



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

DEBATES
and
PROCEEDINGS

33 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 7 May, 1984.

Time — 8:00 p.m.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, C. Santos: Committee please come to order.

The section of the Committee of Supply will be dealing with the Estimates of the Attorney-General's Department. Let us begin with a statement from the Honourable Minister responsible.

HON. R. PENNER: Mr. Chairperson, and members of the committee. My opening statement will be brief but I think not without some significance. This, in my view, is an historic year for the administration of justice in Manitoba. There are a number of events which will occur through the year which I really think are historic and significant.

I'm going to mention them in a moment, but let me put that in the context of drawing to your attention that the Estimates for the Attorney-General in terms of year over year, show an increase of, I think, it's about 1.2 percent, and yet within that very tightly controlled budget, we are able to show a number of accomplishments.

One is the amalgamation of the Court of Queen's Bench and the County Court. This follows a trend that is fairly recent in origin in Canada, in which instead of two superior courts with federally appointed judges, you have one. We've been moving in a way toward that with the combined administration of the two courts, but this carries it to its logical conclusion. On or about June 29th we will have a swearing-in when some 16 County Court judges will be sworn in as judges of the Court of Queen's Bench.

Let me take this opportunity to invite the former Attorney-General to be at that occasion; I think he should be. We will formally launch the amalgamated court and we're ready for it. There are some odds and ends, but we've been planning it for a long time under the leadership of the Deputy and Assistant Deputy - and I've had occasion to pay tribute to both Gordon Pilkey and Gil Goodman in the House - and the Director of Court Services, Marvin Bruce, to whom I'd also like to pay tribute here; Director of Administration, Pat Sinnott, who is with us tonight; Director of Financial Services, Brian Arnason. It's all been a team without which this could not have been done. It's no mean task to amalgamate two courts.

I should also like to pay tribute to Legislative Counsel, who assisted in the difficult job of drafting the appropriate legislation. There are still one or two things that have to be done in terms of legislation, actually at the federal level, to complete the legislative background. So that's No. 1, the amalgamation of the two courts.

Secondly, at the same time we will formally proclaim and launch the Family Division of the Court of Queen's

Bench. This is popularly known as a unified family court and it is receiving remarkably warm acclaim from practitioners and from women's groups, and indeed it will be the kind of family court that we've needed for some time - I think we've all recognized that we've needed - where you not only have centralized court services and that in itself is important because of fractured jurisdiction. Now women with - particularly women, but not only women - families in trouble let me put it more accurately; families in trouble have had to sometimes go to as many as three courts to resolve those difficulties.

But of even greater significance we are moving into close juxtaposition with the Family Division from the Community Services side, a conciliation group that will be enlarged somewhat - and that's not in our Budget but I'm just putting that in context - because the stress and the emphasis is very much going to be on conciliation. Let me make it clear that's not reconciliation, although one always looks for opportunities to help in that context.

One assumes by the time the parties have reached court that reconciliation is out of the question; conciliation in the sense of trying to bring the parties to an agreement as how to resolve custody, visiting, the separation of assets, the division of assets, and it's just clear I think, beyond any shadow of a doubt, that when parties can be - through the help of the court and the conciliation services - led to an agreement that then does a tremendous amount to make an otherwise difficult time less difficult and to reduce the well-known phenomenon - the win-lose phenomenon in which there's bitterness - and they come back to court again and again and again and the losers are, almost invariably in addition to the parties themselves, are the children, if there are children, who become pawns in a bitter battle between spouses in conflict. Spouses may be in trouble but they need not necessarily be in conflict. So that's No. 2 on the agenda for what I call an historic year.

No. 3 is The Young Offenders Act now proclaimed as of April 2. It's been a long time coming this replacement for The Juvenile Delinquents Act. I remember participating in meetings called under the aegis of the Canadian Council of Social Development with members from Justice and the Solicitor General as far back as 1974 - I'm sure discussions leading to Young Offenders go back earlier than that - in which we began to discuss some of the concepts which have undergone a lot of changes and will now finally materialize in Young Offenders.

The Young Offenders Act will be administered by a Youth Court. That Youth Court will be essentially the Family Division of the Provincial Judges Court now as of July 1, at least, no longer dealing in the Eastern Judicial District with family matters, and being able to devote more of its time and energies to dealing with young offenders.

I should point out here, as I'll point out a bit later, that you will find no budget in these Estimates for young

offenders. The reason for that is that with the on again, off again, off again, off again approach of the Federal Government where one never knew if indeed the promises of the proclamation of Young Offenders would materialize. At the time the Estimates were prepared we simply took note of the fact that in the event Young Offenders is proclaimed that there would have to be some budget. It's not, we think, substantial this year. We think that in terms of this department where we'll be called upon to deliver extra Legal Aid Services that we may be looking at, and I'll give details later on, something like \$155,000 at the most.

I should point out here that with respect to the Legal Aid component of Young Offenders, the Federal-Provincial Agreements have not yet been concluded because the details have not yet been finalized. There's a meeting towards the end of this month which may lead to finalization of that. The first offer of the Federal Government was insufficient and we're working in close association with other provincial administrations to having a more appropriate agreement prepared.

So, No. 3, in terms of gigantic steps in the administration of justice, is Young Offenders. Associated with that and really deserving of special mention is the ongoing development - which in terms of its current phase, was begun in 1982 - of the buildings, the capital side, where the new Law Courts Building which will ultimately be the Provincial Court will be completed, we now expect - it's very much on schedule - in November, probably ready for occupation in January. When it's occupied, the old Law Courts will undergo considerable renovations including utilizing the basement space, providing additional courtrooms, and doing all of the fire and safety upgrading that's been long delayed. This will be a unique opportunity for that to be done, because we will be able to move the Queen's Bench over into the Provincial Courthouse for the year or year-and-a-half, that is necessary to do the renovations in the old Law Courts.

At the same time, we will be beginning renovations of the Land Titles Office, including on this new plan the basement of the old Land Titles Office, and the old Land Titles Offices are going to be Judges' Chambers, and we resolved the problem that looked difficult. That is, the Family Division will be housed in terms of Chambers in the old Land Titles Office. So that's coming along nicely.

Fifthly, in terms of this, as I say, being an historic year for the administration of justice, in or about August, not later than September 1, I hope to be able to proclaim or have the Executive Council proclaim the Law Enforcement Review mechanism for dealing with citizens' complaints about alleged abuses of authority by the police. We're hoping to find modest quarters. It will start as a very modest operation in the Old Market Square area close to the police station, the Public Safety Building, so that will be launched. So these five items, as I say, are very very significant items all happening in the one year, and will certainly be at least a threshold or a notable point in the development of the administration of justice in Manitoba.

Let me very briefly, to assist members of the committee on both sides, just indicate some of the program changes both in terms of additions and deletions so that you can identify. I should note that, overall, in terms of staff years which are not clearly

indicated or not indicated in the Estimates, we're moving from 975, which was the adjusted total at the end of fiscal '83-'84 to 972.5, a slight reduction of 2.5 staff years. I'll give details of those right at the beginning so that members will have them identified.

With respect to program changes that are reflected in the Estimates, let me just go over them because they're not always easy to pick out. I mentioned Law Enforcement Review as budgeted this year at \$107,000 and two staff years; a Commissioner and secretarial help. That may not be quite enough but that's where we're starting from in any event. There will be, in terms of a program change - none of these are themselves major in terms of resources - a Trial Co-ordinator for the Provincial Judges Court for the four courts that we run on Broadway, but that position has been found within and it's not the addition of an extra staff year.

We found great difficulties in resolving how to schedule trials at the Provincial Judges level, and there is a great waste of time and resources - nobody's fault just the very nature - trials are scheduled and then fall away at the last minute with a plea of guilty and the judge is sitting there with a courtroom and staff and nothing to do for that day. Our judges don't like it any more than we do.

We were aware for some time of a system in B.C., Vancouver, where the use of a Trial Co-ordinator increases the use of a courtroom from roughly 2-point-something hours a day to more than double that, so we're beginning with one Trial Co-ordinator and four courtrooms and we think that will do a great deal, not only to maximize the use of courtrooms, but to shorten the waiting time from charge to trial.

With respect to young offenders, I have already indicated the approximate budget. Here I may say that probably what we'll do is hire the necessary persons for young offenders on a term basis for this year, or most of this year, until we can really get a handle. We just have no way of knowing precisely what resources we'll need, but when we get to that particular point I have a background paper that I can refer to in answering any questions about resources.

Still in terms of additions, we've added two persons to Fatalities Inquiries. These are investigative staff and two to the very very carefully run operation of the Public Trustee, which is a net earner - but that itself, of course, is no excuse for adding staff - but we must serve the public and two persons have been added to the office of the Public Trustee. Those are the additions.

In terms of deletions that are in the Estimates - but may not be highlighted and so I'm highlighting - we are able to save the Surrogate Court fees because of the amalgamation. I just wanted the Chairman of Treasury Board to hear this before he leaves because - (Interjection) - No, you didn't; there was one good part of it I forgot to tell you. It means a reduction after July 1 of 15 staff years. Actually, I should say that it really isn't 15 staff years now that the Chairperson of Treasury has left, the Judges of the County Court are being paid \$3,000 a year for functioning, as what we call Surrogate Court Judges, that is, looking after wills and estates. Now as Judges of the Court of Queen's Bench they're just going to do that as part of their normal well-paid duties. In a parsimonious moment, we've taken away the \$3,000 from each one of 15 judges. It's a \$34,000 saving this year, \$45,000 for a

full year, and the deletion of 15 staff years which had to be in our total of 975 in order for them to be paid.

We have eliminated the payment of witness fees to the Winnipeg Police; that's a saving of \$125,000.00. No other police force in Manitoba gets witness fees. They take it as part of their duty to appear when called. Indeed, I can't say that there's nowhere else in Canada where police are paid a witness fee, but in very few jurisdictions are the police paid a witness fee; that's \$125,000.00.

We've had to eliminate from our computer programs the promise system for this year. That's an acronym for something that I'll never remember, but it's a computer system for the Provincial Courts, and that's \$150,000.00. I do hope that we may be able to restore that fairly soon because it's a good system.

Special surveys have fluctuated from 1979-1980. There were 50,000 in each year and then in 1981 they were 100,000; they went up to 150,000, then down and this year they're back to 50,000. We are continuing the program but we have had to reduce a little bit in terms of special surveys.

With respect to the Manitoba Police Commission, the Executive Director retired - he is still nominally on payroll because he had some time coming until the end of this month - and we're not proposing, at least immediately, to replace the Executive Director. We have our Crime Prevention Officer who will act as Acting Executive Director and we're re-examining the functioning of the Manitoba Police Commission to make sure it is in lock step with the law enforcement agency. So that's a staff year that comes off.

With Provincial Court Judges, we didn't replace Judge Halprin, who was appointed to the Family Division of the Court of Queen's Bench and we didn't replace Judge Baryluk, who retired and is now part-time with the Federal Court. So there's two SYs saved there. The reason we didn't replace them is that with the coming into existence of the Family Division and all of that being transferred to federally appointed judges we, in effect, at least at the beginning of this year and I think it will continue throughout the year, had a relative surplus of Provincial Court judges. So too we were able to cut out from the part-time component 1.5 staff years of part-time judges, but we may have to re-examine that.

With the Land Titles office, we are on a long-term computerization program which is going to be very very helpful and, over the course of this year, that will mean a deletion of four full-time persons. Paradoxically, in order to complete all of the work that's necessary for computerization we will, during the course of the next few months, have to use five term positions until the end of December, I expect. I may say that with the four full-time positions being eliminated in the Land Titles office because of computerization, we are working on redeployment. One has already been redeployed and I'm not sure, as of this moment, what the redeployment situation is with respect to the other three.

With respect to limited jurisdiction magistrates, we have between 100 and 200 limited jurisdiction magistrates and J.P.'s throughout the province, we think a little shrinkage can take place there and, effectively, one staff year has been eliminated from that pool this year. One administrative person has been eliminated from Legal Aid, that is not a person but a position.

With respect to the office of Legislative Counsel, one staff person has been seconded to Cultural Affairs which has the jurisdiction over the translation section, and the legal translation section is housed with the general translation section. We've been trying for two or three years to get a senior person to sort of supervise, in terms of revising the rough translation done by line legal translation staff. We've been unable to hire and so we seconded Greg Yost from the Legislative Counsel's office over to Cultural Affairs, but we still hope, pending on the volume of work that may be required and we won't know that really until the Supreme Court decides, to hire a senior legal translating reviser from outside.

Finally, in terms of staff year deletions, the only one other deletion is really hardly worth mentioning since I have assumed the awesome duties of Minister of Consumer and Corporate Affairs, half my salary is paid from that Budget so there is half a staff year less. So I sit before you in my embodiment as half a person.

Those are the deletions so the overall result is a deletion through the year of 2.5 positions. It shows a lot of stability in the department and I think, remarkably so, because when we get to Court Services and if you would like some particular statistics you'll see that the workload increase has been, relatively speaking, enormous as it has in Land Titles, but computerization will help there.

Finally, just two other opening comments, Mr. Chairperson, grants this year were not overly generous with respect to grants from the Department of the Attorney General, I'll have to look into that. We are continuing at the same level grant given last year and the year before to MARL at \$25,000.00. This year, we're making a special grant to the Manitoba section of the Canadian Bar which is hosting the Annual Convention of the Canadian Bar. Now that is going to be a very very big event taking place. We get it about once every 10 years and it's happening in Winnipeg at the end of August, beginning of September. We're granting \$20,000 and we may want to increase that, but that's the grant in the Estimate at the moment. I'll be pleased if the appropriate time comes to tell you more about the splendid plans which are being developed under the leadership of the Manitoba Bar, and especially Chris Pappas for this event.

The third grant is to the DOTC Police Force in the amount of \$100,000, the same level of the actual grant last year.

The only other change I should highlight now because, again, I'm trying to highlight those things which may not leap from the page and I would like committee members to be aware of them, is that we are reducing the size of the Board of the Manitoba Law Reform Commission from seven to five, and of the Board of Review from five to four; those are the boards and commission changes.

Those are my opening remarks.

MR. CHAIRMAN: Thank you, Mr. Minister. The Chair now calls upon the leading opposition critic to make his customary reply to the Minister's opening remark, if the leading opposition critic so desires.

MR. G. MERCIER: Thank you, Mr. Chairman. I'll be brief.

I note, firstly, the Attorney General indicates an increase of 1.2 percent overall for the Department of the Attorney General. I think whilst we, on this side of the House, certainly are not one to be critical of the government's attempt to be restrained in its financial expenditures, I do want to say, for the record, that I think this department is one that should be accorded a fairly high degree of priority, it performing I think one of the essential functions in our society, in terms of law enforcement, etc. and certainly this is not a department that should be overly or unduly restrained in its expenditures, I think because of its importance to our province.

With respect to the five items that the Attorney-General mentioned, I note that the administration of the Queen's Bench and County Court was amalgamated de facto while we were in government, and the Law Reform Commission was instructed to proceed with an in-depth review and recommendations with respect to amalgamation of the Court of Queen's Bench and the County Court and they, I think, performed a very important role in that function with their report and I'm pleased to see that the amalgamation will shortly be upon us.

With respect to the other Items, a Unified Family Court was an initiative which we support and I hope it will prove successful because I'm led to believe there is quite a backlog in family matters at the present time. Hopefully, the Unified Family Court will be able to reduce some of that backlog that is presently before the Court with respect to contested matters.

The Young Offenders Act, of course, as the Attorney-General indicates, I think, goes back at least a decade in its preparation. I will want to review with the Attorney-General the Federal Government's financial contribution towards the administration of The Young Offenders Act. Hopefully it will prove to be an improvement in the system of law and young people in conflict with the law.

We're also, of course, happy to see that the Provincial Judges Court Building is well on its way. We had developed a plan for its construction and other steps to follow, and I'm pleased to see that the Attorney-General is following through with that.

With respect to some of the other matters, the reductions and deletions, rather than comment now, I would like to comment on those as we go through each individual item. I'm particularly concerned with respect to the reference to the Trials Co-ordinator and what I believe has been developed into an increase in the length of time and delay in criminal trials in the Provincial Judges Court, and would like to deal with that to some degree when we get to that particular item. We can deal with the other items as we deal with them individually.

MR. CHAIRMAN: At this point in time the Chair now invites the members of the departmental staff to kindly take their respective places.

HON. R. PENNER: May I introduce to members of the committee: Pat Sinnott, Director of Administration; Brian Arnason, Director of Finance; John Guy, Acting Assistant Deputy, long-time Director of Prosecutions and sometime high official of the Law Society.

MR. CHAIRMAN: Thank you, Mr. Minister.

Deferring our debates on the item entitled Minister's Salary, which is Item 1.(a), we shall begin deliberation with the next item 1.(b)(1).

The Member for St. Norbert.

MR. G. MERCIER: With respect to this item, the first matter I would simply like to raise and ask the Attorney-General is, can he inform us as to when he expects to make the appointment of a new Deputy Minister for the department?

HON. R. PENNER: I have two more interviews that are taking place, scheduled for Wednesday of this week, and that should complete the interviews. I would hope to be in a position to come before Cabinet with some recommendations within two weeks so that I hope that we can make the appointments, announce the appointments, in about two weeks time.

MR. G. MERCIER: Is it the intention of the Attorney-General to appoint, at that time also, two Assistant Deputy Ministers - one in the criminal area and the other in the civil area?

HON. R. PENNER: Active discussions are taking place with respect to a reorganization of the work within the department, which may have that result. I hope so, but it's a question of being able to allocate resources. I simply point out, in this context, that the work of the Department of the Attorney-General has expanded enormously, not just under this administration, but under previous administrations, and the Member for St. Norbert will be able to verify this where, the traditional role of an Attorney-General's department was thought of as law enforcement - police and courts, on the criminal side - but, of course, even traditionally has been more than that and, in the last decade, has had added to it what we loosely call the "justice component" dealing with family matters, which have really proliferated in a number of ways with the various boards and commissions - Legal Aid, Human Rights, vastly expanded role of a Public Trustee's office. All of this has expanded to the point, and of course, dealing with personnel close to a thousand, where it seems to me that we might really maximize the contributions made by senior staff by reorganization, which might see a Deputy and two Assistant Deputies, but that decision has not yet been made.

MR. G. MERCIER: Mr. Chairman, is there an increase in personnel under (b)(1)?

HON. R. PENNER: No.

MR. G. MERCIER: Can the Minister account for the 10 percent increase then?

HON. R. PENNER: Last year, January of '83, appointed a special assistant and the staff year was shown but the salary was by Supplementary, and now the salary is shown in the 216,300.00.

MR. G. MERCIER: Mr. Chairman, perhaps the Attorney-General could indicate then how many executive assistants he has and how many special assistants.

HON. R. PENNER: I just have one executive assistant and one special assistant.

MR. G. MERCIER: Mr. Chairman, I think this might be an appropriate spot to raise a question. I have watched and read news reports with respect to the challenge that began in the Province of Alberta with respect to The Lord's Day Act. I believe that matter is now before the Supreme Court.

HON. R. PENNER: I believe it's from Ontario.

MR. G. MERCIER: Probably both.

HON. R. PENNER: Yes.

HON. R. PENNER: Has the Attorney-General intervened in that matter?

HON. R. PENNER: No.

MR. G. MERCIER: Could you explain why?

HON. R. PENNER: It was my view and the view of officials in my department that the major issues that have to be canvassed in that case were being brought forward by the Government of Ontario, Government of Alberta, the Federal Government, and that there was nothing that we could add to the argument other than cost to our own department and that this was not a case in which Manitoba had a particular interest that wasn't being represented. On those grounds, there appeared to be no special justification for the expenditure of money to intervene.

MR. G. MERCIER: Just for information, Mr. Chairman. Am I correct in believing that case to be heard some time before the end of June in the Supreme Court?

