

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 25 May, 1982

Time — 8:00 p.m.

CUNCURRENT COMMITTEES OF SUPPLY

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN, H. Harapiak: I will call the Committee to order. We are on the Estimates of the Attorney-General, No. 2. Legal Services. Mr. Minister.

HON. R. PENNER: Yes, just a supplement. An answer I gave to the Member for St. Norbert just before adjournment at 4:30 on the Estimate for outside counsel. In Civil Litigation the Estimate includes a figure of \$10,000; for Criminal Prosecution there are two separate items: professional fees of \$7,500 and CFI \$50,000, so that there's a total in the two appropriations for \$67,500.00. Now it may be that we might have to move between one and the other.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: No further questions.

MR. CHAIRMAN: 2.(a)(1) has been passed. 2.(a)(2) Other Expenditures—pass. 2.(b) Criminal Prosecutions, 2.(b)(1) Salaries—the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could indicate what the current backlog is? Again, it relates to courts or criminal prosecutions but I think we can deal with it here and we won't deal with it later on.

HON. R. PENNER: Yes. It's moved down. I think it moved down significantly between 1979-80 or 1980-81. In any event, we've got it down now to about four months and these are for persons not in custody. Four to four and one-half months is the turnaround period for persons in custody where we are arranging special sittings.

MR. G. MERCIER: Has there been any change in the procedures that were in effect when the Attorney-General took office?

HON. R. PENNER: Well, there's been an attempt in the Provincial Judge's Court in the Public Safety Building. There's an experiment going on with a screening court, and whether or not that is really cost efficient is yet to be determined but that's about as much as has been done since I've taken office. That may have started, in fact, during the Member for St. Norbert's term.

MR. G. MERCIER: Mr. Chairman, of course, the idea was to try to get to a three-month backlog, whether that is attainable or not I suppose is questionable but it's an objective, I think, that has to be kept in mind and worked towards and certainly not allow the current backlog to get any further behind.

HON. R. PENNER: Yes. I recall, I'm sure the Member

for St. Norbert can, when it was six months and six-months-plus and it's been brought down to four and that's been maintained for a couple of years. I don't know to what extent the changes, for example, to The Summary Conviction Act will lessen the load on the courts and provide for a shorter turnaround. I guess there's a point of marginal returns or a point of no return perhaps, in the sense that the difficulty, and it may be an intractable difficulty as in scheduling, where defense lawyers will on behalf of their clients - genuinely, and I think not for any ulterior or bad motives - enter a plea of not guilty and set a trial date, leaving themselves the time which appropriately they should have to look at all facets of their client's case; see whether or not there are any mitigating circumstances and then that, of course, has blocked off a trial date on the calendar and they'll come to that trial date or close to it, and decide that, in fact, there is no defense available to their client and enter a plea. Meantime, the court date has been set and we lose that time.

I doubt whether you can really find a solution to that that isn't Draconian, that doesn't in fact short-circuit the legitimate right to full defense that persons accused of a criminal offence should have. I think ideally one would like to get it down to about three months and certainly efforts will be made. I think we're doing well compared to other jurisdictions as far as I know to hold it at four months.

MR. G. MERCIER: Mr. Chairman, we had some discussion earlier on a Fine Option Program. Could the Attorney-General indicate when he expects to be in a position to announce that program?

HON. R. PENNER: We're aiming at a start-up date of September 1st. I think we can make it. You see what's required to make this program work; we have retained a person to head up the program and that's Bob Dojack who was the Senior Probation Officer and since, in fact, the program will use the people in probation services in the communities to work with the communities, it will require - and that's what Dojack is working on now - working with communities on finding the kind of community service projects which are meaningful as alternatives to the jail in lieu of payment of fine.

The experience in Saskatchewan with a fine option program is that it takes about a year to two to really realize its benefits, but once it's in full swing it's estimated that the amount of time that is saved and the amount of money that is saved in incarceration costs more than pays for the program.

MR. G. MERCIER: Mr. Chairman, on another topic I wonder if the Attorney-General could indicate whether he has or his department has made any changes in the department's policy guidelines with respect to obscurity matters. It was a matter of some controversy, in particular one incident, and when we left office we had under consideration - at least when I say we, I meant myself with the department - were giving some consideration to a change in policy guidelines. I wonder if

the Attorney-General could indicate whether or not there have been any changes.

HON. R. PENNER: No, it seemed to me that the guidelines which had been adopted during the previous Attorney-General's tenure were sound, and in the absence of any serious flare-up of obscenity and complaints, I was content and remain content to follow those guidelines.

I tend to look at the problem to a very considerable extent, not exclusively, as what might be termed a nuisance problem, that is that one is really looking at people who have no use for this kind of material having it thrust upon them. I have recently instructed the laying of charges in an instance - and this may be typical of the approach that I would like to take - in which a convenience-type store or a family-type grocery store, this kind of material was openly displayed near the candy counter available to children and it was really quite offensive. There were complaints and I had no hesitation in authorizing that charges should be laid. It seemed to me to fit well within the guidelines which had been proposed.

I must say and I don't now whether I am surprised or not - so little surprises me at this late stage in my life - that there have been virtually no complaints as the previous Attorney-General will have had, lots of letters about drunken drivers and problems of this kind and the severity of sentences, but I have had virtually none about obscenity.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could indicate whether he has any difficulties with the concept of prosecutorial discretion. It seemed to me that in the particular incident, I think he will be aware of the incident that was referred to where a book seller with no previous conditions, the department having received a complaint from a member of the public and the department having reviewed the publication in question and coming to the viewpoint - and not without considerable study and thought being given it, having been reviewed by a number of senior law officers of the Crown - coming to the view that the publications did in their opinion offend the provisions of the Criminal Code, advised the book seller that in their opinion they did so and as a result, the publications were removed and no charges were brought forward; that being, Mr. Chairman, an exercise of prosecutorial discretion which some people it seemed couldn't quite understand. Without getting into the arguing over the merits of that particular case, I wonder if the Attorney-General has any thoughts about the exercise of prosecutorial discretion.

HON. R. PENNER: Let me deal with the general question first. I think there should be a fairly significant element of prosecutorial discretion. Life is so complex and human behaviour is so complex and the varieties are almost infinite thereof, that I would hope we don't come to that point where in every instance there may be a breach of the law, there is a kind of a knee-jerk reaction and a charge laid.

We have in my view - and this is based on a lot of years of experience in the courts going back in terms of experience in the criminal courts, I go back before

my call even to 1958, so mathematically you can figure that out.

We have in this province particularly, I think, in the last several years, a particularly good group of Crown Attorneys, senior in experience, careful in their exercise of judgement. I have had no reason to feel dissatisfied in my brief tenure in this particular office with the way in which that prosecutorial discretion is exercised. I don't feel uncomfortable with the concept. I think it is important from time to time to lay down guidelines, that as the Attorney-General I have that responsibility and I have exercised it with respect to, for example, impaired driving, and I have exercised it, in a way, in maintaining the guidelines previously established on obscenity.

With respect to obscenity, one does get into a grey area, in which - it is one thing to exercise prosecutorial discretion and say upon a complaint being received and the material reviewed - well no, a charge will not be laid here. There's another thing, I think to feel that maybe the material does breach the law, therefore the prosecutor or from the prosecutor to the Director of Prosecutions, a communication is made to the purveyor, the vendor of the published material or in some instances by a different route, the movie distributor or exhibitor rather, and there is almost an implied threat that might be seen there. Well, we think this is pretty borderline, we'll give you a chance and remove it from the shelves or don't exhibit. That trenches too closely on censorship and I would rather that we didn't use prosecutorial discretion in that way.

We all presume to know the laws in the business of making money. The exhibition of risque films or the selling of risque material, I think they do it at their risk and if, upon a review of the material by the Crown as in the instance I gave, the Crown feels there is evidence of obscenity, charge them and let the courts decide.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I would like to move on to another matter, where I think a mistake has been made and that relates to this hockey incident. I think, Mr. Chairman, that Jimmy Mann of the Jets was quite properly charged, but I think a mistake was made when the other participant in that incident, Paul Gardner, of the Pittsburgh Penguins was not charged when . . .

HON. R. PENNER: It's bad enough I got it wrong once, I don't want you to get it wrong.

MR. G. MERCIER: . . . when the films which were, I am sure any Manitoban who watched the sporting programs saw the video tape on numerous occasions which clearly showed that Gardner struck Smale with his stick on the head and with such force that the —(Interjection)— I didn't realize that was the case, Mr. Chairman, but struck him with such force that the stick was broken.

HON. R. PENNER: I am glad he survived, Harry, you may need that vote in the next election.

MR. G. MERCIER: Well, I don't raise the matter, Mr. Chairman, frankly in any derogatory way.

HON. R. PENNER: No, I think he'd appreciate that.

MR. G. MERCIER: I think that young people can't understand and I can't understand why both of them were not charged with assault. I think it has set a bad example for young people playing hockey because they see one participant getting away with what I think almost anybody viewing the situation sees as a criminal assault.

The Attorney-General advised me in question period the other day that there was not sufficient evidence to warrant charges. Well, Mr. Chairman, if a hockey player can break his stick over the head of another hockey player, then one has to ask the question, what is criminal assault? How far do you have to go? Are young people playing hockey supposed to be left with the impression now that they can break their stick over the head of another player and they will not be charged with a criminal assault?

HON. R. PENNER: I certainly wouldn't want to leave that impression. The distinction which I made or sought to make was that, as I read the police report, the factual distinction — the law obviously would be the same in both instances, but there is always distinctions in fact — the factual distinction was that in the Gardner-Smale incident, it occurred clearly in the play of the game whereas in the Mann-Gardner incident, it did not occur in the play of the game.

Now, you might say, and I would have to accept your opinion as being a valid opinion, that you differ from me in your perception of the facts. But I do want you to realize that I took a particular view of the facts as reported to me and it was on that basis that I made the decision. Someone else, perhaps yourself or someone else sitting in my chair, might have come to a different conclusion. But as I said in the House and in the press statements to begin with, the law it seems to me is quite clear and I don't think there is a difference between us on the law and that is, that in bodily contact sports there is an element of implied consent to the laying on of force and the courts are really left with a factual question to determine when has the implied consent been exceeded?

I came to the conclusion and indeed I continue to hold that view, that in the Mann incident there was a clear breach of the implied consent with respect to the application of force. In the Gardner-Smale incident, it was not that clear.

MR. G. MERCIER: Well, Mr. Chairman, I suppose we'll have to agree to disagree because I don't believe that it is any less a criminal assault just because it occurs before the whistle blows. For a player to strike another player with his stick with sufficient force to break his stick, to me is a criminal assault. I hope, Mr. Chairman, that the Mann prosecution would be sufficient deterrent to young players, but I am uneasy about the fact that the Gardner incident was not, that he was also not prosecuted as a result of his actions because in my opinion it was just as much a criminal assault. But apparently, Mr. Chairman, we'll have to agree to disagree on that aspect of it and hope that the one charge will be sufficient to deter this type of action among, particularly, younger hockey players.

HON. R. PENNER: Just briefly, I certainly share that sentiment and I hope that it will have that effect.

MR. CHAIRMAN: The Member for Lakeside.

MR. H. ENNS: Thank you, Mr. Chairman. I was prompted to enter into the Estimates of the Attorney-General by the subject matter that was raised by my colleague, the Member for St. Norbert, about prosecutorial discretion. I would like to examine with the Attorney-General the discretion that was exercised re a business enterprise that makes payroll deductions from employees and then fails to forward those deductions, those monies, to the appropriate agency in question. Firstly, I understand from news reports emanating out of the Attorney-General's office . . .

MR. CHAIRMAN: Mr. Enns, could we ask you to move in closer because Hansard is not picking you up clear.

MR. H. ENNS: Well, it's not that earth shattering anyway.

No, the question is prompted because of today's news reports emanating from the Attorney-General's office, that the Attorney-General's office had chosen not to intervene in a particular instance that I know the Attorney-General is aware of. One of my first questions has to be that employers regularly deduct certain monies for many different purposes from employees' earned earnings. I've never been a big employer, but I know that when I deduct such things as unemployment insurance charges from employees I've had and do not forward them to the appropriate agency in due course, I'm visited by inspectors of the unemployment insurance agency and am told in no short manner that has to be rectified or else I face - well, potentially some charges.

My question really is - and I understand again from those reports that the A/G's department has had an opportunity to review the circumstances that I speak of and RCMP investigation has taken place - were there, in fact, deductions made from employees that were not passed on to the appropriate agency?

HON. R. PENNER: I hope the Member for Lakeside doesn't mind if I just stand back a bit and indicate the general approach and then the specifics. Two elements in the general approach. First of all, with respect to most but not all crimes, but most serious crimes, fraud for example, one might suggest that if there's a possible offence in situations like that, it might be in the nature of fraud charges. In charges of that kind there are two elements. There's what is called the criminal act, the actus and then there has to be proved beyond a reasonable doubt a certain state of mind, mens rea, the guilty intention, the intention to defraud. It is very often the case that what took place ought not to have taken place, that technically breaches the law in terms of the way in which money that is held in trust is allocated, but that the act lacked the necessary intention. This particular circumstance - if a charge were to be laid - is the kind of charge where the Crown would have to prove intention to defraud beyond a reasonable doubt.

The second general point I want to make is that here as in the Mann case, I was very careful, perhaps in the

Mann case not careful enough in terms of public pronouncements, not to be personally involved. I made the statement in the House once, I don't want to be super cop. We've got RCMP, we've got Special Prosecutions Division. It's their responsibility to investigate and to report to me, so that in the instance that you're talking about, not the Mann incident, but the one involving deductions not remitted, there were deductions not remitted. I'm satisfied on the basis of reports made to me, and I simply have accepted recommendations made to me; I haven't made a decision other than to accept the recommendations that the people running the shop - not the owner - caught in a problem of cash flow, were using cash that was deducted in a way in which it ought not to have been used, but with no apparent intention to defraud certainly not for personal gain, nor was it with the knowledge - and if it was with the knowledge it might then be guilty knowledge which is the same as intention - of the proprietor who, as I understand it as reported to me, was very angry when these facts were brought to his attention. It was on the basis of that investigation that the persons investigating, including one of our senior Crown Attorneys, came to the conclusion that no charge ought to be laid.

Indeed, I may say, and I think that's the way it ought to take place, the first that I knew about that decision was as I read it in the paper. I wouldn't want someone to come to me and say well, there may be a case against Mr. Big, whoever Mr. Big might be and however Mr. Big might be big, because of wealth or status or political connections, what do you think we should do? I never want to be in that position if I can avoid it, it's a dangerous position to be in because sooner or later the judgement is going to be, I think, biased by being in that position.

As I said earlier, we really do have a very good prosecutorial section in the Crown Attorneys we have and I'm content to let them investigate with the assistance of the police, the RCMP if necessary, the City Police where that's warranted, and make a decision. It was the same, incidentally, with respect to that charge which was announced in the House today.

MR. H. ENNS: Well, Mr. Chairman, I find myself wishing to agree with the Attorney-General's general statement, that the issue was not one of any intent to defraud. You know, having some first-hand and personal knowledge of the situation, and having some appreciation of the difficulties that farm machinery companies and other companies have had, I don't quarrel with the Attorney-General's interpretation of an acceptance of the department's recommendations in this regard. But the regrettable factor is that a long-standing employee who has contributed over a long number of years, I understand it's some 22 years, to a program of insurance in this instance and for whatever reasons - difficulties of the firm, not difficulties to do wrong by the firm - but nonetheless the death of that particular employee now placing a widow in a position of not being able to lay what I think most of us would assume to be a very reasonable claim to that benefit.

I would ask the Attorney-General if, for instance, the employer's contribution to the Workers Compensation Board had not been made and that employee

got injured on the job, would the interpretation of the department be the same, particularly on the part of this Attorney-General and the government that he represents? Let's say the employee had suffered a serious injury, perhaps a disability for the rest of his life, would there not have been even some compassionate grounds on the part of this Attorney-General and this government to make sure that the letter of the law was carried out?

And by the way that's a question that the Attorney-General did not answer in my first question. I'm not a lawyer, I'm not fully conversant with all the labour laws that are in existence in the province, but again I ask that question, I assume that there is a law covering, you know, whether you intend to prosecute or not, but that commands or calls for the transmittal of these payments once these payroll deductions are made. I would think that an employer could not make, for instance, union deductions and then withhold them at his will. This must be covered in the Manitoba statute, the labour law, or some appropriate law that has jurisdiction in this instance.

MR. R. PENNER: Basically all of the examples which you use really amount to the same thing, namely, the possibility of fraud. If a lawyer, for example, has money which does not legally belong to that lawyer intentionally uses that money for private gain, even though it might be said that the lawyer was in desperate circumstances, if the intention was there, the knowledge, the guilty knowledge, the lawyer will be - and properly so - charged with fraud and in most instances of which I'm aware, convicted. One recent case there was a finding of not guilty in very unique circumstances.

If a person deducts at source for any reason, whether it's for workers compensation or for income tax or for pension and knowingly, intentionally arrogates that unto himself, or herself - or itself if it's a corporation that can be charged in certain circumstances - if the intention is there then all elements of fraud are there, and a charge ought to be laid and the court should decide whether they're satisfied on the basis of admissible evidence of the guilt of the accused beyond a reasonable doubt.

