

THE LEGISLATIVE ASSEMBLY OF MANITOBA
1:30 o'clock, Tuesday, May 7, 1974.

Opening Prayer by Mr. Speaker.

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed I should like to direct the attention of the honourable members to the gallery where we have 30 students of Garden City Collegiate of Grade 11 standing. They are under the direction of Mr. John Senkiw. This school is located in the constituency of the honourable member for Seven Oaks, the Minister of Health. On behalf of all the honourable members I welcome you here today.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees. Sorry, the Honourable Member for Gimli.

PRESENTING REPORTS

MR. JOHN C. GOTTFRIED (Gimli): Mr. Speaker, I beg to present the first report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your standing committee on Municipal Affairs presents the following as its first report. Your committee met for organization and appointed Mr. Gottfried as chairman. Your committee has agreed that the quorum of the committee shall consist of seven members. Your Committee heard representation with respect to the Bills referred to it by the following:

Bill No. 45: A. C. Matthews, Legal Counsel, R. M. of Dauphin.
E. C. Hawkins, Q.C. Legal Counsel, Town of Dauphin.
E. C. Day, Secretary-Treasurer, Town of Dauphin.
A. C. Newton, Mayor, Town of Dauphin.
L. A. Milner, Councillor, Town of Dauphin.

Bill No. 38: D. C. Lennox, Q.C. Solicitor, City of Winnipeg.
D. A. Yanofsky, Councillor, City of Winnipeg.

Your Committee has considered:

Bill No. 21 an Act to validate By-law No. 719 of the City of Thompson.
Bill No. 32 - An Act respecting the City of Brandon,

and has agreed to report the same without amendment.

All of which is respectfully submitted.

MR. GOTTFRIED: Mr. Speaker, I move, seconded by the Honourable Member for St. Vital, that the report of the committee be received.

MOTION presented and carried.

MR. SPEAKER: Ministerial Statements and Tabling of Reports; Notices of Motion; Introduction of Bills. The Honourable House Leader.

HON. SIDNEY GREEN Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Vital in the Chair.

COMMITTEE OF SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: Order please. Would the House Leader indicate which department we are proceeding with.

MR. GREEN: Yes Mr. Chairman, we are now proceeding with the Department of the Attorney-General, to be followed by the Department of Education.

It may be, although it's not certain, that there may be an interruption in the Attorney-General's estimates, but we're hoping that that will not take place.

MR. CHAIRMAN: Thank you. The Department of the Attorney-General Resolution 20. The Honourable Attorney-General.

HON. HOWARD PAWLEY (Attorney-General) (Selkirk): Mr. Chairman, the only regret that I have here is that I don't believe there is a second entry for a second ministerial salary

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd). . . . in these estimates, after dealing with the Minister of Municipal Affairs' salary.

The expenditure estimates for the Department of the Attorney-General show an increase of approximately \$2.2 million increase or 15.9 percent increase over last year. The programs which account for the bulk of the increase are compensation to victims of crime, \$52,000; the Manitoba Police Commission, \$34,000; Land Titles Office, \$226,000; Provincial Judges Court, Criminal Division, \$28,000; Court Reporters, \$8,000; Legal Aid, \$700,000; Law Enforcement \$774,000; Public Trustees Office \$57,000; together with the increase in costs of goods and services which apply to all programs.

During the past year, officials of the police commission have made several trips into remote communities, particularly in the north, to discuss with local officials and residents the best methods of improving police services in these areas.

Discussions have taken place with the Federal Department of Indian Affairs to develop a recruiting and training program so that more native Canadians can participate with the RCMP in policing remote communities.

The Commission has sponsored a news letter to be published regularly for police officers in the province. Articles are contributed to this bulletin by the police personnel on subjects of mutual interest and concern relating to their profession.

The commission has prepared and submitted recommendations for the establishment of a recruit training program for municipal policemen as a method of improving in a uniform way the training of police to meet the increasing demands made upon them in modern society. The report is now under review by my department and the department of education.

The commission has distributed a pamphlet offering to organize discussion leaders to attend communities and discuss the role of police, courts, and other related subjects, to improve police community programs.

During the past year RCMP strength was increased at such locations as Swan River, Wabowden, Gillam, Lynn Lake, Jenpeg, and patrol cabins were put into use in remote areas of the north. It is intended to increase the contract strength of the RCMP in 1974 from 490 to 511. The cost per man to the province is increased from \$11,208 to \$12,250 for the year 74-75. We ought never to take effective and efficient police services for granted, and I would like to commend the officers and men of the RCMP who combine to provide service to the people of this province.

I have for some time been concerned that the Land Titles Services for growing northern communities has been provided from our Land Titles Office in Neepawa. The establishment of a Land Titles Office in Thompson or The Pas is under active consideration. Upon completion of the Government Administration Building at Broadway and Kennedy the Winnipeg Land Titles Office will move into these new premises and vacate the present Land Titles Office building. Additional staff will be added at the Land Titles Office in Winnipeg, Morden and Neepawa to reduce the waiting period experienced at these offices in processing documents presented for registration. In addition, a very large microfilm program of documents and records held in the Winnipeg Land Titles Office will be carried out prior to their move to the new building. The effect of this program will be to materially reduce the volume of high cost storage space now required and also will serve to improve the service to the public and to the profession.

In an effort to reduce the backlog of cases in Provincial Judges Court, particularly in Winnipeg, the practice of employing part time provincial judges from the practicing bar to supplement the regular bench, at the call of the Chief Judge, is continuing.

It is intended to continue the program of expanding the number of Family Court judges so that in addition to Family Court judicial services in Winnipeg, St. Boniface and Brandon, a Family Court judge will circuit in the Eastern Judicial District and the Central Judicial District, thus relieving the Criminal Court judge of these responsibilities, in the Family and Juvenile Court jurisdictions.

Officials at my department are presently engaged in meeting with officials of the City of Winnipeg to complete arrangements for the province to assume administrative as well as financial responsibility for the operation of Provincial Judges Court and Court Offices at the Winnipeg Public Safety Building and the St. Boniface Public Safety Building, so that all provincial judges, criminal courts and court offices will come under a uniform jurisdiction.

I am particularly pleased to be able to advise the House that we are proceeding with the

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) construction of a new Provincial Judges Court Building. This will facilitate the physical separation of the Courts from the Police - a policy which has been strongly supported by Attorneys-General in Manitoba for many years.

Our Court Communicator Program, which was commenced as a pilot project in 1971-72, has proven to be of real benefit to native persons who are unfortunate enough to come into conflict with the law. These court communicators, all of whom are fluent in one or more of the native tongues in addition to English, are attached as court officers to Provincial Judges Criminal Courts and serve as advisors to native people. Among other responsibilities are to insure that the native persons involved clearly understand the charges that are being brought against them; that they are made aware of their rights and privileges, including the right to legal counsel. They are of course of great assistance to the courts at the time of the court appearance of their clients. This program has been expanded gradually over the past two years and further expansion can be anticipated, particularly in northern Manitoba.

Another small, but very important program, which is carried out within the Department of the Attorney-General, is that of assisting separated wives and the enforcement of maintenance orders made in their favour by the courts. This program, which involves only a small staff, has been instrumental in enforcing many maintenance orders. Moneys paid into court for separated wives as a result of our enforcement officers for the year 1973 totalled some \$430,000. This program is extremely beneficial, not only to separated wives and their families but also has a significant impact on the amount of money paid out by way of welfare had the orders not been enforced.

Members will recall that the Jury Act was amended in 1971 making Indians eligible to serve on juries. Shortly after the amendment to the Act, written information was disseminated to Chiefs and Band Councils explaining the implication of the amendment, attempting to explain the rights and duties of Indians who are selected to serve on juries.

Despite this information in written form, a considerable amount of confusion still exists in the minds of native persons with regard to jury service. The department was aware of this situation and in the fall and early winter of 1973, a native law graduate was commissioned to make a tour of northern reserves for the purpose of explaining to native persons on reserves, in their own language, the facts about the Jury Act and jurors. I understand that this step was quite successful and more effectively informing native persons with respect to jury duty.

Our department is requesting an additional \$700,000 in support of the Legal Aid program for 1974-75. As members are well aware our Legal Aid Plan in Manitoba is considered to be one of the most comprehensive programs in Canada. Legal aid is made available to persons unable to afford legal services in both criminal and civil matters. The additional money requested is intended to meet the increasing costs resulting from natural growth of what is still a relatively new program, and also to further develop the delivery of legal services to communities through the establishment of neighbourhood Legal Aid Centres.

Members will recall that in October 1972 the first Neighbourhood Legal Aid Centre was opened on Isabel Street in Winnipeg. Subsequently, a second centre was opened on Main Street in the north end of the City to serve citizens in that community. As a result of experience gained in these two centres, the Legal Aid Services Society has developed what appears to be a workable and economical method of delivering legal services, specializing in but not being limited to areas of service which cannot or will not be handled by the private bar. The Society now envisions a number of community legal services offices, functioning primarily in the areas of preventative law, property law, providing institutional service, such as duty counsel in Juvenile Court duty counsel in Family Court, services to senior citizens through service organizations, services to inmates within correctional mental institutions, and giving informal legal advice to people in the community both within the community office and in association with various community organizations.

Two additional such community offices are being organized for the year 1974-75, one of which will be located at Dauphin to serve the Dauphin Judicial District, and one to be located in West Central Winnipeg. The Society is presenting giving consideration to including within each community Legal Aid Office indigenous legal assistance, these being community based persons who will be trained to perform a number of para-legal functions, thus releasing legally trained personnel in the centres for more specialized work.

The Public Trustee Act was brought into force in February 1973, whereby the duties of

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd). . . . the official guardian were added to the duties of the Administrator of Estates of Mentally Disordered Persons. The amalgamation of these duties has resulted in some growing pains and has pointed up the need for modernization of the administrative and accounting policies relating to the program. Steps are now being taken to bring about the necessary changes, including the appointment of a highly qualified general-manager. The volume of work resulting from the bringing into force of the Public Trustee Act has far exceeded expectations, so that some expansion of staff will be necessary.

These brief remarks have been simply to summarize some of the activity of the various programs administered by the Department of the Attorney-General. I'm sure that members will have other points for discussion and I look forward to the comments and the questions that may be posed in respect to this department, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Chairman, I thank the Minister for a most comprehensive report of the activities of his department. Like other departments throughout the estimates, there is the constant increase in cost, up to \$16 million for the Province of Manitoba. The Minister spoke in glowing terms of legal aid and he said, at least he commented on the fact that they were possibly asking for another \$700,000 over and above what they received last year for this purpose, and no one complains of this expense, Mr. Minister, but one wonders sometimes if care is being taken to see to it that those that can afford legal aid are paying for the legal aid and not taking advantage of this item in the estimates which seems to be ever on the increase since its institution.

One thing I noticed in the Minister's comments, that he did not inform the House as to whether or not crime throughout the Province of Manitoba was on the increase as opposed to the previous year, and he didn't mention anything with regard to the prevention or the arresting of the use of drugs in the province. I think these are important items that the House ought to know about. Nor did he mention anything of the jails or penitentiaries; I believe today they're full to overflowing. I would have appreciated hearing some comments on his part as to what was being done to reduce the input into these institutions, the costs of which, I need hardly say, are like everything else on the increase and a growing burden on the taxpayers.

I notice also he complimented the RCMP for their duties throughout the province, and I for one appreciate that. But here again, Mr. Chairman, we see the cost of preventing crime, or arresting crime, is again on the increase. He has indicated to us that there are 490 members of the RCMP doing duty throughout the province and this is to be increased to 511. I also noticed too that the increase is in vogue there, it is now \$12,000 a man. And I notice in Swan River we, as can be repeated elsewhere around the province, that a community of 4,000 people are paying something in the neighbourhood of \$67,000 a year for police protection. This seems to me to be out of all rhyme or reason and I wonder what efforts the department are making to reduce this in some way; whether or not the institution of constabulary, not on the level of the RCMP but men that could fill the gap and do the job well, at a considerable less amount of money than it is costing today.

I waited with interest to hear the Minister mention something that I have brought before the House on several occasions during past years and that is, the training and appointment of policemen in the Indian reserves, and throughout northern Manitoba for that matter. I believe if my memory serves me right, the Minister assured us last year that a concerted effort was to be made in this regard, and I have knowledge that an effort was made but for some reason or other the Minister did not mention that effort, and I would like when he rises again to give us some comment as to what has been done and what is intended for the future. I would remind him that there are areas such as mine where there are villages far removed from the fountain's head so to speak, or as to where the RCMP are located - what immediately comes to mind is Mafeking, which is some 65 or 70 miles from Swan River and when they need the police, obviously when an emergency arises the Mounted Police have to travel that distance.

And then I noticed also that he didn't mention anything with regard to improving jail facilities in northern Manitoba. I would like him to give us some sort of an estimate as to what it is costing to transport prisoners, not only prisoners but those awaiting trial and must be held in custody, from points throughout northern Manitoba to such places as Dauphin, and Winnipeg in many cases. I believe a serious look should be made in this direction in the public interest, because not only is it costing a great deal of money, which it ought not to have

SUPPLY - ATTORNEY-GENERAL

(MR. BILTON cont'd) cost if the facility was in the north, but rather it's taking people away from their families for the duration of their waiting period before they come before the court for the consideration of their cases, and ultimately when they're sentenced they're brought down to southern Manitoba to be held. I believe that the time has arrived when a remedy should be found for that.

I believe that the Minister has been considering the improvement of jail facilities in The Pas, and whether or not money is included in the estimates in another department for the building of that facility I don't know, but maybe the Minister could inform us.

With those few remarks, Mr. Chairman, I would appeal to the Minister to answer those few questions that I've endeavoured to place before him, those of which I think are very very serious.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. LLOYD AXWORTHY (Fort Rouge): Mr. Chairman, I have a few comments to make on the estimates in this department, and I do so simply on the provision that I'm sure my colleague the Member from Wolseley will have a more elaborate and extensive series of assessments to make later on in the consideration, but we want to take this opportunity to both comment on some of the positive accomplishments of the department over the last year, as indicated in the Minister's report, as well as to raise some serious questions we think about the administration of the justice in the province.

The first thing I would like to take note of is the Minister's comments in relation to the increased provisions for the Land Titles Office. This was an issue that was brought forward in this House about two months ago concerning the increasing difficulty of processing applications for land subdivisions and the processing of development agreements. One of the areas of concern at that time expressed, particularly by builders, developers in the City of Winnipeg, was the time it took in the Land Titles Office to process these applications, and particularly in many cases they were forced to proceed with the actual laying of foundations without gaining the full approval of Land Titles Office simply to get the proper number of starts at that time. So it is encouraging at least to note that the Minister has taken cognizance of that problem, and we would hope that the measures he's outlined in terms of increased staff would remedy that particular situation so that at least one of the areas where there is a roadblock in the quick dispatch of land and housing development in the city would occur.

There is another area however, Mr. Chairman, which I think deserves some more serious questioning, and as I say I know that the Member from Wolseley will pursue it at greater length, but I would like to at least raise the issue with the Minister so he might be prepared to develop some responses, and that has to do with the legal aid system. I think the legal aid system is becoming a source of increasing concern and in fact consternation amongst many members of the legal profession in this province, mainly because they see under its present direction and development it leading towards in fact a form of public defender system; and that the basic principle of legal aid as being a service supplied by lawyers in the private legal community through some compensation from the public purse is gradually being eroded, and in fact being replaced by a form again of salaried legal department securing services for a variety of groups.

Now there is something to be said on both sides of that issue, certainly that one can make the case about the validity perhaps of a public defender system but if that in fact is what is beginning to occur, then we should know it; that that is the kind of thing that should be clearly articulated and should not simply happen by a series of step by step approaches which one morning you wake up and all of a sudden find out that you have a brand new system from the one that you thought you had. It's that kind of policy making by somewhat covert steps which we take some objection to because if in fact the intention of the government is to move towards a form or a variety of public defender system where in fact salaried employees, civil servants of the government, are in fact offering legal aid, or assistance in a variety of legal matters, then I think that that should be clearly spelt out in this House and that certainly the legal profession should have full opportunity to make its concerns known.

And I particularly bring to note the increasing stringency applied to the fees that are acquired for legal aid services that they are, Sir, set forward on a basis of a limitation of a number of a set quota of hours with no more being paid regardless of how much time it may take an individual lawyer to prepare for a case. So there's an attempt to standardize it, or

SUPPLY - ATTORNEY-GENERAL

(MR. AXWORTHY cont'd) homogenize it, and that may lead either to the frustration of lawyers who simply feel that their time is not being properly compensated; and secondly, so they just simply refuse to do legal aid, which means it increasingly will fall back on the responsibility of someone to provide a service through civil service arrangement; or secondly, it will simply mean that the client will receive short shrift because if there's a certain level of hours set, and that's all the fee is being paid for, then that's all the time he's going to get no matter how much time it takes to prepare a proper case. So that particular administrative decision I think is one of serious concern, and we would hope that the Minister could provide an explanation as to whether in fact it is his intention and officers of the legal aid program to in fact try over a period of time to in fact end up in a form of public defender system. Because if that's so then I think it certainly deserves a wider airing than it has received thus far.