HON. R. PENNER: I believe you are right. In fact, it may already have been argued, although I can't be sure of that, but I know it is to be argued as one of the first batch of Charter cases to be heard by the Supreme Court.

MR. G. MERCIER: Mr. Chairman, unless some other member of the committee has some comments, I have no further questions on this item.

MR. CHAIRMAN: 1.(b)(1) which relates to Executive Support: Salaries—pass; 1.(b)(2) which relates to Executive Support: Other Expenditures—pass.

We might as well consider two items together. We will consider Item 1.(c)(1) and 1.(c)(2) next.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could just indicate where the decrease is in this particular area.

HON. R. PENNER: We had a term staff, full term staff, as a replacement work in the file room and we have cut that to half.

MR. CHAIRMAN: 1.(c)(1)—pass; 1.(c)(2)—pass. 1.(d)(1) and 1.(d)(2) together.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General indicated that there was nothing in the Budget for the promise system which has been ongoing for a number of years. I think he inferred that the computerization of the Land Titles Office is still ongoing. I wonder if he could indicate if this is the area of expenditure primarily dealing with computerization of the Land Titles Office then?

HON. R. PENNER: The primary cut in Other Expenditures under Computer Services is the promise system, 150,000.00. There are a few other dollar cuts generally, but the primary sum was 150,000, the promise system.

MR. G. MERCIER: I assume, Mr. Chairman, that the Attorney-General would like to, in the next year's Budget, continue the work on the promise system. How far away is that system from being implemented and at what cost?

HON. R. PENNER: Acutally, fairly close, if we can scrape some funds off the side of the barrel before the end of this fiscal year, we're hoping to be able to do that. If we could get it back on track by September, October, then I think we are on the threshold of being able to run it as a pilot through - is it the Public Safety Building? - the Public Safety Building would be the first area where we would run it.

MR. CHAIRMAN: Item 1.(d)(1) which relates to Computer Servies: Salaries—pass; Item 1.(d)(2) relating to Computer Services: Other Expenditures—pass.

We go now to Item 2.(a)(1) with relation to Legal Services, Civil Litigation: Salaries and Other Expenditures, 2.(a)(1) and 2.(a)(2) together.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I asked the Attorney-General a question the other day with respect to the maintenance and enforcement system, and I think it would come within this area . . .

HON. R. PENNER: Yes, it does.

MR. G. MERCIER: . . . of the expenditure. The Manitoba system has recently received very favourable publicity across Canada in national news magazines and on the CBC Journal the other evening, and it is a system that is doing what was intended when we implemented it.

What I find disturbing is the fact that other provincial jurisdictions seem to still be reluctant not only to adopt such a system but to co-operate in the manner that Manitoba does in terms of enforcing other maintenance orders in Manitoba through the use of Crown Attorneys and enforcing other custody orders from other jurisdictions in Manitoba through Crown Attorneys.

I wonder if the Attorney-General could indicate whether - and I believe he did indicate the other day that the Federal-Provincial Committee is considering these matters - could he indicate whether or not any progress is being made with respect to those matters

and what does he anticipate to happen with respect to a Federal Registry and Enforcement System, and access to information which is required?

HON. R. PENNER: I'm hopeful that we're on the threshold of some major changes there. I'm glad that the Member for St. Norbert asked me that question because I'd like to set it straight on the record - I meant to do that in the last couple of days - the answer which I gave him which was substantially correct, but in identifying provinces where we still had some difficulties I wrongly identified Quebec where, in fact, Quebec is very advanced in terms of utilizing somewhat the same system; so I was in error in identifying Quebec.

I believe that the Province of Ontario is on the threshold of a fully developed system, similar to Manitoba's system. I note that the Federal Minister of Justice is certainly talking up a storm in terms of the national system, and officials in the Department of Justice are working on it; but I wasn't all that encouraged when he seemed to say, as I heard him on National TV, this is a great idea and the Feds want to take full credit for it because we're encouraging it, but by the way, we're not putting any resources forward for it; it's up to the provinces. I suppose in a way it is, but I think in terms of a national system, there I think it is a federal responsibility and indeed the development of a national system can best be done through the Federal Department of Justice and I would hope that some resources are found for that within this current year.

MR. G. MERCIER: Mr. Chairman, that was a comment that concerned me when I heard the Federal Minister say that. What is he suggesting? He's prepared to bring in some legislation and establish the Registry, but it will have to be funded from Provincial Governments?

HON. R. PENNER: That's what he seemed to be saying and I was astonished because that didn't make sense.

MR. G. MERCIER: Can the Attorney-General indicate whether any other Provincial Government are supplying enforcement through their Attorney-General's Department, through Crown Attorneys, as we do in Manitoba?

HON. R. PENNER: I'll take that question as notice.

MR. G. MERCIER: Mr. Chairman, on another matter that relates to Family Law, the Attorney-General has received - and I have received - over the past year, since Law Amendments Committee heard some representations with respect to proposed amendments dealing with joint custody. There has been a group formed, I think, that is called "Fathers." Has the Attorney-General considered their representations and briefs and does he intend to make any amendments with respect to the Family Law legislation with respect to this concept which they are advocating, of joint custody?

HON. R. PENNER: The matter is not under active consideration at this time. It was very carefully considered because when I brought in amendments

last time it was one of the recommendations in the Carr Report; but when the Carr Report was circulated for comment, there were far more negative comments than there were positive comments from Family Law practitioners. It seemed to me that it required some further investigation.

On the surface it seemed to me a good proposal because the proposal in fact was not to make joint custody a matter of form or a matter of inevitable disposition, but that the option would be clearly one that would be before the judge and would be given as part of a custody order unless circumstances were brought to the attention of the judge which militated against an award of joint custody.

However, the matter is a difficult one and all I can say is, it's not under active consideration at this time and certainly not for this Session.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General indicate, salaries are down, I assume that in view of his opening statement that it doesn't mean the number of lawyers in the department are being reduced, if he could answer that. There's also the indication the Other Expenditures increased by nearly 100 percent. I wonder if he could explain those two items.

HON. R. PENNER: Yes, that's just the 27th pay period, so that will crop up from time-to-time, but lawyers being as relatively well paid as they are - I say relatively because in absolute terms, as you and I know, lawyers are underpaid considering the contribution they make to the well-being of society - but being relatively well paid, the 27th pay period does make a difference here.

MR. G. MERCIER: Could the Attorney-General indicate perhaps, the final and the total bill for legal fees with respect to CFI?

HON. R. PENNER: I think the figure that I could give you now doesn't differ very much from the figure that was supplied last time because the final bill from counsel, on the criminal side, Mr. MacGregor, has not yet been tendered; but I'll take that as notice. It's in excess of \$4 million, counting the cost of the commission. Of course we're presently incurring some civil-side costs. We retained the services of the law firm of Taylor, Brazzell, McCaffrey - Mr. McCaffrey handling the civil case of against A.D. Little. There I'm quite optimistic that on the civil side we may show a substantial win.

MR. CHAIRMAN: 2.(a)(1) and 2.(a)(2), relating to Civil Litigation: Salaries and Other Expenditures—pass.

We now go to Item 2.(b)(1) which relate to Criminal Prosecutions: Salaries, and 2.(b)(2) which relates to Other Expenditures; 2.(b)(1) and 2.(b)(2).

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, in July, the Attorney-General released a report prepared by a Committee on Impaired Driving. A number of recommendations were made and the Attorney-General indicated that he would require time to study the recommendations, etc. Could he indicate now what recommendations he intends to act on?

HON. R. PENNER: Yes. In general, I'll be making a fuller statement in the House before the end of the month, but I have no hesitation in indicating what's in the works. In the works is the possibility of some provincial assistance to increase the scope of the ALERT Program. There is lots of evidence to show that not only is this a very widely supported program, but much more to the point - although, of course, that's not without its point - is that it's one of the most effective programs in an area which tends to intractable. That is, it's estimated that there may be as many as over half a million incidents of nighttime impaired driving in the City of Winnipeg every year, and we're only able to apprehend and bring into court some 3,500 drivers and that's not a particularly comforting statistic.

We've got to do more to bring home to drivers the greater certainty of being caught and a much more constant and visible ALERT Program does play a role in doing that. Now, we don't run a provincial police force but we can perhaps be of some assistance to the major force concerned, the City of Winnipeg force, and we are discussing with the City of Winnipeg officials the possibility of some provincial assistance to extending the ALERT Program. That's No. 1.

No. 2, we have in preparation - some of which, I think, may be available before the end of this month, I hope by the long weekend - a very strong media campaign on drinking and driving. This is not directly from this department, but it's an offshoot of the work of the committee. I think that would be funded through MPIC.

In terms of legislation, you will have noted in the Throne Speech a reference to The Blood Test Act. This is not, let me say immediately, an attempt to follow the B.C. route which I had estimated was doomed to failure from the beginning. It was really an attempt to legislate criminal law which only the Federal Government can do, but to broaden the exemption from civil liability from doctors to include other health practitioners who are qualified to take blood tests and who may take a blood test from an unconscious person without the consent of that person and would, under our legislation, now be exempt from civil liability except, of course, for negligence.

We're looking very carefully - and we, I think, will be making a decision very shortly - at an amendment to The Highway Traffic Act which would curtail the appeals from the Licence Suspension Appeal Board to the County Court.

MR. G. MERCIER: Mr. Chairman, with respect to the legislation with taking blood tests, will that go as far as the number of doctors, I think, in recent articles have indicated it should go, to protect them from liability?

HON. R. PENNER: Yes. In fact, some major representations were made by the MHO and the nurses and it will cover - it's being redrafted by Legislative Counsel so that it covers, instead of referring to doctors, it refers to health practitioners who are defined to include doctors and other persons qualified, whether they are lab technicians or nurses, to take blood tests.

MR. G. MERCIER: Mr. Chairman, with respect to another matter, the Attorney-General made some

comment in the middle of March that police line-ups are quite often unfair and he said he wanted his department and the police to look at recommendations brought out by the Canadian Law Reform Commission. Has the department completed their review of this matter and have they issued new instructions or recommendations?

HON. R. PENNER: No, that hasn't been completed yet, but it is in process.

MR. G. MERCIER: Mr. Chairman, on another matter. I believe I have asked the Attorney-General about his policy with respect to this matter which has been raised in past years. It was indicated last December that the Province of Alberta was going to appeal an Alberta Court of Appeal ruling that police can no longer enter premises to install electronic eavesdropping equipment. I believe it has been the policy in Manitoba that this will be allowed by law and will be done by law enforcement officers and I believe that the article indicates that Her Honour, Judge Ruth Krindie, in 1982 said that the Charter of Rights does not prevent police from secretly entering private homes and businesses to plant a bug. Is it still the policy under the Attorney-General to allow police to do this?

HON. R. PENNER: First of all, with respect to the latter part of the question, we do not control nor do we attempt to control the investigative activities of the police. Those generally are mandated by the Criminal Code itself and other criminal statutes, and the police must carry out their duty according to law. All we do, as the Member for St. Norbert knows - and indeed I think he initiated the policy, and I think correctly so, from the Attorney-General's Department - is before a Crown attorney goes to court to ask for a wiretap or the placing of electronic surveillance, the Crown Attorney will attend upon myself to review the facts leading to the application so they can be satisfied that the general requirements of the Code are satisfied, and that happens with respect to wiretap authorizations initiated by our Crown attorneys. It doesn't, of course, happen with respect to those initiated by the RCMP.

Now, in terms of the legal question as to whether or not a wiretap authorization is sufficient to allow surreptitious entry to make the interception, if it's a phone interception, in some instances, it may have to be made internally, but not usually; but if it's a question of the planting of an electronic bug then usually it will require some form of surreptitious entry, not always.

That matter was first raised, in fact, in an aside, a judicial aside, by Mr. Justice Huband in the Dash case but was not really dealt with fully at the time. It has been argued before the Supreme Court. Manitoba intervened in that one and took the position that the granting of the authorization carried with it the right to surreptitious entry because you couldn't place an electronic surveillance apparatus in most instances without doing that, and clearly you are not about to - this is the argument - knock on the person's door and say, "By the way, I would like to place a bug in your place, may I come in?" But that's reserved; we don't know what the judgment of the Supreme Court will be. It's a tough case, you can argue both sides of that. I

am only glad that I wasn't required to argue either side; competent counsel argued it.

MR. G. MERCIER: Mr. Chairman, although the Attorney-General indicates that the police generally make their own decisions with respect to these matters, that the department doesn't try to interfere with the investigative process, can he indicate, however, that the practice of law enforcement officers has not changed then and that they are still entering private homes and buildings to plant bugs in those instances, obviously, where there is a court order?

HON. R. PENNER: I would have no way of answering that question other than speculatively because, clearly, my authority extends no further. My involvement extends no further than meeting with a Crown Attorney who indicates the circumstances leading to an application and, thereafter, I know nothing and want to know nothing of what happens. I can only surmise that, since there is no high decision which says that that kind of entry can't be made, that it is likely that it is being made.

MR. G. MERCIER: Well, I assume then, Mr. Chairman, at least, that there has been no direction from the department not to do that.

HON. R. PENNER: There has been no direction not to do that.

MR. G. MERCIER: Mr. Chairman, last fall there was a decision of the Supreme Court that appeared to indicate that, and I am quoting from a newspaper article that states: "Judge Laskin, in his 7-0 ruling, said prosecutorial authority is conferred on the provinces through Section 2 of the Criminal Code, not through the Constitution," and a commentator said that that means that Parliament can remove provincial power in this area simply by amending the Criminal Code and could place in the hands of the Federal Attorney-General all powers of decision in criminal prosecutions.

Could the Attorney-General indicate whether this has been a subject of discussion among provincial Attorneys-General and with the Federal Minister of Justice?

HON. R. PENNER: Indeed, it has. There were two parallel decisions - Cripps and C.N. Transport - that came to that conclusion, and all provincial Attorneys-General were united in being more than somewhat alarmed by the import of that decision. We were not comforted by assurances from the Minister of Justice that, oh well, we would not really attempt to use the decision to garner onto ourselves greater prosecutorial responsibility; but, nevertheless, the judgment sits there.

What it is, and the fact is authority for the type of thing that we have seen - although I suppose we have accepted it conventionally - in young offenders where the Federal Government can pass, let's say, a scheme that may have vast cost implications for law enforcement within a province and say, here you are, provincial administrations, we have decided, because under Section 91(27) of The Constitution Act, 1867 we have the right to legislate, and the Supreme Court has

decided that that carries with it the right to include all kinds of procedural matters and all the rest of it, and you pick up the tab.

Now, under Young Offenders, of course, they picked up some of the tab, but what we find then, in those circumstances, is that we are knocking at the door by saying, look, you are imposing an enormous cost - in some cases, an unknown cost that we can only guess at initially. Where does that leave us? Because under Section 92(14) we have the right to - is it 92(14) or (15) - the Member for St. Norbert will straighten me out, one of them - we have the right to constitute courts for the administration of justice.

Without getting into the academic and technical side, the Attorneys-General met in Toronto on March 6th or 7th, a day preceding the First Ministers' Conference on Aboriginal Rights, and that was the primary matter on the agenda and we drafted a joint response to the Department of Justice asking for immediate consideration of constitutional changes to restore the proper balance between historic provincial responsibility in this area and federal legislative responsibility.

MR. G. MERCIER: Has there been a response from the Federal Minister?

HON. R. PENNER: No, there hasn't, not a formal response. He is somewhat busy these days.

MR. G. MERCIER: Mr. Chairman, on another matter. In the fall of 1981, the Solicitor General released a study of conditional releases. Since then, and I suppose most recently this weekend with the incident that occurred, there have been comments and concerns expressed by citizens, judges, Crown Attorneys with respect to the administration of parole and what seems to be, in the minds of many, I suppose fundamentally the release of accused people or incarcerated people too early by virtue of the many methods of early release, be it temporary absence, day parole, earned remission or mandatory supervision, I wonder if the Attorney-General has, through his department or himself, raised this matter with Federal Ministers. I would think it is a matter of concern, not only to many people in this province, to people right across the country, with the manner in which this discretion has been exercised by the Parole Board. Could the Attorney-General indicate if he has made any formal response to the Solicitor General on the study that Mr. Kaplan had done?

HON. R. PENNER: No, I haven't. Since some kind soul - back how many years ago is it? - was kind enough to remove, in effect, Solicitor General functions, correction functions from the oppressed back of the Attorneys-General of this province, that question is jurisdictionally substantially under the Minister of Community Services and Corrections and it would be appropriate for that Minister to make any formal representations.

I do note, however, that the Minister of Justice has proposed a considerable change to sentencing and sentence structure, some of which, I'm not sure, and perhaps all of which is encompassed in Bill C-69, Sentencing, and there are some changes which are being proposed, however, which will still not deal with

fundamental questions relating to parole, although they will deal with questions relating to probation. It now appears that C-69 - for indeed, I think that's the right number - will not go through before the next election, so no representations have been called for from this department.

MR. G. MERCIER: Mr. Chairman, in view of the concerns that have been expressed by certainly Provincial Judges and others in the Criminal Justice System, does he not consider to have some responsibility for making some inquiries and investigations and making some representations to the Federal Minister with respect to this matter? Has it not been a topic of discussion at Provincial Attorney-General meetings?

HON. R. PENNER: No, it has not.

MR. G. MERCIER: Can he indicate whether the Provincial Minister of Corrections has made any representations?

HON. R. PENNER: I'll take that as notice and attempt to find out.

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

MR. H. GRAHAM: Thank you very much, Mr. Chairman. I'd like to go back to something the Attorney-General mentioned earlier. It was dealing with the ALERT Program and I believe he said, was it possible there might be 500,000 - was that the word you said - intoxicated drivers in one year, is it?

HON. R. PENNER: Yes.

MR. H. GRAHAM: In the City of Winnipeg?

HON. R. PENNER: Yes. It's a statistical extrapolation and sounds to me - but it has only a sort of a gut reaction on the high side - but certainly I believe that there are a lot more than are apprehended because, by the very nature of the beast covers a wide spectrum; and impaired driving at low levels usually only comes to the attention of the authorities if in fact the impaired driver is involved in an accident, or is seen driving erratically, or in a very very slow methodical way, and that also alerts the authorities; but otherwise it doesn't necessarily come to the attention of the authorities.

What comes to the attention of the authorities of course are - and regrettably because it's after the fact - the serious incidents, and those are the ones we are generally more aware of when you're dealing with the alcoholic and the seriously impaired problem drinker-driver. Those are the ones that are involved in the accidents and with loss of property, loss of life, they come to the attention of the authorities, but on the lower end of the spectrum, not so much.

MR. H. GRAHAM: There seems to be a period once a year when the ALERT Program gets a good play in the press and seems to be highly publicized. Is that the only period of the year when the ALERT Program is in effect, or is it in effect 365 days of the year?

HON. R. PENNER: Unfortunately, that's about the only time that it's run with any consistency, although they have lengthened the period from a few days in-between the two holidays to, I think, close to a month now, where they run the ALERT Program.

We would like to see it run on a year-round basis.

MR. H. GRAHAM: When that is being run in the urban area here, is that run only by the City of Winnipeg Police?

HON. R. PENNER: Yes.

MR. H. GRAHAM: There is no participation by the RCMP, is there?

HON. R. PENNER: No. But I should add . . .

MR. CHAIRMAN: Can we have order here, please?
Mr. Minister.

HON. R. PENNER: Thank you. It comes from speaking while impaired.

The RCMP do run a spot-check program of their own and actually quite consistently, through the year.

MR. H. GRAHAM: But that is all outside of the urban area?

HON. R. PENNER: Yes.