If I just can conclude this answer; one, I think, has to judge all of these cases in a sense, difficult as it is and I appreciate that, by the act and the state of mind rather than by the result. Now, you often use this example: take two instances in which a driver approaches a stop sign. Driver A approaches a stop sign sober, steadfast, and demure, like the nun in Browning's poem, and is momentarily distracted, goes through the stop sign, hits and kills a pedestrian. And we say "My God, that person has killed a pedestrian," and they all cry havoc and let loose the dogs of war. What has that person done criminally? Well let's, by way of comparison, take driver B. Driver B drunk as a skunk, tearing at 80 miles an hour, doesn't give a damn, rips through the stop sign, kills the cousin of the same person. The big difference between the two, and I think that in any civilized society we would recognize that difference, is that Driver B has a wanton and reckless criminal state of mind and we should cry havoc and let loose the dogs of war on Driver B.

There have been instances, not many years ago, in

which a policewoman was charged at a stop sign incident in which, in fact, there was no drinking, no nothing, just what would normally be charged as careless driving. The thing that distinguished it from other careless driving where you or I might be caught going through a stop sign is that unfortunately for the victim and all concerned, a person was killed. That police officer was charged under The Highway Traffic Act with careless driving, maximum fine \$50.00. But difficult as that is to grasp because one looks at the consequences, in legal terms it was right.

MR. CHAIRMAN: The Member for Lakeside.

MR. H. ENNS: Mr. Chairman, with all deference to the Attorney-General, I suggest that the big difference is that Driver A or Driver B did not pay over to a third party responsible under law for some 22 years, a premium for a particular benefit or a coverage and that's what we are talking about. I am disturbed that we have a government predisposed favourably to the working man's rights in this country that sees a widow dispossessed of her legitimate claim of an insurance claim and that disturbs me. I will leave it at that, Mr. Chairman, I have no intention to pursue the matter further.

But there is one Tina Brown whose husband worked for some 22 years in a business firm who had weekly or monthly deducted from his earnings, a premium that, no doubt, was part of a negotiating package of a wage agreement, part of his conditions of work, that suggested he had certain protection, certain benefits accruing to him if he in fact made these contributions. He made those contributions in good faith. In fact, they were deducted from his payroll cheque weekly or monthly. I don't impugn any fraudulent intent, but the fact of the matter is from the employee's point of view, those payments were made in good faith.

I suppose had the company decided at some point, even during the point in time when financial difficulties were looming on their horizon, said, hey, we can't afford this fringe benefit any more. That portion of the money could have been left with the employee's earnings and he could have bought himself a private insurance scheme with that, I suppose, or made a contribution to that.

My concern here really is the department's attitude in this regard and finally, whether or not the Attorney-General can at this point in time, give me any advice with respect to this particular situation and the widow involved.

HON. R. PENNER: I share those sentiments and I'm very sympathetic to the point of view that the member is raising. It points up a weakness in the law, not I think in the criminal law but in the law with respect to the way in which we supervise firms, supervise collections of this kind, provide for insuring in a bonding kind of way, whether it's money that is paid to a travel agent or money that is deducted at source for pension benefits. Certainly, I think that is something we are going to have to look at very very seriously when we look at our pension legislation.

Whether or not anything can be done in the instant case, I don't know. All I can say is that I haven't had a chance to read the full report, but I want to assure the member that if there is anything that can be done, that

will be suggested.

MR. H. ENNS: Mr. Chairman, can the Minister indicate whether or not, in his or his department's review of the situation, how many months or at what particular time the company failed to forward the collected monies to the insurance company involved? Was it one month, or several months, or did the review that the RCMP undertook in this case not reveal that this was perhaps — of what duration? Was the company making these payroll deductions for four or five months, six months, and not forwarding them on to the appropriate agency?

HON. R. PENNER: I am afraid that I don't have the information that the member asks for to hand. My impression is - but I will do more than rely on impression, I will try to have that information for tomorrow - that it's more than a month. It is more like, I think, a period of four months. My impression is that it was from September to December. Whether I'm right on that, don't ask me to bet - I bet only in the privacy of my own home where it's legal. But I will find out.

MR. H. ENNS: Mr. Chairman, I thank the Honourable Minister for his answers. I will leave him with this comment. I am not particularly impressed with his concern or his government's concern about the ordinary working man or, indeed, the widows of working men that happen to die while on the job, having complied with all the rules as they understood them, having made their contributions through various plans and his concern and his diligence in using prosecutorial discretion in this instance.

HON. R. PENNER: I can only say that I regret to have failed to impress the Member for Lakeside; I tried so hard. But I would point out that even if there had been a recommendation for a criminal prosecution, that would not restore the widow to her benefits; that had the previous government taken whatever opportunities it might have had to strengthen pension legislation, it might not have happened. So we perhaps both have a cross to bear.

MR. H. ENNS: Mr. Chairman, I was prepared to let it lie, but then you see, I never ran in an election where I guaranteed the people of Manitoba that there would be no companies going bankrupt, into receivership and none of this would have happened. He did, you see, and that of course is the difference.

HON. R. PENNER: I think that we are both content to let it lie.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: I will defer to the Honourable Member for St. Norbert.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, perhaps the Attorney-General would care to have Legislative Counsel review this matter. I don't profess to be an expert on insurance law, but it seems to me that there

is a situation where, upon cancellation of a group insurance policy or at least when a member leaves a group insurance plan, that there is the right of that person to convert the insurance coverage under the group insurance policy, into an individual policy.

Perhaps he should look at it from the insurance law aspect. I'm not sure whether there is any right there under existing legislation, perhaps, it's doubtful. But perhaps there should be an obligation upon the insurance company where there is a group life insurance policy with an employer, not to be allowed to cancel the policy without first notifying the insured under the group policy so that they have the opportunity at least, to convert if they wish, the group life insurance policy into an individual policy. When we have an incident like this where the individual insured was of an advanced age, we know the possibilities and difficulties that people have of obtaining life insurance coverage later on in life.

So it would seem to me that that's the sort of change in the law that perhaps should be looked at to require the life insurance company in those situations to give notice to the insured so that they have the right to convert their group life coverage to an individual policy of coverage. I wonder if the Minister would undertake to have it reviewed by Legislative Counsel from that particular aspect, at least if not to provide some assistance in this case, at least to ensure that it doesn't happen again, particularly when we see the number of bankruptcies, etc., and the difficulties that many employers are having at this particular stage. Hopefully, it is not happening in other instances out there at the present time where employers that don't have the cash flow to make those particular payments and group life policies are lapsing.

HON. R. PENNER: I thank the member for that suggestion. I will certainly have Legislative Counsel take a look at that possibility.

MR. CHAIRMAN: The Member for Springfield.

MR. A. ANSTETT: Mr. Chairman, I too, share the concern that's been expressed on this question. I, not being familiar with all the details on the matter, wanted to raise both the matters raised by the Member for St. Norbert with regard to the law and examine that. But also, because of the really exceptional circumstances in this case, I'm wondering if there is any leverage either through the Superintendent of Insurance or the government itself in some way with the insurance company. I realize that it would be extraordinary but under the circumstances, I wouldn't feel comfortable just leaving this for the government to remedy in terms of a legislative amendment, but some way in which redress can be found for this particular widow. I have no idea what those avenues might be, but certainly the Superintendent of Insurance might be a place to start.

HON. R. PENNER: Well, I think the question can certainly be referred the Superintendent of Insurance. It's my impression, an impression arising from the one or two months in which I was the Minister responsible for the Superintendent of Insurance that's since been transferred appropriately to the Minister for Con-

sumer and Corporate Affairs, that our legislation protecting policy holders generally, is too weak.

I thank the member for raising the point as I do the Member for St. Norbert. There is weakness in our legislation. I have the impression, but I couldn't name the companies, that there were some occurrences in the last two years in which the companies came in to sell some supplementary automobile insurance at bargain basement rates but in fact, at rates which couldn't sustain the operation and they didn't go into bankruptcy, they simply closed up shop and went away leaving some policy holders holding the bag — (Interjection) — No. No. Autopac does fine, thank you.

MR. CHAIRMAN: 2.(b)(1) Salaries — the Member for Virden.

MR. H. GRAHAM: Mr. Chairman, through you to the Minister. I want to go back to the original question that was raised. I think the question that was raised was where a party, through an agreement, had been authorized to collect funds from employees on their behalf and then submit them to the third party that was carrying the insurance, or the third party that was the recipient of those funds.

I want to ask the Attorney-General a very simple question and it probably deals from some of my own experience. If I, in my own business, hire a professional person to look after my affairs and to deduct funds or to work out my income tax in such a way that at the end of the year I am told by that professional to pay X number of dollars to the Federal Treasury or, indeed, I may be told that I do not have to pay any, and the Federal Treasury in their collective wisdom, decides that it is probably not a correct manner in doing business, is the Attorney-General telling me that I will not be prosecuted because of accepting the professional advice of employees that I have paid good money to and that I am immune from prosecution because of their collective wisdom or actions?

HON. R. PENNER: No, I'm not telling you that at all. There are in the criminal law, crimes that are called absolute liability — and I'll give an example in a moment — crimes of strict liability and crimes requiring the proof of mens rea, a guilty mind. Many regulatory offenses, and any legislative body within its jurisdiction can create such offenses, are crimes of absolute liability. A simple example is overparking. It doesn't matter what led to the fact of overparking. You can say that I had every intention of being there within the hour but a rabid dog bit me and I had to be rushed to General Hospital to get my first rabies shot, it doesn't matter. Overparking is overparking with the exception of some rare defenses called overpowering physical force that don't enter into the picture.

Most regulatory offenses, and the requirement to remit income tax deduction is one such regulatory offense, are what are called crimes of strict liability — I'm not charging anything for this, not a penny — are called crimes of strict liability and that is, the Crown has to prove the fact but doesn't have to prove a guilty state of mind. Fraud, one of the more serious criminal charges, requires proof of both the fact and the guilty state of mind. That's the difference and I hope that

explains it.

MR. H. GRAHAM: Well, Mr. Chairman, in my own particular case it was not my intention to attempt to defraud government. In fact, the reverse was true. I was hiring professional advice to tell me exactly how much money I owed them. If they told me I owed them nothing, am I to ignore that professional advice that they gave me, that I paid good money for?

HON. R. PENNER: You see, there's a principle in criminal law unlike that of civil law, that is, that the principle of what is called vicarious liabilities does not pertain. Vicarious liability means that in certain instances, rare instances in criminal law, an employer is liable for the actions of an employee. That is generally true in civil actions. If I am an employer, and an employee in the course of carrying out his or her duties runs over someone, I can be sued, civilly. But if there were, in fact, to be a criminal charge arising out of the action of the driver in the same circumstances, only the driver could be charged criminally, I could not. So the principle of what is called vicarious liability does not apply in criminal law except in those instances of what are called strict liability, where it is possible, particularly in licensing offenses for the employer or licence holder to be charged for the failure of the employee. A classic example is the holder of a liquor license. It doesn't matter that he didn't know that the bartender was serving underage, or too much, or too little, the holder of the license will still be charged because it's that particular kind of crime.

MR. H. GRAHAM: Well, Mr. Chairman, to carry it a little further — and I realize I shouldn't be asking the Attorney-General for a legal opinion — but if I were charged in the particular case I refer to, if I was charged with attempted fraud, there may be a good case to be made to go to court where I could prove I had no intention of defrauding. But if I was charged with withholding payment, I wouldn't have a leg to stand on. Is this a case of where probably the wrong charge has been investigated?

HON. R. PENNER: To the best of my knowledge and belief, had the deductions not remitted been income tax, the employer could have been charged without question. But where the deductions in this case were not deductions of that kind but the pension deductions, there is the weakness in the law. That is, there is no statutory duty in our pension legislation on the employer to be responsible, qua employer, whether it's a corporation or a proprietorship to remit, therefore the only available charge would have been a criminal charge of fraud and the evidence wasn't there.

MR. CHAIRMAN: 2.(b)(1) Salaries—pass; 2.(b)(2) Other Expenditures—pass.
The Member for St. Norbert.

MR. G. MERCIER: Could the Minister explain the increase in Other Expenditures?

HON. R. PENNER: Yes, the increase in Other Expenditures in 2.(b)(2) is made up as follows: The principal ones are, there are a number of small ones, but I will

give the three largest ones that accounted for the increase in Other Expenditures, from \$802,000 to \$1.7 million.

There was an increase finally given to court reporters and negotiated for a fee increase, and the amount of the increase there was 33.3. There was an increase in witness expenses of 107.2 with respect to that; Winnipeg Police in reviewing their procedure of billing found that approximately 75 percent of police officers attending court while on duty were not reporting their attendance and here is a case where better systems caught up with us. Once corrected, it has resulted in an increased cost to the province of anywhere between \$4,000 and \$6,500 a month more than what is anticipated in '81-82.

Witness fees, there was also an increase in volume, an increase in cost of meals totalling about \$42,000.00. There is increased travel costs of 15.8; a general increase in price is 16.4; and this way, in a sense, you almost get nickle-and-dimed to death.

MR. CHAIRMAN: 2.(b)(2) — the Member for Springfield.

MR. A. ANSTETT: I am somewhat hesitant to raise this, Mr. Chairman, but I heard . . .

HON. R. PENNER: You should have obeyed your first instincts.

MR. A. ANSTETT: I realize that. But I heard a figure, as did the Member for Virden who commented at this end of the table as well, that 33.3 percent sounds like a very substantial raise for Court Reporters.

HON. H. PENNER: No, no, 33,300, total cost.

MR. A. ANSTETT: Thank you, Mr. Chairman.

MR. CHAIRMAN: 2.(b)(2)—pass. Resolution No. 19.
RESOLVED that there be granted to Her Majesty a sum not exceeding \$4,358,100 for the Attorney-General for Legal Services for the fiscal year ending the 31st day of March, 1983—pass.

No. 3. Boards and Commissions. 3.(a) Manitoba Law Reform Commission: 3.(a)(1) Salaries—pass.
The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General can indicate whether he has, since assuming office, referred any matters to the Law Reform Commission for a report?

HON. R. PENNER: No, I haven't referred any new matters for report. The Law Reform Commission has a very full plate, and there are three things that they are doing. The study on fusion being one; the study on administrative law and administrative law remedies is another that, in my view have pretty high priority, and in reviewing approximately 12 active items that the Law Reform Commission has presently under study, it is quite clear that we are understaffed.

In fact, the Law Reform Commission had asked for an additional SMY in the original asking Budget, and in an excess of zeal cut them back to half. I may say quite frankly, with some regret now because the work

is really demanding, I haven't referred any new project. What I have done in discussing the list with the Chairperson of the Law Reform Commission, Mr. Edwards, is suggested to him that in my view the fusion project, the administrative law project and The Dower Act project were three that had some priority.

MR. G. MERCIER: Well, Mr. Chairman, I have said it before and I will say it again, I think the Province of Manitoba is fortunate to have the former Dean of the Law School, Mr. Edwards, take the Chairmanship of the Manitoba Law Reform Commission. I wonder if the Attorney-General has any concerns about the structure of the Commission or is contemplating any changes in the structure of the Commission, the members, other than the Chairman being part-time.

HON. R. PENNER: I want to be careful in giving this answer, simply to indicate I haven't come to any conclusion, nor do I have any preconceived notion. There may be an argument given the limited budget and limited resources, there may be an argument that seven, which is the size of the Commission, may be too large; that a good working commission could be five; and the money that might be saved — I think we pay each part-time commissioner \$7,500 a year — would almost pay for another half-time Research Officer. So it is those kinds of considerations, but change in structure, or responsibility, or statutory framework, no.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: Dealing with the activities of the Law Reform Commission, could the Attorney-General indicate what percentage of the work performed by the Law Reform Commission is referred by the Attorney-General, and what percentage is self-generated?

HON. R. PENNER: No, I am afraid I couldn't do that because, as I just answered, I haven't yet referred anything myself to the Law Reform Commission, so that what it has now under review and study is matters which originated either with the former Attorney-General or with the Commission. My understanding is that it is some of each, but what the proportions are I don't know. It may be that the Member for St. Norbert would have a better idea than I have because, as I say, I haven't sent anything forward for reference.

MR. CHAIRMAN: It's 3.(a)(1) Salaries—pass; 3.(a)(2) Other Expenditures—pass; 3.(b) Manitoba Human Rights Commission: 3.(b)(1) Salaries.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I don't object to a new government naming and replacing boards and commissions. I think that is their privilege if they wish to exercise it. I think some of the criticism we received in government for replacement of boards and commissions was uncalled for. But with respect to the Human Rights Commission, I do want to issue a concern to the Attorney-General. In reviewing the list of appointees to the Commission, without criticizing any individual member, there does seem to me to be a lack

of anyone who has any identification with any employer group. The work of the Human Rights Commission, as the Attorney-General will probably be aware, has a great impact on employers particularly. It seems to me the Human Rights Commission for some time was considering benefits plans and things of that nature and there is certainly a need, when considering matters like that, to fully consult employer groups. I wonder if the Attorney-General has any comment to make on that particular aspect of the responsibility of the Human Rights Commission.

