



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

**DEBATES**  
and  
**PROCEEDINGS**

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33 Elizabeth II

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*Published under the  
authority of  
The Honourable D. James Walding  
Speaker*



**VOL. XXXII No. 17B - 8:00 p.m., TUESDAY, 8 MAY, 1984.**

**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Second Legislature**

**Members, Constituencies and Political Affiliation**

Name	Constituency	Party
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<b>ANSTETT, Hon. Andy</b>	Springfield	NDP
<b>ASHTON, Steve</b>	Thompson	NDP
<b>BANMAN, Robert (Bob)</b>	La Verendrye	PC
<b>BLAKE, David R. (Dave)</b>	Minnedosa	PC
<b>BROWN, Arnold</b>	Rhineland	PC
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<b>HAMMOND, Gerrie</b>	Kirkfield Park	PC
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<b>MANNES, Clayton</b>	Morris	PC
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<b>NORDMAN, Rurik (Ric)</b>	Assiniboia	PC
<b>OLESON, Charlotte</b>	Gladstone	PC
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<b>SHERMAN, L.R. (Bud)</b>	Fort Garry	PC
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<b>WALDING, Hon. D. James</b>	St. Vital	NDP

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 8 May, 1984.

Time — 8:00 p.m.

## CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

**MR. CHAIRMAN, C. Santos:** We propose to finish the Land Titles section and then we will go back to Human Rights.

We are right in the middle of considering 4.(a) and 4.(b), Land Titles Offices, Salaries and Other Expenditures.

The Honourable Minister.

**HON. R. PENNER:** Just for the record, Mr. Chairman, I'm giving the Member for St. Norbert the update summary of the staff changes which I noted in my opening remarks. There may be some slight variance, but they are substantially the same.

**MR. CHAIRMAN:** Thank you. The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, when we adjourned at 4:30, we were discussing the increased fees imposed by the Attorney-General on users at the Land Titles Office and he was commenting, I believe, that charges have to be kept in line with the expenditures and the services rendered. I note from the Estimates and the details of revenues that in the fiscal year ending March 31st, '84, the expenditures at the Land Titles Office were \$4.35 million and the revenue was \$6.64 million.

In spite of the fact that the Land Titles Office therefore, made a profit of about \$2.2 - 2.3 million the Attorney-General and the government have seen fit to impose exorbitant increases in the Land Titles Office fees that amount to almost 52 percent increase in fees charged to the purchaser of an average-priced home in the city. Then this year expenditures are down approximately \$9,000 and as a result of the new fees, the revenue will be up to \$7.8 million.

I simply want to state for the record, that I think the increase is simply not justified. It is in effect a tax on the users of the Land Titles Offices. It is unjustified. I suppose it's impossible now for the government to take any remedial action, but it should be stated for the record that this is in effect a tax on users of the Land Titles Office.

**HON. R. PENNER:** Just two additional notes. When the new fee structure was proposed, the first proposal for change came in from the Registrar General. What was ultimately passed was considerably lower than that which was proposed by the Registrar General. That, however, doesn't deal entirely with the point.

I do want to say that before I arrived at a recommendation which was accepted by Executive Council, we looked at comparable tariffs, particularly after the latest change in Saskatchewan - and here memory must serve and I realize that's always an

unreliable guide, but I think not that unreliable - we were the same as or lower in almost every instance than the new Saskatchewan tariff.

Finally, in fiscals '78,'79,'80, and '81, the revenues produced at the Land Titles Office considerably exceeded the cost of running the operation, so that particular feature is not novel to this administration.

**MR. G. MERCIER:** Mr. Chairman, what the Land Titles fees are in Saskatchewan is irrelevant and what the Registrar General recommended is irrelevant. There has been, I suppose, for a long period of years a situation where the Land Titles Office has generated revenue for the government. It does appear this year, however, that in view of the fact that the Land Titles Office was previous to the increase generating a profit of some \$2.3 million, that to impose an increase in charges of another \$1.2 or \$1.3 million would appear to be somewhat excessive.

**HON. R. PENNER:** No, I think we both made our respective points. I won't comment on the effect on the deficit at the lower tariff in the Land Titles Office.

**MR. G. MERCIER:** Mr. Chairman, I appreciate what the Attorney-General was referring to, but why should the users of the Land Titles Office be required to pay for the excessive costs of advertising and the 20 percent increase in administrative positions in the government? It should be a fee generally relative to the service that's being rendered.

**HON. R. PENNER:** Indeed, they're paying for one of the finest Land Titles system in the country, if not the finest, with the greatest guarantee of security of title. I can only say that since the increase in the tariff in February we haven't had a single complaint, formal or informal.

**MR. G. MERCIER:** You have now.

**HON. R. PENNER:** Okay.

**MR. CHAIRMAN:** 4.(a) and (b)—pass; Land Titles Offices, Salaries and Other Expenditures.

Resolution 21: Resolved that there be granted to Her Majesty a sum not exceeding \$4,339,900 for Attorney-General, Land Titles Office for the fiscal year ending the 31st day of March, 1985—pass.

**HON. R. PENNER:** Could we then go back to the Human Rights Commission? Darlene Germscheid, Executive Director of The Manitoba Human Rights Commission is here, let me say, coming off holidays in order to do her civic duty. I use that in its generic term.

**MR. CHAIRMAN:** We are going back to what we skipped yesterday, which is 3.(b)(1) and 3.(b)(2), Manitoba Human Rights Commission: Salaries and Other Expenditures.

The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I believe the Attorney-General indicated in his opening remarks that the Human Rights Commission would be reduced by two members, from seven to five.

**HON. R. PENNER:** No, that's the Law Reform Commission.

**MR. G. MERCIER:** Could the Attorney-General indicate whether in view of what appears to be a reduction in salaries, is there a reduction in positions?

**HON. R. PENNER:** No, again that's the 27th pay period.

**MR. G. MERCIER:** Mr. Chairman, it was indicated last fall by the Chairman of the Human Rights Commission, Mr. Gibson, that a package of proposed changes to Provincial Human Rights legislation would be sent to the Minister in the next two to three weeks and that was reported on October 25, 1983. Has the Minister received those recommendations and does he intend to introduce amendments to The Human Rights Act?

**HON. R. PENNER:** Yes and no, respectively. Yes, I have received recommendations to the Commission. I must commend the Commission who worked for about a year and put in an enormous amount of time - there were hearings - and used their collective skills, which I judge objectively to be the best in the country in the human rights field, to come up with some recommendations, but there hasn't been an opportunity to have them studied internally and there are no plans to introduce changes at this Session.

**MR. G. MERCIER:** Did the Commission hold public hearings on that review of the Act?

**HON. R. PENNER:** Yes, it did.

**MR. G. MERCIER:** Mr. Chairman, in view of the fact that public hearings were held then, would the Minister not agree to table the report of the Human Rights Commission?

**HON. R. PENNER:** Yes, as soon as I've had an opportunity - and I'm not being disingenuous here - to study the report, because I think that it's incumbent upon a Minister tabling a report of that kind to be able to respond to any of the suggestions that are made. That's certainly something that will be asked and in the fullness of time I want to be in a position to do that.

**MR. G. MERCIER:** Mr. Chairman, could the Attorney-General undertake to table that at this Session of the Legislature?

**HON. R. PENNER:** I'll make an effort to do so.

**MR. CHAIRMAN:** The Member for Gladstone.

**MRS. C. OLESON:** Thank you, Mr. Chairman. I haven't got, of course, the '83 Annual Report in front of me, it

hasn't been published, so I was just wondering if there was any difference in the structure of the work being done. For instance, you still have one education officer?

**HON. R. PENNER:** Yes.

**MRS. C. OLESON:** Is he full-time education and working with that type of thing, or does he have to float as well?

**HON. R. PENNER:** Full-time Educational Officer.

**MRS. C. OLESON:** Full-time education. You have someone who goes to - I believe I saw an ad in the Brandon Sun - where there was an officer going out to Brandon periodically. How often is that and is it the same officer that goes out each time?

**HON. R. PENNER:** It's rotating, that is it will be a different officer, not necessarily the same and it's one day every two weeks.

**MRS. C. OLESON:** You still have an investigating officer at The Pas, only one officer at The Pas?

**HON. R. PENNER:** One officer at The Pas.

**MRS. C. OLESON:** Does he also service the Thompson area and have an office there periodically or how does that operate?

**HON. R. PENNER:** That is right. The Human Rights Officer at The Pas makes trips to Thompson.

**MRS. C. OLESON:** Is there any structural change within the Winnipeg office? How many investigating officers are assigned, how many assigned to investigations and just how is the structure operating within the Winnipeg office?

**HON. R. PENNER:** The only change of significance is that we were finally able to hire a Chief Enforcement Supervisor in December and, up to that time, because we couldn't find a suitable person, the Executive Director was carrying both the load of Executive Director and that particular function. With the addition of that person, it's made an enormous difference because we were fortunate enough to be able to hire someone with legal training in that position who is able to very carefully instruct the officers in their legal obligations and duties.

**MRS. C. OLESON:** Well, what are the duties of that officer besides the training of the officers?

**HON. R. PENNER:** It's supervisory.

**MRS. C. OLESON:** Supervisory over the . . . ?

**HON. R. PENNER:** The Human Rights Officers.

**MRS. C. OLESON:** The Human Rights Officers. Now, a while ago, I believe it originated in the Winnipeg Free Press, there was an article to do with the sexual harassment case and I was rather appalled to see names, and quite explicit descriptions of the case. Later

in the Winnipeg Sun, I have that clipping with me and it says: "Legislation Eyed in Wake of Human Rights sex case," and in it Mr. Gibson suggested that they should be looking at legislation to deal with this sort of problem because it was, as the female in question was quoted in the paper as saying, that if she had realized this was going to happen, she would never have testified.

This brings a really great problem in focus with that sort of case, in that it's going to discourage anyone from making a complaint. After having read that article I'm sure there are people that feel well, good grief, we don't need that hassle, as well as the problem we already have.

Of course if you want to look at it in another light, it also would be detrimental to the reputation of someone who was complained against with all this information being published. Is there anything that the Attorney-General is contemplating doing with regard to that type of case?

**HON. R. PENNER:** Thank you very much for that thoughtful question. You really put your finger on what may be properly described as one of the intractable problems of the administration of justice, in all of its forms, trying to balance the right of the public to know and the media accordingly to be present and report against the human rights of individuals who are involved, whether it's in a human rights case, or indeed in a criminal prosecution where often enough, to make it a problem someone accused sometimes of a particularly heinous offence is found not guilty, nevertheless, the whole matter has been reported.

This now has become an even greater problem because, in particularly sensitive areas in the administration of justice dealing with women and children, where previously the right of the section in The Juvenile Delinquents Act - which we no longer have but just to use it as an example which allowed a judge to bar the media - could no longer be enforced because of the Charter. So we would run into a Charter problem if we attempted to legislate a blanket prohibition and that brings me to the point, and I don't understand the member to be proposing a blanket prohibition.

You are concerned, as I think appropriately we all would be, about sensitive areas. I'm expecting a report from the Chairperson of the Commission, Professor Gibson, and I think it may be possible to allow enquiry officers in boards of adjudication - I guess we'd call them formally - to have a discretion; because if it's done on a discretionary basis, the cases that have been decided under the Charter would seem to indicate that that may not infringe the other right in the Charter of freedom of press, freedom of the media. So that's the avenue that we're looking at.

So you could take a case like the one there and the complainant says look, I want a complaint and I want this adjudicated but I'm just not going to bring it forward for a whole number of reasons. It should be possible, in a particularly sensitive area for an adjudicator to say, close the doors.

Now I want to be clear that I'm not, from this chair, proposing that as policy. I'm simply - for the member's benefit and other's - putting on the table a possible solution.

**MRS. C. OLESON:** No, I wasn't giving any positive idea either. I just wanted to raise the question because I thought it was a very valid one, particularly because of this case. Of course, many of these cases are dealt with and never come to adjudication, and in that way would never be made public. But that one did and it was unfortunate and I think it will probably set back the process. I think there were great strides being made in that particular area of human rights, and I think probably it's had a setback because of that particular incident.

Another question I was going to ask - and I will be dealing with this same sort of subject in the Estimates of the Minister who's in charge of social welfare. But there was recently an article in the paper about a single father who applied for welfare and was denied because it was only available to mothers. It seemed to me that that subject had come up when I was on the Human Rights Commission and we had talked about it then. I was just wondering if there is any thought to change legislation in that line, or would this fall strictly into the Department of Welfare, or would the Attorney-General be involved in it also?

**HON. R. PENNER:** I'm happy to be able to advise you that, in fact, legislation is drafted which will be introduced in this Session in an amendment to provide allowances for sole support fathers.

**MRS. C. OLESON:** I think that's all I had at the moment.

**MR. CHAIRMAN:** Thank you.

Item 3.(b)(1) and 3.(b)(2) relating to Human Rights Commission: Salaries and Other Expenditures—pass.

Resolution 20: Resolved that there be granted to Her Majesty a sum not exceeding \$2,330,100 for Attorney-General, Boards and Commissions, for the fiscal year ending the 31st day of March, 1985—pass.

We're now considering Item 5.(a)(1) and 5.(a)(2) relating to Law Courts, Courts Administration: Salaries and Other Expenditures.

Mr. Minister.

**HON. R. PENNER:** Thank you. Let me just introduce Marvin Bruce, our Director of Court Services, known to the Member for St. Norbert and, I think, a terrific administrator. Don't let that go to your head, Marvin, that was just for the record.

**MR. CHAIRMAN:** It is 5.(a)(1) and 5.(a)(2) together, Courts Administration: Salaries and Other Expenditures.

**MR. G. MERCIER:** Mr. Chairman, perhaps the Attorney-General could just indicate, it doesn't appear, but could he just advise us whether or not there's any significant change or new development or new policy in this category?

**HON. R. PENNER:** Not in that category, no.

**MR. CHAIRMAN:** 5.(a)(1) and 5.(a)(2)—pass.

5.(b)(1) and 5.(b)(2), relating to Court of Appeal, Queen's Bench, County Courts and Surrogate Court: Salaries and Other Expenditures.

Mr. Minister.

**HON. R. PENNER:** Thank you. Here I'll just note as I did in the opening, the two big developments are the amalgamation and the setting up of the Family Division of the Court of Queen's Bench.

**MR. G. MERCIER:** Mr. Chairman, we discussed this last year and in requesting the Law Reform Commission Report on amalgamation of the Court of Queen's Bench and County Court, I had also asked the Law Reform Commission to look at the Small Claims Court with a view to increasing their jurisdiction in view of the fact that the \$1,000 limit on small claims matters has been in effect for many many years. What with inflation and with the deterrent of high legal costs it was and still remains my view that the limitation on jurisdiction should be increased significantly.

The Attorney-General had indicated last year that he was studying the Law Reform Commission Report which came out last spring and I would ask him if he has any intention to proceed at this Session of the Legislature to increase the jurisdiction of the Small Claims Court?

**HON. R. PENNER:** No, I haven't, and that's not because I'm not mindful of the problem. What I had been hoping to do was just to step back a pace, as it were, and look at the whole Small Claims procedures. Now, in fact, that it's going to be auxiliary to the Queen's Bench, it raises the question of whether there may not be a more appropriate way of dealing with small claims.

But I think since that any change from the present system that members are familiar with, of having in effect Court Clerks sit as adjudicators and have a right of appeal to what would now be the Court of Queen's Bench, may entail some perhaps further study of the Law Reform Commission proposal than I've been able to give it, quite frankly, in the last year. I will say this, that if I don't - and I haven't been planning to bring in a simple change in the amount that can be adjudicated in the present structure in this Session - then I'll certainly give it very active consideration for the next Session.

**MR. CHAIRMAN:** 5.(b)(1) - the Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman.

I would like to ask the Attorney-General one general question with regard to the change in the amalgamation of the courts. Has the Attorney-General given any consideration whatsoever to the traditional venue of courts and the disruption of service that has traditionally applied to various sectors in the Province of Manitoba, and the disruption that will occur in the Administration of Justice when he has amalgamated the courts and has, in doing so, inadvertently omitted certain areas of the province where justice was traditionally imparted?

**HON. R. PENNER:** Did he say inadvertently?

**MR. H. GRAHAM:** Well, maybe not inadvertently. Maybe by design as removed from the public venue areas where justice had traditionally been imposed, and I'm referring specifically to the closing of the Virden courts.

**HON. R. PENNER:** First of all, let me set something straight on the record. The Virden court is not being

closed. Indeed, we're in active discussion with the town officials with respect to court facilities, to upgrade the court facilities, so that certainly doesn't speak about closing the courts. The major court there, as in most rural areas, is the Provincial Judges Court. That's the court that has the most frequent sittings in the centre, certainly in Virden.

There was a study conducted by the then Chief Judge, Allan Philp, Chief Judge of the County Court, in 1977, I think, now a Member of the Court of Appeal, and he produced figures with respect to the amount of actual judicial activity there was in the 16 county courts. I don't think I have the figures with me, but he, in looking at those figures, found what indeed on subsequent studies was verified, indeed a declining number of county court cases heard in a number - three or four - of the county court districts as they then were. It was his recommendation that a number of them be closed as county courts. That was in '77.