MR. H. GRAHAM: As a non-urban resident, the figures that appear in the Liquor Commission Report do cause some concern where we see that the number of convictions for information sworn by the City Police was 920, resulting in fines totalling \$47,521 in the last report of the Liquor Commission; and the number of convictions for information sworn by the RCM Police and rural police was 8,995, resulting in fines totalling \$533,296, which is more than 10 times what occurs in the urban area, and yet Winnipeg has more than 50 percent of the population of the Province of Manitoba.

Does that indicate that the police effectiveness in the country is 10 times greater than that in the city, or does it mean that rural people drink 10 times as much as urban people, or how do you justify or rationalize the figures that appear in that particular publication?

HON. R. PENNER: I'm about to be unaccustomedly cautious. No, I certainly don't think it indicates anything like a greater degree of drinking on the part of people in rural Manitoba than in the city. I have no way of knowing whether or not there's any difference, I suspect not. But by the very nature that the highways, compared to a network of streets, are open and visible. It's really a long chain of scrutiny, if you will, where the driver from a farm, let's say, in the local beverage room has to travel a fair distance down the highway to get from the beverage room back to the farm or, even if he's living within the rural centre, you have two or three streets which are relatively easily patrolled.

The incidence of patrolling is fractional in the city compared to the incidence of patrolling on the highways, and that's what really accounts for the difference. But

that does indicate, and I thank the member for the question, it does tend to corroborate what I was saying earlier about how there are probably a lot more, many more, incidents of impaired driving than the number who are apprehended, and those would probably be substantially more in the city than on the highway.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: Could the Attorney-General indicate roughly the number of policemen per thousand population in rural Manitoba, as compared to the police in urban areas?

HON. R. PENNER: Actually it's about even.

MR. H. GRAHAM: About the same?

HON. R. PENNER: It's about the same because, you see, you have in Winnipeg, 1,016 is the total force, some administrative personnel, but let's just take that as roughly the number for close to 600,000 population. The RCMP, plus special constables, would be close to 600; but then, if you take Brandon and some of the other constabulary, you can see that there's a reasonable proportion.

MR. H. GRAHAM: That's all.

MR. CHAIRMAN: Thank you. 2.(b)(1)—pass - The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, on another matter. I have before me a form letter, I take it, that the Attorney-General sent out on March 15th of this year to people who wrote to him about the change in charges against Dr. Morgentaler and others. In the third paragraph of this letter, the Attorney-General states, that "after the preliminary hearing, it was possible for the officials of the Crown to assess the evidence. They advised me that there appeared to be a strong case against Dr. Morgentaler and two others on the charge of actually procuring abortions. In the light of that information, I exercised my duty to ensure a fair trial and I directed that the trial proceed on the substantive charge. Is the statement that "they advised me, etc.," is that a true statement?

HON. R. PENNER: Yes. I never there, or at any other time, that my officials said, charge this way rather than that way; that wasn't their function. Their function was to draw to my attention all of the elements that the Crown had available to it in prosecuting a case and step by step my officials were very responsible in doing that. After the first raid exercise of police warrants on the Morgentaler Clinic and an examination of the records, it seems that there was a case that could be made with respect to conspiracy, but not nearly as strong a case, indeed probably, not certainly but probably, not a case at all with respect to procuring.

Following the second raid, when presumably there had been much more activity within the clinic, the results of that raid, and further police investigation and interviews - and I want to be careful here because the matter is still before the courts so I'm not going to

make any assessment of the weight of evidence - but certainly there was enough material available as a result of the second raid and police investigation for officials to be able to say that what was lacking, after the first raid, was available after the second raid, in terms of laying the charge of procuring. They made no recommendations to me one way or another, but presented, I think in a very responsible way, what the results of the investigation were; what information was available to them; what assessment they were able to make about the weight of evidence.

MR. G. MERCIER: Mr. Chairman, on Wednesday, January 11, 1984, in Debates and Proceedings, Page 5483, in response to a question from me, the Attorney-General indicated, "Within the scope of my duty, I had no recommendation one way or another from my senior officials, nor did I ask for one, because that was a responsibility which must rest with myself." Was that a true statement?

HON. R. PENNER: Yes. I think that pretty well conforms with the answer I gave a few moments ago.

MR. G. MERCIER: Mr. Chairman, on Friday, January 13, 1984, in Hansard, Page 5549, in response to a question from me, the Attorney-General indicated, ". . . the matter was discussed with the law officers of the Crown in which I advised them of the course I proposed to take . . . 'Is that a true statement?'"

HON. R. PENNER: Yes. I'm generally in the habit, I may say, of making true statements. If I make statements which are incorrect then it's inadvertent.

MR. G. MERCIER: Mr. Chairman, in the Free Press of December 10, 1983, the Attorney-General is quoted as saying that he made his decision to drop the conspiracy charges after reading a massive transcript of the October preliminary hearing. Is that correct?

HON. R. PENNER: That's the timing of it, yes.

MR. G. MERCIER: Mr. Chairman, I regret to say that this incident appears to violate an old maxim that justice must not only be done but be seen to be done. We have a situation in this instance where the Attorney-General has a well-known personal position, and the New Democratic Party, itself, has a well-known policy position in favour of abortion on demand. In reviewing the history of this matter, in a news article going back to the Winnipeg Free Press, going back to Monday, November 1, 1982, the Attorney-General is quoted as saying in the letter to Dr. Morgentaler, that there's likely to be such pressure for prosecution that it would not be possible or desirable for me to direct a stay of proceedings. One question that is raised in my mind and certainly in a number of people's minds is whether or not, or since when does the Attorney-General's Department begin prosecution because of pressure.

A news article on June 15, 1983 in the Sun indicates Dr. Morgentaler stated that he was making an appeal to the Attorney-General to drop the charges of conspiracy against all the staff. But on June 2, 1983 in response to a question from myself in which I said,

did the Attorney-General indicate whether he will be dealing with this matter personally or will the matter be handled by the Director of Prosecutions. The Attorney-General indicated that the matter will be handled by the Director of Prosecutions. In the Free Press on March 4, 1983, he confirmed that. He said, I will not intervene in the legal process.

Conspiracy charges were subsequently laid, the same charges that were laid in the Province of Ontario - charges which, I believe, are still proceeding there - the accused were committed for trial after a preliminary hearing by a judge who said that on the basis of the evidence before him, they were likely to be convicted.

Then we have the personal intervention of the Attorney-General who dropped all of the conspiracy charges. We have the comment for the defence counsel that the change in charges will assist the accused and generally enhance Dr. Morgentaler's acquittal.

Mr. Chairman, we have certainly made suggestions that the change in charges was politically motivated. We have news articles which quote representatives of the pro-choice movement stating that the Attorney-General can still decide not to proceed with the charges. That's what the coalition representatives told the NDP caucus in a long overdue meeting held October 13, 1983.

Mr. Chairman, all of these facts, I suggest, with respect to this incident, bring the administration of justice in Manitoba into disrepute. We have a personal intervention of the Attorney-General without seeking a recommendation from his staff, contrary to previous statements that the Director of Prosecutions would handle the matter, combined with his own personal views and the NDP policy, and statements that he was under pressure to prosecute, resulting in a change in charges despite the accused having been committed for trial on the original charges that were laid, the same charges as in the Province of Ontario.

After the NDP caucus met with a pressure group and defence counsel, indicating that the change in charges will benefit the accused, lead almost inescapably to the conclusion that the administration of justice in Manitoba has been adversely affected and brought into disrepute. It certainly has lead, Mr. Chairman, a large number of Manitobans to lack confidence in the actions of this Attorney-General, when the statements and actions appear to be contradictory, when he personally changes charges which would appear to support his personal views and NDP philosophy despite the accused persons having been convicted for trial.

I think this, Mr. Chairman, is an extremely serious matter and a black mark on the record of this Attorney-General. My immediate question to him is why, having said in response to a question to me that the matter would be handled by the Director of Prosecutions, why did he not leave the matter as he said he would in the hands of the Director of Prosecutions?

HON. R. PENNER: That is a very long and involved question and I don't propose to get into a lengthy discussion or debate with the Member for St. Norbert but certainly it deserves and answer.

The particular issue, of course, is one which splits our community and indeed the national community and is a very high-profile issue that involves fundamental

questions of public policy; that's a high-profile issue. By it's very nature when a charge is laid, particularly involving the highest profile person that one can think of in that high-profile issue, then the Attorney-General of whatever province where that happens to be the case is going to be the subject of a lot of lobbying. I was.

I was lobbied formidably on both sides of the issue. Indeed there may be three or four sides and I was lobbied formidably on all sides of the issue but I determined from the beginning in accordance with my Oath of Office, that I would act entirely on my own within my constitutional responsibilities. Certainly let me say here categorically, that at no time was the path that was to be taken with respect to the prosecution of this, the subject of a discussion in Executive Council or in caucus, at no time did Executive Council or caucus purport even impliedly to suggest what the Attorney-General should do. Let's get that out of the way completely.

Indeed the representations to which the member refers that were made to caucus, as I recollect, they were representations that were made with respect to the general issue but insofar as it touched upon the legal issue raised the question of the dropping of charges altogether. The member has noted and it was appropriate for him to do so - although he didn't do so sufficiently in my view - right from the very beginning, when Dr. Morgentaler wrote me and said that he plans to come here and open a clinic and could I grant him immunity, I said categorically, without any hesitation, no, and that the law would take its course with respect to that matter as it would with respect to any other matter. So, first of all, I'm saying I acknowledge sole responsibility for the steps that were taken.

But as the matter developed there became a point where a decision had to be made, because the material was there upon which that decision was to be made, of public policy generally in the area of criminal prosecutions and not just relating to the abortion issue. That is, whether or not, where there's an option to proceed, either by way of conspiracy or the direct charge should be laid rather than conspiracy because as the Member for St. Norbert knows, or ought to know from his experience, most of the judges of the realm - or at least of this part of the realm, the judges of this country - are very much opposed to both a conspiracy charge and a substantive charge being laid. They really say that that's unfair. It's either one or the other. I formed the view that where, and indeed I will readily admit that I've always been of that view, that as a matter of public policy, where you have as strong a case and a substantive charge as you do in a conspiracy charge, then one ought to proceed for a whole variety of reasons on the substantive charge.

Now, what defence counsel said *ex post facto*, as to this making their life easier, is a matter for them and not for me, I don't think, frankly, that it does. There's an assumption in everything that the Member for St. Norbert has said, that somehow or other it is easier for the defendants to meet the direct charge, than it was the conspiracy charge. I'm not at all satisfied that that is so.

What I do believe is that it is easier to identify the fundamental issues of public policy which must be addressed where the charge is the direct charge and

not the indirect charge. Indirect charges are often the vehicle, whether intentionally or not, for evading the issues that have to be addressed. Since I formed the view, and I'll come back to that in a moment in terms of timing, that the one charge was as strong as the other, indeed in many ways I think stronger, so that the accused could raise the fundamental defence issues which they wished to raise, so those could be adjudicated on in the Province of Manitoba and not left in doubt that that is what ought to be done.

Finally, in terms of timing, I was aware obviously because I was advised that that was the case. I believe on the day that the preliminary began, or at the most two days before the preliminary began, that the Crown would attempt to put before the judge the conspiracy case and let the evidence go in because in doing that, that would maximize the amount of evidence that could be put in and assessed.

I did not at any moment say this was a recommendation from my senior officials saying, no, I don't want you to do that. I said, fine thank you for informing me, I will wait. It wasn't until I received the transcript of the preliminary and read it, every blessed page of it, in order to see what the case for the Crown was, and in order to address a question of public policy in public prosecutorial policy, which is a matter for the Attorney-General and not for senior officials, that I made the decision and I made it on my own that the direct indictment on the substantive charges should be laid and the conspiracy charges stayed.

That is the fundamental history of the matter and any other inference that there was a meeting of caucus, at which one of many lobby groups appeared and that somehow magically in some juxtaposition to that, the change was made, is belied by the sequence of events, the timing. If you will remind me, the Member for St. Norbert, I don't have it before me - when was the preliminary? Not until the spring or the late winter, January or February? When was my decision made? My decision was made and announced after the preliminary.

MR. G. MERCIER: Mr. Chairman, can the Attorney-General indicate or confirm that the Attorney-General's Department in Ontario are proceeding on conspiracy charges?

HON. R. PENNER: Yes, although even there it's different, and accordingly it's not possible for me to assess what evidence the Attorney-General's Department in Ontario has with respect to actual abortions, I don't know. But I do know that when the conspiracy charge was laid in Ontario, as a matter of public policy there, it was laid against three individuals only, a Dr. Scott, Dr. Morgentaler and one other.

MR. G. MERCIER: Mr. Chairman, I must, in view of the Attorney-General's answer in which he clearly states that he acted on his own, that he acknowledges full responsibility, that he confirms that he did not seek any recommendations from his department; who, according to his previous statement, took sole responsibility for the original charges and conducted the preliminary hearing on which the accused were committed for trial; in view of all the facts that I refer

to, his personal position, the NDP policy, the fact that having said that the Director of Prosecutions would handle the matter and then intervening in the matter on his own, as he said, combined with the comments of the defence counsel, etc., certainly have caused, amongst many people in Manitoba, a genuine concern that the Attorney-General has personally manipulated the charges to benefit the accused to accommodate his personal views and that of his party.

I say, for the record, Mr. Chairman, that he should have followed his original statement and left this matter in the hands of the Director of Prosecutions and not caused the very grave concern that exists in the minds of many people in Manitoba with respect to the administration of this prosecution and his personal intervention in the matter.

HON. R. PENNER: I would have just two concluding remarks. First of all, with respect to my personal views, I must say I do resent that very much because, for anyone who wants to take the trouble - why would they, it's all so trivial? - of looking at my personal views with respect to a whole gamut of matters in terms of, let's take one, the obscenity provisions of the Criminal Code. I appeared at the defence bar on leading cases, in seminars and speeches to my classes in the Law School, arguing what might traditionally be thought to be the civil libertarian approach with respect to those sections of the Criminal Code. As Attorney-General, I have taken one of the strongest positions in this country with respect to obscenity, to the extent where I am, at least indirectly, attacked by the Canadian Civil Liberties Association and MARL. I don't think I need a lecture about allowing my personal views to interfere with what I think to be the right thing to do. That's No. 1.

No. 2, look, an Attorney-General, the Crown Attorneys, the most senior of them, the Director of Prosecutions down, are agents of the Attorney-General. The Attorney-General, ultimately, is where it stops and bears the responsibility for prosecutorial policy.

I said right at the very beginning, when I assumed office, and I have hewed to that position with one or two exceptions, and I will mention another exception. I said, when I assumed the office, that I, in the normal course, do not want to be involved in the prosecution side of the department. We've got competent officials and it is for them, ultimately, to carry out the day-to-day; and they do and they do it very well. They have received no hectoring from me, they have received no instructions from me, they have received no directives, no missives, no raps on the knuckles, and they know that. They feel free.

When it comes to appeals and so on there, too. I remember, as a member of the defence bar, having expressed certain criticisms about what I then, as a member of the defence bar, thought to be the policy with respect to sentence appeals on the part of the Crown, and there, too, the record will justify that I do not interfere with the day-to-day. But there are times - thank God few of them - where, as Attorney-General, and a matter of public policy emerges of such dimensions I have to take a position, I will take it and let history be my judge.

The other incident, in which the Member for St. Norbert when he was the Attorney-General was

involved, had to do with, again, the Attorney-General taking a position, in a sense, contrary to what the courts did at a preliminary - the member is familiar when there were several charges of fraud and so on laid against Play All, and some individuals connected with Play All, and connected with other concerns, alleging that they defrauded Kinsmen, through the Kinsmen Bingo, of hundreds of thousands of dollars. That was investigated by the commercial fraud people and, ultimately, on the basis of evidence, a several charges were laid, a preliminary was held and the judge at the preliminary dismissed the whole case. He said that's it, not enough to go to trial, forget it.

At that point, and this was still when the Member for St. Norbert was the Attorney-General, the senior officials came to the Attorney-General and said, in effect, we think that there is a strong case here, it's a shame that this isn't proceeded with. I am not quoting, of course, but they came, in any event, to the Attorney-General and asked him to use his power under the Code to directly indict. The Attorney-General, the Member for St. Norbert, didn't do that; he said let some judge decide. And what did the judge say? The judge, in effect, said it's not for me, it's for the Attorney-General. So he quashed the application that was made to him, as a judge, saying it's the responsibility given, in the first instance, by the Criminal Code to the Attorney-General.

By that time, the election had taken place. As it happened, I was elected, appointed Attorney-General, the same officials came to me and said, this is where the matter now stands, what are you going to do? I looked over the evidence, again, perused the transcript, most, not all of the transcript, it was a yard high, and came to the conclusion indeed that there was a case which ought to be presented to the courts and I made the decision, direct indictment. So it wasn't the first time with the Morgentaler case that I had exercised that prerogative, but it's been damn few.

MR. G. MERCIER: Mr. Chairman, the Attorney-General's recollection of the latter incident is almost correct. I simply point out, for the record, that in response to my inquiries officials indicated that there appeared to be an alternative to the procedure that they had recommended, and it appeared that the superior court judge could be asked to review the evidence from the preliminary hearing and determine or make a recommendation with respect to a direct indictment. It turned out that, at least the particular judge that the matter went to did not wish to do that, but it appeared at the time that was an alternate procedure that could be used since being found out that obviously, in view of the decision that was made, that that is not an appropriate procedure.

I would simply ask, and the Attorney-General may have answered this, is there any other prosecution during his tenure in which he has intervened, in his words, which he has acted on his own and acknowledges sole responsibility?

HON. R. PENNER: No.

MR. CHAIRMAN: The Member for Wolseley.

MS. M. PHILLIPS: Yes, Mr. Chairperson, I would just like to comment on this particular line of questioning that the Member for St. Norbert is pursuing.

I guess the question that arises in my mind, listening to the discussion, is with the implication that the decision was made because of the Attorney-General's personal preference, if the decision he made had been the opposite or if the Member for St. Norbert was still in the position of Attorney-General and made the opposite decision, would the Member for St. Norbert then accept the opinion of committee that his decision was made because of his well-known personal preference and bias, if he had ended up making the opposite decision than the present Attorney-General has made.

I think he should dwell on that somewhat before he makes that kind of assumption.

MR. CHAIRMAN: The Chair reminds the Member for Wolseley that the questions are supposed to be directed to the Attorney-General.

HON. R. PENNER: The present Attorney-General.

MS. M. PHILLIPS: I thought you were going to accuse me of being hypothetical.

MR. CHAIRMAN: 2.(b)(1)—pass; 2.(b)(2)—pass.

Resolution No. 19: Resolved that there be granted to Her Majesty a sum not exceeding \$5,566,000 for Attorney-General, Legal Services, for the fiscal year ending the 31st day of March, 1985—pass.

The Chair is relieved; we at least finished one section.

We now go to Item No. 3.(a)(1) and 3.(a)(2) which relates to Boards and Commissions, Manitoba Law Reform Commission: Salaries, Other Expenditures.

The Member for St. Norbert.

MR. G. MERCIER: Thank you, Mr. Chairman. I note, in a release issued by the Attorney-General on January 27, 1984, that the former Dean of the Law School, Clifford Edwards, was reappointed for a further three-year term commencing July 1, 1984. That is welcome news, Mr. Chairman, because I think he's done an excellent job.

However, the release goes on to refer to the seven-person commission, and I believe the Attorney-General indicated in his remarks that there will be a reduction in the size of the commission from seven to five. I wonder if he could indicate whether that will be - I don't believe it's in legislation, but a certain number have been lawyers and a certain number have been lay persons appointed to the commission. Can he indicate what the split will be in the future with this seven-person commission and who will be relieved of their duties?

HON. R. PENNER: Yes, there's no one really being relieved of their duties. One of the incumbents, Professor Trevor Anderson, has been appointed Dean of the Law School and that position is inconsistent with his function on the Law Reform Commission in point of view of time, and he's asked to be relieved and will be relieved effective July 1, by which time I hope to have the legislation reducing size from seven to five before the House. It will probably appear in Statute Law Amendments, but there it will be.

