject to the same rules as an Indian on his property, on private land, with his lights on, and a rifle?

MR. MacMASTER: Mr. Chairman, I don't know really how to get into this, but I think I want to. —(Interjection)—

MR. CHAIRMAN: Are you speaking on the point of order? The Honourable Minister on the point of order.

MR. MacMASTER: We are talking about —(Interjection)— Well, I'm trying to just resolve this in my mind, that jacklighting or night hunting, I believe, is considered a dangerous act and I don't think it really matters what nationality you are, to be charged under that particular section. How we got into night hunting and wheat fields when we are talking under the fishing section of the Estimates, I don't know, except it reminds me of a story I was told the other night where a fellow was going down the road and saw two people fishing in a wheat field. A third person asked why he didn't join them, and he said, because he didn't have a boat.

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Well, I don't know really how we can relate the wheat fields and the hunting to the fishing part of our particular section here, but somehow we seemed to have got into it. I think the only point that I hope both members are trying to take, that it doesn't really matter what your nationality is, that you shouldn't be jacklighting and nightlighting. It is a dangerous particular activity.

MR. CHAIRMAN: To the Honourable Members, there is no point of order. I would rule that the debate is out of order. We are on (d) Fisheries Management (1) Salaries. The Honourable Member for Kildonan.

MR. PETER FOX: Yes, I want to really speak to a point of order, which is procedure, I believe. It took you a little while and you ruled correctly, but the Honourable Member for Rupertsland was interrupted in the middle of his speech on a phony point of order and about eight minutes of debate took place which was totally irrelevant to the point that he had been speaking to, and there was no point of order. I think that should not occur.

MR. CHAIRMAN: I stand reprimanded. The Honourable Member for Rupertsland.

MR. BOSTROM: Thank you, Mr. Chairman. As I was commenting on the issue of permits to Indian people for domestic fishing, I was interrupted by the Member for Gladstone, which I thought was only going to be brief, but it erupted into a well-known and . . .

MR. CHAIRMAN: Please let's stick to the subject. We are talking about (d) Fisheries Management (1) Salaries. The Honourable Member for Rupertsland.\$

MR. BOSTROM: Mr. Chairman, I respect your quick ruling in my case, and I only can question your judgment in the previous case.

Mr. Chairman, on the issue of fisheries permits, I believe that from what I have heard tonight that this issue has been initiated right here in this province, by this government, and I cannot understand from the Minister's comments, anything about the Federal Government having initiated this issue and his reference to this being a national issue, because if the Federal Government was interested in issuing permits for domestic fishing, Mr. Chairman, they have that right. Provincial Government does not actually have that right, as far as the fisheries regulations go in this province. The province only issues fisheries regulations with the consent of the Federal Government, and in fact, Mr. Chairman, when regulations are changed, the Federal Parliament is the one that changes the regulations. In this case, Mr. Chairman, if the province wishes to issue this type of a permit by way of regulation, the Federal Government would have to be notified of it and in fact concur with it. So, Mr. Chairman, if they wish to bring in such a permit for the Indian people of Manitoba, they can do so, but, Mr. Chairman, for the Minister to argue that this is a national problem, and that somehow he is trying to resolve this national problem by this so-called compromise, is really a phony issue in the middle of a very controversial item, and this is a controversial item, because number one, Mr. Chairman, it's adding bureaucracy to a system that's working perfectly well right now. The Indian people of Manitoba who fish for domestic purposes, can do so, their right is recognized by the law enforcement people in this province, as long as they have their treaty number attached to the net, that net is acknowledged and recognized as a net that belongs to that treaty Indian person. And if they are fishing for their own domestic use, for their own food, for their own family, that's allowed under the rules of the province as it is now.

So, Mr. Chairman, what is the need for this new set of permits? You are going to have staff to look after those permits; maybe that is why the Minister has had to beef up his divisional administration by 3 SMYs, in order that they can handle these extra permits. Mr. Chairman, it is going to cost more in terms of administration because it costs nothing now in terms of administration; it's bound to cost more when you start printing up permits, you have to have people out in all of these various areas issuing permits. Some of the remote communities in Manitoba, Mr. Chairman, have no provincial government representative in them, so these people are either going to have to write into Winnipeg, or they are going to have to fly somebody up there from the City of Winnipeg, or Thompson, or wherever, to issue permits for people to fish in the lake which is right beside them for their own domestic purposes.

Mr. Chairman, this is a silly, phony kind of setup, and I just don't see why the Minister is trying to make it sound as if the Federal Government is initiating this proposal. I would like him to indicate exactly when and how he was informed by the Federal Government, if he was informed by the Federal Government, of their intentions in this regard.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I simply said, Mr. Chairman, it's an extremely awkward situation, when a Catagas case was handed down, it spelled out there was not to be special rights. The Resources Transfer Act states that the native people have the right for domestic purposes for fishing, so to try and reach a middle compromise between the Catagas case and the award, and the Federal legislation, until the situation is resolved nationally, we attempted some discussion in relationship to a community permit which would not in fact in any way touch on provisional hunting and fishing rights, but we felt it would possibly help clarify the situation with the Catagas case hanging over our heads. Obviously it isn't meeting with much favourable consideration by the people, being the chiefs, and people within the communities, so I guess the Feds are going to have to rule in relationship to what the courts have ruled in the Catagas case in relationship to what the transfer right clauses give them under the Federal jurisdiction. There is again some contradictions in those two particular areas too, Mr. Chairman.

MR. BOSTROM: Mr. Chairman, I wonder if the Minister could tell us what year that Catagas case took place, and my other point would only be to point out to him that he should check the advice that he is getting, because I don't believe that it is necessary to impose this type of bureaucratic fishing permit on the Indian people of Manitoba at this time. I don't believe that there are any cases that have been decided by the courts, that there is any pressure from the Federal Government to bring about this measure, and I would ask him if he is sincere about this issue, to check very carefully the advice he is receiving on it.

MR. MacMASTER: I certainly will be checking, have been checking and we all get strange bits of advice, I guess. The case was in 1977, a year and a half ago, 14 months ago, 15 months ago.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, the other issue I wanted to raise on this particular item in the Estimates, is the Freshwater Fish Marketing Corporation. I wonder if the Minister could just briefly outline what developments, if any, have taken place with respect to that organization, that corporation since he last reported to the House, and if there are any developments that he foresees in the near future to prove the operations of the corporation for the benefit of the fishermen.

MR. MacMASTER: The FFMC, Freshwater Fish Marketing Corporation, is presently . . . their marketing policies, strategies, whatever existing and non-existing, whatever is found, is now being reviewed with an eye to how they are handling their marketing on an international, national, and certainly I have asked for some emphasis on the provincial particular scene. We hope to have that report handed down within the next 4 to 5 weeks. I think we'll find it rather revealing, that most certainly the market hasn't been exploited to its fullest extent even at home here within the provinces.

The further study that's taken place with conjunction of all participating jurisdictions, being territories Alberta, Saskatchewan, Manitoba and Ontario, we're attempting to establish a starting point for a set of negotiations with the Federal Government as per the relationship of the provinces to the FFMC, and in turn, to the Federal Government. Specifically the structure, the makeup of the board, be it X number of fishermen, X number of Manitobans, Saskatchewanans, or whatever, and the reporting relationship of the officers of the board.

Presently there is a majority of federal appointments, and they in fact appoint the Chairman, and they in fact appoint the Chief Executive Officer, and that's not felt, in my particular feelings, to be the proper reporting relationship. I think the Chief Executive Officer should be reporting to the Board itself. They have already had one meeting in Winnipeg and there are going to be others. The Federal Minister has said he is prepared to start negotiations on the proposed restructuring of this particular board and reporting functions of the board and the officers of it, in September.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, there is nothing new under the sun in terms of the Minister's comments. The same statements could have been made a year ago in terms of what the Federal Government had claimed to be their intentions at that time, and very little progress seems to have been made in terms of changing the structure of the board to make it more representative, or the officers of the board more accountable to the board.

Mr. Chairman, I would like to ask the Minister some specific questions with respect to the investigations that he has carried out since he has been appointed the Minister responsible for

in Manitoba, where he took it upon himself to check out the Freshwater Fish Marketing Corporation and in so doing I understand a consultant was hired by the department, who prepared a report to the Minister. I wonder if the Minister could indicate what sort of recruitment procedure he went through to find this consultant and how much the fee was for the report which he prepared.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, the Member for Rupertsland has said that there is nothing new under the sun. I have heard that expression before; his favourite politician uses it. There certainly is an awful lot new under the sun and the rules here in Manitoba. If he was following it as I thought he might have been, he would have determined that the federal people felt there was no need for a marketing review whatsoever, that everything was just fine. Maybe he was satisfied that it was and maybe during his term he was prepared to accept that; I'm not prepared to accept it and I don't think the fishermen should have to be prepared to accept it. The marketing procedure, obviously has something wrong with it when it is costing the Manitoba fishermen and others sometimes \$100,000 to \$120,000 a month in storage fees. So there certainly is something wrong with it and there certainly is something new under the sun, to use his own words, that we have now convinced others that a study will take place. And that's new. We have now convinced them that there should be negotiations take place in relationship to the structure and reporting function of the board. And that's new. So that's two new things under the sun, for the information of the Member for Rupertsland.

The gentleman who was retained —(Interjection)— Pardon? Well, does the member want to stand up and ask a question? I'm quite prepared to . . .

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, the Minister points out that these studies that have been initiated are new, but what I was commenting on is that there really has been no accomplishments in terms of any new marketing efforts on the part of the Freshwater Fish Marketing Corporation. There have been no new prices to fishermen that are any better than years before. In fact the prices, if anything, have declined since the Minister has ranted and railed against the Corporation. Mr. Chairman, the people in the Corporation whom I have heard comment on the various allegations that were made in the front pages of the Winnipeg newspapers last fall, have told me that these kinds of comments have actually hurt the marketing potential of that Corporation. Mr. Chairman, when you have publicly-elected people ranting and railing against a corporation which is established to sell the product of a group of fishermen in the province of Manitoba, and as a result of this negative publicity, that corporation's own marketing opportunities are put in a disadvantageous position, I think that is a very serious thing indeed. Mr. Chairman, these are comments that I have heard from people who are in the corporation and who were very disturbed by the public campaign that this Minister carried out against that corporation just shortly after he took office last fall.