Since then, of course, amalgamation is taking place. Had amalgamation not taken place we still would have had to consider whether, for what is in effect one contested trial every two months, it warranted holding an apparatus and formally a county court district, so the recommendation had been made by the then Chief Judge Philp, that Virden, Beausejour, Killarney and Russell, I think - Russell would be amalgamated with Minnedosa, and Virden would look to Brandon, Beausejour to Steinkirk - these were the recommendations that were made and to some extent have been carried through with amalgamation.

But there is a difference, I think, and a substantial difference and that is, we are certainly maintaining, indeed as I say, upgrading court facilities, Virden and Flin Flon are the two - the Member for Northern Affairs is listening to this I hope, the Minister for Northern Affairs - I say that Flin Flon and Virden are the two places where we're really going ahead with upgrading court facilities regardless of whether or not they will be used for sittings of the Court of Queen's Bench on a regular basis, but because of the Provincial Judges Court hearings. We've removed the sort of the formal kind of division. All of Manitoba is now, in effect, one judicial district.

We have a number of judicial centres and if the parties, let's say are both from Virden, and it's a major case which would formally as a Queen's Bench case have to be heard in the circuit sittings of the Queen's Bench in Brandon, they can ask to have their trial heard in Virden and the Superior Court of Queen's Bench will sit in Virden. So to the Member for Virden, I hope that I've assuaged his feelings or at least given him some reassurance that we're not closing down in the rural centres.

**MR. H. GRAHAM:** I thank the Honourable Attorney-General for those comments. Is he now telling me that the cases that have normally been heard in Virden, if both parties agree, those cases can still be heard in Virden whether it be Provincial Judges Court, County Court or Queen's Bench, they can still be heard in Virden if both parties agree?

**HON. R. PENNER:** First of all, the Provincial Judges Court will continue to sit there as a matter of regular

routine - I'm not sure how many days a month it sits; it's three or four days a month - plus the Family Division of the Provincial Judges Court will sit there so that anybody who wants to bring a family case at the Provincial Court level can do so and it will be heard in Virden. The magistrate's work goes on on a daily basis, that will still be in Virden.

Now, take the kind of case which normally would have been within the jurisdiction of the County Court - there will no longer be a County Court in any event so we're talking about the jurisdiction of the Court of Queen's Bench. The parties normally would have that case heard in Brandon although it may be that someone from Virden is involved in a case which of necessity would be heard in Winnipeg. But if both of the parties to a court case that is a Queen's Bench case want to have it heard in Virden, then on a simple application to the court, the court may say, yes, that's where it will be heard. The discretion is left where I think it should be, in the hands of the court itself. It will not be a decision of the Attorney-General.

**MR. H. GRAHAM:** I thank the Honourable Attorney-General for that clarification. Can the Honourable Attorney-General honestly tell me that the Crown prosecutors would willingly move from Brandon or Winnipeg to a court in Virden if they knew that by saying no, say, they could have the case in Brandon where they wouldn't have to get up an hour-and-a-half earlier or something to appear in court? Is that the circumstance that the Attorney-General is outlining to us here?

**HON. R. PENNER:** No. With respect to criminal cases heard at the Provincial Judges Court, they will continue to be heard of necessity in Virden if they arise in the Virden area and I can tell him the Crown attorneys just love to go to Virden. I mean, it's worth that extra hour-and-a-half to travel through that beautiful countryside.

**MR. H. GRAHAM:** Well, they should.

**HON. R. PENNER:** Absolutely. They're in line to go to Virden. I have to beat them off with a stick.

**MR. H. GRAHAM:** No further questions.

**MR. CHAIRMAN:** 5.(b)(1) and 5.(b)(2)—pass.

5.(c)(1), 5.(c)(2) relating to Provincial Judges Court: Salaries and Other Expenditures - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I'd like to deal with the question of backlog in the Provincial Judges Court. When we assumed office in 1971, there was a very significant backlog and through concentrating on that problem, the department was very successful in reducing court backlog to somewhere close to three months for a trial, perhaps a little bit over that - between three and four months. In recent months, there have been news reports in December, for example, which indicated that spousal abuse victims were forced to wait six months to a year, often in fear, for their cases to go to trial because of a backlog in Manitoba's legal system.

In January, the Vice-President of the Manitoba Trial Lawyers Association described the new Provincial court system introduced a year ago to speed up trials as an absolute disaster. There have been, quite validly, concerns expressed by Mr. Myshkowsky with respect to the number of no-shows for trials.

The Attorney-General has, in his opening statement, referred to hiring a trial co-ordinator. Could the Attorney-General indicate what the backlog presently is and what efforts will be made, I assume through the trial co-ordinator, to reduce the existing backlog?

**HON. R. PENNER:** First of all, with respect to the spousal abuse cases, what we've done to cope with that is in fact we've organized to hold special hearings and the backlog there is only five weeks. Now that in itself is too much, but on a comparable basis it's an improvement. We want to improve it more.

With respect to cases of those who are in custody, the range is from eight to 12 weeks. In what we call the calendar court cases, these are really the short trials, the sentencing hearings, the one-day-or-less trials, were on a 15 to 90 day cycle. Finally, in what we call the non-calendar court cases, which are those that are more than a day, the sort of cases set to go on, it's anticipated it will be more than a day, but no one is in custody, there the delay is five and six months. Now, these are too long in most of the instances and we know that it is too long.

An attempt was made by the Chief Provincial Judge to develop a system called the calendar court system - if you ask me to explain it, I'm lost, but nevertheless I think I can - which it was his hope would maximize the use of court time and the efficiency of the court services and cut down the delay. That hasn't worked out as well as he had hoped, and on his recommendation and after studying the situation in Vancouver and Victoria with respect to a trial co-ordinator, Marvin Bruce went down with Chief Judge Gyles to look at both of those situations and with Wayne Myshkowsky. They came back strongly recommending a trial co-ordinator and we have been able to find a position internally for a trial co-ordinator. It's up for classification as soon as it's classified.

It will be advertised, or I think we will try to fill internally if we can, depending on the classification, and get cracking on it. I really think, having read some of the material on it, the report of Marvin Bruce and Wayne Myshkowsky, that it will work. It works in this way, just very briefly. One trial co-ordinator can handle four courts. I think we have run four courts at 373 Broadway. They will co-ordinate four. There are 10 courts at 373 Broadway; they'll co-ordinate four.

There is on any given day, just to take an example and I am perhaps oversimplifying, there will be a judge on duty there from 10 to 5, the regular sort of sitting hours, and you will have a couple of cases lined up for each one of those courts. Supposing that case No. 1 before Judge A folds, a plea of guilty - and as the member knows that's what happens that creates problems - then the trial co-ordinator who is on duty can immediately take the case in the lineup in Courtroom No. 2, waiting for Judge B who happens to be now involved in a trial that's going on longer than expected, and switch it into the first courtroom; and



the trial co-ordinator will have the power to say to counsel, your trial which you thought was going to be heard by Judge so-and-so is now in the next courtroom, you are going on in 15 minutes. I like the sound of it compared to what's been going on. Statistics show that you do more than double the amount of court time.

**MR. G. MERCIER:** Mr. Chairman, I can only hope that the situation then will be improved through the trial co-ordinator.

I would like to raise one other issue under this item, and it stems from the decision by the Attorney-General not to renew the appointment of Judge Baryluk as a Provincial Judge. The Attorney-General had issued a statement the end of June 1983, with respect to some remarks that had been made by Judge Baryluk to the effect, and I quote the Attorney-General, "It cannot help but be seen by many as a marked departure from the high standard of judicial conduct and decorum expected of all members of the Bench. I have today advised Judge Baryluk of my concerns in this regard."

Then the fact that the Attorney-General did not renew his appointment raises, I think, a very important question with respect to the independence of the judiciary. I am not defending, nor am I here to defend anything Judge Baryluk said, and that's not the issue. The issue is really, what should be the retirement age of a judge. I think there should be a clear mandatory retirement age for a provincial judge so that it is not left open to this Attorney-General, or any Attorney-General in the future, to appear to have made a decision not to renew the appointment of a judge because of a concern by that Attorney-General, that in his opinion the judge wasn't performing properly.

I think in order to retain that important principle of the independence of the judiciary, the Attorney-General should consider bringing forward perhaps in the form of an amendment to The Provincial Judges Act a mandatory retirement age for provincial judges. I don't necessarily think that that should be age 65; probably it could be discussed with the Provincial Judges Association, or perhaps an age of 70 might be appropriate perhaps in combination with an opportunity for judges to take some form of earlier retirement.

But I would ask the Attorney-General if he has similar concerns and whether or not he intends to bring in any amendments to The Provincial Judges Act to legislate a mandatory retirement age.

**HON. R. PENNER:** Are you planning early retirement, is that what it is?

**MR. G. MERCIER:** He doesn't have any choice.

**HON. R. PENNER:** I am closer to 70 than he is. Are we on record?

**MR. CHAIRMAN:** We are.

**HON. R. PENNER:** Then we can't place bets.

With respect to that question, I thank the member very much for raising it. Indeed, I think in all probability, he is right in suggesting that the situation would be a lot better in this particular area because I don't want to make a general statement about mandatory

retirement, other than saying that is an issue that is very much close to the top of our agenda for discussion. I have to look at it in either a broader or a narrower context and, certainly, there is a case to be made in this one area. I wouldn't want it to be seen as a precedent and, certainly, the provincial judges themselves would be happy with a specific age. There has arisen a great deal of - well, there isn't unanimity. I would say, essentially there seems to be a consensus with respect to an age, and I want to discuss that further with them and with my colleagues. I really do hope to bring in a specific amendment to The Judges Act on that issue, not this Session but at the next Session.

Just one final remark. I would like it noted for the record with respect to Judge Baryluk that he was - it's true that he was not renewed - but he was not replaced because of the switch of the family work in the Eastern Judicial District to the new Family Division of the Court of Queen's Bench. Collectively, in the Provincial Judges Court, we have a surplus arguably from two to four judges. I didn't replace Judge Helper either when she was appointed. Judge Baryluk had an opportunity for a part-time appointment to the federal court which he has taken, so he sits as a part-time judge on some cases - I am not sure if it's immigration appeal cases - but some cases in federal court which may expand to a little more work which he's quite comfortable with and, in the circumstances, it was the best resolution, but it was not personal.

**MR. G. MERCIER:** Just one short comment, Mr. Chairman, because of a comment made by the Attorney-General. I do not advocate compulsory retirement either. I do not support that, but I think this is one area where it is justified.

**MR. CHAIRMAN:** 5.(c)(1)—pass; 5.(c)(2)—pass. 5.(d)(1) relating to Court Reporters: Salaries, Other Expenditures—pass.

5.(e)(1) and 5.(e)(2) relating to Sheriffs and Bailiffs: Salaries and Other Expenditures - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I have received a copy of correspondence with the Attorney-General from a Mr. Ron W. Kimmel, particularly concerned about problems of per diem sheriffs' officers. The Attorney-General would have received it last June and he made a reply, and then a further response was made to the Attorney-General and was referred to Mr. Pilkey who was going to further investigate the concerns.

I would simply ask the Attorney-General if he could perhaps undertake to review that matter and advise me, following the completion of the committee, whether those concerns have been further looked into.

**HON. R. PENNER:** Yes, I will undertake to do that.

**MR. CHAIRMAN:** (5.(e)(1) to 5.(f)(2) were each read and passed.)

5.(g)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General had indicated that there were the additions of two investigators in this area, can he explain the need for that?



**HON. R. PENNER:** Yes, actually it's a rationalization and indeed an improved service. Up until now, for the Chief Medical Examiner to be able to carry out his functions, he relied, with respect to investigations, on medical examiners out in the field on a fee basis. It was both expensive and dilatory, in the sense that there wasn't like "Johnny on the spot" sort of service and, in fact, many of these people would just simply pick up the phone and carry out "investigation" on a phone basis. On the recommendation of the Chief Medical Examiner, Dr. Markesteyn, who looked into the situation, he recommended strongly that the service of the Chief Medical Examiner, in investigating deaths, could be better and quicker and more cost efficient over time by having two staff whose full-time job was these kinds of investigations.

**MR. G. MERCIER:** What, Mr. Chairman, accounts for the reduction in Other Expenditures of some almost \$350,000.00?

**HON. R. PENNER:** There are two components. The principle component is, in fact, a reduction in fees paid to these outside medical examiners because of the hiring of the two investigators. Another component was that we had, I think, built into the line for last year an allowance for a negotiated fee increase to the medical examiners who were out there in their private practices, but earned fees on a fee-paid basis. After looking into the matter very carefully we didn't, in fact, increase the fees so that there was really less paid out on a fee basis then is reflected in the figure for '84.

**MR. CHAIRMAN:** 5.(g)(1); 5.(g)(2) Fatalities Inquiries Act—pass.

Resolution 22: Resolved that there be granted to Her Majesty a sum not exceeding \$15,826,500 for Attorney-General Law Courts for the fiscal year ending the 31st day of March, 1985—pass.

We move on to 6.(a) and 6.(b) Legislative Counsel - Salaries, Other Expenditures - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, does the reduction in expenditures indicate a commitment on the part of this government to less legislation?

**HON. R. PENNER:** Judging by this Session, yes. With respect to the next Session, only the shadow knows and he's sitting in the back of the hall.

**MR. CHAIRMAN:** 6.(a); 6.(b) Legislative Counsel - Salaries, Other Expenditures—pass.

Resolution 23: Resolved that there be granted to Her Majesty a sum not exceeding \$394,300 for Attorney-General Legislative Counsel for the fiscal year ending the 31st day of March, 1985—pass.

We move on to Item No. 7.(a)(1) and 7.(a)(2) Law Enforcement Administration - Salaries and Other Expenditures.

Mr. Minister.

**HON. R. PENNER:** Let me introduce the members of the committee - Charlie Hill, formerly with the Winnipeg Police, who is Director of Police Services replacing, in

part, Mr. Gordon Wiens who retired, but we've made it a full-time position. Mr. Wiens devoted part of his time formerly to police matters and part to administration matters but, given the size of the Budget and the complexity of the matters that have to be dealt with in policing throughout the province - the municipal police forces and urban police forces and the RCMP and so on - we felt it advisable, and this was covered in last year's Estimates, to bring on a Director of Police Services. We feel ourselves exceptionally fortunate in being able to hire Charlie Hill. He's been on duty since November 1st and we're really beginning to see the benefit of his services and his experiences as a police administrator.

**MR. CHAIRMAN:** 7.(a)(1); 7.(a)(2) - Law Enforcement - Salaries and Other Expenditures—pass. 7.(b)(1); 7.(b)(2) Canada-Manitoba Gun Control - Salaries and Other Expenditures—pass.

7.(c) Provincial Police - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, could the Attorney-General indicate whether there are any increases or decreases in manpower of the RCMP serving Manitoba, and whether there are any changes in detachment offices planned during the forthcoming year?

**HON. R. PENNER:** First of all, with respect to the establishment in the RCMP, the current situation, as we go into this fiscal year, is as follows: the total number, the total establishment at the end of fiscal '84-85 was 723. That's made up of 588 - I may be out one or two because there's been some changes, and Charlie will correct me if I'm wrong - but 588 constables, officers; 87 public servants, that is civilians; 48 special constables for a total of 723. That's Special Indian Constables, I'm sorry. Now, that's the establishment.

The corrected figures, the vast amount of increase in the 3.(b) was not carried into effect, so what we were doing is we were holding or reducing, to some extent, detachments adjacent to reserves where the 3.(b) Indian Program would be carried out as we phased that in. We didn't phase it in to quite the extent that we had anticipated so the actual figures, as we go in to this fiscal year, are 597 RCMP - 89 civilians and 32 Indian Special Constables.

That's the staffing component. There hasn't been any significant increases other than, as I say, we're trying to work out a program over time to increase the number of Indian Special Constables and, indeed, to improve that program by locating some satellite detachments right in the reserve or on a reserve, and that's being phased in.

As we phase it in we're able to look at some reduction in adjacent detachments, that is, in the non-Indian constable part of the force and to redeploy. We have indeed been looking at the possibility of rationalizing. We're looking at workload statistics and we've received some information from the RCMP as to which detachments are up to their . . . They have a norm that they use and we respect that norm, that they expect to do so many cases, measured in different ways, per constable, and they're constantly monitoring that and, in that respect, we've received reports that indicate the possibility of some detachment closing, but no

decision has been made by Executive Council to close any detachment.

Indeed, I'm meeting with the RCMP this coming Monday, one of our regular meetings, but one of the items on the agenda will be to look at current statistics and to see what recommendations might be made formally to Executive Council with respect to the placement and staffing of various detachments in Manitoba.

**MR. CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** There's a very small increase in Expenditures. Was there no increase under the Federal-Provincial Agreement with respect to the cost of RCMP services?

**HON. R. PENNER:** Yes, there was a 1 percent increase on the contract. One of the reasons why there isn't a somewhat greater difference than is shown is that we have transferred out of the Attorney-General's Department, to Municipal Affairs, the police grants, which accounted for close to \$200,000.00.

