



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

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 31 May, 1983.

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions
. . . Reading and Receiving Petitions . . .

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

MR. SPEAKER: The Honourable Member for River
- East.

MR. P. EYLER: Mr. Speaker, the Committee of Supply
has adopted certain resolutions, directs me to report
the same and asks leave to sit again.

I move, seconded by the Member for Wolseley, that
the report of the Committee be received.

MOTION presented and carried.

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Energy
and Mines.

HON. W. PARASIUK: Mr. Speaker, I'd like to make a
statement.

Mr. Speaker, I would like to announce the details of
a new program designed both to create new jobs and
to help school divisions reduce their expenditures for
energy.

On behalf of the Provincial Minister of Education,
and the Federal Minister of Energy, Mines and
Resources, and myself as co-signatories of the
Manitoba Canada Conservation and Renewable Energy
Demonstration Agreement, I am pleased to announce
today the School Retrofit Program.

Popularly described as "EnerSchool," this
demonstration program will see a total of \$1.3 million
spent to retrofit 20 Manitoba schools throughout the
province.

My colleague, the Minister of Education has ensured
that her department, as well as the Public Schools
Finance Board and the Manitoba Association of School
Trustees will also participate in the direction of the
program.

All Manitoba school divisions will be asked to submit
retrofit proposals for 18 "minor" retrofits worth from
\$12,300 to \$62,700, depending upon the size of the
school, and for two "major" retrofits worth up to
\$367,500.00. One of the major retrofits will be in
Northern Manitoba and the other will take place in
Winnipeg.

The Conservation and Renewable Energy
Demonstration Agreement or CREDA for short will
contribute approximately two-thirds of the cost of each
retrofit while school divisions will be responsible for

the remaining portion. CREDA, members will
remember, is cost-shared at 50/50 with the Federal
Government.

An important element of EnerSchool will be a series
of workshops and seminars to be held in retrofitted
schools for trustees, division administrators and
maintenance staff from neighboring schools.

There are over 600 schools in Manitoba with energy
bills in excess of \$18 million annually. CREDA officials
estimate that minor retrofits of the type proposed could
cut these energy costs by 20 percent with simple
paybacks of two years or less.

The potential savings to school divisions, if all schools
were retrofitted, could be as high as \$3.6 million annually
at current energy costs.

Equally significant is the fact that EnerSchool will
directly result in the creation of 43 person years of
employment.

Three other energy conservation programs supported
by CREDA are currently at various stages of activity.

Work has started on the \$1 million Arena and
Recreation Centre Retrofits Program. These
demonstration projects will result in model retrofits for
facilities at Lorette, Carman, Stonewall, Neepawa,
Roblin, The Pas, Flin Flon, Thompson, Brandon and
Winnipeg. Another 35 person years of employment will
be generated from this program.

Contracts for some of the 120 private homes to be
retrofitted under the Residential Retrofit Program,
better known as Energy Demo, have already been
signed. This \$1.7 million project is expected to create
43 person years of employment.

Work has already started on many of the first 50
approved projects under the Small Scale Energy
Demonstration Project and another 40 contracts should
be approved within the next week or two. This \$1.1
million project is expected to generate another 25
person years of employment and demonstrate energy
conservation through a wide range of technologies,
including grain drying, groundwater heat pumps and
improved solar greenhouses.

Mr. Speaker, my department will continue to pursue
an Activist Conservation and Job Creation Program
and, indeed, it is my hope that before long I will be
able to announce additional useful and innovative
programs in this field.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. We are
pleased to have this announcement today from the
Honourable Minister of Energy and Mines. We are
encouraged to see the government moving towards
demonstration projects in energy conservation, projects
that will demonstrate the economics of the expenditure
of certain funds in conserving energy usage today.

Of course, some of the kinds of paybacks that the
Minister referred to are ones that are well known in
private sector and many businesses and individuals
have been moving in this regard, so we feel that it's

fitting of course that the government move in this direction to bring public sector usage of buildings into the same kind of frame of reference as private sector people have been doing for a number of years. We're interested to see the sort of manpower employment creation activity that is taking place.

I think in the various projects that the Minister listed there are something approaching 150 person-years of employment, not anywhere close to the kind of employment opportunities that would be available in such things as the Western Electric Grid, which I think last week we had an indication of 50,000 person-years of employment. But, nevertheless, any little bit helps, and I'm sure is an encouragement to those 52,000 Manitobans who are currently seeking employment.

So we thank the Minister for his announcement today and look forward to continuing announcements.

MR. SPEAKER: Notices of Motion . . . Introduction of Bills . . .

INTRODUCTION OF GUESTS

MR. SPEAKER: Before Oral Questions, may I direct the attention of honourable members to the gallery. We have 30 students of Grade 11 standing from the Ashern Central School under the direction of Mr. Moroz. The school is located in the constituency of the Honourable Minister of Agriculture.

There are 53 students of Grade 5 standing from the Bonnycastle School under the direction of Mrs. Brenner. The school is in the constituency of the Honourable Member for Fort Garry.

On behalf of all of the members, I welcome you here this afternoon.

ORAL QUESTIONS

Abortion Clinic - Dr. Morgentaler

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, I direct a question to the Honourable Minister of Health and ask him when he expects and when the House might expect the results of the investigation into the alleged illegalities at the Morgentaler Clinic?

MR. SPEAKER: The Honourable Minister of Health.

HON. L. DESJARDINS: Mr. Speaker, what I did say last week is that the College of Physicians and Surgeons were concerned that this was going against a by-law, and that Dr. Morgentaler was saying that he did not have to go along with the proposed by-law regulating the fetus, because it wasn't a hospital. They were investigating that, getting legal advice, and I haven't heard from the College since then.

MR. L. SHERMAN: Has the Minister any time frame, Mr. Speaker, on when results of the police investigation into the allegations may be expected?

HON. L. DESJARDINS: Let's make sure, Mr. Speaker, that we understand each other. During the question

period, I did say that to my understanding the police were looking to see if they should bring the matter to the courts. I did not at any time instruct the police to investigate, nor did they tell me that they were. I was talking about the discussion that we had - my understanding was that they were looking at it to see if they had sufficient evidence to see if they could bring matters to the court. That is a matter strictly that the police will have to deal with, the question of the laws being something that has been addressed and been answered by the Attorney-General. I have no problem with that at all; I think the Cabinet approves of the action.

My concern is the health care in the clinics or anywhere else in the Province of Manitoba. So all I can say, I cannot at this time say that I know if the police will, for instance, bring complaints, bring the matters to the courts, or if they have a deadline. The information that I try to pass on upon being questioned is that I understood that the police were looking to see if they had sufficient evidence to bring the matter to the courts. I understand that they were looking at that very seriously and asked certain questions. They've asked questions of our department and we furnished the answers.

MR. L. SHERMAN: Well, Mr. Speaker, my concern is whether The Manitoba Hospitals Act or any other such Act bearing upon the conduct of health affairs in the province is being violated and my questions of the other day arose out of the allegations having to do with the disposal of human tissue at the clinic. In response to my questions at that time, the Minister left me with the very clear impression that a police investigation was being carried out. In fact, he responded to my question by saying, first of all, we have to determine whether or not there are abortions being performed at the clinic. Is the Minister now saying that there is not, to his knowledge, a formal and official police investigation of Dr. Morgentaler's claims being carried out?

HON. L. DESJARDINS: Mr. Speaker, I think the honourable member will remember also that I sent him a memo expaining all the details about the question of the aborted fetuses forced down the drain and so on. I think that should answer it, there's nothing that I can add to this re the dealing of the College of Physicians and Surgeons. We have to wait for that.

At that time, I agreed with the Attorney-General that I doubted very much that there had been any abortions performed there at all. There was no proof of that and I said that the police were looking at it. As a matter of information, in fact, it appeared in the newspaper, I have no control over that. If we're going to deal with the obeying of the law, then that question should be directed to the Attorney-General.

I want to make sure there is no misunderstanding. I was given the information that I heard. I made no commitment, I don't have any jurisdiction over the Winnipeg Police at all. It was my understanding that the Winnipeg Police were looking at it, that they wanted to make sure that their case could be weak and if they didn't have all the — (Interjection) — Well, would you mind a minute, I'll try to give the information.

Mr. Speaker, I think the point that I was trying to make is that even the police wanted to make sure that

they had sufficient evidence before taking the matter to the court. So at no time had I made a commitment that the police would make an investigation. That is not my responsibility, as Minister of Health, but rather the Attorney-General, and I think he was always very clear on that.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: With respect to the specific question, I would advise the House it's now two weeks ago, that, indeed, the police are investigating. The police have assigned a team on the case, as one would expect the police to do the moment they received a complaint, as I advised the House that they would do. They are following up every lead they have. They have a very experienced team who will know at what time and state they have sufficient evidence to place before a Crown prosecutor, and that will be done. There has never been a moment's hesitation about the course that will be taken. I advised the House some time ago that I had received, well in advance of the opening of the clinic, an opinion from the Director of Prosecution as to what the normal course is in such cases, and I want to assure the House, and the people of Manitoba, that the normal course is being followed by experienced police personnel.

They know if they were to act precipitously, particularly at this time, instead of having been a case, indeed, if there are illegal activities taking place within that facility, they could destroy a case; and to pressure the police to act, when the police feel they are not ready to act, in terms of the execution of a search warrant or anything of that kind, would be to try to tell the police how to do their job on a detailed basis, and indeed, amount to something I don't think anybody in this House wants, that is, political interference with the running of the day-to-day investigative facilities and tasks by the police.

MR. L. SHERMAN: Well, Mr. Speaker, I want to assure the Honourable Attorney-General and the Minister of Health that I appreciate the difference in departmental responsibilities and Ministerial responsibilities. The reason my question was put to the Minister of Health was because it arose out of the exchange of a few days ago, over the question of whether The Hospital Act was being violated.

I will now redirect my opening question of this afternoon then, Sir, to the Honourable Attorney-General, and ask him when does he expect results of the police investigation into alleged illegalities at the Morgentaler Clinic?

HON. R. PENNER: When the police have results.

MR. L. SHERMAN: Well, Mr. Speaker, that seems a somewhat glib response, in view of the fact that a wide sector of the community, if not indeed the whole community, is interested, depending on the perspective they take on the subject in this particular issue. The media is obviously interested and it's clear to the Attorney-General that the House is interested. Would the Attorney-General, who demonstrated that he attempts to stay au courant and abreast of other items

when it pleases him, not inform himself, as to what he thinks the time frame is on a police investigation into an important social question of this kind?

HON. R. PENNER: Mr. Speaker, I have been kept advised by the Director of Prosecution virtually on a daily basis. I know my function, the Director of Prosecution knows his, and the police know theirs. I can advise the House that the police are investigating; that the police are following up every lead they have; and to say more would be to jeopardize the police investigation. If the House wants to jeopardize the police investigation, then they can persist in the course that is being taken.

I simply assure the members of the House and the public that the police indeed are investigating and I'm assured that when the police have sufficient results to lay before a Crown Attorney, it will be done without delay. No more can, indeed, no more should be said, without endangering very difficult police work in a very difficult situation.

Cross Lake Arena site

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, my question is to the Minister of Northern Affairs. Hydro officials informed the Standing Committee on Public Utilities and Natural Resources this morning that the preparation of the site for the Cross Lake Arena cost approximately \$438,000 out of the total estimated cost of \$3.5 million. Can the Minister of Northern Affairs advise the House whether his department selected the site?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: I would have to provide more specific detail to the Member for Turtle Mountain, after having reviewed his specific question with staff. But I can tell him at this time that the community council, the band of Cross Lake, Hydro, the Federal Government and my department, the Provincial Government, through my department, were all involved in consideration of the construction of the arena and for that reason were all involved in the development of a site, in the choosing of a specific area for a site.

MR. B. RANSOM: Mr. Speaker, as one of the Ministers responsible for the Northern Flood Agreement and for paying the cost of this arena, I'd like to ask the Minister of Northern Affairs if he is satisfied that a \$438,000 cost for site preparation was a reasonable cost?

HON. J. COWAN: Again, I would have to confirm the exact figures before I indicated whether or not we were perfectly satisfied with that cost. I am advised and therefore satisfied that the site preparation that has been undertaken was necessary to prevent future occurrences of methane gas originating out of that site and for that reason the costs may have been more than they would have been otherwise. However, I'm also satisfied that that action was taken in good faith

and that action would prevent the government from having to spend exorbitant amounts of money at a later date to correct a situation which has already been corrected.

We are only too aware of recreation facilities and other facilities that have been built in close proximity to areas where disposal of solid wastes have taken place, and we have had recurrent problems that have been costly to us in the future as a result of that sort of activity. We have that experience from which to learn. I believe we have learned from it, and I believe that the department has taken the appropriate action in working with the other parties to ensure that whatever site was chosen, and however that site was chosen, the work which went into the preparation of that site was done to serve the facility in the community for a long period of time. For that reason, they undertook the remedial work at this stage rather than having to go back many years later and undertake the same remedial work in response to problems which could have been anticipated.

MR. B. RANSOM: Mr. Speaker, a further supplementary to the Minister of Northern Affairs. Was a garbage dump the only possible place in the whole of the community of Cross Lake upon which an arena could have been constructed? Was there not some other site that could have been used for a cost of something lower than \$438,000.00?

HON. J. COWAN: I'm not certain that there were no other sites available, but I can assure the member that this was the site that was chosen as being the most appropriate site for that facility. If the members opposite were more conversant with the area and the limitations of land use in the area and the extreme costs of developing any new infrastructure in the area, they would be, I believe, more tolerant of the extreme costs which go into preparing sites for construction in Northern Manitoba. I'm not suggesting that the figures which the member provides are figures to which I would subscribe, I will certainly check that out, but I am suggesting that — (Interjection) — The members opposite speak of horror stories, and I think that their involvement in the Northern Flood Agreement to date was just such a story.

What we are trying to do as a government is to try to work with the communities, work with the affected parties, work with Manitoba Hydro, to ensure that the obligations which they subscribe to as signatories to the Northern Flood Agreement are being lived up to in an appropriate fashion. That is going to demand of them tolerance, something which they are not wont to give when it comes to matters concerning Northern Manitoba or communities such as Cross Lake.

However, I would ask their patience in this regard for me to be able to review the figures which they have put on the table today, and to return to them with a fuller answer as to exactly what site work was done and what the cost of that site work was. I have given that commitment to provide them with that information; I will. If they want at that time to suggest that there is still a horror story involved, then I'm certain they will do so, but at least they'll be doing so on the basis of a more informed understanding of the situation, something which they shy away from far too often.

MR. B. RANSOM: Mr. Speaker, I'm shocked that the Minister of Northern Affairs is not even aware of the cost. That figure was provided to the committee this morning by Manitoba Hydro officials.

Mr. Speaker, my question to the Minister of Northern Affairs, in view of the very reasonable directive by the arbitrator to provide an arena for the community for the people of Cross Lake, can the Minister of Northern Affairs advise the House who is responsible for controlling the costs of carrying out that directive of the arbitrator?

HON. J. COWAN: We have been through this before, but I don't mind covering the same ground if it helps the members opposite better understand the situation.

HON. R. PENNER: It might.

HON. J. COWAN: There are four parties to an agreement. They were signatories in the first instance on behalf of the Provincial Government after they assumed office in 1977; it was a Conservative administration which was a signatory to that agreement. So I'm operating on the assumption, perhaps it is unwise to do so, that they do know that in fact the agreement was an agreement between four parties. The agreement was in fact designed to provide for some relief from the adverse effects of Hydro activity in the area. The agreement was set up in such a manner . . .

MR. R. BANMAN: Who's responsible?

HON. J. COWAN: . . . so as to - and they signed the agreement and they should know who is responsible - allow for arbitration . . .

MR. R. BANMAN: Well, tell us.

HON. J. COWAN: . . . on matters by an arbitrator where the four parties could not come to agreement on specific items. That is by way of history for them, so that they may better understand the process.

In respect to the Cross Lake Arena, it is Manitoba Hydro which is acting as a primary party, or that party which would be most responsible in constructing that arena. Therefore, they would assume the most responsibility for ensuring that the costs of that arena are costs which are acceptable to all of the four parties.

Now, in defence of Manitoba Hydro - and they don't need my defence at all times - but in this instance I think I must correct the record and indicate that they are doing so in such a way as to allow for meaningful input and the sharing of decision-making by the other parties involved in the agreement. I think that is fair; I believe that is appropriate; and I certainly commend them for undertaking that sort of an approach to the construction of this particular facility.

So while they have the primary responsibility for making certain that the construction is appropriate, that the costs are acceptable, they also have to act in concert with three other parties who are actively involving themselves at different levels and in different ways to ensure that this facility serves the greatest possible use and provides therefore the greatest possible benefit to the recipients of the service.

MR. B. RANSOM: Mr. Speaker, a question to the First Minister. In view of the alarming fact that it is going to cost over \$3.5 million to build an arena at Cross Lake, which could have been built in any other community for less than a million dollars, will the First Minister advise whether there is at least one Minister within this government who will stand up and take responsibility for what is happening in this case? Is there one member of this government who is answerable for this outrageous development?

MR. SPEAKER: The Honourable Minister of Energy and Mines.

HON. W. PARASIUK: Mr. Speaker, in the committee in the Legislature this morning — (Interjection) — well, we've been asked a question, and I certainly wanted to provide an answer. In the committee this morning, Hydro undertook to provide a detailed answer, if that is within the legal bounds, if they legally can do so and according to business practices, with respect to tenders that were received for the construction of that facility. They also took under consideration to provide answers to the Member for Turtle Mountain, a very long list of detailed questions which they undertook to provide; I undertook to provide that by next Monday.

We are not trying to hide anything. We, in fact, want to provide that information, all of us. When we say all of us, I believe all the people are concerned to ensure that we do provide good value for money in trying to meet an agreement that is a very difficult type of agreement to live with in Northern conditions which are often very difficult to do so. I believe that the Federal Government is trying to act responsibly; I believe that the local community, and the Northern Flood Committee, Northern Affairs and Manitoba Hydro are trying to do so.

When the Member for Turtle Mountain says that one could provide this type of community in southern Manitoba for X amount of dollars and, therefore, one can provide that type of facility in the North for the same amount of money, I think, it's incumbent on Manitoba Hydro to provide the detailed explanation as to why those cost differences are there. We have said that we will be providing that information; I think it's important for the member to allow that information to be provided. If he has questions, after that, certainly we would deal with those types of questions.

We are, in fact, using the legislative process and the committee process as it should be, Mr. Speaker. We aren't trying to draw any pre-emptive conclusions before the material is all heard. I would ask the member to do so in this respect, because he did that this morning, Mr. Speaker, when we discussed this matter in committee, and I would expect that I would meet my commitment and provide the information to him by Monday. If he has questions after that, certainly we will answer them.

We won't be like the Conservative Government was with respect to a whole set of Hydro questions that the New Democratic Party opposition asked in committee two years ago and three years ago, Mr. Speaker, where we couldn't get the information from the Conservative Government in power at that time. We will be different; we will provide the information, because we do believe in open government.

MR. SPEAKER: Order please. The Honourable Minister of Northern Affairs.

HON. J. COWAN: Yes, Mr. Speaker, I did not want to leave the impression, by my failing to rise to answer the questions of the Member for Turtle Mountain, that I do not, as well, share some responsibility, and assume some responsibility for the effective implementation of the Northern Flood Agreement. It is an objective to which we strive as a government; it is an objective which we are finding somewhat difficult because of the record, and the lack of activity which a previous administration left to us in regard to the Northern Flood Agreement, but we are trying to, as much as possible, deal with the results of their inactivity, as well as try to provide for a positive thrust for that particular agreement. So I do assume some responsibility. It is a difficult agreement, but it is one which we feel is important and should be worked out the best way possible. Part of that responsibility, as Minister of Northern Affairs, is to rise to my feet to attempt to clear up any misconceptions or misinformation that the members opposite would attempt to put on the record, by inference or otherwise.

I think it should be made clear then that the construction of arenas . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please.

HON. J. COWAN: . . . that the construction of arenas in Northern Manitoba are expensive. The arena which was constructed in Lynn Lake in 1980 was constructed at the cost of \$1 million; and it is not an arena which has some of the advantages of the arena at Cross Lake, because those advantages are available to the public in that community through other means; that was in 1980 the cost of \$1 million. The arena in Leaf Rapids was constructed at a cost of \$2 million in 1974, and yet that arena is serving a community of about the same size population as is Cross Lake.