I'd also like to express one concern, Mr. Chairman, that has come to my attention, mainly through the representations of people in my constituency, which as members may recall is in the downtown or central city portion of the City of Winnipeg, and I do so with full recognition that the City of Winnipeg has its own police service and its own constabulary, and has received over the years a high degree of commendation for its ability to provide proper public order inside the city boundaries. But what is beginning to increasingly become apparent is that in the areas dominated by high density housing, high rise living, the rate and incidence of crime is exceeding in an extremely intolerable rate, to the point where increasingly people are becoming frightened for their own public safety and the safety of their own property inside these apartments.

Now there's a number of sociological reasons which I suppose we could go into if the Minister was interested, but the fact of the matter is I claim that some portions of Osborne street are becoming as dangerous as areas that are normally considered to be the high crime rate areas in the slum areas of Winnipeg, simply because of the high rate of property crime that is beginning to occur and the high rate of personal crimes that are beginning to occur.

So much so, Mr. Chairman, that one of the interesting phenomena that's beginning to occur, which has come to my attention lately, is that we now have an active private police force in the City of Winnipeg, that a private organization which provides sort of constant surveillance of property, protection of persons who are afraid to go into their house, is now becoming a widespread occurrence in many portions of this city for which the individuals would pay a fee. I think the system works that you sign a contract for \$5.00 a month, or whatever it is, and this group - and I won't name the company. I think in fact there's two of them operating - will then be prepared to provide you with - two or three times an evening they'll come around and check your property; if you're afraid to come home at night they'll open the door for you, they'll provide surveillance. In fact the demand is so high they can't fill their requirements.

I could list, if the Minister was interested, numbers of people in my own area, and I think members from perhaps some of the other city seats may have similar experiences, where that private police force is becoming sort of in many cases the major crutch upon which people depend upon, at least for their own sense of self-security.

Now in this case I am not claiming the City Police of Winnipeg are not doing their job. I'm simply saying there's a high degree of concern on the part of people who are living in these higher dense areas about personal and property safety. I would raise that question with the Minister simply because he is the chief enforcement officer of the province in effect and must retain responsibility for everything that's happening.

Again I would bring to the attention and if you look at population figures the areas I'm talking about in many cases have population numbers in upwards of fifteen and twenty thousand, which is a good sized town throughout Manitoba. So I am raising that question merely because after having received these kinds of representations have looked into the issue to some degree, and I don't pretend to be an expert in criminology, but I have discovered that in fact this is an occurrence that is happening in other Canadian cities where they are beginning to find out that the peculiar dangers that arise, again in higher dense areas, is something that is a common occurrence, and one that the present organization and arrangement of police forces is usually unable to apprehend, mainly because in this age of technology, and for reasons of cost deficiency, most modern city police forces have begun to rely upon car patrols and motor vehicles as their way of providing a certain degree of surveillance. Frankly that doesn't seem to be

SUPPLY - ATTORNEY-GENERAL

(MR. AXWORTHY cont'd) good enough. Increasingly you are finding that some cities are beginning to experiment with the old fashioned idea of putting a cop back on the beat because that provides, according to the information I've been able to obtain, provide a certain degree of informal control. It provides a certain degree of security and does in fact end up providing a higher degree or, pardon me, a lowering of crime rates in the area.

I would point out, and I simply do it because it was an interesting experiment that I read in an American newspaper about a month ago, where the police - I think it was in Kansas City, Missouri - undertook an interesting experiment where they took areas which were comparable in their crime rates, in one area they increased the patrols by automobile, I think they doubled the number of cars going into an area; in another area they kept the cars the same; in the other area they had no cars at all. The surprising results were that in the area where there were no cars at all, the crime rate fell the lowest; in the area where it was the same, was the same; and where they put more cars in, the crime rate increased. I'm not saying that has a conclusive experiment, but as I indicated there may not be much correlation between the ability in terms of the demands of modern automobile surveillance techniques of urban police forces in their ability to control crime in these kinds of areas in particular. So I raise the question first.

I would also like to mention to the Minister that one other area of investigation I tried to pursue was to get some statistics on the relative crime rate in different parts of the city, and I found out that in fact we do not have a particularly effective means of maintaining some statistics on a variety of areas, that the City of Winnipeg only keep statistics on the inner City area and the outer city areas, which doesn't give you much of a breakdown to determine the indexing or the differentiation between a variety of areas; which means that it's very difficult for at least a layman who is outside police services to determine whether in fact there has been any increase. So one must go by subjective evidence or by evidence of, in this case of representations I've had from people in my own area.

Therefore I'd like to raise with the Minister two issues: One is, to what degree is the Attorney-General's office beginning to explore this particular occurrence; and if so, has it been prepared to offer assistance to the City of Winnipeg police to undertake a variety of pilot projects, or demonstration projects, in areas like this to see if in fact better police service can be obtained. I happened to notice a statement by one of the deputy police Chiefs of the City of Winnipeg, I believe it was about a week ago, who indicated that he felt that it would of course be of benefit if the police were able to return to a higher degree of foot patrol and "cop on the beat" kind of organization, but that simply they didn't have the money to do it, that they were simply prevented again by City budgeting and the lack of finances to apply that in any extensive way.

So I'm beginning to wonder whether the Attorney-General and members of his department have explored this subject with the City of Winnipeg police; whether in fact they have begun to explore; whether a series of pilot projects should be investigated to determine whether both the organizational and administrative area of law enforcement, and the apprehension of it, should be broken down back into a much smaller decentralized focus where there can be police assigned to particular neighbourhoods, and they become identified with those neighbourhoods to the extent that - I know that in the City of London in Great Britain police on the beat don't even report to central stations any more, they simply show up in their area and they are almost kind of independent enforcement officers in their own area to the point where they become in a sense the sort of the local watchmen of that area. These are experiments which I think seemed to have produced some interesting results in the protection of life and property and certainly of persons in their own personal safety.

So that would be a concern of mine that I would like the Minister to hopefully address some remarks to concerning that particular problem, because I think it is becoming a serious problem, and it will continue to become so as more and more areas in the City become denser in the way in which the housing formation has occurred. I would only say that I think there's some pretty good social evidence to demonstrate that there is a correlation or a connection between the two, and that this probably represents a different facet of law enforcement in the province, one that we may not have had to face previously because those conditions were not apparent, but it is a condition that is now becoming more predominant, and more frequent, and wider spread, and therefore may call for special kind of action. I would like to know if in

SUPPLY - ATTORNEY-GENERAL

(MR. AXWORTHY cont'd) fact the Attorney-General is prepared to take some initiatives to assist the City of Winnipeg and its police force to begin applying itself specifically to those problems and developing the proper method and the proper approach to see that something can be done to arrest what is appearing to become a serious problem as evidenced by the fact that many people, at least in my area, feel that they must rely upon private security forces in order to maintain some proper form of protection.

MR. CHAIRMAN: The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Thank you, Mr. Chairman. I've listened to the introductory remarks of the Minister and some questions arose in my mind. He covered his department in his usual efficient fashion, but he did leave a few questions that remained unanswered. I am thinking particularly of the area involving the problem that we've had, and it has been an increasing one in our province, as in all parts of Canada, and that is the crime relating to the non medical use of drugs. I think the Member for Swan River did mention specifically he would be interested in some statistical evidence on what progress we're making in this field; whether the incidences of crime related to the non medical use of drugs in Manitoba is remaining static; whether it's decreasing, and in general some comments of the Minister in respect to this problem.

I also note, Mr. Chairman, that in the Minister's estimates there are various headings and departments, but there is no place in the estimates, and I believe this is not peculiar to this year's estimates, but there's no place in which the Liquor Commission as a Commission is listed. We have a line for boards and commissions but no specific line covering the Manitoba Government Liquor Commission operations. Now recognizing that this is not an expense operation, there may be some reason for, an accounting reason for simply saying that since we do not have expense relating to the operation of this commission, that it's not necessary to list it. Nevertheless, it seems to me that it's a major responsibility of the Minister, and I would feel that in order to ensure that this receives the proper attention of the Legislature there should be a heading under Boards and Commissions, showing a nil expense but nevertheless having that entry in front of us so that we may proceed without any restriction to question the operation, and to note again in this year's operation that we have a profit of roughly \$39 million.

Mr. Chairman, that is a sizeable operation, one which merits the attention of this Legislature for many reasons. We've been faced with reviewing the operations of other government activities that are not nearly so profitable, and we think of course immediately of the Autopac operation where instead of having 39 millions of profit we are faced with somewhere between 10 and 16 millions of deficit, depending on the particular way in which you're inclined to --(Interjection)-- I note with interest that there are some comments coming from this side of the House but, Mr. Chairman, I shall attempt to ignore them and to continue on this line of thought.

The fact that we have lost a sizeable amount of money in Autopac and are faced with an increasing accident rate, and the fact that we have increasing sales in the government Liquor Commission and a sizeable profit, you know, Mr. Chairman, it would be almost interesting to find out if there was any correlation; if we might determine whether a declining profit situation in the Liquor Commission might produce a diminishing accident rate and thereby a better situation in Autopac. We might find out that what we lose on the swings we make up on the roundabouts, or something like that.

Mr. Chairman, there are other interesting factors relating to the operation of the Liquor Control Commission. Some of them have already been raised in reports. One is the amount of assistance being provided by the province, not necessarily from this department, for the provision of preventive education in the field of alcohol addiction and in the field of detoxification facilities for the treatment of alcoholics. It would be interesting if the Minister could give us an overview of the total support rendered to the variety of agencies who are concerned in the field of alcohol addiction so that we might have some understanding of how this relates to, and whether it grows with the increasing profit position of the government Liquor Commission; whether there is any intent in the new correctional institutions to provide facilities for detoxification. We've known that for several years now there has been projected a new correctional institution in the WestMan area and one question which I would put to the Minister would be whether or not those plans include detoxification facilities. We know that there are active treatment beds in the area very much needed for all types of illness that are

SUPPLY - ATTORNEY-GENERAL

(MR. MCGILL cont'd) being preempted by use on a continuing basis for this purpose.

Mr. Chairman, I see that the Minister is getting a little restless and that he is about to remind me that we are getting into the Department of Health and Social Development, but there is a connection here because of his responsibility for the operations of a Liquor Commission. I would like him to again, if I may repeat myself, give us some general idea of the total contribution of the Province of Manitoba through its various departments to those agencies that are now contributing to the care of alcoholics and to preventive education in our schools, and throughout other parts of the province.

It wouldn't be complete to leave the subject of the Liquor Commission without relating it in some way to the proposed budget factors that are to be proposed in the federal budget, and which will affect the amount of revenue certainly that will accrue to the Province of Manitoba. There will certainly be some increased profits, and I presume that you will take action immediately to change pricing in the Liquor Commission, and this will in turn provide revenues which were not anticipated by the Government of Manitoba.

So, Mr. Chairman, perhaps the Minister would be able to give us some preview of the way in which he will make use of his sudden additional revenues that are going to accrue as a result of budget changes; and whether or not he had given consideration as to what kinds of tax relief might be related to those additional revenues.

I wonder too in view of the circumstances surrounding these changes in pricing in the products of the Liquor Commission whether the department has considered in immediately changing their pricing scale, what they would do in the event that this budget did not become law. Would there be some provision by the department to provide rebates to those people who might now be charged with a price which is never really substantiated by changes in the Federal Liquor Tax Act. Mr. Chairman, I think this is again a whole area worthy of some considerable research by the Minister. Presume prices, if they have not already changed, will very shortly change in the liquor stores in Manitoba. Increased revenues will begin to accrue almost immediately, so I would ask the Minister, how will these increased revenues be used? Will they be in any way related to the amount of service which the province is providing to those agencies which provide for the problems related to the non medical use of drugs in our province; and whether the Minister has given any thought to the possibility that these revenues may be accrued under somewhat illegal circumstances in that the present budget may very possibly not become law in Canada?

Mr. Chairman, these are the few points on which I have some concern. I have no doubt that we will get the answers from the Minister as he has an opportunity to reply.

MR. CHAIRMAN: The Honourable Leader of the Liberal Party.

MR. I. H. ASPER (leader of the Liberal Party) (Wolseley): Thank you, Mr. Chairman. If I may, I would direct my remarks on the Minister's estimates and salary in the context on his position as the Chief Law Officer of the province, and I do that being a member of the same profession as well as one who participates with him in the law-making process. I'm going to ask him on behalf of the Liberal Party and as the only member of the government responsible in this area, to give serious consideration to bringing in the kind of reform, the kind of changes in our political structure, because after all we believe this is the most important forum in this province, where we make our laws and the way in which we make our laws, and the way in which our process works. I address these comments to him because it is only in his department we can look for structural change, in effect provincial constitutional change in a modest way.

And, Mr. Chairman, the reason I think it's relevant at this time and in this year to comment in this way, is that we have a political structure in the United States which is in disarray and in disrepute; we have a call from our citizenry all over for changes in our law making process and in our legislative process and in the administration of our laws.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: I'd like to make an appeal to the honourable member, rather than a strict point of order. He indicates that the Department of the Attorney-General is the proper department to discuss constitutional change and the structure of our democratic process. I do believe that the Minister is not responsible for the administration of the Legislative Assembly Act, or those acts which set up the political structure, and I would think that that is more appropriately dealt with under another department. I would ask the honourable

SUPPLY - ATTORNEY-GENERAL

(MR. GREEN cont'd) member to consider whether what I'm saying is not correct before we begin an argument about points of order.

MR. ASPER: Mr. Chairman, I framed my introductory remarks in very broad terms because the Attorney-General is the Minister responsible for the Law Reform Commission, which recommends the kind of institutional changes that I wish to comment on. As well he is the chairman or the Minister responsible for the Human Rights Commission, which does come into play in any of the workings of government vis-a-vis the average citizen. I think that my observations will be in the line of work of those departments of this government, those divisions of his government, which have the power to recommend and have the authority to bring in the structural kind of changes that I speak of.

We have, as I said, we have a situation developing both in this country and the United States, and really throughout the western world, where our political institutions are in disrepair and disrepute. The profession of politics, the law-making process, even the judiciary have for the first time in generations come under severe questioning, and we find in our universities, in our editorials, in our underground newspapers, a genuine distrust, a genuine contempt amongst a very sizeable minority of our people that warrants action by our Chief Law Officers to meet head-on and do what they can within the framework of their ministerial responsibilities.

Now in specific Manitoba terms, Mr. Chairman, I appeal to the Minister, and I know I address him as one who is not afraid of change, nor is he a man who is afraid of questioning the very institutions which he administers. But this Legislative Assembly is the cornerstone of the law-making process and the law implementation which he administers, and if our system in this Chamber, or the laws we pass in this Chamber, are not open, are not effective, or are not responsive to the people, and if they lose their regard for the law-making process, then all of us suffer, regardless of our partisan positions.

Public respect for the process has eroded, and I would hope, and I would expect later in the session, and I would urge the Minister to honour the commitment made in the Speech from the Throne to make certain that we are presented with a bill, a reasonable bill, an enlightened bill, to assure full public disclosure of the financial dealings, investments of members of this Assembly, members of government, members of Cabinet, members of their staffs who are privy to the kind of information by which they could profit. Because, not that I believe for one second that there is anything happening in this province, in fact I believe the contrary, which reflects discredit upon the politician or the Minister, or his staff, or his civil servants, but Mr. Speaker, not only must justice be done, it must appear to be done. The conflict of interest legislation that we've been asking for for some time, and which the Speech from the Throne makes some illusion toward, is needed. It is needed to help rebuild, regain public confidence, especially after a session such as we have had to date where there have been allegations, charges, some prima facie cases developed, others repudiated, but we all, and the public in the process, in this institution suffer unless there is some better, some tighter control, some form of disclosure, and I urge the Minister to deal with that in his response, to let us know just where that's at.

Mr. Chairman, I know it doesn't quite come under the jurisdiction of the Minister, but it certainly does in the law making sense, when we talk about the kinds of reform of our political law-making process, whether it's permanent speakers, or auditor-generals, and so on, that he through his Law Reform Commission, I would ask that he use that power to go to his Law Reform Commission, which is not in the partisan field and I might say is probably one of the most effective devices he has established, or your government has established, since taking office, and I ask them to report to this House. Should the Speaker, as I believe, be elevated to Ministerial level; should the Speaker be a permanent Speaker? What are the pros, what are the cons? Would it work and would it, as I believe, improve the operations of the law-making process? Similarly I would ask him to go to the Law Reform Commission to seek the advice, and to make that advice public, on the whole question that we've debated so often in this House of independence of the Auditor General.

I would also urge the Minister to recognize the complaints that have developed over the past three or four years that followed the praise to which this government was entitled when it established a very good Human Rights Commission and staffed it, and gave it quality, but the complaints that then poured in, Mr. Chairman, indicated that as long as there is partisanship

SUPPLY - ATTORNEY-GENERAL

(MR. ASPER cont'd) as long as there are politicians, as long as there are political pressures, then we who seek to protect the public, even from ourselves, must pass laws that insulate those very sensitive organs of society from any kind of political pressure. That's why we do it with the judiciary, and we do it with the ombudsman.