The reason for doing that is because these were, in effect, grants in aid to municipalities and, with the Department of Municipal Affairs making other grants, they wanted to look at the whole grant structure because there were a lot of criticisms. We had that, of necessity, artificial cutoff that, if you were under 750, you got free policing; if you were over 750, you had to pay and we're into some kind of an argument now - not an argument, a difference of opinion, we don't have arguments - as to the actual population of Emerson, just to use that as a case in point, where we have statistics from Statistics Canada that says it's 754. They're convinced that it's 746.

There may be some odds and sods moving in and out of town rather rapidly, but it may be that if a grant program were built on some kind of more graded basis we wouldn't run into those sorts of arguments, but that's no longer, fortunately, on the Attorney-General's plate, it's in the Minister for Municipal Affairs' hands and he needs extra trouble.

**MR. G. MERCIER:** I congratulate the Attorney-General on ridding himself of that responsibility.

**HON. R. PENNER:** I bet you tried.

**MR. G. MERCIER:** No, we increased the support. I don't have with me the formula that was agreed to reluctantly with the Federal Government with respect to paying for RCMP services. Is the formula now fixed so that there will be no greater percentage increase in provincial share of RCMP costs?

**HON. R. PENNER:** No, it goes up every year. We were at 58; we're into 59 percent and I think once we reach 60 it begins to go up by 2 percent a year until, in 1991, we reach 70 percent and that's pretty expensive.

**MR. G. MERCIER:** Mr. Chairman, I assume this area contains the grant to the Dakota-Ojibway Tribal Council Police Program. The Attorney-General, I think, indicated the amount of the grant was \$100,000.00.

**HON. R. PENNER:** Correct.

**MR. G. MERCIER:** We discussed this during the past two sets of Estimates and has the Attorney-General yet received the review of that particular program?

**HON. R. PENNER:** Yes, I have, about a year ago, perhaps a little more. The review, I think, on the whole I would have to say was positive, perhaps more so in subjective than in objective terms; that is, the force had a fairly good acceptance by its community and that's always important in policing. It meant a lot to their eight reserves and that's important.

Objectively, in terms of its effect on the work of the RCMP in adjacent detachments, one couldn't come to the same conclusion that you could really measure its value in a cost benefit sort of way strictly on a dollar-and-cent basis.

Indeed, I had some reservations in that sense about the force. It was having some difficulties with staff turnover and of course every time there was staff turnover it meant (a) recruitment and (b) training, and we would have invested training costs and time costs and lost it and have to start over again. It would also, when that happened, lead to some temporary breakdowns in policing services and the RCMP would have to come in quite often to work the night shifts if one of two constables was gone and they were waiting to hire another on a particular reserve. I am just using these numbers by way of example. Then they couldn't run the three shifts and the RCMP from the adjacent detachment would have to come in for those shifts. The RCMP would have to come in, in any event for the serious crimes. So there were some problems. The costs were escalating, continue to escalate.

So approximately a year ago, February 1983, I entered into discussions with the Department of Indian Affairs and with the Minister, Mr. Munro - you may have heard of him - and said, look, we are being asked for a greater provincial commitment, and not very prepared to make a greater provincial commitment without substantially more federal funds being guaranteed over the long haul. At that time it was not accepted by Mr. Munro, the Minister. I think he is currently reviewing his position with respect to federal funding for the DOTC program. The DOTC people have said that if they don't get more funds they are going to close shop on that operation on July 1st. I hope they don't and I hope that there is indeed a substantial federal commitment. If there is, we will look at our grant.

There is a problem, quite frankly. We are paying a huge amount of money for the RCMP and it has a basic infrastructure, administration, all of the technical equipment that is required for a modern police force, and there is no way you can really duplicate that other than at some considerable cost if you have a variety of police forces. I look upon the DOTC force as an experiment that has not yet proved itself one way or another.

**MR. CHAIRMAN:** The Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. Could the Attorney-General indicate to this committee how many communities there are in Manitoba that come

close to that 750 magic figure where, according to the Attorney-General's own terms, the odds and sods are counted?

**HON. R. PENNER:** Not many. In the last three years, I think there have been four communities affected one way or another that were previously charged and are now not charged, or were previously not charged and are now charged. I think a total of four, and Charlie Hill will . . .

**MR. H. GRAHAM:** Could the Attorney-General indicate on what basis that count is used? Is it the census figures or what is the basis for his so-called odds and sods count used?

**HON. R. PENNER:** Stats Canada.

**MR. H. GRAHAM:** Canada Statistics. Does the Canadian statistics refer to them as odds and sods?

**HON. R. PENNER:** I never used the term "odds and sods." That was your term.

**MR. H. GRAHAM:** I beg to differ with the Honourable Attorney-General. He was the person that raised the issue of odds and sods, and I would hope that he would apologize to the people of Manitoba for that terminology.

**HON. R. PENNER:** First of all, the member should have raised it at the time. I was referring to the number that aren't there, not the people who are there; these unknown six. The number who are there who we count as 754 are not odds and sods, they are not a statistic; they are a community. It's the number about which everybody is uncertain, and I think are people who are just passing through and are residents of the lower mainland in British Columbia who I referred to as odds and sods.

**MR. H. GRAHAM:** Well, I am glad that the Attorney-General has now confirmed that it's only those of the lower mainland of British Columbia that are odds and sods, and I would hope that he would confer that . . .

**HON. R. PENNER:** Oh, sure.

**MR. H. GRAHAM:** . . . to the Province of British Columbia.

**HON. R. PENNER:** Well, it's only that part of the lower mainland which actually is south of the border.

**MR. H. GRAHAM:** Well, then, refer them to Ronald Reagan.

**MR. CHAIRMAN:** 7.(c) - the Member for Gladstone.

**MRS. C. OLESON:** Thank you, Mr. Chairman. I was just going to ask the Attorney-General what criteria his department uses in deciding where there is to be a police detachment. I am particularly concerned with two areas in my constituency and I am sure he knows which ones I mean before I say them.

Glenboro has long been requesting a police detachment; and MacGregor, I think it finds itself this year in one of those situations where the extra people, one way or the other, some of these communities are almost setting up a barricade in front of their town so no one will move in so they'll be on the other side of that picture. Anyway, back to the detachment issue. Naturally of course, they are costly, but what other criteria does your department look at when they are considering a request for a detachment?

**HON. R. PENNER:** Actually, in the first instance, we rely very much on the senior staff of the RCMP. We use the criteria that they use; those criteria are based on long years of experience in terms of a per constable load, for one thing. They have a figure as to the number of - I'll use the word "cases" - that's not quite the word - but that includes investigations, and response to calls and patrols. There is sort of a work quota, if you will, per constable. Then, when they are looking at an area as a possible detachment area, they have to look at the viability of a detachment. You see, a one-person detachment just isn't functional because you need some administration, you need shift, so it has to have that critical mass of cases which justifies the minimum detachment and when it reaches that point, it will be put on the list of possibilities when reorganizations take place.

**MRS. C. OLESON:** Of course, when you talk about cases and statistics, particularly the Glenboro area always comes up with the argument. I was on the council at one time when this request was made, that the statistics, of course, are cases that they are looking after, yet the argument always is that because there is no detachment there and because Glenboro is so far from neighbouring detachments that there would probably be a much larger caseload if there was someone there to work at it. Glenboro has found itself in the centre of a fairly large area and without a close detachment and have been, as you know, requesting for a long time that there be one put there. Is there any hope in the near future of that happening?

**HON. R. PENNER:** Not in the near future, I regret.

**MR. CHAIRMAN:** The Member for Minnedosa.

**MR. D. BLAKE:** If I might just help the Member for Gladstone in their plight, Mr. Chairman, Gladstone, which has a detachment of several members has become known as the radar capital of Canada and I'm sure they'd be glad to sever that staff and send half of them to Glenboro and leave half of them in Gladstone.

**HON. R. PENNER:** But where does the radar equipment go?

**MR. CHAIRMAN:** 7.(c)—pass.

Resolution 24: Resolved that there be granted to Her Majesty a sum not exceeding \$26,166,300 for Law Enforcement for the fiscal year ending the 31st day of March, 1985—pass.

We now proceed to Item 8.(a) and 8.(b) Public Trustee, Salaries, Other Expenditures. 8.(a) and 8.(b)—pass.

Resolution No. 25: Resolved that there be granted to Her Majesty a sum not exceeding \$1,628,100 for Public Trustee for the fiscal year ending the 31st day of March, 1985—pass.

9.(a) and 9.(b) Canada-Manitoba Legal Aid, Salaries, Other Expenditures - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, what was the amount of the supplementary funding that Legal Aid received during the last fiscal year over and above the 7.25 million?

**HON. R. PENNER:** 865,000.

**MR. G. MERCIER:** 865,000?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** Plus the 7.25 million from last year.

**HON. R. PENNER:** Is that 7.25 adjusted for the amount? So one must add the 865 to the 7.2.

**MR. G. MERCIER:** Well, the first question obviously then is, is 7.893 the amount budgeted for this year, a realistic figure? How does the Attorney-General see Legal Aid accomplishing that?

**HON. R. PENNER:** It depends if you ask the Attorney-General or the Executive Director of Legal Aid. You will note that in terms of the percentage increase compared to the overall percentage increase of the department, it is a higher percentage increase. We started out on what I hope over two years will bring the funding of Legal Aid into line with its actual requirements because - and I will grant readily - it has been not a highly rational process.

Every year since Legal Aid started it has, in effect, been underfunded and and perhaps I'm can't speak for every year when the honourable member was Attorney-General, but every year when I was involved with Legal Aid there was supplementary funding that might have been anticipated. The Provincial Auditor commented on this and in effect said, why don't you fund instead of always coming back for supplementary because under your legislation you're obligated to deliver service. You deliver service, you have to pay the lawyers and there's no way of getting around it. And if you have reasonable projections that you're going to spend, say, 8 million, then vote 8 million and not 7.5 and come back at the end of the year for another half-million.

We think we're fairly close. It's going to take some pretty tight controls within Legal Aid. I may say that the initial statistics, not just to this year but from the time where the upturn in the economy began to have some effect, the growth rate has been considerably less than it was as a result of the recession, so that for the 12 months ending March 31, 1984 - pretty current - we see that the number of certificates issued to the private bar has declined by 3.9 percent year-over-year. Now since in fact, the bulk of what we'll pay - I may change the word "bulk" in a moment - a considerable amount of what we will pay in fiscal 1984-85 relates to certificates issued in 1983-84, we've

reasonable belief in expecting that we can keep within that voted figure or that estimated figure.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General may have the figure there. The last report indicated that as of March 31, 1983, there were 11,738 uncompleted cases that would have a great effect on the cost for this year. Does the Attorney-General have those figures for the number of uncompleted cases as of March 31, 1984?

**HON. R. PENNER:** 11,890.

**MR. G. MERCIER:** It's higher.

**HON. R. PENNER:** Yes. And of those, 7,658 are 1983-84 certificates. But in that backlog some of them go back to 1973-74. I guess their filing systems are a little behind and we may never see the back of those certificates.

**MR. G. MERCIER:** The Attorney-General or Legal Aid must be anticipating an increase in certificates as a result of The Young Offenders Act.

**HON. R. PENNER:** Collectively that is right, although it's really broken down into two components. Essentially, we are maintaining our sort of Legal Aid criteria with respect to eligibility for Legal Aid of young offenders, but there is a statutory obligation under The Young Offenders Act itself that regardless of the financial eligibility, and regardless of whether or not a young offender meets provincial criteria, if the young offender charged and proceeding with formal adjudication asks for counsel to be represented, the court directs that the Attorney-General appoint counsel. Instead of setting up two structures, sort of an Attorney-General's young offenders advocacy program and legal aid, Legal Aid will administer the whole kettle of fish; small fish, but nevertheless kettle of fish, and that will increase the cost.

Now the Federal Government has made an offer. They made an offer with respect to young offenders, most of which fall within the purview of the Minister of Community Services and Corrections, a whole number of programs that will be funded federally relating to young offenders. The primary cost at the moment, which is eligible for federal funding, not hitherto eligible for federal funding, is with respect to legal counsel, and the offer that they've made to us and other provinces is inadequate, therefore, negotiations have not been completed between the provinces and the Federal Government. I think we're waiting for an additional response from the Federal Government.

The last negotiating meeting was last week and we're waiting for a further and better response from the Federal Government. The last federal offer would have shown an increase, in terms of representation for young people, the federal share of a paltry \$177,000, something in that order which we think to be inadequate. So we're hoping that we get a better offer.

In the meantime, we are adding some staff and setting up, in fact, a Young Offenders Duty Counsel Office in the Fort Osborne barracks complex.

**MR. G. MERCIER:** Mr. Chairman, the Executive Director was quoted in January as indicating that if the

government holds funding increases to 3 percent Legal Aid will have to consider reducing, or possibly eliminating, programs; could the Attorney-General indicate what, if any, programs are being eliminated or reduced in Legal Aid in the forthcoming fiscal year.

**HON. R. PENNER:** There are no plans at present to eliminate the programs. There were some programs that were looked at, in the event that the funding didn't come up to needed levels, but we think, hope certainly, that within the estimated amount we can keep existing programs functioning.

**MR. G. MERCIER:** Mr. Chairman, the last report referred to a study to which the Federal Department of Justice contributed some \$40,000 to a \$50,000 study, has that report been released or will it now be released?

**HON. R. PENNER:** I understand from the Executive Director that report has been received and it's on its way to me.

**MR. G. MERCIER:** It's on its way to you? Mr. Chairman, the report, as of March 31, 1983, indicates the report was completed prior to the writing of this report. I suppose that may be . . .

**HON. R. PENNER:** We may be talking about two different reports. Would you mind repeating the question? Which report are you referring to?

**MR. G. MERCIER:** I am referring to a report with respect to - it was partially funded by the Federal Department of Justice, \$40,000 with respect to financial guidelines that Legal Aid uses. Perhaps the Attorney-General could indicate what report he was referring to?

**HON. R. PENNER:** The same report in two parts. The first part was just the data base. The second part, which has just arrived and is going to the board, is on the cost implications extrapolated from the data base, so it's the same report. There was an additional grant of \$10,000 ready to complete that second phase of it. So it's that part of it, the part which in fact will give us some essential information as to what changes in the financial eligibility criteria will do that I expect to receive, certainly by the end of this month.

**MR. G. MERCIER:** Will that report be released to the public?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** Has the Selkirk office been closed?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** There was a report, Mr. Chairman, at the end of last week that a new funding agreement had been signed with the Federal Government involving Manitoba.

**HON. R. PENNER:** That's right. That's the basic overall Criminal Legal Aid Agreement.

**MR. G. MERCIER:** How much will the province benefit by that agreement?

**HON. R. PENNER:** I think in this year we go up a couple hundred thousand dollars. We will benefit in this fiscal year by approximately \$200,000 - between \$150,000 and \$200,000.00.

**MR. G. MERCIER:** Does the Attorney-General anticipate any increase in the legal aid tariff for the private bar?

**HON. R. PENNER:** Not this year.

**MR. G. MERCIER:** Are there any discussions or negotiations being contemplated?

**HON. R. PENNER:** I understand there's recommendations coming from the Legal Aid Committee of the Law Society. There's something that's moving from that back burner to front burner. I expect to receive an application, a formal request, for an increase in the tariff, but I haven't received a formal request for an increase in the tariff. I can't remember receiving one in recent months.

**MR. G. MERCIER:** Last year, Mr. Chairman, I asked questions with respect to certificates granted to groups, and groups denied a certificate by Legal Aid. Can the Attorney-General indicate which groups were granted certificates during the past year and which were refused.

**HON. R. PENNER:** I'll supply the member with that information tomorrow, I haven't got it with me.

Of course, those applications are not handled in my department, they're handled by Legal Aid. I may say again, although that isn't necessarily an indicator of anything very much, that I haven't received any complaints about groups who have applied for Legal Aid and have been turned down. I have, at least once a month, received a letter from an individual who has been denied Legal Aid and complained, but I haven't received any complaints from any groups.

**MR. G. MERCIER:** Mr. Chairman, last year we discussed the legal aid policy of not granting a Legal Aid Certificate to someone on social assistance to attempt to collect arrears of maintenance, and I indicated at that time that, while that policy may have been in existence for some time it appeared to me, from a public interest point of view, that where there was a likelihood of recovering arrears of maintenance which would, in effect, reduce payments by the province for social assistance, that consideration should be given to granting a Legal Aid Certificate. I wonder if the Attorney-General undertook to review that with Legal Aid, and I wonder if there's been any change in policy.

**HON. R. PENNER:** No, there hasn't. The approach that has been taken by Legal Aid is that the department itself, to the extent that it is really the singular, the only beneficiary of the action, if it wants to take the action to recover funds for departmental expenditures, should pay the legal costs that are involved, may do so directly or indirectly.

**MR. G. MERCIER:** Does Legal Aid intend to continue or expand their own criminal office that was established apparently to take over some of the work that had been referred to the private bar?

**HON. R. PENNER:** Same establishment in this fiscal year as in last.

**MR. G. MERCIER:** I have no further questions.

**MR. CHAIRMAN:** The Member for Minnedosa.

**MR. D. BLAKE:** Mr. Chairman, I want to just question now that we're on the portion of the Estimates of Legal Aid, I just want to maybe get the Attorney-General's views on a particular case that I have some interest in.