So, if one provides the most rudimentary analysis to those figures, and builds in inflation factors and also builds in the cost of the arena construction in a remote community, one will find that the amount of money which we are talking about, although a significant sum, is not that far out of line with what has happened in other communities in the North.

Manitoba Cattle Producers Association - contracts

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

MR. W. MCKENZIE: Mr. Speaker, I have a question for the Honourable Minister of Agriculture. Mr. Speaker, I wonder can the Honourable Minister of Agriculture advise the House and the beef producers of the province why he wouldn't allow the Manitoba Cattle Producers Association to have a plebiscite on the determination of the compulsory checkoffs.

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. B. URUSKI: Mr. Speaker, the honourable member should be aware that when legislation is provided to this House all members will have a chance to debate it.

MR. W. MCKENZIE: Mr. Speaker, they were just telling us a few moments ago what an open government we have here in the province. Mr. Speaker, there's a classic example how open it is.

Mr. Speaker, can the Minister advise the House if the '83-84 producers applied, I think, for refunds in the amount of some \$9,500, the beef producers, as I understand it, is the Minister satisfied that this is a just reason for the termination of the compulsory checkoff in the proposed changes that he intends to bring to the Cattle Producers Association?

HON. B. URUSKI: Mr. Speaker, the honourable member should be aware that when a plebiscite, in effect, will be held and will be held with any measure that was compulsory at checkoff before, when that compulsory aspect is removed a plebiscite, in effect, will be held every time a producer decides to participate in the voluntary checkoff, Sir. Insofar as the amount — (Interjection) — Mr. Speaker, the honourable members don't like the answer but they are receiving one, that in effect a plebiscite will be held. When the legislation will be presented to this Chamber all honourable members certainly will have an opportunity to come and state their position vis-a-vis this checkoff.

Insofar as many members, who have or have not requested their refunds, the honourable member should be aware that there have been many representations made to myself, and he knows to other members, that farmers in general are not supportive of the way that the levy has been funded up until now.

MR. W. MCKENZIE: Mr. Speaker, in light of the fact that some 44 producers are all that asked for their money back last year, a total of about \$9,500; I wonder can the Minister advise the House if he, and his government, is prepared to assist the Manitoba Cattle Producers to promote western beef and the sale of western beef if his check-out legislation find them short at all, or his cutting off of the compulsory.

HON. B. URUSKI: Mr. Speaker, I am always prepared to consider representations made. Mr. Speaker, the honourable members opposite have continually said that this organization is supported by 15,000 producers. Certainly they shouldn't be wary that now, all of a sudden, producers will flock to get out of this organization and will not support it.

I am supportive of any farm organization by which producers voluntarily want to participate financially in. If producers will continue and will want to support this organization, Mr. Speaker, we certainly support such an organization.

MR. W. MCKENZIE: A final question to the honourable Minister, Mr. Speaker, related to the checkoff vote that's rejected. I wonder, can the Minister advise the House why he and his party have no problems in accepting compulsory provisions contained in marketing boards, Mr. Speaker, or the deductions of union membership

or the government automobile insurance compulsion and that. Does it not give the Minister any problem when he deals with those matters and the different matters treating the beef producers?

HON. B. URUSKI: Mr. Speaker, the honourable member should be aware that when this organization was set up there was a vote held in 1974 in which the majority of producers in Manitoba voted against such an organization. When their administration was elected, Mr. Speaker, they brought in a piece of legislation over and against the will of the majority of producers who voted in 1974. There is no doubt when it comes to the aspect of marketing, Sir, that marketing boards have the authority vested by this Assembly to a producer organization which is accountable through this Legislature to changes that can be made in this House. This group, as well, Mr. Speaker, is not accountable in terms of the regulations, the powers or regulations, that they have in the present law.

Translation of statutes

MR. SPEAKER: The Honourable Member for Inkster.

MR. D. SCOTT: Thank you, Mr. Speaker. I have a question for the Honourable Attorney-General. Yesterday, as all of us in this House and many across the province are well aware, the Quebec Superior Courts have turned down and declared illegal an Act passed in the Province of Quebec forcing civil servants and teachers back to work and also rolling back their wages because the Act was enacted illegally, that is in one language only. I would like the Attorney-General to indicate to us how this relates to the case that was going before the courts in Manitoba, the Bilodeau case, and also in relation to Manitoba's new agreement towards our constitutional requirement of translating our Acts, both the new Acts that are coming into force and the Acts that have previously been passed illegally in this province unilingually in English?

MR. SPEAKER: Order please. The Honourable Member for Turtle Mountain on a point of order.

MR. B. RANSOM: On a point of order, Mr. Speaker, I believe that question is out of order on two counts: (1) I believe he's asking the Attorney-General for a legal opinion; (2) the Attorney-General's Estimates are before the House, and he could have the opportunity to question the Attorney-General.

HON. R. PENNER: To that point of order, Mr. Speaker.

MR. SPEAKER: To the same point of order, the Attorney-General.

HON. R. PENNER: To that point of order, the fact that someone's Estimates are before the House has never, to my knowledge, been a ground for ruling a question out of order.

SOME HONOURABLE MEMBERS: Oh, oh!

MR. SPEAKER: Order please, order please.

HON. R. PENNER: Apparently, Mr. Speaker, there are three languages spoken in this province: French, English and raucous. It's becoming increasingly difficult to . . .

MR. SPEAKER: Order please.

HON. R. PENNER: . . . have question period conducted in an orderly and decorous way. It's beginning to sound like a jungle in here from time to time, and this question period has been an example of the kind of ill-suited behaviour that the members opposite seem wont to use from time to time. I'm raising on a point of order. I ought to be heard on the point of order, and I'm saying that with respect, it is not a point of order . . .

SOME HONOURABLE MEMBERS: Oh, oh!

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

HON. R. PENNER: . . . that it is not a point of order that goes to the suitability of a question in question period that that matter may be discussed in Estimates. It may or may not be discussed in Estimates depending on questions which are asked during the course of Estimates.

With respect to the other matter that was raised as a point of order, it doesn't call for me to give a legal opinion on a matter that is before the courts in this province.

MR. SPEAKER: Order please. In listening to the question, I wasn't aware that it was asking for a legal opinion, and neither am I aware that the House has been of the practice to rule out of order any questions which could come up at Estimates around the same time. I was somewhat concerned about the length of the honourable member's question, and the fact that it was so open-ended as to invite a possible lengthy reply that would be out of order. I will allow the question and ask the Honourable Attorney-General to keep his remarks brief as we are reaching the end of question period.

The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, I will be brief.

The section of the Constitution of Canada which was in consideration in the case in Quebec, Section 133, is word for word the same as Section 23 of the Manitoba Act, therefore, there is an exact parallel between the two cases. This is the first instance in which a superior court has held in effect that the failure, in this case the failure of the Province of Quebec, to use both official languages, amounts to an invalidity. The legislation which ordered back to work some 30,000 workers and led to 30,000 charges under the Act was tabled in the French language only, contrary to the provisions of Section 133 of the Constitution of Canada and a superior court for the first time held that that made the Act invalid.

The only additional comment I would make in answering the question is that this demonstrates the risk that would have been run when the Bilodeau case

went to the Supreme Court when it was our concern that the Supreme Court could come to the same conclusion. There is now a precedent for a court coming to that conclusion and demonstrates the fact that the cautionary approach was the correct approach to take.

Fishing co-ops - grant

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker. Last week, the Minister of Northern Affairs took as notice a question that I directed to him with respect to a possible grant being paid to the Big Black and Norway House fishing co-ops for the purchase of a cargo vessel. I wonder if the Minister could reply to that question today.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: No, I can't. I apologize to the member for not having the information available to him today. Staff are presently reviewing that, and I hope that they will have information to me that I can present to him tomorrow or the day after. I've had some indication that they will have that information available at that time.

Translation of statutes

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

MR. G. MERCIER: Mr. Speaker, following upon the question from the Member for Inkster. Recognizing that the decision in the Province of Quebec is of a Trial Court Judge sitting alone, I believe, Mr. Speaker, would the Attorney-General be prepared to withhold the proposed amendment to Section 3, of The Manitoba Act until that case in Quebec has gone to the Supreme Court of Canada and the court has made a decision?

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Certainly not, Mr. Speaker.

Sewage - emission of

MR. SPEAKER: The Honourable Member for Arthur.

MR. J. DOWNEY: Mr. Speaker, I have a question of the Minister of Economic Development. In view of the fact that emphasis has been put on the unemployment problems in this province, and that there has been a difficulty in obtaining a lot of industry; and in view of the fact that an environmental hearing is being held and there are impositions being made on the City of Brandon to make some specific changes dealing with the emission of their sewage, and there is pressure now being put on Ayerst Laboratories, who have some 30 employees, generates some \$14 million into the local economy, and some 150 horse producers and agricultural people are now being put in jeopardy

because of this imposition on them; will the Minister of Economic Development meet with the City of Brandon, meet the Mayor and the people involved in that industry and back off their request to impose such restrictive limitations on that industry that could close them, would she now get involved to assure the producers that they'll be able to stay in business another year?

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. M. SMITH: Mr. Speaker, as with past situations where, on the one hand, we have concerns of environmental and health safety and, on the other, the economic concerns of a company that may be affected with an environment hearing, my colleague and I, the Minister of Environmental Affairs, have been in the habit of discussing the issue and I have full confidence in his environmental group to carry on a dialogue with such a company to work out the most acceptable compromise or solution to the problem.

I think it's been completely clear that this government does not feel that environmental issues should be sacrificed 100 percent to economic well-being, the question is of finding the fairest and best mix. If necessary, some environmental orders can be phased-in over a longer period of time, thereby, giving a company time to adjust and still remain fully viable. So I think any further questions could appropriately be addressed to the Minister of Environment.

MR. J. DOWNEY: Mr. Speaker, in view of the fact that the Province of Manitoba are spending taxpayers' money to create jobs that they've been saying through some of the programs, would she consider paying taxpayers' money into the upgrading of the emission of sewage so that companies that are already employing people, that are already buying a commodity from farmers and generating an economy in western Manitoba, would she consider that alternative rather than have that company shut down and lose some \$14 million to that western provincial economy?

HON. M. SMITH: Mr. Speaker, my understanding of companies in Manitoba is that they want to be good corporate citizens; that they're as interested as we are in conducting their business affairs so that the health of the environment and of workers is not jeopardized. So I have full confidence that they will be co-operative and that we can work out a mutually acceptable agreement.

But, Mr. Speaker, I think it's been clear from the very beginning that we do not believe that the health of the environment, and health of workers should be traded on any kind of simplistic block in order to increase the profit of a company. What we want is the workable balance between the two concerns. As I said before, I have confidence that the Minister of Environmental Affairs is as cognizant as I am of those joint concerns and will do everything he can to work with the companies to see that there's a mutually satisfactory solution.

MR. J. DOWNEY: Mr. Speaker, can the Minister of Economic Environment tell us why then her government

is discriminating against a city, such as Brandon, when in fact there is very little concern when it comes to the City of Winnipeg? In fact, they have very little control over what is happening there. But it appears that they are overanxious to see the kind of clean environment take place in the western region of the province when they have very little concern for the City of Winnipeg environment.

HON. M. SMITH: Mr. Speaker, I find that an absolutely shameful accusation. I see no evidence whatsoever that that is true. If the member opposite has any evidence that sort of bias exists, it behooves him to lay it on the table and give evidence.

MR. SPEAKER: Order please, order please.
The time for Oral Questions has expired.

ORDERS OF THE DAY HANSARD CORRECTION

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ADAM: Mr. Speaker, I rise to make a correction in Hansard. On Thursday, May 26th, on Page 3110, left-hand column, fifth paragraph from the bottom, the statement reads: "MR. A. DRIEDGER: Mr. Chairman, could I ask what legislation would the honourable member want us to pass?" That is a statement that I made, and not the Member for Emerson.

MR. SPEAKER: I thank the honourable member for that correction.
The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I move, seconded by the Minister of Community Services and Correction, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for River East in the Chair for the Department of Community Services and Corrections; and the Member for Burrows in the Chair for the Department of the Attorney-General.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, C. Santos: Committee, please come to order. Before we start Item No. 3.(a)(1) and (2), Manitoba Law Reform Commission, Salaries and Other Expenditures, the Attorney-General wants to read some documents.

HON. R. PENNER: The Member for St. Norbert raised a question about the incident of impaired driving and mentioned our policy with respect to laying a - what is called the second charge within two years - if a second

offence occurs within two years of the date of the first offence. I have some statistics, which I will give the Member for St. Norbert, which are really not susceptible of analysis, I think, at this early date.

They do indicate that in the period from the time the policy was announced, there was a considerable increase in the number of such charges laid, but the statistics also indicate that in the subsequent period of time from January 1, 1983, to the present, there has been a decline in the number of charges laid, which arguably might indicate that the policy is working, but I don't think statistics of that kind can be relied upon for more than tentative conclusions. So, Mr. Chairperson, I'll file that group of statistics.

Secondly, the Member for St. Norbert asked for some information with respect to statutes to be translated and I will file a document prepared by Legislative Counsel and I will not read it all. It speaks for itself, but what the Legislative Counsel has done, has gone through the statutes, pre-1970, and then from 1970 to date, and there's an indication, in fact, there's a figure that there's approximately a total of 3,800 statutes that do not appear in the continuing consolidation and which arguably, but for the agreement might have had to be translated, 3,800 statutes and the references are contained in the document; whereas in the continuing consolidation there are only 383 Acts.

So in the continuing consolidation, which we're now obliged to translate, and always were, there are 383 Acts. The number of Acts that we now do not have to translate, is approximately 3,800. Now some of these by the agreement, will have to be translated, a few dozen Acts, and we'll have a list of those. It's true, as pointed out, that that figure may be misleading because some of the Acts in the continuing consolidation occupy many pages. Many, many of these 3,800 are single-page Acts or two pages, so that the number itself - I don't want to suggest anything by it - a calculation will have to be done. Legislative Counsel advises that many of these Acts are one page or three or four pages, but if one sought to strike something of an average, I suppose that we're talking about 14,000 pages, approximately, 14,000 to 16,000 pages that will not have to be translated and the cost - depending on who does it - if it's done on a contract basis, the average cost, I'm advised, would be about \$100 per page, so you're talking about \$100 times 16,000, so you have a 1.5 million or 1.6 million. If it's done in-house it is less, so that I don't want to do more than provide the information.

I think that each one of us will probably want to study this material, which was just put into my hands about an hour-and-a-half ago, and do what calculations one can. I think all one can say, and I'll conclude with this, is that, there are an enormous number - far more than I realized - of these Acts, that are not ordinarily carried forward in the continuing consolidation, which we do not have to translate.

MR. CHAIRMAN: 3.(a)(1); 3.(a)(2) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, on the Law Reform Commission, could the Minister perhaps give a brief statement, as to the current activities of the Law Reform Commission?

HON. R. PENNER: The Annual Report for the year ending March 31, 1983 is filed in the Legislature and indicates a number of completed projects, some of which, of course, are already represented by bills tabled in the House. The report deals with The Survivorship Act, which is in the House; amalgamation of the Court of Queen's Bench and the County Court of Manitoba, which is in the House; the law of domicile, which has resulted in a statute or a bill, which has not yet been distributed in the House but will be shortly. It indicates the report on small claims, and I indicated yesterday that although I have the report on small claims, we are presently not acting on that report.

Work in progress in the report deals with a very important project on administrative law. I think, as the Member for St. Norbert knows, there's an increasing amount, a number of our rights and obligations that are dealt with by administrative tribunals and there are literally hundreds of these administrative tribunals, licence suspension, appeal board, mining board, if you want to get . . . mining claim, adjudicated, the bulk of the Public Utilities Boards. There are virtually hundreds of them and each one is administered by the terms of its particular statute. There tends to be some uniformity in these statutes and in the regulations with respect to procedures but, arguably, many of the procedures do not meet the kind of high standard that the former Chief Justice of Ontario, Mr. Justice McRuer, called for when he reported on administrative law in Ontario some 18 years ago. His report led to a comprehensive piece of legislation on statutory tribunals of one kind or another, and the Law Reform Commission here is working on the whole question of administrative bodies and judicial review.

I should just point out that one of the amendments that we asked for to Section 96 of The Constitution Act was one which would make it clear that when boards and tribunals acting in a quasi-judicial way within provincial legislation rule in terms of statutory powers that it does not constitute a violation of Section 96; that is, they are not carrying out the functions of a superior court judge. Of course, only the Federal Government can appoint a superior court judge.

The Minister of Justice Canada was very sympathetic to the point advocated on behalf of all of the provinces that Section 96 should be so amended that these administrative tribunals, their decisions are protected, but that they would have to be in the same statute subject to judicial review. I believe that will be proceeded with some time in the next year.

Without going on at any greater length, I should just simply point out the other work in progress includes The Dower Act. We did not include this in the family legislation to be tabled in this Session. It's been worked on by the Law Reform Commission; we are waiting the results of that.

A very important question that is being dealt with in medical privilege, the question of what are called structured settlements, a matter that is of key social importance dealing with the sterilization of minors and the mentally disabled persons. There we are waiting for a decision of the Supreme Court of Canada in a case called the Eve Case to know what direction the Supreme Court thinks the law might take.

There was and is a project initiated by the Commission on landlord and tenant law. That is being reviewed by a research officer.

Legal representation of children, priority of liens, those are the main projects presently being worked on by the Law Reform Commission.

MR. CHAIRMAN: 3.(a)(1)—pass; 3.(a)(2)—pass; 3.(b)(1) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, is it the intention of the Attorney-General to introduce a new Human Rights Act or significant amendments to the Act at this Session of the Legislature?

HON. R. PENNER: Not at this Session of the Legislature. It was forecast in the Throne Speech; I'm not sure of the precise language used in the Throne Speech. The Human Rights Commission carried out public hearings, received many many representations and has been working on a submission to be submitted to me which would then be looked at very carefully at the departmental level before we begin considering changes to The Human Rights Act or a revision of The Human Rights Act.

I have not received that report to this date. I met with the Chairperson of the Human Rights Commission a week ago and made it clear to him that it was now far too late in the Session to consider introducing major legislation of that kind which we didn't even have an opportunity to deal with. So a short answer is, no, will not be introduced in this Session.

MR. CHAIRMAN: The Member for Gladstone.

MRS. C. OLESON: Thank you, Mr. Chairman. I was just wondering, from the Attorney-General, the Annual Report of the Human Rights Commission lists staffing, are there any staffing changes as to numbers now as opposed to last year.

HON. R. PENNER: Yes, there is proposed in these Estimates the addition of one person, an education officer. No, we added that education officer last year. What we haven't added for the education officer is any money for education materials. That's the complaint I get from the Commission.

MRS. C. OLESON: That was going to be one of my questions. I see by the report that an education officer has been appointed, and I'm just wondering what direction or focus that education officer intends to take and what will his duties be.

HON. R. PENNER: The duties of the education officer are, in fact, community education, to make widely known through the community, first of all, what the provisions of The Human Rights Act are, what they mean, how persons who feel they are aggrieved with respect to the various forms of prohibited discrimination may use the machinery of the Human Rights Commission, the enforcement apparatus provided in The Human Rights Act.

Beyond that the task of the education officer is to acquaint community groups, but particularly targeting younger people, children in schools, working with the various school committees that are in existence - there is one in the City of Winnipeg - and bringing some

materials on racial stereotypes, the meaning and consequence of discrimination, this kind of a human rights message to selected groups at an age when they can learn some of the things which unite. I'll use a stereotype because it's Robert Burns, "Man to Man, the World O'r." I guess we'd say today, person to person, the world over, only it wouldn't scan as poetry.

MRS. C. OLESON: Thank you. I'm glad to hear that this education is taking place partly in the schools because it has always been my contention that you cannot legislate this type of feeling completely. People have to be educated to treat one another fairly, and of course the best day of all will be when we don't need any Human Rights Commissions, but we have to face reality, of course, and realize that would be a long time in coming.

A point I was wanting to ask about, during the past year or so, in cases that we have read about in the media and heard on TV concerning the Human Rights Commission, I'm wondering if the Commissioners themselves are taking on a different role from what they used to have and are they actually investigating cases, or is this still being left entirely up to the staff.