Mr. Chairman, I believe that there are ways of improving the operations of something which serves people without carrying on the negotiations and the discussions on the front pages of the newspapers. I don't believe that that will necessarily achieve you the best results, particularly when the comments that one must make, or one considers one must make as he considered he should make them, I suppose, are negative to the image of the corporation. Mr. Chairman, for good or for bad, that corporation is established to serve the needs of the fishermen of Manitoba and in doing so they must attempt to obtain the best market possible for the fish. In order to do so their image is very important and one part of that image is the confidence which the various government jurisdictions show, demonstrate in the operation of that corporation.

Mr. Chairman, I don't think that it helped the corporation at all. In fact, I am inclined to agree with the people in the corporation whom I have discussed this with, when they claim that the public allegations that were made by the consultant's report that came out as a result of a study that was commissioned by this Minister, and the public comments that this Minister himself made against the Corporation, I believe they have hurt the image of that corporation, have certainly not enhanced its potential in terms of marketing the product. That is why I say there is nothing new under the sun. In fact, Mr. Chairman, if anything, we have slipped back in the operations of that corporation since this government has assumed office.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, I suppose that's very typical of the observations from the Member for Rupertsland and his close relationship with the people in the FFMC. I'm still trying to straighten out the situation that he created some time ago with a decision that he made in relationship to

that FFMC, a rather large outstanding bill. But it certainly is and was necessary to review the
—(Interjection)—

MR. CHAIRMAN: Order please. The Honourable Member for Rupertsland on a point of privilege?

MR. BOSTROM: On a point of privilege. I happen to know exactly what the Minister is referring to there and I feel that his allegation is completely untrue and unfair, that there is somehow some outstanding bill which I was responsible for while I was the Minister of this department. I discussed

MR. MCKENZIE: That's not a point of order.

MR. BOSTROM: It is a matter of privilege, Mr. Chairman, when he leaves something on the record, attempts to put something on the record which would reflect on my administration of that department. Mr. Chairman, the point of privilege is that this Minister called me on the telephone and asked me about that particular situation. I gave him all the information I had at my disposal. I wrote him a letter telling him in writing exactly what I told him on the telephone and he can use that letter to straighten out whatever problem he has with the Freshwater Fish Marketing Corporation. There is certainly no outstanding bill as a result of any decision that I made that he has any problem with.

MR. MacMASTER: Well, Mr. Chairman, there is still a letter on file that we owe the FFMC \$60,000 because of a decision made by the Member for Rupertsland when he was Minister responsible for Fisheries. I've talked to him since then and we're trying to negotiate that particular fee down. If we want the details of it . . .

MR. CHAIRMAN: Order please. The Honourable Member for Rupertsland on a point of privilege.

MR. BOSTROM: Mr. Chairman, the Minister is being absolutely and completely inaccurate now when he claims . . .

MR. ENNS: Now, now, now, now.

MR. BOSTROM: . . . when he claims that there is a bill which the department must pay.
—(Interjection)— I have told him —(Interjection)— I have told him over the telephone . . .

MR. CHAIRMAN: Order please.

MR. BOSTROM: I have told him over the telephone and I have given him a letter which I have signed indicating the circumstances of the discussions that took place at the particular time that the Freshwater Fish Marketing Corporation indicate there is certain amount owing by the department. It is clear, Mr. Chairman, to the Minister and to the former people in the department, that there is no obligation to the Freshwater Fish Marketing Corporation. There is no obligation for the department to pay anything. There was no decision taken by myself that resulted in any bill having to be paid to the Freshwater Fish Marketing Corporation. The Minister knows that.

A MEMBER: Is that a point of privilege? Read the letter . . .

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, Mr. Chairman, if we want to go into details, I guess we will. The FFMC informed the department during the time of the Member for Rupertsland era as Minister that they had determined that fish being received from the Cedar Lake area was of a bad smell, it was tainted, that they wouldn't be able to sell it. He asked them to continue to take it because some people still had some in some nets and some was in transit. They assumed, when they were asked to continue to take it, that possibly somebody might pay for it when they have already been informed that it was no good — and I guess that makes some sense. If you're trying to sell something to somebody and you ask them to carry on taking it, even though they've told you they can't do anything with it, then I suppose the FFMC logically felt there was some responsibility that somebody would pay them for it, so they continued to take the fish. They sent a letter claiming that there was X number of thousands of pounds that they took that was no good and consequently, because of the

and the requests by the then Minister to carry on purchasing the fish, that they felt that the Minister was obliged to find funds to pay for it, seeing as he had requested them to continue on taking fish that they weren't prepared to accept or that they couldn't sell.

Now, I've talked to the former Minister about this and the president of the FFMC and other officers of the FFMC have reiterated it with correspondence that this in fact took place and that was their understanding that when you are requested to take something that you can't sell, then the person that's requesting it should be responsible for the price that you're paying for it. That's simply where it started. The Member for Rupertsland told me in a telephone conversation and gave me a letter saying that yes, he had asked them to take it but he said he wouldn't pay for it. Well, what kind of logic is that? You know, what kind of logic is that? So, I have told him that we are going to try and negotiate down the amount of money that's owing but I think there's an obligation when a Minister of the Crown asked a corporation, in this particular case, to receive, take something, pay for it, and you stand back and say, "That's fine, I'm glad you did." That's not the way the business world operates, Mr. Chairman, and we hope to bring down the initial \$60,000 request. We hope to bring that down substantially but at the moment, that's what the letter says — \$60,252.00.

MR. BOSTROM: Well, Mr. Chairman, the Minister is taking that complete thing out of context. If the Minister recalls a conversation that I had with him in a letter that I sent to him, I pointed out to him that the fishermen from Easterville had made a request to my office that we pass on information to the Freshwater Fish Marketing Corporation that there was fish in transit to the fish plant in Easterville whereby the people that had caught fish up the lake in the community of Easterville had not had the opportunity to get it to the station before they heard that the station had been closed down. Now my office passed that information on to the Freshwater Fish Marketing Corporation. I personally discussed with one of the officers of the corporation who telephoned me and told me that they would agree to accept that particular fish that was in transit to the fish plant. At the time, that officer of the Freshwater Fish Marketing Corporation asked me if the Provincial Government would assist them in paying for the cost of the fish which they would have had to destroy in any case because it was not acceptable on the market. They said that they were going to try to market that product but they said they would probably have to destroy it and they said, "Would your department be able to help us to pay for that?" Mr. Chairman, I told that particular official of the Freshwater Fish Marketing Corporation at the time that we could not agree to that. Mr. Chairman, the Associate Deputy Minister of the Department at the time informed that officials of the Freshwater Fish Marketing Corporation that the Provincial Government was not making any commitment.

Mr. Chairman, to substantiate that, no Minister of the Crown, under our government, would have made that kind of commitment to pay a \$60,000 bill without first taking it through Management Committee and through Cabinet to see if he had the authority to make such a commitment. There were no funds under the departmental Estimates to pay for such a commitment, therefore, I would not have made one and I did not make one. Mr. Chairman, I didn't ask them to buy the fish; I asked them if they would accede to the request of the fishermen that they would receive these fish that were coming in that were in transit on the lake because the fishermen were down at the end of the lake, and out of communication with the department, and I do not believe that the fish they received, as a result of the request from the fishermen, would have amounted to that much money, Mr. Chairman, because that's certainly much more than one day's catch on that lake, and that's about all they were asked to pick up or receive, as a result of the fishermen phoning my office.

Mr. Chairman, it was very clear at the time, and I pointed it out to the Minister by letter, so that he could re-inforce his argument with the Freshwater Fish Marketing Corporation, that there was no agreement on my part, or the department's part, to pay for any fish received by the Freshwater Fish Marketing Corporation.

MR. MacMASTER: Well, they haven't cancelled the bill, Mr. Chairman, and as I say, we're attempting to negotiate it down. The letter to the deputy, and I'm prepared to file it if you wish, "Attached is the above mentioned statement covering the expense to the corporation for the purchase of fish from Cedar Lake that is unmarketable. This was due to the incidence of muddy flavour or taste resulting from an algae problem which will disappear over time. As you are aware, this problem was detected on Monday, August 22nd, and as the product was not marketable we had proposed refusing to purchase any more fish from the Easterville Co-Op after any deliveries received at noon Tuesday, August 23rd, 1977, in order to minimize losses. Your department requested that rather than asking the fishermen to dump their catch that the closure date be August 24th, and that it would be prepared to underwrite the cost resulting from the purchase of the contaminated fish. On August 24th, your Minister requested that the closure be extended further to August 25th, to permit those fishermen in the Chemahawia area to deliver their catch and not be penalized. At this

time, he reaffirmed that the province would be prepared to underwrite the losses resulting from these purchases. As is indicated in the attached statement, the total cost of the corporation is 89,400 lbs. purchased, is \$60,252.00. Any costs which cannot be recovered from the province will have to be charged to the Manitoba Pool at the end of the fiscal year."

That's what I started with.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, in any case, if the bill that they are presenting is \$60,000 that's at least in excess of 120,000 lbs. of fish. Now, they did not deliver 120,000 lbs. of fish from the end of the lake over that period of time that the extension was requested. And, Mr. Chairman, that request was made by the fishermen, my office simply acted as a conduit to pass that request on to the Freshwater Fish Marketing Corporation. They agreed as a corporation to accept that product as they have under legislation, not only the right but the duty to do so, because, Mr. Chairman, fishermen who are not informed that the fishery has been closed down are still fishing, they're still delivering fish. And, Mr. Chairman, they agreed to accept it, and there was no agreement, as I pointed out by telephone, and by signed letter which I sent to the Minister, which is my word, and my word is as good as the Freshwater Fish Marketing Corporation. I discussed this with the particular official at the Freshwater Fish Marketing Corporation, I told him that I was sending you that letter, because that was my understanding of the discussions that took place, and I believe that that same discussion was held with the Associate Deputy Minister at the time in the department and he would confirm the discussion that took place.