HON. R. PENNER: It's my recollection that when the former Human Rights Commission, that is, the Human Rights Commission as formerly constituted, was considering - I believe it's Section 7 of the Act dealing with the question of pension plans and the extent to which it would be legal, that is not an infringement of The Human Rights Act for a pension plan to make certain actuarial differentiations based on assumptions about life expectancy of females over males and things of that kind - that the Human Rights Commission as formerly constituted received a lot of briefs from experts and from employer groups. I think that's the way really these Commissions should function, that when they come to a particular area, if they are not sufficiently represented within its own composition, because it is difficult to really represent every constituency in a relatively small board or commission, that it ought to consult. It holds hearings; it welcomes briefs; it receives submissions and the present Commission or the Commission since it has been reconstituted, has not yet gone into the question of - it's Section 7 isn't it, of the Act - Section 7.2 is the section which indeed deals with the question of the content of employee benefit plans and so on. If you will just bear with me. It is coming up for review but it hasn't been looked at by the Commission yet.

MR. G. MERCIER: Well, Mr. Chairman, as I say, I believe it is the government's right to replace members on boards and commissions if they so want to and the government will have to be responsible for their actions. I believe there is an area here that is somewhat lacking, at least as it pertains to representation on the Commission.

The Attorney-General has indicated in question period that Mr. Rothstein's report on Mandatory Retirement will not be dealt with at this Session of the Legislature; that it is apparently being considered by a subcommittee of the Government's Caucus and Cabinet. I wonder if the Attorney-General has anything to add to that information he supplied to the House during question period.

HON. R. PENNER: No, I haven't, other than the intention is to utilize such time as may be available between Sessions to do a thorough study of the Rothstein report. It seems like a very well researched document. Mr. Rothstein, I think, took expert counsel on questions relating to mandatory retirement. We would want to look at his recommendations from a number of perspectives and I think it would be a mistake to rush into legislation one way or another in an area as sensitive, as complex, as the question of retirement is and its relationship to pension benefits.

I think we are likely moving to a time when, for a whole number of reasons, the changes in demography, the age spectrum in our society, changes in work expectations and habits, where flexible retirement and flexible retirement plans are really going to be the order of the day, half-time retirements at 55 with full actuarial benefits available on the basis of certain payins and payouts and things of that kind. I think that we would not want, nor would the Member for St. Norbert want us, or any government he might be associated with, to short-change anyone on pension benefits and retirement, the two being closely related.

MR. G. MERCIER: Mr. Chairman, is the Attorney-General working towards an objective of bringing forward legislation at the next Session of the Legislature, or does he not wish to commit himself at this stage?

HON. R. PENNER: I think I can commit myself to this extent, that it's not solely, of course, within my jurisdiction or my decision, but it would be my hope that there is pension legislation that can be brought forward before the end of the next Session.

MR. CHAIRMAN: 3.(b)(1) Salaries—pass — the Member for Virden.

MR. H. GRAHAM: Thank you, Mr. Chairman. I would like to ask the Attorney-General the same question I asked him about the Law Reform Commission. What percentage of the activities of the Human Rights Commission are matters referred by the Attorney-General, and what percentage is self-generated?

HON. R. PENNER: I would think that it is about 95 to 5, that is, about 95 percent of the activities of the Human Rights Commission are self-generated in the sense that it is a result of people coming in and complaints. I have referred two, three matters that have come to me by way of correspondence, or by way of particular points. One was the allegation about racial discrimination between students in the schools. A couple of references that have come in from other Ministers or MLAs, complaints raised by constituents. So that figure, based on my own experience, is right.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: No, that's all.

MR. CHAIRMAN: 3.(b)(1) Salaries—pass.
The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General asked the Human Rights Commission to develop a plan of preventive action, etc., to promote improved race relations, has the Human Rights Commission come forward with that plan?

HON. R. PENNER: Yes, a preliminary report, in fact, will be available by the end of this week from the Human Rights Commission and it's a plan, a projected plan for various kinds of educational initiatives to take place within and related to the school system.

MR. CHAIRMAN: 3.(b)(1) Salaries—pass: 3.(b)(2) Other Expenditures—pass.

3.(c) Canada-Manitoba Criminal Injuries Compensation Board, Recoverable from Canada.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, when the Annual Report for the board came out there was a newspaper report to the effect that many victims of crime are not applying for cash benefits from the Criminal Injuries Compensation Board because they have never heard of the agency, according to Board Assistant Registrar Ab Petersen. Mr. Chairman, I believe that this is good program. I attempted to encourage victim assistance programs and crime prevention programs and I think there has been a bit of a swing in that particular direction to apply more of the resources that are spent in the criminal justice system on assisting the victims of crime and helping witnesses, etc., and in crime prevention. It seems to me, Mr. Chairman, in view of this type of statement, that there should be some consideration given in a simple form, without an elaborate employee structure, to ensure that victims of crime are aware of the possible benefits that they can receive from the Criminal Injuries Compensation Board. If the Minister has not had occasion to examine that aspect of the operation of the Board, I wonder if he would care to agree to ask the Board to review that problem that apparently exists, that many victims of crime are not aware of the benefits that are available? I think that is a particular situation that the Minister and the Members of this Legislature would like to see occur, to see people, who are the unfortunate victims of crime, available of the possible benefits that they can receive.

HON. R. PENNER: The Member has touched on a very good point and, again, there is a general aspect and a specific aspect. The general aspect is the problem of communicating information about programs to those who need them most, and it's generally the case that persons who need and can benefit by shelter programs, and CRISP and SAFER and victim assistance type programs, are the ones who are not reached effectively by the printed word. There are a large number of people in society, some of them are recent immigrants, some of them are not that familiar with the use of the printed word, to try and advertise, if one were to use advertisement, on the media is too expensive. That's why I indicated earlier this year that one of the things that I'm looking at is a system similar to what is called the Citizens Advice Bureaus in England, manned essentially by volunteers with not expensive operations, where you have sort of storefront operations, where people in a community, in a neighbourhood, might drop in for advice about their rights, duties, privileges and their eligibility for programs. That's just a general comment.

Specifically, it's our hope that the Victim Assistance Project to which I referred earlier, will play some role when it comes to counselling victims, as it is doing, of making sure that they know about their eligibility under the Compensation Program, the Crime Compensation Program. The Victim Assistance Project is something that we're keeping under very close scrutiny and evaluation, hope to be able to extend it for that

reason, among others.

There is a brochure about the program and it's the kind of brochure that you might see in a law office or in a Legal Aid office, but that's not really reaching the public. If you were to try general mailings it would be a shotgun approach, the results of which would not be warranted by the expense. There is a problem there, I appreciate, and it's my hope that we can do something about it along the lines indicated. Primarily, I think the first results will be achieved through the Victim Assistance Project.

MR. G. MERCIER: Mr. Chairman, just one other aspect under this item. My understanding of the compensation to victims is that they rule out any sort of general damages for victims of rape or attempted rape. There is no damage for the trauma caused by such an occurrence, really the life-long mental or psychiatric damage that is caused in many instances. I believe there may be a few jurisdictions who provide in their legislation, for a lump sum form of compensation for those types of crimes. I wonder if the Attorney-General is giving any consideration to introducing that type of compensation for those incidents.

HON. R. PENNER: The only exclusion with which I'm familiar is damage that is not of a bodily injury type; property damage is not covered by the program but anything else is and, I believe, in fact I'm certain, that there has been instances of compensation to victims of rape where there has been bodily injury suffered; I'm sure that is right. Now, it may be that the Member for St. Norbert is raising the question of whether there is compensation for psychological trauma?

MR. G. MERCIER: That's right, that's more the aspect that I'm referring to, Mr. Chairman.

HON. R. PENNER: I understand that it's the psychological trauma aspect that the member is inquiring about and I'll try to get more information as to what is encompassed within the award which is given to rape victims; whether, in fact, some allowance is given for psychological trauma and I'll come back with the answer on that tomorrow.

MR. CHAIRMAN: 3.(c)—pass. 3.(d) Manitoba Police Commission, 3.(d)(1) Salaries.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, it was announced at the beginning of February that the Crime Advisory Group had scheduled a meeting and were embarking upon consideration of possible crime prevention programs and then, on May 14th, they indicated in another release that a crime prevention program entitled "Project Prevention" - this is sponsored by the Manitoba Society of Criminology - "received strong endorsement from the Manitoba Government." I wonder if the Attorney-General could explain the connection between the two groups and are they working together?

HON. R. PENNER: Yes, the first body, the Advisory Committee to the Minister, was appointed by the former Minister and has been retained by me intact.

The only development there has been the appointment of Judge Dubiensi as the person to chair that group. It has been meeting, I understand, quite successfully and it will continue to advise.

The other group, the one sponsored by the Manitoba Institute of Criminology, in a sense was sprung upon me full blown like - who was it, Zeus from the thigh of Dionysius or somebody like that? In any event, it was purely - entirely is the word I'm looking for - the creature of the Manitoba Institute of Criminology and it was a carryover from the very successful National Conference on Crime Prevention which took place here a year ago - no, it was last summer, not quite a year ago. Members of the Institute, who were particularly enthused by the Conference and what they had learned, wanted to carry on that work and launch Project Prevention. As soon as I became aware of Project Prevention - in fact I was called upon by Dr. Bach and John Campbell of the Winnipeg Police who notified me of their plans, I thought they were very good - I discussed with the Manitoba Institute group the question of the relationship it saw between itself and the Attorney-General's advisory group and they very much welcomed any assistance that they could obtain from the advisory group. In fact, at the press conference which was called to launch Project Prevention, Judge Dubiensi attended to represent the A/G's Advisory group. I expect them to work closely in development of crime prevention programs.

I should add that in the interim I have been in touch with the office of the Solicitor-General in Ottawa because the Solicitor-General is particularly keenly interested in crime prevention and real prevention programs, utilizing community based groups and, in fact, has some funds that may be available for pilot projects, imaginative, innovative projects. I expect to be meeting within the next 10 days, as a result of that phone call, with officials from the Solicitor-General's department and I hope that all of this work will coalesce into a strong movement involving the various elements in the community.

The City of Winnipeg Police has its own Crime Prevention Unit headed by Cal Hughes and what I am going to attempt to do within the next couple of weeks is bring all of the interested parties together and say, look, let's make sure there is no overlap. The Riverborne Group in Fort Rouge has been in contact with the Solicitor-General looking to the opening of an office to disseminate information on crime prevention. All of these initiatives are to be encouraged, but we would try to encourage some united efforts on the parts of these various groups.

MR. CHAIRMAN: 3.(d)(1)—pass; 3.(d)(2) Other Expenditures—pass; 3.(e) Board of Review: 3.(e)(1) Salaries—pass; 3.(e)(2) Other Expenditures—pass.

Resolution No. 20, RESOLVED that there be granted to Her Majesty a sum not exceeding \$1,875,100 for the Attorney-General for Boards and Commissions for the fiscal year ending the 31st day of March, 1983.

No. 4. Land Titles Offices 4.(a) Salaries — the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General indicated there was an additional staff man year. Could he indicate what the function is of

that person?

HON. R. PENNER: That is on the microfilm program.

MR. G. MERCIER: Mr. Chairman, could the Minister indicate what the actual revenue was for the last fiscal year from the Land Titles Office?

HON. R. PENNER: Yes, 6.1 million.

MR. G. MERCIER: For the last year?

HON. R. PENNER: No, that's, I'm sorry, the total revenue for 1981 — if you'll just bear with me. The revenue for the year ending March 31st, 1982, for the Land Titles Offices throughout the province, was 6 million; the estimate for the year ending March 31st, 1983, is 6.1 million.

MR. G. MERCIER: Did you say what the actual was? My question was, what was the actual revenue for the last fiscal year.

HON. R. PENNER: As compared to the estimated? The final figures are not quite in, but the projection we are running now against a 6 million estimate is 5,645,000, very close to the estimated amount, down slightly from estimated amount, but that's still a projection. I don't believe at this stage of the game, May 25th, that the final figures are in.

MR. G. MERCIER: Mr. Chairman, just one further question, the Attorney-General referred earlier to computerization. Can he indicate what the status is of the computerization of the Land Titles Office records?

HON. R. PENNER: As I indicated, there is an extensive plan for computerizing and for microfilming, just separating those two. Were you asking about microfilming?

MR. G. MERCIER: No, computerization.

HON. R. PENNER: The first phase of that will deal with the General Register. The General Register as you know is the Register that contains all registrations of judgments and liens and things of that kind. The difficulty with that, as done manually, is that it is very slow, very inaccurate. Lapses are not dealt with, you get a manual read out which contains every variation of a given person's name, somebody who's a would-be registrant of a document. If it has to go through the general register system it will be rejected, as things now are, in any one of a variety of circumstances. Then the person has to rush down to his or her lawyer's office and sign in an affidavit that they're not the particular John Smith that got themselves involved with Beneficial Finance 10 years ago. This is costly to the person seeking to have a document registered, a conveyance, costly to the system. So that's why the first stage of computerization was aimed at the General Registry.

MR. G. MERCIER: It is not the intention of the Attorney-General to do away with the General Registry, is it?

HON. R. PENNER: No, not at all.

MR. CHAIRMAN: 4.(a) Salaries. I'm sorry, the Member for Lakeside.

MR. H. ENNS: Mr. Chairman, I would like to solicit the Attorney-General's support in a program that's vital function within his department is somewhat overshadowed, not just these days, but in the past decade or so, I suppose. That is to give some support, some added resources to the restoration of monuments, surveys, generally throughout the Province of Manitoba.

Mr. Chairman, I speak particularly as a rural member where surveying costs fluctuate wildly. There are, indeed, incidents on record where the costs of surveying a subdivision, or just to get the necessary surveying done, exceed the cost of the property in question. Mr. Chairman, it's not something that I lay at this Minister's doorstep. It's something though, that I can report to him and tell him that I had been working with the previous Attorney-General, and it is a combination of responsibility shared with his colleague, the Minister of Natural Resources, but essentially the responsibility of the Land Titles Office falls in the Attorney-General's department. But I want to indicate to him how serious the neglect is. Those survey costs are rapidly reaching a point where, partly because of neglect over the years, partly because of the kind of farming practices now in vogue, large equipment has destroyed some of the markers, some of the monuments.

To cite some examples, surveyors will quote such wide-ranging figures when asked to come out to survey a simple five-acre building site lot in rural Manitoba that can fluctuate from \$600-\$700 to \$6,000, depending on how far they have to go back to find the nearest monument or nearest marker. You know, I think there is an additional reason perhaps why, particularly at this time is an appropriate time for governments to take a harder look at it. The surveyors of Manitoba have petitioned governments, my government when it was my privilege and possibly yourself as well, in assuming office, about the lack of work in the province, not as much developmental work taking place here and the actual fact of losing surveyors to other jurisdictions that it would be a timely move on the part of government to considerably step up their work in this regard. It's been indicated to me at least that, while it's not something that can be corrected overnight and nobody is suggesting that, but a somewhat stepped-up program spaced over the next 10 years, that the government would undertake, would help bring this situation back into some semblance of order.

The cost involved should not be overlooked and people are, and have, and are continuing to migrate out of the city and, by the way, as a rural member I welcome that. We have decried loss of population in rural Manitoba, for these many years, and I welcome the infusion of new people into the smaller communities throughout rural Manitoba but they are faced very often with totally unexpected costs in getting title to their land. As part of getting the title to the land it often involves a survey, often involves subdivision where subdivision is possible under the various planning

schemes that are in effect throughout the province.

It seems to me this variation in cost is something that I find very difficult to explain to my constituents. If a constituent happens to be lucky and have all his markers in order he gets away with a subdivision and consequent survey costs at pretty acceptable figures, \$600, \$700, \$800 per lot. Then another constituent will undertake the same situation and can face \$5,000, \$6,000, \$7,000 survey costs per lot when the lots are selling for \$5,000 in rural Manitoba. I feel it's incumbent upon me at least to raise it to your attention, Mr. Minister. It doesn't quite have the opportunity of sharing the headlines with some of your other responsibilities but nonetheless is one of those bread-and-butter things that you, Sir, are responsible for and as I said, solicit your support in paying attention to this area.

HON. R. PENNER: Do you know that if it wasn't for my abhorrence of mosquitoes, Manitoba would have had another surveyor to add to its ranks. I am very keenly sensitive of this. I was trained as a surveyor in the army; I came back thinking, what a wonderful career. Then I was seduced by the glitter of English literature and philosophy, never to look at a transit again, or a theodolite for that matter.

Let me just go back a step. The point raised by the member is an excellent one. The survey fabric in the Province of Manitoba, if I can call it that, is in a deplorable state and it does have to be restored, and it's only by its restoration that there can be some uniformity in survey costs, and some cutback in the amount being charged. I appreciate that it would be difficult to explain variance in costs. You know, they're much luckier in a way - not theologically but for survey reasons - in Europe where they have so many more church spires, and the church spires are the points of reference in European survey systems. We haven't got enough church spires but it's more expensive to build churches than to restore the survey fabric, so we're leaving the churches and we're going to the — (Interjection) — only those that have got rabbis and nuns in the same building.

The allocation last year to the Special Survey Program was \$150,000; we've increased that by \$50,000 this year to \$200,000.00. I would hope that we're in a position to put in a like increase next year. In fact, within the last week I've signed 28 contracts with surveyors to continue the Rural Survey Program.

MR. H. ENNS: Mr. Chairman, I welcome that information from the Minister. Without being presumptuous, may I offer him just one further little bit of advice? As a former Minister of Natural Resources I would hope that he not succumb, in around the Cabinet table, that all the surveying has to be done by in-house staff within the Department of Natural Resources. There are a lot of good surveyors and an active Manitoba Surveyors' Association in Manitoba that is looking for this work. It is the kind of work that, in my judgment, can ideally be contracted for by government as it's required, not necessarily have to be added to permanent in-house staff, and I encourage the Minister as he has already suggested by the information that he just gave me, that he is actively signing contracts for these services to be completed.