HON. R. PENNER: The Commissioners are not investigating cases, it's are left entirely to the staff. I think that's very important because, upon investigation, a report is filed with the Commission and the Commission must then make an independent decision as to how to proceed. There are a number of options available under - of course, the member herself was a member of the Commission and is familiar with that. But there are a number of options, whether to proceed or not to proceed, whether to attempt to mediate, whether to prosecute. If the Commission were involved in an investigative role, then legally, I think, it would rule itself out of the picture.

MRS. C. OLESON: Thank you. I just raised the point because it appeared that was what was taking place, and I agree with you, it would create some very great difficulties.

On Page 8 of the Annual Report, there is a headline about "Higher Public Profile." I'm wondering if this present Commission holds any regular meetings outside of their Winnipeg office. At one time, that was the practice and, from a public relations point of view, the Commission at that time felt that it was money well spent, shall we say.

HON. R. PENNER: To date, the Commission has not held regular meetings outside of Winnipeg. It is its intention to do so, but it is operating on a very very tight budget and a considerable portion of its budget in fiscal '82-83 was expended in the public hearings which were held. Some of them were held outside of Winnipeg to invite public submissions on any proposed changes to The Human Rights Act. I think that was a good exercise in reaching the public and involving the public in the work of the Commission, but it did mean that in terms of any money available for the option of having the Commission itself meet outside of Winnipeg, there was none.

MRS. C. OLESON: I also read and, of course, heard about those public hearings. I wanted to know what

the supplementary budget that had to be authorized, how much that was for these public hearings? And is the report on those public hearings available at this time?

HON. R. PENNER: There was an overexpenditure which required Special Warrant for the Human Rights Commission dealing with adjudications. Adjudications are something that one can only predict at the beginning of a fiscal year, and one puts in a targeted amount and hopes for the best. The total expended for adjudications in fiscal '82-83 was 64,540.00. The amount which had been budgeted was 12,000, far too little. So that there was an overexpenditure in that area of \$52,000, and that was Special Warranted.

MRS. C. OLESON: Yes, on Page 9 of the Annual Report, I'm quoting: "The expense of public hearings required a supplement to the Commission's already overextended Budget." So that told me that for this specific purpose there had to be a supplementary.

HON. R. PENNER: Thank you, you're right. The question you asked relates not to the boards . . .

MRS. C. OLESON: The overall Budget, it's that particular item.

HON. R. PENNER: That particular item for the hearings, not the Boards of Adjudication, but for the public hearings. The budgeted amount, the amount contained in the Estimates for the year ending March 31, 1983, the total for the Commission was \$683,000.00. The actual expenditure was \$745,000, approximately \$107,000 more; of that, \$52,000 relates to Boards of Adjudication, so there's approximately another \$50,000 - \$55,000 over Budget, not accounted for by Boards of Adjudication, some of which relates to the public hearings. I will try to get a figure for the Member for Gladstone as to how much of that \$55,000 relates to the public hearings. As soon as I have a specific figure on that, I'll supply it.

MRS. C. OLESON: I asked about the report about of the public hearings also.

HON. R. PENNER: Oh, yes. The report of the public hearings, I will receive it; I have not yet received it, but it will be contained in an overall report that will tell me, and government, and the Legislature, about the public hearings, and then make its recommendations for changes in the legislation.

MRS. C. OLESON: I realize that it may be difficult for you to answer, since you haven't got your hands on that report, but was the feeling of those hearings that there should be offices in any other parts of the province? I know statistics don't warrant it but, of course, in this type of thing we can't always work on statistics. But I know there has been for some time the talk of a need of an office in Brandon, and there was some talk at one time of moving the office from The Pas to Thompson, were there discussions at these hearings of that type of thing?

HON. R. PENNER: The Commission, itself, has recommended to me that it be granted funds for

opening an office in Brandon, and secondly, in terms of priority, in Thompson. Regrettably, there were not funds available in this fiscal year to do that. Whether or not there were recommendations made in the public hearings, I'm not sure. There were apparently some representations and we'll have more detail on that when the report is received.

MRS. C. OLESON: I think my last question will be - I neglected to ask this when I was talking about the education officer. You did mention that there was going to be more money allocated in these Estimates for an education officer; how much was that?

HON. R. PENNER: The figure is \$20,000.00.

MRS. C. OLESON: Thank you.

MR. CHAIRMAN: 3.(b)(1) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, could the Minister advise as to the present rate of remuneration for the Chairman?

HON. R. PENNER: It's the same as it has been for the last few years. I don't know if that helps you. If it doesn't I'll get a specific figure in a moment. It hasn't changed.

MR. G. MERCIER: Well, I think, Mr. Chairman, then it's in the area of 10,000, 11,000, 12,000, I believe.

HON. R. PENNER: It's a per diem I think. About \$140 per diem.

MR. G. MERCIER: Well, perhaps, Mr. Chairman, for next year the Minister might have available the information then as to the amount paid out during the fiscal year 1982-83, and 1983-84 for the Chairman on the per diem basis.

HON. R. PENNER: Yes. I'll supply that information.

MR. G. MERCIER: Mr. Chairman, can the Attorney-General advise whether the Human Rights Commission investigated a judge who said that custody of certain children should go to the mother?

HON. R. PENNER: Not to my knowledge. I'm advised that the Commission has received a complaint but has not yet acted on that complaint, is just considering what position to take.

MR. G. MERCIER: Has there been an investigation then?

HON. R. PENNER: I believe as a result of the complaint having been received, counsel in the case have been talked to by a member of the Commission and it may be the case that as of this date a standard complaint form has been served on the judge in question for his attention.

MR. G. MERCIER: Mr. Chairman, while maintaining confidentiality could the Attorney-General amplify on the circumstances of the complaint?

HON. R. PENNER: The circumstances of the complaint appear to be as follows: That at the time the - kind of ironic in a way - at the time that the statement alleged to be discriminatory was made by the judge in question there was a Human Rights Conference taking place in the City of Winnipeg. A human rights official from another province complained about the remark in a formal fashion. Once the Commission receives a formal complaint it must act on it to a certain point and then the Commission itself decides whether it will proceed beyond the preliminaries. But it hasn't reached that stage.

MR. G. MERCIER: Can the Attorney-General advise as to what the alleged remark was? Was it more than what I referred to?

HON. R. PENNER: I have no knowledge at present to the extent that it's any more than you have paraphrased in general.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General advise whether this is a provincially-appointed judge or a Superior Court Judge?

HON. R. PENNER: Federally-appointed judge at the Superior Court level.

MR. G. MERCIER: Well, Mr. Chairman, then that raises, I think, an issue in which I would like to receive the opinion of the Attorney-General.

The Human Rights Commission has already made a report with respect to certain comments by now Chief Justice Monnin. In their response they called it, dated December 7, 1982, on the first page they noted firstly that federally-appointed judges are appointed by the Federal Government, not the Provincial Government. This means that the formal investigation of complaints against such judges may fall within the exclusive constitutional jurisdiction of federal rather than provincial authorities. If so, the Human Rights Commission would lack jurisdiction. In any event since we understand that a complaint has been made to the Canadian Judicial Council which clearly has authority to deal with it, we feel it would be inappropriate for the Manitoba Commission to attempt to exercise its formal powers of investigation.

Then despite that remark, on Page 2 they point out that some of the facts are uncertain and were unable to resolve these uncertainties. Then despite that they continue to go on to make their response, and their concerns, and their conclusions known.

I suggest to the Attorney-General that where in these instances if there are complaints about a judge's conduct, or remarks, there is a specific body that has jurisdiction to deal with it, in this case with federally-appointed judges, the Canadian Judicial Council. If it were a provincial judge it would be the Provincial Judicial Council.

What we have had in the case of now Chief Justice Monnin is a report without, as they acknowledge, undertaking an investigation and pointing out uncertainties as to facts but going on to make their own comments. In those type of circumstances and forgetting about the person who is involved in this

instance, in these type of situations what the Human Rights Commission appears to do in itself is to ignore the rights of the person against whom a complaint has been made. There is no interview, no indication to the person about what is going on, no right would appear of response or to comment on the concerns of the Human Rights Commission.

Now I would like to know from the Attorney-General - well now it would appear that there has been a complaint made about another federally-appointed judge about a remark made with respect to a custody issue and I don't know the details of it at all. But if there's a complaint should those type of complaints not be dealt with by the appropriate judicial council, where the right of the respondent, or the right of the person against whom the complaint has been made has an opportunity to defend himself, or herself, does the Minister support this type of action by the Human Rights Commission which appears to ignore the rights of the person against whom the complaint is being made to respond and defend themselves and at the same time they appear to be without jurisdiction. The proper jurisdiction in the case of judges should be with the appropriate judicial council.

HON. R. PENNER: Let me deal with both questions.

First of all, the jurisdictional question. Coincidentally enough that question came before the Saskatchewan courts just a few weeks ago in a parallel case in which there was a complaint filed against officers of the RCMP.

A jurisdictional question was argued in which it said - well, you can't do that because the RCMP are not within the jurisdiction of the province and the Putnam and Cramer case was cited, a decision of the Supreme Court of Canada, and that there is an appropriate mechanism for dealing with allegations of wrongdoing against RCMP officers. The Saskatchewan Court of Appeal held, no, there is parallel jurisdiction that where - true, with respect to police discipline that is a matter, as held by the Supreme Court, that is within the sole jurisdiction of the Federal Government and its agencies that are established for police discipline, but where the conduct complained of amounted to an infraction of The Human Rights Act that it, on jurisdictional grounds, could be legally the subject of a complaint before the Human Rights Commission or its equivalent in Saskatchewan.

Now, in the case here, it's true that complaints about judicial conduct where its federally-appointed judge may be referred to the Canadian Judicial Council, the fact that those complaints can be referred to the Canadian Judicial Council would not appear to oust the jurisdiction of the Human Rights Commission to deal with the conduct of someone who, albeit a judge, arguably may have infringed provincial legislation dealing with human rights. I wouldn't want to press that too far, because where the conduct complained of arises in the context of carrying out the judicial function, it may be arguable that indeed the jurisdiction is solely federal. I wouldn't want to say more than that in the event that this kind of case was ever brought before the courts of Manitoba for ultimate decision. I simply say that there is a question that has yet to be resolved.

Finally, there is another very important question raised by the Member for St. Norbert. At what point in those

circumstances, where a complaint has been made through any complaint mechanism, is it required so to speak to give the person, who is accused of some wrongdoing, give that person - may I use the cliché his or her rights - when an information is sworn alleging criminal conduct, then of course there is not a pre-hearing prior to the swearing of an information. An information starts the proceedings. The police then investigate and during the course of the investigation, if it happens that the investigation has to include a discussion with the person accused of an offence, that person has to be advised now of that person's rights.

There is machinery in place with respect to The Human Rights Act. Where a complaint is made in first instance, the Commission has to decide whether or not indeed it has some jurisdiction to proceed. If it decides that it has jurisdiction to proceed, then go through fairly well-established investigatory preliminary steps which includes the serving of a complaint form on the respondent. It is at that stage where the question will arise as to what are the rights of the person named as a respondent in a complaint. Certainly in the kind of case that we are discussing that is a very complex issue as to what would be the rights of any person, including a judge, at the point where a complaint form is filed or served on the would-be respondent.

MR. G. MERCIER: Mr. Chairman, I'm glad that the Attorney-General does see a problem here in the actions of the Human Rights Commission. No doubt the motives are sincere and well-intentioned, but does the Attorney-General intend to provide some guidelines to the Human Rights Commission with respect to this type of report where they indicate they may lack the authority to initiate or entertain a formal complaint but they're going to comment on it anyway? Does he see the Human Rights Commission having some sort of overall power or authority in this province to pick out individuals, make a report on the appropriateness or not of their comments without in any way giving those persons full opportunities to defend themselves?

Perhaps the Attorney-General would agree that it is contrary to some fundamental principles of justice to have a Commission acting in this manner without, I think, properly taking into consideration the rights of the persons against whom the complaints have been made.

HON. R. PENNER: I thank the Member for St. Norbert for raising the question. I will be happy to refer the general question to the Commission almost like a stated question to the extent of, what does the Commission see as its jurisdiction with respect to complaints filed or lodged with it concerning conduct of a judicial officer, whether provincial or federal, made in the course of the actions of that person acting as a judge, and what relationship they see between its powers and the powers of the respective judicial councils?

I'll be glad to refer that question and the subsequent question of whether or not the ordinary procedures of the Commission, in investigation and reporting, reach a stage where a report may be made public without the respondent having an opportunity to meet the case. Both those questions will be directed by me to the Commission and I will be pleased to supply its reply when received.

MR. CHAIRMAN: 3.(b)(1)—pass; 3.(b)(2)—pass; 3.(c) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, has the Attorney-General given any further consideration to a type of an amendment that I had introduced with respect to this Criminal Injuries Compensation Act that would allow for compensation for pain and suffering to victims of crime? While I referred to rape victims, no doubt it would apply to all victims. I have received a copy of a letter - I believe it was sent to the Attorney-General from the Provincial Council of Women endorsing support for that principle - and I would ask the Attorney-General if he and/or the Board are giving consideration to that.

HON. R. PENNER: Not presently. As I indicated, it is a difficult question. When one establishes a compensation scheme, and I use the parallel of the Workers Compensation scheme, one has to decide initially what are the limits or parameters within which compensation will be awarded. The Workers Compensation scheme was designed to provide compensation for lost income.

The Crime Compensation scheme, which is parallel legislation in a way, was also designed to provide compensation for lost income. Even operating within those limited boundaries, the cost has escalated from an original \$100,000 or \$200,000 a year to something approximating \$1 million. In fiscal '82-83 we're projecting \$877,000, so it's getting up there. The reason why it's getting up there incidentally, as the Member for St. Norbert knows, is that you have people who are permanently injured and therefore permanently on compensation. So you have a growing residual group, and the new cases are tacked on, some of them are permanent injuries, some of them are not.

To expand that to a compensation for pain and injury, pain and suffering would be undoubtedly to escalate the cost monumentally. This is a cost-sharing scheme. Unfortunately like so many cost-sharing schemes that we get into with the benign assistance of the Federal Government, they in effect for all practical purposes, opt out at a point which suits them, and we're paid 10 cents per capita as the contribution. That was the contribution to begin with and that is the contribution to this date. We're now 8-10 years into the program. It did start out at 5 cents. It was a jitney ride, as they say, and then went to 10 cents and has stopped there, so we've received \$100,000 on a program which is now close to \$900,000.00.

There is another parallel, of course, in the Autopac situation where, to a considerable extent, the heart of the legislation compensation is based on lost income and out-of-pocket expenses. If one wants to sue for pain and suffering you sue in the ordinary courts.

MR. G. MERCIER: Well, Mr. Chairman, I do want to make the point, and I'm sure the Attorney-General would agree however, though, that there is, I think, certainly within society a growing concern about victims of crime, more so than the perpetrators of crime and if put to the test I'm sure this type of program would receive unqualified public support. So I would urge the Attorney-General to continue to study the suggestion I had made in the Private Members' Bill.

Last year, when we discussed this section of the Estimates, I believe I referred to the fact there was a lack of publicity about the Criminal Injuries Compensation Board, and I believe the Attorney-General concurred with that sentiment and indicated that perhaps some further steps would be taken by the Board to publicize the availability of the Board and the type of compensation that victims of crime might receive. I wonder if the Attorney-General could indicate what, if any, action in that regard has been taken.

HON. R. PENNER: I agree with the Member for St. Norbert that the program should be more widely publicized.

There was a comment made at the recent meeting of administrative officials dealing with crime compensation from across Canada - the meeting was here - and it was pointed out at that time, that the demands on the scheme were the lowest in Manitoba indicating, as was suggested then, a lack of knowledge on the part of the public of the availability of this compensation scheme. So certainly that corroborates the point being made by the member of the need for better publicity.

One of the matters that will be placed on the plate, a list of tasks of Mr. Phillips, the departmental communication officer, is to expand our Information Services in that area to consult with people, Mr. Thorvaldson and others administering our crime compensation scheme.

I should add that we began a little more than a year ago, I guess it's about 14-18 months ago, a Victim Witness Assistance Project - I think it was already begun at the time the Member for St. Norbert was Attorney-General with some federal funding - and one of the tasks that the Victim Witness Assistance Project has, one of its prime tasks, is to alert people to the possibility of their obtaining compensation.

The difficulty there is, that cannot be by any means, and apparently it isn't 100 percent means of identification, because many victims do not get involved in the process. They're the victims of the crime and they make a complaint; the matter is investigated; an arrest may be made; the person pleads guilty; there is no hearing; the person isn't involved in the process and, therefore, would not ordinarily become counselled through the Victim Witness Assistance Project, and it may be that that's a loophole that will have to be looked at.

MR. G. MERCIER: Mr. Chairman, the Minister has introduced an amendment to the Act in the House for which he has not yet given Second Reading. It would appear from the bill that this might, Mr. Chairman - if you're concerned about discussing this - might expedite the bill through the House. In fact, I'm sure it will.

The intent of the bill seems to be to give authority to the Board to deduct, from compensation for crime, the amount of any social assistance that the victim has received. Is that a fair comment on the intention of the bill?

HON. R. PENNER: Yes, that is a fair comment. The reason why the bill hasn't been introduced for Second Reading debate is that I will be bringing in a technical

amendment because the wording that is before the House doesn't accurately express the intention.

This section of The Crime Compensation Act to which the amendment refers provides in effect for deductions of things like Unemployment Insurance or Workers Compensation, because it is strictly a compensation scheme for lost income, therefore, it's only to the extent that income is lost as a result of the criminal injury that compensation kicks in.

If a person is in receipt of social assistance, let's say at the time of the crime, in every instance but one the amount of social assistance will exceed the amount that is available under The Criminal Compensation Injuries Act. The person will continue to receive from the public purse the social allowance which provides them with income support at a greater and higher level than the criminal injuries, but will not receive both; in the same way that a person does not receive criminal injuries compensation and Unemployment Insurance, does not receive both criminal injuries compensation and workers compensation.

MR. G. MERCIER: Mr. Chairman, could the Minister explain what appears to me to be, with respect to this bill, a contradiction in NDP philosophy?

Over the 1970s, for example, when the property tax credit systems were introduced, there were attempts made, certainly at the municipal level, to deduct the amount of the credit from the social assistance a person might be receiving - this appears to be an action in reverse - and the NDP position on that position was, fine, they may be getting social assistance, but this is another government program and they should be and will be entitled to receive the property tax credit benefit, or a cost of living tax credit benefit, the income part of the benefit. This appears to be a contradiction to that position, in that the NDP are going to deduct this other income compensation that a person would have been entitled to under The Criminal Injuries Compensation Act from social assistance that a person was receiving.

HON. R. PENNER: I heard a friendly voice to my right, opposite the Member for St. Norbert, the Member for Concordia, pointing out that the one program was a universal program, and this program is not a universal program and therefore one is comparing apples and oranges to that extent. There is such a variety of compensation programs of one kind or another or, I should say, social assistance programs, to use the generic term, and they proceed on a different basis and with different criteria.

The Criminal Injuries Compensation Program is strictly a program and has been from its inception a program to compensate for lost income and that is why right from the beginning it had these particular deductions: unemployment insurance, workers compensation. There are one or two others that are mentioned in the Act.

There are other matters that I would like to deal with, in terms of the question raised, but will do so when we debate that bill in the House.

MR. CHAIRMAN: 3.(c)—pass; 3.(d)(1), 3.(d)(2) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General indicate - he may not have this information available - the number of appeals that the Manitoba Police Commission has heard from the City of Winnipeg Police Commission?

HON. R. PENNER: I'll take that as notice. I believe in fiscal 1982-83 the appeals that have been heard by the Commission relate to Brandon, Winkler - is that Winkler or Steinbach? I just received the report, I should remember which one it is, but I can't recall how many, if any, appeals were heard from the Winnipeg Police Commission. If you'll just bear with me for a moment.

In 1982, to the best of my knowledge and belief, the Commission only heard one appeal and that arose from Brandon. In 1983 to date, the one appeal that I'm aware of the Commission having heard arose from Winkler - Winkler or Steinbach.

MR. G. MERCIER: Mr. Chairman, I believe the Attorney-General is correct on that. As he developed The Law Enforcement Review Act, did he consider why there were, I believe, very few, if any, appeals from the Winnipeg Police Commission to the Manitoba Police Commission?