Mr. Speaker, I will be recommending to the Minister that he give serious consideration to insulating the Human Rights Commission from the political process. It would be done so simply - simply by the act of making the Human Rights Commission accountable to and responsible to this Legislature as opposed to the government, and to a committee of the Legislature as opposed to the government only. Mr. Chairman, I think that's enlightened thinking and I would commend it to the Minister with a number of other suggestions, that the Human Rights Commission have its base broadened, that it have more investigative powers, that it not be restricted to the narrow confines of investigation of complaints under the Act, but that it be not only empowered but encouraged to go into the community to seek and discover those areas where the basic fundamental human rights that we all ascribe to, that we all support, are in fact enjoyed.

Mr. Speaker, I would also ask the Minister go to the Law Reform Commission and ask for a report to be prepared so that we can all look at it, and we can all consider it, and that perhaps he can implement the changing of the role, the strengthening of the role of the members of this Chamber, both on government side and the opposition sides.

Only a few weeks ago the Federal Government announced its intention to provide financial assistance to members of Parliament if they would open constituency offices, again taking government and the political process to the people - I believe it's \$500 a month. They have announced a plan to provide financial aid to those members of the Federal Chamber, which should apply equally to this Chamber, to enable people to have staff, \$200.00 a month or \$300.00, I'm sorry, \$400.00 a month, for constituency staff, so that the public knows that when they've elected somebody that while he may be locked up for eight or ten hours a day in this Chamber, or while he may be attending to his own personal affairs during the non-sessional part of the year, there is an office and that government services are run, not run, but explained, that he has a place where he can be reached. It's a very small thing but, Mr. Chairman, those of us who have opened constituency offices, and there are several members on both sides who have done that, will know. Yes, and the Honourable Minister has done it. I might say that the reports of the Liberal Party from his constituency are that it is a most effective, a most fairly operated constituency office. He is an excellent example of what every MLA should do. I have tried to do it; the Member from Fort Rouge has tried to do it. I believe the Member for St. Matthews and Wellington both did it. But, Mr. Chairman, in the Law Reform . . .

A MEMBER: I could never get past the zoning regulations.

MR. ASPER: . . . the Law Reform aspect of his work should ask him or should compel him to inquire into this to see what can be done. In the same area we believe that the Law Reform Commission should try to re-define our role in the law-making process a little more effectively, and there is reference in the Speech from the Throne to it and I remain optimistic that in the remaining time of this session, we may hear from the Minister, or other ministers, on it. But the objectivity of the Law Reform Commission in recommending these things would commend it to the public, whether it's long distance telephone rights for the public to phone their members, because that doesn't exist today and therefore the cost of communication with your elected representative is weak, year round communication rights by MLA's to their ridings, or to other parts of the province, where they seek information, the provision of research, genuine research staff to the members of this Chamber so that they can effectively participate in debate, having better access to information and knowledge. So much in that area, Mr. Chairman, that the Law Reform Commission and I know, because I trust the goodwill of the Minister, I know that he will subscribe to a great deal of what I'm saying.

Mr. Chairman, I spoke of research staff, secretarial, financial assistance, to permit members of this Chamber on all sides, to be more effective in carrying out their mandate from the public, which is the law-making process, the most sacred trust one can have, and therefore the two or three hundred thousand dollars per year cost that I speak of in this program, and by the way, what is two - and I don't want to be quoted on the hustings - but after all two or three hundred thousand out of one billion, Mr. Chairman? That money is well

SUPPLY - ATTORNEY-GENERAL

(MR. ASPER cont'd) spent to improve the operation of the Chamber and the quality of a person who debates and speaks in the Chamber.

At the same time the Law Reform Commission should be asked to examine whether we are or are not getting adequate reporting on those aspects of government which don't cross this floor, that don't come into the Chamber. I'm speaking of the Crown Corporations. It is my view, Mr. Chairman, that as much as 50 percent of the spending of this province does not adequately go through the House because of the structure of our government through Crown Corporations, which were devised a long time after our Legislative Assembly Act, or our system was structured. So now, Mr. Chairman, it becomes relevant to question whether we on all sides are doing our duty by not really, not effectively scrutinizing the Manitoba Hospital Services Commission, and so on, which don't pass through this House in the minute detail that other things do. This part of the Law Reform process that I commend to the Minister.

I believe too that as part of a law-making process he should consider, and he should ask his commission to consider, the proposal that I have often suggested and that is, that no Bill should ever be permitted to be given third reading in this Chamber until 14 days have elapsed from its printing and until the media of the province have published it twice. Because, Mr. Chairman, law is being passed, regulations are being passed, in such a massive quantity by the City of Winnipeg, the Province of Manitoba and the Government of Canada, that I detect in the ordinary layman, the man on the street so to speak, a total frustration with trying to understand what his rights are and what his obligations are, what the laws of the province are, why they're that way. That's why we fail often to get participation by the public in our process.

This brings me to obviously the opening of public hearings, the expansion of public hearings, because if you publish every bill - I don't mean in the legal terms, I mean in the essence, the nub of each bill - and advertise it, and invite the public to express itself, then, Mr. Chairman, I suspect that we will see more public participation, more requirements for public hearings, more responsiveness between the law making and those who are the victims or the beneficiaries of those laws, to the extent that the public will regain some of its lost belief in the seriousness of what the people in this Chamber and indeed in all the political process do.

Mr. Chairman, I want to say that members of this Chamber are overworked, are understaffed, and they're underpaid, and we all know that. Mr. Chairman, if it is politically unwise to say those things, then I prefer to be politically unwise. Because we must strengthen the quality of the work we are able to do, and we must strengthen the ability of the Members of this Chamber to do that work and to make a living doing it. The public believes we get \$9,600 a year. Mr. Chairman, you know, you know we don't get anything near that by the time the cost of doing our job is complete. If we net four or five thousand dollars a year, that is a miracle, and we all know that, but the public thinks we're highly paid. Now, Mr. Chairman.

MR. CHAIRMAN: Order please. We are on the Attorney-General's Department under General Administration which is usual to give members a fair latitude in what they can discuss under that. I wouldn't like the Honourable Leader of the Liberal Party to stray too far from the topic under discussion and I would remind him that some of the things that he has mentioned would be better discussed under other headings. The Leader of the Liberal Party.

MR. ASPER: Thank you, Mr. Chairman, I try to put this in the context of the Law Reform Commission that I think has the jurisdiction and probably the responsibility, as a matter of fact in its Act, to recommend the improvements in the process, and that's why I dwell on it. Mr. Chairman I'll go on.

At the same time, I would ask the Minister to submit the question to his commission as to whether it's appropriate that in our legislative law making body, we permit seats to be vacant for 12 months. It's a question that the Law Reform Commission should address itself to, because, Mr. Chairman, you recall last year during the debate on South Indian Lake, Hydro, and so on, the Member from the Riding which was affected had died and we didn't have anyone in the House to speak for that area, and it is certainly the function of law reform to inquire into whether that should happen, whether the period should be cut down to three months, six months, and I would go further, Mr. Chairman. We have a gap in our law that the Law Reform Commission should help us solve. The Attorney-General should come to this House and recommend what to do about two problems: (1) Our law as it stands today permits absentee members. Mr. Chairman, a man can be elected, and we saw this, two,

SUPPLY - ATTORNEY-GENERAL

(MR. ASPER cont'd) three years ago, a man can be elected to serve the public and then move out of this province, never once sit in this Chamber except one day per year to collect his salary, and live in Vancouver, as we all know from the experience --(Interjection)-- Well, Sir, you would have particular knowledge of that. Obviously we have a gap in our law to correct.

Similarly, Mr. Chairman, I would ask the Law Reform Commission to consider the question of recall of MLAs. We have no such law in Manitoba yet that law does exist in other jurisdictions, the right of the public to say, I elected my member under false pretenses and I recall him. Now whether it's a 25 percent requirement, or what have you, but the question of recall has never been considered in the Chamber and it's part of Law Reform as the Americans are learning in their anguish, the imperfection of the system in being able to deal with their law makers when they stray I think has cost the United States one year of continued progress. We wouldn't want it ever happening here, and it is the kind of thing the Law Reform Commission, which I salute, is probably the best in Canada, should deal with.

Mr. Chairman, I raise again with the Attorney-General the still need in this province, the continuing need, and this clearly is his department, to introduce a Bill of Rights to Manitoba. I won't dwell on it because, Mr. Chairman, for three years our party has sought this in this House. This government promised it in the first Speech from the Throne when it came into office in 1969. Its counterpart in Saskatchewan led this country in 1946, I believe, by bringing in a Bill of Rights. I would call on the Attorney-General to reconsider the lack of a Bill of Rights to enshrine in some legal way, even though it's not a perfect way, a better state, a better state of the rights, a better definition of the rights and the responsibilities of our citizenry.

I believe it falls under the question of the Law Reform Commission, too, to inquire into and make recommendations to us. I believe the Minister of Communications may have some recommendations on how the proceedings of the law making in this province can be broadcast, can be telecast to the public of Manitoba. I know that the Minister will not quarrel with the concept of exposure and expression in this manner. But where are we at on this very important issue so that the public can be made acquainted that we are not always yelling at each other, we're not always insulting each other, but that we do constructive work, and it's only in this means that I think we can achieve it.

As well it is under his jurisdiction to inquire, as my colleague the Member for Fort Rouge asked, and had passed by this House, and referred to the Law Reform Commission, the need for electoral reform, the question of publicly financing elections to make the opportunity to stand for public office available to all people regardless of their financial means. I would urge that the Attorney-General express himself during the debate on how he will instruct the commission and what results he would hope to achieve from the recommendations of the commission.

I call, too, for the Attorney-General to reconsider a proposal that we made two years ago, again in the mood of the times, anti-patronage legislation, and we have proposed twice, and several states in the United States since our proposal and one in Australia, to my knowledge, have introduced an attempt at anti-patronage legislation. Mr. Chairman, the reason I stressed this, before we put it in, as you may recall, was that major contracts, major engagements, major commitments of government go before a Legislative Committee for scrutiny, not because they will discover anything improper, but primarily to act as a safeguard so that there is a forum where government accounts for those things which are difficult to discern in Public Accounts and which cause an awful lot of misunderstanding through questions being raised in the House. I would commend the Minister to that subject because the experience as I understand it in those states that have introduced contract engagement legislation which scrutinized - and ratified; and of course I'm not suggesting for a second that the government wouldn't have a majority on that committee to cause ratification, but the great deterrent in that kind of thing is that no government would willingly or knowingly take the risk of trying to whip through the Committee something that would be questionable. It would be questioned in committee; appointments would be questioned; and those deterrents, I suggest and I submit, would make government whatever party is in office at the time, very careful about what they submit and what they do in terms of patronage or, used in its more vernacular, the pork-barreling aspect of government.

SUPPLY - ATTORNEY-GENERAL

(MR. ASPER cont'd)

Mr. Chairman, finally, I would ask the Minister to consider, in the same submission to the Law Reform Commission, calling on this Legislature to become mobile. If I have discovered one thing in my four years in my job, it is that as I travel throughout this province there is a sense of remoteness once you leave the City of Winnipeg. And the Minister comes from a rural riding and many government members do. They have no empathy; they have no feel; they have no touch with this Legislature. And I recall the advice of, I think it was Richard Rohmer, the Chairman of the Mid-Canada Group, who suggested many years ago that this was happening across Canada, that the North particularly felt alienated, and of course the West. But we have the same problem in Souris, or Neepawa, or Thompson - lack of presence. And so I would suggest, Mr. Chairman, that the Law Reform Commission be asked to look into the feasibility of the Legislature becoming mobile, travelling, holding its sessions in various regions of the province each year, at least one week in each of the regions, so that the public will have access to our committees regardless of where they live in the province, and I might say there would be a salutary effect on some of the members of this Chamber in finding out what rural and Northern Manitoba is all about.

And in the legal area that is in the sole purview of the Minister, I want to express a concern about the cost of legal services and the delivery of legal services in this province. Mr. Chairman, I have practiced the profession before entering public life for some 12 or 13 years, 14 years I suppose, and the thing that has struck me is that we must take steps, with legal aid coming in and legal aid being needed, to ensure the legal profession of independence - that is of categorical importance - and at the same time, and I don't suggest that there's an easy answer, and at the same time cause legal services for the necessities of life to be delivered; a) by a lawyer of the client's choice; and b) at a cost which is acceptable and reasonable.

Now, Mr. Chairman, I speak of two subjects, divorce and the cost of buying a home, because we know that most of our people do not qualify for legal aid except the very poor. And the cost of a divorce, Mr. Chairman, has become prohibitive; \$600, \$500, \$1,000 for an uncontested divorce. And so we now have, we now have promoting operations which do not counsel, which are not lawyers, but who are in effect offering divorce; because the public need the free or the easy access or the inexpensive access, we must find something in our system to simplify our divorce procedures, a family law system, so that the public is not chained by the oppressive cost of dissolving matrimony of separating matrimony as they are today. Because nobody can afford \$1,000 for a divorce unless he happens to be in the very highest income bracket.

And finally, in the same area, the cost of buying a house. Mr. Chairman, I suggest to the Minister that we must change our land laws of this province somehow to permit people to buy a house where the down payment is not exceeded by the legal fees, and that is the case today. That is an incredible statement to have to make, but that the person who buys a new project house in this province, between his lawyer, the seller's lawyer which builds it into the house price, the mortgagee's lawyer and the mortgagor's lawyer, that cost exceeds the CMHC down payment. And, Mr. Chairman, I may be speaking against the welfare of my own profession, but I can show honourable members that I said 15 years ago, as the valedictorian of my class, that if we lawyers have to make a living by charging people for buying houses, then we shouldn't be in the profession - and I mean that today, Mr. Chairman.

Mr. Chairman, there is a great deal that the Minister can do in this area by the simplification of our land titles system, our title system generally, and our tariff laws on the cost of buying houses, and the tariff costs of exchanging divorce papers and so on. And those aren't the only two areas; the Minister will know there are more. Because he indicates to me that I only have a couple of minutes left I will conclude by saying there is much more that the Minister and I could usefully discuss. I think perhaps in the debate we'll get an opportunity, but I would ask him to respond to some of these proposals and perhaps even respond favourably. Thank you, Mr. Chairman.

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

MR. A. R. (Pete) ADAM (Ste. Rose): Thank you, Mr. Chairman. I only have a few comments to make that I wanted to bring to the attention of the Minister. I wanted to ask the Minister if--(Interjection)--

A MEMBER: Ask him to be quiet.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: Order please.

MR. ADAM: Well, I hear the Member for Lakeside trying to make his contribution from his chair and I would hope that he would contain himself. I don't think I'll keep the Minister too long.

One of the things I would like to ask the Minister is how our system as far as land titles are concerned, how does our system differ to that of Saskatchewan? The land titles, you know, obtaining of land titles. How does our system differ with that of Saskatchewan? Because I understand that the system that they use in Saskatchewan is much speedier and that you are able to get your title a lot faster than here in Manitoba and I wanted to know what is the difference. This is the information that I receive in that regard.

I also wanted to ask why is it that as far as land bordering on navigable lakes, why is it that some land the owner has the rights right up to the water line, and on the neighbouring farms or other lands that the Crown has a reservation of 99 feet? Now I know that perhaps in many days past or many years ago that there may not have been a reservation for the Crown insofar as land around navigable lakes, but I'm wondering when are we going to have conformity and unanimity as far as the land bordering on lakes, on navigable lakes. Why should some land have a Crown reservation of 99 feet, which I believe is correct, and others have not? So I would like to have the Minister comment on those two particular questions.

Also, I raised the question of bottles, littering bottles on the highways when the Minister of Highways presented his estimates, but I believe I could also maybe bring the matter up again, the subject matter, to the Attorney-General, because the Liquor Control Commission - he is in charge of the Liquor Control Commission and I could also probably speak on this to the Minister of Mines and Resources under Environmental Control insofar as pollution, but I think that I would like to bring this again to the attention of the Attorney-General because he is in charge of the Liquor Commission Control and there's no reason why we should delay doing something about this because I believe we've had hearings on it. We've had hearings on disposable containers away back in 1970, and what has happened here? Nothing has been done. And it seems to me that one of the things that we could do is to increase the price of the bottles. That would place a little higher value on the containers and maybe people wouldn't . . . First of all, you'd have the young people going out and picking them up if they were worth picking up, say 10 cents a bottle. You'd have young people on the highways picking up the bottles instead of the Minister of Highways having to hire crews to pick up all these bottles. So I would hope that the Attorney-General would try and impress on the Liquor Commission to maybe co-operate in this department and let's get this thing solved, because it is a problem and it's costing the province a lot of money.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Chairman. Mr. Chairman, I have listened to the remarks of the Leader of the Liberal Party and his presentations on the Attorney-General's estimates, and quite frankly, Mr. Chairman, I was surprised that the Leader of the Liberal Party seems to be more concerned about the operation of the Legislature and the rights of legislators than he would be about the rights of the citizens of the Province of Manitoba.