Approximately a year ago June, there were two incarcerated convicts, incarcerated for fairly serious crimes, that somehow or other became at large - the Attorney-General will probably be familiar with the case - and they arrived at Selkirk. They had been under some surveillance, I understand, for some many days by the law enforcement forces. They arrived in Selkirk and took a hostage in the Safeway store, and my interest in the case is the hostage happens to be an old and dear friend of mine.

She was subjected to several hours with a gun at her head, not knowing whether she was going to be dispatched at any moment or whatever, and probably through her efforts and the fact that the Safeway store was surrounded by some 30-odd armed police officers, with her efforts and the fact that they couldn't get out anyway, they eventually surrendered themselves to the law enforcement officers.

That particular case had a preliminary hearing in Selkirk, and I don't have to tell the Minister the trauma and the experience that lady has gone through. She appeared in the morning hearing that lasted through the afternoon. She had to go and buy her own lunch at noon while they were taken handcuffed downtown to a fancy dinner, at the lunch hour. Now they're pleading not guilty through the benefit of Legal Aid, and she now has to come back in the Assizes, whenever they are, in late May or June, to go through several more days of ordeal, testifying on what has happened.

My argument is, they were incarcerated for fairly serious crimes and somehow were at large, how can they now plead not guilty through the benefit of Legal Aid lawyers? That, to the public, is just absolutely incomprehensible and maybe the Minister might comment, to tell me how you get Legal Aid for someone that has been convicted of very serious crimes, and somehow gets at large and commits another crime where they're caught red-handed.

There has been no compensation for the victim. I've applied for an application for her to apply for victim's compensation because she won't go out at nights any more, she has lost her shift at the store because it was a night shift. I just can't convince myself that these people should be allowed to have legal aid.

I don't mind naming the lawyers, one of them is Brodsky who is a very well-known criminal lawyer. How can these people get legal aid? They were already put away; they've committed a crime, they were caught

red-handed, how can they plead not guilty to this crime and cost the taxpayers thousands of dollars for legal aid to defend them again?

I would just like to have the Minister's comments so that I might send the Hansard to my dear friend and tell her how this happens in our society.

**HON. R. PENNER:** Thank you very much for the question. The case to which the member refers is, in fact, not going to be heard in the Assizes, it's not jury trial, it will be heard in the County Court shortly but, nevertheless, that doesn't blunt the point of the question.

No. 1, the fact that someone has previously been found guilty of a criminal offence could not be used in my view, and in the view, let me say, of almost all Provincial Attorneys-General, with one possible exception, could not be used as a criteria in denying someone legal aid who may be charged with a second offence.

That is so because of something that runs like a golden thread through the web of our English Common Law, and that is the presumption of innocence . . .

**A MEMBER:** Are you sure it's a golden thread.

**HON. R. PENNER:** Yes, it's the presumption of innocence, and that has stood us in good stead as a principle of the administration of criminal justice. Sometimes it's difficult to accept it, but we accept it to protect the innocent and not to protect the guilty because, if that presumption wasn't there, then the chances of innocent people being convicted of crimes would be increased greatly.

That's something that goes back several centuries and, even if I wanted to I couldn't change it, it exists. So that's one aspect of it. The second aspect really relates to the same principle. You do find people who are caught "red-handed" - I can only assume that to be the case, I wasn't a witness, nor could I be, and I'm not the judge, nor will I be - who plead not guilty but, you see, if you stop to think about it, we could have an interesting discussion. Perhaps we might continue it after the formal Session here is closed or at another time, as to how could you devise a principle that could be applied fairly which said that, "If someone comes to the conclusion that in this particular case, the accused are as guilty as hell - and even if they say not guilty we're going to say they're guilty and therefore they don't get Legal Aid - how could you devise a principle that wouldn't in effect be a denial of the presumption of innocence to other people who will in effect not only deny that they were caught red-handed, but on analysis as the case develops there is insufficient evidence to convict. That's the problem and I don't know how to solve it. This is not incidentally to lessen the force of your concern, but to put it in the context of the principles of Criminal Justice which apply in this as in other areas of the criminal law.

**MR. D. BLAKE:** Yes, thank you, Mr. Chairman. I can understand what the Minister is saying, but how do you tell that to John Q. Public out there, that knows exactly what happened; they haven't finished serving their time - which they probably got Legal Aid for to



defend themselves in the first place - having never finished serving their time, somehow became at large - probably going to a hockey game or somewhere, at our expense - how do you convince the public that this is justice?

This woman was subjected to God knows what, in the four or six hours that she was held hostage, thinking that she was going to be shot any minute. What compensation is there for her? I know with Criminal Injuries she may get something and she may get a thank you for being such a brave soul and talking them down into handing their guns out when they walked out of that store. But, how do you convince the public of this Legal Aid? And I know the basic principles of it and I don't object with them, but in a case like this, how do you convince the public that that lawyer - and we know what's happening with Legal Aid - there's a hell of a lot of lawyers making a lot of money out of Legal Aid - how do we know that they are really serious about trying to defend an undefensible position of a non-guilty plea on these two men, and bleeding Legal Aid for God knows how many thousands of dollars for their fee?

Mr. Attorney-General, I'm saying to you, that is what's giving Legal Aid a bad name, and it's getting a bad name in a lot of areas. I don't object to the principle of it, I know what it stands for and I know it should be there, but there are cases like this that just put the taxpayer out there, who's footing the bill eventually, to say to himself, what are we getting ourselves into? This is just an impossible situation. How did we get into this? I don't know how you're going to explain that to the people out there.

This particular case is just one example and there's probably hundreds of others. How can you justify these people pleading not guilty? I know what you've said about the threat of justice. They haven't completed their last sentence, and they've committed another heinous crime that the woman may never fully recover from for the injustice she has suffered, and the humiliation and the trauma that she went through, how do you justify that in the minds of her and her family with what she went through?

**HON. R. PENNER:** I'm not going to rely entirely on the subjudicial rule, but the fact is that two people have pleaded not guilty of an offence and are presently before the courts, so, I can't comment on the particular case. Indeed, I haven't got sufficient information to comment upon it in any event.

I share the members sentiments and concerns in the sense that the feelings that he's expressing, and I understand that in a particular instance those people who indeed have some information or connection with he incident, will feel that justice is not being done. Ultimately, as we've come to know through the ages, justice has to be done according to law.

There are legal principles which, as I say, have stood the test of time, but you can't really and I know you can't in some professorial way explain that to people who are concerned, they'll still think that it's not right and those will be the words that will be used. I simply say that I can't explain it in any other way than I've attempted to do in dealing with the issue.

Just one more thing, if I may. I don't think however, with respect, that kind of incident is few and far

between. I do want to speak up in defence of the Criminal Bar. My experience, and I'm just going to speak to Mr. Guy here, in a moment, the Acting Assistant Deputy Minister and the Director of Prosecutions, the vast majority of persons who are charged with offences in fact plead guilty; ultimately plead guilty.

There are very few persons charged with an offence who go to trial, very few, and to a very considerable extent the role that the counsel plays - and counsel are responsible by large, there's the odd bad apple, there is everywhere - is to say, "Look, in these circumstances, you ain't got a hope." I hope they say it somewhat more elegantly than that, "And the best I can do with you, if you want, I'll speak to the Crown Attorney, maybe it will be a question of speaking to sentence and we can do the best for you to get a reasonable sentence, but that's the way we've got to go." That's what they'll tell him, and that's what will happen ultimately. I have the name of the case to which you refer - I won't mention it here - but I can only say this to the member, I will look further into it.

**MR. D. BLAKE:** Well, just to conclude, Mr. Chairman, I appreciate the Attorney-General, and I do hope that he will give me something substantial to justify what has happened in this case, because he said it himself, they were caught red-handed. They haven't finished serving a previous sentence, so they ain't got a hope of beating this case.

**HON. R. PENNER:** I didn't say that. Whoa, whoa, off the record, I didn't say that. I couldn't comment on that.

**MR. D. BLAKE:** Well, I was paraphrasing something that the Attorney-General didn't say. But in my own words, Mr. Chairman, . . .

**HON. R. PENNER:** In which case your paraphrase is accurate.

**MR. D. BLAKE:** . . . they ain't got a hope, and I think this lawyer is bleeding Legal Aid trying to tell these guys they can plead not guilty and that he's maybe got a chance to get them something less than what they might get, but they ain't got a hope and why in the hell are we wasting this money on Legal Aid trying to defend them? They haven't finished their last sentence yet and they're bad apples. I hope the Attorney-General looks into this case and gives me something that I can sort of cool my emotions with and maybe try and help my friend get back into a normal life, because she went through a tremendous traumatic six hours with a gun at her head and went through abuses like I won't describe to this committee.

For those people to plead not guilty and have a hotshot lawyer that's making hundreds of thousands of dollars a year, I don't know what lawyers make, Mr. Attorney-General, but I understand it's lots of money . . .

**HON. R. PENNER:** It's not much if they're Attorney-General.

**MR. D. BLAKE:** . . . I don't see how you can justify giving Legal Aid to the lawyer that's defending these people because it's an indefensible position.



**HON. R. PENNER:** We'll look at it. I just say this about bad apples because the Chief Executive Officer of the Liquor Control Commission is here. Bad apples may not make good applesauce, but they sure as hell make good Calvados.

**MR. CHAIRMAN:** The Honourable Member for Wolseley.

**MS. M. PHILLIPS:** I'd just like to ask the Attorney-General if he would agree or address part of the question that the Member for Minnedosa raised, and I think there are two distinct problems, the one that the member was concerned about in terms of legal aid and all the legalities of how to deal with the perpetrators of the crime. There is also the separate area of the victims of the crime which regardless, she will be living with that trauma whether the persons are in jail for the rest of their lives or for two years and back on the streets, or whatever.

I think, in a totally different area, is the matter of compensation, and even if a person gets a couple of thousand dollars for compensation, she will still have to live with that trauma and those memories. No matter what happens in the courtroom, those will not be erased. Whether Legal Aid is paying the lawyer or whether the individuals are paying out of their own pockets, or their father is paying the lawyer, it doesn't take away the trauma of that experience. So whether she feels better on one side that justice was done in her opinion in terms of retribution is one question, but it will never take away the memories or the emotional trauma.

**MR. CHAIRMAN:** The Member for Minnedosa.

**MR. D. BLAKE:** I thank the Member for Wolseley for her sentiments and I agree with her completely. The problem is that in order to get some justification or some satisfaction from the Criminal Injuries compensation, she will probably have to hire a lawyer in order to get some compensation and she is not entitled to Legal Aid.

**MR. CHAIRMAN:** 9.(a), 9.(b) - the Member for Virden.

**MR. H. GRAHAM:** Thank you, Mr. Chairman. I think there is another element that comes in here in this whole discussion, and it's a question of whether - I think we all agree that Legal Aid should always be there to assist those who are unable to defend themselves because of their own financial resources, are unable to protect themselves in a court of law, but there comes a time when you maybe want to make a distinction between defending a person who is a first offender as opposed to a person who is a repeated offender. Is there any policy in Legal Aid which tries to differentiate between providing assistance to those who are first offenders as opposed to those who are repeated offenders?

**HON. R. PENNER:** The only place where that's being looked at to my knowledge is in British Columbia where the Attorney-General, Brian Smith, in some public pronouncements within the past several months has announced that that was being seriously considered

by him. I may only say that the criticism that he has received from many quarters in British Columbia for that suggestion would give me some pause in making the same suggestion myself - not because of the criticism, one gets use to that after a while - but I still think on terms of the principle which I announced that it is at best an unsafe course to take.

**MR. CHAIRMAN:** 9.(a), 9.(b)—pass.

Resolution 26: Resolved that there be granted to Her Majesty a sum not exceeding \$7,893,400 for Canada-Manitoba Legal Aid for the fiscal year ending the 31st day of March, 1985—pass.

10.(a), 10.(b) Personal Property Security Registry, Salaries, Other Expenditures—pass.

Resolution 27: Resolved that there be granted to Her Majesty a sum not exceeding \$817,700 for Personal Property Security Registry for the fiscal year ending the 31st day of March, 1985—pass.

Going back to the initial Item 1.(a), Minister's Salary.

**HON. R. PENNER:** Do you want to deal with the Liquor Control first?

Could I ask Mr. Emerson, Irene Hamilton, whoever else . . .

**MR. CHAIRMAN:** In accordance with the usual practice, the Chief Executive Officer of the Liquor Control Commission is with us, Mr. Emerson; Mr. Janzen and Irene Hamilton also.

The Member for St. Norbert.

**MR. G. MERCIER:** Thank you, Mr. Chairman. The Attorney-General has, through the Liquor Commission, supplied me - and perhaps a copy should be tabled with the committee - with a few sheets of paper that outline product price changes and mark-up comparison from November 17, 1981, a black day in Manitoba, Mr. Chairman, to the present time.

**A MEMBER:** That's my birthday.

**HON. R. PENNER:** When is your birthday, November 17th? I thought that was the date of the Russian Revolution.

**MR. G. MERCIER:** These sheets, Mr. Chairman, point out very substantial price increases that have taken place at the commission as a result of government imposed and increased provincial markups and sales tax, so much so, Mr. Chairman, that I believe it is fair to say - and perhaps the Attorney-General is aware of this through the Chairman of the Commission - that Manitoba's prices are now I believe the second overall highest priced jurisdiction in Canada. In some little over two years the government, through its measures, is taxing this product to produce an additional \$40 million over what it was taking in as revenue from the commission when they took office.

They have made significant increases in the markups and many people don't understand this system. But what it means, for example, with imported spirits, by increasing it from 115 percent - which was in effect November 17, 1981 - to 138 percent now, and the increase in sales tax means that whenever there is an

increase in the price of the product the provincial government takes 138 percent of that imposed increase. I do want to say, because of the prices that the government has imposed, that the Attorney-General and the government should seriously consider reducing the markup back to the levels that it was in 1981 so that the price increases that the government takes will not be as exorbitant as they presently are.

I believe those provincial markups are also second highest in Canada. The sheets would indicate the prices of products of the Commission have increased, under this government, by some 40 percent, generally. This has had, I believe, with respect to the tourism and hospitality industry, an adverse effect in that industry because people simply don't want to come to Manitoba to pay the kinds of prices that this government has produced.

I would ask the Attorney-General if he could confirm my belief, based on these statistics, that Manitoba would be the second highest priced jurisdiction in Canada and would he give some consideration to reducing the markup so that the government is not taking this exorbitant amount of money and adding it on to the price of the products in the future whenever other increases are imposed.

**HON. R. PENNER:** In terms of end cost on a sampling of various spirits, wine, our position in the provincial spectrum - with the 1984 budgets of PEI, Quebec and Ontario still to come, I think Ontario's is slated for May 15 - we're third highest, Seagram's Five-Star rye, fourth with respect to a variety of rum - and these are fairly typical - third on a vodka - I'll come to the worst one in a moment because I have a personal interest in it - third in one variety of gin, and fourth in another; sixth with respect to an imported wine, and sixth with respect to a domestice wine, so we're not second in these instances. There's one instance where we do have the highest and it's, I regret to say very sadly, that it's Ballantyne's scotch.

**A MEMBER:** You know where to hit a guy, don't you?

**HON. R. PENNER:** They sure do, I want to tell you. But that's where we are. I should, having said that, point out just using this as an example, take the Canadian Spirit whiskey priced at \$9.95, November 17, 1981 - I pick that date at random - with a provincial markup of 110 percent and the provincial sales tax at that level of 10 percent, that was \$9.95. That booze selling after September 1, 1983 and today at \$14.10; but of that difference of \$4.15, \$2.35 is federal tax increases, so pin part of the tail on this easy-to-get-along-with beast of burden, but not all of it.

**MR. G. MERCIER:** Mr. Chairman, is the Attorney-General prepared to give some consideration to reducing the provincial markup as it applies to price increases in the future?

**HON. R. PENNER:** The recent Budget is fresh in everyone's minds and will have noted that there was no increases in that Budget with respect to liquor. I can only say that that speaks for itself. We do believe that we're, at least at present, gone as far as we should

go. I don't want to be preaching, don't intend to be preachy. It is true it seems to me, as reflected in the level of consumption of spirits, compared to wine, that the high price operates, to some extent, as a deterrent. Well, obviously it does, you're getting to a point where people cut down the amount of high-priced spirits which they're drinking and, indeed, that's reflected overall, an absolute decrease in the volume of spirits.

For the first time in three years the per capita consumption of spirits in the province dropped. There's something to be said for that and you can't, I know, automatically attribute it to high prices and, therefore, make a virtue out of high prices, but there is some relationship. One has to be careful in saying, let's do something that will fairly drastically reduce the price of booze, but may fairly drastically increase the consumption of booze. It's very difficult to ride this uneasy balance which we have sought to do in Manitoba and, I think at this time, fairly successfully, between control and marketing.

**MR. G. MERCIER:** Does the Attorney-General intend to introduce amendments at this Session that would end the supper hour closing of beverage rooms?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** Does the Attorney-General intend to introduce legislation with respect to the restrictions on advertising?

**HON. R. PENNER:** No.

**MR. G. MERCIER:** Does the Attorney-General have any further statistics to what he provided me with yesterday, with respect to the sale of South African products?