HON. R. PENNER: There are arguably two problems which relate to the question. One has to do with the threshold question of whether or not all of those who have been the victims of wrongdoing on the part of police officers complain at all. The only data which is available on that now is a few years old. It's data which comes from a study conducted nationally by the Canadian Civil Liberties Association in a number of cities, Vancouver, Winnipeg, Toronto and Montreal, which studies seem to indicate that the number of persons who actually complained in the first instance represented only a fraction of those who had complaints.

Now, whether those complaints were bona fide, of course, cannot be determined until they're actually received, investigated and adjudicated. The argument that was advanced at that time in the study - I forget, it was a department of the Federal Government which funded the study - was that many of those who might have had complaints and didn't file them had two concerns. One is that, you know, the old "you can't fight City Hall" kind of thing, that if you take your complaint to the very body that employs the person against whom you're complaining, then what chance do you have for the matter being dealt with justly or equitably?

There was also expressed the fear - and whether it's baseless or not is not the question, it's a genuine fear - that to complain again to the same body that employs the person about whom you're complaining might well invoke retribution on the street. Now, I make no comment on whether or not those fears were justified, but it was those fears that arguably prevented a whole number of people who perhaps ought to have complained from complaining in the first instance.

So the primary argument for the Law Enforcement Review Agency is not that of the number of appeals which come from a Commission to the Manitoba Police Commission, or have been coming, but whether or not the threshold mechanism is adequate.

MR. G. MERCIER: Mr. Chairman, I believe the Attorney-General in his introductory remarks noted that two people who had been on the staff of the Police Commission have been transferred within the department. Will he see the role of the Manitoba Police Commission, in the event that The Law Enforcement Review Act passes, as merely an appellate body?

HON. R. PENNER: No, far from it. It will be an appellate body, first of all, for those matters dealt with by the local Police Commissions that do not involve third parties, that do not involve citizen complaints. It also will have a function under The Law Enforcement Review Act where the complaint has been dismissed at first instance by the Commissioners, as being frivolous and vexatious, that can be appealed by the complainant to the Manitoba Police Commission. But beyond that it will have a continuing function with respect to crime prevention and particularly citizen's involvement in crime prevention and to police training and standards. Indeed, it was the desire of the Commission for some time to expand its work in these areas, and I believe it will now be able to do so.

There has been a considerable and good growth in crime prevention programs. Some of them are funded by the Solicitor General; some of them are funded in other ways. A particularly good example of that was the work started by the Manitoba Institute of Criminology carried out under the direction of Dr. John Bock in involving all kinds of agencies and public bodies that resulted in Crime Prevention Month in November. That body is now expanding its work, has a new grant from the Department of the Solicitor-General. There are other bodies funded through the Riverborne Community Development Corporation in Fort Rouge.

One of the things that the Manitoba Police Commission will be doing is trying to co-ordinate, to provide a resource function to various crime prevention programs, and to expand those crime prevention programs into the communities throughout the province so that they are not just concentrated in the City of Winnipeg.

MR. G. MERCIER: Mr. Chairman, I believe the Attorney-General indicated that the Information Officer had been transferred to within the Attorney-General's department. What was the other person's position who was transferred to this department?

HON. R. PENNER: One secretary position.

MR. CHAIRMAN: 3.(d)(1)—pass; 3.(d)(2)—pass; 3.(e)(1) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, can the Minister indicate the number of persons under the jurisdiction of the Board compared to the end of last year, March 31, 1982 to March 31, 1983?

HON. R. PENNER: It's a little bit difficult to provide figures on a year-by-year basis because of course once they become under the jurisdiction of the Board of Review, they continue under the jurisdiction of the Board of Review until such time as the person either dies in custody or is released under the warrant of the Lieutenant-Governor-in-Council.

As of March 7, 1983, there are 19 males and one female under review. Sixteen of those were charged with murder in the first instance; one with manslaughter; one with unlawful assault; two with attempted murder. Of those 20, five had been found unfit to stand trial to begin with. Fifteen had been found not guilty by reason of insanity.

Those are the only figures which I have available at the moment. I will try to get comparative figures of the number of people under review as of March 31, 1982. I don't have them at present.

MR. G. MERCIER: The Attorney-General then couldn't indicate the number that were released into society then during the past year?

HON. R. PENNER: I believe one, maximum two. I can recall one, because they have to be released by Order-in-Council. I can recall one Order-in-Council relating to a person released in the Interlake District, and I can't recall any other Order-in-Council.

MR. G. MERCIER: Mr. Chairman, could the Minister indicate who are presently the members of the Board of Review. I think there was a change during the last year.

HON. R. PENNER: Yes. The Chairperson of the Board of Review is Caroline Cramer. Members of the Board of Review, I'll provide their names this evening.

MR. CHAIRMAN: 3.(e)(1)—pass; 3.(e)(2)—pass.
Resolution 19 - Resolve that there be granted to Her Majesty a sum not exceeding \$2,214,400 for the Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

4.(a) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I believe last year the Attorney-General continued re-surveys in 24 areas at a cost of some \$200,000.00. Is that program continuing this year? If so, in what amount?

HON. R. PENNER: The program is continuing. I believe the amount has been reduced from 200,000 to either 100,000 or 150,000. 100,000.00.

MR. G. MERCIER: I take it then, Mr. Chairman, the Minister will be shortly indicating where the special surveys will take place in this year.

HON. R. PENNER: There was a program with respect to the special surveys that was designed some years ago. We are simply carrying on with that program. There have been no changes in the program at all. There'll be no redirection.

Almost all of the special survey is in southern Manitoba where the oldest surveys are and where there has been the greatest deterioration of the survey markers and bench marks.

MR. G. MERCIER: There is no change in the manner of awarding those contracts.

HON. R. PENNER: None whatsoever.

MR. CHAIRMAN: 4.(a)—pass; 4.(b)—pass.

Resolution 20 - Resolve that there be granted to Her Majesty a sum not exceeding \$4,327,200 for the Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

5.(a)(1), 5.(a)(2) . . .

MR. G. MERCIER: Mr. Chairman, I take it that the . . .

MR. CHAIRMAN: 5.(a)(1)—pass; 5.(a)(2)—pass; 5.(b)(1), 5.(b)(2) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I take it that we will at this Session of the Legislature, in view of the introductory comments of the Attorney-General, be dealing with a bill with respect to the amalgamation of the Court of Queen's Bench and Family Court.

HON. R. PENNER: Yes.

MR. G. MERCIER: Mr. Chairman, the Minister in his introductory comments referred to, I think, the fact that there would be created in Manitoba one judicial district with a number of offices throughout the province. He did not mention whether or not resident judges will be maintained in those cities where they are presently located.

HON. R. PENNER: Yes, they will. There is a clause in the proposed legislation, a section in the proposed legislation which deals specifically with that so that the resident judges in Portage, Brandon and Dauphin who are presently judges of the County Court will become judges of the Court of Queen's Bench, but will continue to reside in those centres.

MR. G. MERCIER: Pardon me, I was distracted there. Will the resident judges be maintained in Brandon, Portage and Dauphin?

HON. R. PENNER: Yes.

MR. G. MERCIER: Will the recommendations of the Law Reform Commission be followed as they are indicated in the report referring, for example, to the - "5. That no judge of the new court once appointed shall be required to change residence without the judge's consent."

HON. R. PENNER: Yes.

MR. G. MERCIER: The Minister, I believe, indicated that all of the recommendations would be followed?

HON. R. PENNER: No. I can't say that all of the recommendations will be followed. That is a little bit too general of a question for me. I should indicate again as I did yesterday, and I believe these flow from the recommendations but might not be the same as the recommendations, that the administration of the combined Court of Queen's Bench will be provided through 16 locations. Presently, the Court of Queen's Bench is administered through five locations. Assize hearings will be expanded from five locations to six, Thompson being added to Winnipeg, Portage, Brandon,

Dauphin and The Pas; that the hearings of civil and other matters will be expanded from five locations to 12, so that added to Winnipeg, Portage, Brandon, Dauphin and The Pas for the hearing of civil and other matters will be Selkirk, St. Boniface, Morden, Minnedosa, Swan River, Flin Flon and Thompson.

Having said that I should point out that I'm really providing the member quite properly with some administrative details which will not be carved into the Statute. The Statute provides - well it's still in draft and it should be before the House shortly - but the Statute is intended to provide that the locations for administrative offices and hearings will be the subject of Orders-in-Council after consultation with the Chief Justice.

MR. G. MERCIER: Has there already been a reduction in the number of areas where the County Court Judges sit?

HON. R. PENNER: No, there has not been. The County Court Judges presently sit in 16 locations.

MR. G. MERCIER: Is it proposed that under amalgamation that the judges will no longer sit in Virden, Russell and Killarney?

HON. R. PENNER: It's anticipated that there will no longer be regular sittings of the Superior Court, which will be the style of the Court of Queen's Bench, in Virden, Russell and Killarney. However, there can be trials in those centres on occasion as circumstances warrant. Those centres of course will still be maintained as locations, where documents can be filed and where of course the Provincial Court will continue to sit.

MR. G. MERCIER: Mr. Chairman, are there any other locations where there will be no sittings, where there are now sittings by a County Court Judge?

HON. R. PENNER: Beausejour.

MR. G. MERCIER: Beausejour. So there'll be four towns that will be affected. What is the effect on Minnedosa?

HON. R. PENNER: Minnedosa continues and although Minnedosa arguably had not any more cases heard on a year-by-year basis than Russell to maintain accessibility, you in effect will be combining what was heard in Russell with Minnedosa, to be heard in Minnedosa.

MR. G. MERCIER: Mr. Chairman, I think as the Attorney-General would appreciate, any time you take away a service from a community, particularly a smaller community like these towns, there is a great deal of concern expressed. I wonder if, for the record, the Attorney-General could indicate the reasons why judges will not be sitting in these four areas that he's referred to.

HON. R. PENNER: We are trying to make do with the limited resources that we have. The cost of the administration of justice continues to escalate, as I suppose it will, and we're trying to do the best job possible with limited dollars.

There was a study conducted by the Chief Judge of the County Court, now a member of the Court of Appeal, Judge Philp in 1977, and he did a careful study of the volume of business in the County Court in all of the locations. At that time in 1977 Judge Philp recommended that the centres to which I have referred, be closed as centres for the hearing of County Court cases. In the statistics obtained by me that are updated, there have been no significant changes in the relatively low volume of cases.

For example, in Russell, in the Statement of Claims issued in Russell in 1981 there was just a total of 46, slightly more than one a month, one-and-a-half a month, and that of course is the only Statement of Claims issued that doesn't relate to a number of cases actually heard in the County Court in Russell. In Beausejour the number of statement of claims issued in 1981 was 25; in Killarney for the year 1981 it was 81; in Virden for 1981 it 38.

MR. CHAIRMAN: 5.(b)(1) - the Member for St. Norbert. The Member for Roblin-Russell.

MR. W. McKENZIE: Mr. Chairman, what I am wondering was, this is news that I was not familiar with about the County Court cases in Russell being now heard in, is it Minnedosa I understand it?

HON. R. PENNER: Yes. That is the intention, that it will take effect after July 1, 1984.

MR. W. McKENZIE: Just in looking at the area then could the Honourable Minister advise me, those people that live all along the Saskatchewan border then in that whole general area will be all directed to the court in Minnedosa, which is what, about 100 miles?

HON. R. PENNER: Only with respect to those matters which would ordinarily come before a Superior Court. With respect to matters that are heard before a Provincial Court or a Small Claims, they will still have their cases heard in the local courthouse. Again I should point out that of the Statements of Claim filed, the number heard is only a small fraction of claims filed.

MR. W. McKENZIE: Mr. Chairman, could the Minister give me an idea like Russell - he mentioned what, 46 Statements of Claim in the last year, Beausejour 25, Killarney 81, Virden 38, is that correct?

HON. R. PENNER: The figures, I'll give them again; Beausejour 25. Those are Statements of Claim issued; Russell 46, Killarney 81, Virden 38.

MR. W. McKENZIE: Thank you, Mr. Chairman. What would be a reasonable amount of Statements of Claim of that nature? Well if Killarney is 81, so it's got to be higher than 81 to make it economically feasible for the court to continue there.

HON. R. PENNER: It will still be possible under the proposed new set-up for people in Russell to file Statements of Claim in the Russell courthouse. But when something goes on to actually be contested in court the hearing will be in Minnedosa.

MR. W. McKENZIE: Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, has the Western Bar Association commented on this proposal or have they been informed?

HON. R. PENNER: Yes. I've heard representations from the Western Bar and from the Virden Bar, who have raised questions about the proposal and I've explained. I had a meeting with representatives from the Town of Virden including a member from the Virden Bar, that by no means meant the closing of the courthouse; that the courthouse would continue; that the provincial judges would still sit, that small claims could still be filed and heard; that it just meant those matters which would formerly have been heard at County Court level, now Queen's Bench, will be heard, as far as those people who are in Virden and in Brandon, by the resident CUPE judge in Brandon.

MR. G. MERCIER: And what, Mr. Chairman, has been the response of the Bar Associations concerned; are they objecting to this plan and this proposal?

HON. R. PENNER: Are you talking about in the specific areas, or overall?

MR. G. MERCIER: Overall.

HON. R. PENNER: Overall, very favourable.

MR. G. MERCIER: What about the specific areas?

HON. R. PENNER: Well, in specific areas where they thought this meant the closing down of the little old court house, ivy covered and all that, once they've been assured that it doesn't, there have been no further concerns expressed. That is not to say there aren't further concerns, but there haven't been any.

MR. G. MERCIER: Are there any proposed closings of any court houses?

HON. R. PENNER: No, in fact, we're trying to upgrade court houses. We're trying to find the means of improving the court house facility in Virden, and certainly in Flin Flon, where we have begun a project for a new provincial building which will finally take the so-called court house out of a second floor office that you only could access by a dangerous set of stairs, a judge's chambers which, I think, doubled as a washroom; you know, finally we'll have suitable facilities.

MR. G. MERCIER: Will any existing County Court offices be closed?

HON. R. PENNER: No, they'll become CUPE offices.

MR. CHAIRMAN: The hour being 4:30, we are interrupting the proceedings of this committee for the Private Members' Hour. We, hopefully, will return here at 8:00 p.m.

SUPPLY - COMMUNITY SERVICES AND CORRECTIONS

MR. CHAIRMAN, P. EYLER: Order please. We are considering the Estimates of the Department of Community Services and Corrections. I believe it was agreed last night that at the beginning of this sitting we would revert to Item 2.(b)(1) Personnel Management Services, Salaries - Mr. Minister.

HON. L. EVANS: Thank you, Mr. Chairman. In response to the question of the Honourable Member for Fort Garry, which was, what is meant by the paragraph which was contained in our last Annual Report, and I'll just quote. "Following reorganization in 1981, the branch has focused on upgrading the quality of management information systems to establish streamlined operating practices and procedures and to develop a data base for human resources planning."

Firstly, Mr. Chairman, regarding upgrading the quality of management information services. I can advise the Legislature that, as of April 1st, our Personnel Management Services developed and introduced a new format for their monthly staff vacancy report. The new format is more definitive and provides the current status and classification of each position in the department by appropriation and location. It is intended to provide more comprehensive status information to divisional and director level management for better utilization of positions. It is presently a manual system maintained by the personnel staff, however, it is planned that in the future an automated process will assist in this task once the bugs are worked out.

Regarding the second item contained in that sentence of the report, "the establishment of streamlined operating practices and procedures"; this mostly applies to development and installation of a number of internal procedures and systems related to new personnel guidelines and procedures and to ensure a more efficient operation within the branch. The processes affected are (a) standardization of form letters within the branch; (b) a monitoring system to ensure that all personnel transactions are not missed internally or by the Civil Service Commission; (c) a revised statistically reporting procedure for all classification and hiring activities. These systems are being slowly implemented as time permits.

The third element in the report that the member referred to was to develop a data base for Human Resource Planning. Working with the departmental computer services group, the Civil Service Commission, and the Department of Finance, it is proposed to expand the present employee information data base in-House so we may extract reports on a regular basis for succession planning, for forecasting of potential retirees, for affirmative action planning, and for analysis of male and female participation by occupational categories for equal opportunity planning. This is currently in the early stage of feasibility and planning.

MR. CHAIRMAN: The Member for Fort Garry.

MR. L. SHERMAN: Thanks, Mr. Chairman. I want to thank the Minister for that information. Will the data base, and the resources in that data base, as it is built

up and as they are built up, be reserved entirely for the department and, indeed, for this particular branch, Personnel Management Services, or is it intended to use the base for other purposes, to study and evaluate the possibility of introducing new programs; or is there information that will of value to planners in the department for additional programming in the future?

HON. L. EVANS: No, it is not related to planning of programs. It is strictly related to personnel matters, that is, a replacement of people who may be on the verge of retiring, or who indicate that they're leaving for whatever reason. It's meant for assisting in decision-making with regard to affirmative action, and so on. It is related essentially to planning, the administration, the organization of the department for personnel, not for programs.

MR. L. SHERMAN: Okay.

HON. L. EVANS: The information, because it's on a computer, and because obviously it's of interest to the Civil Service Commission, and also to the Department of Finance, I would presume will be - well I can advise - will be shared with those departments, as is appropriate, or as is necessary.

MR. L. SHERMAN: Okay, thank you.

MR. CHAIRMAN: 2.(b)(1)—pass.

Resolution No. 31: Resolved that there be granted to Her Majesty a sum not exceeding \$3,196,800 for Community Services and Corrections, Financial and Administrative Services, for the fiscal year ending the 31st day of March, 1984—pass.

Item 3.(a)(1), Community Social Services, Administration, Salaries—pass; 3.(a)(2)—pass; 3.(b)(1), Regional Personal Services, Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, the list of staff man years and staff changes in the department, which the Minister provided me with at the beginning of these discussions, indicates that in Regional Personal Services there is a reduction of 5 staff man years in 1983-84 over 1982-83. The Salaries Appropriation obviously indicates a fairly substantial increase in salaries, and I just wonder if the Minister can explain that apparent anomaly.

I would expect there would have to be an increase in salaries, but we're looking at an increase of \$1,300,000 on a 1982-83 printed base of \$6 million, so that represents, not far off 25 percent. What would it be? About 22, 23 percent, and yet his list of staff and staff man years, as I said, reflects a decrease of 5. Could the Minister advise the committee as to the reasons for the salary increases, if purely based on negotiated salaries, either within MGEA units, or with nursing units and, if so, that's understandable, but I would like to know what it is and how come it's in the range of 22 or 23 percent, and could he advise of the nature of the reduction of five staff man years in the Regional Personal Services complement? What are the five positions that are being eliminated? Are they public health - well, they wouldn't be public health nursing

positions obviously in Community Services - but are they regional community services counselling positions or professional positions whose loss will impede the department's capability for delivering personal services in the field?

HON. L. EVANS: To answer the last question first, Mr. Chairman, two of the positions were in Winnipeg and they had been vacant. They were vacant, so they were wiped out. Three in rural Manitoba were, for whatever reason, not allocated, so it doesn't relate to personnel being utilized in delivering any service in rural Manitoba. So the answer is, no, it should not have any negative impact on program delivery that exists.

In terms of the other item regarding what looks to be an extraordinarily large increase in Salaries, the explanation is of course partly alluded to by the honourable member; that is, there is a percentage increase because of the across the board negotiations with the MGEA, the increase in the salary level, plus increments, of course. But in addition to that, there is a technical explanation.

Last year, there was an insufficient amount allocated in this particular item. There is a technical reason for that; it doesn't relate to any policy change. It has no bearing on policies or programs. It's a technical, administrative problem, an accounting problem. As I understand it, some of the monies that were allocated last year came from a central pot of money, because I believe the monies voted for the increase were to come out of a special one line, I believe. They were to be allocated by department and it seems that there was some shortfall there, so now that has been corrected. So, frankly, it's a technical correction, it doesn't reflect any change in programs or policies.