What's happened is there are some vacancies. Sister Mac died; a great loss to the province and to the commission and has not been replaced, and Anne Riley

resigned and has not been replaced, she's gone to London, Ontario, the University of Western Ontario, so we're down to a five-person commission now. So the recommendation from Professor Edwards is that when Professor Anderson's resignation takes affect, I consider appointing another legal academic. That request will be considered but no decision has been made.

I'm considering one other possibility. In fact, I think I can say now, because there is an Order-in-Council, very recent vintage, the balance of the commission in terms of male/female was changed with the passing of Sister Mac and the resignation of Anne Riley. I'm changing Judge Richard Thompson, who's a member of the committee, will no longer be a member of the commission and I'm appointing Lee Gibson as a lay person and, obviously, a woman.

MR. G. MERCIER: Excluding the chairman, then, what will the ratio be between lawyers? Would it be three lawyers and one lay person then?

HON. R. PENNER: Yes, that will be the ratio initially. We'll take a look down the line as other vacancies come up. I should know the members of the commission. But presently it's Richard Thompson, Knox Foster, Cliff Edwards, Trevor Anderson until the 30th of June, and Judge Lockwood - "Gimli" Lockwood, we call him - so those are the five. The change from those five will be a lay person for a lawyer.

MR. G. MERCIER: I notice that there is a reduction of some \$20,000 in Other Expenditures for the Law Reform Commission. I think most members of the House would concur that the Law Reform Commission has performed a valuable service for a number of years in their review and recommendations for legislation, and they've probably been more successful than any other Provincial Law Reform Commission - certainly much more successful than the Federal Law Reform Commission - in having recommendations adopted in the form of legislation. I would be concerned that perhaps in this instance for the matter of a few thousand dollars, the work of the commission will be restricted; probably the fact that the number of commissioners is reduced, is going to restrict to some degree, the work of the Law Reform Commission.

I believe the members of this commission do a lot of work, do a lot of reading, spend a lot of time at it, so they'll be reduced by two members and then there would appear to be a reduction in Other Expenditures and probably the bulk of those moneys, as I recollect, was used to hire additional research persons on specific projects. Could the Attorney-General indicate as a result of this cut in expenditures and in the number of commissioners, whether the work of the Law Reform Commission will be restricted during the forthcoming year?

HON. R. PENNER: I'm satisfied that it won't be. The member's recollection is correct, that the bulk of the Other Expenditures is to hire outside consultants. But what has happened is that our full-time staff have improved enormously. The longer they're at the job, the better they become as researchers, indeed they've

come with very very high commendations from Cliff Edwards and they're simply able to do more work and better work than was hither to the case. I would have, of course, liked to have kept a few more dollars available for outside consultants. I'm satisfied, however, that we can operate on this somewhat trimmed down basis just as efficiently as we've operated in past years.

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

MR. G. MERCIER: Mr. Chairman, I think the Attorney-General had indicated he hadn't asked a representative from the Human Rights Commission to be here this evening. If it's agreeable to the committee, I would suggest we go on to (c)(d)(e) and (f) and then when we begin again, that the Human Rights Commission could be here.

HON. R. PENNER: Okay, good. Thank you.

MR. CHAIRMAN: Is there agreement among the committee members? We'll proceed and skip to 3.(d)(1) and 3.(d)(2) which is Manitoba Police Commission: Salaries; Other Expenditures.

HON. R. PENNER: No, 3.(c). What about Criminal Injuries?

MR. CHAIRMAN: Sorry. We skipped that one. 3.(c) Canada-Manitoba Criminal Injuries, Compensation Board - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, is the last report for the Criminal Injuries Compensation Board, this one that's indicated 1982?

HON. R. PENNER: I believe that's the last one that I have but I'll check. I have a recollection of filing a later one in the House, but I guess not. That will be checked and I'll have an answer tomorrow.

MR. G. MERCIER: Mr. Chairman, a concern that we've expressed for a number of years has been with respect to the Criminal Injuries Compensation Board is that many victims of crime are not aware of their right to claim compensation under the Act. Could the Attorney-General indicate what steps he or the board have been taking to inform the public of the awareness of the Criminal Injuries Compensation Board and their right to claim compensation?

HON. R. PENNER: I think the member is probably aware of the Victim Witness Assistance Program which had its origins at the time that the member was Attorney-General, although I don't think it got fully launched until a few months after the November, 1981 election, and that Victim Witness Assistance Project which operates at Public Safety and at 373 Broadway, is the primary vehicle we use to assist victims of crime in a number of ways, not the least of which is advising them of their rights under the Criminal Injuries Compensation scheme.

MR. CHAIRMAN: 3.(c)—pass. 3.(d)(1) and 3.(d)(2) which is Manitoba Police Commission: Salaries, Other Expenditures.

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I believe the reduction in salaries would be due then to the decision made so far not to replace the Executive Director.

HON. R. PENNER: Substantially, that's right.

MR. G. MERCIER: Does the Estimate of Expenditures include the hearing or inquiry which the Attorney-General has ordered into the incident on October 28th? I'm led to believe that hearing may go on as long as four days with counsel. Do these Estimates anticipate that type and that length of a hearing?

HON. R. PENNER: Regrettably not. These expenditures only account for what I regret will be a fraction of the cost that we now anticipate. These things have a habit of growing and they seem to grow expedientially in some kind of relationship to the number of lawyers involved. I knew we were in for trouble, financially speaking, when I began to see the growing list of lawyers. Everybody who has even a remote connection with that hearing has decided that they must be facing a frightening experience, something akin to the Spanish Inquisition, because they've run for the most expensive lawyers that they can find and the more expensive lawyer - let me rephrase that.

With some lawyers, expensive or not, there is a tendency perhaps because they're taking every possible step to protect the interest of their clients, to take steps which lead to a prolongation of the particular trial or inquiry. Seriously, this is assuming fairly substantial proportions and we haven't got enough money in the Estimates to cover the cost. So what I propose to do is to delay payment of the bills until sometime after the next election and see which way it goes.

MR. G. MERCIER: Mr. Chairman, there were representations made in January, I believe, that the commission should delay its hearing until after the people who are facing charges as a result of the demonstration - until those charges are dealt with. Was the decision to proceed the decision of the Police Commission or of the Attorney-General?

HON. R. PENNER: I received, indeed formally - I think formally and informally, but it was formal - only one request to deal with the quite apparent problem that arises when you have criminal charges and an inquiry arising out of the same incident. As the member knows this type of thing is dealt with in an analogous way in The Fatalities Inquiries Act and since it was inordinately difficult to get all counsel, the Manitoba Police Commission and its counsel and hearing space and time together for the hearing, I made the decision that, in answer to a formal request, that I would adjourn the criminal proceedings or instruct the adjournment of the application; or more appropriately we would not oppose an application for adjourning the criminal proceedings till later in the summer. So criminal proceedings were due to take place in June. We were not at all satisfied that the inquiry itself would be over in June, so we accepted the notion of an adjournment of the criminal matters till August and perhaps September.

MR. G. MERCIER: Mr. Chairman, the Attorney-General has referred to the inconvenience or difficulty of arranging a date suitable to all counsel involved . . .

HON. R. PENNER: Counsel, witnesses.

MR. G. MERCIER: . . . counsel, witnesses, etc. Does he not consider it more important in a situation like this that the criminal charges should be dealt with first, prior to the inquiry? Does he not have any concern that there might be some?

HON. R. PENNER: I really don't know in terms of the relationship of one to the other, which is preferable. It seemed to me that, in many ways, where given the relatively large cost of the running of the inquiry - the number of issues that would be addressed there, the number of counsel that would be involved - that indeed in many ways that might provide an assist to the criminal trial later on in terms of an examination of a lot of evidence. It may be - may be I don't know - it may be that it turns out relatively easier for our Crown Attorneys in running the case to have the benefit of the material that will be made available through the inquiry.

MR. G. MERCIER: The role of the Police Commission, Mr. Chairman, subsequently will be basically an appeal body then, will it not, under The Law Enforcement Review Act, or to hold these types of inquiries when directed?

HON. R. PENNER: Actually, we've had many discussions over the last year with members of the Manitoba Police Commission as to its future role and we're really looking down the line at a much larger role, particularly in crime prevention programs. Crime prevention programs have been a bit helter skelter. They've been organized in a way around an event, Crime Prevention Month, and becomes sort of a focal point, but that's one month out of 12.

Our Crime Prevention Officer, Lorne Gregorash, who's acting as Executive Director of the Commission, has done a good job, but as one individual in going around helping communities. I think we need to do more in crime prevention.

So both with respect to crime prevention and with respect to beginning to establish standards for recruiting and training police officers to assist all police forces in the province in that way, these are two areas of responsibility which we see developing.

In terms of its appellate function it will be rather minimal. Certainly under The Law Enforcement Review Act it has a very minimal appellate function just to deal with those matters which are dismissed at first instance as being frivolous and vexatious; I don't expect much of that will come up before the Manitoba Police Commission. It will still of course have some appellate function to those matters of police discipline which don't relate to citizens' complaints.

MR. CHAIRMAN: 3.(d)(1)—pass; 3.(d)(2)—pass. 3.(d)(1) relates to Manitoba Police Commission: Salaries and Other Expenditures.

We now go to 3.(e)(1) and 3.(e)(2), Board of Review: Salaries and Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General in his opening statement again indicated a reduction in the number of members of the Board of Review. Will that be a citizen member and can the Attorney-General also indicate how many individual cases the Board of Review presently has under its jurisdiction?

HON. R. PENNER: Yes, there's 21 cases that it has basically in its bailiwick and the member who had indicated a wish to resign from the Board of Review - and it was just a decision not to replace - was a lay person.

MR. CHAIRMAN: 3.(e)(1)—pass; 3.(e)(2), which relates to Board of Review: Salaries and Other Expenditures—pass.

3.(f)(1); 3.(f)(2), Law Enforcement Review Act: Salaries, Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General referred to the fact that the Estimates at the present time provide for two staff person years, could the Attorney-General indicate the amount of the salary that will be paid to the Chief Executive Officer, whatever that person is called? Will there be public advertising or will that be an appointment through the Civil Service Commission or will that be an Order-in-Council appointment?

HON. R. PENNER: That is an Order-in-Council appointment.

MR. G. MERCIER: What sort of salary is the Attorney-General looking at?

HON. R. PENNER: Pegged to the salary of a Provincial Court Judge

MR. G. MERCIER: Does the Attorney-General expect that to be a full-time position?

HON. R. PENNER: Yes, I expect that it will be, based on information supplied to me from the Vancouver experience, you know, reduced in scale to Manitoba, or essentially really Winnipeg proportions, and the Toronto experience from the Commissioner, Syd Linden. It's a guess and it may be a year before we really know. It's an Order-in-Council appointment and can be adjusted, if necessary. The salary portion this year will be part - part salary because it's part of the year. I don't think we'll really know what the scale of activity will be.

The number of matters that were dealt with by the internal review mechanism in the City of Winnipeg Police, in the last year for which I have statistics, were somewhere about 260, 270, not all of them involving, however, citizen's complaints. Whether the opening of an accessible office will change that number, I don't know. It has been the case, of course, that the Manitoba Police Commission has dealt with matters that come from other departments, Brandon, Morden, Winkler or Steinbach, I don't know, from other places. We'll just have to wait and see.

MR. CHAIRMAN: 3.(f)(1), 3.(f)(2), Law Enforcement Review Act: Salaries and Other Expenditures—pass.

Since we have not dealt with the Human Rights Commission, with the concurrence of the members of the committee, we cannot read the resolution to this section, so we go to . . .

MR. G. MERCIER: Committee rise?

MR. CHAIRMAN: Is there any objection?
Committee rise.

SUPPLY - NATURAL RESOURCES

MR. CHAIRMAN, P. EYLER: Committee come to order.

We are considering the Estimates of the Department of Natural Resources. Does the Minister have an opening statement?

HON. A. MACKLING: I thought someone was going to say "pass."

Mr. Chairman, and members of the committee. I'm delighted, once again, to have the privilege and the honour of representing the Department of Natural Resources in the presentation of our Estimates for the fiscal year 1984-85.

I say it is a privilege and an honour because, in the time that I have been the Minister of Natural Resources, I've come to appreciate not only the complexity of the workings of the department, but ever increasingly to appreciate the excellence of the staff of the Department of Natural Resources. I want to put on the record, in a formal way, my appreciation for the dedicated efforts of my Deputy Minister, Mr. Nick Carter; my Assistant Deputy Ministers, and I don't know in which way I rank them in seniority, but certainly, Mr. Dale Stewart and Derek Doyle, both Assistant Deputy Ministers; and all of the branch managers. A good number of those persons will be appearing here during the course of the Estimates and will be of assistance, not only to me, but to the committee, in dealing with the detail of the Estimates.

I notice, the Honourable Member from Pembina has some humour to introduce already and I like that, quite frankly, Mr. Chairman, because I think it should be possible for us, as Members of the Legislature, to deal in a reasonable but forthright way, with an evaluation of the Estimates.

SOME HONOURABLE MEMBERS: Oh, oh

HON. A. MACKLING: Well, the honourable member says don't take things personally. I think all of us have the same thickness of skin. There are some people in society that have developed what they think are thicker political skins, but I think we're all human in that respect, and I think the Honourable Member for Pembina is just as vulnerable, but I won't, Mr. Chairman, lower myself to debate that with him.

I could, Mr. Chairman, spend a good deal of the committee's time in reviewing the highlights of the Estimates, but I think that it will be possible for members to take a good look at significant areas of concern within each of the branches without my spending a good deal of members' time doing that.

I would, however, be remiss if I didn't indicate something of my concerns in respect to sections of the

department that have received a good deal of my attention, personally, in the past year and our expectations for further progress in this next fiscal year.

In respect to the Parks Branch and I'll start with them, not in order of my personal priority, but as one of my ongoing concerns, is to see the development of Beaudry Park which, as members will recall, is a park that is to the immediate west of Winnipeg, beyond Headingly, a very beautiful, natural park area that we hope can be developed to be a further jewel in our parks crown in Manitoba.

Additionally, as I've indicated in response to questions by the Member for Emerson, and certainly has been known for some time, the Parks Branch has established a park reserve in the east of Lake Winnipeg area, encompassing primarily the Bloodvein River, but a couple of other rivers there, known as Atikaki.

It is hoped that we will be able to develop a very significant park in that area, the prominent feature of which will be wilderness, but that's not to say that there will not be a probability of the continuance of all of those uses that are presently being made of the area in which the park will be located.

In respect to other areas of Manitoba, members are certainly familiar with the progress to date in respect to development of a park system plan and I have a very colourful brochure; I'm sure it's been available to members - I will seek to have sufficient copies of that available for members - highlighting the interest areas within Manitoba from a potential of additional park enhancement.

In respect to other park planning, members will recall that the Grassy River Park is very much in development, as is, Hecla and Spruce Woods. These park management plans take time to formulate, there's a good deal of consultation that's required. It's a relatively slow process, but one that, I think, honourable members can feel satisfied, represents the best way in which to formulate management plans.

Passing on quickly to Water Resources Branch. We have under that branch continued initiatives in respect to further developing the concept of water resource conservation rather than an emphasis on drainage. Drainage is necessary in much of our land mass to enhance agricultural production, but with drainage comes further problem, the problem generally downstream of the drained area, a continuing problem in respect to the long term use of those resources because, as I've indicated in other remarks in this Chamber, I'm concerned about the extent to which we are physically drying out our land base. I'm concerned about the continuance of recharge into ground water and so on.

I'm advised, Mr. Chairman, that staff are waiting. May staff enter at this time?

MR. CHAIRMAN: Not until after the ministerial opening and the critics response.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. A. MACKLING: Well, I appreciate all the help I can get from honourable members and others, Mr. Chairman.

Honourable members will know that the Water Commission, in its report in respect to the Oak and

Plum Lakes, made recommendations and, pursuant to those recommendations, a management board has been established which I believe will ensure the enhanced use of Oak and Plum Lakes from a full-use concept. Agriculture, wildlife and other recreational resources will be enhanced by effective management of that resource.

I could go on at some length in connection with Water Resource matters, but I'll pass quickly, Mr. Chairman, because some honourable members may be becoming rested if I go into too much detail.

The honourable member asks, I will say that the Water Commission's findings, their recommendations, have been brought forward. I have had an opportunity to look at the preliminary draft, I've looked at it, I've found the recommendations very interesting. I won't comment on them at this stage, the report will be made public and members will have an opportunity to question.

In respect to Fisheries Branch. Ongoing activities there in connection with the enhancement of the fisheries. I want — (Interjection) — Well, Mr. Chairman, I do think that some of my remarks might be helpful to honourable members, but if the Honourable Member for Arthur wishes to present the department, I'd appreciate him doing that on another occasion, and certainly not trying to do it tonight. I'm sure that he considers himself an expert in all areas, and I'm sure that on another night he can do that.

In respect to Fisheries, a couple of the rather interesting developments, we had a trial program in the Portage Diversion raising pickerel fingerlings, and over a million fry were introduced to the Portage Diversion. This was an idea that was conceived by our regional water manager and discussions with the Fisheries Branch, and we were very very pleased at the success rate that appeared to occur. A very high percentage of the pickerel fry emerged as healthy fingerlings for release into Lake Manitoba. Because of that very successful experiment we're not only looking at doing that again, in the Portage Diversion, but we're also looking, and we are going to experiment this year with the Red River Diversion, to see whether or not a similar pickerel fingerling rearing program might be successful.

Also, as members may recall, I've had interest by many people over the course of many months in respect to multiple use of floodway area, like the Red River Floodway, and I anticipate that there will be some potential for enhancement of wildlife along the course of the Red River Floodway by some, not massive changes, but some significant changes in allowing vegetation to develop in proximity to the floodway for nesting wildfowl. — (Interjection) — Yes, I hear them flying now.

In respect to Forestry, I won't dwell at any length with that. I think honourable members will recall the initiatives that have been announced during the course of the year, particularly the highlight for me, Mr. Chariman, was the formal dedication, the formal opening of the Clearwater Nursery, at which time, my colleague, the Honourable Harry Harapiak, officiated in a formal opening.

SOME HONOURABLE MEMBERS: Oh, oh!

HON. A. MACKLING: Mr. Chairman, that nursery will provide a capacity for reforestation, in particular, the

northern part of Manitoba, that is badly needed. We have, I believe it is, some six greenhouses in being now, it may be eight, they've gone up so quickly I don't recall. The final count will be 20 greenhouses. They are wood fueled and there will be 4 million seedlings produced when the greenhouses are fully complete. They will also have some shade structures.

The shade structures, I should say, have been conceived and developed by our own staff and they appear to be so attractive that others from other parts of Canada are coming to look at the structures from the point of view of emulating the technique that's being used. I'm very, very proud of that.

In addition, as honourable members will recall in respect to forestry, we signed the agreement with the Federal Government. A total of \$27 million will be invested in forestry, and that will provide some significant benefits to Manitoba.

The Wildlife Branch. Now I, as members will recall, have been involved in going out and talking within communities in Manitoba, travelled extensively, listening to the views of, not only members of wildlife federations, but individual citizens, farmers, to have their views in respect to wildlife management. As a result of those dialogues, as they have been termed, staff have brought to me recommendations for specific changes, and seasons, and wildlife management programs which we believe will be very helpful.

Included in that will be a package dealing with hunting safety, because, as honourable members will recall, significant effort has been made over the course of the years to enhance hunting safety. That is an area of ongoing concern, and we have some specific recommendations coming forward shortly.