MR. CHAIRMAN: (1)—pass; (2)—pass; (d)—pass; 3.—pass. Resolution 97: Resolved that there be granted to Her Majesty a sum not exceeding \$2,508,600 for Northern Affairs and Renewable Resources and Transportation Services, Fisheries and Wildlife Division: \$2,508,600—pass.

Resolution No. 98, Clause 4. Forest Division, (a)(1) Salaries—pass; (2)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: I'd like to hear from the Minister what changes, if any, have been proposed in this section. The staff last year, the staff this year.

MR. MacMASTER: Mr. Chairman, 4.(a)(1), last year there were four people; this year there are five. One of those five positions is presently vacant. They were all in Renewable Resources at that time and as now.

MR. BOSTROM: Mr. Chairman, when we were discussing the administration section of this department, the Minister indicated that there were six SMYs that were transferred from Administration over to the Fisheries and Wildlife Division and also six SMYs that were transferred over to the Forestry Division. Could the Minister indicate where those people are located in these appropriations?

MR. MacMASTER: 4.(b), Mr. Chairman.

MR. CHAIRMAN: (1)—pass; (2)—pass; (a)—pass; (b)(1) Salaries— pass — the Honourable Member for The Pas.

MR. McBRYDE: Yes, Mr. Chairman, the staff man years, before and now.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, 4.(b) there was 40.26 staff man years under the 1977-78; there were four vacant at that particular time. Presently there are 36.26 and there are three vacant. There is a reduction of four.

MR. CHAIRMAN: (1)—pass — the Honourable Member for The Pas.

MR. McBRYDE: Yes, Mr. Chairman, could the Minister indicate the location of those four reductions and confirm that those four reductions are basically just the vacancies. Maybe there was nobody in those positions so there's no regional location for them.

MR. MacMASTER: They were all vacant. I'm sorry, I should have mentioned that, that's one of those standard questions. They were all vacant and the vacancies all existed in the Winnipeg office,

Mr. Chairman.

MR. CHAIRMAN: (1)—pass; (2)—pass; (b)—pass; (c)(1) Salaries—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Thank you, Mr. Chairman. I'd like to find out from the Minister what aircraft they have lined up for this year's forest protection service, what staff they have in this section and how it compares with last year's operation.

MR. MacMASTER: Mr. Chairman, 4.(c)(1), in 1977-78 there were 12, they were all in Renewable Resources and there was one vacant. In 1978-79, there is 12, they are all in Renewable Resources and there is one vacant. No major changes, except the only increase being the normal salary increase.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, I specifically asked the Minister to provide us with a breakdown of how many aircraft they have contracted for this year in this section. Perhaps if he wants to take the question as notice and provide it later, that's fine with me but I'd like to know how many aircraft they have and what arrangements they've made.

MR. MacMASTER: Mr. Chairman, in Block 1, the Steinbach area, the contract started May 1st and the actual start-up day was May 1st. In Lac du Bonnet, Block 2, the contract was to start May 15th and the actual date of start was May 15th. In Norway House, Block 3, the start-up date was to be June 1st, the actual start-up day was June 1st. In the Thompson area east, the contract start-up day was June 1st, the actual start-up day was June 1st. Thompson west, Block 5, the contract start-up day was June 1st, the actual start-up day was June 1st. Block 6, The Pas, contract start-up day was May 15th, actual start-up day was same. Ashern, Block 7, contract to start up May 15th, the actual start-up day was three weeks earlier, April 24th. In Dauphin, Block 8, the contract start-up was May 1st, the actual start-up was April 27th, four days earlier.

MR. CHAIRMAN: (1)—pass; (2)—pass — the Honourable Member for The Pas.)\$

MR. McBRYDE: 6Yes, Mr. Chairman, I just wonder if the Minister would quickly confirm for the record that this Other Expenditures section of Forest Protection is just a rough guesstimate of figures thrown in there because nobody knows, of course, what the extra cost is going to be for forest protection. This is a figure that gives the government and the department some considerable flexibility whether to reduce or increase the figure because it's an unpredictable item.

MR. MacMASTER: The member is correct, it is an unpredictable item. I got a couple of figures together which might be of interest. I think all members opposite certainly would join with me in being reasonably happy that in 1977 the expenditures exceeded the supply of \$1,205,800, that was the supply, \$1,205,800 by July 12th and I think we're all pleased that as of today, the best figures I can get, June 26th we have accounted for \$280,000 which is about 25 percent and, of course, we are three weeks away from what it would be but I think we're all pleased, financially, certainly in the protection of our industry we're extremely pleased with the good year that we're having. Thank you.

MR. BOSTROM: Well, Mr. Chairman, I join with the member in expressing satisfaction that the expenditure is so low this year. It certainly is not any result of any different administration, I'm sure, but there is one factor that has been of considerable assistance and that is the rain we've been having this spring.

I wonder if the Minister could indicate if the fire attack operations that were established a couple of years ago to set up crews which are on standby in various parts of Manitoba, who would be on ready call or trained to be on ready call for instant action on various forest fires that erupt from time to time over the summers. I wonder if the Minister can indicate whether or not the government is continuing that program and, if so, at the same level or at a reduced level or an increased level or what is the status of that program right now?

MR. MacMASTER: We have cut out one fire attack crew in the Southern Region. The weather has returned so normal, in fact, as the member mentioned, we are being blessed with a great deal of rain and the predictions for the year were great, that we have cut out that one particular crew and

it is being handled by departmental staff very adequately. But that's the only area that that one crew has been cut out, the one he's referring to.

MR. CHAIRMAN: (2)—pass; (c)—pass. Resolution 98: Resolved that there be granted to Her Majesty a sum not exceeding \$2,003,800 for Northern Affairs and Renewable Resources and Transportation Services. Forest Division: \$2,003,800—pass; Resolution No. 99. Clause 5, Southern Field Services Division: (a)(1) Salaries—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, I understand these are the Field Services Divisions of the department. The numbers here in all sections do not appear to differ greatly from previous years. All that I would require — I'm not speaking for my colleagues, they may have more questions — but all I would require on each one of these sections is the staff man years previous, vacancies previous, staff man years in this fiscal year, vacancies at the present.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, the Member for Rupertsland is close to being exactly correct. It is the same as last year except for the administration. The specific one that we're on — there was one position last year and there's three this year. There is to be a director of Southern Field Services Division, one position last year is vacant and the three positions at the moment are vacant, Mr. Chairman.

To break down what the member asked: Southern Region, all Renewable Resources: Last year, 74.3; this year 75.3, all in the same localities, the same distribution. Last year, Mr. Chairman, there were no vacancies and at this moment there are three.

On the Eastern Region, last year there were 77.31 and there were two vacant; this year there are 75.31 and there are six vacant. They're all Renewable Resources, all located in the same areas.

The Western Region, Mr. Chairman, last year there was 79.34, they were all in Renewable Resources and there were two vacancies. This year, there is 80.34, there are five vacancies, the one position added is one conservation officer, all located in the same general areas as they were last year.

MR. CHAIRMAN: (1)—pass; (2)—pass; (a)—pass; (b)(1) Salaries—pass; (2)—pass; (b)—pass; (c)(1) Salaries—pass; (2)—pass; (c)—pass; (d)(1) Salaries—pass; (2)—pass; (d)—pass; 5.—pass.

Resolution 99: Resolved that there be granted to Her Majesty a sum not exceeding \$4,973,500 for Northern Affairs and Renewable Resources and Transportation Services. Southern Field Services Division — \$4,973,500—pass.

Resolution 95, Clause 1.(a)(1) Minister's Compensation—pass — the Honourable Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, before we complete the department, the Minister did indicate at the outset that there were two SMYs in the Administrative Support Section, an executive assistant to the former associate Deputy Minister and a secretary, and he did make the commitment that before we finished his department, he would indicate whether or not he required these people and where he would require them; if not, they would be cut from the Estimates.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, as a result of the secondment of the associate Deputy Minister and transfer of some of his staff, the position of executive assistant and administrative secretary are available for redeployment within the department. The position of executive assistant will be transferred to the office of the director of Fish and Wildlife. The position is presently vacant but once filled, the person will assist the director in the overall operation of the Division and particularly in relationship with the various commercial and recreational groups that are affected by the Division's operation.

The position of administrative secretary will be redeployed to the Financial Services Branch of Administration Division. This will have the combined effect of improving the Financial Services Branch possession of financial reports, absorbing some of the administration workload previously handled by the associate deputy's office on behalf of the Fish and Wildlife in Southern Region Divisions and providing secretarial relief to the department.

MR. CHAIRMAN: The Honourable Member for The Pas.

MR. McBRYDE: Mr. Chairman, I just want to verify the procedure here. Did we actually deal with 1.(a)(2) and 1.(a)(3) or are they still before us after the Minister's Salary?

MR. CHAIRMAN: We dealt with them after the Minister's Salary; if you want to make reference to (2) or (3), I will allow it.

MR. McBRYDE: Mr. Chairman, I would like to ask the Minister if the previous Deputy Minister of the Department of Northern Affairs who was forced out by this Minister by reduction in responsibilities in lateral transfer and accepted a senior post with the Federal Government, I wonder, Mr. Chairman, if the Minister's reason for reducing the responsibility and thereby forcing the previous Deputy Minister out was because the Deputy Minister was incompetent or incapable or unwilling to carry out his job properly.

MR. MacMASTER: Mr. Chairman, there was no forcing out, there was no reduction in duties. The particular individual had expertise in the field of DREE negotiations, federal-provincial negotiations. Quite obviously he came from that particular department of the Federal Government and quite obviously he's back with that particular department, I would suspect doing an admirable job in that field. We were attempting to do at that time what we have ultimately done, where all the federal-provincial negotiations are being handled through the Financial Department so that there is one person, that there is a contact from the federal people. I explained this the other night, where the feds, rightly or wrongly, take the opportunity of sometimes working a department in a particular area — this way it's all in a combined area. The previous Deputy would have been in the key position in that particular area of those relationships today if he had chosen to stay. He and I had discussions on this; it's a multi-multi-million dollar sort of an operation and that's the position that he would have held today if he had been here. He chose not to do that on behalf of us and he's gone now to do it on behalf of the Federal Government and I wish him well.