HON. R. PENNER: All with private surveyors and, in fact, I expect that the whole 200,000 will be spent in that way.

MR. CHAIRMAN: The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Chairman. On the topic of special surveys, do you have a list of requests for special surveys in different towns, villages, parts of rural Manitoba?

HON. R. PENNER: The way in which it is tracked as it comes into the examiner's surveys, I see really the end product of a system. All I really see, quite frankly, comes before me, 28 files in the instant case with 28 contracts. I look at the contracts; I look at the attached maps; everything seemingly in order, I sign the contracts on behalf of the province. But I don't receive first instance requests from rural municipalities or government districts; it doesn't work that way.

MR. D. ORCHARD: Well, I suppose the Land Titles Office would identify the needs for the special surveys, and I know very close to home there has been at least - well, I would guess in the last three years or so - at least a half-dozen in some of the villages south of Winkler, in Manitou, Carman, Stephenfield area. My only question was, is that something that as land gets more valuable people are more sensitive to the establishment of the boundaries and are there going to be increasing requests for verification of land monuments? Second question, is that always the responsibility of government to undertake a special survey where a boundary is in dispute?

HON. R. PENNER: In a sense, we are responding to demand in the first instance, and the Land Titles Office then sets priorities. The demand comes in and it looks at its records in terms of bench marks and the plans of survey of showing where the bench marks are, and what the date of the survey was, and who the surveyor was, and it goes back and looks at it and then responds to the demand plus the information to come up with a list of priority, but we are, quite frankly, just scratching the surface. If we were to attempt the re-surveying of the whole province and then simply did it on some kind of a shotgun basis we couldn't really meet the cost in any given year or come anywhere near it. We might be missing where the demand is heaviest.

MR. D. ORCHARD: No, I can appreciate that probably there is a pretty substantial demand, particularly for renewal of boundary markers that may have been established upwards of 100 years ago.

Just pick a scenario where a boundary between two quarter sections of farmland, not residential lots in this case but just farmland, is in dispute between the two landowners. Does that entail a legitimate request by government to undertake a survey to establish the monuments in that case, or is that dealt with as a civil matter between two private individuals where they have to pay for the surveying cost to establish where the monuments are?

HON. R. PENNER: More likely the latter, that where

there is a genuine dispute between adjoining landowners that can't be resolved, I suppose what would happen in that case that one of them at least would retain the services of a surveyor on a private basis, come up with a plan and introduce it, if necessary, into court. The type of demand that we are responding to is more likely the situation in which there is a need because of sales for definition of boundaries that are somewhat fuzzy because of the state of the survey and the state of the records.

MR. D. ORCHARD: Well, in the scenario that the Attorney-General painted where, let's say, one individual hired a land surveyor to establish a boundary on a half-mile line or whatever between two adjacent packages of farmland, if that matter was sent to the court and unresolved, would that then trigger, say, a formal survey funded under your Special Surveys Project?

HON. R. PENNER: Not likely, an individual court case like that would not be the thing that triggered a special survey.

MR. D. ORCHARD: Well, there is one circumstance at home which involves two private landowners - and I don't know all the details so I am not at liberty to speak with any kind of information on it - but it seems as if they have gone those kinds of routes. They have disputed where the boundary line between the two farm properties are; they have hired or retained a surveyor and that particular establishment of a boundary line has been disputed by one party. I don't believe it has been resolved in the courts, and quite frankly, those two parties are at a loss right now as to what the next step is. The one party at least, has invested several thousand, probably \$7,000 or \$8,000 in trying to establish that and it has never been resolved. That is why I am wondering, at what stage would your department, as an impartial arbitrator, be prepared or be required, say, to step in and resolve that kind of a dispute.

HON. R. PENNER: We don't do that. I think that we could get into great difficulties by stepping in and saying, all right, we'll do a survey to resolve the problem. Rightly or wrongly, we leave it up to the party to resolve. I suppose part of the difficulty I have with the example you are using, and this shows how long it is since I've really had anything to do with surveying actually, is that in a system like Manitoba's system, you know, with the grid and the sections become quarter sections or half sections, as the case may be, that if people are, in fact, owning a quarter section if they get to the north or south half of a quarter section, I can see that there might be some problem at a given point. But if you are really dealing with the section and the quarter, I don't understand why they get into disputes.

MR. D. ORCHARD: In this particular one, even the mile road is not in its proper place, and let me assure you, in the description I had of it, it is an unbelievable set of circumstances and both parties have spent an awful lot of money trying to resolve it. They are at loggerheads, because naturally neither one, as I mentioned earlier, with the price of land at a thousand plus

an acre, neither one wants to see that boundary moved by as little as 8.25 feet, because on a half mile that represents an acre. There are fairly big numbers involved, and I wondered at what point in time - some were not in hectares out in rural Manitoba quite yet. So there is no really formalized system where we could call on this area of spending in your department to resolve that, even if the mile road which is government road allowances, is apparently in the wrong place. That doesn't even trigger moving in and establishing the boundary markers.

HON. R. PENNER: Well, if we're talking about a mile road that is the responsibility of government, then in that case, yes. It must be the road that was surveyed by that drunken surveyor 14 years ago, got into the hooch in the Interlake before they got rid of it.

MR. D. ORCHARD: No, this was a drunken surveyor back about 90 years ago with the same result.

HON. R. PENNER: Surveyors haven't changed any, they're a pretty bad bunch.

MR. D. ORCHARD: Then maybe I might take the liberty at a later date of discussing this.

HON. R. PENNER: Okay, thanks.

MR. CHAIRMAN: 4.(a) Salaries—pass; 4.(b) Other Expenditures—pass.

Resolution No. 21, Be It Resolved that there be granted to Her Majesty a sum not exceeding \$3,534,800 for Attorney-General for the Land Titles Office for the fiscal year ending the 31st day of March, 1983—pass.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, just a small question. I understand that the Land Titles Office heating system was operating very poorly during the last winter. Apparently it was operating atrociously and people were having to actually wear coats in the Land Titles Office while they were working and perhaps I just raise it because a few employees mentioned it to me and perhaps the Attorney-General might wish to prod the Minister of Government Services to solve their problems over there.

HON. R. PENNER: It's our intention to supply them with coats this winter. Yes, we'll look into it.

MR. CHAIRMAN: Resolution No. 21—pass. No. 5. Law Courts (a) Courts Administration: 5.(a)(1) Salaries—pass; 5.(a)(2) Other Expenditures—pass; 5.(b) Courts of Appeal, Queen's Bench, County Courts and Surrogate Court: 5.(b)(1) Salaries—pass; 5.(b)(2) Other Expenditures—pass; 5.(c) Provincial Judges Court: 5.(c)(1) Salaries—pass; 5.(c)(2) Other Expenditures—pass; 5.(d) Court Reporters.

The Member for Virden.

MR. H. GRAHAM: Mr. Chairman, on the question of salaries for Court Reporters, could the Minister indicate what proportion of the total revenue accruing to a Court Reporter would be salary and what proportion would be commission?

HON. R. PENNER: All we set up and report are their salaries. It is true that some, perhaps all, court reporters do some freelancing and earn money on their own —(Interjection)— I said perhaps all, yes. There are a few who, I think, don't, we pay them so well; but most do and they do not report their extra income to us and we have no handle on their extra income.

MR. CHAIRMAN: 5.(d)(1) Salaries—pass; 5.(d)(2) Other Expenditures—pass; 5.(e) Sheriffs and Bailiffs: 5.(e)(1) Salaries.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General indicated there are two additional staff man years in this area. I assume two more are Sheriff's Officers and I assume that's a continuation of the procedure under the RCMP contract where the province is to assume more and more.

HON. R. PENNER: No. These two are simply in the Escort Program. One is a Sheriff's Officer 2 for the Winnipeg Escort Program and one is also a Sheriff's Officer 2 for the Winnipeg Juvenile Escort System.

MR. G. MERCIER: Well, perhaps I should know the answer to this question, but under the old RCMP contract as I understood it, there was an obligation on the part of the Provincial Government to hire more and more Sheriffs to take some of that workload off the RCMP. Is that not a continuing obligation under the new RCMP contract?

HON. R. PENNER: It's still our aim to complete that program, but we're really getting down to the short strokes on that. There was no provision made in this year's Estimates for concluding the program but it's certainly something that is an ongoing program and I expect we'll be in a position to complete it within the next year or two.

MR. CHAIRMAN: 5.(e)(1) Salaries—pass; 5.(e)(2) Other Expenditures—pass. 5.(f) Canada/Manitoba Court Communicators: 5.(f)(1) Salaries.

The Member for St. Norbert.

MR. G. MERCIER: Does the reduction in Expenditures indicate a reduction in Court Communicators?

HON. R. PENNER: Actually, no. There's an improved method of staffing - and I'll get the details in a moment - that has resulted, in effect, in a saving of \$7,500.00.

The improved method of staffing to which I referred is as follows: that instead of having a number of full-time persons, who are then sent out - you know, instead of a centralized bureaucracy and you're sending people out and a lot of the time is spent travelling, travelling costs and paying salaries while travelling - there are in the affected communities people who are employed on a part-time basis and they're there, they're Johnny or Jane on the spot, as it were, and that's the saving that has been affected in that program, but not a reduction in the program.

MR. CHAIRMAN: 5.(f)(1) Salaries—pass; 5.(f)(2) Other Expenditures—pass. 5.(g) Fatalities Inquiries

Act: 5.(g)(1) Salaries.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, it appears that the province will now have, at least effective August 1st, 1982, a Chief Medical Examiner to replace the late Dr. Parker who performed admirably in that position for the province. The Estimates only provide for \$49,200 for Salary. Could the Minister indicate the salary for the new - and perhaps that's half a year?

HON. R. PENNER: No.

MR. G. MERCIER: Could he indicate the salary for the new Chief Medical Examiner?

HON. R. PENNER: Yes. The reason why it's not indicated in Salaries, that \$49,000 does not include the cost for the Chief Medical Examiner. As I indicated earlier on when I was giving a global overview of the change in staff man years, the arrangement which we now have is an arrangement with the University of Manitoba. Dr. Markesteyn is employed by the Faculty of Medicine, University of Manitoba at \$90,000, to head the Pathology Department. The Province of Manitoba buys 80 percent of his services as Chief Medical Examiner. He is an excellently qualified person so that a full year's cost at that salary is going to cost \$72,000, which is a large hunk of money, but in looking around and looking at qualified candidates, that is in fact what we had to pay to get a person who had the status and the experience to be able to do the forensic examinations; to be able to attain the credibility in court in homicide cases; to satisfy all of the demands that the province has of a Chief Medical Examiner in cases of unexpected or untoward deaths.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could explain a phrase that is used in the Order-in-Council which I believe is unusual. In Paragraph 2 of the Order-in-Council which the Attorney-General signed indicates that, "Upon the expiration of six months from the effective date of the appointments referred to in Paragraph 1, neither shall be revoked except for cause." That seems to me to be an unusual provision in an Order-in-Council and in an appointment. I wonder if the Minister could indicate whether this was a part of the arrangement made with Dr. Marketson and whether it is, indeed, unusual.

HON. R. PENNER: You're right, it is unusual. It stems in part from the fact that the doctor is given a faculty appointment with tenure and that, of course, is the contractual provision with the University of Manitoba and does not directly affect us. But in the negotiations to obtain his services, Dr. Marketson raised with us the fact that he would have security of tenure as the head of pathology at the University of Manitoba and he wanted some similar guarantees or security with the province. In our negotiations, we said that we couldn't provide for the same security; all we could do is provide that after a testing period, six months in this case, he could not be discharged except for good cause.

In fact, this is not an unfamiliar provision generally. Within our own Civil Service, if one examines the provisions of The Civil Service Act and the collective

agreement between the MGEA and the government, after a probationary period persons cannot be dismissed except for cause. They may be laid off in cases of financial exigency or in cases of redundancy, but they cannot be dismissed except for cause.

So that, in fact, the doctor was not given in his contract any greater security in terms of his position than is given to a civil servant who passes the probationary period.

MR. G. MERCIER: Is that the only instance - this may be a more general question - where the new government has used that phraseology in Order-in-Council appointments?

HON. R. PENNER: It is the only provision of which I am aware, yes. In saying that, I am sure I'm aware of all possibilities and I don't know of any other appointment like that.

MR. G. MERCIER: Could the Minister explain the increase in Other Expenditures? It's over \$300,000.00.

HON. R. PENNER: Most of the increase is increased professional fees, that is, in addition to the Chief Medical Examiner, we have a number of medical examiners throughout the province and it's an increase in their fees which are set within the MMA structure, so that when the agreement was finally concluded with MMA - I believe it was in September was it not, you may remember, Mr. Orchard or Mr. Mercier - and the fee structure which we now have entered into included a provision which has bumped into this year's costs that raised the tariff charged by medical examiners.

MR. G. MERCIER: Mr. Chairman, just one other question on the Chief Medical Examiner. The news release indicated that he would also perform the duties of Chief Occupational Medical Officer under The Workplace Safety and Health Act. As I understand it from a discussion with the Minister, that is to be only a temporary responsibility. Is that not correct?

HON. R. PENNER: That is correct.

MR. G. MERCIER: That position has been advertised, I believe, for Workplace Safety and Health, so, hopefully, if there is to be a Chief Medical Officer in that field, the Chief Medical Examiner will not have to undertake that responsibility for any lengthy period of time.

HON. R. PENNER: Quite so, although I may say that Dr. Marketson, it was his notion; he was very anxious; he has a special interest in the area. But it is our view that the position of Chief Occupational Health Officer is one that should be a full time position. As you indicated, the position has been advertised, but by the time the competition closes and interviews take place and someone who is qualified is able to dissociate himself or herself from some other position, there may be several months that pass by and we are anxious to have someone in place who can fulfill that function in the interim.

MR. CHAIRMAN: 5.(g)(1) Salaries—pass; 5.(g)(2)

Other Expenditures—pass.

Resolution No. 22, Resolved that there be granted to Her Majesty a sum not exceeding \$13,535,200 for the Attorney-General, Law Courts, for the fiscal year ending the 31st day of March, 1983—pass.

MR. G. MERCIER: Mr. Chairman, I wonder if there is an inclination to have committee rise. I think we'll finish these Estimates on Thursday anyway.

MR. CHAIRMAN: Committee rise.

SUPPLY — EDUCATION

MR. CHAIRMAN, J. Storie: The Committee will come to order. Continuing with the Education Estimates, page 47, Item 4.(h)(1)—pass.

The Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: I don't know if the Minister wanted to make any remarks with regards to what the Member for Niakwa was referring to. —(Interjection)—No, all right.

Mr. Chairman, I spoke to the Member for Niakwa, and with all due respect to the member, feel that if the government is coming up with any funds for sign language that it should be used for the School for the Deaf, and that certainly the Members of the Legislature can afford to take their own time and their spend their own money to learn sign language. While I recognize and feel it probably would be a good idea for people that are deaf and use sign language to be able to use that form when they come and are speaking to Members of the Government, I do realize that is probably good and something that is needed, and possibly something that is being done, but as far as funding members, no.

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: Mr. Chairman, I had forgotten where we had left off. I will just make one point, and that is we do provide programs that I believe are very important and that is for the parents of children; we do provide through the School for the Deaf programs to help teach parents. That is very important. I might be able to give the Member for Niakwa information that might be helpful to him, not money, as is often my case, but useful information. The Kiwanis Centre for the Deaf has programs that they put on at a regular basis, and I can remember being in communication with them and hearing that they would be quite happy to have people come in from outside and simply participate in their three or four week programs. I am sure that the cost will be minimal. I will pass on that information to them.

MR. CHAIRMAN: Item 4.(h)(1)—pass; 4.(h)(2) Other Expenditures—pass; (h)—pass.

Item 4.(j) Child Development and Support Services: 4.(j)(1) Salaries — the Honourable Member for Tuxedo.

MR. G. FILMON: Earlier, I had asked the Minister about the Diagnostic Support Centre that had been established I believe last year. This was, I think,

intended to deal with rural children with learning disabilities. Could the Minister tell us how this is progressing and give us any comments that are pertinent to this?

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: Yes, Mr. Chairman. As the Member for Tuxedo knows, I think there was a significant increase in this program area last year for support for school divisions in a number of categories. The Diagnostic Support Centre presently has eight staff man years where they have a co-ordinator, a psychologist, three learning specialists, secretary, resident counsellor, institutional supervisor and it is located at the Manitoba School for the Deaf. We have a capacity of diagnosing 60 to 75 children per year because the program wasn't really in operation for a full year. It takes a little while to gear a program up and get it going. There are about 45 children from many school divisions put through the diagnostic centre this last year.

The other area of diagnosis is the Early Identification Project that is going on in, I believe it is five school divisions presently where we have processed 1,000 kindergarten children and have put them through four stages of examination where we do a rough screen to identify children at risk first. Those that are identified as having some risks are put through a more intensive assessment and there is a third stage where they make a decision based on the additional assessments on who needs intervention or who needs support and then there are programs developed. So I think we will be getting a lot of information about the Early Identification Project. Not only will we be helping the children that are going through, but we will be honing our ability to find out how to identify them. When we evaluate, we'll be able to see whether the kids that have been identified at risk and have special help are given support that is helpful to them to go on to the regular program.

MR. G. FILMON: This early identification is for children with learning disabilities and it takes place at what point in their — prior to entering the public school system?