I think, Mr. Chairman, and not to indicate any lack of priority or importance to any other parts of the program, I could talk at some length on many other of the aspects of the department including Lands Branch, including Wild Rice Program and so on, but I think, honourable members may be relatively familiar with a lot of those initiatives, and rather than talk at length on them, I will make my remarks very brief so that staff can come and the opposition critic can get on with a specific focus, if he wishes, on any aspect.

I would be remiss however, if I didn't mention, give some particular attention to our ongoing concerns in respect to Garrison. The Honourable Member for Emerson and I, hopefully, will be going to Washington this coming Sunday to meet with some key people in the American Senate, and perhaps members of the Administration as well, to register this province's continuing concern in respect to the Garrison Diversion Project.

Members will recall that in recent days, the committee that was set up under the aegis of both the Garrison proponents and the Federal Government, and the U.S. Bureau of Reclamation, have met and reviewed the Garrison undertakings. We have consistently taken the position as Government of Manitoba, that the International Joint Commission's findings must be maintained. As a result of that, we have insisted that there be no diversion, no use of Missouri River water out of the Lonetree Reservoir, in any manner that would provide any flows into the Hudson Bay Watershed.

While the proponents for some time had dropped the concern and the need for a screen to filter Missouri

water coming into Lonetree, they now apparently have agreed to its reintroduction. They have also agreed that in one of the plans that they had for the Lonetree Dam itself for an industrial and municipal water supply which would take water from the Lonetree Reservoir directly into the Cheyenne River for assistance or additional flow to the Cheyenne River primarily for the downstream communities of Fargo - I think it's Fargo - that the plug that had been provided for in that dam, which was a rather fragile looking thing according to the plans that we saw, would be made more permanent. The committee also agreed that the International Joint Commission's condition that there be no fishing on Lonetree Reservoir would be honoured.

One of the most significant things that was indicated by way of an understanding - not a formal agreement, but an understanding at that meeting - was that the proponents of Garrison, the administration, would actively consider alternates to Phase 2, in which presently irrigation of waters within the Hudson Bay Watershed is planned. That is a significant departure, the admission that they would consider alternatives, because as honourable members will know, there is approximately 200,000 acres within the Hudson Bay Watershed that would be subject to irrigation. I may stand to be corrected on the exact acreage, it's somewhat less than 200,000 acres.

But as proponents of Garrison have indicated and somewhat reluctantly and somewhat belatedly, within the Missouri Watershed itself, approximate to the Garrison Development and the McClusky Canal System, there is over a million acres that is available for irrigation. So there is no overwhelming necessity at all for irrigation of lands within the Hudson Bay Watershed. There are ample dry lands in North Dakota that could benefit by irrigation to the south of the natural divide, utilizing that Missouri water and utilizing the Lonetree Reservoir as a reservoir.

So it's with some degree of hope and expectation that we continue our opposition to the full development of Garrison. Our goal, now, is to ensure that the administration and the proponents of Garrison do, in a formal way, commit that change in Garrison Development so that there will be no development of that part of the project that would see an irrigation or any return flows into Manitoba and Canada.

As I have indicated, Mr. Chairman, I think I could spend many moments singing the praises of my department and the initiatives that I have seen in this past year in respect to many of the areas of the department that deserve to be highlighted. However, out of deference to the concerns of members that we get on with the specifics, I'm happy to conclude with those relatively brief remarks.

MR. CHAIRMAN: I would remind the Minister that departmental staff can't come in until after the critic has spoken as well.

The Member for Emerson.

MR. A. DRIEDGER: Thank you, Mr. Chairman. Firstly, I would like to indicate that this is the first time I've had the opportunity to act in the responsible position of the official critic for a certain department and I must say that I feel very excited and I feel very good about

it. I have looked forward to this thing for some time and I appreciate the opportunity to serve in this capacity, especially when I look at some of my colleagues who have been serving as Ministers in that capacity, the Member for Turtle Mountain, Brian Ransom, and the Member for Lakeside, Harry Enns, who I think had positive approaches in the Department of Natural Resources. I am pleased that I can follow in their footsteps and, hopefully, with their guidance, we can possibly deal with the Estimates that are before us. I suppose every individual has their own approach to these things, and I suppose I will have my own way of doing things as a critic.

In looking over the activities of the Minister in the past year under the Department of Natural Resources, I think it is probably fitting that one looks at positive sides as well as negative sides.

The role of a critic, I suppose, is to try and draw to the attention of the Minister and his staff the areas of concern that possibly we have in the role of opposition and to express our areas of concern; and hopefully it's not always on a negative basis even if it is criticism; and hopefully we can offer, on this side, constructive criticism; and hopefully the Minister can accept those things.

I basically have three areas of concern that I want to flag for the Minister that I feel are areas of immediate concern. I want to indicate to the Minister that many of my colleagues here in the House today are also very concerned about getting their views on the record, personal problems, problems related to various aspects of Natural Resources. I must indicate to the Minister that possibly the kind of concern that has been expressed within our caucus about wanting to debate the Estimates of the Minister of Natural Resources, indicates that possibly this Minister has not been doing the kind of job that possibly we would like to see him do.

In looking over the aspects of the positives and the negatives . . .

MR. H. ENNS: That's the constructive criticism.

MR. A. DRIEDGER: . . . I am also very happy, Mr. Chairman, that my colleagues are going to be helping me with this aspect of it.

The areas of concern that I want to flag for the Minister, aside from what my colleagues feel, I was looking at some of the positive aspects of it and I felt good about the announcement about reforestation, the agreement that has been signed. I think this is something that has been some time in the coming, and I think if we follow the example of some of the other provinces where forestry is a major item, and I think we have that here, I think this has been long in coming and I hope that this is only the first step in that direction because I think we have a long way to go.

I maybe feel more sensitive about it because in the southeast part of the province, the area that I represent, that forestry is a good portion of the income in the area there. The forestry is being depleted. There is, at the present time, a very active planting program going on - I think maybe most of them - and it has been for some time. In talking to the people, there are a lot of people employed right now in the planting aspect of

it. I think this has to be enhanced and I hope that the agreement that has been signed is going to . . . you know, this is only the first step.

I want to compliment the Minister on the agreement that has been signed, but we would like to know what the details are and I hope that the Minister, as we go through this, that he can forward the information, the direction that he has planned to take in this thing. So, Mr. Chairman, I intend to just touch on a few of these things at this time and I hope there is not a concern about repetition when we deal with these things in more detail as we come to the various sections.

The areas of concern, the three that I would like to flag, as I indicated before, there is one area where I think there has been an over-performance by this Minister and that has to deal with the designation of wilderness areas. This is an area where I think possibly, Mr. Chairman, this Minister has been influenced to some degree by some of his associates - and I don't want to necessarily get into the details of that - but I think he's been getting some bad advice, because in the short period of time that I've had the responsibility of being the critic, I've had the chance to be involved with people from Mantario, Lake Mantario area, and for a government and a Minister that indicates that he's going out trying to get public reaction to some of his things, I think he's failed badly in listening to the concerns of people in that area.

Then we find out - and we want to get into this in a little bit more detail when we get to the Parks end of it, and I just want to indicate to the Minister that we want to pursue this much more diligently when we get into that area - (Interjection) - and the Member for Inkster is already chattering from his seat; obviously he feels self-conscious about it. But I want to warn the Minister that I think he's overmoved on some of these things in terms of designating, specifically the Lake Mantario area, which is an area that is accessible to the biggest city that we have in the province, the biggest population of over 600,000. These are the people that want access to this area and I feel that possibly the Minister has been misled by some of his associates or advisors in terms of the approaches taken with this thing, and he has not listened to the people that are concerned about what's happening out there.

Mr. Chairman, if he had listened, the people were not opposed to designated wilderness areas, to some of the total restrictions on that area, and I anticipate possibly, when we get to Lake Atikaki - I hope I pronounced that right, Mr. Minister - is that right, Atikaki? We have another designation in the Grassy River area and I'm a little concerned about the Minister - there are many areas where I think he should have probably moved on a little more strongly and this is the area where he's gone overboard. He's creating many problems for people, with mechanical restraints that he has imposed on some of these areas. For mining, specifically, I have endless letters that I have received already in a short period of time, creating concern about how this Minister is dealing with that. This Minister must know, as Minister of Natural Resources, if he ever covers - and he's been up in the air often enough to see what Manitoba's like from the air.

A MEMBER: He knows what summerfallow looks like from up there.

MR. A. DRIEDGER: Maybe if he flew more to the North instead of to the south, possibly that could maybe have created a different impression. But when we look at the wilderness area to the North, for those people, some of his colleagues seemed to be concerned for maybe half a dozen of their friends to get a certain area designated to them. That's a rough statement, Mr. Minister, but that is basically what the people out there are thinking, that some of his colleagues feel they want a designated area all to themselves where there's no mechanical access in terms of snow toboggans, airplane fishing, etc. These are the things that are coming forward and this is the one area that we feel very sensitive about, that we're over-designating certain areas.

There's so much room up North. For those people that want the wilderness in the natural state, to canoe, to ski in winter, they can do that. Why would we take areas that are accessible to many, many more people in Manitoba - and if we talk to the people in the area they say a very, very limited amount. When I talk about a very limited amount, Mr. Chairman, I'm talking of maybe 20-30 people that use these areas, now that they're designated and not having mechanical access. That is the area that I want to flag with this Minister, that we want to get into much more detail when we get to the Parks end of it. There's much concern in that area.

The other two areas that I want to be zeroing in on is the area of non-performance or limited performance and the one area of course - and the Minister made reference to it - he says drainage isn't everything; water management is the key. With the aspect of water management I totally agree. This is the greatest resource we have, the greatest resource of the future that we have in this province. I think that the Minister is possibly initiating the right direction in terms of things that should be done, but we should do more. Instead of planning all these designated park areas, there should probably be a master plan as to how we handle the water situation in Manitoba. It's a great resource of the future. But aside from the words that the Minister has spoken from time-to-time, we're probably thinking along the same lines, that something has to be done to get these things on the right track. But we need a master plan as to how to do that and I think when we talk of water management - that's one aspect of it - and I think we're moving in the right direction. I think the Minister is concerned about moving in that direction.

The area of drainage is the area where I feel great concern. When we get to that aspect of it - and I hope the Minister will submit to the opposition the capital projects that are designated for this year, because I anticipate that there's very, very limited activity taking place in terms of drainage. This is the area that I think is a grave, major concern with people in the rural areas. When we consider that, over the years, how this country was built, the agricultural area. I can recall being reeve, how we had major drainage programs, the designation, the plan was there.

What has happened - and we can go back to the time when the floodway was built, the various dams that were built, even in St. Malo, areas of that nature and it was that way through the province, there's been very, very little activity in that direction at all. When I look at the expenditures of this department, there's a

reduction. That is why I say to the Minister that there is a lot of concern on this side that this Minister is not doing his job properly, that he is reducing services in one of the most vital areas that we have.

This department affects all people in Manitoba, whether it is people that utilize the parks; people that hunt or fish; the people that farm - it involves everybody in his department. And here we have a reduction. I suspect, to some degree, that this Minister is not doing his job and it is for that reason that there's going to be a fair amount of criticism coming down on this Minister. As I indicated, Mr. Chairman, one wants to be relatively fair, but I think also that we have to raise these issues with this Minister to maybe make him aware because he's been fed information only from one wing all the time and the people of Manitoba and ourselves cannot accept that singular advice that he's been getting.

The area of drainage, I want to tell him right now, we want to pursue that because it is my suspicion that there is very little activity taking place in that direction and the rural people get the impression that this Minister doesn't care about them. He's concerned about designating all the province into a wilderness area. That's the area where he's shown his strength. He hasn't shown it in concern about improvements for municipalities in terms of drainage; he has not. These are the things that we are concerned about.

The other area - and I might as well warn the Minister that this is going to be an extensive debate for awhile, unless we get some commitment from this Minister - has to do with wildlife. I want to bring it down to the poaching aspect of it, and the area of lip service alone is not adequate anymore. We're talked about this and debated this in the House and the Member for Turtle Mountain brought in the aspect of concerns about controlling Native hunting, which would not necessarily be an interference with the privileges that they have at the present time.

We've had this Minister time and time again get up and defend and speak words, and he says that he's been around the province getting reaction. He knows the problem; he doesn't have to go out there and have the people tell him what the problem is. He knows the problem is there. It's getting bigger and bigger all the time and the Minister is doing nothing. Regardless of what he says, he is doing nothing to change that problem and that is the area that I want to flag right now, where there's going to be a lot of pressure come down during the Estimates.

Many of my colleagues - we can state example after example, and I don't want to go into the triviality or the individual cases at this stage of the game. It is a major problem and the Minister has not been responding to it and that is why I have to be critical of this Minister, in terms of his lack of performance. There are only two areas where I indicated that I felt he was moving in the right direction, one was the Reforestation Program, the agreement that he signed and his concerns about water management. But other than that, there is very little that I have to compliment the Minister on at the present time. These are the areas that we want to get into in detail as we go through the Estimates.

It amazes me, Mr. Chairman, with the pressure that has been on this Minister, regarding the poaching aspect

of it, that he has not come up with a more positive approach. In fact, when we look at his report of this year, he hasn't even made mention of poaching in here.

This, in our opinion, is one of the major problems facing this Minister, the poaching aspect of it. Once the media highlights it, as well as ourselves and the public, it's there and the fact that he runs around the country and says, "I've had three or four meetings asking about these kinds of concerns," he has not really illustrated that concern; not in his report, not in any action, and now . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. A. DRIEDGER: . . . Well, that's probably part of the case, again, bad advice. I don't know who's advising him on these aspects, but the advice that he's been getting, obviously either he's turning a deaf ear to it, like he did with the Lake Mantario people, or he doesn't have any concern about it and all he does is give lip service when the pressure comes on. He is not listening to the right people, and I could be more specific about that and we might have to do that before the Estimates are over. I've told him in sort of a kidding way, from time to time, that his personal advisor is the one that's going to dig his deepest hole for him. That is the case, it is the case with the park designation, the wilderness area designation. You can see the philosophy and the turn that's going on, and I want to warn this Minister that if he continues on that course that I don't know how the Estimates are going to be going in this case here. There's going to be a lot of pressure coming down on him and, irregardless of what he says, it is time for action, it is not time for fudging the issue and doing a shuffle foot.

A MEMBER: Right on.

MR. A. DRIEDGER: Mr. Chairmen, as I indicated in my opening remarks, I wanted to just illustrate, on a general basis, the things that we want to pursue. I personally want to pursue much more diligently these three areas, which are, the park designation; the wilderness areas, the drainage aspect of it; and the wildlife, the poaching aspect of it. Those are the three categories that I personally want to zero in on, and I know that many of my colleagues have concerns along those same lines, possibly others. There's areas of the fishing end of it, that was touched on by the Minister, that we want to pursue a little bit more diligently.

A MEMBER: There's poaching there, too.

MR. A. DRIEDGER: Yes, there is a lot of poaching there. What bothers me is that this Minister, sometimes I wonder whether he wants to pursue these areas; whether it's a protectionist type of attitude that he has for a certain group of people.

Mr. Chairman, when we look at his report, the Department of Natural Resources, and we see how many people have taken out hunting licences, fishing licences, and the majority of people involved in this thing do it as an outlet for leisure and pleasure. The people that are actually poaching are possibly a small percentage in terms of the total people utilizing the

natural resources. If the minister is going to turn around afterwards and say, well, you can't have it both ways, you want us to spend money and you want us not to run up a deficit, I will tell the Minister right now that will not wash, because I'll tell him where he can save money.

Instead of having all kinds of people that you are hiring as political advisors and cutting down on all kinds of key areas, I want to know how many people he's hired as conservation officers. I would like to ask the Minister that, if possibly for the next time that we meet, that maybe he can give us a breakdown because I don't want to go through line-by-line asking how many SMY's, or whatever, have you cut and added, this type of thing,- but I want a general breakdown as to the staffing in his department. Because we understand there's going to be cutbacks, and if there's cutbacks in his department I want to know in what areas they are. I want to see in what areas those cutbacks take place, and I want to see where he's expanded staff. For example, the area of major concern, which is the poaching end of it, how many more C.O.'s do we have in the field? How many C.O.'s have been replaced in the last three years? What is the count right now? These are things that we want to have a good look at, and we want to go into that more thoroughly.

I wonder if the Minister would possibly consider sometime, within the next day, hopefully, to table the Capital projects so that members of the opposition can all have a look at it. I don't think we necessarily have to wait until we get to that part of it. I also would like to have the breakdown as to the staffing within his department to see exactly where we go. If the minister then gives us that information it will make it a little faster in terms of where we want to go.

Mr. Chairman, regretfully there is more criticism that has to be directed to this Minister. You can always tell whether a Minister has been performing well. In the departments where the Ministers have been doing their job to some degree there isn't too much flack coming.

I want to indicate to this Minister that there is going to be a lot of flack coming. It will be, I anticipate, relative, good constructive criticism coming and, knowing this Minister, I hope that he isn't going to rise up every time somebody raises a question as to "Why didn't you build my drain?" To come up and say, "Where am I going to get the money, you can't have it both ways." You know, let's get away from that, because, . . .

SOME HONOURABLE MEMBERS: Oh, oh!

MR. A. DRIEDGER: . . . because this Minister has allowed his Estimates to decrease. It's happened a few times. I think either he hasn't got the voice in Cabinet to retain. I think it's a very important resource that we're dealing with and he's letting it all be channelled away to other interests. That is why we're critical of this Minister, because he has not been responsible for his department, he has not been doing the things that we expect of him, and it is for that reason that we will want a lot of answers.

I hope it can be done in a proper manner, but it is not our intention to be handing out bouquets when they're not warranted. The only area where I can hand out a bouquet, limited bouquet because we want to

know what it's all about, is the reforestation end of it. I'm hoping that this Minister is going to move more definitely on the Water Management area of it, not just on the designation of parks for certain limited people.

A MEMBER: Albert, you're repeating yourself.

MR. A. DRIEDGER: I realize I'm repeating myself, and I will many more times, because we have to get this point home to this Minister because he's got somebody whispering in his left ear all the time, or right ear, I don't care which one it is, that is giving him bad advice, and we will try and draw these things to his attention.

Anyway, Mr. Chairman, with those remarks, I think we're prepared to maybe continue from here, and if the Minister will undertake to give us information about the employee situation, the people that have been hired or not hired, the SMY's, give us a breakdown of that, then we don't have to go through each department and see how many have been added; though in the area of Wildlife, the conservation officers, we'll probably want to get more specific on that end of it. The major projects - the drainage projects, the capital projects - I think those are areas that we want to have a good look at.

With those remarks, Mr. Chairman, I am prepared to, along with my colleagues, proceed with the Estimates.

Thank you.

MR. CHAIRMAN: The Minister may bring in his staff now.

Item 1.(b)(1). Administration and Finance, Executive Support: Salaries.

The Member for Emerson.

MR. A. DRIEDGER: I just want to indicate that I think under the Administration and Finance, the first area that we're covering right now is 1.(b)

MR. CHAIRMAN: 1.(b)

MR. A. DRIEDGER: I think that is the area where I feel that my colleagues, if they have comments on a general basis, that we should maybe be allowed to make them here.

As I indicated to the Minister, we'll try not to be too repetitious, but when we get to the specific sections we want to get more detailed information. But I think there's people that want to maybe make some general observations and then possibly if you will go along with that then we can continue.

Thank you.

The Member for Turtle Mountain, I think, had some comments.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: I just have a question, Mr. Chairman. Last summer there was some talk about the transfer of funds from staff allocation within various departments into the Jobs Fund. I wonder if the Minister could tell us how much money was transferred out of salaries in the Department of Natural Resources and put into the Jobs Fund?

HON. A. MACKLING: I'll take notice of that, Mr. Chairperson.

MR. CHAIRMAN: You can always deal with it under 1.(a) if you like.

The Member for Turtle Mountain.