Mr. Chairman, the major contribution that I want to make in the debates on the Attorney-General's Department cannot be made in the two or three minutes that exist between now and 3:00 o'clock, so I would prefer to leave that portion of my remarks to the next time that the Committee meets later on today. But I would also like to make some remarks about the operation of the Attorney-General's Department as a whole. It's a very complex department and I think that it will be very difficult for members of the Chamber to thoroughly debate all aspects of his department. It covers so many various commissions, many different facets, for instance the Land Titles Office, the Liquor, the Human Rights, the Law Reform, and many others. So what I would like to deal with, at the start anyway, is the Law Reform Commission and some of the recommendations that they have presented in their Second Annual Report, the report for the year 1973, and the implications that are inherent in that report and the practicality of the implementation of the administration of justice in the Province of Manitoba.

So, Mr. Chairman, I think that is a very important subject and I don't think it would be appropriate to start it at this time. I would prefer to wait until after we get back into committee.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The time being 3:00 o'clock, Committee rise. Call in the Speaker. Mr. Speaker, your Committee of Supply has considered certain resolutions, has asked me to report progress, and begs leave to sit again.

IN SESSION

MR. SPEAKER: Order please. The Honourable Member for St. Vital.

MR. D. JAMES WALDING (St. Vital): Mr. Speaker, I beg to move, seconded by the Honourable Member for Crescentwood, that the report of the Committee be received.

MOTION presented and carried.

ORAL QUESTION PERIOD

MR. SPEAKER: Questions. The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, we're somewhat short of the Cabinet Ministers in question for the day after the budget, but I'd like to direct a question, in the absence of the First Minister or the Minister of Finance, to the Minister of Mines and Natural Resources, and I wonder if he could indicate in view of the announcement by the Federal Government's Budget as to whether the Provincial Government will be making any changes in their proposed taxation of the mining industry in Manitoba as a result of the announced abatements, increase in the abatements to the provinces by the Federal Government.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, I know that the matter is now being studied as it affects provincial taxation. I think that the feature which is most significant is not necessarily the abatements but the fact that no provincial taxes, as I understand it, will be deductible as an expense from the profit of the company in computing the federal taxes. I believe that that is another feature, if not equally, perhaps more significant than the one that the honourable member has raised. But those points are being considered as they affect the provincial program. I couldn't tell you at this point whether it will affect the provincial program.

MR. CRAIK: Mr. Speaker, a supplementary then. Do I interpret the Minister correctly in that if provincial taxes are not deductible as an expense by the mining companies that the taxation on the mining companies will be higher than that indicated?

MR. GREEN: No, Mr. Speaker. That is not a conclusion that the honourable member should draw from what I have just said.

MR. CRAIK: Mr. Speaker, I wonder if the Minister of Mines and Resources can indicate whether we can expect legislation soon regarding mining taxation?

MR. GREEN: Yes, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'm not sure who to direct this question to, so perhaps the House Leader can redirect it if there's no answer available. It too applies to the federal budget regarding the taxation on clothing and footwear, and I wonder in view of the federal move to remove their portion of tax on these two items, whether consideration has been given or will be given to a similar move by the Province of Manitoba, particularly on those two items, clothing and footwear.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, the honourable member is aware that the federal tax is a tax which is not shown on the commodity, that is it is what is commonly referred to as a hidden tax. The Province of Manitoba dealt with the question of hardship and necessities by providing for a sales tax rebate which would, in the case of the lower income groups, more than make up for the amount of taxes which would be paid for on those commodities.

With regard to the higher income groups relief on those commodities would merely have to be picked up by the general community which would include people in the lower income brackets. I believe that that is the explanation that was previously given by the Minister of Finance. I couldn't say whether there would be any change in policy by virtue of the federal change which, if it works out as the Minister of Finance hopes it works out, and if indeed he has the opportunity of legislating it, would result in a drop in the price of those commodities. I'm not sure that would take place; it would depend on whether the push of prices upwards would operate faster than the allowance that would be made by the reduction of that tax. But in any event I've indicated that the Provincial Government tried to deal with that problem

ORAL QUESTIONS

(MR. GREEN cont'd) through a sales tax rebate which would more than make up for the amount that is paid by those lower income groups.

MR. CRAIK: Mr. Speaker, a final question on this matter. Has the government had an opportunity yet to determine what impact or what changes might arise from the federal budget in relation to the aggregate of total grants to the Provincial Government from the federal sources?

MR. SPEAKER: Order please. I wonder if that question is appropriate for the question period. It's going to get us into a lengthy debate. It can't be answered with a yes or no answer, and it would only be an opinion to begin with, so I do not think it's really formal for this time. The Honourable Leader of the Liberal Party.

MR. ASPER: Thank you, Mr. Speaker. My question is to the Attorney-General. Would he advise the House whether he intends to restructure the pricing practice of the Manitoba Liquor Control Commission to prevent a double tax being levied on the purchasers of products from the Commission arising from the federal increase by 25 cents last night.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, I think it would be premature for me to answer that question as I've had no opportunity to discuss this with the Commission.

MR. ASPER: I wonder if the Minister could give us some assurance that because of the manner in which the province sets its prices, that is by a markup on all lower prices, including the federal tax, that the government will take steps to ensure that a double tax windfall does not accrue to the Province of Manitoba as a result of the federal budget.

MR. PAWLEY: Mr. Speaker, the difficulty one has here, that there's a question being posed which in fact is suggesting a course of action which would be at variance with that which has been the case for, I guess for as many years as the Liquor Control Commission has operated, so I suspect there would be no change. But I would not want to be so definitive as to say absolutely no change until I've had an opportunity to discuss the total impact with the Commission.

MR. ASPER: Could the Minister indicate that - would it be a correct statement that if no change does occur . . .

MR. SPEAKER: Order please. The question is hypothetical.

MR. ASPER: Well then, I'll rephrase it, Mr. Speaker. Will the Minister confirm that the present pricing technique of the Manitoba Liquor Control Commission will now produce a 25 cents, for example, per bottle of 25 ounces, increase that will accrue to the Province of Manitoba?

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Mr. Speaker, may I attempt to respond to the honourable member in a way that I suppose will not satisfy him in terms of specifics, but I expect he'll appreciate the reason. That first of all, the policy that is followed by the Manitoba Liquor Control Commission, as I suspect by most liquor control commissions, is to apply a given percentage of markup on the price at which it is available to the Commission, and it's been that way, as my colleague says, for donkey's years. It's true that because of the federal budget proposal with respect to liquor taxation of last evening that there will be, if there's no change in this policy, there will be an increase in revenues accruing to the Crown in Manitoba. On the other hand, my honourable friend is aware I'm sure that there are other features of the federal budget which will have a decided opposite effect, or a reducing effect, on what was up until now anticipated revenues accruing to the province. So that we have to look at both sides of the ledger before attempting to give a definitive reply to that question. I suspect that the amount of loss is less than the amount of gain.

MR. SPEAKER: Order please. Very well. The Honourable Member for Morris.

MR. WARNER H. JORGENSON (Morris): My point of order is a very simple one. Just prior to the question period we were debating the estimates of the Department of the Attorney-General. We'll be returning to that department, and it seems to me those questions are far more appropriate on that occasion than on Orders of the Day.

MR. SPEAKER: I thank the Honourable Member for Morris. It's a very pertinent point of order he raised. I was similarly going to suggest to the honourable members since this is only a tentative budget, which hasn't been approved, why are we asking questions on something which may not be approved. The Honourable Member for Birtle-Russell.

ORAL QUESTIONS

MR. GRAHAM: Thank you, Mr. Speaker, I have a question for the Minister of Northern Affairs. I would like to ask the Minister if he is prepared to reveal to the House the details of the Western Northland Agreement which is presently being negotiated and which he announced at a Manitoba Metis Federation Regional Meeting in Thompson over the weekend?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. RON. McBRYDE (Minister of Northern Affairs) (The Pas): Well, Mr. Speaker, as has been explained to the member during my estimates, during the estimates on Supplementary Supply, and I've said publicly on a number of occasions, that we are negotiating an agreement, which is basically what I said at Thompson, and the details of that agreement would not be made available until both the province and the federal governments have signed that agreement.

MR. SPEAKER: The Honourable Member for St. James.

MR. GEORGE MINAKER (St. James): Thank you, Mr. Speaker. My question is to the Minister responsible for MDC. I wonder if the Minister can confirm that loans of some \$2.2 million, approximately \$2.2 million, have been made to Saunders Aircraft in the first quarter of January 1 to March 31, 1974.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, all of the loans that have been advanced to Saunders Aircraft have been indicated in the House. Every single one to my recollection that the point has been indicated. There was a \$2 million loan that I indicated some two weeks or three weeks ago; there was a guarantee of a purchase price of an airplane some time ago. There are no others that I am aware of. The honourable member has a supplementary question.

MR. MINAKER: Mr. Speaker, could the Minister confirm that the total involvement of MDC in Saunders at this point is approximately \$18.4 million?

MR. GREEN: Well, Mr. Speaker, that as well was confirmed some time ago, but the figure I used was 18. If it is 18.4 that would be a rather expensive rounding off, but my recollection is approximately \$18 million.

Mr. Speaker, I was asked yesterday by the Leader of the Opposition regarding water on Lake Winnipeg, and I indicated that the level as of yesterday to my recollection was approximately 7.16. I spoke to our staff yesterday afternoon and it's indicated that we will have 17 plus in July on Lake Winnipeg this year which puts it in the area of the worst years on records. I should also indicate, Mr. Speaker, that the impediment that we utilized last spring, and then removed in the fall when we were having the reverse problem, could result in approximately 2.5 of one foot of the water that we would have this year. In other words, there may be three inches which would be attributable to the fact that that impediment had been installed and the removal did not clear the water exactly as it should have, so that three inches of whatever high water level we have, if any - I'm advised that it's not easy to determine it but I'm also advised that they've been thinking in terms of what the maximum effect would be and that it would be three inches - could be attributable to that particular phenomenon.

MR. SPEAKER: Before the Minister leaves this topic, he said 2.5, I think he meant .25 foot, cause he said three inches to corroborate. Correct? So we won't have to correct the Hansard tomorrow. The Honourable Member for St. James.

MR. MINAKER: Thank you, Mr. Speaker . . . --(Interjection)--

MR. SPEAKER: Someone has to be.

MR. MINAKER: I have a further question to the Minister responsible for MDC. I wonder if the Minister can confirm that an additional \$2.5 million has been loaned to Flyer Industries since January 1 to March 31st.

MR. GREEN: Mr. Speaker, I'd have to take that question as notice. There are guarantees that the Fund has given vis-a-vis Saunders Aircraft - May I--(Interjection)--Flyer Industries - And you use the figures of 2.5, it's not .25 but 2.5 - all I can tell the honourable members that I haven't kept track of them but every single advance must be within a period of three months, I believe, recorded in the Manitoba Gazette, and will be there if it was prior to within the last three months. If it's within that period, I'd have to give the honourable member information.

I did intend to advise the honourable members that the Manitoba Development Corporation will be appearing before committee on Thursday, Committee on Economic Development on Thursday, and those questions would be properly put to the chairman of the corporation and the information will be available right there and then.

MR. MINAKER: I wonder if the same Minister when he is taking the question as notice

ORAL QUESTIONS

(MR. MINAKER cont'd) if he might also take as notice - would the Minister advise the House how many bus units have been produced in the new Transcona plant since the personnel have relocated to that plant and start of production, if he would get that information for the House.

MR. GREEN: Well, Mr. Speaker, rather than undertaking to get the information, would the honourable member concede that Thursday would be fast enough, and that the chairman will be before committee then and he could ask that question.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: I have a question for the Honourable the Minister of Tourism and Recreation and Cultural Affairs. Mr. Speaker, I wonder if the Honourable Minister can advise the House if it's his intention, or the department or the government's intention, to purchase land in or around Headingley Jail for recreational purposes.

MR. SPEAKER: Would the Honourable Member for Roblin repeat his question?

MR. McKENZIE: Mr. Speaker, I repeat my question to the Honourable the Minister. I wonder can the Minister advise the House if it's his intention, or the department or the government's intention, to purchase certain lands in or around or near Headingley Jail for recreational purposes.

MR. SPEAKER: The Honourable Minister of Tourism and Recreation.

HON. RENE E. TOUPIN (Minister of Tourism, Recreation and Cultural Affairs) (Springfield): Mr. Speaker, I'm aware that there's contemplated activity in the area but I'll take the question as notice to be more specific in my answer.

I did that yesterday, Mr. Speaker, in regard to a question posed to me by the Honourable Member for Assiniboia in regards to flooding in the Whiteshell Provincial Park. I have an answer before me; it's quite lengthy. I'd like to distribute the answer so I wouldn't take the time of the House. If the page would give a copy to each party.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: . . . if it would meet with the agreement of the House if those answers were simply tabled in Hansard as an answer to a question posed yesterday, without actually reading them into the record.

MR. SPEAKER: Agreed?

FLOODING IN WHITESHELL PROVINCIAL PARK

The amount of water in the lakes and rivers of Whiteshell Provincial Park is much above normal this year. In addition, the general water table is high and much land is saturated with water. Much land has been flooded, and many roads are too soft to use. Water Resources Branch predicts that it will take until the end of May for the land and lakes to drain down to stable levels.

This situation has led to limited flooding of cottages. Only two on Caddy Lake are known to be sitting in water, although high water has isolated many others. The interior lakes are all draining as rapidly as possible, although water in the Whiteshell River System is being restricted by limited capacity under the two railroad lines. As a result, water levels in the park interior are worst at Caddy Lake, and this inhibits our opening controls upstream, especially on West Hawk Lake. At Star Lake an old stone culvert had collapsed, and Parks Branch staff have replaced it with a new culvert. Star Lake is now draining as rapidly as downstream restrictions permit. A few boathouses and several docks have been damaged, but no major damage has occurred.

At Falcon Lake, water levels are eight tenths of a foot (0.8') above the operating range. Here, downstream resistance is so great that, although the control structure is somewhat limiting flow, no appreciable result could be obtained by enlarging the outlet. The amount of extra water is not sufficient to threaten cottages, although some ice damage to boathouses and docks is possible.

Most seriously affected is the Winnipeg River, where local runoff has raised levels considerably. Several boathouses built for low water levels have been flooded and several docks as well. Unlike other areas, the Winnipeg River is not expected to stabilize by the end of May. At present, no major flows have been injected from the controls at Lake of the Woods. Even so, volumes of water flowing in the river exceed double the mean flow. Lake of the Woods is rising rapidly, and we should expect more water to be released from the Lake of the

FLOODING IN WHITESHELL PROVINCIAL PARK

Woods. Therefore, high water levels should be expected well into June.

Except in the Winnipeg River, the situation is expected to improve gradually. Cottagers may wish to remove boats stored in some low-lying boathouses, and to that end, the Parks Branch staff will lend all possible assistance. People having cottages are advised that conditions are worst on Star, Caddy, and Big Whiteshell Lakes, and along the Winnipeg River.

On the point of compensation, the Department has never been able to guarantee lake levels, or other natural phenomena, and does not pay compensation for damage from such causes. Cottagers are urged, therefore, to take whatever steps are necessary to protect their belongings.

In addition to influencing cottagers, the high water levels have delayed the drying and firming up of many roads and campgrounds. Although the official opening day this year is May 17, and all effort will be made to meet this date, some facilities may have to be delayed. In particular, seasonal campers may be asked to wait while roads and campsites dry in some areas, before they can move their trailers in. Public announcements will be made on this point when it is known what must be restricted.

ORAL QUESTIONS Cont'd

MR. MCKENZIE: Mr. Speaker, I have a supplementary question to the Honourable Minister seeing he's taking it under advisement. I wonder if the Honourable Minister would advise the House if a nine or an eighteen-hole golf course is included in the recreational plan.

MR. SPEAKER: The Honourable Minister.

MR. TOUPIN: That equally will be taken as notice.

MR. SPEAKER: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Thank you, Mr. Speaker. I'd like to come back to the Minister of Mines and Natural Resources concerning his statement in relation to the water levels on Lake Winnipeg. Considering the statement of the high water levels expected, is the Provincial Government preparing to assist municipalities bordering on the lake with recreation areas to develop break waters or other measures to help protect against the erosion that will be caused by those high waters on the lake during the summer season?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, I'm having the Lake Winnipeg Management Board look at the problem to see what can be done. I don't wish to hold out false hopes, Mr. Speaker, it is a very very difficult thing to deal with the entire problems that are created on Lake Winnipeg by waters of that magnitude. If there are steps that can be taken, they will be certainly looked at by the board to see whether they are feasible, and if so, yes, but I would not want to hold out false hopes where I don't see immediate prospects of a great deal happening.

MR. AXWORTHY: A supplementary, Mr. Speaker. Would the Minister consider or entertain proposals from individual municipalities that have within them primary recreation areas or cottage areas for measures that they would like to introduce to protect against the erosion which would not involve regulation or public works related to the whole lake, but would be specifically located within those recreational areas. Is there assistance available for that kind of public work or erosion protection device?