HON. M. HEMPHILL: It is kindergarten and my understanding is that it is actually in the five school divisions at random or they simply begin looking at all of the children and in their first sweep, they have certain criteria and certain things they identify that tags a child as possibly being at risk. It is those children, the rest of them are considered to not have problems that need either help or additional diagnosis or examination, so that it's a random sweep of all the children going into kindergarten in those five school divisions and then identification of those at risk and programs designed to help them. I really believe that what we'll be doing is learning how to identify children at risk and develop programs to help them through this pilot project.

MR. G. FILMON: Which are the five divisions that are currently utilizing this program?

HON. M. HEMPHILL: St. James, Rhineland, Swan River, Thompson — when we think of the other, we'll throw it out to you.

MR. G. FILMON: Does the department have a position with respect to dealing with learning disabled children as a group, an entity that is segregating them and giving them specialized instruction or attempting to mainstream them, having the instructors primarily, I suppose, at the elementary level made capable of dealing with special needs children, learning disabled children, through an enhancement of their skills as opposed to the segregation of the children, taking them out of the mainstream and dealing with them by virtue of having Special Ed teachers?

HON. M. HEMPHILL: Mr. Chairman, certainly we would continue to support, I think, the direction that began a few years ago, support the movement and the activities towards the mainstreaming of children, but to do it carefully and with a lot of thought and support of both the parents, the teachers and the school.

There has been a significant change in attitude, I think, that's interesting, not just of the public perhaps, but something that I found very interesting was that in 1974 when teachers were surveyed prior to the Bill 54 which said we would begin to mainstream children, 90 percent of them said no, that they would not be prepared nor did they think that they could handle handicapped children in their classroom. In a recent survey, 50 percent of the teachers said that they were prepared to and felt they were capable of handling children.

So there has been a changed attitude and I think a significant change in resources and support that have been made available to teachers, both in terms of professional development and resources from the department. This has changed the attitude, plus experience has changed the feelings of people, that where we have done it and it has been handled well, the children are benefiting and people can see that it isn't the way they thought it might be. The past practice gives others the encouragement to give it a try. I think the integration of children demands a lot of effort and a lot of support, that as long as it is done carefully, it's well thought out and the people are prepared — both the children, the teachers and the school — then I think it's the way that we should go.

Certainly all of the directions of the department in this area have been to provide support to teachers, specialists and people in the field who are providing services for children in the regular school system — a tremendous amount of increased support and resources to help them do just that.

MR. G. FILMON: So it's the Minister's feeling that this continued integration into the mainstream will be carried on with. With respect to the early identification and intervention project, are there plans or is there sufficient data available to indicate that it ought to be carried on throughout Manitoba and extended to other divisions in the future?

HON. M. HEMPHILL: The project is just completing its first year and I am informed by staff that the first information that we are expecting out of the project

will be available this fall. I think at that time we will take a very serious look at what it is telling us about both the need and the value of early identification of children and we'll be using it, I would think, as one of the significant pieces of information to look at when we are looking at the Educational Finance Review for instance.

MR. G. FILMON: It seems to me that there is a fair body of information on this type of thing available and, in fact, I know I had discussions years ago with constituents of mine who were involved with the MACLD Centre, who felt that the establishment of this type of program was perhaps the most important thing that the department could get into with respect to establishing proper and adequate means of dealing with learning disabled children, that the early identification could solve so many of the problems that occurred later that became very, very difficult to deal with. Therefore, it seems to me that this is the cornerstone of whatever else happens in terms of mainstreaming and being able to adequately deal with children with special needs with respect to learning handicaps. So I would hope that the Minister and her department are able to proceed with the evaluation and before too long announce some expansion of the program.

HON. M. HEMPHILL: Mr. Chairman, I quite agree that I don't believe we need a lot of additional studies or information to know that the sooner we find children and identify them and get support into them, the better off they are going to be. What I am suggesting here is that it's one thing to know that you should do it or that it's important to do it and it's quite another to decide how it's going to be done. So we already know, I think, that's important work and using the information about how to successfully, No. 1, identify and 2, develop programs for them is something that will be very valuable to us as a result of this program.

Another thing I might mention related to this is that we will be exploring in the future some areas of co-operation between the Department of Health and Community Services and the Department of Education because much of what we do overlaps. Much of what we do is, we each take a piece of it and if we start co-ordinating it and planning it, I think children and people will be much better off. Early identification is certainly one of the critical most important areas of a need to explore the potential of a co-operative effort between those three departments that I can think of.

Something that was suggested to me through the Advisory Committee on Special Needs, which studied the special needs — both the existing program and the needs — that I thought was worth exploring is that they thought if we just removed some of the age criteria for the delivery of services that we, in fact, do have some people around in the different fields and departments that could provide help and resources, except there are limitations or rigid limits that certain people can only look at certain target populations. There was some feeling that if we were even a little more flexible there that there were staff and resources around that could be used for children in the earlier years.

So, I think it's important to move — you know, we

know that we can identify some at risk children, many of them the day they leave the maternity delivery room, that there is a lot of information from the doctor's report about the process of delivery, in terms of oxygen and all of the measurements that they're able to take, that often can identify ahead of time that you may have a baby or a child that is going to have some problems and we should be using all that information and getting to the kids as quickly as possible.

MR. CHAIRMAN: 4.(j)(1)—pass — the Member for Kirkfield Park.

MRS. G. HAMMOND: I just wanted to go back briefly, Mr. Chairman, asking about the funding for the multiply handicapped. I think we discussed it briefly before and the Minister had indicated that the reason there hadn't been an increase in the funding was because they were looking at the programs. I mentioned, in particular, the Autistic Program, which has been ongoing and has proved to be very successful and that was a program that didn't get any extra funding at this time. I don't think that we can allow this sort of program to fall behind. I wonder if the Minister has any comments. She had suggested we go into it a little bit more thoroughly at this point in the Estimates.

HON. M. HEMPHILL: Mr. Chairman, I think that the two areas of support to school divisions, low incidence and high incidence funding, that the help for the autistic children would be coming in through the low incidence funding which would be available to all school divisions; the basis is \$6,000 per child in that area.

MR. CHAIRMAN: 4.(j)(1)—pass — the Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Well, just to get back to that though, there was not an increase in this particular funding and that's the point I'm trying to make, that this has been an ongoing — it is a successful program and that it's a need that shouldn't be overlooked just because they want to look at the whole program. There may be new programs coming in, but this particular program — and there's probably more, I've just been using this one as an example, Mr. Chairman — has shown that it is a successful program. It is working and yet the funding this year has stayed exactly the same.

HON. M. HEMPHILL: Mr. Chairman, I accept what the Member for Kirkfield Park is saying, when you put \$34 million into a program, there is going to be a considerable expansion and, hopefully, a number of very good programs coming out as a result of it. We know that there are a lot of good things being done and that we're going to not only continue them but expand them. I think that we have to look at the special needs area, both the good things that are being done, that we want to expand on the holes and we have to do it in total, you know.

MR. G. FILMON: Is this where the \$1.3 million for clinicians was transferred into the ESP?

HON. M. HEMPHILL: No, that was 16(3)(a), but what you may be thinking of is that there was a significant increase in staff in the middle of the year last year as a result of the department expanding its resources available to school divisions. There were 13 clinicians, 3 clerical and 1 behavioral counsellor that were brought in, in the middle of the year, to provide the increased services. A fair amount of the budget increase this year is because we have a full year of budgeting for all of those people this year and they were only in for a portion of the year, for half of the year in last year's budget.

MR. G. FILMON: Somewhere earlier there was a discussion of the fact that \$1.3 million for clinicians which had formerly been outside the ESP was now inside the ESP. From what allocation was that taken?

HON. M. HEMPHILL: Mr. Chairman, there was a transfer of \$1.3 million from 16(3)(e) to 16(3)(a). This is all within the Educational Support Program. That was in '81-'82 and it didn't affect '82-'83 at all.

MR. CHAIRMAN: 4.(j)(1)—pass; 4.(j)(2)—pass; (j)—pass.

4.(k) Instructional Media Services: 4.(k)(1) Salaries — the Honourable Member for Elmwood.

MR. R. DOERN: Mr. Chairman, I wanted to make one comment in regard to the Department of Education and that concerns the dropping of a lot of production in terms of the Department of School Broadcasts which I assume are in this general area of instructional media. In that I particularly want to focus on radio and television because it wasn't that long ago when the Department of School Broadcasts in conjunction with the CBC produced a fair number of radio and television programs. It's now my impression that the department has in effect severed its relationship with the CBC and is counting on the importation of programs from Ontario and other provinces which are still in the business of production.

Mr. Chairman, I wanted to put some numbers on the record and to make an appeal to the Minister to consider reversing this policy which was, in effect, stopped a couple of years ago by the Honourable Keith Cosens when he was Minister. Mr. Chairman, the schools in Manitoba have, I think, a reasonable investment in television sets, stands, probably VTR machines and so on and very few programs are now being produced that are heavy on Manitoba content.

For example on Sunday, I think it was on TV, probably on CBC, there was a reproduction of a program called "The Strongest Man in the World" which was about an old Ukrainian strong man from a place somewhere in the Dauphin region. I forget the name of it, but it's a pretty small village. It was a 30-minute film that was, I think, produced through the National Film Board — a very excellent feature and that's been shown a number of times.

There's also a new film out that is now being demonstrated in Cannes, France, at the International Film Festival — only an 11-minute film called "Ted Baryluk's Grocery Store." That too, I think, was under the auspices of the National Film Board about a grocery store in Point Douglas, in fact, I guess in the Minister's

own riding — (Interjection) — on the street where you live. Well, that's interesting. That reminds me of a song — where I have often walked down before. — (Interjection) — Frank Sinatra, eat your heart out.

Mr. Chairman, that film I attempted to see and I went to the Art Gallery not too long ago, I guess about a week ago, and there were so many people there trying to get in to see it that they had to schedule some additional showings. So I'm saying I think there is a lot of interest and there certainly are as many topics in Manitoba as anywhere else, particularly in the United States, where people take interesting little features and items about people and events and produce them and glamorize them, and so on. We have all sorts of interesting characters and incidents in Manitoba.

Now what has happened is that the CBC because of, I guess, pressures of budget and so on have cut back on their own programs, and in the Free Press on April 2, they mentioned that they have never paid, for example, more than \$25,000 to \$30,000 for 30 minutes of local dramatic programming. They have to pit this against American networks that have budgets of up to \$5 million of programs. I am not talking that class, that luxury class of programming. I don't think that school broadcasts ever spent money anywhere near that sort of figure. In fact, the figure that I have in mind, if I understand it correctly, is \$100,000.00. If the Minister of two years ago could have come up with \$100,000, they could have continued producing programs in conjunction with the CBC for school broadcasts in regard to the Manitoba network in regard to the educational television and radio network.

I am not talking about big commercial operations like you see on TV every night, but the Canadian Radio and Television and Telecommunications Commission was told that, for example, by ACTRA, that CBC produced no drama in 1981, I guess on television in Winnipeg, and only one 30 minute production in 1979 and 1980.

So, what are we getting? We are getting from the big network, we are getting a series like Reach for the Top and Hymn Sing and the Medicine Show and the Westrock Hotel. Well, it is very interesting, but not exactly the greatest. We are getting from CKY the Ray Jauch Show, Winsday Lottery and something called Altogether Now, a musical variety program. Well, I don't even know what that is, but you are getting some series that are being put together locally. You are getting a lack or a dearth of ethnic programming. You are getting hardly any drama, and you are getting hardly any work for writers and actors and directors and technicians, etc. So that is the general picture.

Specifically, to the Minister, in regard to school broadcasts, you had a 40-year-old institution, which I guess basically bit the dust two years ago, and the reason given was that there were high production costs, and from the CBC's point of view, a better use of broadcast time. Given the use of VTR machines, and given the TV sets, etc. in the classroom, surely the second point about the problem of scheduling these broadcasts isn't really a problem; namely, that tapes can be produced, films can be copied, and programs can be delayed within the classroom. My point to the Minister again, is that apparently the production costs, which the CBC was subsidizing for years, only required an expenditure of \$100,000.00.

So, Mr. Chairman, I want to appeal to the Minister to reopen and review that whole area, because I think that there are many, many subjects that could be produced for children in the educational system about Manitoba subjects. We are not doing enough in terms of producing Canadian films in this country. We are not doing anywhere near what we could in terms of producing Manitoba films in this province, and the danger, as I see it, is that we are getting this tremendous pressure, which always comes from the United States; namely, that there are a tremendous number of films, magazines, television programs, textbooks and books that flood over the border. What do we have to counter this?

I ask the Minister whether she would look into this question, and see whether or not she could come up with the money, and with a new program to put something back into the educational system that I think we've lost.

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: Well, Mr. Chairman, first of all, I appreciate the point made by the Member for Elmwood and the interest, because I share a lot of the concerns that he raised about Manitoba content; about using our own people, giving them work, writers and actors; about having access; using creativity; and preparing our own resource materials and not relying on people and materials from outside. However, I don't think things are as bad as he believes, and maybe I can give him some information, not to suggest that we won't take this seriously and look at it very seriously in the coming year. We haven't dropped production; we have dropped a broadcasting through the CBC, which is just — you know we are still producing and we are still distributing — and we're using a lot of people from ACRTA, we are using a lot of our own people in the productions that we are doing. The materials that we produce, we have full access to for distribution. For instance, if the CBC had copyright, we were not free, if it was developed through them. Am I correct? If we developed it in conjunction with the CBC, we did not have control over access or distribution, but the materials that we are presently producing on our own, we do have access and full control over.

We are spending most of our time developing Manitoba-related programs, and I love this. My staff has advised me that we have developed some Manitoba films of repute. He mentioned one, Ted Baryluk's Grocery Store. I was one of the fortunate 700 to 800 people that jammed the Ukrainian Cultural Centre to see it the first night, not the Art Gallery night, and I am sure that there were large numbers there. It was a tremendous example of what can be done with creativity and imagination and not a lot of dollars, because it was a black slide presentation with the voices being put on top. It is just a tremendous, tremendous film. I have already approached the two young fellows who spent years taking pictures and developing the film and it's possible that it will be available. We are looking into how to get a hold of it and get copies of it. I should have that information in a couple of weeks. There is no way we want tremendous materials like that developed by our own creative artists which is

what I would call them and not made advantage of fully. Certainly, the school system is a good place for it.

Another one that we have apparently recognized accomplishment for is called "God Is Not a Fish Inspector," by the Interlake author, Valgardson and they paid \$30,000 for a one-half hour film. Is that a good one? That's a good one, okay. —(Interjection)— Oh. Maybe we'll have a preview of "Local Ted Baryluk's Grocery Store" and "God Is Not a Fish Inspector" for all MLAs to enjoy our local grown talent.

In terms of numbers, last year there were 60 audio programs and this year, it's 45. There were 40 video programs developed and this year, it's 55. Now, I want to comment on that because we're down on audio and up on the video and I think that's not so much a change of policy as a change of demand that there is a strong movement into the area of videotape as he suggested, that a lot of the school divisions have VTRs and have the equipment. They seem to be moving more into this field. For instance, in this budget, one of the only increases for expansion is for videotape and that is both for acquisition and for production, \$51,000 additional set aside for that because we recognize that it's an expanding area.

So I support the points that he made. I would like to say that I think we have been continuing not as he suggested, having dropped the whole thing completely, some changes in relationship and work directly with the CBC, but not in terms of our activity and production.

MR. CHAIRMAN: The Honourable Member for Elmwood.

MR. R. DOERN: Mr. Chairman, just one further comment. The CBC has a tremendous investment in terms of staff and technical equipment. They have the know how and they have the technical facilities. My understanding is that the amount of money that was invested by the department was only a fraction of the cost, so that the 100,000 was probably equivalent to a \$25 million expenditure and I would simply ask the Minister to look into what was done before and whether or not it would be worthwhile to invest again.

I also suggest that radio mustn't be ignored because it has a lot of advantages that television doesn't have in terms of the classroom, the use of imagination, the fact that you can say we're now on the planet Mars and don't have to recreate a set, etc. So I think that although there may be a natural tendency to invest more in television, radio mustn't be forgotten or ignored.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Chairman. When the Minister mentioned that the videotape library, I assume, is in more demand, is that videotape library available to other than schools?

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: All educational jurisdictions, Mr. Chairman.

MR. D. ORCHARD: The Minister mentioned a number of new initiatives that are recognizing some of the creative talent that is in Manitoba. Is that an ongoing program or is that something that she has started and stimulated since becoming Minister?

HON. M. HEMPHILL: No, I think that was something that the production and the work that had gone on before had started in that direction and we are continuing to support it.

MR. D. ORCHARD: Mr. Chairman, I have some rather vivid memories of pre-1977 days where, I believe it was the Department of Education had a program called "Focus." Are we in any way discussing the revitalization of the "Focus" program which had a cadre of staff equipped with videotape cameras, videotape machines, television sets that would go out to various organizations, not educational but community organizations, and present to them various films of events that had taken place from time to time and was sponsored by the Department of Education? Is this in any way a recreation or revitalization of "Focus?"

HON. M. HEMPHILL: Or reincarnation, perhaps, Mr. Chairman. No, the program that the Member for Pembina is talking about was disbanded in 1978 and there isn't anything that exists in this department that is like that program that was disbanded.