MR. B. RANSOM: Well, Mr. Chairman, I thought one of the reasons of having the staff here was so that the Minister could get these answers. If he wants to deal with it under his salary when he doesn't have the staff here then it might be more difficult for him. I just place that question with him and I hoped that he'd be able to answer that at some point.

HON. A. MACKLING: Mr. Chairman, it is helpful if there isn't so much sarcasm. The question does take some calculation.

If the honourable members wish to file with me the questions they want immediate answers for that involve some calculation, I will respond to them. If I get any more comments like the Honourable Member for Pembina which implies a criticism of staff - if they can't come up with an immediate answer for questions over there - I am going to spend a lot of time here lecturing the Honourable Member for Pembina for his derisive comments.

If members want snap answers, then they're going to have to give me some lead time because I'm not going to put up with that kind of criticism.

MR. B. RANSOM: Mr. Chairman, I don't think the request is unreasonable and I don't know that it would necessarily take all that much calculation on behalf of the staff. It's my understanding there were various requests made to departments to transfer funds to the Jobs Fund. If the Minister is telling us that he'll get the information and then debate it during his Salary, that's fine, I accept that, if that's what he wants to do. I hope he'll be able to provide the information at an early opportunity so that we have a chance to assess the implications of that.

MR. A. DRIEDGER: I wonder if the Minister, now that he has his staff here with him, could indicate to the committee here the thrust areas that he is going to be concentrating on in this year's Estimates in terms of any major programs that he's looking at - I'm not talking about Garrison - I'm talking about directions that he's planning with water management or in wildlife, any major projects that he is contemplating.

In his opening remarks he covered sort of a very general aspect of it but he did not indicate exactly the areas, let's say the thrust of the department. He's got his key people here and maybe if he could indicate - is there any major programs that he is looking at and undertaking within this area?

HON. A. MACKLING: Mr. Chairman, I refrain from speaking at length about the initiatives of the department. I spoke very briefly because I thought it would accommodate the Ministers. If the honourable member wishes me to speak at length about initiatives I will. I don't have to call upon staff to reflect upon some of the initiatives that we are taking. I'm at the committee's disposal.

If they want to hear me go through section by section and elaborate in some detail about initiatives I will do that. For example, I could spend considerable time dealing with conservation districts. There will be a line under the Budget in which appropriate discussion can take place. However, I believe wax reasonably eloquent for sometime about initiatives in respect to conservation district development now, if the member wants me to.

Also I could spend a good deal of time in respect to forest protection and go into detail in respect to the implementation of forestry initiatives. I don't think the honourable member or members wish me to go into extensive detail.

In respect to other concerns throughout the department, whether it be in respect to protection of the continuance of fur marketing or wild fur gathering and trapping in Manitoba, I could spend a good deal of time on that.

I'm at the member's disposal. If he wants me to go into detail, I can do that. I didn't need my staff here to assist me to go into detail about that but if he wishes, I will do that now.

MR. A. DRIEDGER: That's fair enough to the Minister then. I'd agree with him if maybe when we get to a section he can outline a program for that specific section initially and then we can pursue with questions. Then once we get to line-by-line we can sort of follow with the initial discussion.

MR. CHAIRMAN: The Member for Arthur.

MR. J. DOWNEY: Thank you, Mr. Chairman.

I know there was a fairly major concern last year when the Minister of Natural Resources cut 18 staff members in the reforestation program but we're now on Executive Support, Salaries. How many new staff or what is the reason for the increase in salaries for the Executive Support from \$205,200 to \$212,000.00? Is that an increase in numbers of contract people or assistants or just an increase in pay for the assistants or reclassification? Just using comparative salary figure, when you look at Research and Planning, would you think it would have some priority items for Department of Natural Resources - the salaries in that particular area are down somewhat, but the support to the Minister and Executive Support is up.

Again just substantiating what the opposition have been saying all the way through since the Budget was introduced, that this government is one to increasing the support to the Ministers and reducing services to the people who are paying for the costs. What is the reason for the increase in wages for the support to the Minister or the Executive Support, Mr. Chairman?

HON. A. MACKLING: I understand that in Research and Planning under this item there was a deletion of one position but other than that the normal salary increases. But I do want to correct a misunderstanding, whether deliberate or otherwise on the part of the honourable member when he indicated a reduction in forestry staff for the department, surely he was talking about a temporary term-staff situation in southeast Manitoba where we do hire on term a temporary staff for planting. They are not regular staff shown in

departmental records, they're contract employees, they're on for a short time and off and those staff, while suspended, were rehired again. We have many more staff that are going to be hired for initiatives this year for short-term periods like the ones in question he referred to.

There was not a reduction in forestry staff per se.

MR. J. DOWNEY: I'm not still clear, Mr. Chairman, on the reason for the increase in salaries to the executive positions from \$205,000 to \$212,000 which is maybe not a great amount of money, but is it because he reclassified his assistants or people in that department, or was it just a normal increase in wages?

I believe the Member for Emerson as well asked for a staff comparison from last year to this year and I would think it would be important to have that as quickly as the Minister could get it on the whole department so that we'd have an opportunity as we go through to refer to it; and if there's any questions or discrepancies, it would be a good opportunity to have it.

The direct question is, why is the increase to the Executive Support higher than other areas of importance, Mr. Chairman? That's basically the question.

HON. A. MACKLING: I'm given to understand the difference of \$7,000.00. If you look at \$205,000, that's something like 3.5 percent and it's, as I understand it, the normal progress in salary, that's all. There is no great inflation factor there.

MR. J. DOWNEY: Mr. Chairman, the Minister can fool around all he likes, but that's about the only one that I see there that is an increase, all the rest of them are decreases. You get into Research and Planning, Salaries, there's a reduction; you look at Communications, there's a reduction in Salaries; you look at Financial Service, there's a reduction; Personal Services, there's a reduction; Computer Services, there's a reduction. All the way through on that same page there's a reduction, yet, come to the Executive Support, there's an increase. It just substantiates what we've been saying, Mr. Chairman, that this government are doing nothing but preserving their own positions, protecting themselves, hiring people to cover up the inadequacies of their own ability.

You know, that's the answer we want. Why are they getting themselves support staff increases and the rest of the people of Manitoba going without. That's the point we've been making all through the Budget Debate; that's the answer we want here tonight and I think this Minister has to be accountable for the kind of actions that he and his government are taking, Mr. Chairman.

HON. A. MACKLING: Mr. Chairman, I'm not going to raise my voice to try and make, as the honourable member does, a weak argument sound strong. In Executive Support in 1983-84, there were 7 staff positions; the same approved under this Estimate, there is no change there. In Research and Planning, there were 13 staff forecast last year; this forecast is 12, that's the reduction of one I talked about. Other than that, in Financial Services, there is a reduction of four staff, from 35 to 31; in Personnel Services, a reduction

of two staff, from 22.26 to 20.26; in Computer Services a reduction of .13 staff persons; in Administrative Services a reduction of one staff person, from 22.13 to 21.13; in Internal Audit, the same staff component, three staff persons; a total of 122 forecast in 1983-84, 113.39 forecast this year.

MR. J. DOWNEY: Mr. Chairman, I will ask the Minister why is the Executive Support Staff Salaries up, an increase in the Support Staff to be, as the Minister in the Executive, and all the rest reduced. We can see that they're reduced, that's the question I'm asking, he doesn't have to repeat it. We want to know why there is an increase to the Executive Support Staff in Salaries and a reduction all the way through in the rest of the department, a department that provides services to the people of Manitoba? Why is there an increase in the Executive Support and a reduction to the rest of the people of Manitoba? That's the question. Why?

HON. A. MACKLING: Mr. Chairman, I've given the honourable member answers, obviously he's not satisfied with those answers. I don't think that repeating them, or trying to explain them any further, the honourable member will find acceptance with him. I've indicated to him that it's, overall if you look at the figures, it's a total of 212,400 as against 205,200 in Salaries; that is a difference of \$7,200.00. If you take \$205,000 and take a percentage of that, you will find that you are looking at something like 3.5 percent. There are increments that staff receive pursuant to their classification process, as the honourable member knows, that add a significant amount and that takes place to the salary cost. There is also the settlement that we are subject to in respect to the overall salary negotiations; that combined comes to the figure that I have indicated. I don't think there is any mystery; I don't think there should be any substantial concern about it. The honourable member continued to question it, I say that's very reasonable.

MR. J. DOWNEY: Mr. Chairman, the Minister has not answered our question. I want the record to show as why he, as the Minister of the Crown, would prioritize increase in Salaries and costs of the people of Manitoba to the Executive Support Staff when everyone else is having to take a reduction. Let the record show that he is unable to answer and substantiate as to why he feels it necessary to have a greater support cost to him when the rest of the people who are paying the charges are going without the kind of services expected. That's the point that has to be made and the record should show that he is unable to answer, Mr. Chairman, the question as to why he should have more money spent on Support Staff.

HON. A. MACKLING: Let the record show, Mr. Chairman, that the honourable member was given a very reasonable explanation but the honourable member is not satisfied with that, so then he wants to put on the record that I can't explain.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: One technical question, Mr. Chairman. The Minister made reference to settlements

that have been made, but what about the settlements that haven't been made in respect to Salaries from the end of September through until the end of next March? Is there anything in these items that covers that? Is it in some lump sum in the Civil Service Commission or does it not show up in the Salary item anywhere?

HON. A. MACKLING: No, Mr. Chairman, it doesn't show.

MR. B. RANSOM: Can the Minister advise me then where it will show up? Is there an item that shows up as a contingency somewhere or in the Department of Civil Service?

HON. A. MACKLING: I'm advised that generally the Minister of Finance would be accountable for that, the general salary increase throughout the Civil Service, what provision is made for that.

MR. B. RANSOM: I can't seem to discover where there is an amount of money set aside, perhaps the Minister could advise me. It appears to me that whatever settlement is made to cover the period from the end of September to the end of March, that there doesn't seem to be any provision for it anywhere in the Estimates that I can find, perhaps since the Minister is one of the first departments up.

HON. A. ADAM: There never is.

MR. B. RANSOM: Well, Mr. Chairman, the Minister for Government Services says, there never is. That's not true, Mr. Chairman, quite frequently there is an item that's put in. It may not be a complete one because the government doesn't want to tip its hand as to how far it's prepared to go on negotiations, but there is an item, and last year there would have been a complete item, I believe, because of the fact that the settlement had been negotiated. That was the way it was, I believe, the last year we were in government. It's just trying to determine whether the government can expect to face a further requirement at the end of the year, or whether it's all accommodated within the system, but since the Minister is the first up he has undertaken to try and get that information for us.

HON. A. MACKLING: The honourable member is quite right in his observations. I quite frankly do not have an answer for his question. I will take it as notice and try to supply that information.

MR. B. RANSOM: Thank you.

MR. CHAIRMAN: The Member for Emerson.

MR. A. DRIEDGER: Mr. Chairman, to the Minister, maybe this will illustrate that, instead of going through all the individual cuts, etc., of staff, if he can provide us, at the next sitting during our Estimates, possibly a total picture of what's happened in the department. Because, if we look through the Estimates of this Minister, we see cutbacks on almost all areas of wages and it raises a concern that we have of the anticipated cuts of this government in terms of the Civil Service.

We'd like to have a total picture of exactly what has happened in this department. That's why I raised it initially in my statements, so that we could have that kind of information to see exactly what has happened in this Minister's department in terms of total staff because invariably almost all salaries are down, which leads us to be concerned about how many staff people are really cut within his department, which is where I flagged the concern before that we are concerned that this Minister has possibly not done his job properly and that is where our concern is.

Invariably, when you have a reduction in salary in almost every category, we want to know how many people are cut from his total department and if there are any areas where there are increases, we would like to know in what category. I think the Member for Arthur raised that we have a concern that the administrative end of it in some cases has been fattened up when almost all other areas have been cut.

The sooner we have that, Mr. Chairman, the sooner we can assess as to exactly how this Minister is operating within his department. I think that is a fair question because the Minister obviously knows what his figures are and what his staff are. If we can have that information, we can assess whether this Minister is a responsible Minister and is concerned about the responsibilities that he has. So I am asking again if possibly by the next sitting, instead of us going into the detailed wages of each individual and the cutbacks, if we could have a breakdown of the whole thing. I don't know whether it's possible. Would it be possible, Mr. Minister, by the time that we next meet, hopefully tomorrow?

It shouldn't be that difficult to maybe have a breakdown. He must know as to the amount of staff that is being contemplated being deleted for this coming year in his Estimates, and that is what we are trying to establish. It would expedite things tremendously, instead of asking at each special line why there is a reduction. If he then can indicate where we are at, then we can move along relatively quickly, I suppose. Can the Minister maybe indicate whether it's possible to have that information for the next sitting?

HON. A. MACKLING: I want to kind of look at that, Mr. Chairman. What I think I can do as I go through each section which would be, I think, as meaningful as anything else, it would be probably more practical for the purposes of the committee is, as I have done, go through each section.

In this case, I was looking at Administration and Finance and I reviewed the detail there, which I think covers all of the salary components in this section. Surely that kind of detail is what the honourable member needs to consider each section because I think that gives you - all right, I'll repeat that information.

The 1983-1984 forecast and then the '84-85 is what is set out in this Budget. The Minister's Salary is one staff person; the Executive Support last year was 7 forecast and voted, 7 this year; Research and Planning, 13 voted last year, 12 proposed this year; Communications - members, I know, are very sensitive about Communications staff - 10 last year, 10 this year; Financial Services, 35 last year, 31 proposed here; Personnel Services, 22.26 in '83-84, 20.26 this year;

Computer Services, 8.13 in '83-84, 8 this year; Administrative Services, 22.13 in '83-84, 21.13 this year; Internal Audit, 3 in '83-84, 3 this year; total staff change, 122 in the total program '83-84, 113.39 this year.

Now let me explain that the '83-84 was the forecast; that's the voted staff years and dollars. I don't have the breakout here because these are the staff positions, some of which may or may not have been filled throughout the year. In some, because of delay in hiring or whatever, those actual dollars in staff person years may not have been actually realized. In the budgeted reductions within the department, a good part of that is a reduction not in persons that are presently employed, but a reduction in staff years that were provided for in '83-84. Estimates that are not being replaced in '84-85. I hope that I make myself clear.

Maybe I should repeat that again, that while in '83-84 these were the staff components in this section and there are other sections I'll go through. Throughout the period '83-84, it may be that some of those staff years were not fully employed. They might have been partly employed, maybe some of them not at all, because of delays in implementing program or establishing the work in that section. Therefore, in the '84 exercise we have completed, we have found areas where we have reduced staff position years without actually redeploying or laying off anyone in that position because they were staff years that had not been fully employed.

MR. A. DRIEDGER: That's fine. I think I got the gist of what the Minister is saying. Is the Minister prepared to do that in each section . . .

HON. A. MACKLING: Sure.

MR. A. DRIEDGER: . . . to see exactly what the plus or minus is?

HON. A. MACKLING: Yes, Mr. Chairman.

MR. CHAIRMAN: The Member for Arthur.

MR. J. DOWNEY: This is just a point for further clarification. Does the government have a policy to keep the complement of staff right up to the numbers that are allocated here, or is there a policy of a 10 percent vacancy rate of positions available but not filling them? Is there a specific policy within the department or government to staff to a certain level or to have full staff complement that has been allowed in the Estimates process?

HON. A. MACKLING: No, Mr. Chairman.

MR. J. DOWNEY: No to what?

HON. A. MACKLING: Well, to the question, that there is no policy to leave a percentage available. No, there is no policy.

MR. J. DOWNEY: So basically the policy is to keep a full complement of staff that has been voted as indicated by the Minister?

HON. A. MACKLING: The policy is to request funding for staff years that are expected to be needed.

MR. CHAIRMAN: 1.(b)(1)—pass; 1.(b)(2)—pass; 1.(c)(1)—pass; 1.(c)(2)—pass.

The Member for Roblin-Russell.

MR. W. MCKENZIE: Is this the one where the sales of Crown land is involved in this type of research? I wonder if the Minister can give us any idea of the requests for the transfer of Crown lands that come through the office.

HON. A. MACKLING: That will be coming later. I could give the honourable member the item. Just a moment. Under Appropriation 12.(6).

MR. W. MCKENZIE: Okay, I'm sorry. Thank you.

HON. A. MACKLING: You are welcome.

MR. CHAIRMAN: 1.(d)(1) - the Member for Emerson.

MR. A. DRIEDGER: Yes, Mr. Chairman, I wonder if the Minister could indicate just on the communications end of it, does that involve the brochures and all the information that is sent out? That does not include hunting regulations, fishing regulations, things of that nature. This is just the public relations aspect of it?

HON. A. MACKLING: I could read the short note I have here, which I think would probably be better than my trying to paraphrase it.

"Communications advises on and co-ordinates the communication programs to identify public needs and provides information to the public about resource policies and programs.

"The activities of the Communications Branch include in the administration, the development, the implementation and monitoring of a communication strategy for the department; the design, development and evaluation of communication programs for specific resource activities; administers the publication of films, display, lending service; provides administrative support for the branch; respect to an electronic media, develops and provides radio and film services to meet departmental communication needs; respect to publications, it plans, writes and distributed printed materials," and that includes all printed materials, seasons. The honourable member referred to both the fishing and game seasons and regulations, the synopsis of them.

"A design in production to design and produce print products, signing and displays; education and communication to ensure resource inquiries for the public are answered alerting the department to emerging trends and developing problems; analyzing departmental needs for resource information in Manitoba schools; recommending and implementing programs to satisfy these needs. Carol Scott is the head of the Communications Branch and I here want to commend the activities of that Branch.

What I should do, I think I had them last year, is had samples, if not copies of the publications that have been put out during the fiscal year and I'll endeavour to bring those next sitting so that honourable members can look through the most recent communications publication.

MR. A. DRIEDGER: Thank you, Mr. Chairman. To the Minister then, under the Communications aspect of it,

the Minister made reference to the fact that, especially under illegal traffic of game and fish, that he was relying on the public to forward information to him in many aspects. Might I suggest to the Minister that maybe in that direction, under Communications, that maybe an awareness program about poaching and the illegal trafficking of fish, that possibly that area, might I suggest to the Minister that he expand on that to make people more aware of the illegal poaching of game and trafficking of fish, possibly even an award system that will make the public more conscientious of this whole aspect, that they draw it to the attention of the Minister. I'm just throwing it out as a thought but, in that area, I certainly would have no objection if it was used for that purpose to maybe expand it, to make the public aware of exactly what's going on because, at the present time, much of the public are aroused, they are concerned about what's happening. Possibly an awareness program through Communications could maybe draw it more to the attention of everybody and might help the public to be much more concerned. I just throw that out for the Minister's thoughts.

HON. A. MACKLING: I don't react unfavourably at all to that suggestion. One of the concerns that I have, as the honourable member has pointed out — (Interjection) — If the Honourable Member for Arthur wishes to answer for me, I wish that he would do so privately to the Honourable Member for Emerson because I think the Honourable Member for Emerson was expecting me to answer his question. If the Honourable Member for Arthur has something to offer he can offer it to the Honourable Member for Emerson later.

Mr. Chairman, there is a need for effective communication of the concerns we jointly have about the need to deal with poachers. There have been programs suggested, one is called the TIP Program, the Turn In a Poacher Program, certainly one that we have looked at. There are problems associated with it. There are problems in any program, trying to get people to come forward and indicate where it is likely we can catch someone that's doing something wrong. I've had recent meetings with people who have said, well, I know about people who have seen or heard about people who are poaching. But, when I want to ask them, what did they do? Well, they said they didn't do anything. They didn't call our conservation officer. They didn't want to be involved and it's not characteristic only of our problem in respect to administration of our resources. It is a sad commentary on life in North America, the western world, that people, if they become aware that someone is cheating the system, whether it be income tax or whether they are doing something that is wrong, they don't want to get involved. They don't want to report their neighbour; they don't want to report someone whom they feel otherwise might be quite offended by their having brought it to the authorities' attention. Somehow we have to devise ways to deal with that.