**HON. R. PENNER:** Did I provide you with some statistics?

**MR. G. MERCIER:** Last year . . .

**HON. R. PENNER:** Oh, last year, I thought you said, yesterday.

**MR. G. MERCIER:** Pardon me, last year the commission, through you, indicated that in fiscal year 1983, sales of South African products amounted to a 341,038.7, reduction from fiscal year'82.

**HON. R. PENNER:** There's been a further decline of 20 percent. South African products accounted for approximately \$400,000, slightly less than .22 percent of total commission spirits and wine sales. Year-over-year there's been a decline of 20 percent. It stands at about the same percentage, but there's been a decline, its volume being so small that the overall percentage I think remains the same, .22 percent.

**MR. CHAIRMAN:** The Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. First of all, I'd like to ask a fairly general question of the Attorney-General dealing with the Manitoba Liquor

Commission. It appears to me, as a member of the Legislative Assembly, that while the province has many boards and commissions and agencies, that those agencies and boards and commissions that appear to lose money are referred to some committee of the Legislature, such as, the Utilities or the Economic - and I refer to Flyer and McKenzie Seeds and Telephone and Hydro and that - and yet we find that the Liquor Commission, which is a money-generating commission, reports through the Minister in his Estimates. Has there been any consideration given to having the Liquor Commission report to a special committee of the Legislature, or would there be some concern, if that happened, they might lose money?

**HON. R. PENNER:** We weren't sure whether we would classify it as a public utility or energy. No, we haven't. Look, why do you fool around with a good thing? We hope in fiscal 1984-85 that it brings in \$130 million; that's \$130 million less that the taxpayers are going to have to pay for the valuable services which this government renders.

I think there is general agreement - the Member for Minnedosa is laughing and I think that's good because you sleep better after you laugh during the course of an evening. Seriously, I think no one can doubt that we have in Manitoba a very well-run, high-status, in terms of its public profile, Liquor Control Commission that we're all proud of. The quality of stores has improved enormously; the quality of product being marketed improved enormously; the quality of service to the public has improved enormously. I think this method of reporting has worked well. Certainly, if there is strong feeling from any group in the House or members of the public that we should report differently, I'm prepared to look at it.

**MR. CHAIRMAN:** Before I call the Member for Wolseley, the Member for Minnedosa.

**MR. D. BLAKE:** Thank you, Mr. Chairman. I just have one or two quick questions to ask the Attorney-General. After observing two years of this government in office, I don't know how anybody in Manitoba can go to sleep laughing nowadays. I just wondered, is the Attorney-General . . .

**A MEMBER:** Are you crying yourself to sleep?

**MR. D. BLAKE:** . . . giving any consideration to giving up this damned-fool notion of having South African wines hidden behind the counter in the liquor stores of Manitoba?

**HON. R. PENNER:** The member referred to a damned-fool notion. I don't know of any notions that I have that are damned-fool notions. Now, if you are referring to our policy with respect to South African wines, no; no consideration is being given at present to changing that.

**MR. D. BLAKE:** Well, it could become a long discussion because I happened to have a couple of friends visiting from South Africa a few days ago, and he tells me this apartheid thing is a bunch of nonsense, that coloured

folk are as welcome as anybody else and they're intermingled and it's a lot of nonsense hiding their wines behind the counter. So I just wondered, maybe in view of what has transpired over there with evolution and the natural process of integrating the people, that maybe he might think that this is was bit stupid, that maybe we should put Russian vodka behind the counter, too, and a few other things.

But besides that, my perennial question, Mr. Chairman, to the Attorney-General or to members of the commission, comes to Page 19 of their report, and I mentioned it before - Prosecutions under The Liquor Control Act. I know it's a very delicate area to get into but, again, we come to the statistics, the number of convictions in information sworn by the City of Winnipeg, 920 fines totalling 47,521; rural Manitoba, 8,995 resulting in fines of \$5,333 to our 96, and there are 600,000 people living in Winnipeg.

**HON. R. PENNER:** Page 19?

**MR. D. BLAKE:** Surely, Mr. Attorney-General, this information that is given here has to be addressed in some way.

**HON. R. PENNER:** We had a similar question yesterday with respect to impaired driving convictions which show the same apparent disproportion. I think, substantially, it's a question of high versus low visibility; that is, that in a densely packed urban metropolis, such as Winnipeg, with the vast amount of police work that has to be done in a whole variety of ways, breaches of the act just aren't that obvious. I'm sure there are just as many breaches of the Act taking place - a similar number, in any event, proportionally - but they are just not that obvious and just aren't, therefore, detected with the same frequency as they are in rural areas where there are smaller communities and everything is sort of visible. I think really that's what it is.

**MR. D. BLAKE:** But, Mr. Attorney-General, you must recognize that that's a staggering difference . . .

**HON. R. PENNER:** So to speak.

**MR. D. BLAKE:** . . . that's 9-1. We're not bad people in the rural areas.

**HON. R. PENNER:** No, you're just not careful enough.

**MR. D. BLAKE:** We can't slip up the back lane to the golf course and down through other alleys to get to our homes. We have to drive five or six miles . . .

**HON. R. PENNER:** That's the point I was making yesterday.

**MR. D. BLAKE:** That's the visibility you were referring to, but surely you can tell the boys to give a scant eye once in a while.

**HON. R. PENNER:** A policeman's lot is not a happy one and it would be even more unhappy if I were to attempt to tell them how to carry out their duties. Not only that, I'd be swinging from the next sour apple tree.

**MR. D. BLAKE:** I wouldn't want you to do that, but I know my editor is going pick this up when I give him the report tomorrow when I get home, that us rural folk are being put upon.

**HON. R. PENNER:** Only those who drink.

**MR. CHAIRMAN:** The Member for Wolseley.

**MS. M. PHILLIPS:** Yes, Mr. Chairperson. Now that we've had comments from the Member for Minnedosa on his damned-fool ideas about South Africa, I'd like to follow up on the — (Interjection) —

**HON. R. PENNER:** Can you do that in some other committee, the two of you?

**MS. M. PHILLIPS:** The question I have is about . . .

**MR. CHAIRMAN:** Order please. It reflects upon the committee.

**MS. M. PHILLIPS:** The question I have is about inspections and prosecutions. Now that the Attorney-General has moved the liquor store from The Bay down to the end of my street, it arises out of a concern that has been expressed to me by parents from Gordon Bell School, etc., and from the teenagers in my neighbourhood.

Under Inspections, on Page 18, I see where the inspections are all dealing with hotels, restaurants, dining rooms, clubs, banquet halls, etc., etc. I'm wondering what kind of monitoring there is of liquor stores themselves. You have beer vendors being inspected. In fact, the inspections at beer vendors are, this year, 6,300 inspections. My concern is - something came to my attention - a term that in my naive, pristine world, I wasn't familiar with, but it came to my attention the term was "fishing." How did you kids get this liquor? Well, we went fishing. And I said, I haven't noticed if you stood on the Maryland Bridge and dropped a fishing line over that you came up with a 24. So I, of course, explored the meaning of this new word in my vocabulary and found out that what it means is that you stand outside the liquor store and get someone to go in and make your purchase for you. I presume the practice is not new. The term was certainly new to me, but I learn something every day.

I guess my concern is that if the inspections are all taking place in all these places that are listed on Page 18, what kind of monitoring is going on at the liquor stores themselves throughout the province? And what kind of policy is there about either City Police or liquor inspectors or checking out that, if kids are hanging around outside the liquor store, someone isn't walking out and negotiating with them for these purchases. We talk about the increase in revenue and how that has to be turned over into preventative kind of programming and the damage that liquor does in our society and the rising number of teenage alcoholics. I think it's a very serious social problem and one that, at least, we could try to prevent at the source.

The Member for Minnedosa is nodding his head and, of course, you can never totally prevent it, but we could say that in terms of any of the other inspections. We

could say we could never prevent all the infractions in hotels or in beer vendors or in beverage rooms. So I don't buy the argument that we can't catch all of this, but I think an effort should certainly be made to make sure that at the liquor stores themselves, this is cut down to a minimum.

**HON. R. PENNER:** In fact, the staff in the stores, part of their duties is to monitor sales, with respect to the legality of sales, both with respect to age and with respect to anybody who's intoxicated. Their staff training takes place constantly and that is one of the matters that is taken up with staff as part of their duties. There's a supervisor for every five stores who includes in his or her duties the necessity of looking into any problems of that kind. Thank you for bringing the matter to my attention. Certainly, I can only say that I would hope if there is something of that kind taking place, fishing, hustling, prospecting, whatever term is used for that method of procuring booze illegally and, as someone said, that goes a way back and I recall it, not personally, I've always been abstemious, but as a well-known phenomenon - that that should be brought to the attention immediately of store staff or let me encourage to bring it to the attention of the commission.

**MS. M. PHILLIPS:** My question then would be, are these supervisors on their rounds of five stores in the evenings or any time or the few times once every three or four months that I go into the store myself, it seems that the staff at the store are busy with their duties inside, either at the cash register or stocking shelves, not outside wandering around to see whether kids are hanging out and whether that individual who is not intoxicated, who is of age, is purchasing the liquor for the teenagers that are hanging around outside? I recognize the member's concerns about the country being oversupervised. I'm concerned about the kids in my area who are finding it very simple to purchase liquor and my concern is that we are undersupervised. I don't know whether that's the duty of the inspectors or whether that's the duty of the City Police to be outside the stores. I haven't seen the staff from the stores outside.

**HON. R. PENNER:** The supervisors do, I'm advised, circulate throughout the day and if something of that comes to their attention, action will be taken.

**MS. M. PHILLIPS:** And the evening?

**HON. R. PENNER:** Yes, but no complaints have been brought to the attention of the commission itself of this practice.

**MR. CHAIRMAN:** The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, there's a recent article in the newspaper with respect to a computerized wine selection system with Home Management Systems. Can the Attorney-General indicate the cost of this program?

**HON. R. PENNER:** The maximum cost to the commission is \$4,000, and no ongoing cost to the commission after the test. The Home Management

Systems Inc., if it works out and we go ahead with it, would finance it entirely themselves from advertising revenue.

**MR. G. MERCIER:** Mr. Chairman, was this program tendered or advertised or bids asked for?

**HON. R. PENNER:** I think it's a unique program. I don't think there are competitors in the field. It's a unique program and they approached the commission with this program and the commission decided to give it a try.

**MR. G. MERCIER:** The cost is \$3,000 or \$4,000 for a three-month period to the commission?

**HON. R. PENNER:** Yes, that's a maximum cost. It could be less.

**MR. G. MERCIER:** A maximum cost. And if it is successful it would be continued in a store or stores?

**HON. R. PENNER:** Stores, more than one store.

**MR. G. MERCIER:** How would the operators of the system be financed?

**HON. R. PENNER:** They would finance it from the sale of advertising.

**MR. G. MERCIER:** The sale of advertising for what?

**HON. R. PENNER:** Wines.

**MR. G. MERCIER:** What form of advertising would this take?

**HON. R. PENNER:** It shows up on the computer. I told you never to trust a computer. You press a button, you say what do I serve with fish? The first answer, boiled potatoes; second answer, a good sauterne and presumably an advertisement for some sauterne.

**MR. G. MERCIER:** Does the Liquor Commission have any background information on a home management systems company?

**HON. R. PENNER:** It's a locally incorporated company.

**MR. G. MERCIER:** Could the Attorney-General indicate who the directors are of the company?

**HON. R. PENNER:** Eugene Hyworon and Motria Kydon.

**MR. G. MERCIER:** They're the only two directors?

**HON. R. PENNER:** I am advised that there are four. Those are the only two ones that the Chief Executive Officer knows of at the moment but we will obtain the information as to who the other two are.

**MR. G. MERCIER:** Could the Attorney-General, in reviewing that information, find out if another director is a Zorianna Hyworon who is the Assistant Deputy

Minister of the Department of Finance responsible for computer services in the government?

**HON. R. PENNER:** I'll ascertain that, apparently there's a corporate shareholder.

**MR. G. MERCIER:** In reviewing that information then, could the Attorney-General indicate whether one of the corporate shareholders Z Holdings is a company of Mrs. Hyworon is a significant or sole shareholder.

**HON. R. PENNER:** I certainly will and I can assure the member if that is so and if it touches any of our conflict-of-interest policy, then it will stop.

**MR. CHAIRMAN:** The Member for Virden.

**MR. H. GRAHAM:** Thank you very much, Mr. Chairman. In dealing with the Liquor Commission, in general, I believe that there was - I'm not too sure if it was this year's Annual Report or a previous one - indicated that in the government-owned liquor stores in the province, I believe there were 10 that were not of a self-serve nature. I believe that there was an indication in some previous reports that there was a move toward total self-service throughout the province. It may be last year's report, rather than this one. Could the Minister confirm that that is the move that the Liquor Commission is making toward total self-service throughout the province?

**HON. R. PENNER:** Yes, it is.

**MR. H. GRAHAM:** At the same time, could the Minister indicate whether or not there is a move on the part of the commission to change the type of store that is presently in the Town of Russell and convert that to a self-serve outlet?

**HON. R. PENNER:** Yes, the Russell store is due for relocation and conversion to self-serve in this fiscal year.

**MR. H. GRAHAM:** I believe it was also in last year's program that it was to be converted last year, could the Minister indicate whether tenders were called last year for the conversion of that store?

**HON. R. PENNER:** Yes.

**MR. H. GRAHAM:** Was that tender acted upon?

**HON. R. PENNER:** I am advised that it was tendered and then those tenders were not acted on, it was retendered in an attempt to reduce the square footage cost. It was a successful attempt, too.

**MR. H. GRAHAM:** In the subsequent retendering, can the Minister indicate whether the second retendering has been acted upon?

**HON. R. PENNER:** What is now being looked at is a choice between leasing and building.

**MR. H. GRAHAM:** When that decision is made, will the plans fall within the proposed plan of the Town of

Russell for the redevelopment of their downtown area? Will the location fall within the accepted limits as set out by the Town of Russell and its Council in their long-range building plans for the downtown area?

**HON. R. PENNER:** Yes, I'm advised that that has been taken into consideration.

**MR. H. GRAHAM:** Thank you very much.

**MR. CHAIRMAN:** The Member for Minnedosa.

**MR. D. BLAKE:** Yes, Mr. Chairman, one question along the lines of what the Member for Virden was saying. I should say, in complimenting the commission, the government store in Minnedosa was subjected some years ago to numerous break and enter problems . . .

**A MEMBER:** Rowdy town, eh.

**MR. D. BLAKE:** . . . Not really, just some of the citizens passing through on the way to Clear Lake probably, likely from Winnipeg. But that was rectified probably four years ago, or five maybe, they put a large steel gate across the front of the store that is closed when the store is closed and there hasn't been a break and enter since that was established. So, Mr. Chairman, you have hit on an idea that has solved a problem in our village.

We're talking about self-serve stores. Some time ago Rivers, which is in my constituency, has a one-man store; there was some thought to closing that store a while ago and there was a great hue and cry and representation from the town council and the municipality. Is it possible to convert a one-man store into a self-serve store, or are there any plans to close that store, or what are your plans for the Liquor Commission store in Rivers?

**HON. R. PENNER:** To convert to self-serve with a target date of November, 1986.

**MR. D. BLAKE:** And keep it as a one-man store. Thank you very much, Mr. Chairman.

**MR. CHAIRMAN:** 1.(a) - the Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, last evening in dealing with the item under Criminal Prosecutions, I dealt at length with the matter of the Attorney-General's action with respect to the prosecutions against Dr. Morgentaler, and his personal intervention on his own wherein those charges were changed, despite the committal for trial on those charges . . . .

**MR. CHAIRMAN:** The Chair wants to know if members of the committee are finished with the staff of the Liquor Control Commission, in which case they will be excused when we are on the Minister's Salary. Are we finished with them?

The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, I dealt at length with that particular matter and the Attorney-General's actions with respect to this prosecution, which I believe

is a very serious matter that brings the administration of justice in Manitoba into disrepute. In the interests of time, Mr. Chairman, I'm not going to repeat my comments which are on Pages 492-495 of Hansard which concluded with the Attorney-General's acknowledgement that this was the only matter in which he had intervened in this manner. I consider it a very serious matter, Mr. Chairman. I consider it so serious that I wish to move that the Salary of the Minister be reduced to the sum of \$1.00.

**HON. R. PENNER:** You could have made it \$2.00.

Mr. Chairman, my remarks are also on record. The member's recollection is not entirely accurate because I gave as another example of using the authority which is vested in me as an Attorney-General where fairly important issues of public policy arise, the commercial fraud case involving Play All, Nelles, Brecker, Balderston, in which the Member for St. Norbert, when he was Attorney-General, in fact refused to exercise his authority. I exercised my authority and directed an indictment in that case, so to say that the decision I took with respect to a direct indictment in the Morgentaler case as the only example is wrong.

Those are the only two examples, but they indicate the sparing use of the authority which I have with respect to directing indictments. As I said last night and say again, I make no apologies for having hewed to a path in this case in which despite enormous pressures that there should be no prosecution initially or subsequently, enormous pressures that civil intervention should be allowed, that I had one view and one view only, namely, that a fair trial of the essential issue should be held.