MR. GREEN: Well, Mr. Speaker, any reasonable suggestion will be of course looked at. I can tell the honourable member that this has occurred on several occasions in the past and although certainly every effort is made, it has not solved a great many of the problems that have occurred with such high waters. But certainly any suggestions that are forthcoming and are reasonable, will be looked at and entertained.

MR. AXWORTHY: I have one final supplementary, Mr. Speaker. It's even - has a personal interest. From the evidence gained so far by the high lake levels, is it expected that there will be any kind of flooding in beach areas such as Victoria Beach, Winnipeg Beach, Grand Beach on the eastern side of the lake due to the increased erosion over the past several years and the combination of that with the high water level, is flooding expected on those lower lying areas?

MR. GREEN: Mr. Speaker, I'd better take that question as notice. I can tell the honourable member that if the two channel improvements were completed, and if the water was flowing in accordance with those channel improvements, we would hope that, God willing, the water would not go over 750, that is the best protection we could offer. That not now being the

ORAL QUESTIONS

(MR. GREEN cont'd) case, we'll have to certainly examine every possibility. I just don't want the honourable members to think that I'm suggesting that we're going to wave a wand and cure some of these things. We'll certainly lend our efforts to it.

TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

HON. LEONARD S. EVANS (Minister of Industry and Commerce) (Brandon East): Mr. Speaker, by leave I would like to table an Order for Return to the House No. 14.

ORAL QUESTIONS Cont'd

MR. SPEAKER: The Honourable Member for St. Boniface.

MR. J. PAUL MARION (St. Boniface): Mr. Speaker, I'd like to direct my question to the Honourable the First Minister. Can the First Minister indicate whether any department of his government has been conducting studies, or will be conducting studies, with the possibility of helping Manitobans keep the funeral costs down?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I can't say that that has been the subject of a study. Certainly not one that would have been carried out pursuant to a request of any minister's office or committee of cabinet. I don't rule out the possibility that the Department of Consumer Affairs may have had someone on staff conduct some analysis of it, but I should rather doubt it.

MR. MARION: I would like to direct my second question to the Honourable Minister for Mines and Natural Resources. Will legislation be introduced on the Liberal Resolution that was passed in the House with respect to derelict vehicles at this session?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, if the Honourable Member will permit me, going back to his last question, it's much like the Garrison diversion. Most people are not interested in compensation, they are interested in avoiding the act altogether. With regard to derelict vehicle legislation, Mr. Speaker, we are involved in a program, hopefully doing some of the things that the honourable member suggested, but it does not involve legislation. It's part of the departmental estimates.

MR. MARION: A final supplementary to the same Minister. Is this further than the Brandon Program that was undertaken with respect to derelict vehicles?

MR. GREEN: Mr. Speaker, it's further to the Brandon program.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, my question's to the Honourable the Minister of Mines. I would like to thank him for his written responses to questions that were asked about the Shellmouth Reservoir. In view of the fact that the Assiniboine west of Brandon is still in an overbank condition, and in view of the fact that the department has indicated that the outflow is now up to capacity at the Shellmouth, and I'm told that there is about six inches of freeboard left, as of this morning, at Shellmouth, would the Minister agree that the Shellmouth Dam does not have the capacity to control the full flood waters of the upper Assiniboine?

MR. SPEAKER: Order please. That question with all the precedent preface that goes before it, is now a debatable question. The Honourable Member wish to rephrase it?

MR. MCGILL: Yes, Mr. Speaker. I will attempt to rephrase the question. I would like to understand from the Minister's written response that the outflow is now at capacity and that the reservoir is continuing to fill and is likely to go over top. Now does that indicate that the reservoir has not the capacity to control the total flood situation?

MR. GREEN: Well the honourable member has me at a disadvantage in that he has my written response and I don't. I'll take his question as notice and have the people who prepare these written responses deal with it.

MR. MCGILL: Mr. Speaker, while the Minister is taking this as notice, would he also then take as notice a question in respect to the drawdown procedure that there were certain minimum drawdown procedures adopted which he has outlined. Now the question is; can this drawdown procedure be increased in future in order to prevent the situation which he now faces?

MR. GREEN: Mr. Speaker, I'll take both questions as notice.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BOB BANMAN (La Verendrye): Thank you, Mr. Speaker. I direct my question to

ORAL QUESTIONS

(MR. BANMAN cont'd) the Honourable the Minister in charge of the Manitoba Development Fund Corporation. Could the Minister inform the House as to the status of the several month old strike at Columbia Forest Products?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, there has been no agreement arrived at between the people who are on strike and the Receiver.

MR. BANMAN: A supplementary question, Mr. Speaker. Has the government completed its sale of Columbia Forest Products to a private company?

MR. GREEN: Not to my knowledge at this point, Mr. Speaker.

MR. BANMAN: A final supplementary question, Mr. Speaker. Has the Minister acknowledged and answered a brief presented to him on March 4th by a representative committee of the Local Government District of Piney, questioning the future operation of the plant?

MR. GREEN: Mr. Speaker, I acknowledged it because I was there when they gave it to me. I did not send them a written acknowledgment because I was there and heard their brief and received it. In such case I don't send a written acknowledgment. I then took the brief and sent it to the Manitoba Development Corporation and am awaiting a response from the corporation and will be forwarding it to the people.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. ARNOLD BROWN (Rhineland): Thank you, Mr. Speaker. My question is to the Minister of Labour. Can he give us any further details on the settlement of the labour dispute at the Manitoba Health Science Centre?

MR. SPEAKER: The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): No, Mr. Speaker. I indicated yesterday that as a result of the activities of an Industrial Inquiry Commission, agreement was reached between the parties concerned at the bargaining table, subject of course to the ratification of the parties concerned. It is my understanding that the union representatives, or the union membership, will be meeting tonight to consider the terms of settlement of the Industrial Commission. I also understand, Mr. Speaker, that a recommendation will be forthcoming to the membership meeting this evening, a recommendation of acceptance of the terms of the agreement reached at the bargaining table. I also understand that management of the Health Services Commission will meet tomorrow evening to go through the same process.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I have a question for the Honourable Minister of Industry and Commerce. I wonder if the Minister of Industry and Commerce would indicate to the House if he had any communications recently with officials from CAE to see if CAE has the staff and facilities to handle the new 707's that Air Canada is purchasing.

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, I've had no communication recently but I have had occasion to discuss this particular question some weeks ago with the president of the company, and I am aware of some of the problems that they face.

MR. PATRICK: A supplementary. Can the Minister indicate to the House if - he may not have the information at the present time - the present number of people employed at Canadian CAE at the present time.

MR. EVANS: Well no, Mr. Speaker, I would have to inquire of the company, as I'm sure the honourable member could if he so wished, but I can endeavour to get that information for him.

MR. PATRICK: A supplementary, Mr. Speaker. I wonder if the Honourable Minister can indicate to the House if the contract that was awarded to CAE, the defense contract by the Federal Government, for what term, for what length of time was that contract awarded, and is it now coming to an end, and will there be any people laid off or displaced in that plant?

MR. EVANS: The contract I believe which the honourable member refers to is really a letter of agreement, between Air Canada, the Government of Canada and CAE, and there were various terms stipulated. I cannot offhand recall the particular time frame, but I will look into the matter. I'll take the question as notice.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, I'd like to direct a question to the Minister of Education. Will the Department of Education be introducing a special training

ORAL QUESTIONS

(MR. MOUG cont'd) program for Municipal Administrators, such as secretary-treasurers, in our education system?

MR. SPEAKER: The Honourable Minister of Education. The Honourable Attorney-General.

MR. PAWLEY: . . . ought to be directed towards me. The Department of Municipal Affairs has been operating for some time a four-year course for secretary-treasurers involving one year of human relations, municipal law, auditing, accounting, and administration of municipal offices. Last night in fact, 11 secretary-treasurers received their certificates on graduation from that course. So there is existing presently a course for municipal secretary-treasurers. I think the only area though that the department is looking at the present time, including myself and I indicated to the convention yesterday, is whether or not we should establish a requirement that any secretary-treasurer before his appointment to a municipality as a permanent secretary-treasurer be completed, that he in fact take this course or be in the process of taking the course.

MR. MOUG: A supplementary, Mr. Speaker. Does this course include any practical work in the field, in some municipal office, working in there as strictly from the point of education?

MR. PAWLEY: The secretary-treasurers that in fact - the students taking this course are in fact working in the municipal office during the day and are taking the course in the evenings and/or Saturdays.

MR. SPEAKER: The Honourable Member for St. James.

MR. MINAKER: Mr. Speaker, my question is to the Minister responsible for MDC. In view of the statements made in the Manitoba Gazette of April 27th, 1974, could the Minister advise if the MDC has increased its percentage of equity in Flyer Industries, and to what percentage?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, the Gazette is not my favourite reading material. I would suggest that in view of the fact that I don't know what statement he is referring to, that he put the question to the Chairman of the Manitoba Development Corporation on Thursday.

MR. SPEAKER: The Honourable Leader of the Liberal Party.

MR. ASPER: Thank you, Mr. Speaker, my question is to the First Minister in the absence of the Minister of Finance. Would he indicate to the House whether it's his government's intention in following the Federal removal of sales tax from clothing, which went into effect this morning, to remove the provincial sales tax from clothing, to further reduce the cost rise in those products?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I understand that a question identical, or very similar in nature, was addressed to the House Leader earlier this question period, and that some response was given. I would merely take this opportunity to respond by indicating that the amount of the federal reduction in revenues as a result of the abolition of the Federal Sales Tax on clothing is in the order of 280 million which is approximately equal in per capita terms to the revenue sales tax credit of approximately 14 million which we have effected here. Ours is I think going to have the effect of making, providing that tax relief to those on middle and lower incomes rather more judiciously than a simple removal of the sales tax.

MR. ASPER: To the same Minister, Mr. Speaker. Could he indicate to the House whether the increases in mining taxes, and the increase of the provincial share of those taxes, from 30 percent to 50 percent will now cause the government to reconsider its position on introducing the mining tax referred to in the Speech from the Throne?

MR. SCHREYER: Mr. Speaker, that's a matter of policy that was already indicated; by degree there will have to be adjustments. It's under calculation now.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: I would like to direct my question to the Minister of Mines and Resources and ask him if in the light of the overflow conditions along the Shellmouth Reservoir, if there is now a danger of flooding conditions existing on the upper reaches of the Assiniboine River?

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Mr. Speaker, I haven't had any indication of any other problems, other than those that I've already indicated. But I'll certainly take the honourable member's question

ORAL QUESTIONS

(MR. GREEN cont'd) as notice and try to have an answer by tomorrow.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Mr. Speaker, my question is directed to the Attorney-General. I wonder if the Attorney-General would advise the House as to whether or not conditions have returned to normal in Headingley Jail after the reported confrontation of prisoners and authorities of last Friday.

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, this question would properly come under the purview of the Minister of Health and Social Development, responsible for corrections.

MR. SPEAKER: The Honourable Minister of Health.

HON. SAUL A. MILLER (Minister of Health and Social Development) (Seven Oaks): Mr. Speaker, I don't have the answer to the question. I'll have to discuss it with staff and find out from them.

MR. SPEAKER: The Honourable Member for Brandon West.

MR. MCGILL: My question's for the Honourable the Minister of Education. I wonder what actions the Minister has taken to investigate a recent student demonstration at the R. D. Parker Collegiate at Thompson?

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): None, Mr. Speaker.

MR. MCGILL: A supplementary question. I wonder if the Minister would investigate allegations that the open area classroom and the trimester system are failing at that school?

MR. SPEAKER: The Honourable Minister.

MR. HANUSCHAK: There is also information, Mr. Speaker, that it's operating extremely successfully in many schools.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, if I may, I'd like to make a correction in the statement. I made to the Honourable Member for Rhineland. I believe that I referred to the Health Service Commission which would be meeting on Thursday evening to consider the report. Of course we're all aware, Mr. Speaker, that the Commission is not involved as yet. It will be the board of the Health Services Centre which will be--(Interjection)--Health Science Centre, that will be meeting on Thursday evening and not the Commission.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, my question's to the Honourable Attorney-General. Has the Attorney-General received any representations, or opposition, to the Liquor Store that's planned beside the Centennial Art Centre in Winnipeg?

MR. SPEAKER: The Honourable Attorney-General.

MR. PAWLEY: Mr. Speaker, it is my understanding that this matter has been approved by City Council, and that's where it remains at the present time.

MR. PATRICK: A supplementary. Has the Minister, or has he received any studies from the Manitoba Liquor Control Commission, studies that would indicate that the store was necessary in that location, and is there sufficient parking on those premises?

MR. PAWLEY: Mr. Speaker, the locating of the store at that location was made necessary because of considerations in respect to the closing of the other downtown store, Liquor Control Commission store, the need for alternative facilities, and the particular location in mind, from the information that the Liquor Control Commission has derived and obtained, indicates there would not be a parking problem at the Main and Market location, and the Commission is quite satisfied that, of the various locations that it was examining in the downtown area, that this would be the best substitute for the previous location.

MR. PATRICK: My last supplementary, Mr. Speaker. Would the Minister be prepared to make those studies available to the members of the House from the Manitoba Liquor Control Commission?

MR. PAWLEY: Well, Mr. Speaker, by studies, the studies that have been related to me have been verbal reports to me. Now I'm not certain as to what studies are in writing, and I'll have to follow that through.

MR. SPEAKER: The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. TOUPIN: Mr. Speaker, a few days ago I took a question as notice from the Honourable Member for Roblin - that question is included on Hansard, Page 2470 - in regards

ORAL QUESTIONS

(MR. TOUPIN cont'd) to the status of the lodge proposed for Childs Lake. The lodge proposed to be built by the Co-operative Housing Association of Manitoba is yet not under way. The CHAM have had to make some revisions to their plans to ensure a more economic resort unit resulted, so the financial aspect of the resort is being negotiated for a better financial report to be made.

MR. SPEAKER: Orders of the Day. The Honourable Member for Virden.

MR. MORRIS McGREGOR (Virden): Mr. Speaker, I'd like to address this question to the Minister of Highways, or indeed the responsible Minister. Highway 304 being washed out near Pine Falls, what attempt is the government making to provide services and goods to this area at Manigotogan near Pine Falls? There has been no supplies or goods there for two weeks.

HON. PETER BURTNIAK (Minister of Highways) (Dauphin): Mr. Speaker, yes. There is a bad washout near Manigotogan and we have been in contact with EMO, and as a matter of fact last night about 6:00 or 6:30 we notified as many people as we possibly could, along with the Honourable Member for Rupertsland, telling them that if there is any emergency never mind the supplies only, but in case of an emergency overnight that there were arrangements made as to what number they were to call so that they could be flown out of there. And also plans are in progress at the present time to deliver supplies to the various communities that are involved, either by air or by portage.

. . . . continued on next page

ORDERS OF THE DAY - GOVERNMENT BILLS

MR. SPEAKER: Orders of the Day. The Honourable House Leader.

MR. GREEN: Yes, Mr. Speaker. I wonder if we would now proceed to the bills on the second reading, starting with Bill No. 46, Mr. Speaker.

MR. SPEAKER: Thank you. Bill No. 46. The Honourable Member for St. Boniface.

BILL NO. 46

MR. MARION: Thank you, Mr. Speaker. Mr. Speaker, it's with a great deal of trepidation that I will address my remarks in the next few moments to Bill 46. Trepidation because, in essence, Bill 46 further amends a bill which I in no way favoured and which in no way was I or the other 500,000 residents of the City of Winnipeg consulted before it was brought into being.

I would like to first of all start off by appreciating the fact that the mayor's election at large is now a fait accompli. I think that by this Act, or by this amendment, a great number of people in the City of Winnipeg had their faith restored in the democratic system. However, I think that we have now accomplished or gone only part way to restore the kind of prestige that one would expect to find in the office of the mayor, particularly when that mayor is now elected at large. I looked at the former responsibilities attributed to the Mayor in the Winnipeg Charter and I think it's worthwhile noting, Mr. Speaker, and I would like to read just one short section of those responsibilities.

"The Mayor shall be the chief executive officer of the City, and it shall be his duty to be vigilant and active at all times in causing the law for the government of the city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty to be duly prosecuted and punished; and to communicate from time to time to the Council all such information and recommend such measures, within the powers of the Council, as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the City."

I think that I am not suggesting here and now that all of the powers that are so described in the former Winnipeg Charter should be incorporated, but I am very reticent in accepting that the traditional powers that I referred to are vested in areas other than the duly elected chief magistrate of the City. I think that there's no doubt at all in my mind that many of the functions presently fulfilled by the Board of Commissioners were previously vested in the office of the mayor, and it is that kind of reticence and it is perhaps that suggestion that I'm making now to the First Minister, who doubles as the Minister for Urban Affairs and who has personally always been very receptive to any suggestions that he thought had merit with respect to the City of Winnipeg. And I say that because we have met on a number of occasions when I was part of the official delegation, and certainly I would commend him for the kind of reaction he always gave that official delegation. I'm afraid that I can't say the same for some of his colleagues, and at times he was willing to accept recommendations that were made but was dissuaded by those same colleagues.