MR. McBRYDE: Mr. Chairman, I wonder if the Minister's staff left him with the overall figures to save us trying to put them all together in terms of the total staff man years of his department when he came into office, the total staff man years now, the total vacancies. I wonder if he has that information available which I requested earlier that he have ready for this section.

MR. MacMASTER: I don't have that total but I have certainly alluded to every, every, every particular vacancy, certainly not in desperation, but we have dug and dug every vacancy that existed last year, every vacancy that existed this year, every question in relationship to staff members last year, staff members this year, where they came from, where they are employed.

Mr. Chairman, I would like to say that my staff — give credit where credit is due — have done an extremely admirable job in digging out figures where people came from, those that aren't there, those additional ones and where they are located. We have done that point-by-point-by-point as to the members opposite, I say that they've done, in my opinion, a simply excellent job of digging out every detailed staff deployment position, vacancy, increase, whenever that was asked us.

MR. McBRYDE: Mr. Chairman, be that as it may, I would assume from questions right at the start of the Minister's Estimates and again mentioning it earlier this evening, that they could have taken those excellent figures and put them together to save us going through each one now and adding them all up, since that is their job for the Minister. Maybe if his staff is still watching what's going on, they might just send him the totals down so we can get the overall picture of the staffing of his department.

Mr. Chairman, I don't have the exact figures to put in here — the general trend that was revealed as he went through this section-by-section, was one that there was not the type of reduction that people would be led to believe by the announcements made by this government because, Mr. Chairman, there was a restraint exercise under way when this Minister came to office which required 10 percent vacancy and, Mr. Chairman, the average vacancy in the Department of Northern Affairs was 14.-some percent — and I'm not positive what it was — in Renewable Resources, but in each section, as we look at it, Mr. Chairman, there has usually been a number of vacancies in the area where there have been staff reductions.

However, Mr. Chairman, the other trend that has been clearly shown in this section-by-section analysis is that there has been some reduction in staff and that that reduction in staff, Mr. Chairman, has pretty well entirely been of Northern and Community Field staff. There, in fact, Mr. Chairman, appears to be an actual increase in the staff when we come to administrative, centralized bureaucracy of the department. There appears to be an actual increase in that function but a decrease in the field staff, a decrease in the northern staff, a decrease in the staff most of whom were native people, Mr. Chairman. So that is one clear trend that has come

out as the Minister reviewed his Estimates.

Mr. Chairman, that same trend has shown itself when it comes to dollar expenditures. There is an increase in expenditures for the centralized bureaucratic Winnipeg functions and a decrease in expenditures for the field services, for the northern services, especially, Mr. Chairman, most dramatically in the area of employment and economic development — this is where the real reductions have come in, Mr. Chairman. That has come out as we've gone through the Minister's Estimates section-by-section.

Mr. Chairman, there were a number of problems that we had at some stages of getting answers from the Minister and, Mr. Chairman, I would like to make a motion in regard to the Minister's salary. I would move, Mr. Chairman, seconded by the Member for Rupertsland that: Whereas the Minister has shown poor management of his department, Whereas the Minister has failed to give clear direction, and

Whereas the morale of his department is low, and

Whereas the staff in remote and northern community has been fired while head office staff is increasing, and Whereas most dismissed staff were native northerners, and

Whereas the Minister has exterminated worthwhile employment programs, and

Whereas the Minister has no real policy or funds for employment creation in economic development, and

Whereas the Minister has lost substantial federal funds which could have assisted northern development, and

Whereas the Minister has not been able to answer many questions on his Estimates,

Whereas the Minister during his Estimates made unsubstantiated and misleading allegations,

Whereas the Minister has failed to properly represent the people of northern Manitoba, and

Whereas the Minister has sold out northern Manitoba.

I move, Mr. Chairman, seconded by the Member for Rupertsland, that the Minister's Compensation be reduced to \$79.90, the cost of a one-way airplane ticket from Winnipeg to Thompson.

MR. CHAIRMAN: Order please.

MOTION presented and declared lost.

MR. McBRYDE: Ayes and Nays, Mr. Chairman.

MR. CHAIRMAN: Ayes and Nays. Call in the members. The Honourable Member for The Pas.

MR. McBRYDE: Point of privilege, Mr. Chairman, is that the Minister without Portfolio responsible for Manitoba Housing and Renewal Corporation just called me from his seat an ass, , and I would ask him to withdraw that statement, Mr. Chairman.

DECISION RE MOTION — ROOM 254

MR. CHAIRMAN: Call in the members.

It has been moved by the Honourable Member for The Pas, seconded by the Honourable Member for Rupertsland, that the Minister's compensation be reduced to \$79.90, the cost of a one-way airplane ticket from Winnipeg to Thompson.

A COUNTED VOTE was taken, the result being as follows:

Yeas 17; Nays 23.

MR. CHAIRMAN: I declare the motion lost. The Honourable Member for Lac du Bonnet on a point of order.

MR. USKIW: Mr. Chairman, the Member for Lakeside rose twice so I'm wondering whether his vote should be counted.

MR. CHAIRMAN: The Honourable Member for Lac du Bonnet does not have a point of order. The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I gather that ruling reflects what happens when somebody is holding and you don't see him. The same rule applies.

SUP8PLY — NORTHERN AFFAIRS cont'd

MR. GREEN: Mr. Chairman, I would like to make some remarks on the Minister's Salary relating to remarks that were dealt with earlier in the debate, but which I have not had a real opportunity to sit down and look at until a few moments after that particular debate, and they relate to the Northern Flood Committee Agreement that was signed by the Conservative administration after they took power.

Now, first of all, Mr. Chairman, let me make myself quite clear as to the effects of this agreement. Mr. Chairman, wild horses would not have been able to make me sign this agreement, and I say that advisedly, Mr. Chairman, because an agreement to the same effect was put to the Manitoba Cabinet in the heat of an election campaign, in the heat of a threat by the Federal Government that they would get an injunction to stop the Churchill River project; at the risk of being criticized of costing the province a million dollars a month, I would not sign the effect of this agreement.

And, Mr. Chairman, let there be no doubt about it. I told the lawyer for the Manitoba Hydro — and you can check it with him — that I am prepared to sign on the dotted line, that I am responsible for not signing this agreement, that if there is a cost to the province I will go to the public and accept that responsibility, because there is no way that I, as a legislator in the Province of Manitoba, would turn over, to an arbitrator, the right to decide what program will take place in northern Manitoba and the right to say that if the province does not go ahead with that program, the arbitrator can find damages against the province to the extent of the amount of that program.

Now, let me put it quite clearly that I say — and I stake, Mr. Chairman, my legal reputation on this — that I say that this agreement says that the Government of Manitoba has permitted an arbitrator to say that as a result of the Churchill River Diversion there is a problem in northern Manitoba, that the arbitrator feels that that problem can be alleviated by the creation of a University of the North for Indians, that the government can then say, "We don't want to proceed with that university," and the arbitrator can then say, "In lieu of your not proceeding, I award the cost of such a university, namely, \$30 million or \$20 million."

Now, Mr. Chairman, that's what this agreement says. The clause, which was put into the agreement to protect the province so that that would not occur, has been removed by the Conservative Government, add, Mr. Chairman, they did this without the advice of the lawyer who was negotiating this agreement for a period of four years, without that advice. Now, I don't know whose advice you got, Mr. Chairman. I don't know whose advice you got, but I say that the advice you got and that the document that you signed was an abdication of legislative responsibility and fiscal responsibility, to an arbitrator in northern Manitoba.

Now, Mr. Chairman, the clause that was taken out was put in at the end of the agreement. It was the third last clause and was put in at the end of the arbitration section. What did the clause say that was taken out, Mr. Chairman? I had it here a moment ago, and it has just escaped me, Mr. Chairman, I had it here a moment ago. But I read it to the honourable members last week. It said, Mr. Chairman: That notwithstanding anything contained in the agreement to the contrary, or capable of bearing a contrary interpretation, that the arbitrator could award no more than what was, — yes, I have it here now, and I'll read it so that it will be on the record, so that perhaps some day a lawyer who is looking at this can say that I have given you wrong advice or that I have given you right advice.

Now, here's the clause that was taken out by the Conservative administration, that we insisted had to be a part of the agreement. I'll read it in full: "Notwithstanding anything herein contained bearing or capable of bearing any different or contrary interpretation." And I am now paraphrasing, that means no matter what it says anywhere else in the agreement, "It is expressly understood and agreed by all the parties hereto," that means we all stipulate, "that in any adjudication arising herefrom before the arbitrator, or otherwise," because there is possibly an adjudication before a court, "whereby damages may be awarded, such award of damages shall be limited in quantum," which means limited in amount, "to such amount as would compensate the person or persons making a claim for such adverse effects suffered by them, that are directly and reasonably attributable to the project." So what we said is that in any claim for damages the total amount that the province has to pay is the amount that a person has suffered. A person can show — if my honourable friend, the Member for Lakeside happens to come into collision with a train, the amount that he can get from Autopac is the amount that it would cost him to fix his car. The amount that the train could get from Autopac is the amount that it would cost to fix the train, no more. And, Mr. Chairman, that is universally the kind of damages that courts would award.

In this agreement, Mr. Chairman, in substitution for this clause the Provincial Government put in a clause — that's the Conservative Government after they came into power and with the heat off and not in an election campaign and with the water raised to the level to have the Diversion operating — put in a clause which — I don't know what it means, Mr. Chairman, I'm going to read it. But it really doesn't matter what it means because it doesn't cover the problem that I have just raised. Here is the clause — and anybody on that side, I defy them to understand it: "It is

that the policies set forth in Articles 15, 16, 17 and 18 have implications that require clarification to ensure greater certainty. Accordingly the arbitrator may award damages, provided for in this article, only to the extent that the full and timely implementation of any policy contemplated by the above mentioned articles constitutes compensation; be it monetary compensation, mitigatory measure or remedial measure, in whole or in part of any kind to any person arising directly or indirectly out of, or attributable to the project. Furthermore, if a claim or matter in dispute arises by virtue of any subsequent change in such policy, in whole or in part, then the quantum of damages awarded shall be based on the diminution in compensation, if any, arising out of such a change."