MR. D. ORCHARD: Now, when the Minister says in this department, does she mean in this line of the Estimates or in her department in total? It doesn't exist in the department, the Minister indicates. Is it the Minister's desire or intention to revitalize such a program based on the "Focus" format of pre-1977?

HON. M. HEMPHILL: Mr. Chairman, I am not as familiar with the Member for Pembina's knowledge about that specific program, so I would have to have more detail to see if it fits into any of the direction that the department is going into. I haven't had time to — well, that hasn't come to my attention and I don't know what the program actually was, what its purpose was and what it did.

I think it's clear that this department is moving significantly into the area of having a very good department of materials and resources that can be made available to school divisions that they don't have access to themselves. One of the things we are finding is that with resources being cut back and school divisions tightening their own budgets, it is significantly increasing, or appears to be, the demands on departments like this where they are turning to centralized resources instead of going into their own. So we're moving in a number of ways.

I think we are moving into cataloguing, automation and distribution. They have spent in the last year a fair amount of time improving that, so that the resources that they had could be distributed better, that people had proper identification, they could get their hands on them and we were using the materials that we had. That was No. 1. I think we're moving into and there's a great demand for increases in software, for instance, with the significant increase in hardware and equip-

ment, both VTR and computers that are out in the field, and while we have moved to expand the videotape area, we have not moved in this year to expand the software for computers, because we're presently doing a study that's giving us additional information on what hardware to go into so that we don't continue to encourage this tremendous proliferation of computer hardware out in the field that we cannot possibly meet all the needs for. So, that's an area where there will be expansion, but it will be after study and we've gathered information from the field to see what directions we're going to go into computer programming.

I think that the department is really being used as a resource for teachers, that there is a tremendous use. They open it four evenings a week and on Saturdays, so that teachers that can't come in during school hours can use it. There are special material services like braille, audiotapes and large print books; we're moving in that area. The education library automated film loan service, it started operating last August and the rate of confirmed bookings has gone from 50 percent to 75 percent of requests. We're continuing with the school broadcasts. I don't see a major change but just a continued movement in those areas.

MR. CHAIRMAN: The Member for Pembina.

MR. D. ORCHARD: The Minister has offered me some comforting assurance because the Focus Program, since she's not familiar with it, was one that I was exposed to, I suppose I could say, as a civilian back in the early 1974-75-76 and what Focus amounted to, in retrospect, was for members of the farm community, which I was at that time, was an ability for staff of the Department of Education, either through their own initiative or from direction from above, to present to the farm community a rather unique set of views as to how the farm community and how the business community impacting on the farm communities was structured. In retrospect, what a lot of the presentations through the videotapes in this Focus Program were was a recycling of the traditional National Farmers' Union harangue against Carghill Grain, for instance, and a number of their corporate enemies that the NFU as from time to time identified. I can't speak to the content of materials that would have been used, for instance, to group presentations in the urban centres, but certainly the materials that I saw were very highly politically tainted. They were very left-winged, to put it bluntly, Madam Minister, and they didn't represent even a balanced approach to the subject matter that they dealt with.

I might caution the Minister, in no small way they helped to gel the then anti-government feeling in the rural communities, because rural people had a little better understanding of really the structure in the presentations that were made from this Focus Program by those Department of Education staff people and they considered it rather insulting that the government, via the Department of Education, would attempt to put those thoughts and feelings in front of them as the only way and the only facts that existed. I'm encouraged to hear that the Minister doesn't have any knowledge of that particular program and I would hope that I could interpret that liberally to mean that she doesn't intend to move into such a programming

area as the former Focus Program.

MR. CHAIRMAN: Any further questions?

4.(k)(1)—pass — the Honourable Member for Tuxedo.

MR. G. FILMON: Mr. Chairman, I wonder if the Minister could indicate what amount is in this section of the budget for the purpose of translating instructional materials, textbooks, etc., into either braille or placing them on tape for visually handicapped students.

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: Mr. Chairman, that comes under the Special Material Services of the Branch and I suggested before that it includes braille, audiotapes and large print books. It is my understanding that we're recognized as having one of the best developed services in Western Canada in this area and that we are actually giving leadership to interprovincial catalogue development and standards development in this area. Under the Special Materials section we have nine people working in that field on a number of special materials.

MR. G. FILMON: Yes. I'm familiar with the good work that section does and have had some vocational experience in dealing with them and assisting them in having some materials put on tape. But I'm interested in knowing the growth of it and how much money is currently being spent on it and how much was, say, spent last year?

HON. M. HEMPHILL: Mr. Chairman, the staff has remained the same and, while we're getting the specific information, I believe I'm right when I say that there has not been a major expansion in this area, either in staff man years or in budget. It would be incremental changes for increased salaries and a normal increase in operating costs. Normal increase for that department is \$141,000, which is a normal increase, not an expansion.

MR. G. FILMON: Do they work co-operatively with other agencies such as CNIB in utilizing their resources, which happen to be volunteers in many cases, to place some of the materials on tape and so on?

HON. M. HEMPHILL: Yes, Mr. Chairman, they do.

MR. CHAIRMAN: 4.(k)(1)—pass; 4.(k)(2)—pass; (k)—pass.

Continuing on to page 48, 4.(l) Correspondence Branch: 4.(l)(1) Salaries — the Member for Tuxedo.

MR. G. FILMON: Mr. Chairman, this has been an area of major growth in the past decade and I wonder if the Minister could indicate how many students, how many subjects, we are now teaching through correspondence and give us some indication of the growth over the past while, both in terms of the departmental complement in that area, budget, and numbers of students being serviced.

HON. M. HEMPHILL: Mr. Chairman, I might indicate

first to the Member for Tuxedo in the question related to the budget and the staffing, the Correspondence Branch has remained basically the same. The increase in Salaries is 4.7 which is incremental salary increases; the Other Expenditures have increased a little over 10 percent or \$56,000 which is primarily due to increase in fees for writers, examiners and normal inflationary increases.

However, although the budget has remained fairly static and the staff, there has been as he suggested some significant increases in enrolment of both students and courses. Presently, we have a little over 8,000 students enrolled at correspondence school and they are undertaking over 10,000 subjects. There is a 12 percent increase in student enrolment and a 7.4 percent increase in subject enrolment over last year. I believe that the Member for Tuxedo had asked for a breakdown of students previously, the student population: 1.8 percent is in elementary, 6.86 percent junior high, 83.7 percent high school and 7.7 percent are adults taking basic education courses.

It is also my understanding that 1,000 Manitoba teachers are utilizing correspondence courses and that 65 percent of all the students enrolled for correspondence instruction are attending schools. The following vocational courses are offered: power mechanics, drafting, agriculture and typing. It gives you basic . . .

MR. CHAIRMAN: 4.(l)(1)—pass; 4.(l)(2)—pass; (l)—pass.

4.(m) Student Aid: 4.(m)(1) Salaries — the Member for Tuxedo.

MR. G. FILMON: Mr. Chairman, I was pleased to see the Minister's announcement of continuing improvements in the Student Aid Program for the province. I know that significant enhancements had been made last year and again the Minister has continued the approach of improving Student Aid so that students in our post-secondary institutions are able to obtain the financial assistance that they need in order to continue their education, regardless of their means.

I wonder if the Minister could just give us some indication of what are the maximum amounts available to students under the current program, both in terms of grant, loan and additional amounts that have been announced, both through the federal system and through the provincial system, the combined totals.

HON. M. HEMPHILL: The amounts available for university students under the two categories, one loan and one bursary, the loan category is \$1,860; the bursary is \$2,860 with a special bursary available that is \$1,000.00. This one was available last year. The major change is that last year it was available as a loan. This year, we have made it possible to be both, according to need. Where the students are in the high-need category, it can be turned into a bursary instead of a loan.

MR. G. FILMON: If my addition is correct, that adds to \$5,720 is the maximum for one year for a student. Is there a cumulative maximum on the entire program as there used to be in the past? I am going back from my

personal memory as a student, so this is way in the past. This may have been eliminated many moons ago, but if the Minister could indicate, is there also a maximum cumulative total?

HON. M. HEMPHILL: You reach the maximum in a 10-year period. Should I suggest that even you have sufficient time to do what you want in that period of time? The maximum for loans is \$9,800 and none for bursary category.

MR. G. FILMON: Did the Minister say \$9,800, because now she is intriguing me? That certainly, at \$1,860 a year, wouldn't be 10 years.

HON. M. HEMPHILL: The Federal Government hasn't changed. I am advised that the Federal Government hasn't made any changes since 1975 and we have been pushing them to do so. The last federal change was in 1974-75.

MR. G. FILMON: Mr. Chairman, I am still confused. At \$1,860 a year, it certainly wouldn't allow 10 years of loans to arrive at \$9,800 and whatever the Minister indicated.

HON. M. HEMPHILL: This is one of the cases where we are filling in the holes. We are continuing to provide the support even though they have reached — they were running out of federal support because they haven't changed their program, but ours has improved to meet the needs of the students and we continue to provide the support to them on that basis. So we are in effect, I suppose, continuing to ensure that students aren't the losers and we are picking up the slack, the deficiencies, of the Federal Government program.

MR. G. FILMON: Has there been any difficulty during this year with respect to auditing of students who are receiving student aid from the province?

HON. M. HEMPHILL: There has been — I'm not sure what the Member for Tuxedo means when he says, has there been any difficulty. There has been some change in the method in the approach to auditing and there has been a significant success in the program and I might suggest what the change is.

When the audit was first brought in, they actually did a random selection of students, just simply at random, of the total population and they found from their first year of activity that they were able to learn a great deal about the areas of what you might call high risk. So that out of the first year's experience, they identified areas where they would examine and they narrowed it. Instead of doing them at random, they had information that told them where to look, so that we have cut down the number.

There were 522 audits in 1980-81 on the random basis and in 1981-82, I think they're auditing about 204 cases, but we are more successful if success can be measured — (Interjection) — 522 audits in 1980-81 and 204 audited in 1981-82. The 522 audits that were done at random, it's like putting the net in the whole ocean and hoping that you get something and actually knowing where to go and fish. I think that might be a good way of explaining it. They learned where to go to fish

and it meant they didn't have to throw their nets out into the whole sea.

They recuperated \$133,000 last year which is in these days — \$100,000 is a significant amount of money that we can do other things with. So I think that's important. I think we're expecting — it's a little hard to tell — but even out of the 204 audits, we're expecting increased recovery this year. I think my recollection is it's in the neighborhood of 175,000 based on the 204. That's not extrapolating; what is it when you do it into the future from your existing? — (Interjection) — Projecting. Thank you.

However, there are other advantages totally apart from the direct recovery of money and one of the things that was instituted as a result of their first year's experience was looking at bank records. That had not been automatically done. So as a result of what they had learned, they had certain criteria and information that they automatically looked at and simply as a result of looking at bank records, they saved \$110,000.00. So that means that before they even get to the auditing process, we have been able to generate significant savings by the change in the procedures that we go through in giving student aid.

MR. G. FILMON: When the Minister talks about identifying high risk areas, is that a nice way of saying circumstances in which recipients are likely to abuse the student aid criteria or privileges?

HON. M. HEMPHILL: Yes, Mr. Chairman, I think the two areas of what I was calling risk might be summer earnings and bank accounts. The experience of the first year taught us or we learned that those were two of the major areas of potential abuse and with the change procedures in gathering information and identification of those that might fall into those categories, were able to eliminate in advance abuse of the system.

MR. G. FILMON: So that applicants were not giving the correct information about either their assets or their earnings. Is that what the Minister is saying?

HON. M. HEMPHILL: Not necessarily. They weren't required. What has happened is the department has changed the requirements of information that now must be available at the initial stage before they would have learned that simply by having the student identified at random as one of the 500 who was going to be given special examination; and it would have come up there. Now it's a part of the general procedure. So I don't think it was so much that they were giving incorrect information as perhaps we were not initially asking the information in gathering the information that we should have been asking for.

MR. G. FILMON: Therefore, Mr. Chairman, the department is satisfied that the whole idea of audits is a good one and one that should be pursued in order to ensure that the people who ought to be getting the support are getting the support and those who are not eligible for the support because of a variety of reasons, assets, income, whatever, are not getting the support and therefore are prohibiting others from getting the support that they deserve.

HON. M. HEMPHILL: Yes, Mr. Chairman. I think we want the money, all of us I think, to go to the people who need it the most. I must say that I'm happy with what I consider to be improved procedures and processes that were based on information they learned in the first year of their auditing experience because the fact of the matter is now we do not have to bother or look into or examine as many students. We really do not have to unnecessarily just at random select people, put them through a fairly difficult procedure that where it is being done, where it should be done and there is purpose and value to it. I think we recognize that and would continue to have the program continue in this way.

MR. G. FILMON: If I'm asking questions that might give away the investigative procedures of the branch in looking into potential abuses of the system, I'll accept the Minister telling me that she doesn't want to discuss it, but I am interested in knowing just precisely how the system works. I'm glad that we've learned from past experience and we've improved our techniques and our ability to go into the areas that need to be gone into in more detail and not to use the shotgun approach that unnecessarily makes people who have no reason to be investigated feel uncomfortable because of the process. But I'm just wondering if the Minister could indicate how we've been able to narrow down and what types of situations are more susceptible to abuse or to some fraudulent behaviour perhaps on the student's part that leads us to be able to now identify these areas and investigate them more closely.

HON. M. HEMPHILL: Mr. Chairman, I think I tried to identify what we recognized to be the areas of potential abuse. It is summer earnings, it is assets that may have not been reported and bank accounts, and it is those three areas where we ask for actual information on first application, that is a ruling out of a lot of the potential problems.

MR. G. FILMON: Well, knowing that information then leads to a decision as to whether or not the person is eligible for the grant, loan or bursary. What triggers an audit after the decision has been made to give that person, presumably based on the information that they have given us, to give that person a loan, bursary, grant, what triggers the audit is what I am asking?

HON. M. HEMPHILL: Mr. Chairman, first of all, I think that the audit is often a pre-audit. In other words, in a lot of cases they're ahead of time in determining, out of the information that comes, that there are signals or reasons to look into it a little bit farther. One example might be, an income tax return that reports interest on it, and they have not reported any assets, so that they are learning quite a bit about how to read the information, the basic information and the additional information that is being required, and they know where the potential abuse areas are, and on that basis in a sort of pre-audit way, they are going for additional information prior to awarding or giving the amount of aid, which cuts down on the amount of checking that has to be done after.

MR. G. FILMON: I expect when the Minister refers to recoveries that implies something that has been given out that has now been brought back in, so there must be some form of post-audit being done and I am asking what triggers that?

HON. M. HEMPHILL: Mr. Chairman, it is the information that they get on what you might call the first-go-around, where they get the detailed financial statement that they require, where they see significant areas of abuse or what they consider to be potential. From the information that they get they see an area for potential, or there is some reason to believe that there is a problem in one area or another in terms of what they have recorded, and when they suspect that, based on the original information that has been given, they then do a detailed audit, a very detailed audit. These are the — what is it about 204 cases out of the something like 13,000 applications, and you are looking at a small number of cases where there is a fairly significant large, large abuse.

MR. G. FILMON: What length in time has income tax return been a requirement of an applicant for student aid?

Why is it that the interest portion of the return, for instance, is just now being recognized as an indicator of interest bearing investments or assets?

HON. M. HEMPHILL: I think that would have been recognized early on. The main difference is that they are not auditing based on simply a random sample of the total student population, they are zeroing in on specific students in the group.

MR. CHAIRMAN: The Honourable Member for Thompson.

MR. S. ASHTON: Thank you, Mr. Chairman. I am pleased to hear that the auditing procedures have been changed, because when I was President of the University of Manitoba Student Union, which was just a few years back, I saw a number of the people who were audited at that time, and they certainly were not abusers of the Student Aid System, and they felt rather victimized, not just by the audit itself, but by the information that was requested in that audit.

I always felt, at that time, that a system, which did account for the possibility of abuse, but which did not randomly pick people and subject them to rather great demands for information, could be found. I really think that what I hear here is encouraging, you know, since it does indicate that the Student Aid Department has given up the auditing system whereby it picked people at random, and then grilled them rather extensively, and has now come up with ways in which they can find at least some initial indications that there might be some abuse, although I take it by the Minister's statement, obviously not every audit or even the vast majority of audits have resulted in cases of abuse.

I had a question actually in regards to some previous discussions of Student Aid, and that was in regards to the situation of rural students and northern students and that was to whether there was any allowance made in the new student aid regulations for relocation allowances?

MR. CHAIRMAN: The Honourable Minister.

HON. M. HEMPHILL: Yes, Mr. Chairman. I think that there is recognition of the unique situation and additional support in two areas. One is that rural students will for the first time benefit from a \$200 relocation allowance to assist them in establishing their city residence, and this is an area that I think has been identified for some time as a problem area, that students coming into the city need some help, and we have put that relocation allowance in for them.

Additionally, I think an additional support is the new assessment pattern for farm families that says that, "In 1982-83 farmers will benefit from a doubling of the net worth exemption from \$100,000 to \$200,000 and only farms with income above the national family median of \$26,000 and with a net worth of \$200,000 will be expected to contribute to the cost of their children's post-secondary education," that there was previously a much lower rate at which they had to give some financial support. So both in the income, increasing the income level for them, and increasing the exemption, doubling the exemption for farm families, it gives their children additional help for post-secondary education.

I might say, one of the points one of my staff that just made it said it recognizes the tight cash flow of the people in the farming community.