MR. L. SHERMAN: Mr. Chairman, I would like to ask the Minister whether in his view the split of the former Department of Health and Community Services into the two separate, exclusive Departments of Health and Community Services with the continuing service of those two departments by one regional field delivery system, a single-unit delivery system, is working out satisfactorily on the basis under which it has been undertaken; that basis being a single-unit environment for the regional service personnel involved, but a division of lines of reporting and responsibility, in part to the Deputy Minister of Community Services and in part to the Deputy Minister of Health through I believe a single new senior supervisory regional director who is the conduit through which the eight individual regional directors do their reporting, can the Minister advise the committee as to how that new alignment of the two departments and the dual function and dual role of the regional field service component is working out in his view?

HON. L. EVANS: Mr. Chairman, I would remind the honourable member, I wouldn't describe it as a new arrangement, because it's been in existence now ever since the split which is - how long, two or three years? Three.

MR. L. SHERMAN: About three-and-a-half years.

HON. L. EVANS: The information I have from my staff is that from their point of view it seems to be working

well. I can attest, I guess, partially to that as well, because I had the opportunity last summer and indeed part of this winter to visit various centres in Manitoba, in the North and rural Manitoba, and I did take the opportunity being there to talk to many of the staff and sort of get a grass-roots feel for field operations, regional operations. There seemed to be a fairly good co-operative spirit as well as a co-operative administrative arrangement, sharing of offices, sharing of some common services that have to be shared such as a receptionist, for example, some of these more common administrative services. Because really what we were doing is maintaining a single delivery unit system that existed prior to the split, the differences being that they report to different program people in their respective departments.

The other point I might make is that we are trying to strengthen as much as we can the communication with the regional staff, not that it's that dramatic, and it's again an administrative type of challenge to improve and upgrade the communication, the two-way flow of information from Winnipeg, from the capital city, to the regional field office and back from the field office to the head office, so to speak. That's a challenge of organization, a challenge of administration. I have some concern that line of communication be as good as possible. I'm not suggesting that there are major problems, I'm simply saying that one has to continually work on it and ensure that information is getting out adequately to the field and that we get back from the field the problems that the front-line staff are running into with regard to delivery programs.

MR. L. SHERMAN: Could the Minister just advise me, of the 256.5 staff man years in Regional Personal Services, what are the major components in categorical terms? What are the major categories?

HON. L. EVANS: I can give the honourable member a breakdown with half-a-dozen figures or so. Child and Family Service workers, this is the current '83-84 staff complement, 97. Just a note on that, as the member knows or I'll remind him, we, in effect, are the Children's Aid Society in Northern Manitoba, in Parklands, in Interlake, in portions of Eastman and, indeed, part of Winnipeg, so we do maintain a fairly large delivery service in child and family area.

Mental retardation workers - we have 51 field staff. These are the people who go out and help families who have mentally retarded, mentally handicapped children, and they do many other things in the field.

Vocational rehab workers, 26 - they are the people who deal with the occupational activity centres, places such as ARM and so on.

Miscellaneous Service Staff, 16.

Administrative Support Staff, 55.

There are 11.5 term positions. That adds up to 256.5.

MR. L. SHERMAN: Okay, thanks very much.

MR. CHAIRMAN: 3.(b)(1)—pass; 3.(b)(2)—pass; 3.(c) General Purpose Grants - the Member for Fort Garry.

MR. L. SHERMAN: Well, on General Purpose Grants, Mr. Chairman, are we talking about the General Purpose

Grants to health organizations like the Canadian Mental Health Association and the Canadian Public Health Association or are we talking about the whole field of General Purpose Grants which covers citizens' advocacy groups and agencies of that kind?

HON. L. EVANS: The list isn't that long so I could read it.

MR. L. SHERMAN: Yes, I'd like that.

HON. L. EVANS: Just quickly, or I could do it slowly if you want to write it down, but it'll be in Hansard anyway. Let's see, there are in total 12 items:

Brandon Citizens' Advocacy - the Canadian Council on Social Development.

Citizens' Advocacy Manitoba;

Social Planning Council of Winnipeg;

The Thompson Crisis Centre;

Rossbrook House in the City of Winnipeg;

Community projects - well, that's a general category and that is a very small amount of money to handle, maybe a new odd request that they may be received. It's a very small amount, it's \$13,000 out of the total of nearly 1.4 million;

Old Grace Hospital loan payment;

The Volunteer Centre of Winnipeg;

YWCA Osborne House;

Indian and Metis Friendship Centre Grants; and

The Children's Home of Winnipeg Wife Abuse Prevention Program, that's a special new program. It's really for the Manitoba Committee for the prevention of wife abuse, but they're working co-operatively through and with the Children's Home of Winnipeg. The Children's Home is providing the space and some of their experience and so on. So, that item, although it's designated payment to Children's Home of Winnipeg, it is for Wife Abuse Prevention Program that is being delivered by this new committee.

MR. L. SHERMAN: Would those grants for 1983-84 all reflect increases over the levels that were provided in 1982-83?

HON. L. EVANS: In some cases we've held the line. There's no change. For example, the Social Planning Council of Winnipeg, to all intents and purposes, it's roughly the same amount of money. In the odd case, there's been a slight reduction and in one or two cases there have been increases. So what we've done, we've held the line where we could, we've made the odd reduction where we thought we could afford to make a reduction without hurting anyone, for example, the Canadian Council on Social Development offices in Ottawa, it's a national organization, we reduced the grant from 11,300 last year down to 5,000 this year. But, in the case of the Thompson Crisis Centre, there was a need to increase the level of funding so we've raised it from 6,900 last year to 7,500 this year, and that's based on the need that we have identified there in that organization.

MR. L. SHERMAN: Where do the Canadian Diabetic Association, the Canadian Mental Health Association and the Canadian Public Health Association appear?

They seem to constitute another category of General Purpose Grants.

HON. L. EVANS: Mr. Chairman, those are in the Department of Health.

MR. L. SHERMAN: Those are in the Department of Health?

HON. L. EVANS: Yes, all the mental health programs are in the Department of Health. We have the mental retardation programs and those other agencies the honourable member referred to also would be - I don't know to the extent whether they are funded or not, but if they are, I guess they are - it is with the Minister of Health.

MR. L. SHERMAN: That's certainly logical, but they appear in a table that is supplied in this department's Annual Report, which was the reason for my confusion and my question on it, Mr. Chairman, but it's logical that they would be in the Department of Health.

HON. L. EVANS: I see. There is an explanation for that. Apparently, for whatever reason, the money was voted in this department last year, but was then transferred over to the Department of Health.

MR. L. SHERMAN: Thank you.

MR. CHAIRMAN: 3.(c)—pass.

Resolution No. 32: Resolved that there be granted to her Majesty a sum not exceeding \$9,722,500 for Community Services and Corrections, Community Social Services for the fiscal year ending the 31st day of March, 1984—pass.

Item 4.(a) Child and Family Services, Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, can the Minister advise me of something, that doubtless I should know, but I either don't know or I now don't recall, who is the new Director of Child Welfare and what is Mr. John Ross doing? What role is he filling in the department now?

HON. L. EVANS: Mr. John Ross, at his own request, was transferred within the department. Mr. Ross did an exceptionally fine job as Director of the Child Welfare Directorate. We're very very happy with his performance but, he, himself, had in mind when he first accepted the job, I understand, that he could stay around five years. I was told by my Deputy Ministers some many months ago that was it, he'd like to have an opportunity to work elsewhere in the department. So we acceded to his request, and we have placed him in the Income Security area. His title is Director of the Social Allowance Program; in other words, he's in charge of our Social Welfare expenditures throughout the province, and he is doing a very good job there, as well. He's carrying on, using his past experience.

The new Director of Child and Family Services is Mr. Reg Alcock, who applied for the position that was advertised. He had been the Director, just prior to winning this competition, of the Seven Oaks Centre for

Youth and he seems to be working out very well. He is very knowledgeable of the area of Child and Family Services. Certainly he is knowledgeable of the professional people in the field; he is knowledgeable of the problems that we have experienced and, I'm pleased to say, that he seems to be working out very, very well.

MR. L. SHERMAN: Who would have replaced him at Seven Oaks, Mr. Chairman?

HON. L. EVANS: That position is in the process of being advertised and bulletined.

MR. L. SHERMAN: In terms of the general field of child-caring institutions, Mr. Chairman, is there an initiative being undertaken, led by the department at the present time, with respect to a review of those institutions and how they are run. I'm not talking now about the overall review of the child welfare system, but I am under the impression that the child-caring institutions, and the role that they play, and the administrative structure that exists in them is being examined, evaluated and reviewed at the urging of the department and the Ministry. That may be incorrect information, but there seems to be some activity and some unrest in the child-caring institutional field. I wonder if the Minister could bring me and the committee up-to-date on what is happening there, if anything.

Also, could he just review for me the list of child-caring institutions? The conventional ones, of course, that come immediately to mind being the Children's Home of Winnipeg, and the Knowles School, and Marymount, and Sir Hugh John MacDonald, and the Jewish Child and Family Services of Winnipeg. Does that constitute the accepted conventional list of child-caring institutions now? There used to be others, of course, the most recent being St. Joseph's Home which no longer exists. I would like the Minister to update me on that list of child-caring institutions at the present time, if he would.

HON. L. EVANS: The last question, I believe, was would I update the list of the child-caring organizations?

MR. L. SHERMAN: Yes, particularly the institutions.

HON. L. EVANS: I beg your pardon.

MR. L. SHERMAN: Particularly the institutions.

HON. L. EVANS: The institutions - well, Seven Oaks is within the department itself - but outside of the Seven Oaks, we have the Children's Home of Winnipeg, the Knowles Centre, Marymount, Sir Hugh John MacDonald Hostel. Those are the child-caring institutions.

MR. L. SHERMAN: Outside the department, yes.

HON. L. EVANS: Outside the department. Within the department, as I said, we have Seven Oaks.

MR. L. SHERMAN: Do you count the Jewish Child and Family Services in that, or is that separate?

HON. L. EVANS: No, it's not considered an institution. They have a couple of group homes; they have two group homes, but Jewish Child and Family Service is regarded as a child and family service comparable to a Children's Aid Society, more or less parallel to that.

I want to say, first of all, yes, indeed, we have been for the past year reviewing the administration and the delivery of the Child and Family Services throughout Manitoba. There has been a great deal of activity at the staff level via, particularly, a planning and monitoring group; but I want to hasten to add, Mr. Chairman, that this planning and monitoring group was set up with the mutual consent and active co-operation and agreement of all the agencies involved.

As a matter of fact, I can advise the honourable member that I met with the Presidents of all the Children's Aid Societies and the institutions that I have mentioned, the child-caring institutions, to discuss the need, together review the spending levels in the agencies, because we are spending a great deal of money and there seems to be no end to demand for spending more and more money. Of course, as we all know, money is just not that available to the Treasury.

Also we were very concerned about overlapping of services; we were concerned about the area of group home usage. It was felt, by our department, that perhaps there has been overutilization of group homes; that it would be far better to see more of the youngsters who need some shelter be placed in foster homes and, better still, to be adopted. But there are categories of children, young people who are, for whatever reason, not easily adoptable and cannot be placed, but it is definitely our opinion that it is far better for the child, and certainly cheaper for the taxpayers, to have that child in a foster home setting, rather than in a group home setting. So one of the areas of concern, as I said, was the number of group homes and whether we could reduce that number.

Now we met, as I said, with the agencies, with the presidents. Our staff met with the executive directors. What we agreed, in fact, this was put in last year's budget; one senior staff position in each agency, and that position, the person in that position would then be available on a full-time basis to serve on this planning and monitoring group. So what we have is a group of about 10 people, I believe, chaired by one of our senior staff people in our Child and Family Service Division and comprised of one senior representative from C.S. Winnipeg, C.S. Central, etc., Marymount and all the institutions, so that you have a full representation. What they are doing in a methodical fashion, is looking at questions such as the optimum number of group homes that should be in place, and if they discover any problems such as over the utilization of group homes, to identify those group homes that may be phased out where they should be phased out, how they should be phased out, and so on. Also, they would look at the institutions and the level of utilization of institutional setting. As the member understands, institutions are meant for the very difficult cases and, of course, the institutions have the professional backup of psychologists, and so on.

We are spending a great deal of money on institutions as well. Indeed, part of the exercise is to try to get - we want to have our cake and eat it too - we want a higher quality of service, but we want to try and do it

with fewer dollars, if such is indeed possible. We think there is room for improvement and we have been working steadily, co-operatively, with the private system out there to achieve that objective. I think we've made some strides, but it's not something that's achieved overnight; it's not achieved in one year. It's a process that will take some time.

MR. L. SHERMAN: But the Minister is assuring the committee that the institutions themselves requested that this kind of review and evaluation take place and it was undertaken with their full support and enthusiastic interest. Is that correct?

HON. L. EVANS: No, not quite correct. The institutions and agencies did not request such a review or planning mechanism be set up. It was our initiative because we saw areas where, in our opinion, the service could be better. I was mentioning group homes, particularly group homes that housed children under 12. We really believe that effort had to be made in a co-operative way to reduce the population of those children in care, under 12, in group homes.

So it was our initiative and I just use that as one problem area example. It was our initiative, but having taken initiative I can advise the member that we've had full co-operation of all of the agencies. So it has definitely been a co-operative venture and I can report that we are proceeding in this co-operative fashion.

MR. L. SHERMAN: Would it then be an exaggeration to say, Mr. Chairman, that there is a shake-up occurring in the child caring institutional field? Some reports, unsolicited and not necessarily corroborated, reaching my office - as is the case when one is serving in opposition - have indicated that there is something of a shake-up occurring in the institutional field at the bequest of the government and it has created some upheaval and some morale problems and some operational problems. Is that an exaggeration, an overreaction to the initiative that's actually taking place?

HON. L. EVANS: Well, I wish the member could be a bit more specific in that observation. I can advise him that although we may wish to be looking at the whole structure and we've indicated that, Judge Kimelman has made some observations and so on, there is no shake-up, as such. Certainly, we've not initiated any shake-up. We believe that the system out there and our department, together, have to work very hard in placing children in the most appropriate care. We believe that there's been an overusage of group homes, for example, and I keep on coming to that. There are other elements as well that we could discuss, but we simply want to ensure that we get a high level of care.

We detected that in some cases there was need for better coordination within the system, among the agencies, among the institutions, and one way to get it is to have a joint planning and monitoring group with one representative - a senior representative - from each of those agencies and institutions and that's what we have in place. But there's no shake-up as such.

I suppose if, for whatever reason a group home happens to be closed down, maybe some of the employees involved may think that there's been a shake-

up as such, but I can respond that our chief concern is for the welfare of the children. Our responsibility, my responsibility under the legislation and the responsibility of our department of the Child Welfare Directorate, is the care of children and that's No. 1, and that will always be our first priority. In closing down a particular group home, there has to be unfortunately one or two people unemployed, or whatever, it's not that we don't care about those people, that is not our main thrust. Our main thrust is to ensure that we look after the best interests of that child.

MR. L. SHERMAN: But in terms of striking the Budgets for 1983-84, for example, for the institutions, the Children's Home, the Knowles Centre, etc., are the administrations and boards of those institutions under any pressure and have they been under any pressure from the government to do certain things with respect to streamlining of personnel, replacement of professionals, replacement of their administrators, or parts of their administration, in order to qualify for their 1983-84 Budgets? Has there been any sort of draconian pressure of that kind exerted on the institutions?

HON. L. EVANS: Actually, the trend is just in the opposite direction, Mr. Chairman, because as we were explaining last evening in the Estimates, we've gone to the global budgeting approach, as opposed to the line by line approach. You're looking at the exact number of staff and what the salary levels are and all the other details.

The agencies now, the institutions now have more freedom than ever before in arranging their own affairs, so that is the beauty of global budgeting. We're not telling them to move person "A" over here, or person "B" over there, or to rearrange their organization in any specific way, although, as I keep on going back, we are wishing to move on the group homes for those children under 12, and there are some other objectives, but in terms of the day-to-day operation of those agencies, they have to take on more responsibility than ever before.

MR. L. SHERMAN: Mr. Chairman, what are the caseload situations like for the child-caring institutions that we've been discussing? Are they fairly constant? Are there significant differences in numbers in terms of the clientele of the Children's Home, Knowles School, Sir Hugh John MacDonald Hostel and Marymount at the present time as against their record in previous years? Have there been increased caseloads that have required increased staffing and resulted necessarily in additional budgetary pressures for those institutions or does the situation remain fairly constant and stable from that perspective?

HON. L. EVANS: The institutional caseload is static, relatively static, and as I was indicating the group homes are declining. Just to give you a bit more detail, the Children's Home of Winnipeg - and I guess this is in response to the earlier part of your question here - the Children's Home of Winnipeg is funded to provide for residential treatment of up to 30 emotionally disturbed or multiply-handicapped children in five residential locations and also to provide some day treatment and

other alternative services to children who are not in residential care.

The Knowles Centre provides residential services in three on-campus units for 34 children with severe behavioural and emotional problems.

Marymount, which is administered by the Sisters of the Good Shepherd, provides residential and day treatment services for emotionally disturbed children. They have four houses that complement the main facility for 60 girls in Winnipeg.

They now serve eight boys also in a group home at The Pas, and the grant money we're providing this year supports an expanding program in the North to provide for children who would otherwise have to be placed in Winnipeg.

Sir Hugh John MacDonald Hostel provides residential treatment services for 42 severely disturbed or delinquent adolescent boys in four residences in the City of Winnipeg and a wilderness camp in rural Manitoba.

That's the complete list of child-caring institutions.

MR. L. SHERMAN: Are there a significant number of juveniles requiring placement outside the province at the present time, Mr. Chairman, or is that number continuing to decline as was the case, I think, in recent years?

HON. L. EVANS: At the present time there are about 12 children placed outside of the province because of the inability of placement within the province, a suitable placement within the province. I might add that we are reducing the number of children. I think this is down substantially from last year. Last year it was 22. So, we're down quite substantially, and I'd like that number to get even lower. I believe that, we, in Manitoba, are capable of looking after our children.

Now, admittedly, there are this small number that have some very very severe emotional problems or whatever, but we believe that this is challenge to our medical profession or a challenge to other professional workers and we are virtually - well, we're trying to put an end to it. As a matter of fact, we've put a freeze on out-of-province placements in this category, I'm talking about these difficult cases, we're not talking about adoptions. I'm talking about the placement of children for treatment. So, we've actually implemented a freeze and it's anticipated, therefore, that the number of children will decrease as children return to the province during the year, at the end of their treatment outside of Canada, or outside of Manitoba, that that number, therefore, will decline. There may be always some very exceptional case, but ideally, I'd like that number to become zero.

MR. L. SHERMAN: Is it intended that the new adolescent psychiatric facility which is being developed by the government through the Department of Health through the capital program of the Manitoba Health Services Commission will accommodate individual children of this kind, children with severe behavioural problems, or does the Minister envision that facility will be devoted to cases that fall into a strict clinical kind of categorization, and that there still will be severely disturbed youngsters, emotionally troubled youngsters

with severe problems who will have to be dealt with possibly in facilities outside of Manitoba?

In other words, does the Minister see that new adolescent psychiatric facility as a resource base for dealing with children who now have to be placed and cared for outside the province, or does he see that facility as falling into a much more specialized medical category?

HON. L. EVANS: I can advise the member, Mr. Chairman, that we are very much looking forward to the opening of this particular facility. We believe it'll be of immense assistance to us in the child welfare area.

I might point out to the honourable member that there will be three categories of service offered by this centre: in-patient, day-patient, and out-patient. In-patient, of course, where the child is living there for a period of time. Day patients, that is where they come and stay throughout the whole day, virtually, and then go home or go to some residence in the evening. Then the out-patient, where there is casual treatment offered on a visit basis by appointment, let us say, for those children.

I should also point out that we're looking forward to assistance from this centre in the juvenile corrections field as well. So it's not only the child welfare field, but also the juvenile corrections field that we're hoping to get some added service that's badly needed by this new centre that's now in the process of formation.

MR. L. SHERMAN: Is it realistically possible that that new centre may eliminate the need to place these children out of province, virtually altogether?

HON. L. EVANS: Well, at this point we would hope that will be the case but only time will tell. When we've had the experience of the centre open and the services it's provided, you know, we'll be in a much better position, but there's no question that it will be of great help. There may be the odd exception, but ideally in the future there will be no one that has to be placed outside of Manitoba for lack of psychiatric assistance.