Now, first of all, Mr. Chairman, I don't believe that this can be understood. But, secondly, Mr. Chairman, and more importantly, let us assume, let us assume that this article means the same thing as the article that was taken out, which I say that it doesn't, but let us assume that it does. Mr. Chairman, it doesn't cover the problem. It only refers to Articles 15, 16, 17 and 18, and the problem that we are talking about is not in those articles at all, it's in Article 24. So what do we have, Mr. Chairman? What does Article 24 say? You know, lawyers are not the only ones who can understand things.

I'll read to the Member for Lakeside and to the Member for Pembina what Article 24 says, in part. I won't read the whole thing. "The arbitrator is entitled under Article 24, to consider a claim for damages." Article 24 then gives the arbitrator the following powers: "He may determine whether there is liability under the agreement." — fair enough. "He may designate the party liable— and I'm just reading part of it — fair enough. "He may determine the appropriate remedy. He may recommend that mitigatory or remedial work be undertaken by Hydro or Manitoba to reduce or eliminate potential damages. He may recommend that Hydro acquire and provide real or personal property and make it available to the claimants" — that's in addition to the four to one. They're entitled to that outside of this arbitration. "He may recommend that Hydro provide employment opportunities where this is a feasible or ready method of compensation. He may recommend that Hydro undertake certain programs and public works' projects for the benefit of the communities which are adversely affected. He may recommend that a development corporation be established in Manitoba, by Manitoba and/or Canada, and funded by Hydro. He may recommend that Manitoba or Canada pay the whole or part of the costs of certain municipal services where such direction is a suitable method of compensating a community. He may recommend that Hydro, Manitoba, Canada, severally and jointly implement a practical program to provide an effective opportunity for residents of the communities to be employed, in both the construction and operation of the project, and also in the implementation of any works and measures undertaken. He may recommend any and all of these things."

Well, the members will say, "Those are only recommendations. Why should we worry about recommendations?" Well, I'll tell you why, Mr. Chairman. Because the next thing it says, is that as soon as the recommendations are possible, Manitoba, Hydro, etc., shall advise the arbitrator whether the recommendation will be implemented as a whole or in part. What if they say that it won't be? "Where such party advises that a recommendation will not be implemented, or will be implemented only in part, or where a dispute arises by virtue of the time contemplated for implementation of the recommendation, the issue may be remitted back to the arbitrator by the party initiating arbitration procedures and the arbitrator may fix damages in lieu of implementation or full implementation or implementation on a timely basis. A recommendation made to Canada can only be converted into monetary damages where the recommendation is with regard to Canada's obligations under this Agreement."

So he can take this recommendation that there be a program, and you can dream in your mind what any arbitrator says will be a program for solving some of the problems in Northern Manitoba that the arbitrator feels are caused by this diversion, and the arbitrator can recommend that you start a trade school in Northern Manitoba. This is the exact example we used when we said that wild horses wouldn't get us to sign the agreement. All we asked for, Mr. Chairman, and put into the agreement and — here it is — signed by the Premier of the Province of Manitoba and sent to the Minister of Indian Affairs, the Government of Canada per Ed Schreyer, the Manitoba Hydro-Electric Board per L. E. Bateman and Funnell.

A MEMBER: It doesn't mean a thing.

MR. GREEN: Oh, sure it doesn't, Mr. Chairman, of course it doesn't. The honourable member says this doesn't mean a thing, because the Northern Flood Committee didn't sign it. Mr. Chairman, of course, of course. So in order to make it mean a thing, the Honourable Don Craik signed this other crazy document . . .

A MEMBER: Right.

MR. GREEN: . . . which we would not sign, Mr. Chairman. I tell you that in the middle of an election campaign, under the heat of the Liberal Party attempting to make miles on this during the campaign, we wouldn't sign it, but Don Craik will sign it readily . . .

A MEMBER: Hear, hear.

MR. GREEN: He . . . because the other one doesn't mean a thing. Hear, hear? Well, Mr. Chairman, I'm willing to go to Thompson, Manitoba. I'd like to go to the Member for Thompson's constituency and show them the difference between these two documents. Mr. Chairman, the fact is that I believe that Nelson House is part of the Province of Manitoba and I believe that I have to tell the people in Nelson House that their rights are equal to the people in Lakeside. I have to tell the people in Nelson House that their rights are equal to the people in Morden, and the people in Morden cannot have compensation for a flood program, that if some of them feel adversely affected, an arbitrator can say that Morden will have a Boyne River diversion and if you don't do it, you have to give them the money to do it.

A MEMBER: They'll build a Morden Fine Foods.

MR. GREEN: So, Mr. Chairman, I say to you that the Conservative government . . . and, Mr. Chairman, I also want to remind the Minister that the day the last act that I performed as a Minister of the Crown was on Monday morning, October 24th. I wrote a letter to the Honourable Sterling Lyon. I said, "This is not a political issue. This is an issue on which we said that we are going to protect the legislative integrity of the people of the Province of Manitoba." At the risk of what some people thought was right political risk. Some people in my own party thought it was great political risk. I don't happen to think that it was. I expect the same kind of protection as he got from us.

Well, Mr. Chairman, we didn't get that protection and the agreement is a horrendous document. The only saving feature of it, Mr. Chairman, and to me it is not a saving feature, but the only saving feature to some of my honourable friends on the other side, is that they can say, "Look, no arbitrator is ever going to do that. This is a rouge; no arbitrator is every going to make that kind of thing. We put something over on those people, because when we appoint an arbitrator, it will be somebody who knows the score and won't do this type of thing and if he ever does, ultimate legislative power rests with the province and we'll nullify the effects of the agreement."

Mr. Chairman, all you've done is fooled the Indian people which, Mr. Chairman, I said that I would not do. Because there are people around who say, "Look, what are you getting excited about? Nothing is ever going to happen with that document anyway." I say, Mr. Chairman, that the crime is one of misleading the people who expect that this document is meaningful. I say the document, as it is written, appears to bear meaning, that the Federal Government spent \$1.8 million in levering this thing out of us on the basis that the Indian people would think that they got something. It is quite possible that there will never be a claim for compensation under this agreement. It is quite possible that any claim for compensation will be dismissed by the arbitrator. It is quite possible that the arbitrator will never award damages under the agreement. What we do know is that a government representing the people of the province has given them power to do so and gave them that power, Mr. Speaker, after we fought the battle during the campaign, and the honourable member says it doesn't mean a thing. It did mean a thing. It did mean that we were not going to buckle under and it did mean that we didn't buckle under, that we didn't sign this agreement. You had no business signing it. The only thing that you are doing — that is correct, Mr. Chairman, — I say to the honourable member, I say to the Minister who talks about giving away \$600 million on Hydro, let George Critschler see this document at his inquiry. Yes, let him review as to how this document was signed, what the previous administration did and what this administration did, and we'll see Mr. Chairman, who has bungled the Hydro issue in this province.

The Honourable Minister of Highways.

MR. Harry ENNS: Thank you, Mr. Chairman. I wasn't present at the time the first draft agreement was presented to the Northern Flood Committee; I wasn't present when the agreement that has so exercised my honourable friend, the Member for Inkster, when the second agreement that is now in force was signed. I cannot comment, therefore, nor have I taken the time to make myself as fully familiar as obviously those who signed the agreement, as the Honourable Member for Inkster has made himself familiar with, who was, I gather, primarily involved in the negotiations up to that . . .

A MEMBER: He probably wasn't.

MR. ENNS: . . . up to that date . Perhaps as the Minister of Finance says, that indeed might well have been the problem, that he wasn't. But, Mr. Chairman, the Honourable Member for Inkster again demonstrates a powerful legal argument expressing a great deal of concern for a potential hazard, for a potential damage that is not real. He takes a very highly moral tone and tells honourable members of this House that he personally was prepared to accept horrendous costs of up to a million dollars a month for the delaying of the signing of the agreement. —(Interjection)— Well, I understood that was his . . .

MR. GREEN: . . . Mr. Chairman, when the lawyer said that if they get an injunction, that's what it would cost, I said, "I will sign it, it's not your responsibility, it's mine." But, Mr. Chairman, I was representing the people of the Province of Manitoba. I didn't agree that they would get an injunction and nobody can tell me that they would have gotten an injunction.

MR. ENNS: Yes, but we're dealing in the field of conjecture, we're dealing within the realm of what may be, we're dealing within an unreal situation as it stands right now. However, Mr. Chairman, whether he is prepared to sign that kind of a document that absolves those who were being well paid to transact the legal affairs of his government, absolving them of any responsibility up to the tune of \$1 million a month, then it's not stretching the comparison, Mr. Chairman, too much when I'm saying that he is prepared as a spokesman of government to accept that responsibility for that costly damage to the people that he represented at that time.

Mr. Chairman, you know, I don't intend to belabour the subject matter but certainly, Mr. Chairman, that part of this history is written and that part of the history is part of the delay and the cost to the people of Manitoba in the postponement when it did suit the political advantage of the day back in 1969, to climb on to soap boxes of all descriptions, not quite the same soap boxes that the Liberal Party climbed on, but nonetheless, certainly the other members of his group and his leader were only too prepared, only too prepared, oo deny the Indian community involved at that time the benefits that were subscribed, written, and presented to this Chamber under Bill 15 which were, from my memory, just about as embracing as a document we had signed.

Mr. Chairman, I don't say this to hurt the Honourable Member for Inkster but the fact of the matter is that the people of Manitoba are prepared to trust just about anybody, including any arbitrator that this government appoints, rather than the Member for Inkster.

Mr. Chairman, the fact of the matter is that when the member talks about the potential horrendous costs and throws out the challenge to the Commissioner of Inquiry that is now looking into that mangled horror story, which truly is the horror story of the last eight years, of untold millions of dollars that have been squandered, that have been taken out of the constituency of St. George, out of Rupertsland, out of Nelson House and out of Inkster — Mr. Chairman, we're being treated to a fine legalistic constitutional-type debate that perhaps only one other person in this country is capable and perhaps only one other peer that the Honourable Member for Inkster has, in this case, and that is their own Prime Minister, who, at a time when this country needs to worry itself about a lot of bread and butter issues, about of our economic well-being, about the things that are important to the vast majority of the people in this country, he brings out and will bring out airy-fairy constitutional reform. We will find ourselves arguing about senate. Who in hell ever argued or worried about our Senate? —(Interjection)— Surely not Stanley Knowles.