I think another area that is heartwarming with respect to amendments in Bill 46 is the fact that the Deputy Mayor's role is now much better delineated. There were a number of instances before this proper delineation was made where one did not really know what the functions of the Deputy Mayor were. Did he in essence replace the Mayor in the Mayor's absence? Was he or was he not - and I refer now to the Executive Policy Committee where, in the Mayor's absence, the Deputy Mayor did not step into the position but rather a member of that Executive Policy Committee was elected to fill the role. The same applied, or was applicable, with respect to the Board of Commissioners, where when the Mayor was away, if the Deputy Mayor had not been advised there was no political input at that level. So, on the one hand, I'm extremely happy to see that we have now delineated the responsibilities of the Deputy Mayor so that there is no misunderstanding at all, there is no confusion.

However, I think that there is one aspect that bothers me, and I hope that I'm not saying that I'm happy with this and I'm happy with that, and being non-constructive in my criticism. I really intend on being very constructive in the criticism, having had the opportunity to fill that position for a two-year period. I think that we have reached the point where we are setting up an internal-kind of competition between the Mayor and the Deputy Mayor. I know that this is not the intent, and I would like to read from an article that appeared - actually it's an

BILL 46

(MR. MARION cont'd) editorial - that appeared in the Free Press on April 18th, where I think in essence we are really stating what the case is and we're stating it in terms that are perhaps strong, and I am sure in terms that are not really what the people of Winnipeg intended it to be now that they are able, and will be able to in the month of October, to vote for their Mayor.

The portion I would like to quote reads as follows: "The Deputy Mayor, who is elected by Council and therefore likely to be the Leader of its majority political group, will be given a seat on the Board of Commissioners and will be able to become the all-important link between Council and administration." Now surely it is well that because he has been elected by the Council itself that he has the respect of that Council, but surely the Mayor's position, and he was elected by all of those who are capable of exercising the vote franchise, I would think that that carries a great deal more vote than the select little group called Council, and why should we say that he will then be the link between the administration and the political body? That's to me a real anomaly and should not exist, coupled with the likelihood that he will also be made - now this was conjecture, of course, and didn't come to pass - the chairman of the Executive Policy Committee.

Well, luckily, this did not come to pass. He is but the Deputy Chairman of the Executive Policy Committee and will replace the Mayor in the Mayor's absence. And I would strongly recommend that the same case be applicable with respect to the Board of Commissioners. There is no need, in my opinion, that the Deputy Mayor should be an ex officio member of the Board of Commissioners. He might be an ex officio member but exercising that ex officioness only in the absence of the Mayor. That would in essence mean that because of the many duties that the Mayor alone can perform, the Mayor's office would have to advise the Deputy Mayor when the Mayor is not to be present. Now it would seem to me that this is the plausible way to have the thing happen. The Mayor is the ex officio member; the Deputy Mayor fills in only in the absence of the Mayor.

I don't like the idea of setting up this competition; I think that we don't legislate, and I know that this government, just like previous governments, does not legislate on so important a matter because there is a specific condition that prevails. We're not surely going to start cutting the cloth to suit the situation that we have at hand today. I think that that would be a very grave error. There might be new personalities that will enter this area, that would not like to be shunted away from the full chief executive role that the Mayor should have, and I would think that this is an area that should be given consideration to, before we get into Law Amendments.

I think that there is perhaps one, as far as I'm concerned, now that we have given the Deputy Mayor or have in fact pointed out or delineated the responsibilities of the Deputy Mayor, I think that there is one role that we have forgotten, and that is the pecuniary role. I'm afraid that we must all realize that with all of the responsibilities incumbent upon the Deputy Mayor, it is not fair that he not be treated with the same kind of understanding financially that is given to the mayor and to the other standing committee members, and I looked through the Act and could find no area where discretion could be given by Council for setting the honorarium, and it would seem to me that under Section 18(3) where we refer to the Mayor, a section could be added relating to the salary of the Deputy Mayor. I'm not going to suggest what that honorarium should be, but certainly there is a spread between what the chairman of the standing committees and the mayor's salary is, and somewhere in between those two would seem to me rather appropriate.

I said in my opening comments, Mr. Speaker, that I had a great deal of trepidation in speaking to this bill because I was never one who could be considered an exponent of the bill. I think, however, that when it came into being, I have never played a negative role and tried particularly in two specific areas to make those roles meaningful, and I mean the Community Committee and the Resident Advisory Group. I give as recommendation for what I have just said, the role that the Community Committee of St. Boniface played with respect to resident advisory; the type of work that we gave the resident advisory group, how we tried to make it meaningful so that these people did not get unhappy with participating in the new form of government, because in essence they have no legislative power. I don't object to the fact that they have no legislative power - the Resident Advisory Group I mean - but I do object very strenuously that we have now gotten to the stage where Community Committees themselves have in essence

BILL 46

(MR. MARION cont'd) but token roles to play, and the more that we centralize the activities of the regional government called the City of Winnipeg, the less important the role of the Community Committee becomes and the more the people who participate at the Community Committee level, be they councillors or resident advisors, the less they will feel that they are carrying out a meaningful role.

Now I realize -- (Interjection) -- I'm being coached - I realize that from the outset there were some government members, front benchers, very influential members of the government, that did not give great credence to the resident advisory group and the community committee concept, and it was in essence really a sort of a give-to-make-more-palatable legislation. But these members were knowledgeable enough to know full well that eventually what I am stating is now in the process of happening, was to happen, namely that there would be really no effective role for the Community Committee or the Resident Advisory Group.

Now I will single out again - and I hate doing this - but I will single out again the First Minister because I think he in essence shares very much my feelings with respect to community committees and resident advisory groups. On May 4th, no later than May 4th, he mentioned that he wanted the traditional neighbourhood to retain its flavour. This was the kind of presentation that was made by Professor Meyer Brownstone when I took part after the election of the first council at Gimli. Meyer Brownstone was in essence an advocate of the possibility that the personalities of the former suburban areas were to be maintained and should be developed and should be abetted, and he also expressed the hope that the seven Inner City Community Committees would, by and large, given the appropriate time and encouragement, take the same kind of personality and characteristics that already had been developed in the outer area.

Well I think that, Mr. Speaker, this is not happening and it will not happen unless we make some very drastic changes with respect to community committees and their roles in this new regional government.

The Boundaries Commission is an area that was touched upon and I think it has to be mentioned again when we talk of any amendments. It was my former colleague, who is now the Honourable Member for St. James, who mentioned that if, without any consultation at all, the Lieutenant-Governor-in-Council could make these kinds of changes, it would seem that the exercise of the new regional government would be completely for naught, and I was pleased when I posed the question some time last week to the First Minister, was he in essence re-opening, I was doing this in all honesty, and he reacted, I trust, that the Honourable Member for St. Boniface is not implying that I should not re-open to permit presentations to be made to the Boundaries Commission. I would like to clarify my position now. It was not to say that I did not agree. As a matter of fact, it was to compliment the First Minister in making that step possible. It would seem to me that that kind of thing should be enshrined in the legislation itself, whereby whenever a Boundaries Commission is set up according to the Act, that proper presentation can be made, not only by councillors, because they have vested interest and can be slanted in their proposals, but at least by the citizenry who is affected.

In the terms that were set up with respect to the Boundaries Commission, there is one area that bothers me a great deal, and that is the area that says, and I'm paraphrasing: "Appropriate consideration should be given to the regional concept." Now, I gathered that this had in mind the regional concept that has developed for the Public Works Department, and could develop for other services. Well, if I had been writing up the terms of reference for the Boundaries' study, I would have said, "No consideration whatever should be given to the regional concept," because this is the first step in making - or it is a further step in making the community committee concept disappear. We are already budgeting on the regional concept. Of course, we say that we are keeping separate whatever part of the community committee budgets are included in the region; they are being separated and then totalized. But the next normal step is to do away with that and you end up with five regions.

It would seem to me that if, really, we want the kind of grassroots participation that has been expounded by the government when Bill 36 was introduced, then we should not talk about having representation for 100,000 people, but we should carry on with the community concept and the ward system. It would seem to me that we should enshrine the discretionary action, as I mentioned that the First Minister took, in making sure that there would be representation to the Boundaries Commission.

(MR. MARION cont'd)

I said a moment ago that if I am speaking in negative terms there is no doubt that we did all that we could in St. Boniface to foster the character and the very special cultural aspect of the Community Committee of St. Boniface. I think that in the study that was made by the Urban Studies Department of the University of Winnipeg, an attestation to this can be found throughout a rather in-depth and comprehensive study that was made of the Resident Advisory system and the Community Committee concept. I have read through this report and I find that the kind of legislation, I would like to see the kinds of things proposed in here be brought about in legislation, but I honestly will probably have a lot more to say as we go along with respect to the innovations that I would like to see brought about to make Bill 36 the meaningful tool that it can be if, in essence, we go back to the beginning when Bill 36 was introduced and we said this was going to be a participatory kind of government.

Presently, there is no doubt that if you have a regional government there are a number of services that have to come under essential aegis. I don't particularly - I am not particularly unhappy that you might find finances, some of the security systems such as fire and police brought under a central kind of authority. I'm not unhappy at seeing public works under a central aegis but diversified with respect to the carrying on and the preparation of material to come under the public works domain. It would seem to me, however, that notwithstanding the fact that you have to bring under the central government such services as library, I mentioned the services of fire and I mentioned public works, it would seem to me that we should rely a great deal on the input that can be made by the community committees, and this today is going for naught.

It would seem that such things as library services, which are now being centralized, will not really accomplish anything with respect to giving better service of that facility in the Community Committee in question. You are merely going to be centralizing, for the sake of centralizing and it would be much more advantageous and it would respond to a greater degree if Community Committees had that responsibility with respect to the preparation of the budget.

Possibilities of the Resident Advisory Group participating in the preparation of budgets is one aspect that can't be neglected. Presently this is not happening because of the system that has been set up whereby you are centralizing the authority, and I'd like to give you as an illustration the steps that are being followed when one goes through the current budget.

The local administration is requested by the Budget Bureau to prepare the first draft of the budget. The first draft goes to the Budget Bureau. It's analysed - there are no cuts made - it's analysed, and it's described so that it can be compared with that of all the other Community Committees, and then it goes to the Board of Commissioners. The Board of Commissioners reviews it, then decides on some primary reductions before it then goes to the Community Committees.

Now it's important for the people in this room to realize that we have gone through three steps before there has been any political input at all, before there has been any input at all by the Resident Advisory Group and the political people at the Community Committee level. When this system was first inaugurated in 1972, there was a great hue and cry by members of City Council, and it took very strenuous objection by the part of Council to change it so that that first step I described, whereby the Budget Bureau caused to have created the original budget by the local administration, was altered somewhat and the local administration prepared that first draft with at least political input at the Community Committee level, and the occasion was made or the opportunity was afforded by the Community Committee so that the Resident Advisory Group might have some sort of an input in the budget. The steps that are then followed afford the kind of political input that is absolutely necessary. But it nonetheless shows that if I have stated that there are members of the government that never really had put much faith or much credence in the Community Committee concept, the Board of Commissioners, which happens to be the chief administrative group of the new regional government, by their function are centralizers, and do not attach the kind of importance that a number - and perhaps not the majority but a good number - of councillors felt should be given to the Community Committee concept and the Resident Advisory Group.

Mr. Speaker, it is extremely important - and I am being repetitious because I mean to be repetitious. By this repetition I hope that the First Minister will appreciate the kind of watering down that is happening at the Resident Advisory Group and Community Committee concept, Community Committee level. He might consider very seriously, without going to the specific

BILL 46

(MR. MARION cont'd) recommendations that I will be making in this regard, he might use his influence to give more meaningful roles and delineate these roles so that there is no danger that they be further liquefied or rendered useless. There was no other innovative step in Bill 36 if those two measures disappear; it was a straight amalgamation. And that is not creating the kind of participatory government that was envisaged or that the people of the City of Winnipeg were told was being envisaged when Bill 36 was enacted.

I think that the Minister for Mines and Natural Resources made some comments awhile ago that are worth looking into. He took a look at some of the inequities that existed and underscored them a few days back, by saying that the inequities that existed were that some people had a great deal of industry in the former communities, and this fact tended to lower the municipal tax rate for the residents of that area. He also mentioned that planning was lacking and something had to be done about that aspect. Well, suppose I stated that if these were inequities then, is not the fact that St. James and Norwood residents, who were at that time paying the lowest mill rates, are now paying the highest mill rates within this new regional concept, does that not show that remains the inequities that we were trying to do away with. We've merely switched the problem. Where these municipalities were paying low mill rates, they are now paying the highest. I wonder if that makes the residents in those areas feel any better.

We talked about the fact that there was a great deal of competition - and this was the other point that the Minister was making - there was a great deal of competition to attract industry. Well I think that competition is great, and I think that it served well in that time. I don't think that it was inordinate, and suppose we looked at the situation that is evolving today. The Minister used as an example the stockyards in St. Boniface. Well, I am sure and I can assure all of the members in this House, that there is no one that's going to go out and make any steps whatever in any community committee to attract that kind of an industry. As a matter of fact, I don't know what community committee would take any kinds of measures to attract any kind of nauseant industry in his area. So we have eliminated the competition but we now have a situation where nobody wants any kind of industry in their area that will tend to demean the area in any way, shape or form.

Now I realize that the responsibility of the regional government in planning is one that that government will have to address itself to, but notwithstanding that, what we tried to eliminate, we really didn't, we merely changed the problem or the sore spots. It's the real switcheroo that this thing has happened, and surely we need new industrial parks, and I know that the regional government is looking at regional parks in as many areas at once in the city so that there will be a distribution, but some areas are bound to end up with more of these demeaning industrial parks because of their very nature. They have certain facilities in them now that will bring upon them the kinds of facilities that other Community Committees will not want at all.

I think that if I were to offer a solution to what I think is becoming a total amalgamation, I would say that we should go back to the former concept of the metropolitan government; not go back to it in its entirety, because it was a nondescript kind of government, one that people in the City of Winnipeg could not establish a rapport with. It was a second level of government. But if the 13 Community Committees that exist today were to appoint a representative from that Community Committee to sit on the Regional Council, to tackle the kinds of problems that should be tackled at the regional level, and to make sure that there would be meaningful responsibilities of the Community Committee concept, I would think, Mr. Speaker, that we would not be moving to a two-tier, but an integrated one-tier that would be really meaningful and would express fully the kind of role that I think was meant by Bill 36, one that is not now being fulfilled.

A MEMBER: One assessment base. Right on there, Paul baby.

MR. MARION: One assessment base. I don't think that you would alter from that at all, and I think, I would not want the First Minister to think that I would want to make a full step back, not ever, but I think that with what has now happened there are real meaningful things that can be derived from it, but not the way things are going at present. I think that if we carry on on that base we're going to end up with a real total amalgamation.

Mr. Speaker, I think that there is nothing more meaningful - and I am sure that the government of the day agrees with me - there is nothing more meaningful than reacting directly to people's needs, and the concept of the government that we have, the concept, not what it is practically doing, was that it should respond. Some of the heartaches that I had to live through

BILL 46

(MR. MARION cont'd) were the amalgamation of services. Now, there were some comments made by members of government that a great deal of credit should be given to the Civil Service of the Municipal Government because there were no hitches. The amalgamation took place because of devotion over and beyond the call of duty by these employees, and I salute them today just like I have on a number of occasions, and all of those that were involved in the transfer of responsibility from the 13-government concept to the regional government concept would agree with me, I am sure, that these people played a role that was second to none.

But I would like to look for the few moments I have left, at what has happened to some of those civil servants. I'm referring to, specifically, the Fire amalgamation which took place. Now today I was advised that the legal actions that were pending with respect to the amalgamation of fire services is no longer a contentious point, and I am able to refer to this without any complications, but let's look at this new regional fire fighting unit. It brought together 13 units. There were officers and men in these 13 units. I am going to use as my example numbers that don't necessarily jibe with the actuality but it's just to illustrate my point.

With the new regional concept we needed 95 captains. I will just use that as my example. We have in the service 60 captains. We did not integrate those 60 captains into the positions that were required, and promoted from a seniority list the other 35 posts, which would have been an intelligent and a humane way of going about in this amalgamation of the services. No; this would have been too intelligent. What we did is we demoted per se all of the people and we set up a seniority list that was dictated by the largest fire-fighting department within that amalgamation, and we elected from it the 95 captains. What common sense is that? Does this really make sense? Now, had the bill itself gone further than it did, it could have foregone or precluded that kind of an idiotic thing to have happened.

In the other administrative functions it has been nothing more or less than an absorption by the former City of Winnipeg of the Civil Service function of the former municipal governments. There is only one exception, and that is now the Commissioner of Finance, where a very important role was delegated to a former civil servant of the municipal government in the former suburb.

I think that a great deal could be said, Mr. Chairman. I'm sorry that my time is up. I suppose that the other members who will be submitting their reactions to the amendments will cover these . . .