MR. L. SHERMAN: At the present time, Mr. Chairman, how difficult is it for parents who have a severely disturbed adolescent with a serious behavioural problem who has been apprehended under The Juvenile Delinquents Act and is, for example, in care at the Manitoba Youth Centre, to have that child placed in a child caring institution where he or she can receive the proper kind of treatment, even if it means placing them outside of province? In other words, my question is are there children languishing in the Manitoba Youth Centre who should be placed, even if it means placing them out of province, to have their behavioural problems professionally attended to?

HON. L. EVANS: Yes, I just point out that the child welfare system has the service of the Seven Oaks Centre. The Tuxedo Youth Centre is for the juvenile delinquent side. We don't consider anyone's languishing, you know, for lack of care or whatever. They are being cared for by both of these institutions. Of course, we try to keep the youth centre - the population has diminished over the years for all kinds

of reasons which is good. I'm too much of an optimist, now I'm told it's starting to rise again. I think what that attests to is the fact that what happens in the system is very much dependent upon the economy, social conditions, the world out there.

I mean you can have the best staff, you can dedicate monies and you think that you've provided adequately, then something happens and you have more delinquency or an increase in family break up or whatever, for whatever reason, and there you have more problems. So that is always a difficulty, but we don't believe that children are in need. We think we are able to give them the service that they deserve to have to help them overcome their problems.

MR. L. SHERMAN: I'd like to turn now, Mr. Chairman, to a discussion and examination with the Minister of the situation with respect to the Children's Aid Society, particularly the Children's Aid Society of Winnipeg; the future of Children's Aid Society; the outcome of the various review that he has in place; the next step in the wake of the interim report from Judge Kimelman and related issues in that area.

Mr. Chairman, could the Minister just review for me and for the committee, the range of reviews and examinations and evaluations that are going on at the present time in this field? He asked for a review of the Indian and Metis adoption and placement process, and appointed Judge Kimelman to head that review committee. He's also asked Judge Kimelman to review the whole subject of group homes in the province and how they operate and how that system operates. He has also - this is the Minister - undertaken a review of the child welfare system and The Child Welfare Act. Are these all part and parcel of the same exercise? Do they all dovetail or are they exclusive of each other?

When does the Minister, if there are exclusive of each other when does the Minister expect each individual review or each individual task force to complete its work? I note that in his interim report on Indian and Metis adoptions and placements Judge Kimelman makes reference to the fact that his final report, recommendations and conclusions will deal with the broader question of group homes and the child welfare system generally. Can the Minister enlighten me and the committee as to whether all of these examinations that he's undertaken are really steps in the process, part and parcel of one review; and out of it all when Judge Kimelman is finished and everybody else is finished he intends one comprehensive, universal, all-embracing statement and recommendation on child welfare in Manitoba and child and family services in Manitoba? Is that the intent? Or are they in fact separate individual exercises, separate individual subjects all with separate and individual reports and reporting dates still to come?

HON. L. EVANS: Well, Mr. Chairman, I can assure the member that these initiatives and studies and reviews certainly do complement one another and they certainly do have a focus, and they do dovetail. I suppose as one point of reference, I might refer to our hope to bring in major changes to The Child Welfare Act next year. Now this Act has been reviewed periodically from time to time for decades. In other words, as the

experience is gathered, as times change in the department, the Minister of the day in years gone by has brought in the changes to the Act.

So The Child Welfare Act is under review. We have a large group, interdepartmental, and also involving outside agencies in reviewing the Act and giving us all kinds of specific suggestions with regard to various operations and it's quite a miscellaneous list of suggestions and that has been in process. It's quite a large committee, 25, 35, at least 15 agencies and groups up there and then we've got our own staff involved as well. So that is going on.

The staff just confirmed what I have stated and that is, that they are taking a comprehensive look at the Act, at every last section of the Act, taking, for example, the question of bias, male versus female in terms of the care of children. They want to remove the bias in that respect. That's one suggestion. I'm using that simply as an example. So they are looking at the total spectrum of the Act. So that exercise is going on.

The Kimelman Committee, of course, we've got the Interim Report dealing essentially with adoptions. We asked Judge Kimelman because of his experience in the past year or so in having discussions with dozens of Indian organizations and many many remote communities and many organizations, in fact, the whole system out there, to look at the group-home situation related to criticisms that we have received from some of the organizations.

In particular, some Native organizations have criticized the existence of some group homes that they consider to be not culturally relevant. Now without getting into a discussion of that, there have been some of these criticisms levied, and we thought that it would be efficient to have Judge Kimelman, who has become very knowledgeable of some of the problems in this area, to simply add as another chore more or less the business of looking at the operation of group homes. In our view some of his recommendations if we adopt them, and particularly those in the final report, can have a bearing on the Child Welfare legislation to be passed next year as well.

So I guess I should mention again - we referred to it earlier - the committee made up of representatives from the Children's Aid Society and the major institutional organizations that is working co-operatively to take notice of some of the delivery problems we have and to make suggestions for change and so on. I would suggest that there is a focus, and it's determined by two or three objectives which almost are motherhood, I suppose.

One is to improve the level of service, however you may define that, for children and for families. The second is, to try to do this within the constraints and restraints of a budget. The Treasury of Manitoba is certainly not as flush with money as we would like to see it, whether which side of the House you are, we're both concerned that the revenues are not as available as they have been in years gone by. We have to be very very appreciative of the fact that money is short. This, I think, is causing us to take a hard look at the way the agencies are operating, and has been a stimulus rather towards global budgeting; a stimulus for us to move to global budgeting; has been a stimulus indeed for us to reduce the number of group homes because they are costly, apart from being poor arrangements for those young children under 12.

The other, of course, is the fact that a large percentage of the children in care and the families in difficulty, for whatever reason, happen to be Native people. There are serious questions being raised by the Native organizations and the aboriginal peoples in Manitoba with regard to the cultural relevancy of the care that is being provided for their children, their people by the institutions and by the agencies and by the government. So that is something that we have to contend with.

So we are certainly wanting to improve the delivery of service and, I should mention particularly, we would like to put more emphasis on prevention. Of course, that means working more closely with families and doing all the things that you have to do out there to try to prevent children from coming into care, from becoming wards of the state or wards of the Children's Aid Society.

So there is a great deal of activity. It's certainly a time of flux and change, but I am very pleased that there has been excellent communication among the organizations and the staff. I know our senior staff have met many a time and almost constantly with the executive directors of the various children's aid societies and institutions. I think there is generally a consensus developing in Manitoba, at least among this component of our society dealing with child and family problems, there seems from my point of view at least, a consensus that is emerging. The Kimelman Report reflects part of that consensus that has emerged and is emerging, and continues to emerge in this component of the Manitoba community.

MR. L. SHERMAN: Mr. Chairman, that brings up a point that I wanted to discuss with the Minister directly, the question of consensus and the question of unanimity - and I appreciate there's a difference between unanimity and consensus - but Judge Kimelman himself in his own Interim Report makes the point that he felt that he could not achieve unanimity. He could not find unanimity. I remind the Minister that there were a number of agencies and organizations that were appointed, at least in representational form, to belong to and serve on the Review Committee on Indian and Metis Adoptions and Placements.

Judge Kimelman acknowledges the fact in his Interim Report, that that range of participatory agencies and organizations included the Children's Aid Society of Winnipeg, the Children's Aid Society of Western Manitoba, the Dakota-Ojibway Child and Family Services, the Four Nations Confederacy, the Manitoba Metis Federation, the Manitoba Keewatinowi Okemakanac Incorporated, the Director of Child Welfare and a representative from the Federal Department of Indian and Northern Affairs.

He goes on to say that following full discussion, he suggested that the committee members move to the position of advisors to him as Chairman, because he came quickly to the conclusion that he couldn't achieve a unanimity, a position of unanimity with those member components.

He says on Page 13 of his Interim Report, Sir, and I quote for the record, "At the first meeting of the committee, it became immediately clear that agreement or unanimity on any point or issue would be impossible or improbable with a group of individuals representing such diverse positions on the issue of child welfare

services to the aboriginal population of Manitoba." He goes on to say and I quote again, "Their experience, however, led each to view the current situation from an entirely different perspective. There was little to gain and much to lose by striving for unanimity. To have looked for some reasonable degree of unanimity would have been, in your Chairman's respectful opinion," this is Judge Kimelman, the Chairman talking, "difficult, if not an impossible exercise, and might have engendered within the committee an atmosphere of hostility overriding the co-operation and mutual respect required, etc., etc."

Now my point is, that the unanimity that one might desire in these areas, was recognized by Judge Kimelman as unattainable. The Minister has talked about consensus, and one would hope that consensus is not unattainable, and one finds oneself asking whether the Interim Report of Judge Kimelman, with respect, and certainly with profound respect for the insight that he has brought to the problem and all the work that he has done on it, and the preliminary recommendations that he is making, and certainly with assurances that nobody on this side wants to prejudice those conclusions.

Nonetheless, the question arises as to whether the report at this stage, as submitted by Judge Kimelman, will constitute the basis for action by the government and the Minister, when by Judge Kimelman's own admission, it's essentially just his report. He states, in fact, quite clearly that the conclusions are his and his alone. He says on Page 15 of his report, "The Interim Report and the final report therefore, will reflect my thinking alone, based on the advice that has been extended to me." And again, Mr. Chairman, that's a direct quote from his report.

That is of some concern, I think, legitimately, to those of us interested in this question. Again, without casting any aspersions whatsoever on the sensitivity and the sensibility and the intelligence that Judge Kimelman has brought to the exercise, one finds oneself compelled to ask, Mr. Chairman, whether, in fact, the member groups of the Review Committee have had the proper opportunity to make their feelings known on the conclusions that Judge Kimelman proposes in his Interim Report, and if not, when and how are they going to have an opportunity to make their conclusions known? And in the light of all that, is the Minister prepared to ensure that their views and their perspectives are thoroughly aired and that he is thoroughly acquainted with them before any definitive government action is taken?

I intended to raise these questions with the Minister, because I raised them with the First Minister in the House in question period the other day, and was moving to the point at which these questions were relevant to the line of the Estimates that we were studying, Mr. Chairman, and they are raised now because of his references a few moments ago to the search for consensus.

The reference to consensus brings to mind the comments and references that Judge Kimelman makes with respect to unanimity and although, as I say, I acknowledge that the two things don't mean the same, they nonetheless underscore the question for me, as to whether in fact a proper consensus is achievable and attainable here, and whether a proper consensus

is being pursued here and whether the Minister has a mechanism in place that will ensure that there's a consensus reached, before any definitive government action is taken, with respect to concrete plans for Indian and Metis adoptions and placements, and with respect to concrete plans for the Children's Aid Society of Winnipeg and its future.

It's really the second item there, Sir, in which I'm most concerned. I think there are a number of questions that can be asked about Judge Kimelman's recommendations, with respect to aboriginal adoptions and out-of-province adoptions. But in the main, I would suggest that the course that he's proposing, within reason, is certainly an accurate and acceptable one. No one could challenge the objective of guaranteeing the cultural integrity of children who are placed for adoption and out-of-province adoptions of aboriginal children certainly doesn't do much for the protection of that integrity.

So with reservations and within reason, and acknowledging that there are a number of problems involved, I would concede, without argument, that Judge Kimelman's recommendations are positive and constructive, where our Native children, our aboriginal children are concerned and where our Native community is concerned. Whether they can be implemented at this stage of social development in Manitoba, of all our peoples, is another question, but in the main, as a long-range objective, they certainly seem to be positive.

But the recommendations that Judge Kimelman makes with respect to the Children's Aid Society of Winnipeg, the proposals that he makes there are much more seriously open to question and raise very urgent questions for me and many others, with whom I've discussed the subject.

So I'd like to know how far along the Minister is with respect to accepting the Kimelman proposals and whether he has a mechanism in place to permit these participating agencies and organizations to get their message across to him in the same way that the Chairman, Judge Kimelman, gets his message across in his formal Interim Report. Is the Minister going to invite those member organizations of the Review Committee to lay out their proposals to him in the same way, perhaps not in as much detail, but to lay out their proposals to him in the same way that Judge Kimelman has laid out his proposals, because Judge Kimelman admits he's speaking essentially only for himself.

HON. L. EVANS: Well, first of all let me point out, Mr. Chairman, to the Honourable Member for Fort Garry, that although Judge Kimelman has written this report and takes full responsibility for it, as he has indicated and as the member has very well explained to us, there have been various meetings of the Advisory Committee. In fact, if he looks towards the end of the report, it's listed, all the Advisory Committee meetings are listed, and there are eight in all beginning May 2nd, 1982, right up till May 5th, 1983. So, there has been consultation with the advisory group, and I daresay there has been a lot of consultation on a one-on-one basis, apart from these full formal Advisory Committee meetings.

The process as I would see it is to get a reaction from people about the Kimelman Study. We are in the

process of sending out many copies. We've got hundreds of copies printed, and I understand that they're in the process of all being sent out, and they are certainly being sent out to all the interested parties, all the advisory organizations, all the advisory representatives. They're being sent to every Indian band I believe in Manitoba, virtually, to all kinds of people who have expressed an interest, certainly, those people who have presented briefs to Judge Kimelman and his committee. Certainly, those who had special interviews such as Bishop John Conlin, of Brandon, or Archbishop Adam Exner of Winnipeg or whether it be the Manitoba Metis Federation or the Foster Parents' Association and so forth and so on.

So, all of these people who get the report along with the letter from myself asking them for their comments and reactions, and we look forward to early comments from them.

Our own staff has to study the report with regard to the details of the adoption procedures which he refers to and examine the feasibility of implementing them.

I want to assure the member we don't wish to take precipitous action. We don't wish to act hastily or without due care, we want to ensure that we're putting in place a system that is workable, that is fair, that accomplishes our objectives. But at the same time, I trust he's not suggesting that we be inactive, because I think I would rather err on the side of getting on with dealing with the adoption question more or less along the lines that Judge Kimelman has recommended, rather than waiting and waiting and waiting and perhaps doing nothing for a year or two or so.

I think there is a time for action. We would like to move sooner, rather than later, but how we move, exactly to what extent, precisely how we implement, to what extent we implement what Judge Kimelman has recommended will depend on our analysis of this report and on some of the reactions that we get from those people that we have contacted, or are in the process of contacting. That is, those people we're sending out the reports to and a letter from myself asking and requesting recommendations, suggestions and so on.

I think the member himself has recognized when he was Minister and had some responsibility in this area, that there was a need for some changes on the horizon, and I think back in 1978 had a speech made to the CAS of Winnipeg. I think he suggested in that speech that the time may come that there should be a Native organization for child and family services in Winnipeg, and I might add that I can indicate my personal bias is against having any racially-funded or racially-administered agency. My preference is for private agencies, but private in the sense that they are of a general public nature, but at the same time I hasten to add that there is room, in my opinion, for greater involvement of the Native people, particularly in some parts of Winnipeg, some parts of Manitoba and that could be accomplished in the process.

In this regard, I want to indicate too, that I've had discussions, we've had several discussions with the largest Children's Aid Society in Manitoba, namely, C.S. Winnipeg. I've met with the outgoing president, Len Vopnfjord, I've met with the new president, Mr. John Sinclair. We are very desirous of working this out as we have been, you know, in the past year in a very

co-operative fashion, and we've had co-operation in this monitoring review and planning agency that I referred to a few minutes ago.

So, I want to move in the way of consensus and general agreement. That is the ideal way to move. I think there is a consensus out there. There'll never be unanimity, never. You'll always get some people who'll have differences of views, hopefully, they'll be just small degrees of differences. Hopefully, those who do disagree with the changes will not disagree in a major way, that their disagreement may be more with regard to certain details of certain minor aspects, because I believe that although Judge Kimelman writes the report as an individual, he has certainly spent a great deal of time with virtually hundreds of people and many organizations in this area, and he's done a very thorough job, and believe he's telling us very clearly that there is a need for certain changes. He's given us an indication of those in his interim report.

Excuse me, just one last point, just to answer the specific item that the member brought up with regard to giving an opportunity to the advisory members. I said, we're asking for reaction, but also Judge Kimelman, himself, states on Page 15 of the report, in the top paragraph, the last sentence. This is after he says the report will reflect my thinking alone, the Interim Report, but the last sentence: "All advisory members have been invited to submit reports to be included with my final report." So it is his intention I guess to, I believe, to submit those reports. If there are, I suppose, very strong views they could be submitted as minority reports perhaps if they don't go along with general tenure of the committees recommendations.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. E. HARPER: Yes, I'd just like to say a few words on this subject about Native children and the Children's Aid Society. I'd like to put on the record - I've stated before, I guess, outside the House - that the Native community doesn't have confidence in the Children's Aid Society. I guess when you're dealing with "our children", as expressed by the Minister, one of our precious resources, and also our future; and also they carry on the traditions and beliefs of our people and eventually become leaders, and also respective citizens of the province, and make contributions into society.

It astonishes me to find that children placed out of province last year, I think, represented 86 percent. Also, it's further astonishing that 55 placements that were placed in the United States represented 98 percent, which is 54 children who were actually placed in the States, as compared to non-aboriginal people. Now this explains itself why the Native people do not have confidence in the Children's Aid Society, and this has been I guess a subject of Indian people, the Metis people, about their future.

As you know, children are very highly regarded by their Native community because it represents their identity and their cultural traditions under the group of people that can make contributions to the society.

I do recognize the Children's Aid Society exists, the system, but there has not been any kind of recognition for systems that were being practiced by the Native

community; and also the guidelines and the procedures that were used by the Children's Aid Society in placing homes and adopting children were not taking into consideration the values of the Native community.

For instance, I can give you an example, is that Indian people, if they wanted to adopt or foster a child, may have to have an income on a reserve. As you know reserves unemployment rate is about 98 percent in some communities. And also with respect to housing, there's certain guidelines that have to be used in terms of square feet per individual. Those are some of the things that restricts Native people from adopting, or even fostering Indian children. I hope some of those things would be taken into consideration when the final report by Judge Kimelman is placed before this Chamber.

Some of the customs and values are being recognized in the procedures and also of placing children. I, myself, was raised by my grandmother out of 14 children. She took me in before I learned to walk. Today I guess one of those reasons why I'm standing here, and contributing to this debate, is because of her knowledge and wisdom and the things that she had brought in to be, I guess, part of the citizens of this province. So some of those things had to be put into, I guess, being part of the guidelines and also in placing children.

I also would like to say that the Children's Aid Society is very well intentioned, but in some aspect it has not recognized I guess the Native community of its values and practices with respect to dealing with it's own people. I would say that the Children's Aid is a massive institution. As you know it controls probably half of the Children's Aid adoptions and placings, but the other maybe 15 or 17 child care agencies represent the rest.

But there has been a substantial move by governments, both the Provincial and Federal Government, into placing the control of child care and family services into the hands of the Indian people where it properly will be addressed, and also gives the Indian communities a say, and also to deal with their future.

Thank you.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Well, Mr. Chairman, as usual, I think I speak for all members of the Chamber when I say that I appreciate the contribution made by the Honourable Member for Rupersland on this subject and certainly take it very seriously and passionately to heart. I have to quarrel with him.

The Minister said, a few moments ago, that he recalled that in 1978 or so I had, myself, as Minister, proposed that the day perhaps was at hand when we should be encouraging the establishment of a Native child welfare service, and a Native adoption service. That is correct, Sir; the Minister is correct; I did say that. I stand by it and, in fact, I welcome the developments that have been made in that direction.

I repeat that I think what Judge Kimelman is saying, in terms of objective, is indisputably desirable, provided we have the infrastructure that can uncover and deliver the necessary homes for our Native children. But certainly the objective is desirable and acceptable and it's good for the Native community, and it's good for

Manitoba, and it will be good for the children, and it will be good for all of us; but I have serious concerns about some of the criticisms of the Children's Aid Society of Winnipeg, and the Children's Aid Societies in general, and about the proposals that Judge Kimelman makes, on an interim bases, with respect to the CAS of Winnipeg. I do desire some assurance from the Minister that there is no intention to proceed, for example, with any Draconian action where the CAS of Winnipeg is concerned until the final report from Judge Kimelman comes in, until the CAS of Winnipeg and other member groups on the Review Committee have a full opportunity to make their own recommendations on this subject, and until we all in this Legislature and in the community have had a chance to examine, discuss and debate the question a little more thoroughly than has been available to us so far.