A MEMBER: Always Stanley Knowles.

MR. ENNS: And surely not the New Democratic Party. But, all of a sudden we now find ourselves having been left a legacy of mismanagement with respect to the entire northern development on the Nelson River, by the previous administration.

We now find ourselves in that impossible position of being accused, or being charged with horrendous bungling of the kind that this province has never seen before.

Mr. Chairman, there hasn't been a cent, not a nickel, indeed, not \$79.90 worth of bungling under that agreement that the honourable member is so exercised about, as yet. But there has been, not a \$1 million, not \$100 million, not \$200 million, but closer to \$400 million and \$500 million worth of bungling with respect to the actions they took on the same subject matter, and that they were part of, and that they led and managed in the last eight years. That's the horror story in front of us. That's the horror story in front of us; not the agreement that we signed, not the agreement we signed. And, Mr. Chairman, I'm satisfied that 10 years down the line history will prove that to be the case.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, I realize in having listened to the Member for Inkster that it is important probably to put on the record, at least for the record, at least for whatever purposes history may want to use it, some indication of the facts of what took place in the arriving at this document that's being dealt with in such emotional terms by the Member for Inkster.

Mr. Chairman, let me tell you that that document contains one paragraph that was added by this government. That document is the document that was negotiated over a period of some three years, Mr. Chairman, by the former government, by their representative, by the former law partner, the Member for Inkster, who was the man who was charged by this government, the former government, to negotiate and act as the arbitrator, and so on — not the arbitrator, whatever the name was — Mr. Chairman, to arrange, to act as the go-between in the arriving at that agreement. —(Interjection)—

MR. CHAIRMAN: Order please. On a point of order, the Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Chairman, on a point of order, that is not correct. Mr. Mitchell was chosen by the Federal Government and the Provincial Government to be the mediator, not the person to go between the Provincial Government.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, I want to thank the Member for Inkster for giving me the right word. Mr. Mitchell was appointed the mediator, jointly acceptable to the Provincial Government and the Federal Government to work out this agreement over a period of some time, something in the order of three years. —(Interjection)— Two years, the Member for Inkster says two years. Anyway, a good long time, Mr. Chairman, far too long.

During the course of the month leading up to the final signing of the agreement, when we were in the opposite side of the House telling the government, "Why don't you get on and get a settlement worked out with regard to the Churchill River Diversion," and this went on year after year, because it always was there and had to be done. They said, "Well, it's coming and soon it's going to be done." Then they ran into the drought of 1977, which now is being accused for many of the losses of Hydro, and maybe it is and maybe it isn't. But I do know one thing, that one of the first things I asked Hydro was, on assuming responsibility for Hydro, what was the cost of the Churchill Diversion last spring, April and May, when you were restricted in the use of the Diversion, you did not have the agreement? The agreement was, at that point, getting concentration because they suddenly realized they were in a problem, after the fact they knew they were in a problem.

The answer I got was, it was costing about \$8,000 per thousand mcf per month. Now, multiplied out, Mr. Chairman, it worked out that the cost of that Diversion, if they used the full capacity of the Diversion had it been available — which they did not have because they didn't have this agreement, but couldn't use it — was costing of the order of \$1.5 million per month, per month —(Interjection)— during that drought period. They were buying the coal from Saskatchewan and the power from Saskatchewan and the power from the United States, and everywhere they could get it, to make up the difference, and had they had the Diversion that is what it was worth to them. So the heat was on them to get it done. Then he says, you know, we're going to be credited with this document.

That document arrived on our desk the day we arrived in government. By this time they had a negotiator at the table; Hydro had a negotiator at the table; a negotiator at the table representing the former government, Mr. Carter, who was the Deputy Minister of Northern Affairs, signed the agreement; the Hydro representative signed the agreement.

Now the question was, did Carter represent the government? Mr. Carter says yes. Was the former government aware of what was in the agreement? Mr. Carter tells me that the telephone from the hotel room with several conversations with the former Premier, in the eleventh hour, at midnight, right up to the hour of the signing of that agreement.

So, Mr. Chairman, let's make the record clear. What we did, in coming to government, we added one clause. —(Interjection)— Well, we looked at the agreement, first of all, and we looked at what was being proposed. Now I don't suggest that what the Member for Inkster, what he proposed, his change was wrong. It may well have been in the government's best interest, I'm sure, to have that.

But, if I had sat — and I'm not a lawyer — I read that agreement, I read his proposed paragraph he wanted to put in but it did more than change the factors that needed to be changed in that agreement. It, essentially, changed all the negotiated items in that agreement without necessity. And the point that was being made by the Liberal Party in this debate — because we did not make it a large election issue and the Member for Inkster knows that — it was largely an election issue because they got into the glue on it. The Member for Inkster got into the act; he read it and as

a legal person he didn't like it. So, it floundered at Cabinet. But the First Minister had been involved in it all the way along and if he wasn't, then Mr. Carter is wrong.

Okay. What we received on our desk was an agreement that is exactly as it's negotiated there with the exception of one paragraph. Whatever it is, it qualifies the impact on the designated area, Mr. Chairman, that's what it does. But the clause that they were going to put in did more than that, it affected the whole agreement right through.

Now, had it been negotiated and had he negotiated, the Member for Inkster, right from Square One right through, fair game. But it was obvious that it had come in and wiped out the whole agreement, and nobody in their right minds could have accepted that. Having negotiated for two years to get to that final agreement and have it wiped out by what he was going to propose.

So, all of a sudden the former First Minister is faced in his Cabinet, by the Member for Inkster, who now wants to change the complete of the entire agreement — and they're in the midst of an election campaign — and they've already blown \$1-½ million a month for I don't know how many months, in early 1977, in the month of May and the month of June, until they got the Diversion going in July, end of July or the 1st of August, and at that point they thought, "We're home free. We've got the Diversion going now," and then they decide they're going to back out of the agreement. But the native people, who thought they were now at the point of the agreement with the government, and in good faith, accepted the fact and said, "Okay, let the waters run," and the waters ran and the government backed down.

So we faced, inherited, not only that agreement, we inherited the situation where one side of the agreement was being taken advantage of. This government had started the waters flowing. And then we're going to say, "Dare turn them off." Well, why didn't you have the intestinal fortitude to say a year ago, "We're going to turn them on; it's going to cost us \$1-½ million a month." —(Interjection)— But you didn't. You turned it on in the end of July, the 1st of August in 1977. You never took advantage. —(Interjection)— No, they didn't have the intestinal fortitude to stand up and say, "Fellows, this is costing us a \$1-odd million a month, last March, April, May," whatever it was through that drought period, "we can't afford it. Look, we're going to work this out later; we're going to let the waters run," they didn't do that.

They led the native people to believe that the agreement was now reached. Well' whether they led them deliberately or not, the native people were led to believe and had good grounds to believe, that the agreement was reached, and so the waters ran, and then the Member for Inkster encountered this at Cabinet.

Now all the indications are that he did not know earlier in the game what was in that agreement and I can't help that. But, Mr. Chairman, what has happened is, all of a sudden in the eleventh hour something happened; there was a revolt at Cabinet stage; it did not emanate from the First Minister — although he signed this thing and is now making speeches in the House, sort of trying to wash his hands of it. Let me tell you this. What it boils down to is that the present government inherited an agreement, looked at it, said one thing, "If we had negotiated that first agreement and then had it affected by the clause the Member for Inkster wanted to put in we would be upset if we were the native people. We would be upset if we were the other parties negotiating this agreement, namely the Federal Government." That's number one.

Number two, Mr. Chairman. The legal opinion that we got in the changes that we made said that if the intent was to do what the former government claimed it wanted to do the clauses that we have put in, or the wording that we have put in will do it.

Well, so now we're down to a difference of legal opinion, Mr. Chairman. Now what we did do — and let's look at the positive side of this — we carried through an agreement that was negotiated by the representatives of the former government with the exception of these few lines, which the Member for Inkster says makes the difference between black and white. That's his opinion. Other lawyers do not agree with him. Other lawyers do not agree with him.

But what we did do — and let's put it positive — we were not going to be accused, and let the former government even be accuse by the native people of that traditional accusation of, "The white man speaks with forked tongue."

A MEMBER: That's nonsense.

MR. CRAIK: Oh, it's not nonsense. Well, you see, it's not important to you people. It's not important to you. It's obvious, you took advantage of one side of the agreement and you were prepared to shaft the native people. That is exactly what you were going to do, and you did do it. You took advantage of one side of the agreement after they thought they had the agreement. You took advantage of letting the water go beyond 10,000 or 12,000 cfs. You took it up; it ran all winter, 30,000 cfs' before the agreement was ever signed. You took advantage of 20,000 additional cfs, running steadily right through at a value — if you took full use of the water — of over \$1 million a month all through that piece.

What, in fact, we did do, Mr. Chairman, we worked out an agreement — a development agreement — with the native people that is going to see some \$4 million or \$5 million go into a development agreement that they feel proud of; that they want to now use to help develop their community and do the things they want to do.

If there are problems arise, Mr. Chairman, the intent of that agreement is that if there are problems that arise that can be tied in to the flooding, the cause, the results of the increased flows of the river, and it can be tied into this, then they can claim their damages.

The wording is there. I haven't got the wording in front of me now, nor did I have any particular doubt about it at the time; nor did we have any particular doubt about it at the time. Let there be no question, there are differences of legal opinion on it, but the legal opinion that we have in entering this agreement is that the changes that were made here do what the former government purported, purported to do by its proposed changes. But its proposed changes, Mr. Speaker, if they were to do what the Member for Inkster says they were going to do, that was not what was said to the native people prior to the election on October 11th. That's not what they understood. They understood that the changes that were going to be made, and Mr. Schreyer met them in Thompson and talked to the Chiefs and they say, well, they were at

the point of signing it. If that's the case, that was not related to us after, because they knew what that change implied. It wiped out the whole agreement. That's their interpretation, Mr. Chairman, and you will find a dozen people that will agree with that interpretation. I will line up the first dozen that will read it and they will say, "Well, naturally, it wipes out the whole agreement." And it did. And the native people, had they signed that agreement with that change in it, would have been taken right to the cleaners. They would have, Mr. Chairman, they would have been taken right to the cleaners.