MR. S. ASHTON: Yes, I must say, Mr. Chairman, once again I'm pleased to see the new direction because I think any statistics that are available either from the University of Winnipeg, University of Manitoba or Brandon University show that the number of rural and northern students in attendance at university is small in comparison to the population of the province in those areas. It's been obvious to me from my experience in Thompson that this has been a problem for a number of years because the number of students who attend from Thompson, while it's actually probably greater than some other rural and northern communities, is still far less than one would find in Winnipeg.

I would welcome this \$200 relocation allowance and the changes in regard to the calculation of student aid for farm families as a welcome step in the right direction in terms of getting the number of northern and rural students in universities up to the percentage that it should be.

HON. M. HEMPHILL: Mr. Chairman, there was one other feature that I forgot to mention and that is we give additional support for transportation for students coming and going back to their homes and they can receive up to four round trips per year.

MR. CHAIRMAN: The Member for Tuxedo.

MR. G. FILMON: I received that information when the Minister issued her release on it some time ago and was indeed pleased to see those additions to the system and I recognize certain special circumstances.

MR. CHAIRMAN: 4.(m)(1)—pass; 4.(m)(2)—pass; 4.(m)(3)—pass; (m)—pass.

4.(n) Post-Secondary Career Development; 4.(n)(1) Continuing Education Programs — the Honourable

Member for Tuxedo.

MR. G. FILMON: Mr. Chairman, I wonder if the Minister can indicate, does this item end part of the — does part of its funding or a certain percentage of its funding come through the Canada-Manitoba Northlands Agreement.

HON. M. HEMPHILL: Yes, Mr. Chairman, all of the programs under (o) are under the Northlands Agreement.

MR. G. FILMON: What about (n)?

HON. M. HEMPHILL: (n) is all provincial funding.

MR. G. FILMON: Part of (n) I believe covers a Premed Studies Program that was started under our administration. How is that progressing?

HON. M. HEMPHILL: Oh, the Premed Program is doing very well. We have recruited an additional 10 students. We now have a total of 30 students and as a result of the success of this program, we anticipate the first entrance to medicine and dentistry in '82-83.

I was going to suggest that we might do (n) and (o) together, Mr. Chairman, since although the funding comes under Northlands, the administration of the programs comes under the Post-Secondary Development area. We can cover any questions from those two programs at this time.

MR. G. FILMON: I wonder if the Minister could indicate something about the selection criteria for students that are covered under this program.

HON. M. HEMPHILL: Mr. Chairman, as the Member for Tuxedo probably realizes, the more than eight programs, I think, that are delivered through this department and through the Northlands Agreement are all developed to provide access to post-secondary education who would not ordinarily have opportunities to post-secondary education and they are perhaps single parent or they have been lacking in opportunities because of either economic social status, cultural or language. I would say if we had to select one major criteria for taking in these students, it would be motivation. They are people who do not have what is recognized as the required academic background to go into the programs, but they're given special support and special help and in some cases a year of — what do we call that year — a pre — you know, sort of an entrance, a year ahead of time putting them into the programs.

If I could just make a couple of general comments about the success of these programs, I'd have to say in any criteria that we apply, the results of these programs are really both heartening and exciting in terms of getting students in from the Indian bands from northern communities, from the inner city, getting students in who are Native and come from all of the other cultural groups, having them successfully complete the program.

It's my understanding that the dropout rate in these programs, contrary to what we might expect, that it would be higher than what we would call regular pro-

grams is not as high. They are staying in there, completing their programs, they are becoming employed, and best of all, in large numbers they are going back into their communities, into the inner core, onto the reserves and into the north and acting as teachers and leaders, social workers, professional people, acting as both role models and leaders for others in their community.

So any way we look at these programs, they are a tremendous success and opportunity for people who didn't have opportunities before. They're also teaching us a lot about people's ability to learn and how we can teach outside of formal institutions and formal requirements.

MR. G. FILMON: I'm pleased to hear the Minister's enthusiastic comments on the program because I know our government always felt that it was the best value for the dollar spent in training of Native people and that it was indeed achieving its objectives in a measurable form or in whatever form we took to measure it in a variety of different ways. The fact that so many are being successful and are standing out as role models in fields of professional areas that perhaps they haven't in the past is encouraging for the future for many others to look to.

Since we are discussing the entire Northern Development Agreement, is any of the future funding of this at risk as a result of our continued lack of an agreement with Canada on this particular area?

HON. M. HEMPHILL: Mr. Chairman, I think the Member for Tuxedo is referring to the fact and indicating some concern that the Northlands Agreement has not yet been signed, a concern that we share and we are doing everything possible, I think, to do a number of things. Certainly, one will be to indicate our interest and concern over the continuance of these programs. We put a very high priority on them and will not let them go easily. As a matter of fact, we have set aside in the Northern Affairs Department, I believe it's about \$20 million; it is our intention to continue to provide support for these programs to that degree. We are going to continue to do everything we can to bring the signed Northlands Agreement home.

Regardless of what happens there, we are not going to let these programs go. Our own commitment there is very strong and we are not setting aside our money dependent upon the availability of federal money. We have indicated it's a priority and the money is there to support those programs.

MR. G. FILMON: In addition to setting aside provincial money though, is the province in a position to pick up the shortfall of the federal funding should it not be available?

HON. M. HEMPHILL: Mr. Chairman, to support the existing programs this year requires about \$5 million and we have that money set aside and available to continue the programs. The question is whether we get the 60 percent recovery through the Federal Government, but whether or not that happens, it will not affect the delivery of those programs this year.

MR. G. FILMON: Where does that \$5 million show,

Mr. Chairman? It doesn't appear to be here.

HON. M. HEMPHILL: It's in Northern Affairs.

MR. CHAIRMAN: 4.(n)(1)—pass; 4.(o)(1) Salaries. Any questions? There is no appropriation for these but if there is no discussion, (o)—pass.

4.(p) Inter-Provincial Training Agreements — the Honourable Member for Tuxedo.

MR. G. FILMON: How many students and in what categories are these Provincial Training Agreements? I know that they are for areas in which we do not have training facilities in Manitoba and rather than set up separate institutions or sections of institutions to provide training in particular areas, we have sharing agreements with other provinces. I think optometry is one and chiropractic another, so on and so forth. I wonder if the Minister could give us some indication of numbers. Are they increasing and how many are covered by these agreements?

HON. M. HEMPHILL: Mr. Chairman, in terms of the total Inter-Provincial Training Agreements, there is an increase of \$88,800 or 18 percent and it's due to general price increases and accumulating enrolment increases in some of the areas. We presently have the Optometry Program that is being delivered in Ontario and the enrolment there has gone from nine last year to 11; Veterinary Medicine in Saskatchewan, which has gone from 42 to 45; Surveying Engineering in Alberta, which has gone from two to four; Visually Impaired in British Columbia, holding at two each year and the Hearing Impaired in British Columbia, at four in each year. Total enrolment through Inter-Provincial Training Agreements last year was 59 and is 66 this year.

There are some other agreements whereby the provinces sponsor students into Manitoba programs. We not only send students out, but we are recognized ourselves in some areas. We have students coming in for Nuclear Medicine, offered by Red River Community College; Hearing Impaired offered by Red River and Occupational Therapy offered by the University of Manitoba.

MR. CHAIRMAN: 4.(p)—pass.

4.(q) Canada-Manitoba Winnipeg Core Area Agreement — Employment and Affirmative Action: 4.(q)(1) Training and Employment Agency — the Member for Tuxedo.

MR. G. FILMON: I wonder if the Minister could give us a rundown of the SMY's and the intent of each of these new initiatives that were part of the Canada-Manitoba Winnipeg Core Area Agreement that was under negotiation when we left office.

HON. M. HEMPHILL: Mr. Chairman, I will describe the four programs rather quickly that are going to fall under this category. It is the Inner City Nursing Program, which will require \$220,000; the Social Work Program, which is \$340,000; the Training and Employment Agency, \$1,365,000; and the Winnipeg Institute, which will be \$400,000.00. In terms of where we are at with the programs, I think I can indicate that

the Inner City Nursing and the Social Work Program are presently in place. The Training and Employment Agency and the Winnipeg Institute are just in the process of being established.

I think the agreement was finally signed with all of the wrinkles ironed out just recently, I think it was about a week ago, last Wednesday, that City Council gave the final necessary approval that allowed us to go ahead, so although we knew the training and employment agency was going to exist for sometime, for a few months, we have not, in fact, been able to move on it in terms of setting it up and hiring people until just this last week. We are in the process of looking now for space and hiring what I would call the core staff that will be managing the program, which will be responsible to the Department of Education but working through and with the Post-Secondary Career Development Section of the Department of Education.

MR. G. FILMON: Mr. Chairman, where are these programs being delivered? Firstly, the ones that are in place, and secondly, the ones that are about to be established?

HON. M. HEMPHILL: The Nursing Program is being provided at Red River, the Social Work Program is being delivered at Sir Sam Steele, and the employment agency will be provided at a downtown location, a core area location.

MR. G. FILMON: How many students will be trained annually under these two areas, particularly the nursing and social work?

HON. M. HEMPHILL: In the first year of the Nursing Program there have been 15 students brought in per year. So, last year there were 15 in the Inner City Nursing Program and there will be an additional 30 this year, an additional 15. The social work is the same, an increase of 15 students per year.

MR. G. FILMON: Mr. Chairman, just on some quick mathematics then, training 30 people in social work for \$340,000, over \$10,000 per student?

HON. M. HEMPHILL: That is correct.

MR. G. FILMON: Is this a two-year diploma program in social work? Is that what the program purports to do?

HON. M. HEMPHILL: No, it is a four-year Bachelor of Social Work Program.

MR. G. FILMON: Is there a demonstrated shortage of social workers in Manitoba? Why the additive programming?

HON. M. HEMPHILL: There is perhaps not a demonstrated need for social workers in general, but to get back to the point that the Member for Tuxedo mentioned before, where there are areas where there are special needs in a profession even when the total profession does not have a need to be expanded in total, there is a need for social workers in the Native

area and those who can work on reserves and in the inner core. We learn many things and it's certainly clear that people coming in from outside cannot do the job as well as those people can themselves, given adequate and sufficient training, so that there are geographical areas and target groups, populations, where there is a need for an increase in both nursing and social work.

MR. G. FILMON: Mr. Chairman, I can understand and agree with the reasons for the specialized training of people who are going to work in specific areas, but if there is as well an overall, perhaps, oversupply of social workers and these are going to take specific areas, is there some cause for the Minister to discuss with the Faculty of Social Work to perhaps their reducing their intake by amounts recognizing the additional training that's going on through this agreement?

HON. M. HEMPHILL: Mr. Chairman, both the numbers of people that are being trained through the Teacher Education Program and the Social Work Program are within the required complement of the faculties and are not in addition to.

MR. G. FILMON: Will the Minister elaborate on what the Winnipeg Institute is going to be that you referred to, and as well the figure that comes under the \$165,000 for Training and Employment Agency?

HON. M. HEMPHILL: First of all, Mr. Chairman, I will give some information about the Institute. The purpose of the Institute is to bring together, in a cooperative way, resources from the Winnipeg School Division, the Department of Education and the University of Manitoba. Its particular purpose is to identify and give special support and help to inner core children. There is going to be a focus and consolidation of resources from these three places to address the special needs, high risk children that we have in the inner core in increasingly large numbers, so that whatever their particular problem is that has been identified as being an inhibitor to their being able to function successfully in the regular school program — language is a very good example — then there will be an attempt to remedy the problem. It's a preventative program, a support program, and there will be an attempt to remedy the problem prior to the children going through at a disadvantage and dropping out because they didn't get the help that they needed earlier to cope with the system.

We know that while our high risk children are now being found in all of our school divisions, and recognizing both increasing numbers and a proliferation of children, and many of them are coping with the special needs of these children. We do know that there is a tremendous increase in consolidation of these children in the inner city; there are large numbers of high risk children coming from families where there is unemployment, transients, single-parent and low education. In many cases, a child might have a family who fits into all three or four categories, so that it is to give special help to those kids that the Winnipeg Institute is being developed.

MR. CHAIRMAN: 4.(q)(1)—pass; 4.(q)(2) Education

Development Institute—pass; 4.(q)(3) Adult Professional Training—pass; 4.(q)(4) Less: Recoverable from Urban Affairs—pass; 4.(q)—pass.

That completes the items to be considered under Resolution No. 52.

Therefore be it resolved that there be granted to Her Majesty a sum not exceeding \$25,246,700 for Education, Program Development and Support Services for the fiscal year ending the 31st day of March, 1983—pass.

Continuing with Resolution No. 53, Community Colleges Division, Appropriation No. 5, 5.(a) Division Administration: 5.(a)(1) Salaries — the Member for Tuxedo.

MR. G. FILMON: Could the Minister give us an indication of a comparison of SMYs this year versus last year and perhaps a breakdown of Division Administration under this section?

HON. M. HEMPHILL: Yes, Mr. Chairman, in terms of Division Administration, there is an increase of \$15,200 or a 1.9-percent increase which is due to incremental changes; an increase of Other Expenditures of \$24,400 or 9.9 percent which is due to general price increases, so there is no major change there. However, there is what I consider to be a significant major change in terms of increased and expanded program that has required a significant increase in staff man years. My recollection is about 32 staff man year increases for the entire Department of Education, it is in that neighbourhood; 28 of them are going into the community colleges area and providing significant expansion in program at each of the colleges.

So I think that the provision for 28 additional SMYs allows the colleges to undertake a number of program expansions in various areas such as child care services, computer technology, heavy-duty mechanics and new apprenticeship levels in tool and die making, power electronics and mold and pattern making.

MR. G. FILMON: What does the 28 represent in terms of the overall complement then?

HON. M. HEMPHILL: 1,400 all told, about a 2-percent increase in staff.

MR. G. FILMON: So that is what is represented in the overall budgetary increase of somewhere between 2 and 3 percent to the Community Colleges Division.

HON. M. HEMPHILL: Well, I think that might be a bit misleading and I don't think it's quite that simple. The colleges' operating budget has been increased by 20.1 percent and capital equipment budget is a 21-percent increase. The reason that it appears as though there has only been a 3.3-percent increase is that during the fiscal year '81-82, it was determined that there were surplus funds available in the Salaries portion of the colleges' budget. Those increased funds were in the neighbourhood of \$850,000.00. They were utilized in that budget year and it allowed them to do a number of things that they would not have been able to do or that they would have required supplemental financing for. Some of the things that they did were to meet increased manpower demands or requests by

the Federal Government for such things as truck driver training, heavy equipment operator at Assiniboine College. There were a number of things that I can identify that we can tell you what they did with the surplus, \$850,000, last year. We left it in the budget this year, so that the additional staff man years are actually being covered in what was the surplus money that was in the previous budget. Had we not had that surplus, the percentage of the increase would have been about 6.7 percent.

MR. G. FILMON: \$850,000 on a \$34 million budget or 32.9 million as it was last year would only be about 2.5, 3 percent, somewhere in there.

HON. M. HEMPHILL: 3.4.

MR. G. FILMON: How does a 3.4 percent surplus plus a 3-percent increase translate into a 20 percent on operating budget and 20 percent on capital budget increase? Where is the reduction to make good for that?

HON. M. HEMPHILL: The 20 percent is on the operating portion of the budget which is only about \$3 million. The 3 percent figure is on the salary part which is about \$20 million.

MR. G. FILMON: What's covered in the operating portion then if the salaries are the major portion and they only are increased by 3 percent, what's covered in the operating portion?

HON. M. HEMPHILL: Materials, travel, leasing of facilities, items like that.

MR. G. FILMON: That's not really a very fair thing to point out to. That's like saying that we gave one particular area a 50 percent increase but it only amounts to a few percent of the budget, so the overall is only a matter of a 3 percent increase or even if you take into account the unexpended portion from the previous year, it's 6 percent.

On the surface it appears to be a de-emphasis on Community College training. I know I have had staff members from the Community College and other interested citizens, whose children are on waiting lists to get into certain courses, express concern about the de-emphasis of Community College training in this particular set of Estimates.

HON. M. HEMPHILL: There is one other significant factor that I have not yet mentioned. I believe the major assumption that the Member for Tuxedo is basing his comments on is the percentage increase given to colleges probably in comparison to the percentage increase given, for instance, to the universities, which we all know is in the neighbourhood of 15.7 percent. There is a significant difference in the budgeting though for those two areas because the colleges' budget, unlike the universities, does not contain the salary increase, the increases for salaries and benefits that are presently being negotiated.

Now, if we even ball parked that figure and suggested that it was not unrealistic to assume that it might be in the neighbourhood without prejudging

negotiations or communicating a feeling, if we just guessed, 10 percent is not an unrealistic figure. I believe that if we wanted to compare support and the direction in terms of programming between colleges and universities, that it would be fair to say that we had a 6.7 percent increase in the budget and if you added the 10 percent we can expect that is included in the university budget, that you are looking in fact at 16 or 17 percent which certainly compares very favourably with the support given to the universities.

I think the combination of the total dollar increase that will go into colleges when the settlement is reached and the salary figure is determined, plus the significant expansion of programs in a number of areas and additional staff in order to do that, is a reflection of interest, concern and support for the colleges in the Province of Manitoba.

We might also, I think, recognize that there are going to be some changes in terms of delivery of programs that might ordinarily fit into our existing institutions that are going to be delivered in other ways. The Inner Core Training Centre is an excellent example, where that is an indication of our commitment to provide post-secondary programs to people who don't ordinarily get the opportunity, but we are delivering them in a little different way and not necessarily through our existing formal institutions.