It seems to me that there has been some considerable attempt made in recent months to make things difficult for the CAS of Winnipeg. I believe the CAS of Winnipeg requires some review and some overhaul. In fact, a year ago in this House, I called upon the Minister for a review of the child welfare system and certainly, at least in discussions outside the House with the media, I suggested that I felt the time was at hand, if not overdue, for a review of the Children's Aid Society of Winnipeg and its method and manner of operation, its terms of reference, its lines of reporting, its lines of relationships with other agencies in the field, but that does not say we should dismantle it and abandon it.

So I want to pursue this question with the Minister when the committee next sits, Mr. Chairman. I think there are many things that can be done to improve the CAS of Winnipeg without abandoning it and throwing them to the dogs.

MR. CHAIRMAN: Order please. The hour is 4:30, time for Private Members' Hour. Committee will reconvene at 8:00 p.m. tonight.

IN SESSION

PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. The time being 4:30, Private Members' Hour.

The first item on the agenda for this afternoon is Adjourned Debate on Second Reading of Private Bills. On the proposed motion of the Honourable Member for Inkster, Bill No. 59, standing in the name of the Honourable Member for La Verendrye.

MR. R. BANMAN: Stand, Mr. Speaker.

MR. SPEAKER: Second Reading of Public Bills. On the proposed motion of the Honourable Member for St. Norbert, Bill 41, standing in the name of the Honourable Member for Concordia.

HON. R. PENNER: Stand, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Member for Brandon West, Bill 56, standing in the name of the Honourable Member for Springfield.

HON. R. PENNER: Stand, Mr. Speaker.

MR. SPEAKER: Proposed Resolutions: Resolution No. 7, the resolution proposed by the Honourable Member for Wolseley. The Honourable Minister of Housing has six minutes remaining.

RES. NO. 7 - TOWARDS DEMOCRACY IN THE WORKPLACE

HON. J. STORIE: Thank you, Mr. Speaker. Just to conclude my remarks on this important resolution introduced by the Member for Wolseley, in my last opportunity to speak to this resolution I had been discussing some of the alternatives that were available to manufacturing, to business concerns in the province with respect to the ongoing dialogue between workers and the management, and indicated that the style of management was probably as responsible for or as relative to the productivity of a particular industry, a particular business concern, as anything else. The obligation falls upon both management and labour in a particular industry to do . . .

MR. SPEAKER: The Honourable Member for Turtle Mountain on a point of order.

MR. B. RANSOM: Mr. Speaker, I draw to your attention, I don't believe the House has a quorum.

MR. SPEAKER: Order please. Since this matter has been brought to my attention, I can count, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11. Eleven members plus myself is 12 members present in the Chamber. We then appear to have a quorum and the Honourable Minister of Housing may continue.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Indeed there are at the moment, but when I called the matter to your attention, Sir, there were eight members in the Chamber.

MR. SPEAKER: Would the Honourable Member for Turtle Mountain care to quote the Rule he is referring to?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yes, Mr. Speaker. The rule is Rule 4 of our rules on Page 5, which says, "The presence of at least 10 members of the House, including the Speaker, is necessary to constitute a meeting of the House for the exercise of its powers, but if there is not a quorum the Speaker may take the Chair and adjourn the House."

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: To the same point of order, the Beausiesne to which I refer you, Sir, Fifth Edition, Pages 72 and 73, Citations 208 and following, would seem to indicate and I think this makes sense, that the matter is to be determined in this way. When the attention of the Speaker is called to the question of quorum, it is the Speaker who must make the ruling. The mere calling of a quorum does not establish whether or not there was a quorum, and the Speaker does that by counting.

It also appears from Beausiesne that the doors of the House remain open and members coming in taking their seat during the counting are to be counted.

At the time that the Speaker, you, Sir, undertook your function properly and counted, and you counted and you counted out loud, there was a quorum. That is what is decisive. A quorum having been called, you having counted, you having determined at the time of the count that there was a quorum, there is a quorum.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: On the same point of order, Mr. Speaker, I'm not disputing the ruling of the Chair. I am simply putting on the record that when I brought it to the Speaker's attention, there was not a quorum in the House and that's a simple matter of record.

MR. SPEAKER: I thank the Honourable Member for Turtle Mountain for bringing that up. I'm sure that he would not have said that if, in fact, he had not - I believe there was a quorum lacking, and that the Honourable Government House Leader was correct in that it is done certainly in Ottawa by the Speaker making that determination, which is what in fact I did, and there now appears to be a solid quorum in the House. The Honourable Minister of Housing may proceed.

HON. J. STORIE: Thank you, Mr. Speaker. I recognize, and I'm sure all members do, that it took a few minutes for the word to spread that, in fact, I was going to speak today, and since no one else was here to stand it for me, I had to. Anyway, I'll just ignore the comment from the Member for Turtle Mountain because I know he's not serious in those comments.

However, I would like to get back on track if I might. Mr. Speaker, I believe, in all seriousness, we were discussing the question of management style and whether there might be things that could be done to improve what is a concern of all of us, and a word that we hear used by many different groups, many different interest groups in discussing labour management, labour management relations, and that is the word "productivity."

The point I was trying to make was that productivity is, in fact, not a simple matter of the amount of work, the amount of the unit of product that an individual worker can produce. In fact, productivity relates to a series of interrelating factors in the production of goods, and that relates not only to the technology, to the physical capabilities of a particular plant; it relates, as well, to the management style, the management ability; including, of course, the very important components of marketing and advertising and the soft end of industrial success. But it also, and probably more pertinently, refers to the industrial relations within a particular plant.

Mr. Speaker, a number of members have illustrated examples of other countries who have very successfully improved the industrial relations in their particular organizations by democratizing the workplace, and those companies that have succeeded in democratizing the workplace have seen a significant number of benefits accrue to that particular corporation or company because of those improvements.

We could talk about absenteeism, which is a concern again that all businessmen would bring forward as a concern in terms of their own business's capability of succeeding. Absenteeism is not simply a problem of health. There are all kinds of industrial psychological reports that would tell you that absenteeism relates probably in the majority to situations where a worker refuses, in effect, to make it to the workplace because of other factors - factors other than health.

So, Mr. Speaker, when we're looking at a problem as simple as absenteeism, we find that there are other factors in the workplace that contribute to absenteeism; and psychologically, I suppose, one could suggest that one of the most significant attractions for a worker in the workplace is his ability to contribute by way of an intellectual contribution, as well as the physical input of his work. Mr. Speaker, I think most people would like to see themselves as having a contribution to make beyond the simple placing of nuts on bolts, as it were; that if they feel there is some recognition of their intelligence, their native intelligence and their intellectual ability, that in itself is a contribution to a more harmonious industrial relationship within that plant.

It's not a difficult thing to achieve. It's not difficult in a strict structural sense to achieve. It is difficult to achieve because of the particular psychological set that management training institutions previously, at least - at least in a number of decades preceding the present time - have imposed on management trainees. The belief was that a good manager was, at all times, in control of a particular process; that he understood, and that he alone was responsible for initiating change in the workplace, initiating change in terms of the structure.

Well, Mr. Speaker, I've indicated before, and I'm sure that members recognize, that an individual working on an assembly line in a production unit is far more cognizant of the changes that need to be made, the physical changes that need to be made, than most of the management. That's not a flaw in the personality of managers per se. It's simply a recognition of the fact that experience, that the actual shop floor experience is much more important in determining the practical details of the organization of the workplace than is some management course.

We've recognized that all along. We recognize that bureaucracy sometimes control their supposed managers — (Interjection) — Mr. Speaker, for the Member for Morris, it's certainly true that individual Ministers can never know enough to manipulate a bureaucracy successfully, that what you have to have is some trust and some recognition of the abilities in the members who occupy positions beneath you.

Democracy in the workplace works, and it'll work for Manitoba if businesses and industry, as a whole, give it a chance. Thank you, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. As a matter of fact, as I overhear the remark of the Attorney-General, I concur in that; that many people in this House know a great deal more about democracy than they do about the workplace. They haven't found the workplace yet in the province.

In any case, Mr. Speaker, I do wish to add my thoughts and comments to the resolution that's been brought forward by the Member for Wolseley. There are many things contained within the preamble to the resolution that I find of interest, that I find I can agree with. There's no question that consultation, communication, as it applies to anything that we do in life, and particularly to our activities in the workplace, to our activities in business, in other industries and organizations and government, certainly produce better results as they bring together ideas and thoughts and arrive at consensus. Perhaps the old saying, two heads are better than one, well many hands make light work. Many thoughts and many ideas produce better plans, better projections and better results in future.

The member has, in her preamble, referred to the broad skills and talents that maybe, in some cases, narrowly focused and employed in the workforce. Certainly I'm sure that is the case in some endeavours. She refers to the special knowledge, the skills and the talents that go unused and uncalled upon for support and for contributions because, perhaps, some employers do not utilize the kinds of consultation, the kinds of involvement of employees, for the greater benefit of the enterprise.

I have to remark, Mr. Speaker, as I think about some of those thoughts that, in many cases, collective agreements, the whole union process itself, mitigates against that happening. I know that, in fact, interjurisdictional disputes among unions frequently prevent employers from giving greater scope to unionized employees.

I recall when I worked in Brandon, during the time of the expansion of the Manitoba Hydro steam generating station, at that project they had the unusual circumstance occur where a gasline valve was left open one evening right at closing time. It was left open by a pipefitter who was working on this particular aspect of it; it was spotted, and the pipefitters had finished their shift and were off the job. It was 4:30 or a quarter to five, so one of the steelworkers picked up a wrench and turned it off. Well when word got back to the pipefitters the next day they walked off the job because it was outside of the — (Interjection) — that's right. It's absolutely true. It was outside of the jurisdiction of the work that the steelworkers were doing; it mattered nothing that everybody on the job could have been blown up and all sorts of harm occurred. The project itself could have been destroyed, but it couldn't be done because of a jurisdictional dispute between two different unions.

On that same job there was a great deal of acrimony between unions because a steel supplier from the Lakehead, who had one of the major contracts, was using different unions than would have been used in Manitoba for the erection. It was a very embittered project, as a result of this. So democratization there, and the ability to involve people in the making for more harmonious work and better completion of the project, was entirely stifled by the kind of intra-union disputes, jurisdictional disputes that occurred on the job.

I don't believe that this kind of thing that the Member for Wolseley refers to, the involvement of all workers in the idea production and in the consultation, in the planning, the co-operation that leads to better accomplishments in the workforce, is a new idea. I

don't believe that it is an idea that, for instance, is not prevalent in many organizations; in fact, I think quite to the contrary. I believe that it is in every business owner's interest to promote high morale, better feeling amongst staff. To get the most out of any organization, to get better contributions, I think it's absolutely essential for this kind of oneness of feeling to be developed in the workplace. I believe that most of the best organizations in Canada and in North America and, indeed, throughout the world are successful because of the fact that they do call upon this kind of feeling and involvement of their staff.

If you listen to some of the advertising that's done by major corporations, Dofasco's slogan, I believe, is, "Our business is steel; our strength is people." Throughout their advertising they constantly refer to their staff and the excellent job that they do in their organization, the contributions they make, not only to their organization, but to their communities at large. Great West Life's slogan is, "People make the difference," and they advertise, utilizing their staff as examples of the kind of things that they believe in and the things they do for their community at large. I believe that these are not empty slogans; I believe that these organizations stand by them, and I believe that they are key to their success in their fields of endeavour.

I believe that harmony is always in the best interests of industry and businesses of any kind at any level. I believe that confrontation benefits no one; the best force or weapon that people have at their disposal is one that is never used.

When it comes to such things as profit-sharing, as selling shares to staff and employees, involving them in the ownership, I believe many progressive organizations do that to the extent that it is possible. It isn't always possible, depending on the organization and its structure. I was reading from an article in the Christian Science Monitor that talked about when employees become owners. My colleague for La Verendrye referred, in his contribution to this debate, about some of the pitfalls and problems that occur in attempting to involve staff and employees in ownership, because I think involving employees in ownership is the highest form of the exercise of democracy in the workplace.

Several of the points that were made in this study of how it can work and, how in some cases, it doesn't work, several of the conclusions that were arrived at were that (1) of course, the company must make a viable, marketable product; that's essential. No amount of co-operation in the world will bring the American steel and auto industries back to their former size. A second point that was made was that ownership should be in voting stock, because employees aren't owners if they can't vote the stock. Another point that was made was that employee-owners must realize that ownership carries responsibilities, as well as rights, and learning them requires patience and hard work.

So certainly there are points that have to be recognized in talking about democratization of the workplace and talking about involving employees in the ownership and in the decision-making of any organization.

As I say, I think that all of us, regardless of where we are at any level in an organization, whether we are on the work floor, as the Minister of Housing referred

to it, or if we are in the management or the ownership, all of us desire to see more co-operation and a healthier climate among management and workers. I think all of us deplore the kind of dehumanizing that takes place in many of the assembly lines of the industrial production facilities that we have in North America. I think, of course, that we recognize that with decision-making, with involvement in decision-making, comes a responsibility to make it work. That's one of the positive benefits of it, and it can be one of the negatives of it if people want to take part in the decision-making but don't want to take responsibility for those decisions when they turn out to be wrong.

I have some concerns and comments to be made about involving workers who have no financial interest, that is, in terms of ownership of shares, on the boards of companies. I know that there are some positive things to be derived from that kind of move to put workers on the boards, but I think that those who become members of the boards must recognize that they now must make judgements and recommend actions in the best interests of the company or the enterprise that they are serving. They cannot utilize their position to drum up support or gain information that they can use in their other position as workers, as unionized representatives in some cases, to then use that information that they derive from being involved in the decision-making in the upper levels of management where they can gain all sorts of financial data about the company, its budgetary process, perhaps its returns to its shareholder, and then use that to fuel their argument to get greater returns as unionized workers. They can't have it both ways. Quite honestly, they have to utilize their talents in the best interests of the corporation, not in the self-interest on behalf of the narrowly focused area that they might, in some cases, be tempted to represent which is their own interest as workers.

I believe that behind this resolution is an assumption or a false premise, and that is that employees or owners have some strong motive for not consulting, for not involving workers in management, in organization, in planning and decision-making. I don't believe that to be true. As such I believe that it's always in the owner's interest to promote consultation, to involve them in the decision-making because good morale, a happy staff will always produce a better product or a better service on behalf of the organization.

I think since we all agree that workers at any level must buy into the goals, the ideas, the concepts, the directions, the objectives of an organization, then its through that process of involvement that will see them make their goals and their objectives in concert with those of the organization in which they are employed. If the organization prospers then so do the employees, at least in a good organization they will, because I believe that in order to keep them happy, in order to keep them motivated, the good organization will have them share in whatever are the returns. That's easier said perhaps in a small organization, and easier done in a small organization than a large, but having said that it is able to be done, and is done in many organizations, I can understand that there would be difficulties with larger organizations.

If you're going to talk about putting them on boards of directors, that is workers, then who do you select?

Who will be representative of the workers in an organization? Will they respond, as I said earlier, in a manner in which they are working towards the common goals or the good of the organization, or will they be more narrowly focused towards the goals, the individual goals, or even the collective goals of the unions to which they belong, or the workers' organizations to which they belong?

The resolution refers to the Summit Conference in Portage la Prairie, the Economic Summit Conference in Portage la Prairie last year. I was interested in that because it has been referred to on a number of occasions during the present Session of the Legislature by a number of members opposite. The Minister of Housing referred to it at one time, the Minister of Economic Development, the Premier of course, the Minister of Urban Affairs, the Minister of Finance. They've all referred to what wonderful news and information they garnered out of this interchange of information at the Economic Summit. But I was more than a little amused to hear them say that they were surprised that business leaders were so participative, were so receptive to the idea of getting together and exchanging information.

You know, it was as though they were surprised to learn that business leaders were human beings who had the same sorts of desires and goals and ambitions and emotions as workers did, as members of government did. It seemed to be almost as though they were surprised that they didn't have two heads, you know, that there was something unusual about business leaders that should make them somehow less human in their goals and desires and ambitions and their objectives on behalf of our province, and the economic good of our province.

Of course, I have to say, why would you be surprised. Why should they not be just like the rest of us? Why should their goals and desires on behalf of Manitoba and its people be any different than yours and mine? Why wouldn't they co-operate? It's in their interest to have more harmony, to have better working relations both with labour and with government. How else will they succeed if they don't have that kind of harmony and better working conditions? They'll accomplish a great deal more by working towards common goals than they would by trying to fight either labour or government on the other hand.

I'm reminded of the cartoon that is sent out by this organization that does motivational materials that you can use with your staff and it says - we have to push together in order to reach the same objective. They have two children pushing a wagon and one is on each end, and they're pushing it obviously towards the middle. That's the sort of thing that just seems so obvious to all us, but apparently it's not obvious to members opposite because they recounted over and over again their surprise at business leaders being so participative, so eager to exchange ideas and information, so eager to get together.

Well, Mr. Speaker, what about workers? I see that there's a contribution to be made by them, in accordance with the information of this resolution; will they continue to support confrontative actions that they seem to desire to do, in many cases, through their unions; or will they change their attitude, where necessary, to one of cooperation in working toward

common goals? Because, I believe, that behind this resolution there is some blame implicit upon business leaders, management, ownership and so on, and I say that this is a two-way street, and that, if you are going to call upon those who own the businesses, those who manage the businesses, to bring in more democracy in the workplace, then call upon the workers, as well, to relinquish their ties to the confrontative approach and to bring forth a positive attitude so that we can all work together.

MR. SPEAKER: The Honourable Member for Radisson.

MR. G. LECUYER: Monsieur le Président,

Je voudrais à mon tour ajouter quelques propos sur cette résolution qui, je crois bien que je désire supporter parce qu'au Canada et au Manitoba, bien entendu, la question de la démocratie industrielle tarde à venir, tarde à devenir réalité, alors que si on peut l'appeler ainsi, l'enfant se porte très bien déjà dans autres pays. Je dis bien l'enfant parce que partout au monde, je crois, que la démocratie industrielle esi à ses tous débuts. Alors il me fait autant plaisir de supporter cette résolution qui demande au Gouvernement manitobain et au Ministère de la Main d'oeuvre et de l'emploi de fournir des mécanismes qui encourageront la consultation et la participation des travailleurs au lieu du travail. Au tout début, je voudrais penser un peu à ce qui s'est fait ailleurs, en particulier en Allemagne, où la participation des travailleurs dans les décisions économiques remonte aussi loin qu'au 17e siècle alors que les fonds d'assurance des usines ont commencé à être administrés sur une base paritaire par le patronat et les employés. Cette mesure prit de l'ampleur au 18e siècle parallèlement avec l'intensification de l'industrialisation qui incita beaucoup de gens à faire pression pour une plus grande participation des travailleurs.

Des progrès à cet effet furent atteints tout au long du 19e siècle et en 1891 une loi fut adoptée obligeant les employeurs à consulter avec les travailleurs concernant les conditions de travail. Ces premiers essais par contre n'eurent qu'un succès mitigé.

Durant les décennies qui suivirent, d'autres plans de participation des travailleurs furent établis; les Conseils des travailleurs furent solidifiés et devinrent partie intégrale de la société allemande. Ces lois augmentèrent substantiellement le potentiel d'influence des travailleurs sur la prise de décision du patronat. Cependant, du point de vue des travailleurs, les résultats demeurèrent décevants puisque les travailleurs restaient souvent exclus des comités importants et souvent les employeurs tentaient de corrompre ou de menacer les représentants - ou simplement ne leur fournissaient pas les informations essentielles. Les buts des syndicats au plan philosophique allaient au delà du contrôle sur les emplois surtout sur le plancher des usines mais au plan pratique les employeurs s'opposèrent véhément à accorder une voix au syndicat à l'intérieur de leur entreprise. Les lois faisant appel à une coopération étroite entre les Conseils des travailleurs et le patronat furent en grande partie ignorées.

Les conseils des travailleurs et les syndicats furent abolis lors de l'arrivée des Nazis au pouvoir en 1933.

En 1947, des droits furent accordés aux travailleurs leur permettant de choisir 50% des membres sur les

Conseils d'administration dans les usines du fer et de l'acier, et en 1951, ces mêmes droits furent accordés aux mineurs de charbon. Cette mesure était appelée la loi de co-détermination.