Yesterday, in reciting the events with the Director of Prosecutions sitting at my side and hence the person, incidentally was witness to all of the discussions, I indicated that the fact, and I'll repeat that, that no decision was taken by me until after the evidence was taken at the preliminary and after the judge presiding over the preliminary indicated in clear terms that the essential defence which the accused wished to raise and which they have the right to raise, which in fact is guaranteed by the Charter in terms of full answer and defence making, could not be made as effectively in the context of the conspiracy charge as it could in a substantive charge.

I'll simply add and I'll say no more at this juncture, that charging in many cases, and this is one of them in my view, having perused the evidence which is more than the Member for St. Norbert has done, that in this case the substantive charge is a stronger case than the conspiracy charge, from the Crown's point of view and my view, it is a stronger case.

But, also, it is a better case for the public policy issue to be addressed which we all, as Manitobans, have the right to have addressed in the clearest possible terms, because it's clear, and this has been said now by many and certainly by the Minister of Justice, that the differences which there are about the law are not going to be resolved politically in the near future. No one's going to grasp the nettle federally and change the federal law. In terms of how that law stacks up now in the light of the Charter, these trials in Toronto and in Winnipeg will really be determinative of those issues for a long time to come.

All of us have a responsibility to make sure that that trial takes place in a way which is not only the strongest possible case for the Crown, but gives an opportunity for those defences which are open to an accused person to be canvassed to the fullest extent. It was on that basis and that basis alone that my decision was made and, as I said last night, made by me alone.

I make no apologies for it and my spirited answer to the motion is not to protect myself for \$9,000-odd dollars because after all my salary has been cut in half in this department, otherwise my defence would have been even more spirited, but because this was a decision over which I agonized in terms of making sure that what I did fell within the purview of the law and I examined the decision of the Court of Appeal in the Play All case in which the Chief Justice, as he now is, Mr. Justice Monnin, in upholding my action in the Play All case, in which the Chief Justice, as he now is, Mr. Justice Monnin, in upholding my action in the Play All case, specifically delineated the authority that the Attorney-General has and must effectively operate in making sure that the appropriate charges are laid and pursued in criminal matters.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General has attempted to deflect some criticism by reference to another case, of which I spoke to last night, in which I indicated that at that time officials of the department had indicated there may be an alternate procedure to be used to apply to a judge of the Court of Queen's Bench for a decision or, at least, advice. That was a course that was chosen and a ruling was made.

With respect to this matter, Mr. Chairman, the accused were committed for trial and charges laid by the Director of Prosecutions, committed for trial on the evidence before the judge. The Attorney-General intervened, as he said, neither receiving a recommendation from senior departmental officials, nor asking for one, after he had indicated to the House that the prosecution would be handled by the Director of Prosecutions.

He and his party have well-known views and policies with respect to this matter. By acting as he did, without proper consultation with his department - Mr. Chairman, I had indicated last night and I repeat - he has violated at least an old maxim "that justice must, not only be done, but be seen to be done," and I suggest his actions have caused the administration of justice to be held in disrepute because of his personal actions with respect to this matter.

**MR. CHAIRMAN:** With respect to the motion on the table, the Member for Wolseley.

**MS. M. PHILLIPS:** Thank you, Mr. Chairperson. I would just like to say, in defence of the Minister's Salary, that I think we have the privilege in Manitoba of having the best Attorney-General in Canada, and I think in the area of progressive legislation and progressive programming in the areas covered by his Estimates, whether they be the progress that's been made in terms of wife abuse, etc., etc., I think that the opposition should join with me in defeating this motion and recognizing that, not only does he deserve every penny of the \$9,000 that's in these particular Estimates, but

that we have made, over the last year since we last dealt with the Attorney-General's Department, some major and substantial strides in most of the areas covered by this particular Attorney-General.

I, personally, want to thank him for the advances and the hard work that he has done in many many areas that I have been part of the struggle for years and years, and it's glorious to see them actually coming into force, even if the kids are still fishing.

**MR. CHAIRMAN:** With respect to the sitting of the committee after 10:00 p.m., the relevant rule is Rule 65(9), which I would like to read:

"Where the Committee of Supply, or a section of the Committee of Supply, is sitting after 10:00 p.m. on any day.

"(a) the Chairman or the Deputy Chairman of the Committee shall proceed to put the motions as the course of the business of the Committee dictates but shall not accept

"(i) any vote that defeats a motion approving an item in the estimates of the government, or

"(ii) any vote that passes a motion varying an item in the estimates of the government.

"(a.1) where 4 or more members demand that a formal vote be taken, the Chairman or Deputy Chairman of the Committee shall defer the vote on the motion until the next sitting of the Committee of Supply in the Chamber."

The motion before this committee, put forth by the Member for St. Norbert, is that the Minister's Salary be reduced to \$1.00.

#### QUESTION put, MOTION defeated

**MR. G. MERCIER:** Ayes and nays, Mr. Chairman.

**MR. CHAIRMAN:** Since it is past 10:00 p.m., this motion will be the first item of business before the entire Committee of Supply in the Chamber tomorrow. A point of order is raised.

**HON. A. ANSTETT:** Yes, Mr. Chairman, not specifically with regard to the interpretation of the rules, but just to clarify the manner in which members wish to proceed with regard to the taking of a vote.

I, by way of point of order, would want to ask the Member for St. Norbert, Sir, through you, whether it would then be their intention to also place the question on the main motion, as well as the amendment, when the committee reconvenes tomorrow, or if they wish to continue debate on the Minister's Salary tomorrow?

**MR. G. MERCIER:** I have no objection to continued debate.

**HON. A. ANSTETT:** So both questions would be put at the beginning of Supply tomorrow?

**MR. G. MERCIER:** That's fine with me.

**MR. CHAIRMAN:** Thank you. Committee rise.



**SUPPLY - NATURAL RESOURCES**

**MR. CHAIRMAN, P. EYLER:** Committee come to order. We are considering the Estimates of the Department of Natural Resources, Item 2.(k)(1) Fire Suppression. The Member for Emerson.

**MR. A. DRIEDGER:** Mr. Chairman, I just want to draw to the Minister's attention - he read out some figures prior to adjournment of the Estimates earlier in the day about the number of fires that had taken place over the last five years, the amount of hectares involved per fire and the cost per fire. I just want to express a concern. The figure that the Minister is using in his Estimates is lower than any one of those years where there has been Fire Suppression costs. In fact, the majority of them are substantially higher. I am wondering whether the Minister is possibly underestimating his requirements for this year, because we're looking at a total of \$6,682,900 which is much lower than any one of the figures that he was presenting to us. I just want to draw to the Minister's attention that I hope that he is not underestimating his requirements when the figures over the years have shown substantially higher costs.

**MR. CHAIRMAN:** Mr. Minister.

**HON. A. MACKLING:** In each instance, where there have been fires in those years, then there are warrants to cover the difference. We don't build into the Estimate an unknown, a big unknown. What we provide in the Estimates is for the suppression expenses that involve the equipping of prevention facilities including men and planes and equipment and so on that are ongoing. In other words, we have to pay for them. They are there whether we have fires or not. Where we have a significant incidence of fires, then there's additional cost. That's the way the system has always worked and I could read to the honourable member the Budget in '80-81, '81-82 and then the total cost finally, and it shows the same pattern. That's the way it's always been done.

**MR. A. DRIEDGER:** The only concern I have is that seemingly the expenses are always higher than the figures shown in the Estimates here and it leads to a false impression that the costs are not that high, because invariably they have been higher. Regardless, I think the Minister, especially in a year like this when we're starting off with possibly some concern about the kind of year it's going to be, that there's maybe - not a misconception - but maybe it doesn't accurately reflect the fact of what the costs are going to be of Fire Suppression, based on the last five years of the figures that the Minister read. I just don't want to feel that the Special Warrants are not included in these things, but each year apparently there are Special Warrants that are being presented and it gives the impression that the costs are lower than they really are.

**HON. A. MACKLING:** The Helitac program in those years that I gave the honourable member confirmed the activities and they're built in, those Helitac program costs, and I can give them to him if he's interested. In

1981, the Helitac program actioned 40 fires; in '82, 59; in 1983, 99, for a three-year average of 66. The average size, hectares, of those fires were: in '81, 4.8 hectares; in 1982, 4.7; in 1983, 3.3, an average of 4.27 hectares.

Now, what I want to point out to the honourable member is that we don't know the fire season that we're going to get. It did happen in 1982-83 that the Budget was \$8,906,000 and the actual, according to this information was \$8,182,000, so it can happen that if we have a light fire season as occurred in '82-83, we still had 425 fires, but we were able to action them with the Helitac crews and existing water bomber fleet, and so on.

Where you have a major fire, then you have to hire additional aircraft, additional men. That happened in '83-84, it happened in '81-82. The Budget in '81-82, when the Honourable Member from Pembina says that you were astutely in charge, the Budget was - now, I don't know which figure to use here - the actual figure in 1981-82 was \$3,937,300; there were Special Warrants of \$7,831,500, a major fire had contention there; a total cost of \$11,446,000.00. The previous year, 1980-1981 - (Interjection) - Well, the Honourable Member from Pembina continues to be helpful, I don't mind that. It was a bad one.

In 1980-81, the Budget was \$2,450,000 and Special Warrants were \$10,255,500; wound up with a total of \$12,937,500 - the pattern is the same. We don't build into the Estimate figure a guesstimate as to major conflagrations. Where they happen, traditionally, under previous governments and under this government, we will Special Warrant.

**MR. A. DRIEDGER:** Fine. Mr. Chairman, the point that I was trying to make is that I think it would be more realistic if the actual costs incurred in each year in terms of Fire Suppression, were there, because it leaves a sort of a vacant area when we talk of Special Warrants and, regardless of which government was in power, I think it doesn't quite relate the true picture of the moneys spent for Fire Suppression. That's the point I was trying to make.

The Minister alluded to, earlier in his statements, the Central - I wonder if the Minister could maybe give me a correction on this, whether I have the right name - the Central Control Co-ordination Centre that is set up in Winnipeg. I don't know whether that is the right name.

I believe there is a control centre set up in Winnipeg that coordinates between Federal and Provincial Governments including, I believe, Alberta, Saskatchewan, Ontario and Manitoba in terms of requirements. Now, I wonder if the Minister could maybe clarify that because he mentioned it and I never really had any backup on that, but I understand we have a centre in Winnipeg that sort of co-ordinates efforts across the various provinces, in terms of moving equipment, availability of equipment from one province to the other. I wonder, No. 1, Mr. Minister, whether the centre is active at this stage of the game; whether it is properly manned at this stage of the game; and whether there's a sharing of equipment between provinces, in terms of some major outbreaks.

I fully understand the fact that there could be, when you have a fire hazard situation developing, that it could

be in the States, it could be across the four provinces, but is this system in place where there's sharing of this equipment? If that is the case, how much equipment, for example, water bombers, when we talk of a projected five water bombers for this province, is Saskatchewan having a similar amount of units, Alberta, Ontario, that all share in this co-ordinated effort, or have I misunderstood? I wonder if the Minister would clarify that. I totally missed that point before, he mentioned it a few times. I did not get on top of it, I've checked it out. I hope maybe he can shed some light on the fact as to whether we have a co-ordinated federal-provincial system in place that will help regardless of which province it is, that all units, if they're not used within their province, that they can all be shared in a concentrated effort in areas.

**HON. A. MACKLING:** Well I know that the Honourable Member for Emerson did note in my remarks that I indicated that there was, in Winnipeg, a co-ordinating agency in respect to jurisdictions within Canada to facilitate forest fire suppression.

The formal name for the organization is the Canadian Inter-Agency Forest Fire Centre; it's located on Weston Street; Mr. Al Jeffrey is the director. What they provide is an information centre, a communication centre for the co-ordination of fire suppression equipment and information across Canada. Under those arrangements, should we require equipment and it is available, it can be co-ordinated through that office. Of course, any equipment that we borrow we have to pay for and, similarly, with other jurisdictions; but it does provide a prompt resource base for obtaining additional equipment, additional monitoring equipment, in respect to meteorological information, for example, and all of those things.

It is in being, it has been in being for over a year, and it was certainly a great help during the conflagration that occurred on the east side of Lake Winnipeg.

**MR. A. DRIEDGER:** Just to pursue that area a little further, is this operation totally manned at the present time, during the course of the summer? My limited information that I have is that it is quite an extensive type of operation and would the Minister possibly consider making a tour for the members of the Legislature, those that are interested, to maybe go down and see exactly the type of operation? My understanding is that it's quite an extensive operation and that members acquaint themselves with what is available out there just so that we know how this whole system operates. I wonder whether the Minister would indicate whether it is in full operation now and whether we can maybe have a look at it.

**HON. A. MACKLING:** The answer to that is, certainly I would recommend that the honourable member pay a visit to 302 Weston Street as I have done. It will welcome the visit by any MLA or group of MLAs to see the set-up there. They have a board room, they have maps that cover the forested areas throughout Canada. It is funded on the basis of 50 percent funding from the Government of Canada and the balance, the other 50 percent, on a formula basis depending upon forested area in each jurisdiction.

If the honourable member likes, when we occasion the use of a water bomber, we can certainly arrange for him and me to have a flight together, since he's not going down to Washington.

**MR. A. DRIEDGER:** Mr. Chairman, I don't know whether I have the intestinal fortitude to go on one of those flights, but I would like to ask the Minister if he is comfortable with this location being situated in Winnipeg. Does he feel it is operating the way it was intended to operate at the present time?

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

**MR. CHAIRMAN:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Thank you, Mr. Chairman. I'm looking at Page 33 of the Annual Report as to the causes of fire, area burned and suppression costs for 1982-83. Can I ask the Honourable Minister how many people were charged for arson in that list of the recreation settlement, wood operators, other industrial railroads, public projects, etc.? How many charges can he tell us were laid for those people that set those fires?

**HON. A. MACKLING:** Well, I notice there is a total there. It says, "Total Man-Caused," and that could be an error, there might be the odd female who might be involved, you never know and I guess that's the generic I guess that's used there. There were 295 caused by persons. I would like to tell the honourable member there were 295 charges laid. I would like to because I think that might act as a preventative measure, but that doesn't appear to be the case. In that same period 1982-83, you'll find on Page 37, Summary of Recorded Violations by Act/Regulations. Under Fire Prevention, you'll see there were 45 guilty pleas; two stays; two adjournments; a total of 49. Written warnings to 53; total offences, 102. That was an increase of four over the previous year.

**MR. W. MCKENZIE:** Thank you, Mr. Chairman. I looked at those facts as well. I wonder if the Minister could advise the committee, is it time for us to take a look at the legislation and bring it up to the 1984s because of this escalating problem? The dollars are getting bigger. The Minister is telling me today that we have to get two more water bombers in place and I know that it's one of our prime resources and one that we would like to treasure to the best of our ability.

I would think, and I would just ask the Honourable Minister quickly, how many of the railroads have been charged? In fact, under the present legislation, have you the authority because it is a Crown corporation of the Federal Government, to lay a charge against CNR or CPR? I doubt very much that he would want to take them on, or maybe the Minister says that we have. I don't know. Can I ask him, is it time for us to take a look at the legislation this year because of the numbers escalating and the big dollars that we're spending, and bring the legislation up to this day and age so we can deal with these problems?

**HON. A. MACKLING:** The honourable member makes a good point and I have, particularly as a result of the

brush fires and grass fires that happened this year, indicated to staff that it is time that we did have a look at the whole area of fire regulation, because while there would obviously be some trepidation on the part of government to change the system whereby now our primary role is in the wooded area of the province, as it's categorized. Nevertheless it does trouble me. It seemed to me there was a certain amount of vagueness and uncertainty about jurisdiction in the area that is in southern Manitoba - well, it is not in the wooded district - but nevertheless places like Ashern that I referred to, where there was considerable damage, farm sites burned and I do want to have a look at the legislation. The honourable member is quite right in voicing a concern in respect to that.

In respect to jurisdiction, perhaps we have been overbold in taking on the railways, but it's my understanding that we have in the past. I don't claim to be doing this just afresh as Minister. In the past, previous administrations and this administration have occasioned stoppages of trains, forced them to put out fires that they have caused and brought claims against the railroad for the damages that have ensued.

Quite a number of fires have been created by the railroads. A combination of sparks when conditions are tinder-dry and it's an ongoing problem, railway occasioned fires. We do take action against the railroad. I don't believe that it has been necessary to bring a court action. I think the railroad admits, in most instances, if it's obvious that the damage has occurred and it is reasonably responsible about that.

**MR. W. MCKENZIE:** Thank you. My last question - and the reason I raise the matter of if in fact you have any violations from the railroad or have laid charges against them, is because we saw in the Budget you have the liberty and the privilege to tax them on the energy and the fuel that they're burning in those diesel motors. So if you have the right to tax the energy, certainly if they're burning that energy improperly and they cause fires, I'm sure the province must have certain rights if they cause a fire, to come back and ask them to compensate us for at least part of the loss. I wonder if that's ever been done in the province. I don't know. It's a new ground for me and I'd appreciate the Minister's comments if in fact we have that authority. I'm not sure.

**HON. A. MACKLING:** The answer is yes, Mr. Chairman.

**MR. CHAIRMAN:** The Member for Pembina.

**MR. D. ORCHARD:** Thank you, Mr. Chairman. This afternoon, the Minister was discussing the government's acquisition of two more water bombers. Could the Minister indicate when those water bombers will be available for service in the province?