MR. SPEAKER: The Honourable Minister of Public Works.

HON. RUSSELL J. DOERN (Minister of Public Works) (Elmwood): Mr. Speaker, I was interested in the contribution of the Member for St. Boniface. I'm still looking forward to some of the contributions that will be forthcoming, looking in particular for some fresh ideas and some new proposals. I must say that I was rather disappointed with the first contributions in the debate from the Member for Sturgeon Creek, who in effect told us that he liked the system that was in existence prior to the present one; that he in effect wanted to go back to Metro, that he in effect loved Metro. And I would be very interested to read some of the statements made by the honourable member about his views on Metro before he entered this Legislature. I suspect that he wasn't quite as enthusiastic at that time. Unfortunately, I don't have the time to re-search his speeches but I think that they would probably have made very interesting reading. But even his leader of that day, the former Premier Duff Roblin, I believe really intended that the Metropolitan form of government was to be a transitional stage. I don't know whether the Conservative Party that backed him or whether some of the backbench of the day dissuaded him from moving into a one-city government, whether the party lacked the guts to go ahead to that particular phase, or whether they couldn't decide on what form of government they wanted, but I'm certain that if the former Premier expressed his views that he probably would argue that the Metropolitan government was not the final form of government. Similarly, I think that all of us would agree, and I think the First Minister would agree, that we have not designed the final form of the present government of the City of Winnipeg, but that it, too, will evolve over a period of time.

The Honourable Member for Sturgeon Creek also said that he felt that we shouldn't have altered the Deputy Mayor's position. He felt that this is the sort of change that should have been proposed by the City Council and that the Provincial Government shouldn't get involved in these details. Well, Mr. Speaker, I think it's obvious that there has been a certain problem in the

BILL 46

(MR. DOERN cont'd) relations between the Deputy Mayor and the Mayor, and I think that by a simple amendment there is an obvious improvement. Whether or not this was a request from Council, I think that most members would agree that it was a desirable change and an improvement.

The Member for Riel, when he spoke, said that he was concerned about the Provincial Government's power in relation to the City, and I would only say in response to that that he should read the BNA Act, that he knows, as a former Minister, that municipalities are creatures of the province and I think that the province has a right and a responsibility to make such changes as it sees fit, especially in regard to a new system, and especially in regard to a system that the province, of course, developed and has put forward. If it was a system that was in existence perhaps for 20 or 30 or 40 or 50 years, I think then there would be very slight modifications proposed or considered, but in a system that is only a few years old, I think that it is desirable that changes be made particularly in the early stages of development. So, as I say, Mr. Speaker, I was rather disappointed with those.

I wanted to mention one thing in regard to the Member for Morris before he escapes. I know that his thinking is prevalent, along with the Member for Birtle-Russell, really two of the leading thinkers in the Conservative Party, and -- (Interjections) -- When I was in university, Mr. Speaker, I studied -- (Interjections) --

MR. SPEAKER: Order please.

MR. DOERN: . . . I studied political thought and took many courses, some of which were relevant to my present day existence, some of which proved to be totally irrelevant to our present day existence. But I did read Edmund Burke, and I think that there's undoubtedly nobody in the Tory caucus that we could compare to as an Edmund Burke. Perhaps a couple of bush league Edmund Burkes but nobody to rival him alone. The kind of thinking, though, that is prevalent in the Tory caucus, I think was well expressed by both those members; the Member for Birtle-Russell, who has argued I think quite effectively on a number of occasions, that he believes that that government is best which governs least, or that no government, no government is best. And I'm not sure whether he is in fact an anarchist or a conservative, I've never been able to -- I've never been able to make that final decision. I don't know whether he's clear in his own mind.

But the Member for Morris, he also sets the tone as to the attitude of his party in relation to this bill or any other legislation. He told us that delightful story. I don't know whether he invents these stories or whether he has a bunch of old nursery books at home, or whether his former leader, the Chief, used to tell these stories. But he told us that story about the hunter and the dog. Remember that? That bed-time story? There was a hunter and a dog, and after a few days being lost in the bush, he said, the hunter became hungry, pulled out his knife, cut off the dog's tail, ate the meat -- rather a gory story -- and gave the bone back to the dog, who thanked him for the food, and the dog said: "Now I know what socialism is." -- (Interjections) --

Well, Mr. Chairman, there's another part to that story, and that is that on another occasion, at a later time, the hunter went out with the dog and they got lost in the middle of the winter and they were both freezing, so the hunter -- (Interjections) --

MR. SPEAKER: Order please.

A MEMBER: Has this got something to do with the City of Winnipeg Act?

MR. DOERN: Yes. The hunter pulled out his knife and cut a strip six inches around the dog's mid section and wrapped his hands in it to keep warm, and then the dog said in response to this: "Now I know what capitalism is." And then the dog thought about this for a moment and he said: "And I prefer socialism."

Well, Mr. Chairman, I wanted to -- (Interjection) -- You were the hunter in question, I guess. Mr. Speaker, I wanted to deal with two particular aspects of the present City Council: 1) its structure; and 2) its size. First of all, I would like to argue that the City of Winnipeg needs a full-time executive or what you might call a mini-Cabinet. I think all of us agree that the Mayor should be a full-time position, that the Deputy Mayor should be a full-time position, but I would argue that in addition to that -- and I would like to hear some comments from those who follow in debate on this point -- I think that the three chairmen of the standing committees should also be full-time. The Chairman of the Finance Committee, the Chairman of the Environment Committee, and the Chairman of Works and Operation should also be full-time. This,

BILL 46

(MR. DOERN cont'd) Mr. Speaker, would give to City Council a cabinet or executive, depending on whether or not you include all these members of either four or five; and obviously you would have to increase the remuneration, and I believe that the City of Winnipeg Act, as it presently exists, gives the Council the right to make those changes on their own and to increase the salaries on their own.

Mr. Speaker, I have been involved and interested in this particular question of the City of Winnipeg government since 1970, in particular, when I first entered the Cabinet and became a member of the Urban Committee and watched the evolution of the Act and then the implementation, and then over the past several years. And I wanted to make a personal observation. It's unfortunate that my friend the Member for St. Boniface has already spoken, but there's still the Member for St. James who I think can comment as well, and that is that in my judgment in the early days of negotiation between the Province and the City - and I want to develop this point briefly - but in 1971-72 period and the 1972-73 period, when the City delegations and the provincial delegations met, both those honourable gentlemen were participants in that, in my judgment, Mr. Speaker, the city delegation was outclassed and out-gunned by the provincial delegation, and I cannot believe . . . -- (Interjections) -- Well, I believe this is not a question of the individuals involved, and I would like to deal with this particular point.

Mr. Speaker, I contend that there is no way that you can pit a team of professionals against a team of amateurs, and I would draw this distinction, that the representatives of the City, the City leadership -- we know that the Mayor is full-time, we know that the Deputy Mayor is not really full-time but maybe is evolving to that, I don't know. But we know that all the councillors, all the 50 in effect are part-time, that they have their regular occupations, that they meet once or twice a week, whatever their work load is, if they handle problems, etc., but there are in effect no full-time professional politicians, political leaders in that group that could compare with this group. In this group there are in effect 15 members of the Cabinet -- (Interjection) -- Well, you know, my honourable friend the Member for Souris-Killarney is just groaning away, but he's not listening to what I'm saying at all. He's not listening at all. I would ask him to pay attention. I'm not discussing, I'm not discussing personalities - and you can see whether I am or not; I am saying to you that there is no way that a team from the City of Winnipeg of five, ten or fifteen can compare to a team from the House of Commons, if you like, Provincial Legislature if you like. How can people who are devoting full time year round, long hours, legislative sessions, etc., how can a group like that that is spending 40, 50 or 60 hours a week fight against a team that might be spending five, ten, fifteen or twenty hours a week, Mr. Speaker? I say that if you remove the personalities and you discuss the system alone, you are discussing a group of professionals fighting a group of amateurs. As well, the Provincial Legislature is in for a longer term. The provincial term is four to five years in duration, the city term is three years in duration, which was an improvement over the previous system.

And another problem, Mr. Speaker, is the relationship between the political leadership and the Civil Service. I think that those of us who have served in the treasury benches and so on, realize that the Civil Service is a very large -- (Interjection) -- Question?

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: I'd like to ask the Minister if what he says is true, why did the City of Winnipeg Council beat us in hockey?

MR. SPEAKER: The Honourable Minister of Public Works.

MR. DOERN: Well there were a number of reasons. One of them was that I was injured; that was one of the reasons. And my honourable colleague was out riding his bicycle and missed the Arena and couldn't turn around, he was going so fast.

So, Mr. Speaker, on the point of the relation of the administration to the Civil Service, I think that, you know, and I've mentioned this point before, there are those who believe, of course, that the administration runs the Civil Service, and there are those I think who can argue that the Civil Service practically runs the administration. There is obviously an intimate relationship but there is a certain inertia, there is an expertise available, etc., etc., and I think for a political administration to keep on top of a Civil Service, they have to have certain resources. For one thing they have to be full-time. For another thing, they may need some small group of aides or assistants to help them. Otherwise their impact, their ability to control and direct the Civil Service would be negligible, and I think that in terms of a City Council, you

BILL 46

(MR. DOERN cont'd) have a Civil Service of a certain kind and yet you have very very few people, if any, who really are able to devote much time to running their department and also to keeping on top of their own Civil Service. So, Mr. Speaker, I say that the City needs a full-time executive, that it needs political leadership, that it needs a group to direct a large bureaucracy, and it needs a group who's willing and able to accept responsibility for doing that. One of the problems today is, I think, that I think some of the members of council are unwilling to accept their responsibility. I must say that I am very disturbed when I read in the paper that on crucial votes councillors are ducking out; they're ducking out all the time. It seems that on every crucial vote there's ten or fifteen councillors missing. Now I am sure that there are people in this House who have ducked votes. Up to this point I haven't ducked any myself but I'm telling you that in this House the amount of ducking is about nil. On rare occasion, I suppose, there have been maybe a member, maybe two members a year, I don't know; I can't read members' minds; but I do not believe, it has not been my experience and my observation, that MLAs duck votes. They seem to stand up to take positions in caucus, hammer it out, but they stand up and they're counted, and in City Council this is not the case. I think this is an unsatisfactory practice.

MR. SPEAKER: The Honourable Member for St. James.

MR. MINAKER: Mr. Speaker, I'll save my question until after the Minister is finished speaking.

MR. SPEAKER: The Honourable Minister of Public Works.

MR. DOERN: Mr. Speaker, this is, I think, a problem of Council, and I think that this was best exemplified by some of our recent discussions where the City has come to us on a number of occasions and said, "We would like more money. We would like a share of your growth taxes. Could you give us about five percent to start and then work up to about 25 percent over the next five years so that we could have an increased annual income of," I think it was \$160 million, "in five years? We'd sure appreciate this and we sure could use the money." And, Mr. Speaker, when we have said to them in discussions, when we have talked in discussions and said, "Look, Why don't you look for new sources of revenue? Why don't you find some areas where you could introduce taxes, take the money and stand up and take the responsibility or the flak for accepting the money?" this has more or less been avoided up until now.

Mr. Speaker, there's no easy way out. If you want the money you're going to have to get the advantage of having the money, you're going to have to have the disadvantage of asking for it or demanding it. And to some of the real free enterprise councillors who are concerned about antagonizing certain developers or real estate interests, I think they should read up on their Canadian history and look into that bastion of free enterprise in Canada, the CPR, and they should see the kind of policies that they followed when they were developing the railway across Canada. They were given, of course, tremendous concessions and they demanded -- (Interjection) -- Yes, I watch it every Sunday. And, Mr. Speaker, when they had a problem, if they didn't like the way a situation was developing, they either extracted concessions and in effect took that windfall through concessions, or they simply said, well, we won't play that game at all. You want us to put our railway through here, through this particular patch of land, where you will get the benefits of a rise in property values - they won't play that game. They would move the station or the track somewhere else and they would take the gravy. Well, you know, if that's okay for possibly the Number One firm in Canada to do that, the Number One corporation in Canada to do that, then I think it's okay for those on council who look to that philosophy for leadership. If it's all right for the CPR to do it, I think it's all right for council to do it. If it's okay for free enterprise at that level to do it, it's okay for free enterprise representatives at the City Council level to get into this question of a property tax.

Mr. Speaker, the second point and final point I wanted to deal with was the size of council. We have seen the report of the Boundaries Review Commission. The Provincial Government gave very modest terms of reference to the Boundaries Commission, that is obviously going to result in a slight possible reduction on the size of council, and we have seen the recommendation for 45 councillors. If you go outside on the streets of Winnipeg and talk to the citizens and speak to the average homeowner, you will find that if you were to strike a figure or to talk about a reduction, that most people would probably say the council should be cut in half, or if not in half then they would say more than 45, which is of course obviously a very modest reduction. So I would say that is the general public view. It certainly is the view that I have had expressed to

BILL 46

(MR. DOERN cont'd) me, and in discussing the current Boundaries Commission Report everyone that I have spoken to has said in effect that they thought it was pretty slight.

If you go to the City Council, of course, and ask city councillors what should be done, well they would say, of course, leave it alone. You know, don't cut it down whatever you do. If anything, as my honourable friend from Crescentwood says, he would think that some of them would say add to the size of council. And of course if there is a fix on a particular number of representatives, 12-1/2, 13-1/2 thousand, if that were to remain static, then as the population of Winnipeg goes up to 650,000 and then 750,000, undoubtedly the size of council would go up to 60 and then 70 and 75, and maybe 80. So I think that obviously as the years go by there is a need for examination.

I have expressed my personal views before on this, Mr. Speaker, and I think that in the next few years - I don't know whether that's two years or the next five years - I believe that council should evolve to a smaller body, because I believe that at present it's unwieldy, certainly with the kind of structure on top. With a different structure it might function, but with the present size I believe there should be a structural change, as I said, to a full-time, executive, but I also believe that a further reduction should take place. Now whether this is -- I think it obviously would be based -- I'm like my friend, he's not impressed with the district that he helped set up, the six public works' districts and the financial districts. It seems to be a pretty good basis for a reorganization and I can see either four or five or six councillors from each area, which would give you a council between 24 and 36. I think that is the direction in which there should be an evolution. If you compare the size of the constituencies to the kind of constituencies that are represented at the provincial level, or the federal level, I think that it's something worth examining.

The Manitoba Legislature back in 1921, 1921 when Manitoba had 610,000 people, had 55 MLAs. So if you go back 53 years in Manitoba history, 53 years ago there were 55 MLAs. Since that time the population has increased by more than 50 percent. So if you stayed on that ratio, you'd have a Legislature of about 85. We'd have to have -- you know, as the Public Works Minister I can see problems. We'd have to bunch in here, get smaller seats, and add two more tiers.

MR. SPEAKER: Order please. Would the honourable member address the Chair.

MR. DOERN: Yes, I'm sorry, Mr. Speaker. Some of my colleagues

A MEMBER: What were the indemnities in those days?

MR. DOERN: The indemnities in those days I think they were \$50.00, \$50.00 a year or something like that. So, Mr. Speaker, that's what it was in 1920. Now if you follow that sequence, it was increased in 1949 to 57. Now I should go back a moment. In 1920 it was 55. During the war years I understand that there were two or three - two - representatives of the Armed Forces, and so it went up to I think around 60, something like that. Fifty-seven, my former Speaker indicates to me. But it went up to 57 or 60, somewhere in there. Army, Air Force and Navy. Then it was cut back to 57 in 1949 and it has remained at 57 as the population went up to 700,000, 800,000, 900,000 and finally to a million. So somehow or other MLAs are able to represent constituencies of a fairly big size.

In the House of Commons, if you trace the evolution of constituencies and population in the House of Commons, in 1901, 1901, there were about five and a half million people in Canada. They're really rather a staggering figure. It's hard to believe that there were so few people in the country, but five and a half million people in 1901, 206 MPs. At that time, a Member of Parliament represented about 26,000 people. Now when I think of the change, I mean nowadays they're representing 80,000 to 100,000. It must have been fairly difficult in those days, it's fairly difficult today, but the MPs today have considerable advantages. They have air fare, they have free telephone privileges, they now have offices, they have one or two secretaries, I don't know what it is; they have executive assistants or workers out in the constituency, they have free mailing privileges, etc., etc., etc. Their salaries are finally fairly decent. I don't know what they were like when the Member for Morris was there. I don't know if those were the good old \$10,000-a-year days. -- (Interjection) -- Eight thousand. The days when MPs used to eat at the local Sals, if there is such a thing in Ottawa, and stay in the YMCA. That's when they were really living it up in the good old days. So in those days they were representing 26,000 people and this evolved to 235 MPs in 1911 representing 30,000; 244 in 1921 representing

BILL 46

(MR. DOERN cont'd) 36,000; 244 in 1931 representing 42,000; 262 in 1941 representing 43,000; 263 in 1951 representing 53,000; 264 in 1961 representing 69,000; and 264 in 1971 representing about 82,000. And so I suppose today we're getting into that 90,000, 100,000 area.