So I am going to tell you again, Mr. Chairman, that as far as the present government's role in all of this, it carried forth in good faith. We didn't run around the province trying to make a big issue of the former government's problem with the flood agreement, they got into their own problem. They created their own problem. The Liberal Opposition helped them somewhat, so they said.

We came to office. We inherited that basic agreement with the exception of a few lines that have been added in there. We simply carried it through, basically as an act of good faith, maintaining a good and honest relationship with native people, and we're not prepared to take advantage of one side of, the argument and shaft them the way this former government was going to shaft them with their changes to the proposed agreement and take all the water and then end up doing nothing. That's what, essentially, was going to happen under the former government.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, the Member for Lakeside was on better ground than the Minister of Finance — the Minister of Highways. The Minister of Highways saw a problem and he thought that, if I can throw a few stones maybe I can undo the problem, because I can't dispute what has been said. The Minister of Finance tries to dispute what has been said. He says that we did not, during the entire course of negotiations, put this position.

Mr. Chairman, I ask the Minister of Finance conscientiously to look at the correspondence between the First Minister, myself and the various Ministers of Indian Affairs from the beginning of the transaction to the end. We always put forward this position. We always said that we will set up a mediator but we will not negotiate the question of future economic and social programming in Northern Manitoba. That will not be a subject of arbitration. We told that to them at every step along the line and we told the negotiating committee that when they went to meet with the Indian people.

The negotiating committee came and said that that's what they had negotiated. We told them that it wasn't, Mr. Chairman, and if the honourable member says that he will go and have arguments with lawyers, why was the lawyer, who was not a New Democrat, who worked on this for four years, not consulted with respect to this clause. Because, Mr. Chairman, the lawyer who negotiated for Hydro . . .

MR. CRAIK: Where was he when Schreyer signed, he wasn't there either.

MR. GREEN: Mr. Chairman, the lawyer went to Scotland, left the instruction that the honourable member says was not left, came back and found out that the people who signed and initialed on the basis that a document would be taken to Cabinet.

Mr. Chairman, the Minister of Finance is presenting a ludicrous situation. He says that despite instructions Nick Carter and somebody else are entitled to bargain away legislative authority in the Province of Manitoba and it doesn't even have to come to Cabinet. The Indian people say, the Indian

people, right in the agreement, Mr. Chairman, say that it has to be ratified by each of the tribes. So they knew they had to go back to their principal, and they knew that the negotiating team had to come back to its principal. But for the honourable member to say that I wasn't involved is not correct. At every step in the line, Mr. Chairman, I was involved and I reluctantly agreed to many things but I said that I would never agree to having an arbitrated policy in Northern Manitoba. And that's the issue which, when it came back and Mr. Carter thought that he wasn't agreeing to it — at least that's what he told me. You see, if we're now going to say what Carter told me and what Carter told me. Mr. Carter came to Cabinet and said that what I am saying wouldn't happen. That's not what the agreement says. I said, "Mr. Carter, I'm a lawyer, you are not. Why don't you listen to me and let me tell you what will happen?" 07 -04

Mr. Chairman, the one premise in my honourable friend's argument which completely is incorrect is that there was an exchange of raising water levels for the signing of an agreement. We told Warren Allmand at every step along the line that we do not recognize the right of the people at Nelson House or the right of the Federal Government to say that we cannot raise the water levels. And we told him, in the presence of the Indian people of the Northern Flood Committee and their lawyers, we told him that if an agreement was not signed within a period of seven days, Mr. Chairman, that we were going —(Interjection)— The honourable member is suggesting that they went into the Nelson River Development in 1966. I want to know whether the honourable member is suggesting that in 1966 they were going to spend \$2 billion and the program could be stopped by a Reserve group in Northern Manitoba, that they had a veto power over it. Because even we didn't criticize you to that extent. We never said that you undertook a \$2 billion project which could be vetoed by 800 people living on a Reserve in Northern Manitoba. You say that that's the situation? Because we have continued to tell Warren Allmand and Pierre Elliott Trudeau that we have a legal right to raise those water levels. We are prepared to pay compensation. We want to be generous with our compensation. We do not . . .

A MEMBER: Why did you wait until August then?

MR. GREEN: Mr. Chairman, the member asked why we waited until August. Because the Premier and Warren Allmand got together and said, "Look, we know your position. You know your position; we know your position. The parties are now talking, if they can resolve it quickly we won't have this problem." And there was an attempt but, Mr. Chairman, it wasn't May, June, July. It wasn't May, June, July — no. According to what the Premier said at that time, and said in the House, part of the problem was with regard to the fact that certain intakes at Thompson were not installed as yet.

Well, Mr. Chairman, there was perhaps, in the last little while, an agreement between the Federal Government and us that they would attempt to resolve it before we raised the levels. But at no

time, and you can check. Why don't you check it with the lawyer for Hydro? At no time did we take the position that we had to wait until we had an agreement before those levels could be raised.

As a matter of fact, approximately a week before this final negotiation, the Hydro crews were in the community with the consent of the community, working on the roads so that the water levels could be raised, without the consent of the Northern Flood Committee. Then they came down by airplane with lawyers. They said they were going to get an injunction, and we told them to go and get their injunction. They said, "Please sit down and talk." And at that point they ran out and told the Indian people, not us. The press release was issued by D'Arcy McCaffrey and the Northern Flood Committee because we said it had to go to Cabinet. And we told them that, Mr. Chairman, immediately because Warren Allmand . . . We immediately told them that there is no use coming to Manitoba to sign an agreement because there is no agreement.

We sent him a wire. He came to the airport and called a press conference for the signing, and then tried to leave the document at Stewart Martin's office.

Now, Mr. Chairman, if you ask whether there was a power play on the part of the Federal Government to try to make it appear that we had done something of that nature, yes, indeed, there was. Yes, indeed, there was. But at all times, from the beginning of the discussions to the end, they were told that we would not negotiate program in Northern Manitoba.

My honourable friend, the Member for Lakeside, says I was prepared to pay \$1 million a year.

A MEMBER: A month.

MR. GREEN: No, no, I wasn't prepared to pay a penny. I was prepared to accept responsibility for the consequences, Mr. Chairman.

A MEMBER: The people of Manitoba paid.

MR. GREEN: Well, Mr. Chairman, would the honourable member turn the northern half of this province over to a foreign power if they would give him \$1 million a month? Would he do it? Would he accept responsibility on behalf of the people of the province that he is going to cost the people of this province \$1 million a month, instead of turning the northern part of this province over to a foreign power?

Well, Mr. Chairman, I won't turn this northern part of this province over to a northern power and I'm willing to say that I wouldn't do it for \$10 million a month and I am willing to sign it. So when we are discussing the million a month, let it be understood I said the lawyers said that if they succeed this is what it could cost you. And we said what they are asking for is too much. We will, if we have to do it, if there is an injunction against us, yes, but there was by no means — because we thought that the Conservative administration in 1966 was smarter than to let us have an injunction against us. We said that the agreement they signed in 1966 had in it an implied obligation on the part of the Federal Government not to stop the project.

MR. CRAIK: You're the only one then, you're the only lawyer I've ever heard say that.

MR. GREEN: Then, Mr. Chairman, then what my honourable friend is saying — I will tell you I have heard lots of lawyers say it. Did you consult the lawyer for Hydro on this question — not Mr. Funnell, Mr. Martin? Because if you want to hear other lawyers say it, discuss it with the lawyer who was dealing with the question.

Mr. Chairman, then what my honourable friend is saying is something that I don't believe. I just don't believe that my honourable friend is saying that Sterling Lyon and Duff Roblin signed an agreement in 1966 to build a Churchill River Diversion, to have a transmission line going from Thompson down to the south, and then all of these things at the last moment — because don't forget you proceeded for several years, and committed hundreds and millions of dollars — that all of this money was spent without the consent of people who could veto the project. My honourable friend is saying that the Conservative — I wouldn't dare say such a nasty thing about the Conservative Party. I wouldn't dare, because I thought that they made a perfectly legitimate agreement and that when two parties have entered into an agreement that something will be done and they both constitute the totality of sovereignty in this country, then it is implied that one sovereign power will not actively act in such a way as to frustrate the other party from completing the agreement.

If you want me to give you chapter and verse and legal authorities for that proposition I will do it, but we don't have to argue that proposition now. What the honourable member is really saying is that the Federal Government and the Northern Flood Committee, for the last two years, had the Government of Manitoba by the throat, that they could have got, not four to one but eight to one.

If what my honourable friend says is true then we negotiated a much better agreement than I thought we could ever get, because the only basis of the agreement being four to one and not eight to one or ten to one, and other numerous things that were being requested during the course of it, the words of the Chief at Norway House was that we are going to make them pay through the nose. And the negotiated conditions were royalty on the water, reduced hydro rates; I can give you a list of 16 things. And the sixteenth, after talking about special programs, development corporations, royalty on hydro rates, on water, reductions of special Hydro rates, compensation for damages; the last item was No. 16. The above list is not exhaustive, you may add to same. And we negotiated only for this? We are much better than I thought we were. The fact is, Mr. Speaker, that we did have a legal position and you do not give up a legal position where you are having a demand on you, that you turn over the Province of Manitoba.

Now, the Member for Lakeside makes a strong point; he says not a penny is being paid under this agreement. But who's fooling who? We did not fool the Indians — Ken Young, D'Arcy McCaffrey, Walter Monias, Warren Allmand will not come in and accuse our government of fooling the native people because we told them all along, Mr. Chairman, that we will not negotiate and permit an arbitrator to set policy in northern Manitoba. —(Interjection)— Well, Mr. Chairman, it's not my story; if the honourable member will let me go into his office and into the office, my former office, I will pull out the documents that prove that. I will pull out the documents to prove that. What I am objecting to, Mr. Chairman, is a clause in an agreement — the Honourable Member for Lakeside says nothing has been done under that agreement. Would the Honourable Member for Lakeside say that the arbitrator — would he give the arbitrator an authority in writing, signed by him as the Minister, to say that there will be a separate Legislature in northern Manitoba if the arbitrator says so? The honourable member says, "Well, I'll give him that authority because he will never do it." —(Interjection)—

MR. GREEN: What is nonsense? What is nonsense?