One of the things that we are going to be stressing, and I think the honourable member alluded to it, is getting more conservation understanding and education throughout our school system, because I think that is important for young people, from the earliest age, to

be concerned about conservation and resource enhancement. We are certainly going to look at ways in which we can achieve that.

MR. CHAIRMAN: 1.(d)(1)—pass; 1.(d)(2)—pass. 1.(e)(1) Financial Services: Salaries—pass. 1.(e)(2)—pass. 1.(f)(1) Personnel Services: Salaries - the Member for Emerson.

MR. A. DRIEDGER: Just while we're on that, Mr. Chairman, there is a substantial reduction in Salaries and still the Minister indicates, in the figures he gave me, unless I got them incorrectly, that there were 20 staff man years from the last Estimates and there are 20 again this year and we have a substantial reduction. Could we have a clarification?

HON. A. MACKLING: Two less.

MR. A. DRIEDGER: Two less. Maybe it's my mistake, Mr. Chairman, I wonder whether . . .

HON. A. MACKLING: Yes, two less people. It went from 22.26 to 20.26 and there is a reduction from 639 to 626. There would have been some escalation of that 639 figure, you know, with the same staff if the reduction hadn't occurred. So, there is a significant reduction here as well.

MR. A. DRIEDGER: Thank you. It was my mistake, Mr. Chairman, and that's why if the Minister could give us those breakdowns, I'll get my figures a little more correct.

HON. A. MACKLING: Well, I'll give you those section by section.

MR. CHAIRMAN: 1.(f)(1) - the Member for Roblin-Russell.

MR. W. MCKENZIE: Mr. Chairman, I was wondering if the Minister could advise the committee what services is the department providing en français? Is there a policy worked out within the department? Could he give us some indication because I think that comes under that item, as I understand it?

HON. A. MACKLING: What was that, would the honourable member repeat that.

MR. W. MCKENZIE: What French services, en français is being provided by the department? I understand from reading the Annual Report that a study has been undertaken to include service en français in the department. I was just wondering what progress had been made.

HON. A. MACKLING: I could answer, Mr. Chairman, je ne c'est pas, but that wouldn't be very helpful.

I'm advised, Mr. Chairman, because I quite frankly hadn't made that my personal knowledge that there are certain publications where there is some requirement to have some French language communication and that can be attended to. They are within the system, there are people capable of speaking

and reading French within this system, but I don't think there is any provision within this for establishing that.

MR. W. MCKENZIE: On Page 9 of the Annual Report, it's got it there, Personnel Services, and it's mentioned - preparation of a French Language Service policy for the department also began during the year, etc. I just was referring to that statement and wondering if services were being expanded. French, of course, is certainly required by the legislation of the province.

HON. A. MACKLING: The honourable member is quite correct, that line does appear there. My Deputy says he confesses we're not well advanced in respect to that.

MR. CHAIRMAN: (1.(f)(1) - 1.(j)(2) were each read and passed.)

2.(a)(1) Regional Services - Administration: Salaries - the Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Chairman, under that heading it says, "Provides for the delivery of services and programs at the community level relative to resource protection and utilization." That protection aspect of it, is this where the C.O.'s, that category comes in?

HON. A. MACKLING: Yes.

MR. A. DRIEDGER: Okay, that is an area of concern that we have, I suppose to some degree. Could the Minister maybe indicate - I know it's by region - does he have the breakdown as to the staffing aspect of it?

HON. A. MACKLING: I thank the honourable member. It gives me an opportunity to invite in other staff that would be appropriate to assist in members' inquiries. While they're coming - and I will introduce them when they've arrived - let me go through the personnel breakdown in this section then for the honourable members.

Perhaps I'll just read '83-84. No, I guess I'll do it across the line. The first one under Regional Services, Administration and the staff years, '83-84 was forecast at 18.13, this year at 26.39.

Northwest Region - now each region - staff component '83-84, 33; '84-85, 33.26.

MR. A. DRIEDGER: Excuse me, would you repeat that one, Northwest Region?

HON. A. MACKLING: Yes, that's the Northwest Region, staff years '83-84, 33; in '84-85, 33.26; an increase of .26 staff years.

In the Northeast Region, 31.18 in '83-84; 33.18 in '84-85. The Interlake Region, '83-84, 45.03; I don't know how you get .3 of a person, but anyway that's the way it works out in term. — (Interjection) — Well, the Honourable Member for Arthur has problems tonight. I don't know what they are, but I hope he's feeling better tomorrow.

In '84-85, 44.03, a reduction of one. Southwest Region, 28.50 in '83-84; '84-85, 27.24. Western Region, 39.14, that's '83-84; '84-85, 38.14. Southeast Region, 54 - this is the one you were interested in, AI, Southeast Region,

right? - '83-84, 54; '84-85, 57.44. Eastern Region, 29.28; same thing in '84-85.

Enforcement and Legislative Services: 15.26 in '83-84; 8 in '84-85.

MR. A. DRIEDGER: Would you repeat that last one?

HON. A. MACKLING: 15.26 in '83-84 and 8 in '84-85, a reduction of 7.26.

Fire Suppression - Administration, relatively unchanged, 14.46 to 14.20. Fire Suppression - Operations, 58.24 to 50.32. Honourable members will want explanations as we go through those and I'll endeavour to provide explanations. You may not be satisfied with my explanations but I will be in a position to explain the particular staff changes in each area. I'll leave it at that for now.

MR. A. DRIEDGER: Under (j), later on when we get to that area, we'd like an explanation as to reduction under the Enforcement and Legislative Services to see exactly where we're at.

The concern I have to express at this stage of the game at a time, as I indicated in my earlier remarks, where a major concern is being expressed by the general public in terms of the poaching aspect of it and it's being highlighted more all the time.

I have to express the concern that I did before at a time when the pressure is coming down and seemingly there's more poaching going on, there's been a reduction really in terms of the COs generally throughout, why at a time when there seems to be more onus on the concern for protection, why there is not an expansion of C.O.s in the field, because actually these are the people that are the grassroots, these are the people that help control the aspect of it; and I would express concern as to why this Minister is not expanding in that direction.

I realize full well the monetary restrictions that everybody is operating under, but this is an area that is being highlighted and creating a lot of concern and if the Minister is sincere about wanting to move in a direction of control in the poaching aspect of it and the illegal selling of fish, etc., that this is an area where one would anticipate at least some movement towards expansion of additional staff.

This is why I raised the question about how sincere this Minister is in terms of wanting to control this aspect of it when there is virtually no indication in his Estimates under this area, that he does have concern in that direction, because this is where it should have been showing that he would be hiring more staff because one of the problems that has been, I think, brought forward to many members, I'm sure on both sides of the House, is the fact that staff is limited, that there is not enough staff to properly enforce and control and check. That's why I have my doubts as to how sincere the Minister is, in terms of moving in the direction of trying to control this aspect of it and I just wonder whether the Minister could maybe indicate why this is that way.

HON. A. MACKLING: In respect to overall reductions, you can see that if - and I should have given the honourable member a total of all of that - in '83-84 the

total was 368.14 staff years in this Regional Services Branch. The forecast for '84-85, or this request, is 363.40 which is a reduction of approximately 5; it's somewhat less than 5 staff years. The actual reduction in conservation officers is a net, overall in conservation officers is three persons, three staff years. Now I will try to explain why this swings. In some areas we've added, in some areas we've reduced, and I hope I can make a convincing argument to the honourable members for that.

In respect to the general concern that the honourable member has, I share that concern. We would like to be able to put more and more people into the field because we are concerned about the extent of poaching. However, just putting people in the field will not do it. I suppose we could hire a lot more people and put them out there and in all probability, I suppose, our program could be enhanced; but what we really need is public assistance in order to be able to secure convictions.

One of the reports that we had was a report done by a graduate student at the Natural Resource Institute at the University of Manitoba in respect to this whole area of poaching; and this young man, Mr. Mike Bessey spent considerable time in association with poachers. He actually travelled with them, learned a good deal of their habits, was able to categorize them in various groups and it made a very interesting document. As a matter of fact, we have taken into consideration some of his constructive criticism in that report.

He highlighted that there are some periods when, while the department didn't believe that there was much by way of poaching, he indicated that there was a fair bit of poaching taking place during those times in those parts of the year; so we're looking at ways in which we can benefit from that research.

We are also looking at ways in which, without hiring any significant numbers of staff, through deployments - and I don't want to telegraph how we organize our staff because I'm not saying that poachers listen to me, but we don't want to advise how we are going to cope or what techniques we're going to follow in respect to poachers because that's tipping off the poachers - but we are looking at ways in which we can deploy in a manner which we hope will have a significant impact in the sensitive areas.

When I say the sensitive areas, it's primarily where there is excellent road access, because most of the poaching takes place at night, as Mike Bessey's report indicates and is occasioned through road access, ready road access. I can give you statistics.

I should now introduce to you staff I have with me. On my left is Derek Doyle, the Assistant Deputy Minister and Mr. Joe Nespor who is Regional Director of the Interlake and Eastern Regions. He is here tonight representing the Director of Regional Services, Ed Wong. Ed Wong is not able to be here for personal reasons, but Ed Wong has been Acting Director, was last year and is certainly well familiar with this area and I hope that with his assistance any of the detailed questions that I otherwise might not be able to answer, I will be able to do so.

In respect to - I could put this on the record for you if you like, these are the statistics for occurrences in 1983-84 - the total occurrences recorded were 7,990; occurrences in parks only 2,010; a total of 10,000. The

total problem or nuisance wildlife occurrences recorded, they're included in that 10,000, are 3,259. In parks only, they amounted to 318, a total of 3,577. Total offences encountered were 3,493. The total prosecuted in 1983-84 were 2,048. The total number who were warned were 1,445.

Of the above offences, the number that were in violation of fish and wildlife laws who were Treaty Indians were 253, I'll repeat that, of the total prosecuted of 2,048 and total warned of 1,445, 253 were Treaty Indians. The total prosecuted in 1983-84 were 234. The total prosecuted refers to Treaty Indians who were prosecuted for unsafe hunting or hunting on private property. The total warned were 19.

Now of the above offences the further detail is this, nightlighting which involved Indian people, there were prosecutions of 83 and 4 warnings. Again, they would be for hunting on private property or hunting dangerously. In non-Indian there were 55 prosecutions and 1 warning. A total of 138 prosecutions and 5 warnings.

Hunting on private land without permission - Indian persons 15; non-Indian 27; warnings 12. Dangerous hunting - Indian 3; non-Indian 3. Buying, selling in big game meat - Indians 5 persons; non-Indians no prosecutions. Possession of illegally taken wildlife - Indian 1 person; non-Indian 22. Other wildlife incidence, hunting out of season or trapping without a licence or a loaded firearm - 40 Indian; 329 non-Indian. Sport fishing occurrences - Indian people 29; non-Indian 338. Those were possession of fish during a closed season.

Commercial fishing - these are small-mesh nets, they're rotten fish or unmarked nets - 50 Indian persons; 73 non-Indian persons. That's it. Domestic fishing 72. These are the latest statistics, I don't know whether they're found in the report in the same form or not. So these are the very latest, however, the Annual Report on Page 36 does again highlight hunting and game infractions and gives a fair bit of detail there about statistics.

MR. A. DRIEDGER: Mr. Chairman, to the Minister. I appreciate the statistics on that, although when we come back to the personnel involved in the area of C.O.'s, one of the complaints by officers in the field very often has been the fact that they are short of staff and cannot adequately cover their requirements. That is why I have to express disappointment to this Minister that he has not expanded in that area. I still think that is the grassroots aspect of it. This is where the first move has to be made by this Minister in terms of showing sincerity in trying to curtail the approaching aspect of it by expanding possibly his staff in the field because, when you look at the geographic area that these limited people have to cover, I think this is one of the areas where the Minister should show that he's sincere about it.

The other area, of course, is concern about how sincere this Minister is about controlling it, as last year when a resolution was introduced, Private Members' Resolution by the Member for Turtle Mountain regarding the controlled hunting of Indians, the nightlighting aspect of it, the Minister and his government decided to ignore that resolution. That created some concern and I think during the debate at that time it was brought

forward that possibly, maybe erroneously, a lot of accusations are made to the Native people for their hunting practices and if the Minister would take and look into that aspect of it - I don't know whether he feels sensitive about that or not - but certainly the general public is very concerned about that end of it and it has to be addressed, the nightlighting aspect of it, especially. This is a thing that's a very emotional thing with the public and the fact that they have the right to do that. I think if the Minister feels strongly about wanting to try and get on the right track that this is an area where he should move on. I want to admonish the Minister. I feel that he - as I indicated initially - that he's giving lip service, but he's not being sincere in following it up with direct action because this is where it should be reflected. The Member for Ste. Rose says, why don't we do it?

A MEMBER: Why didn't you do it when you were in office?

MR. A. DRIEDGER: We proposed a private members' resolution and if the Member for Ste. Rose is concerned about why we haven't done it, then wait until we get into government, we will show you. That won't be that long.

MR. CHAIRMAN: Order please.

MR. A. DRIEDGER: Personally, Mr. Chairman, I'm glad the Minister didn't make those kinds of remarks because I would regard that as a cop-out. I challenge him to proceed in these areas. It doesn't have to cost a lot of money, but I doubt the sincerity of the Minister to want to pursue these areas, first of all, the expansion of the C.O.'s in the field and also the proper control of nightlight hunting for the Native people. He maybe feels, as I indicated, feels sensitive about it, but I challenge him to move in that direction if he's sincere about doing anything at all in this direction. That is why I raised this question initially with the Minister in my opening remarks that we want to see some definite proof. If the Minister is not going to move on it for the balance of his term in office, however long it is, that the public right now is very sensitive about it. They're aroused about it and they want this Minister to move, to show initiative that he is sincere.

He can have meetings throughout the province wherever he wants but, unless he shows some initiative in these directions, we doubt how sincere he is about it, that it's just lip service that he's giving us. I would encourage this Minister, expand on this area. When you cut staff man years in many areas, certainly, maybe instead of having a reduction in your Estimates, this is where you should have more staff because that is a complaint - as I indicated before - that's the complaint that people in the field have. The C.O.'s, they say we can't cover everything, we need more staff. It seems that the question of the economics end of it, I don't think that the public of Manitoba is going to buy it at this stage of the game. I challenge the Minister to move in this direction.

HON. A. MACKLING: Mr. Chairman, the honourable member will know that I love a challenge. He's indicating

that there are people in the field that are complaining that we need more staff. I assume he's referring to staff of the Department of Natural Resources who are complaining. I would love to know who they are because they certainly don't complain to me. Maybe the honourable member can give me their names and I will certainly want to talk to them. — (Interjection) — Someone finds that humorous, well, maybe it is.

In respect to the variations in staff, I should have pointed out to the honourable member and, through him, all members, that some of the changes in numbers that I referred to, Enforcement and Legislative Services, went from 15.26 to 8. Really, what was involved there was a transferring away from that section of staff that had been employed under that section to other areas, and Nursery staff, 4.26 years, that had been funded and provided for under Enforcement and Legislative Services were reallocated and they went to Administration. So that's why the ballooning of 18 to 26. That's part of it.

Hunter Safety, there were 3 staff years, again, under Enforcement and Legislative Services, again were into Administration. That's why Administration goes up significantly by 8 persons and Enforcement and Legislative Services comes down approximately the same number.

In respect to the changes that were made, I should have highlighted the fact, and I think we can all be proud of this, that we now have a number of resource management assistants who are working in various fields with the department. These are local people, Native people primarily, who have taken courses at Keewatin Community College and are now employed with the department as resource manager assistants. I have some detail here.

We have six full-time resource management assistants employed at these places: Nelson House, Cross Lake, Moose Lake, Little Grand Rapids. They are with all disciplines of resources; that is, fire management, trapline administration, fisheries and forestry. In Dauphin, Manitoba, we have one liaison with the Western Region Tribal Council re Wildlife Management. In Skowman, another resource management assistant is working on the wood bison relocation project and moose management. We also have special part-time resource management assistants who have been hired during the past year to work with fisheries, forestry and wildlife.

This program will continue and expand during this fiscal year. There is \$283,000 in this budget that is provided for that initiative. There is a special emphasis on the part of the department in training local people for future employment opportunities within the department, both permanent and temporary. This reflects the thrust that we have that we want to get people that are in the communities approximate to the resources involved in the administration of those resources. Primarily, we want to get Native people who logically should be involved in the administration of resources on which they are oftentimes fully dependent involved in the management and the husbandry of those resources.

Our thrust has been to endeavour to secure co-operation of Native people in connection with the protection and enhancement of game. We do this because, as it's quite frankly recognized by most

Manitobans, certainly all previous Ministers of Natural Resources, that Native people have a particularly vested interest in the preservation of wild game because in many instances Native people look to wild game as a sustenance in respect to their ongoing food needs. One of my concerns as Minister, and the concerns of the department, has been to sit down and discuss with Native people the enhancement of those resources. I am proud to say that significant achievement has resulted in some areas. Limited though they are, there is significant progress.

I am very proud of the fact that, and this is not new news, the initiatives that were taken by previous Ministers of Natural Resources culminated in the signing, as members will recall, last year of the Barren Ground Caribou Agreement dealing with the Beverly and Kaminuriak herds, and that was a first in respect to direct Native people involvement in the administration and overseeing of a very valuable resource. We think that has set an example and we are hopeful that further resource developments of a similar nature will occur.

As a matter of fact, we have had a very successful signing within Manitoba of a - I shouldn't say a signing - but a formal agreement. The initiatives are largely completely with the Waterhen Band with the reintroduction of wood bison. As honourable members will probably recall, there has been a very significant effort made and a very successful start to the restocking of wood bison in Manitoba. Wood bison, I am given to understand, as a wild animal roamed much of Manitoba many many years ago. It ranged to as far north as near The Pas, Manitoba, and it is likely that with a successful program wood bison can again become a wild animal in Manitoba. The plan, a very ambitious plan by the Water Hen Band, is to secure the regeneration of a herd that will then be released into the wild.

There has been significant effort made by the department in meeting with the Western Regional Tribal Council. A draft agreement has been proposed in connection with concerns about the continuance of moose and elk in that whole area. There has to be a co-operative spirit and a co-operative program between Native people and all others, including the wildlife management interest, whether they be with Manitoba Wildlife Federation or any others, and certainly with the department, to ensure that there is a common, conscientious approach to the need to protect our game species.

We need their co-operation because there is no question that, pursuant to treaty rights, they have the right of being able to harvest wild game for domestic consumption. Where that harvest continues to a point where the game is threatened, we think that it's in their interest as well as interests of Manitobans, generally, to work with us in a co-operative fashion to ensure a continuance of the species, an enhancement of them.

There are areas in Manitoba, while they have excellent habitat, have relatively few big game animals. We are concerned to work in co-operation with Native people to ensure the protection of the remaining resource and the enhancement of it. It takes co-operation, Mr. Chairman, because we are not in a position to dictate to Native people on the husbandry of that resource. The Natural Resource Transfer Act makes it clear the right accorded by statute to treaty Indian people in

respect to the use of that resource and so much so that not myself but other Ministers of Natural Resources, and I have certainly inherited that priority, have recognized the priority use of Native people in respect to game.

There has to be a coming together of people, quite frankly, recognizing, and we have to work together, not in competition, not in confrontation, because if that approach is followed then we are not going to be able to get co-operation of Native people in getting them to sit down with us and work out constructive, administrative arrangements to secure a reasonable harvest of this resource. I insist that is a course of action that we must follow.