**HON. A. MACKLING:** Yes, Mr. Chairman, I answered that earlier this afternoon. Probably the honourable member may not have been present when I answered another question then probably, from the Honourable Member for Emerson. In 1986 and 1988.

**MR. D. ORCHARD:** I thank the Minister and I apologize for not being here in the afternoon. I understand that

one is a purchase and one is a lease. Could the Minister indicate the purchase cost and the lease terms?

**HON. A. MACKLING:** Mr. Chairman, I don't mind repetition, but I would like the honourable member to understand that the Honourable Member for Emerson did ask me those questions, and those answers have already been provided.

The purchase costs are \$6 million for the aircraft, and the lease I believe is \$1.00.

**MR. D. ORCHARD:** What's the length of term of the lease? And if that's been provided I again apologize to the Minister.

**HON. A. MACKLING:** No, that hasn't been brought up. It's a 20 year lease.

**MR. D. ORCHARD:** That is a 20 year lease at \$1 per year or \$1, period.

**HON. A. MACKLING:** I believe it's \$1 per annum. I don't think it makes all that much difference though, Mr. Chairman. It's \$19 though.

**MR. D. ORCHARD:** Can the Minister indicate whether other provinces participated in this special recoveries project which this administration participated in with the Federal Government?

**HON. A. MACKLING:** The honourable member refers to it as special recovery project, I am not familiar with that. But if he is asking how many water bombers were purchased across Canada by jurisdictions that chose to take up the Federal Government offer, I am given to understand that there were 10 purchases across Canada.

I can probably provide a breakdown as to what jurisdiction bought what aircraft. We bought 1, so 9 were bought by other provinces, and the Federal government matched that by acquiring 10; so a total of 20 aircraft, 10 by Federal Government and 10 through the provinces, one of which is Manitoba.

**MR. D. ORCHARD:** Well, Mr. Chairman, the reason I refer to the special recoveries project is because that is the federal program name designation under which they made this offer to the Province of Manitoba.

Mr. Chairman, I broached the subject with the then Minister of Highways and Transportation before they switched back on, I think, June 15th of '83, and I asked the Minister then if they had come to the determination as to whether they needed additional water bomber capacity and, at that time, the Minister said the Cabinet and government, of course, hadn't made the determination as to whether they needed two more water bombers.

What I would ask the Minister today is this question, that in 1986 and then in 1988, presumably one of those years the leased aircraft comes on stream - it would possibly be 1988, I'm not sure - but the province has undertaken to presumably have that aircraft ready for forest fire suppression for a 20-year period. My question to the Minister is, what sort of budget implications does the crew costing have, and the maintenance crew

costing have, in those two additional water bombers that the province is going to have in 1986, 1988? What are the annual costs of providing just crew costs without even operating them one single hour, because you have to have professional crews available, very skilled pilots and maintenance staff? Could the Minister give that indication to us?

**HON. A. MACKLING:** First, let me indicate that we took delivery of the third water bomber in 1982. The whole water bomber acquisition and water bomber program had been under evaluation by Natural Resources, and we are certainly satisfied that given, as I have indicated, the nature of our forest, the proximity of fresh water, large lakes, they make good sense, they have worked out very well. In respect to the acquisition, 1986, however, I don't think there is a tight time frame for that because we are able, through the Canadian Inter-Agency Forest Fire Centre, to call upon other jurisdictions should be require it, so we're not vulnerable . . .

**MR. D. ORCHARD:** Should they be available.

**HON. A. MACKLING:** Well, should they be available? If there's conflagrations right across the country, yes, that's a problem.

**MR. D. ORCHARD:** As in 1980.

**HON. A. MACKLING:** In respect to the rate that we have to set in our budget, that's not found in our budget. We pay the transportation department on the basis of contract and it's based on hours. You'd find the operation details within my colleague's department. I could guess at that but I would rather not and I haven't got the figure here.

**MR. D. ORCHARD:** Mr. Chairman, I appreciate that the Minister probably doesn't have exact figures on hand, but the point I'm making is that the Federal Government made a proposition to the provinces - buy one, get one free - and we'll bail out Canadair, which everyone knows is in serious financial difficulties.

From time-to-time the need for additional water bomber capacity is there, you can't have too many of them. The resource centre in Winnipeg is excellent, but I can assure the Minister that in 1980 that resource centre would not have helped because we pleaded with other jurisdictions, Quebec, the Maritimes, to get aircraft into Manitoba to fight our forest fires. But Quebec had the same problem we did and the only aircraft we could come up with was one Canso from Newfoundland where they didn't have fire problems and it was diverted from New Brunswick, if my memory serves me correctly, and we managed to buy, by making a decision, in approximately three days we managed to buy an additional CL-215 which was theoretically to go to the Yukon Territories and they didn't exercise their purchase option and we got that one immediately.

The point I want to make with the Minister, and I know that in the wisdom that is predominant around that Cabinet table, I want them to share with us the kind of permanent and fixed operating costs that those two additional water bombers will mean to the Province

of Manitoba because, once again, if my memory serves me correct, bringing that additional water bomber on staff in 1980 during the fires, I believe we had to have four additional pilots. That's two crews and I think we had to have five maintenance men for that aircraft.

Now if you're bringing on two more water bombers, that means eight pilots and approximately 10 maintenance men. Those aren't the kind of people that you simply pick out of the unemployment centre, the Manpower centres, to fly your aircraft, those are very skilled pilots and maintenance people that you have to have year round. That's why I posed the question to the Minister, that in taking on the Government of Canada's offer to bail out Canadair, which may or may not be a good thing to do, did they factor in 20 years of crew costs that the Province of Manitoba is going to have to maintain and pay for whether they need those additional two water bombers or not? Was that part of the economic decision made around the Cabinet table to participate with the Federal Government to save jobs in Montreal in Canadair?

**HON. A. MACKLING:** Mr. Chairman, the honourable member continues to stress his question, the Federal Government's concerns in this matter in respect to the economic livelihood or ability of Canadair. He may well stress that if he likes.

We had in our fleet three Canadair CL-215s, they had been purchased in previous years. We found those aircraft well suited to our needs, well suited to protection of forestry from the point of view of suppressing fires in Manitoba. They had been under evaluation; they worked well. The forestry section was strongly in favour of increasing our capacity to deal with forest fires through water bomber acquisition. Very strong recommendations were made to me.

When the Federal Government proposal was brought forward we looked at it from the point of view was what is in the best interest of Manitoba, not in what is in the best interest of Canadair, the Federal Government or anyone else. We saw an opportunity to acquire an enhanced water bomber, fire suppression equipment, and we thought it was in our advantage to take up that offer.

Just to give you an indication as to the value of having suitable equipment to put out serious forest fires, I'm advised that the full economic value of the timber that was lost in the fire occasion, September '83, was \$277 million. So the kind of investment that has been made, and we are prepared to continue to make, in fire suppression appears to be well warranted. We pay approximately \$1,200 per operating hour, which covers the cost of crew, operating parts and is a complete figure. We pay that under contract with the sister Department of Transportation Services. We think that, given the importance of our forestry, given the importance of the continuance of supply for that industry government had to take steps, not only to protect existing valuable forest stands from forest fire but, given the backlog of reforestation necessary, we are also - and I'll get to that later on - spending considerable millions of dollars in reforestation.

**MR. D. ORCHARD:** Mr. Chairman, I appreciate the Minister's economic analysis of purchasing more water

bombers. The cold, hard facts of it is, if you had 100 water bombers, you probably couldn't have stopped the devastation of the forest in the Swan River Valley area because nothing was going to stop that fire in 1980. You couldn't tackle it, there was no equipment made that could tackle it, so I appreciate the economic loss but that isn't the criterion under which you justify spending \$6 million.

What I would like the Minister to additionally answer is, whether the government gave consideration to an approach to the private sector for them to take on the Federal Government's offer of buy one, get one free, and have the private sector own and operate the two additional water bombers, have them on standby in Manitoba, have them available for the Central Forest Protection Service out of Winnipeg for allocation to other provinces; and have the Province of Manitoba only paying for usage hours of the additional two in the fleet, knowing full well they've got three permanently available for protection of Manitoba forests. Was consideration given to a farm out of those two additional water bombers to the private sector?

**HON. A. MACKLING:** The short answer is no, Mr. Chairman, but since the honourable member seems to want to weigh how we should organize our fire suppression equipment, perhaps he wasn't present, again, when I reviewed in some detail the number of fires and the average size of those fires that have occurred during a five-year period. It is obvious that there are numerous fires of relatively small size, where actioning by water bombers can be very very effective in suppression of those fires. No, maybe the honourable member wasn't present again, when I gave those details. If he considers it important, I'll read it into the record again.

**A MEMBER:** I'll read them the record.

**HON. A. MACKLING:** You'll read them the record. All right.

The records indicate that, and the evaluation process that I talked about, that in the records of the fires that have been actioned in the province, in that five year period, that the water bombing suppression technique is invaluable. Now, when government makes very very substantial investments, in roads, in forest areas, in reforestation, we have a very significant investment in the forest industry. To say that, "Well, when the Federal Government made this offer," and the previous aircraft had obviously been bought from Canadair directly, or however, and not through the Government of Canada, when the Canadian Government made this offer, for whatever interests they had, and we don't care about that, we should have said, "Well, wait now, maybe some private organization should buy them and we'll rent from them."

Well, really if we have to consider that logic why don't we say, "Look why don't we sell the three CL-215s to some private company and then when we need them, we'll rent them from them." Why we didn't do that, and presumably why the previous Minister of Natural Resources did not do that, is because we want to have in House the capacity to action fires, and the forestry section had indicated that the increase in the water

bomber fleet is warranted. Given all of those factors, Mr. Chairman, I think it makes abundant good sense, I think it is logical; I think it would be illogical to go the other way that the honourable member suggests.

He wants to persist on that, he is suggesting that we try the ties, our efforts in respect to reforestation, perhaps, I don't know, maybe that will be next.

**MR. A. DRIEDGER:** Mr. Speaker, the problem with the Minister of Natural Resources is he can't engage in a discussion as to what factors were involved in making a government decision. He wants to attribute motive; he wants to carry the motive into privatization of the reforestation. It isn't a suggestion, I asked him simply if he considered the economics of it. He said, no; which maybe left something between the chairs, that maybe the government is inheriting and we're going to inherit it because we're going to be the next government, costs that would have been lesser should the Minister have even explored, and the government even explored, having a lease-back arrangement with a private company in Manitoba.

But that's a philosophical hangup that's in this House right now where we can't engage in those kinds of discussions, so I'll drop that. I'll ask the Minister if, on the basis of the recommendations that his staff have made as to the suitability of having additional water bombers in the government fleet, is five enough or should the government have gone for buying two and getting two on a dollar a year? Did the recommendation come out that only two additional bombers were sufficient, and not four additional? Where was the satisfaction point in his department that there was sufficient water bombers? Did they recommend more than two?

**HON. A. MACKLING:** When the proposal was made to governments across Canada by the Federal Government we asked our forestry section for their opinion as to whether or not we would be requiring additional aircraft. Their view was that certainly one additional CL-215 would be more than warranted. All too frequently and, again, I pointed this out earlier on, it can happen that because of the wear and tear, because of the operational demands, you can have an aircraft down. They felt that it would be imperative to have an additional CL-215. When the program involved provided for the possibility of having an additional CL-215, if we got one more, then we certainly needed four in the opinion of the department. If we had five then that breakdown period would ensure, in all likelihood, that we had four aircraft available.

That's the indication from the department, I was satisfied with that; I leave that estimation to them, I don't second-guess it, and I was satisfied with the information they gave me.

**MR. CHAIRMAN:** The Member for Morris.

**MR. C. MANNES:** Thank you, Mr. Chairman. I would just like to pose a couple questions regarding policy. This is subsection Fire Suppression. I am well aware that the department probably for some number of years has designated certain areas within the province, probably those transition areas between pure

agricultural and fully wooded areas where people who are farming or whatever have to apply for permission to burn, and I am well aware of the situation this spring where I believe those permits were revoked.

My question is to the Minister whether any discussion at this point is occurring within his department or within the Departments of Agriculture and Natural Resources regarding the expansion of these designated areas into more traditional agricultural areas.

I suppose my specific question is: Is the government at all contemplating any further or any restrictions on stubble burning of full-time grain farmers?

**HON. A. MACKLING:** In respect to the whole area, the Honourable Member for Birtle-Russell - pardon me, Roblin-Russell - I always get that one mixed up, I was close - did ask me whether or not, in light of the fires that took place this summer, if there was any consideration for any changes in respect to the regulation of fire in Manitoba. I indicated to him in what I thought a very positive way that his point was well made and I had, as a result of the fires that did occur this spring, asked staff to look at the whole area of open fires in Manitoba, to look at whether or not our existing regulation system is adequate. So I am expecting to look at that matter in the near future. The question of agricultural burning is something that certainly I am concerned about.

I will, of course, want to involve my colleague, the Minister of Agriculture, and perhaps the Provincial Land Use Committee in considerations of any changes in respect to agricultural burning. We know that certain burning operations in respect to agriculture are almost imperative. For example, the clearing that does take place of land, and clearing still goes on much to much, I believe, but where that occurs the most efficient and reasonable technique is to burn the brush piles, and as long as that burning is carried out in a responsible way, I don't think it occasions an environmental problem. Where that burning takes place in peat areas, we can have extensive peat fires and that creates a problem.

The question of stubble burning is something that I am fairly biased against. However, I have to recognize that under some farming conditions if you get an extremely heavy straw and conditions are late, that is if the harvest occurs late there may be ample reason, there may be good reason on the part of the agriculture to burn.

I would rather see stubble not burned, and I am of the view that we should look at that very carefully and where possible, providing there is adequate consultation and development of it, institute a program of no burning of stubble. I think that has to be done with consultation, with education, rather than - certainly, it may be possible to do that in the near future. I think there has to be adequate consultation. I would like to see the farming community seeking that change themselves.

**MR. C. MANNES:** Mr. Chairman, the Minister impresses me with his answer. Obviously, he has taken a crash course in farming since his summer-fallow surveillance flight here a year ago.

Obviously, I don't disagree with him in some of his general comments, although I put a higher priority on

the individual property owner's right to burn, particularly his stubble area and his straw, if that represents no threat to anybody else.

Therefore, I would ask a more specific question as to whether the Minister contemplates in time seeing regulations which would see these designated areas grow out in an area larger than the so-called peat areas to what we would know as the clay loams or the sandy soils, and under what authority could a government, any government, bring forward this type of regulation?

**HON. A. MACKLING:** As I have indicated, I think the whole question of open fire burning is one that should be looked at. The question of the extent of limiting burning in any given area has to be thought through very carefully. There has to be adequate consultation. As I have indicated, I think I would rather work through the conservation technique, having individual farmers understand the vital necessity of conservation resources.

It horrifies me to see - and, of course, we have all seen some of this, and some of it really couldn't be helped - the amount of soil drift that has occurred in some parts of the province this spring. Why I say some of it couldn't be helped is because obviously we had very light precipitation during the winter; we had a good warm spell; farmers got on the land and were seeding and harrowing and the soil was powdered on top; then we got a lot of wind, windstorm, and that just will happen. I don't think that you fault the farming operation for that.

But we all have seen areas in the province where in midwinter the fields have been blown clear of snow and the summer-fallowed field was still there in the winter, which I observed in other places. It had been summer-fallowed the summer before and it was still there in the summer-fallowed condition; was blowing; the soil was blowing with the wind, I think much to the horror and the chagrin of most people who prize good agricultural soil as our heritage.

**MR. C. MANNES:** Mr. Chairman, I have to tell the Minister, most definitely I don't know of any farmer that doesn't prize his topsoil. But the realities are - and I must say that on our own farm we do some burning - that today you have swathers that are taking 30-40 feet of swath, and it brings all that straw into one single row and the amount of straw is massive and you really can't handle it. So the only alternative is to burn in what one would hope would be an orderly burn in that row. Of course, if anybody is familiar with the farm, they realize that after two weeks of very dry conditions, a shift of wind or an increase in wind and the fire is away.

My final question, Mr. Chairman, is, under those circumstances where I think there always will be situations where burning will occur on farms, can the Minister foresee a time when farmers of this province will have to request from some department of government, permission to burn, to light a match on one's own property.

**HON. A. MACKLING:** Mr. Chairman, that may well be. I can't look beyond many years in this province. As I have indicated, my preference is to work through the



Conservation Districts primarily as focused - and I will have much more to say about that when we get to that item in the Estimates - to ensure that the conservation ethic is understood and accepted and rather have conservation develop by an acceptance, a willingness on the part of those who farm the land rather than have it imposed by regulation.

**MR. W. McKENZIE:** I would like to go back to this aircraft deal. I suspect that members like me and the Honourable Member for Lac du Bonnet, who have been here almost 20 years, have never ever seen a two-for-one deal coming out of the east, and I don't understand the reason unless it's because of the election campaign and it's another Axworthy trick. Well, I've never seen it in my lifetime in this Legislature and I would just like to ask the Minister, how he is going to justify it in the books? How are you going to put this in the books? You buy one, you get one free. Now that's Mickey Mouse economics.