So we can't just look at the colleges' program separately, we have to look at the total delivery of services. I believe that the staff and the administration in the colleges feel that there has been recognition and support to quite a reasonable degree exercised in this budget.

MR. G. FILMON: Mr. Chairman, I thank the Minister for that explanation. I was aware that the MGEA settlement wasn't included and I was surprised, in fact, that the Minister had never covered that point in the past when the matter has been under discussion. Having covered it, I wonder if she could indicate what is the situation with respect to excessive demand for entrance into certain courses. Are there still waiting lists in certain areas and what are the identified areas? What is being planned to be done in recognition of perhaps a need for greater training in areas of high demand?

HON. M. HEMPHILL: Yes, Mr. Chairman, I think we all recognize that there are waiting lists in a number of areas and while we may not be meeting perhaps all of the areas or all of the numbers of students, I think it's probably clear that the major areas of need and priority are the ones that I previously mentioned that were being expanded. The decisions to expand are in the area of child care services. That is, understandably, to meet what we know is going to be a tremendous increase in demand when we expand the day care services in the Province of Manitoba — computer technology, heavy duty mechanics, tool and die making, power electronics and mold and pattern making.

I think that the areas that we have added staff and added expansion to are those that are identified as the high demand, high need and that we are moving reasonably towards meeting them in this budget.

MR. G. FILMON: As I recall in the past, federal fund-

ing through Canada Manpower and other sources accounted for almost 50 percent of the total Community College budget. Does the Minister have any concerns about potential cutbacks in federal funding via this route or other federal-provincial agreements?

HON. M. HEMPHILL: Mr. Chairman, the existing agreement ends on August 31st and we are in the process of negotiating a new agreement. It's my understanding that we are not anticipating a significant change in support coming to the colleges through the agreement that is presently being negotiated and the funding support from the Federal Government, the 50 percent is presently — 37 percent of the budget comes from the Federal Government. I believe it's \$16 million out of \$40 million. It's in that range.

MR. G. FILMON: There has been concern expressed in the past about the fact that Canada Manpower in purchasing seats in certain courses, and as I recall the agreement says that they cannot vary the numbers of seats that they purchase from year to year by more than 10 percent either way, results in normal high school graduates coming out of the high school system not being able to get in and having to wait an entire year because of commitments to the federal purchases. I wonder if that still remains a problem or if things are being done to work that out.

HON. M. HEMPHILL: Mr. Chairman, I think the Member for Tuxedo has identified what has been a problem in the past, is a continuing problem and one that we try to resolve in our continued negotiations with the Federal Government to have some sense and have some input into both the needs, the demands and the requirements for the availability of jobs for those people who are trained when they finish the program. It is trying to get a balance between the number you train, the number you need and those wanting to get into the program and those spaces that the Federal Government will provide for that we are, I suppose, constantly trying to decrease the problems that result in this area.

I have been informed by staff that there is no 10 percent rule as he describes in those terms.

MR. DEPUTY CHAIRMAN, Phil Eyster: The Member for Tuxedo.

MR. G. FILMON: Was that a change or was there never such a rule?

HON. M. HEMPHILL: There never was a 10 percent requirement, Mr. Chairman.

MR. G. FILMON: Then by agreement, the province could say next year in XYZ course, you shall have no spaces?

HON. M. HEMPHILL: Mr. Chairman, it is a continual process of negotiations so that you are constantly negotiating the spaces and the numbers in the different courses.

MR. G. FILMON: I have been made aware of long waiting lists developing for enrolment into LPN

courses. Is that because of a cutback in spaces available or an increasing demand that we are not able to fulfill or what is the reason for this?

HON. M. HEMPHILL: Mr. Chairman, I think that we have recognized the need for increased numbers in this program and we have attempted to meet the need in two ways. One is to expand the existing numbers or spaces in the basic training program and the other is refresher courses, as with nurses. We know that a lot of our resources are untapped and unused because you have women who have not been in the work force — I know this one from experience — for a while who may want to go back to work, but who do need refresher courses to be brought up-to-date on the changes since they were last working. So we do this with both nurses and with the LPN program; we work on the two levels. It's my feeling that the first thing we should do is use the trained existing resources that we have to the best degree we can and that helping women to get back into the work force with a little additional training is a very important program for us to undertake.

MR. G. FILMON: I was aware, Mr. Chairman, of the emphasis that our government had given particularly to retraining for not only LPNs but RNs as a result of the critical shortage that occurred a year-and-a-half or two ago. I wonder if the Minister could give us any indication as to numbers being trained a year ago and a projection if, as she says, there is a recognition of increasing need.

HON. M. HEMPHILL: Can I suggest that while staff is getting the very specific information on the numbers, that the Member for Tuxedo might ask another question and continue and we'll make it available as soon as we have it?

MR. DEPUTY CHAIRMAN: The Member for River Heights.

MR. W. STEEN: Yes, on the same area, Mr. Chairman, through you to the Minister. When we are talking about refresher courses for nurses and so on, my wife is an R.N. just like the Minister and she took the refresher course a couple years ago. One of the difficulties she had was that Manpower through the Federal Government are allotted 50 percent of the spaces that are available at Red River in the R.N. refresher course. I think, for example, there were 40 spaces. Manpower had 20 of the spots and normal persons who were not able to or did not qualify for financial assistance had the other 20 spots.

There was no way that my wife could qualify for Manpower assistance due to my earnings, etc. but the numbers applying through the route that she had attempted to get in were something like 24 and she was on the waiting list. The numbers trying to apply at that particular time through Manpower were something like six and there was a remaining gap. She had to wait until approximately the 11th hour before Manpower would indicate that, yes, we cannot use all the allotted spaces that are set aside for us. So what happened was she did get in and she got in on one of the spaces for Manpower, but didn't use the Manpower

assistance, but she didn't find out until about five days before the course was to begin that, yes, you are accepted and that is the route that you are being accepted in.

The second concern that she used to raise to me was that she had been out of nursing for three years and she was better equipped to take the refresher course than women who had been out of the nursing industry for 20 years. In fact, I think the course is an eight-week course and she was able to wrap it up in seven and get through the course a little faster than the regular class. There were women that were in the course that had been out of the nursing industry or field for some 20 years that really needed 10 or 12 weeks to grasp the content of the course and she has often said to me, and to others, that perhaps that course, if possible, and of course I know this takes money and finances, should be split into two parts; one for those that had been out of the field of nursing for a limited period of time and a course for those that had been out for some greater period of time, so that those older women who had been away from nursing for sometime could learn at their own pace and not be frustrated in trying to keep up with younger and faster learners.

Would the Honourable Minister take that into account as to perhaps splitting the course for those two types of students?

The other thing, would she perhaps investigate the limitations placed on persons wishing to apply — as I say, that in this day and age most nurses, if they're married and their husbands are usually in an income bracket that they can't qualify for Manpower assistance, yet they're being denied a spot in the course until they find out at the 11th hour that, yes, there is no need for the maximum units under Manpower, we will accept you that route?

HON. M. HEMPHILL: Mr. Chairman, to address myself to a couple of points made by the honourable member: First of all, Manpower will buy up to 50 percent of the spaces, but they only purchase about 30 percent, so they are not using up quite the proportion of spaces that we were — well, as my staff has suggested sometimes people change their minds. They may have had people who said that they were going to go through the program, they may have believed that they had all of their spaces allocated and people do change their minds and drop out, so that they might be looking to fill spaces at the last minute in short order.

I am also informed that we put on our refresher courses as demanded. That, in other words, totally apart from the Manpower commitment or the Manpower activities related to this program, we make a commitment to meet the demands and that as far as we know there aren't people being turned away and that we will put on the courses required to meet the numbers of people that want refresher courses. The courses he was talking about, the amount of time required for upgrading between a nurse who's been away for three years and a nurse who has been away for 20 years — and he's quite right when he recognizes that the needs for upgrading and the amount of time required are not the same — that the one who's been away for three years can move through much more quickly and need much less information and retrain-

ing. The programs are provided on an individual basis and they can proceed and it permits them to go through both at their own speed and taking in the amount of information that they require to bring themselves up to date, so that those that fall into the category like his wife, who had been out only three years and was able to absorb and get what she needed in a period of three or four weeks, and others who had been away 20 years, who might need six or seven or eight or 10 weeks, the programs are geared to meet those individual needs for upgrading, so that the ones that need less are not being held back by the ones that need an additional period of time.

MR. W. STEEN: Thank you, Mr. Chairman. It was three years ago that my wife did take the upgrading or the refresher course and in the past two years she's had a number of conversations with Keith Cosens on a one-to-one basis and perhaps the department has made some adjustments in that period of time, particularly in relation to the second question and that is: the person who's been a short time out of the field of nursing as opposed to the one who's been a long time out of the field of nursing.

My second question, and my colleague for Tuxedo tells me that he's not following this area line-by-line, is that Red River Community College, at the time that I turned into the Minister of Sport, some two years ago, a report on a need for a field house facility, at that time made quite a ruckus about the fact that they didn't have a major athletic facility and why should the University of Winnipeg get one when they don't have one. They did make representation to our committee, as well as to the then Minister, and I'm wondering if the current Minister has had some representation from Red River Community College in the way of an indoor athletic facility or a field house to be established at Red River Community College?

HON. M. HEMPHILL: Mr. Chairman, we have not received a request for a field house. It was not included in the budget requests that were brought forward for capital buildings, so that it was not considered in this budget year.

I might also add that staff have advised me that there is a very significant sports program undertaken through Red River Community College and that the students themselves have levied what they call an athletic fee of \$2.00 per month to support the special athletic activities that are undertaken. It doesn't sound like much, but my recollection is it gives them about \$100,000 fund and that they are supporting varsity athletic teams and the competitions have resulted in two gold, one silver, and two bronze metals for Manitoba Community College teams in the Canadian College Athletic Association and four western championships. Five Manitoba Community College athletes achieved all Canadian status and a Red River Community College athlete was selected as most valuable player in the CCAA Volleyball Championship.

I think what they are suggesting is that there is a great deal of support and activity related to this athletic area in the Red River Community College and that this has been done without the building of a field house or the decision to request one.

MR. W. STEEN: Well, when we get to the University Affairs, I would at that time like to dwell a bit on the University of Winnipeg, but I would just like to share some information with the Minister and that is, in the American college system, whether it be a small junior college or a medium size university, they all feel that they should have their own stadium and they should have their own basketball field house. If they're in the northern states, they feel that they should have their own ice arena or auditorium.

Here in Manitoba, the University of Manitoba has their own indoor arena and are in the process of having a new one built. So immediately the University of Winnipeg feels that, well, we should have one too, Red River thinks they should have one and Brandon University feels that they should have one. Currently, Red River for their hockey uses the Eric Coy Arena in Charleswood and is a major renter of that facility. The University of Winnipeg uses the Pioneer Arena down in the Logan constituency. The Brandon Bobcats use the Wheat City Keystone Centre.

I, for one, don't believe that every university in Manitoba needs their own rink on campus and perhaps not only that, but may not need their own field house. But I am just pointing out to the Minister that at the time I'd chaired that committee that did the report two years ago, representation was made to me by the Student Union of Red River Community College saying that we don't have a field house and if you're building one for the Winnipeg community to be shared by the outside community as well as the student population, why don't you look at our particular area and our campus as opposed to the University of Winnipeg or a downtown location? So they did at that time make representation and my question simply was, have they made such representation to the Minister, and she says they have not. So I just wanted to give the Minister that background information.

MR. G. FILMON: So the Minister is saying that she, through her staff, is not aware of the need for a field house of some sort at the Community College at the present time — at Red River?

HON. M. HEMPHILL: Mr. Chairman, I was suggesting that we have not received a request. I must say we're having a difficult enough time making priority decisions and determining the use of money for the requests that we have in our plate. It's very seldom that a government goes out and asks somebody if they would like to request a facility that they have not themselves requested. It is not on our plate now, there has been no request and I can only assume that the needs are at least first determined by the existing institutions and then passed on to us for consideration. We will review those needs in terms of what we have available for all of the institutions and all of the Department of Education according to both their needs and our priorities.

MR. CHAIRMAN, J. Storie: The Member for Tuxedo.

MR. G. FILMON: I recall that the Minister's leader was out at Red River several times during the last election campaign, was in the habit of making promises in those days, and perhaps you might just check and

make sure that he hasn't committed her department to something by virtue of some of the speeches he's made and some of the discussions he's had out there.

I wonder if the Minister could indicate if the 1.5 percent payroll tax is included in these estimates for the Community Colleges.

HON. M. HEMPHILL: No, Mr. Chairman, it is not.

MR. G. FILMON: Are the Community Colleges going to have to deal with the problem prior to next January 1st? Do they trigger in as of July 1st or next January 1st?

HON. M. HEMPHILL: The Department of Finance will be setting policy on that for all government departments.

MR. G. FILMON: So that means the Minister doesn't know whether it's July 1st or January 1st?

HON. M. HEMPHILL: Mr. Chairman, it means it hasn't been decided yet.

MR. CHAIRMAN: 5.(a)(1)—pass — the Honourable Member for Tuxedo.

MR. G. FILMON: Will that then result in some reduction in programming or expectation of what was to have been done within the framework of the budget?

HON. M. HEMPHILL: Mr. Chairman, until that basic decision has been decided, we can't determine the effect of the decision. As soon as we have that information it will be easier for us to meet, have discussions with representatives of the colleges and to look at what the effect of that might be.

MR. G. FILMON: I wonder if the Minister could just give me an overview of what the enrolments have been at the three community colleges last year versus this year.

HON. M. HEMPHILL: Yes, Mr. Chairman, overall enrolment at the community colleges was up nearly 3,000 students in 1981 to a total of 33,561 students which is the highest enrolment since 1975. All three colleges experienced enrolment increases, with Assiniboine Community College student population the largest in its history. College evening courses proved increasingly popular and the residents of Manitoba, 18,000 of them, continuing their education in the evening and on Saturdays. Red River Community College's evening course enrolment of nearly 15,000 students was its highest in history.

I might also mention here, Mr. Chairman, something that I think is important is that community college programming is not just offered on campus in Winnipeg, Brandon and The Pas, but it is also offered in a fairly wide number of off-campus locations in those centres and in over 125 other Manitoba communities to make sure that people throughout the Province of Manitoba have access, not just those that are in close proximity to the major institutions.

MR. G. FILMON: Mr. Chairman, I had the pleasure

last September — in fact, it was Freshie Day — of touring the addition to Assiniboine Community College which was still in a relatively uncompleted state. What is the present state of the addition?

HON. M. HEMPHILL: Mr. Chairman, I'm pleased to announce that the \$6.5 million expansion to the Assiniboine Community College is almost complete. The college has been utilizing some of the space for some time. I think the heavy duty general shops buildings, they have been using for some time and the total facility is almost fully completed, ready for use.

MR. G. FILMON: I am sure that the residents of the Southwestern Manitoba area will be pleased with that. It was indeed an impressive facility, even in its construction phase, and certainly many of the technologies were going to benefit from the most modern equipment and facilities available, and built into the construction package were many special features, and I know that it was indeed impressive.

Is there any part of the community college programming that is involved with the Canada-Manitoba Northlands Agreement, Mr. Chairman?

HON. M. HEMPHILL: Mr. Chairman, there is not at the present time, although I might just indicate that we are exploring the possibility or the advisability of moving the nursing program for the northern communities from Brandon to Thompson. There are a number of reasons why we are giving consideration to this move. If it goes through, it will be a program that is partially funded through the Northlands Agreement. We are finding that a program that is designed to meet the needs of a northern community, that is delivered totally in the south and through southern institutions, is not meeting the needs or the basic purposes of the program.

The recruitment of people going into the program has dropped and we are concerned about the ability of Brandon to continue to recruit sufficient numbers at Brandon to continue the program. We also realize that the curriculum and the training must differ from that which is delivered to people who will be carrying out their profession in highly sophisticated institutions where there is a tremendous amount of existing personnel, resources and equipment to help them do their jobs, that where people have to go into isolated northern communities where they are often on their own, often lacking facilities and equipment or access to additional support, they do need special training.

So one of the reasons for looking at the change is to be able to develop a unique program for the training of northern nurses so that they are able to deliver the services appropriately. The other thing that we have learned through the Inner Core Social Work Program and the Teacher Training Program, the special ones that we have, is that if you want people to return to their communities and we want them to stay in the inner city or in the reserves or in the northern communities, training has to be closer to where they are, that where we pull them out of those communities and bring them into the city for training, they often do not go back. So that is another important reason for looking at the decentralizing of the training into the northern communities. There isn't any presently. That one

we are very serious about, which is why I went the degree I did to communicate the reasons for the change.

MR. G. FILMON: I am pleased to hear the Minister's endorsement of that. I know that the initiatives that had been carried out under our government were ones that were producing encouraging results. I am pleased to hear that there will be a continued expansion.

Mr. Chairman, I am prepared to pass all of the items under No. 5., Community Colleges Division. I thank the Minister for granting us the latitude to go through the whole section at once and I think we have covered all the points that we wish to. Subject to that passage, I would say that the committee should rise if that is agreeable.

MR. CHAIRMAN: If that is agreed, then we will pass Resolution No. 53.

Be it resolved that there be granted to Her Majesty a sum not exceeding \$34,039,100 for Education, Community Colleges Division, for the fiscal year ending the 31st day of March, 1983—pass.

Committee rise