If we follow, as I say, the confrontation technique, we will do nothing to break down what has become somewhat of a barrier between Treaty Indian people and other interests in wildlife because they feel that they are always being criticized for anything that happens out there.

As the honourable member may have noted in the Bessey Report that I referred to, Mr. Bessey pointed out that some, if not a significant amount, of the complaints that have been registered over the course of time in respect to unauthorized activities attributed to Indian people were not occasioned by Indian people at all, but were occasioned by poachers. There is a significant problem in respect to poaching, the bulk of which happens at night, by the fact the treaty Indian people themselves hunt at night.

I pointed out - I had a meeting in this building recently where there were approximately 30 Indian Chiefs present - and I pointed out my concerns and the concerns, I think, of everyone that night hunting is a wasteful practice. It is destructive of the resource and it certainly doesn't make it any easier. It makes our problem of dealing with the poachers that much more difficult because when we have night patrols, and we have them particularly during the time when we believe that poaching is at its peak, we have surveillance by air and ground, and all too frequently the people that are intercepted turn out to be Native people that in most instances are hunting within the law as understood by this government and interpretation of cases in the courts.

I have pointed out to the chiefs that that activity compounds our problem. We want their co-operation. When they indicate to me - well, it's pretty hard for us, even if we agree with you, Mr. Minister, it's pretty hard for us to enforce any band resolution to our individual members because, again, they recognize their individual rights - I appeal to them that Indian people, who historically have prided themselves in their capacity to hunt in a way that is characteristic of the best attributes of Indian folklore, that surely night hunting would not be commended to anyone as being a significant example of good Indian hunting, it is very wasteful and very destructive, and I didn't hear much counter-argument to that.

So it is a continuing concern. I don't minimize it; we must deal with it, but we have to deal with it in a frank and responsible way and in a way that avoids confrontation because I do not see any gain in setting sides, getting people antagonized one with the other.

I've met with the Manitoba Wildlife Federation, whose concerns are very strongly known about this issue, and

they quite candidly indicate to me that they certainly would be prepared to sit down with Native people and talk about the commonality of their concerns in respect to these problems, but somewhat of a barrier has been created by strong talk, by emotional statements on this question. I would rather it be otherwise because we have to work co-operatively.

MR. A. DRIEDGER: I certainly don't want to be critical of some of the programs that the Minister was outlining in terms of working together, and he referred to the bison aspect of it, but I still want to bring the Minister back to the concerns, in spite of all his comments, and I think possibly there is a lot of merit in that.

I still want to draw the attention back to the Minister to the fact that at our first impression when we were looking at an increase of staff of about eight people under the administration end of it, under the C.O. aspect of it, the field officers, that there is not an increase that possibly that would enhance or curtail more of this activity.

Getting back to the Native hunting and my comments last year when I spoke on the private members' resolution, I indicated, and I think I still feel strongly that way, that possibly a lot of the accusations about night hunting are attributed to the Native people which are maybe not necessarily so, but the fact that they have the right to hunt at night is what creates part of the problem.

I think it would be a benefit to the Native people if that aspect of it was removed. Then that criticism, rightfully or wrongfully, would then not be there anymore and I think the Minister should look at that direction, because as long as they have that privilege of night hunting, as long as they keep having that privilege, the criticism is going to come down on them whether rightfully or wrongfully. So, if that aspect was removed, that criticism would not be there anymore and I think it would stand the Native people in good stead if it was not there because I fully believe that the Native people are very qualified, that they don't need that benefit to hunt at night.

They are the best hunters that this world has ever seen, so they don't need that advantage. If they want to go out and get game, they are qualified to do that, and they don't need the advantage of night hunting to get it. But it is being directed at them all the time, and I think by the removal of that aspect of it, it would be a benefit to the Native people.

As I indicated before, they are qualified people, they don't need that advantage. I think that would also help remove some of the confrontation that is there all the time, because many people, the Wildlife Federations, believe that kind of advantage and, rightfully or wrongfully, make the accusations on that basis. I think by the removal of that, would already be another step in terms of moving in a direction where we do not have the confrontation end of it.

So once again, before we go on, Mr. Minister, I would just like to indicate that I feel the Minister and his department have to move towards more officers in the field to control this aspect of it, irregardless who it is, because the statistics indicate that there is a variety of poachers and unless there is staff there to control it to some degree, this problem is getting bigger every

year and our wildlife numbers are being reduced every year and the Minister better move. It's nice to talk about getting together with everybody and trying to do it on a very easy scale, but unless the Minister is going to put some bite into this, this situation is not going to get resolved.

HON. A. MACKLING: Mr. Chairman, I appreciate the extent to which the honourable member agrees with the fact that it is logical to appeal to the treaty Indian people not to exercise what has been accorded to them as a right by the interpretation of courts, because it does take away from the enforcement against people who are clearly unauthorized to hunt in the manner in which they do; in other words, the poachers. But, again, it's not an easy matter because there is a distrust that has developed because of the strong words and hostility that has been engendered in this area. So it is a slow process, frustratingly slow to this Minister.

I should also point out that, and this I should refer to under the Northern Flood Agreement, there is a contractual obligation, Article 15.7, under the agreement, provides for the training of local people, and I should point out that seven candidates were selected for that in May, 1983. It provided summer employment with our department during 1983. These candidates entered Keewatin Community College in September, 1983, and are there until May, 1984, during which time they received upgrading of studies. This is a joint effort with the Department of Education, Northern Affairs, Labour and Manpower, and Natural Resources. They will receive on-the-job training with our department this summer.

Beginning of September, 1984, we will enter the first year of a two-year Renewable Resources Technology course being started at Keewatin Community College at the Pas. This will be part of a 25-member first-year class.

MR. A. DRIEDGER: Mr. Chairman, I want to just refer to (a)(3), possibly if the Minister could clarify that. Personally, in the regional aspect of it, I am prepared - unless some of my colleagues have some questions - to move on with that.

Under the problem of Wildlife Control, I wonder if the Minister could indicate exactly what that area means.

HON. A. MACKLING: Yes, I'll try and give the member the detail I have here. Under the Federal Provincial Beaver Control Program - this centres in the vicinity of Riding Mountain Park - there is \$60,000 of the total amount there that's allocated to that.

In respect to Hunter Kill Livestock Program, there is \$14,200 involved in that; in timberwolf control in the Northeast, the Interlake and Western Region, \$10,000; other predators - coyote, fox, mink, racoon, bear, and including the City of Winnipeg beaver and nuisance problem animals - a total of \$15,000; Deer Feeding Program, \$6,000; Deer Fencing Agreement, \$5,000; that makes that total of \$140,200.00.

MR. CHAIRMAN: The Member for Roblin-Russell.

MR. W. MCKENZIE: Thank you, Mr. Chairman. I was wondering if the Minister could give us any information

as to how the federal fisheries staff made out in their survey of Lake Dauphin the last year, and also the three-year . . . consensus on stocked trout in the Duck Mountain area, I was wondering if the Minister could maybe report on that.

Mr. Chairman, the Minister talked about the problems of poaching and he wanted names of conservation officers and others who were prepared to put their names on the record and I don't think there's any problem with that at all, because we've had public meetings where his staff have appeared before the communities out there and laid it on the line, that they just don't have the resources nor the money nor the manpower to deal with the problem. They're short-staffed, they're short of help and in fact, Mr. Chairman, I understand that maybe the Minister should look at the legislation regarding the problem of the Native people. Certainly they have the right to hunt, but in a lot of cases the conservation officers feel that the legislation in this province regarding poaching is not stiff enough at all. There's all kinds of evidence around the Duck Mountains of illegal hunting and poaching that's going on day after day after day and maybe we should take a look at that legislation.

In fact, one weekend here not long ago, I'm told that there was - well, the Minister knows about it - a constituent got a hold of me and we got a hold of the staff in Roblin. They went out there, of course, and the hunters were gone, but there is illegal hunting going on all the time in the area and they are most concerned about it.

They've had meetings. The Minister talked about the wildlife groups. They've all had meetings with the Native Bands, the Chiefs in the area. Our learned friend, Joe Robertson from Dauphin - my gosh, Joe gave two or three years of his time discussing this problem of poaching with the Indian Bands and with the Chiefs and with the people that are poaching, to see if they couldn't control it.

Up to date, my last conversation with Mr. Robertson, it has not been successful at all, so we've got to maybe come around some other way and take a look at the legislation and make the penalty much stiffer for those that are caught. I'm told that the fine is - what it says here last year they managed to get two convictions - but for both offenders, each received a fine of less than \$100.00. Hardly deterrent, it was pointed out.

The gentlemen, Gordon Johnson and Ron Enslund, attended the Manitoba Police Commission Monthly Crime Prevention Meeting in Grandview where a lot of these facts and figures were laid on the table, how serious the problem is. The problem of access roads - they've tried to block the access roads that hasn't worked - to close off some of these access roads that are used more and more.

As was mentioned in the Minister's comments, I'm not blaming the Native people because in a lot of cases the conservation officers and people are familiar with the hunting practices of the Native people. If the Native people come in and slaughter a carcass in the area, they turn and leave a piece of meat hanging on a tree. Now, of course, some of the poaching boys are getting smart and they're using that same trick and of course the Native people then get blamed for it because they use the same tactics as a lot of the poachers in there and, of course, the Native people get blamed for it.

One incident there, they said in one weekend recently, the conservation officers know that six animals were killed between PTH367 and 366 near Singush Lake and they know that this party were visitors from the Winnipeg area. So the conservation officers know who a lot of these people are but, as I understand it, Mr. Chairman, they're looking after drainage problems, they're looking after park problems, they're looking after traffic. They just don't have enough people there to deal with this problem. I'm concerned about it because the problem doesn't seem to be going away.

May I also though congratulate the department on the fishing and stocking of the Shellmouth Reservoir. That has turned out to be one of the most exciting fishing grounds in the province. There's fishermen coming there from, I don't know, all parts of the Northern States, Saskatchewan, Alberta, some even from Ontario, to fish in the Shellmouth Reservoir and I certainly congratulate the Fisheries Branch for the way they've managed that resource, because originally it was intended as the Shellmouth Dam, and fishing didn't have a very high priority; and I can see here by the attendance at Aessissippi last year, it was up by 159 percent and I dare say that that attendance is likely due to, basically, mostly to the fishing.

In fact, I would think there's enough people there now and the Minister should put somebody on the gate to start collecting because it's left on a basis where they go around and collect but there's a lot of traffic at Shellmouth as a result of the fishing.

I was wondering if the Minister - these bear-related problems - was there compensation for the 105 bear-related problems that was referred to in his Annual Report; and the other one, the occurrences of beavers, and I wonder if the Minister is prepared to give us some idea if he's got that problem under control, because by the way I get letters and the number of times that my phone rings in the year due to beaver problems, I wonder if maybe we'll ever get the problem brought under control.

I guess the constituency and the area that I represent have parts of both the Riding Mountain National Park and the Duck Mountains, and it makes it more serious in that area than any other one.

The last one that I want and I'd like the Minister to espouse this Rossburn case, where the bear bait was set out for these bear hunters and this man's livestock became involved and whether the source of the infection came from the bait or where it came from, the problem is still ongoing out there and it's not resolved at Rossburn. I don't know and I have no proof but there's a lot of people in the area that insist that the cause of the infection was from the bait, I don't know. The matter has gone to the Ombudsman; the Minister is quite familiar with it. He's had hundreds of letters, petitions, etc., etc., from those people in the area.

It's unfortunate that it had to happen and if there's any way that, by stiffer regulations on the management or control of bait, that some of the hunters tell me now that their bait should be handled in a much different way. It should be in containers or some method rather than is practised in the province and maybe that unfortunate incident wouldn't have happened in Rossburn where he's lost some 25-30 head of cattle. They still haven't told him what was the cause of death of his cattle. One said it was Avion Bovine TB. There's

been all kinds of Vets there and they're still infected, as I stand here today.

The disease came from some place and the man's herd got infected because there'd been no infection in there for many, many, many years, of tuberculosis in the livestock. So I was just wondering if maybe the Minister could take a look at the bait regulations and those that are familiar with bait - I'm not - and a system where there would be less possible chance of infection. Somehow they tell me they can put it in some kind of containers and set it out for the bears rather than just throwing the carcasses all over the place, the way it was done in Rossburn there in the past.

HON. A. MACKLING: It behooves me to put on the record some response to the honourable member because I know that his constituents are concerned about those issues.

Taking them in reverse order, in respect to the bear baiting, the honourable member will recall that when he asked me questions earlier on, I did indicate that we agreed there is a problem, inasmuch as there needs to be more effective regulation over the baits that are set for bear-baiting and we are doing that because it just wasn't a good scene. There was far too much carcass meat available for bear-baiting.

As for the source of infection, I'm not familiar with that. Those inquiries and those initiatives would be taken under the Department of Agriculture and as far as I know the concerns have been directed to my colleague.

In respect to beavers in association with the park, it is an ongoing problem. As honourable members know, there is no trapping or no game management in the park so the beavers build up - and bears too - but the beavers build up in the park, come out, and that has to be an ongoing program because it just doesn't end. The beavers are doing very well where they are and some would say too well.

The bear-related problems, in connection with the compensation, there is compensation as honourable members know, in respect to bear damage to bee hives and where bear damage occurs to livestock or to growing crops.

I agree with the honourable member in respect to the Shellmouth Reservoir. I was out there one day myself and tried my hand - I wasn't all that successful, I left lots more for the honourable member to catch.

I'm not familiar with the incident that he recalls about the dead animals or the animals that were killed in the vicinity of Singush Lake. All too often that's the problem. We hear about reputed - or in fact, it may not be reputed - there are enough witnesses to the fact that unauthorized killing took place but by the time the information gets to us, people are long gone. It's so very very difficult to get even a proper investigation going let alone conviction.

When we have a call, if we're not in a position to activate that call through a conservation officer, it is open for us or anyone to call upon the police because again it's an offence under a provincial statute and it's actionable by either a conservation officer or police. We're trying to get that message out there, but all too often people hear about these things, see them happen, but don't take the time and trouble to notify us or notify the police immediately. That's what's necessary. I admit

we still have a lot to do to get people to do that. It'll have to be an ongoing concern to try and get people motivated, to go out of their way to protect our own interests.

In respect to the concerns about access roads, we are looking at that. I guess there's been consideration of that in the past and we're having a fresh look at the number of access roads particularly as a result of intensified forest reactivity where we have far more roads now and the animals have far less refuge.

In respect to the concern about poaching penalties, I admit that sometimes I am frustrated and I'm sure staff are at the moderate treatment of poachers when we do get them successfully prosecuted in court. However, judges look at various unlawful activities. I guess, to many people, the poaching of an animal or a bird isn't of such great significance when they see so many violent offences occurring in society otherwise. In a scheme of things as they see it, poaching does not rate as a terrible crime.

We must continue to impress upon the judges and others that it is a resource that is not inexhaustible, it is very very important to us and we need to have significant finds if we're going to have an effective deterrent. I agree that we have to continue with our representation in respect to that.

MR. CHAIRMAN: The Member for Rupertsland.

MR. E. HARPER: Yes, I would like to put on the record with respect to poaching, that it's a concern that's been around for quite a while and it's been debated here in the Legislature. Certainly, the Indian people have serious concerns about the problem and I'd just like to put it on record that Indian people are also concerned about poaching. They have made several presentations and have had several meetings with the Minister of Natural Resources to deal with the problem.

It is something, as you know, that they have lived with for many years and traditionally have used the food for their own consumption. But they have made requests for resources in order to look after their own interests and also maybe to look at patrolling their own areas to catch the poachers.

I realize the Member for Roblin-Russell mentioned about the fact that the white people are beginning to use some tricks and also beginning to blame on Native people, but that is something that has been around since the Boston Tea Party.

I'd like to say also that we are concerned about the problem and the Native people are not just sitting idly to let it go away, but they're trying to do something about it.

MR. CHAIRMAN: The Member for Swan River.

MR. D. GOURLAY: Thanks, Mr. Chairman. Some of the concerns that I want to express have been covered and I won't go into all the details, but with respect to the Western Region, in the area that I represent, I recall that the main problem of nightlighting and indiscriminate hunting seemed to begin about 1981.

I know that it was brought to my attention particularly because it was reported that there were Treaty Indians coming into Manitoba from Saskatchewan and poaching

and nightlighting in Duck Mountain area. There were concerns expressed by conservation people and by some local people that lived in the area. I recall having a meeting on this topic in the summer of '81 with the Member for Lakeside, who was the Minister of Resources at the time, to discuss ways and means of dealing with this alleged problem.

Well, after that time, it seemed to increase, and again I don't blame it all on Treaty Indian people. I think there were a lot of white people in the act and using the Indian people to some degree as well. But the problem seemed to increase over much of the area. It was over much of the Duck Mountain area, into the Porcupine area, and more local people seemed to be reporting problems and checking with the conservation people, they agreed that they were putting in long hours and because of the limited time that they could spend on that and limited manpower to some degree, they just couldn't spend the kind of time necessary to follow up on all the calls that they were getting.

I believe that this problem continued throughout '82 and '83. I know that the Minister has been in the Swan River area for a meeting just recently and I haven't heard that the problem has been so severe this past spring of '84. I am wondering if the Minister has any statistics from his staff that would indicate that the number of calls or complaints that they are receiving from the Duck Mountain area, the Swan River area, is somewhat decreased from what it was in the past two or three years.

HON. A. MACKLING: I am advised that there has been a reduction in the number of nightlighting charges in respect to violations in that region, some significant reduction in '83.

There is a relatively high harvest of big game in that area, as the honourable member knows. While I was up in Swan River - and I heard some of these concerns elsewhere, too - there was a concern about all manner of violation, aircraft spotting. I even heard some fairly reliable, I believe, indication that even helicopters have been seen to be spotting in respect to, and involved somehow in surveillance or unlawful taking of big game animals. Helicopters with spotlights on them, so it's a very persistent ongoing problem. While I was in Swan River I didn't hear that there was a continuance of the relatively heavy influx of hunting pressure that the honourable member talked about from Treaty Indian people living in Saskatchewan; that point wasn't made in Swan River. Maybe it's declined because the success of hunting has declined in parts of that area.

The big game animals in that whole area, the populations are not growing, they're declining, and that is one of the reasons why we feel that we will be able to work out co-operative arrangements with the Western Regional Tribal Council to look at ways to make sure that the herds that are there now are assisted to, not only continue, but to grow in numbers.

Several of the things we're looking at are some restriction on access and also some controlled burning to enhance habitat in some areas; so we're going to be actively pursuing some of those options available to us. But in respect to the hunting pressures themselves, in respect to Treaty Indian people, their harvest, we want to work closely with them to ensure

that the harvest is not one that is not sustainable by the big game animal population.

MR. CHAIRMAN: (2.(a)(1) - 2.(h)(2) were each read and passed.)

2.(j)(1) - the Member for Emerson.

MR. A. DRIEDGER: Mr. Chairman, to the Minister, the Member for Roblin-Russell raised a fact about the low penalties. I just want to draw this to the Minister's attention before we go out of this area. I think that possibly would be a major deterrent and I would encourage the Minister to maybe consult with the Attorney-General to see whether possibly the penalties could be much stiffer.

I think that also would be a deterrent because what's happening at the present time is that the big game

animal is taken, and at the cost of meat nowadays, when you consider that the penalty is maybe \$100, \$150 or \$200 or whatever the case may be, that very often the individual says, it's worth it even if he pays the penalty because he probably has more value in meat than what it has cost him. I think that is the area, also, that should be looked at very closely, Mr. Minister. I would hope that maybe in consulting with the Attorney-General, the fines could be made stiffer.

With that comment, Mr. Chairman, I think we'd be prepared to pass (j), and I'm wondering, to the Minister, if possibly the Fire Suppression end of it, that it would be the desire to maybe adjourn and continue under the Fire Suppression end of it.

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