MR. CRAIK: You won't get a legal opinion on . . .

MR. GREEN: Well, Mr. Chairman, I asked the honourable member to turn this agreement over to — I'm not talking about a Legislative building, although I don't see why he couldn't, but I suggest to you that in this agreement the arbitrator may recommend that Canada and Manitoba undertake certain programs and Public Works projects for the benefit of the communities which are adversely affected. And the programs could be extensive trapping programs with the provision of traps and the educational programs attached thereto and what have you, and if you don't do it, the arbitrator can award compensation. The honourable member says that he won't get a single lawyer to agree with me; I tell my honourable friend that I will get every lawyer to agree with me. I ask my honourable friend to take the remarks that I have made with regard to this agreement, turn them over to Mr. Funnell, because he agreed with me, turn them over to Mr. Martin, both of whom were acting for Hydro, and they agreed with me, and that's why we put in the clause. The honourable member says the clause negates the agreement; Mr. Chairman, I ask the honourable member whether a single lawyer will agree with that.

The agreement provides four to one; the clause doesn't take four to one out of the agreement. The agreement provides compensation for damages; that clause doesn't take out compensation for damages, it confirms compensation for damages. The agreement provides the Development Corporation contributed to, \$1.5 million by the province, \$1.5 million for the Federal Government and another \$1.8 million for some type of remedial works which they are taking money in lieu of, which is bad enough. That is a horrendous thing, and we put that in; I say *mea culpa*, that's our fault, under the threat of the \$1.2 million, etc. Imagine, they say that they're going to be adversely affected; they say that the effects could be remedied if you build certain works, then they calculated how much these works would cost and say, "Don't build them; give us the money." That's in disagreement, that's not your fault, that's our fault because under the threat of Warren Allmand, we did that. But that's what they did. So, what are they saying? They're saying, "Give us the money now, we'll use it," and if it doesn't exist 30 years from now and there are the damages which are there because the remedial work was not done, then they will have to come back to you and I and I accept more responsibility for this than you, and say, "What kind of protection did you give us? Instead, you gave our fathers and our predecessors \$1.8 million which isn't around any more."

That's what's in this agreement which was objected to, but Mr. Chairman, I agree, we bent but we didn't break. And the breaking point was the suggestion that not only do we have to do all these things, and this has been said before; what I'm saying, I'm not repeating for the first time, I'm repeating it for the nth time. It's been said before, we said, "We'll give in on this; we'll give in on the other, but we won't give in on the question of Legislative authority in northern Manitoba."

We won't say that the government, the Minister of Northern Affairs, will have in his budget something not which he believes is good for the people of Manitoba but which some arbitrator believes, and if he does have it in, he has to pay it to the Northern Flood Committee. That's what we didn't do. But the agreement doesn't negate anything, Mr. Chairman, it merely confirms what we had been telling the people all along, that we are prepared to pay the damages, we are prepared to have the Development Corporation, we are prepared to transfer the land, but where the arbitrator is considering an award and it has to do with policy, and it has to do with program, we will listen to his recommendations but we will not pay you damages in lieu of the implementation of a program.

Now, Mr. Chairman, the honourable member says no lawyers will agree with me. I've discussed it with many lawyers, they do agree with me. They may have a different view as to whether the worry is there, because they may say with the Member for Lakeside, "What are you worried about? The guy isn't going to do it anyway."

What I'm worried about, Mr. Chairman, is the same thing I was worried about with the doctors; I was scared silly of the doctors, too, you know, that this was \$1.2 million a month if we were wrong, and then somebody else would have to negotiate the agreement. The doctors was a doctor's strike. —(Interjection)— That could be worse than \$1.2 million a month, couldn't it, but somebody has to accept the responsibility that because the doctors are saying that we will go on strike unless you turn over to us a veto power on government health policy in the Province of Manitoba by contract, then we said, "We are scared silly of your strike, but your other proposition scares us more, and therefore we will not do it." And we didn't do it. And we didn't do it only merely to protect the New Democratic Party, we did it to protect Legislative democracy in the Province of Manitoba.

And the honourable member says that he had to sign this agreement? I suggest to him, Mr. Chairman, that the Indian people were in no way misled about what the process was; that we told them that we were not going to wait for their agreement to get the water rising; we told them that in no uncertain terms. Their lawyer was told that, Mr. Allmand was told that, we told them that we would give them one more week to agree, but we do not undertake to hold the water until there is agreement; that was never done.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: On a point of privilege; the member refers to me saying that we had to sign the agreement. I gave the reasons as to why we signed the agreement; I didn't say we had to sign the agreement. I gave the reasons as to why we did sign the agreement.

Mr. Chairman, might I also — I didn't interfere with the member at the time; I just want to remind him that though he is suggesting that Mr. Martin was the government's lawyer in this matter, Mr. Martin was the lawyer for Manitoba Hydro, and Manitoba Hydro's signature appeared on the documents that were signed along with Mr. Carter, who represented the government, and he was the legal representative for Hydro at the time those signatures were applied to those documents.

MR. GREEN: With the greatest of respect, again, you can look at your files and you will find that Steward Martin was appointed Personal Advisor and Counsel to the Premier of the Province of Manitoba with respect to this agreement. He was acting for the government. He was also acting for Manitoba Hydro, but he was definitely acting for the government, and he was not consulted, and I object to this, Mr. Chairman. You don't have to agree with him, but he was not consulted with respect to this final document. And you should have consulted him; you should have consulted him because he would not say what you are saying the lawyers say. —(Interjection)— Mr. Chairman, I explained that to the members. Mr. Martin gave instructions and when he left for Scotland he was of the opinion that his instructions are that they would not make this an arbitrable question; you can check that with him. When he came back and when the matter was turned over to us in Cabinet, Mr. Carter and Mr. Bateman both said that they didn't think that this was an arbitrable question. When we brought it to the lawyer's attention, he agreed that the way the agreement was worded, it was not only capable but would be interpreted that way, and that's why we put in the additional clause. But the people concerned, what they were concerned with aside from their counsel, I believe — what they were concerned with was the four to one, the arbitrate compensation, the policy declarations and the \$5 million Development Corporation. And all of those are in the agreement; those were not taken out by this class clause. This class clause doesn't reverse those things.

Mr. Chairman, it's my opinion that whichever lawyer told you this clause reflects the previous government thinking is not correct; he is simply not correct. I indicated, and Mr. Chairman, the files are open to you; the memos with respect to that document are open to you; the lawyer is available to you; none of them were used, and you come in and say that this reflected our thinking.

It did not reflect our thinking, nor does it reflect a reasonable agreement because the Indian people, under this agreement, with the clause that we added to it, got everything that they expected and were very surprised to hear that an arbitrator has the right to give them a program and if we don't institute the program they are entitled to damages under it, not for what they have suffered but for the loss of the program. And as a matter of fact, it came as a problem to them; why was that being the trouble? They knew what they had negotiated.

So, Mr. Chairman, the Honourable Minister of Finance can make whatever he wants out of it; he can say that we bungled, we had Cabinet scuffles, he can say what he likes. What we know is that when the Conservative Government took power the Churchill River diversion was working at capacity; there was no injunction against us; there was an agreement signed by the Province of Manitoba, not by the other side, at the office of the Department of Indian Affairs in Ottawa, that that agreement gave to the Indian people four acres of land for every one that was subject to flooding, and Mr. Chairman, it's better than that. It's not four acres of land for every one, it's four acres of land for an easement on every acre they've got, because they still own the land that is going to be under water, and if minerals are found on that land, it belongs to the Indian people, so we are not even getting the one. And I'm not saying this in criticism of my honourable friend, I made that point from the very beginning. Mr. Chairman, I accept responsibility for everything in this agreement with the exception of the taking out of the clause which sets the scale of damages to the amount suffered, and for this 38(1) which — I don't know what it means. You have lawyers that know what it means? They are obviously much brighter than I am, but I don't know what it means. But other than that, I don't criticize the member for signing the agreement; I criticize him for signing it without the clause that we insisted had to be in it before it was an acceptable document.

The other things, we were under duress, we were dealing with an obtuse Federal Government; obtuse, and this will boomerang on them. It will come back to haunt them when they are dealing with federal programs. They will not give any veto powers; they won't do it.

But we were dealing with a federal government that behaved in a particularly irresponsible manner. May I say to the honourable member that the Conservative caucus in Ottawa behaved in a responsible manner — absolutely. When Judd Buchanan announced that he was going to start funding a pressure group in Northern Manitoba to take action against the Provincial Government, we said that we were willing to deal with the Government of Canada which ostensibly has jurisdiction in that area, and the Government of Canada said, "No, you're going to have to deal with a group that we will finance to go against you." We went to see the Manitoba MPs, and to their credit, the Conservative MPs did not blame the Manitoba Government. Oh, they took a few acceptable political shots at our problem which I expect from any politician, but they did not condone what the Federal Government was doing and suggested that the Federal Government was wrong funding a group in Northern Manitoba to act against the duly constituted government of the Province. So I give them credit for that, and did at the time. I do not give the government credit for signing this agreement as it now stands.

Mr. Chairman, what the Member for Lakeside says is possibly true. Nothing may ever come of it, but that's not the basis upon which you sign agreements. You sign agreements on the basis of what they contain and what you are doing with the legislative process. This agreement, Mr. Chairman, is a great danger to the process of constituted government in the Province of Manitoba.

MR. CHAIRMAN: (1)—pass; (a)—pass. Resolution 1—pass.

Resolution No. 95: Resolved that there be granted to Her Majesty a sum not exceeding \$1,896,700 for Northern Affairs and Renewable Resources and Transportation Services. General Administration: \$1,896,700 —pass.

To the honourable members, this concludes the Estimates on Northern Affairs and Renewable Resources and Transportation Services.

Committee rise. Call in the Speaker.

The Chairman reported upon the Committee's deliberations to Mr. Speaker and requested leave to sit again.

IN SESSION

MR. SPEAKER: The Honourable Member for Radisson.

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

MOTION presented and carried.

Tuesday, June 27, 1978

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, I move, seconded by the Member for Inkstr, that the House do now adjourn.

MOTION presented and carried and the House adjourned until 2:30 p.m. Wednesday afternoon.