So, Mr. Speaker, if MPs represent 100,000 people, MLAs represent 20,000 people, I wouldn't be surprised if a City Councillor could represent more than 13,000, and a few years ago, 1970-71, a Councillor was representing probably about 5,000 people, if you figure the number of councillors 114 or whatever it was, in a city of half a million, they're representing about 5,000 apiece. Then this was moved up to about 10,000 three years ago, and today about 13,000 on an average. Well, it wouldn't surprise me in the least if in the next few years they could represent 15,000 or 20,000 people. I do not believe, Mr. Speaker - I have argued this point, I have discussed this point - I do not believe that a councillor works harder than an MLA and I would be interested very much in what the Member for St. James says on this, because I know that MLAs are tied up in this House for 4 months or 5 months of the year, and that they then sit, in effect, afternoon and evening on the average, then there's the speed-up process, there are committee meetings, there are caucus meetings, etc. etc. That's for a block of five months. And if you consider the number of hours in that and then you consider their constituency work and compare that to a City Councillor, I would wager that the MLAs in fact put in more time and work harder and represent more people. I do not believe, and I would like to be persuaded otherwise, that City Councillors get so many more calls and do so much more work than do MLAs.

So, Mr. Speaker, I say that the problem before us that we will be looking at this year and in the next two to five years, maybe the next two in particular, when there will be a major revision, or it could be a major revision, is to try to determine what the best size of council is and/or the best size of wards, and then adjust that as the population of Winnipeg rises.

Mr. Speaker, going back to the origin of my comments, I think that if a suitable structure is developed and to me that means a full-time executive, that's where you start, If that is developed, then I think the people of Winnipeg can have good representation and good services and a group of political leaders who can deal with the other levels of government. These people the top leadership that I've described, have to deal with the province, and it has to deal I suppose on some occasions with the Federal Government, and it has to deal with its own bureaucracy, and I say it's those guys at the top, they're the poker players and they're playing the hand for Winnipeg, and they'd better be good and they'd better be experienced and capable and competent, because they are playing for very high stakes, and the citizens, the citizens of Winnipeg, I think, want a very sharp, tough, professional team of leaders at the top, and I say that they can only get that, the only condition under which they can have that is if they are full-time. I say there is no other way to get it. The other methods are hit and miss and once in awhile, and that just isn't good enough. The stakes are too high.

So, Mr. Speaker, I've tried to describe the two proposals that I think have to be examined: the structure and the size. I think some of those changes should be made now. Some can be done by council itself and the others will be left to us in the next couple of years, in particular, and beyond. The Conservative position, I still haven't had time to fully ponder the remarks of the Member for St. Boniface, so when I get them in Hansard I will meditate on them and then maybe have a chance to speak at some later date, but the Conservative position so far expressed by two of its leading spokesmen, the Member for Riel and the Member for Sturgeon Creek, seems to me to boil down to this: Turn back the clock. We love Metro. Those were the good old days. Boy, when we had Metro that was terrific. It was set up by the Roblin administration. It must have been the best system and this system is lousy because it was set up by the NDP, so turn back the clock. Let's go back to those good old days when we had a Prime Minister in Ottawa and a Premier in Manitoba who were wearing the blue colours, and we had Metro, and boy, those were the good old days!

Council -- those were the days, my friend, you thought they'd never end -- and the Council's position, the Council of the City of Winnipeg, their position it seems to me is simply leave it alone; don't touch anything. You know, this is like Dr. Pangloss in Candide by Voltaire, who said, "This is the best of all possible worlds," and he went around proving that no matter what happened it was the best possible system, and it seems to me that that is the way the City of Winnipeg Council is now arguing. They're saying everything's fine - leave it alone. Don't

BILL 46

(MR. DOERN cont'd) touch the structure, sort of -- it's fine. I don't hear any big proposals coming from the City about the Deputy Mayor, the Mayor, the Council, the Executive. I don't know what their positive proposals are. They don't seem to have come through the press and into the media and out to the public, I'm not aware of them at any rate. And the size of Council, the same thing. "Leave the size of Council alone; it's just fine. At 50 it's about right." Well, Mr. Speaker that's a status quo position. I think the position of the government is very simple. It's an evolutionary position. It's an organic position. The position is that this is a transitional stage and that there are going to be some minor modifications made in 1974 and there will be other opportunities to give Council a chance to develop and to look at it then.

The decision on whose position is right will ultimately be made by the average citizen, obviously some day in an election, but in the immediate 30, 60, 90-day period the average Winnipegger will look at the proposals. He'll look at the proposals of the opposite benches about "Let's go back to Metro" and he can judge that. He will look at the position of Council and say maybe, you know, "Is this the best of all possible worlds?" Or he'll look at the government's position which is saying in effect: "Let us make some minor modifications now with the possibility of some further improvements later."

MR. SPEAKER: The Honourable Member for St. James.

MR. MINAKER: Mr. Speaker, I wonder if the Honourable Minister of Public Works would answer a question I wanted to raise during his talk.

MR. SPEAKER: He has one minute of his time left. After that it's by leave of the House.

MR. MINAKER: Okay. The Minister indicated that the City Councillors were ducking votes, and I was wondering if he could tell me how many council meetings he has personally attended since the inception of this new City of Winnipeg.

MR. DOERN: Mr. Speaker, I'm embarrassed to say that I have only attended one. But I would also say that, you know, I read the press too and the press continually details missing councillors, gives their names, talks about them having a smoke or being outside the Chamber. I would like my honourable friend to clarify for us, when he speaks, as to whether he thinks the Councillors ever duck votes.

MR. MINAKER: Mr. Speaker I would like to move, seconded by the Honourable Member for Minnedosa, that debate be adjourned.

MOTION presented and carried.

BILL NO. 25

MR. SPEAKER: Bill No. 25. The Honourable Member for Brandon West.

MR. MCGILL: Thank you, Mr. Speaker, Bill No. 25 was introduced yesterday by the Honourable the Minister of Agriculture. It's an Act to Validate an Agreement between The Provincial Exhibition of Manitoba, The City of Brandon, and the Government of Manitoba, and I think, Mr. Speaker, the explanations as given by the Minister are essentially correct and complete. He explained that the legislation had been requested by the solicitor for the City of Brandon, who wanted to ensure that the Act, the signed agreement between the three parties, was covered by legislation in order that he could be certain that the City of Brandon's right and ability to enter into such an agreement was legalized to his satisfaction.

The Minister of Agriculture might have given some historical information about this piece of legislation, and I think I might just briefly recount how the bill began in 1972 as Bill No. 113. It arrived in printed form, according to my notes, on the 11th of July of 1972, so I presume, Mr. Speaker, that it died on the Order Paper. I think the session did terminate some time very shortly after the 11th of July. So the bill reappeared in 1973 as Bill No. 57, and we received the printed copy of that bill on the 19th of May. Unfortunately, the events of May 24th prevented that bill from becoming law, so again this same piece of legislation died on the Order Paper.

Now this is run No. 3, Mr. Speaker, the Bill 25 which the Minister has now introduced. I hope that it will have a better fate. I hope that it will persist and that it will receive Third Reading. I have no further comments on this legislation. I have checked the bill against the two previous ones and I believe it is word for word with the previous bills that were submitted. So, Mr. Speaker, I hope that this bill will now be able to go to committee and that it will eventually find its way into the Statutes of Manitoba.

BILL 25

QUESTION put, MOTION carried.

MR. SPEAKER: Bill No. 43. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, could I have this matter stand? (Agreed)

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable the Attorney-General, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee of Supply with the Honourable Member for St. Vital in the Chair.

COMMITTEE OF SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Attorney-General's Department. Resolution No. 20. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, when we adjourned at 3:00 o'clock, I was just starting to make a few comments about the Attorney-General's department, and I wanted to deal at that time with one particular aspect of the Attorney-General's Department, and that is probably the most important facet of his department, and that is the administration of justice. The Department of Attorney-General not only is charged with the administration of justice, it is also charged with the implementation of the law enforcement in this province, charged with the prosecution of offenders, but it is also, and I believe probably the most important facet of any, to see that justice is done for the majority, in fact for all, in the province of Manitoba.

In the operation of his department there is one particular Commission that has interested me and that is the Law Reform Commission. Mr. Chairman, we have seen Law Reform Commissions established in various jurisdictions in the last few years and these Law Reform Commissions basically have a responsibility to try and update, to bring to government what they consider to be inadequacies in existing laws, and to suggest possible directions of further laws for the benefit of the people within the jurisdiction of the government. And I was reading the Second Annual Report of the Manitoba Law Reform Commission, their activities for the year, and at the end of their report they listed another section which they called "Other projects", and under Other Projects which they are exploring but have done very little work in yet, I want to read exactly verbatim from the report.

It says, "Other projects in which the Commissioners have evinced interest and on which some minimal reconnoitering research has been performed, include the Mental Health Act; the Reverse Onus in Manitoba Statutes; Predator Control and Wildlife Conservation; Land Restoration and Protection; Occupier's Liability; the Restrictions and Limitations on a Minor's Right of Action; and School Attendance Laws."

Mr. Chairman, once I received the report of the Law Reform Commission I had the opportunity shortly thereafter to pay a call to the office of the Law Reform Commission, and have had more than one chat with the Chief Potentate, Mr. Muldoon, and I asked for some additional information on one facet in their Other Projects, namely, the reverse onus in Manitoba Statutes. Mr. Muldoon explained to me that since we have had the computerization of our statutes it is now possible to take certain legal phrases and feed them into the computer and the computer will kick out every reference in the statute that covers where that phrase appears. And I was somewhat interested in the reverse onus clause that they referred to in their project, so he gave me the information that they had fed into the computer legal terms which they considered would possibly give them evidence of various statutes where the onus of proof of innocence lies with the accused rather than the proof of guilt lying with the accuser. And it was interesting, Mr. Chairman, to find that they had 41 pages with roughly 50 entries on each page, where there was a possibility that what I considered to be the basic principle of British justice is possibly being contravened.

Now I'm not going to suggest that every one of the indicators that they had come out of the computer were in fact places in the statutes where this basic principle has been contravened. I also talked to a member of the press who promised me some assistance in doing some research on this, and the co-operation both from the Law Reform Commission and the co-operation of that particular press correspondent, I want to at this time publicly thank, because it has given me an insight into where we in the legislative process may be possibly ignoring one of

SUPPLY - ATTORNEY-GENERAL

(MR. GRAHAM cont'd) the fundamental principles that we have basically used as the very basis for our system of justice. And last week, a week ago today in fact, in the Winnipeg Free Press, an article by Frances Russell dealing with the reverse onus clause was published, and for those members -- I won't read the article, but for those members of the House who are interested, I think it is a very worthwhile article because I think there should be some concern about how we are moving away in this society from the basic principle that a person is innocent until proven guilty into various statutes where the onus of proof of innocence lies with the individual rather than proof of guilt lying with the accuser.

I think it's important, Mr. Chairman, it's important at a time when we find that there's an increasing number of statutes being introduced every year, when we find that society is making more and more demands on the legislative process, at a time when in fact we seem to be living in an era of confrontation, of challenge, and in fact an era of suspicion. I think it is worthwhile for every one of us to contemplate the changes that have taken place in the last 10, 15, 20 years in our society, and how these changes have come about. I'll cite one example.

This is the advent of Human Rights legislation, which most people have welcomed, and yet basically the very principle of Human Rights legislation violates the basic principle of a person being innocent until proven guilty. And I wonder, Sir, if we can, in effect, successfully endorse the two concepts. When you dig into it further, Mr. Chairman, you find that you sooner or later arrive at the stage where you wonder, well why is this occurring and how is it occurring? I'm going to put forward a suggestion to you, Sir, that some may argue with, and I don't expect that everyone will agree with it. But I have found, in my opinion anyway, Sir, that as our bureaucracy has grown, demands on the legislative process have increased, and as more and more people become involved we find that fewer and fewer are willing to take the responsibility, and I suggest, Sir, that there's a tendency that is growing where the abdication of responsibility seems to be diminished, and where you have 50 people doing the work that ten did previously, and where those ten really fulfilled their duties, the 50, because the chain of command gets larger and larger, the evasion of responsibility seems to find more loopholes and there are fewer and fewer willing to make a decision. And as we draft our legislation -- and I suggest, Sir, that much of the legislation is brought forward through the administrative process, or through the bureaucratic process -- that the tendency is increasing to, rather than take the responsibility through the legislative process of proving a person's guilt, that the tendency is increasing to write into the legislation an abdication of that responsibility and bring forward legislation that puts the onus of proof of innocence on the individual.

A MEMBER: For example?

MR. GRAHAM: You want an example? As one such example -- here I'll read from this article -- "Let's take a look at the Liquor Control Act. It finds that if an employee of a licensed premise is found guilty of any offence, his employer is automatically judged to be a party to the offence. We find also in the Highway Traffic Act increasing evidence that the laws we are enacting indicate that a person is guilty until he proves his innocence. Surprisingly, Mr. Chairman, under the Criminal Code of Canada we don't find this trend occurring. It's not occurring to the same extent under the Criminal Code as it does in the Civil Code.

Mr. Chairman, the responsibility for the administration of justice quite properly lies with the Attorney-General's department, and I would hope that the Attorney-General will take this into account, and I would hope that in his remarks he will address himself to ways and means that can be found to preserve what I consider to be the very basis of the system of justice, and that is, the proof of guilt must lie with the accuser. The proof of innocence, I don't believe should be a necessary responsibility of the accused. I raise it at this time because I believe that we must sooner or later address ourselves to this problem. I feel sure that the Law Reform Commission is going to address themselves to the problem, and I hope that before another year is out that they will be bringing forward suggestions.

Mr. Chairman, we have the responsibility in this Legislature to change laws, to introduce new laws, and to improve existing laws; and if the Law Reform Commission can bring forward evidence which they are investigating in this respect, I would hope that we would be prompt in efforts to remedy the situations that are uncovered. And while I realize that it cannot be done at this session, that it may in fact take two years to accomplish, I would hope that we do address ourselves to the problem and move forward as quickly as possible in that particular direction.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE (Winnipeg Centre): . . . respond to some of these things after the dinner hour. It's refreshing to know that the Member for Birtle-Russell "got his eye on them lawyers too" because I think if we leave them alone they're liable to take over the universe. But seriously, there is one area that I would like to comment at this time, and of course the Attorney-General is aware of my opinion on this, but nevertheless I'd like to put it on the public record at this time. It's not in the same area of concern as the Member for Birtle-Russell, but nevertheless it has a fundamental principle of law involved, at least in my view.

A few years ago we enacted a bill, we called it the Intoxicated Persons Detention Act, and really it was geared more for the protection of the peace officers than it was to some other principle, and I think it has worked well up to this point in time. But nevertheless as the government, under the Department of Health and through the Manitoba Hospital Service Commission, expands their capacity to detain people who for no other reason than being publicly inebriated need to be detained for their own or for society's protection, there is a nuance which arises that I think we have to address ourselves to. I would agree with the Member for Birtle-Russell also to the extent that the Law Reform Commission has certainly addressed themselves to some of the fundamental principles of our law, and perhaps the Attorney-General could see fit in his estimates to strengthen their staff so they could do some more work in this area, but I draw this in at this particular time because of the ramifications of one of their reports was that in the opinion of the Law Reform Commission we did not at this time need to address ourselves to the concept of good Samaritanism, that the judgments of the courts had been such that people who had tried to help others within their role as an interested citizen, were protected by the concept of good Samaritanism. But nevertheless, as we move into another area where people are actually going to take people into "custody", then in my opinion it can only be done under the sanction and protection of law; that the individuals who are detained or apprehended, it has to be done by process of law. And also the people who are doing the detaining have to be protected by law.

I think that this is something which can be done under existing legislation at the present time without amendments to the Intoxicated Persons Detention Act, because the section - at least as I recall it offhand - is such that it applies to peace officers, and perhaps the Attorney-General could address himself to including in the definition of peace officers the people who are going to be involved in this function.

And speaking in this area generally, with intoxicated persons and the things that have an interest in other areas, I just want to put on the public record also that in my view and my judgment the Liquor Control Commission is behaving most responsibly. Now doubtless, you know, opinions will differ. As my colleagues will recall I had a little difference of opinion on one occasion with my friend the Chairman of the Board of the Liquor Control Commission. Nevertheless, I am sure that from my experience with the Liquor Control Commission that they have attempted to act on the best information possible to take into consideration many things, and I will probably have an opportunity to go into this under the Department of Health estimates in a little more detail. But just that one point that I wanted to make in this regard, and I would say that the principle of -- it's a pretty deep fundamental principle that even goes back down as far as habeus corpus, that an individual has a right to be free and not be interfered with by others; it is under the sanction of law, and the people that so interfere must be protected by law.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, . . . call it 5:30. I'd like direction, though. I have had numerous questions asked of me, I don't know whether I'm restricted to 20 minutes in responding. If I'm to deal with all the matters that have been asked through the series of speeches I won't be able to give sufficient answer, unless there are more speeches forthcoming.

MR. CHAIRMAN: The time being 5:30, I am leaving the Chair to return at 7:30.