En 1972, la Constitution des travailleurs fut révisée et les pouvoirs des Conseils des travailleurs furent substantiellement augmentés surtout dans les domaines s'appliquant directement aux politiques sur la main-d'oeuvre et du personnel et à la participation des travailleurs dans la planification des stages de formation et des conditions de travail.

Monsieur le Président, partout les effets néfastes de la récession économique deviennent de plus en plus évidents; le patronat blâme la main-d'oeuvre parce qu'elle continue à demander des hausses de salaire et la main d'oeuvre blâme le patronat qui maintient à tout prix sa poussée en faveur des profits élevés. Je suis prêt à considérer le point qu'a fait notre collègue, le député de Tuxedo tout à l'heure. Le blâme n'est pas d'un côté ou de l'autre; dans bien des cas, il doit être partagé.

Dans son livre publié en 1982 et résumé dans la revue CLAC de mai 1982, A.D. Hutcheon communique sans équivoque le message suivant: "Nous avons tous tenté de vivre au-delà de nos moyens. Les plus puissants ont gagné des avantages au dépens des plus faibles pendant que continue la poursuite futile à trouver qui blâmer.

Une large partie des gains substantiels réalisés durant cette période par la moitié de la population l'on été en refusant tout gain ou tout improvement à l'autre moitié et certains groupes ont même subi une diminution de leur pouvoir d'achat déjà trop bas."

Nous avons tous été rudement secoués ces dernières années par la réalité d'une économie freinée dans sa croissance. Ce phénomène ne s'est pas produit à partir d'une planification voulue dans ce sens.

La prospérité des années 50 et 60 reposait sur une fondation précaire. Nous avons commis l'erreur de croire que l'on pouvait arracher plus de salaires et plus de profits que la production économique le justifiait.

Hutcheon met en faute les théories économiques qui font abstraction et confusion entre ce qu'elles soutiennent versus ce qui arrive dans le monde réel où les gens vivent, travaillent, achètent et vendent selon des façon qui contrarient les modèles des théoristes. Et pendant que certains s'amusent à ce jeu, le chômage atteint des niveaux inacceptables et contraire à une société juste et libre.

Plusieurs mythes ont influencé l'attitude des gens et ont contribué à cacher la réalité tels que: premièrement - les gouvernements peuvent tout simplement imprimer de l'argent; deuxièmement - la politique monétaire peut être basée sur la prémisses d'une compétition parfaite; troisièmement - l'investissement crée toujours des emplois; quatrièmement - les profits ne peuvent jamais être trop élevés; cinquièmement - les hausses de salaires vont apaiser les syndicats. Voilà autant de mythes qui n'ont, jusqu'à maintenant, pas produit des résultats.

En promouvant leurs intérêts personnels, les syndicats et le patronat se sont montrés étroits d'esprit. Il serait désastreux de continuer dans cette voie. Il nous faut un mécanisme au moyen duquel l'ensemble des accords des salaires totalisent une somme non-inflationniste qui augmenterait au même rythme que

la production réelle. Ceci aurait pour effet de stabiliser les prix. Ce genre de solution ou autres solutions qui pourraient à la fois contrôler l'inflation, assurer des salaires et des prix justes ne peuvent être implantés avec succès sans inclure les syndicats en tant que participants.

Monsieur le Président, à ce point ici, je voudrais continuer mes propos à partir d'un article paru récemment dans la revue Options politiques - volumes 3 et 4 pour mai et juin 1983 et écrit par Tom Webb, qui lui-même, faisait partie d'une équipe de Canadiens qui ont fait une tournée en Europe pour étudier les coopératives des travailleurs en Angleterre, en France et en Espagne, et même je crois, en Allemagne.

Monsieur le Président, un nombre grandissant de Canadiens ont le ressentiment qu'ils ont peu ou aucun contrôle sur leurs vies économiques. Ils se voient comme des pions sans aucun rôle réel dans leur propre pays. Ils vivent dans des maisons; ils travaillent dans des industries; il achètent dans des magasins qui appartiennent à quelqu'un d'autre - et dans bien des cas, cet autrui n'est même pas Canadien. Donc, ils ressentent et savent que les décisions économiques sont prises par moins en moins de gens même si elles affectent la vie de chacun.

Les problèmes sont multiples - long terme et profondément enraciné dans la nature même de notre économie et il est grand temps d'établir un climat de confiance qu'on ne peut espérer atteindre avec le climat adversarial qui existe présentement.

Parmi ces problèmes, il y a les relations dans le domaine du travail - qui placent le patronat et la main d'oeuvre dans une situation adversarial partout dans le pays. Une grande partie de l'énergie d'un côté et de l'autre est gaspillée à se combattre plutôt qu'à produire les biens et services nécessaires à nos vies.

Deuxièmement, dans le secteur des entreprises publiques, les travailleurs n'ont aucun intérêt personnel dans l'entreprise. L'entreprise ne leur appartient pas et plus ils sont productifs, plus les propriétaires en retirent des profits. Mais cela ne garanti en rien que ces derniers, c'est-à-dire les propriétaires, vont investir ou ré-investir de façon équitable dans l'entreprise alors que c'est un fait bien connu que l'entreprise canadienne est terriblement vétuste. Lorsque les investisseurs refusent d'investir - en réalité, ils font grève. Ils font grève parcequ'ils croient que leurs profits ne sont pas suffisamment élevés.

Dans le domaine de la productivité, le patronat a souvent recours à du nouvel équipement pour augmenter sa production, au dépens du nombre des employés.

Un autre problème de l'industrie canadienne est l'instabilité due en partie au manque d'engagement des grandes corporations canadiennes ou étrangères envers les communautés dans lesquelles elles se sont établies. Les décisions de fermeture sont prises à des centaines ou des milliers de kilomètres - soit parce que les marges de profits ne sont pas suffisamment élevées - ou tout simplement parceque l'opération locale ne concorde plus avec les plans des grands magnats de l'opération globale.

Un 4e problème est celui des coûts sociaux causés par bon nombre d'entreprises - telle la pollution et autres dommages causés à la santé des gens et tout ceci impose des dépenses gouvernementales énormes

- coûts qui reviennent en somme aux contribuables et aux travailleurs. Souvent lorsqu'une industrie décide de fermer ses portes, les coûts résultant aux gouvernements sont plus élevés en termes sociaux qu'il en coûterait de la maintenir opérative. Ceci devrait en soi inciter les gouvernements à considérer sérieusement fournir des subventions pour convertir ces industries en coopératives appartenant aux employés.

Un 5e problème est celui de l'aliénation. Notre économie de dépendance a créé chez l'individu une dépendance sur les subventions et dépendance sur les décisions prises éloignées de lui.

Les gens voient à la fois les gouvernements et les grandes corporations d'un même oeil - c'est-à-dire distants, insoucieux, bureaucratiques et embourbés dans les chinoiseries.

Peut-être que les coopératives des travailleurs présenteraient une alternative permettant d'offrir l'espoir d'une économie plus stable, plus juste, plus productrice et plus démocratique.

Le meilleur exemple de ce genre d'alternative, c'est le réseau de coopératives des travailleurs de Mondragon en Espagne. Ce qui s'est fait à Mondragon est un réel miracle ou règne une harmonie et une coopération qu'on ne retrouve présentement peut-être nul part ailleurs dans le monde industrialisé. Voici quelques faits sur le réseau des coopératives de Mondragon.

22,000 travailleurs/propriétaires sont impliqués regroupant quelques 100 coopératives industrielles produisant toute une variété de produits industriels, de produits pour la consommation et de produits pour la haute technologie. Les coopératives varient entre 50 et 3,500 employés. Par contre, la majorité ont de 100 à 700 employés. Le réseau a sa propre banque, son propre institut de recherche et de développement, employant 65 ingénieurs et scientifiques. Il opère aussi son propre réseau d'écoles dont 31 écoles primaires et secondaires et 6 institutions post-secondaires dont un institut poly-technique qui décerne un degré en génie civil. Le système inclut des coopératives agricoles, des coopératives d'habitations et de consommation et autres. Fait remarquable, c'est que depuis les débuts en 1956, il n'y a pas eu une seule faillite. Parmi ces coopératives se trouve le plus grand manufacturier d'appareils ménagers et le plus grand manufacturier d'outillage manufacturier de l'Espagne. Une des coopérative fournit tous les bénéfices aux employés - incluant l'assurance, les pensions de retraites, etc.

Voyons maintenant si on retrouve à Mondragon les problèmes de nos économies auxquels je faisais référence plus tôt dans ce discours. D'abord au plan - stabilité - pas une seule des 100 coopératives a fait faillite. Durant le pire mois de la présente récession, 153 personnes étaient en chômage et sur l'assistance fournie par la coopérative, alors qu'ailleurs en Espagne, le chômage se situait entre 19 et 20%. A Mondragon, on a même continué un programme d'expansion - mais au lieu de 4 nouvelles coopératives par année, il n'y en a eu que 2.

Du côté social, c'est un autre succès. Puisque sous le régime Franco, on leur nia les bénéfices de l'état, ils établirent leurs propres systèmes de pension, de compensation aux travailleurs, de Medicare, d'assurance chômage, de congé de maternité, d'allocations familiales, et autres assurances.

Cependant, les bénéfices sont plus élevés que ceux de l'état.

Les coopératives de Mondragon ont aussi mis sur pied un système de santé préventive et occupationnelle. Les standards vis-à-vis les matières dangereuses sont beaucoup plus exigeantes qu'aux Etats-Unis et au Canada.

Depuis le début, il n'y eu qu'une seule grève qui dura 8 jours et impliqua 414 coopérateurs. 17 des travailleurs furent renvoyés par mesure disciplinaire - tel que décidé par le Conseil d'administration et endossé par un vote majoritaire des travailleurs. L'aliénation, comme vous pouvez le voir, est à peu près non-existante car les décisions sont prises au niveau le plus rapproché des gens affectés.

Chaque travailleur dans le réseau des coopératives de Mondragon a du capital en jeu dans l'entreprise. C'est son entreprise et chacun est désireux de maintenir un haut degré de productivité. Ce sont les travailleurs qui établissent les règles de modernisation et personne n'y perd son emploi - mais plutôt ils sont formés pour autres emplois.

En plus d'être un succès sur toute la ligne, l'expériment de Mondragon est le meilleur exemple qui soit d'une démocratie politique et économique.

Au lieu de promouvoir au Canada une économie basée sur l'avidité, les gouvernements canadiens doivent contribuer à créer des institutions semblables. Ils doivent assurer un climat et un support pour le développement des coopératives des travailleurs au Canada, surtout que ce système a déjà fait ses preuves et sans contredit ailleurs, et surtout en Espagne.

En conclusion, M. Webb dit que les coopératives des travailleurs ne sont pas un panacée - qu'ils ne résoudre pas du jour au lendemain tous nos problèmes tels que le chômage, la disparition de nos industries manufacturières, etc., mais pourraient fournir à nos enfants une économie plus saine, une économie fondée sur une plus grande coopération et moins d'avidité.

Merci.

(English Translation)

MR. G. LECUYER: Thank you, Mr. Speaker.

I would also like to add a few words to this resolution, which I also wish to support, because in Canada, and certainly in Manitoba, the matter of industrial democracy is slow in becoming a reality, whereas elsewhere in the world this child, if I may speak in such terms, is very healthy indeed. I say child because I believe that industrial democracy in our world is at its beginnings. It is indeed a pleasure for me therefore to support this resolution which calls upon the Government of Manitoba and the Department of Labour and Employment Services to implement mechanisms which would encourage consultation and participation of workers in the workplace.

First of all, I would like to briefly review what has happened elsewhere, particularly in Germany, where worker participation in economic decisions goes back to the 17th Century when factory insurance funds began to be managed on a parity basis by both employer and employees. This was further developed in the 18th Century in stride with the surge in industrialization at which time many were motivated to press for greater participation by workers.

Progress in this area was achieved throughout the 19th Century and in 1891 legislation was enacted obliging employers to consult with workers relative to working conditions. These first initiatives met with a rather limited success.

In the decades to follow, other worker participation plans were set up. Worker committees established themselves as an integral part of German society. This legislation substantially increased the potential of worker influence on decision-making by employers. However, from the worker viewpoint, the results remained disappointing since the workers were often excluded from important committees and employers commonly sought to corrupt or threaten employee representatives on the worker committees, or simply did not supply essential information. The philosophical objectives of the unions went beyond control over jobs, especially on the factory floors. But in practice employers showed vehement opposition to giving any vote to the union within their enterprise. Legislation calling for close cooperation between worker committees and employers was largely ignored.

Worker committees and unions were abolished under the Nazi regime when it came to power in 1933.

In 1947, rights were granted to workers allowing them to choose 50 percent of factory board of director members in the iron and steel sector, and in 1951, the same rights were granted to coal miners. This was called The Co-Determination Act.

In 1972, the Workers Constitution was revised and worker committee powers were substantially widened, especially in those areas bearing directly on labour and personnel policies and in the participation of workers in planning training programs and working conditions.

Mr. Speaker, the hurtful effects of the economic recession are becoming more and more obvious on all fronts. Management blames labour because the latter keeps clamoring for higher wages, and labour blames management for its push for ever greater profits. Now, I would re-echo the point made by the Member for Toledo earlier; namely, that the blame does not lie solely on one side. In many cases it must be shared.

In his book published in 1982 and reviewed in the publication CLAC, A.D. Hutcheon gives the following unequivocal message: "We have all tried to live beyond our means. The most powerful have pocketed advantages at the expense of the weak and meanwhile all continue the futile search for who to blame. A large portion of the very substantial gains realized during this period by half of the population have been realized through denying any gain or improvement to the other half. Some groups have been experiences a reduction in their already too low buying power."

We have all felt the rude shake-up in recent years due to the halt in economic growth. This phenomenon is not the result of any deliberate planning. The prosperity of the 1950's and 1960's was based on precarious footings and we have made the mistake of believing that we can extract higher salaries and profits than our economic production warrants.

Hutcheon rejects economic theories which ignore realities and contradict one another, all in the light of what is going on in the real world where people live, work, buy and sell, and in ways which do not line up with the theoretical models. And while some continue with their theoretical pursuits, unemployment is reaching

levels that are both unacceptable and contrary to a just and free society.

Several myths have influenced prevalent attitudes and have had the effect of obscuring the real situation:

1. that governments only need to print more money;
2. that monetary policy can be premises on perfect competition;
3. that investment always creates employment;
4. that profits can never be too high;
5. that wage increases will satisfy unions.

These are quite simply myths which to date have produced no results.

In promoting their personal interest both unions and employers have shown their short-sightedness. To continue in this direction will spell disaster. We need a mechanism by which the sum total of all wage agreements will come to a non-inflationary amount that increases at an equal rate with real production. This would have the effect of stabilizing prices. This, or other similar solutions for controlling inflation and ensuring wages and fair prices cannot be implemented successfully without including the unions as participants.

Mr. Speaker, I would like at this time to continue my remarks by referring to a recent article by Tom Webb in the Policy Options magazine, Volumes 3 and 4 of May and June, 1983. Mr. Webb was a member of a team of Canadians who toured Europe to study worker co-operatives in England, France and Spain, and in Germany also, I believe.

Mr. Speaker, a growing number of Canadians have the feeling that they have little or no control over their economic lives. They see themselves as pawns without any real say in their own country. They live in houses and buy from industries and stores which belong to someone else - someone who, often, is not even a Canadian. They realize therefore, that the economic decisions are made by fewer and fewer persons even though these decisions affect the lives of everyone.

The problems are many, they are longstanding, and they are deeply rooted in the very fibre of our economy and it is high time that we established a climate of confidence which cannot be achieved in the adversarial climate we presently know. Among these problems is that of labour relations which places labour and management in an adversarial situation throughout the nation. Much energy is spent on both sides fighting each other rather than producing the goods and services necessary to our lives.

Second, in private or even public-sector enterprises, the workers have no stake in the enterprise. It's not their company, and the more they produce, the more the owners will line their pockets. And this does not even guarantee that the owners will invest or re-invest in an equitable manner in the enterprises for it is well known that many Canadian plants are hopelessly out of date. When investors refuse to invest, they are actually going on strike because they believe they will not get a fair return on their investment.

In the area of productivity, management often sees new equipment as an opportunity for increasing production and reducing numbers of employees.

Another problem in Canadian industry is the lack of stability due in part to a lack of commitment by the large Canadian or foreign corporations vis-a-vis the communities in which they are situated. Decisions to

close operations are made hundreds or thousands of kilometers away, either because profit margins are not high enough, or simply because the local operation does not fit the corporate plan dear to those distant corporate managers in their overall operation.

A fourth problem is that of the social costs caused by a good number of enterprises, such as that of pollution and other damages to people's health. Ultimately these costs are passed on to the taxpayer. Oftentimes when an industry shuts down, the resulting cost to governments is higher in its social implications than it would have been to keep the industry open. This should in itself prompt governments to seriously consider providing grants for converting such industries into employee-owned co-operatives.

A fifth problem is that of alienation. Our economic dependency has created within the individual a dependence upon subsidies and upon decisions taken from far away distances. Increasingly, people are seeing the governments and the large corporations in the same light: remote, uncaring, bureaucratic and clogged with red tape.

Perhaps worker co-operatives could provide an alternative with new hope for a more stable economy; one that is more just, more productive and more democratic.

The best example of this type of alternative is the Mondragon network of worker co-operatives in Spain, a true miracle of harmony and co-operation which is perhaps unique in the present industrialized world. Here are a few facts:

The Mondragon co-operative network has over 22,000 worker-owners representing some 100 industrial co-operatives producing a wide range of industrial products, consumer durables and high-technology products. The co-ops range in size from 50 to 3,500 but most are in the 100 to 700 range. The network has its own bank, its own research and development institute employing over 65 engineers and scientists. It also operates its own network of schools, including 31 primary and secondary schools as well as 6 post-secondary institutions, including a poly-technical institute which offers degrees in engineering. The system includes agricultural co-operatives, housing co-operatives, consumer co-operatives and others. The amazing thing is that, since its beginnings in 1956, not one has gone bankrupt. Among these is the largest manufacturer of household appliances and the largest manufacturer of industrial tools in Spain. One co-operative provides a full range of benefits to employees, including insurance and retirement pensions, etc.

But does Mondragon have the problems to which I referred earlier which plague our economies? First, as to stability, not one of the 100 co-operatives has failed. During the very worst month of the present recession, 153 persons were out of work and received assistance provided by the co-operative, while elsewhere in Spain, unemployment reached 19 and 20 percent. Within the Mondragon system expansion continued, albeit with

only 2 new co-operatives rather than its normal rate of increase of 4 per year.

This has also been successful at the social level. Since state benefits were not granted to these co-operatives under the Franco regime they had to establish their own pension system, workmen's compensation, medicare, unemployment insurance, maternity leave, family allowance and other forms of insurance. And yet, these benefits are still higher than those paid by the state.

The Mondragon co-operatives have also implemented an occupational and preventive health system. Standards for hazardous substances are much tougher than those in the United States and Canada.

Since the beginning there has been only one strike and that lasted only eight days, involving 414 co-operators. Seventeen workers were dismissed as a disciplinary measure through a board of directors decision and ratified by majority vote of the workers. Alienation, as you will see is almost non-existent, for decisions are made at the closest level to the people concerned.

Each worker in the Mondragon network has capital invested in the enterprise and wishes to maintain a high degree of productivity. It is the workers who establish the rules of modernization. No one loses his job; some are rather trained when necessary, for other positions. Besides being a success on all fronts, the Mondragon experiment is the best example of political and democratic co-operation anywhere.

Instead of promoting an economy based on greed, Canadian governments should help create similar institutions. They should promote a favourable climate to support the development of worker co-operatives in our country, especially given the fact that the system, as shown in Spain, has proved itself beyond all doubt.

In conclusion, Mr. Webb says that the worker co-operatives are not a panacea to resolve all our problems overnight: problems of unemployment, the disappearance of our manufacturing industries, etc., but they could provide our children with a more healthy economy and one that is based on greater co-operation and less greed.

Thank you.

MR. SPEAKER: Order please. Are you ready for the question? Is it the will of the House to call it 5:30? The Chair will accept a motion to adjourn.

The Honourable House Leader.

HON. R. PENNER: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Ellice that the House now stand adjourned, the understanding being that Committees of Supply will be meeting at 8:00 p.m. this evening.

MOTION presented and carried and the House adjourned and stands adjourned until 2:00 p.m. tomorrow (Wednesday).