I have never seen this Legislature or people like us who are here to justify the expenditures of the taxpayers of this province, Mr. Chairman; this is an expenditure of taxpayers at the federal and provincial levels, and how could we justify buying something out of the east when this afternoon we had a resolution here asking for grain prices, yesterday on another resolution on matters that were dealing with the feds, and this Minister somehow and makes a deal with them - he buys one airplane and he gets one for nothing.

I don't think the Parliaments of this country have ever been exposed to this kind of a Mickey Mouse deal. I can't ever remember, and I asked my colleague, the Member for Lac du Bonnet, and we have been here close to 20 years, if they could ever justify that such a deal has been made. It has to be an under-the-table deal. It has to be. I hope the Minister can justify or put it in his books and the books of this province so the taxpayers can understand what is going on.

This Minister, Mr. Chairman, has made some kind of a deal and I know who he has made it with. I suspect Axworthy is involved. Well, either that or the leader; it's one of these six leadership candidates - and they are buying the moon. They are buying the moon today with money. Look at the wild spending programs that are going on in Eastern Canada today.

The other problem is that I have to go back to the people in my constituency to justify the expenditure of these dollars that we are asking for tonight. How can I justify to the people in Roblin-Russell Constituency that this Minister has decided to spend \$6 million to buy one airplane and he is getting one free? — (Interjection) — That's right, it's a good deal. But how in our system of accounting, the Minister of Finance - has any Minister of Finance in this province ever before seen you buy one from Eastern Canada and you get the next one free? It's never been done in my time here, and I am sure the Member for Lac du Bonnet will back me up on that. It's never been done.

I know, Mr. Chairman, the need for federal-provincial relations. We talked about it this afternoon in the resolution; we talked about it almost daily in this House - federal-provincial relations - and there is nobody on our benches and there is nobody in Western Canada that's against federal-provincial relations. But when you

get the treatment of Western Canada that we've got from all through the years of this Trudeau regime and then we see in the dying days of his regime, they are now giving out airplanes out of some place in Eastern Canada, two-for-one.

May I point out to you, Mr. Chairman, and to the Minister of Natural Resources, I recall the days when the head of Robin Hood Oats was in Moose Jaw, Saskatchewan. Everything was processed in Moose Jaw. I recall the day when the head of Quaker Oats of Canada was in Saskatoon. Those industries are gone a long time ago. They are all down east.

We also have separatist parties exposing themselves in the public life of our province on basically the same problems as we're dealing with right here tonight, Mr. Chairman, of what these Eastern people can do with their money and wealth, unlimited wealth. Look at the money that was plowed into that aircraft industry in Eastern Canada. How many hundreds of millions of dollars, and that's taxpayers' dollars, Mr. Chairman, from my constituency. It's also taxpayers' dollars in the Minister's constituency. It's taxpayers' dollars from every member of this Legislature, including the fourth estate up there. Here we have this government and this Minister coming and telling us, today, the big deal is today, you go and buy one airplane from those Eastern guys and you have one free. Just like going to . . . That's not the way you justify this expenditure with taxpayers' dollars.

I think it's regressive; I think it's deeply regressive because it's like playing bingo with taxpayers' dollars. He goes and buys one airplane, he gets one free. Is that the way we, as legislators, have been sent here to expend the taxpayers' dollar? I know the Minister has a problem.

What about that \$6 million when the resolution was on the floor of the House this afternoon, on grain? Imagine what that 6 million would have done to those farmers he was talking about this afternoon. That would have tied them over this extreme period we're in. Mr. Chairman, I only raise it because maybe the Minister will rise in his place . . .

**A MEMBER:** You're a senile old man.

**MR. W. McKENZIE:** I'm a senile old man. Maybe I am, I'm almost 70 years of age, but I've been here a long long time. I have another colleague who arrived with me in 1966. I have never seen this kind of way to justify the expenditure of taxpayers' dollars. You buy one airplane from Eastern Canada and you get one free.

How are you going to put that in the books? How are you going to justify it? Now, I'm not going to allege that the NDP have been in bed with Trudeau all these years; I'm not going to allege that, never, never, I wouldn't make that allegation. But I hear from the back room that they have set up a new spirit of federal-provincial relations, but the tragedy is, Mr. Chairman, they don't have the other Western provinces and I'm sure Saskatchewan isn't going to buy one airplane to get the other one free. I'm damn sure Alberta wouldn't even get one airplane. I don't know about B.C.

That's the tragedy. I suggest maybe the Minister is going to rise in his place and say I'm a senile old man. I'll tell you, if the Liberals win the next federal election,



we'll have separation in Western Canada so quick it'll make your head swim because we've had it up to there in Western Canada and I've got a lot of people on my side on this. Here we have this Minister in the crisis of the federal leadership contest where they're giving money away like it's free; he goes down East, makes a deal and gets two airplanes, one free.

Now, I'd like to know whether he's going Trudeau or Turner or whoever they are. I think for politics it's a sick sick deal. It's a sick sick day when you can find governments playing back with the taxpayers' dollars and say, look, you buy one and I'll give you one free. God bless Canada, God bless Manitoba. I hope I don't see any more of those deals in the rest of my life in this Legislature. I think it's the Most dastardly thing that this province has ever seen.

**HON. A. MACKLING:** I don't want to disappoint, but I will disappoint the honourable member, I'm not going to call him names.

**MR. W. MCKENZIE:** You call me names.

**HON. A. MACKLING:** He invited me to call him names. I don't think the description he offered me to call him fits. I think that, as I had indicated earlier on, he made a constructive suggestion to me about an area here and I try to recognize any constructive criticism when I hear it.

The honourable member says, in effect, look we should just take the one aircraft for \$6 million and send the other one back.

**A MEMBER:** Yes, but they charge you twice as much for the first one. You could have got one for 3, but you get two for 6.

**HON. A. MACKLING:** Well, honourable members should know that these aircraft have been inflating in costs since the first one was purchased some years ago.

**A MEMBER:** What did the first one cost, Al?

**HON. A. MACKLING:** I don't know what the first one cost, I think the one that you ordered and we picked up cost \$4 million.

**A MEMBER:** No it didn't.

**HON. A. MACKLING:** Well, the honourable members knows much more about it than I do, obviously, Mr. Chairman, but in any event, the Honourable Member for Roblin-Russell thinks that we shouldn't be taking advantage of the poor taxpayers in Manitoba or in Canada by taking up an offer, even if it is an excellent offer. We should, after all, recognize that it's taxpayers' money and what the heck, we should just pay the full price for each of them.

Mr. Chairman, I could speak at length, as the MLA for St. James, in recognizing the loss to this province and the loss to my constituency of aircraft production orders over the years, and the fact that the air industry, which had a very substantial beginning in Winnipeg, in this province, has been denuded over the years, an

industry and benefit that once were ours was transferred down east.

Now, when I get an opportunity, Mr. Chairman, when I see an opportunity to get anything in return, I think the taxpayers' of Manitoba deserve a government that will try and get as much benefit for it as it can.

If the honourable member would look at the papers today you'll note that some of the people that he admires, there's Bill Bennett who is a neo- or arch-Conservative whom they admire for his vicious treatment of labour in British Columbia and his treatment of poor people. They will see that Premier Lougheed, who is great on building fancy private golf courses, but can be heavy-handed in respect to Medicare users; and they'll see that Grant Devine, that new wonderman from Saskatchewan. They all agreed, Mr. Chairman . . .

**MR. CHAIRMAN:** Order please, order please. Order please.

**HON. A. MACKLING:** All of these great men, Mr. Chairman, agreed on one thing, that it was a fortuitous time to take advantage of an opportunity to get the best deals they can from Ottawa right now. Now the Honourable Member for Roblin-Russell apparently would disagree with any strategy along those lines, taking the advantage of the fact that there is a Liberal Government in office in Ottawa right now that wants to appear concerned and receptive to the needs of Western Canada. The Honourable Member for Roblin-Russell would say, oh, no, we shouldn't do that; no, no, that's not nice. Don't enter into agreements where we get some money flowing into Manitoba, where we get some benefits into Manitoba because, you know, that's not the way we should do those things.

What we should do is stand in our chairs in the House, in the Legislature in Manitoba, and attack that vicious government in Ottawa all the time. Don't talk to them about the real needs of the people of Manitoba and how we insist upon getting fair shares of the economic benefits that flow in Canada. No, we shouldn't do that, we should continue to attack the senior government and the people of Manitoba will have to understand that we're doing that in their best interest.

Mr. Chairman, that is the kind of nonsensical argument, and that's the kind of nonsensical approach that was followed for four years in Manitoba. I think the people of Manitoba have now seen a refreshing relief from that kind of false ridiculous stand on the part of the previous administration because we have now in this province, moneys flowing into this province that never flowed before, our just share from the Federal Government's initiatives throughout Canada.

**MR. CHAIRMAN:** The Member for Arthur.

**MR. J. DOWNEY:** Mr. Chairman, I cannot help but respond to what the Minister just commented. The comments that were made by the Honourable Member for Roblin-Russell were, I think, pretty well-founded. The point has to be made that we, as people representing people, and particularly the government who are entrusted with the financial affairs of the taxpayers of Manitoba have to make the best deal

possible for those people. They have to demonstrate need for expenditures. The point that is being made is, is the expenditure of the money for one Canadair aircraft to suppress forest fires as good a deal or the purchase of two, as good a deal as the purchase of one. I haven't heard the Minister say that it is. He says it costs \$6 million to buy one water bomber.

**A MEMBER:** Who's going to pay for that one?

**MR. J. DOWNEY:** I know that in approximately 1980, '79-80, one water bomber cost \$2 million. Have they gone up from \$2 million in 1979-80 to \$6 million today? I don't believe they have, Mr. Chairman. I think the Minister of Natural Resources was taken in by the Federal Government. I think they were taken in.

**A MEMBER:** I think he was. I know he was.

**MR. J. DOWNEY:** I would ask the Minister of Natural Resources to table before this committee the deal that was made on the purchase of the first water bomber, without any additional water bombers added to it and the cost of the second one — (Interjection) — without the bonus clause. That's right, as the Member for Lakeside says. If we bought an airplane for \$6 million and the other one cost a dollar, we would certainly say, fine. If we didn't need the additional water bomber, sell it. Sell it to an additional jurisdiction. But I think really what the whole story is, that the first airplane costs \$3 million, the second one costs \$3 million and we're just paying for them as it would have normally been. I want the Minister to clearly state that.

What does it cost for the airplane that we are buying? What does it cost for a Canadair plane? — (Interjection) — The Minister of Agriculture has some kind of comment to make. I know it's important because we want to make the best deal possible. We want, first of all, to protect our natural resource. Secondly, we want to make sure when we're buying water bombers that we're not being taken in by the Prime Minister of this country, because let me tell you, the relationship between the New Democratic Party and the Liberals is suspect to say the least — suspect to say the least. Because we saw this government trade the farmers of Manitoba off on the Crow rate.

They joined with Lloyd Axworthy to help him get elected to the House of Commons. He comes in with a big program to help Manitoba in transportation. What do they do? They say, behind the scenes we'll go along with you because it's going to help you, Lloyd; you voted with us in the opposition for many years. The first years I was here the NDP voted, so did Axworthy. He voted right with them. He never voted all but about once with us as a government, so we know the NDP-Liberal game. It's not a Liberal-NDP situation. They live together; they think alike. But I want the Minister to tell us. What would it cost us to buy one Canadair and if he got one additional Canadair for a dollar, I don't have any problem with that. If we don't need it, turn around and sell it for \$2 because he'll make a dollar. You see, that's the kind of philosophy that NDP don't have.

**A MEMBER:** Is this for real?

**MR. J. DOWNEY:** This is for real. I mean — (Interjection) — that's right, sell it for \$5 million if you want. Help the people of Manitoba.

What I'm saying is, purchase one airplane if we need it. If you get another one for a dollar and we need it, keep it, but justify the needs. Don't do it because you were sucked in by Pierre Elliott Trudeau to help him and his Canadair get out of trouble.

**HON. A. MACKLING:** I think I have to indicate my concern for the fortunes of honourable member's friends elsewhere. I know that they think very highly of the business acumen of some of the other jurisdictions. I know that the Honourable Member for Arthur think that Peter Lougheed and Bill Bennett and Bill Davis and Brian Peckford, all of whom are Conservatives, are very astute business men — hard-hearted and heavy-handed, but very astute businessmen. All of those Premiers obviously were sucked in in this . . .

**A MEMBER:** No, I asked you if you were.

**HON. A. MACKLING:** Well, I had indicated earlier that we bought one aircraft. There were nine other aircraft bought by other jurisdictions and they're hard-hearted, tough, very astute business types. Now the Quebec Government apparently has about 20 CL-215s — (Interjection) — about 20. If we were to be buying a CL-215, ordering one today, I'm given to understand we'd have to pay about \$7.5 million.

**A MEMBER:** They saw you coming, Al.

**HON. A. MACKLING:** I'm sure they see the Member for Arthur fast disappearing. In any event, Mr. Chairman, I didn't protest that the honourable member's continued to question me about this because as I'd indicated to the Honourable Member for Emerson, I want to be very reasonable. I don't care whether it takes 100 hours or 150 hours, so long as the questions are to the point, reasonably responsible, not snarky or ridiculous, I will answer them, despite the fact, Mr. Chairman, that it really isn't in my Estimates at all. It's in the Estimates of the Minister of Transportation. I volunteered the information because I thought I was being helpful to provide information about forest fires protection . . .

**A MEMBER:** Mr. Chairman, he's out of order.

**HON. A. MACKLING:** I've answered those questions more than sufficiently. I trust that the honourable members won't abuse the Privileges of this House and ask my colleague the same repeated questions again during the course of his Estimates.

Thank you.

**MR. CHAIRMAN:** The Minister of Finance.

**HON. V. SCHROEDER:** Mr. Chairman, just a little extra information for those who might think that there was something amiss with that transaction. There are a number of us who were aware of this interesting arrangement and I think that those of us on this side would agree that it is an unusual arrangement. It was

put forward by Canadair, and we tried a variety of ways of seeing whether we could work out a different arrangement, that is, how about we'll pay half price for one. Certainly we have that on paper. We tried a number of other options. Unfortunately, those tough, tough Tory Premiers were the people who already had made the deal. We were the last province in. In fact, there were all kinds of letters going back and forth and they were saying, this is the deadline; beyond this you don't go. And we were saying, yes, but how about this? We kept trying to cut down on prices. We kept looking at different ways of doing it so it wouldn't be more expensive.

However, the difficulty we were in was that the other provinces had already settled. We were the last ones in on that arrangement. We had a choice of either going in on that arrangement, getting that extra airplane, which as the member indicates we could sell for a buck or two bucks, which is a fair amount of work to go through for two-buck sale, especially when you're talking about aircraft that is now - I'm not saying it's worth \$7.5 million - but that certainly is the price approximately at which they're going now. So, I think we needed the one, certainly. — (Interjection) — Well, the member says we don't need it. We needed the one; we've got an extra one and I think it was a good deal. I was probably the last one in the Cabinet to be convinced that it was a good deal. We had some interesting times on it.

But let's not suggest that somehow Manitoba was in a unique position or that there was some kind of arrangement that wasn't made with the Premier of Newfoundland or B.C., etc., and we would have been happier with half price on one, quite frankly.

**MR. CHAIRMAN:** The Member for Roblin-Russell.

**MR. W. MCKENZIE:** Mr. Chairman, that's why I rose in my place the first time tonight, to get the Minister of Finance off his feet, to tell me how you can put this in the books, in the records of this province and justify to the taxpayers that you can make some kind of a deal today with the feds, you expend taxpayers' dollars to buy one and you get one free. How are you going to show that to the taxpayers and justify to the people that I represent in Roblin and, basically, all the people in this province? It's a shady deal.

He says need; they needed one. I haven't heard the Minister stand in his place, or the former Minister, justify that we needed another aircraft, because that hasn't been proven to me. Now maybe this Minister can prove it to me. The Minister says, they were the last ones in on the deal. I just ask the Minister of Finance, show me how many western corporations were left out in the deal? And the reason they were left out, it was a shady deal, because they don't trust the aircraft to start with. Who wants to buy an aircraft today under those conditions? Billions of dollars of deficit.

There's something wrong with the aircraft or there's something wrong with the industry. There has to be or why aren't they buying them around the world? I don't know; I don't have that technology, but it scares me when we see the front pages of the Globe and Mail and the eastern papers where this corporation is in deep, deep financial problems. Everybody in my

constituency knows they're in deep financial problem, and they know it's their tax dollars, hard-earned tax dollars. The little guy down in the street, these people across the way are supposed to be representing and supporting and standing up to defend these little people that are out of work today and here we're blowing these kind of bucks for aircraft; and bailing out the Trudeau machine and these leadership candidates that are running across this country. It's scary; it is a scary deal.

May I just, in closing, ask the Minister if he'd be kind enough to give us in the committee the full details of this contract and I want the whole contract, if it's possible. If it's not, may we have the best that he can offer us and we will go to Canadair and get it the other way because it's scary. Can you imagine the chairman sitting down there tonight being part of this government who said they're going to do all these things for the province, for these people, when we're in the most difficult times, and here we go, they make a deal for airplanes. We've been through the Saunders thing, I well understand the aircraft industry when government gets involved, and here we are trying to justify. This Minister says, if I go and buy one airplane, for whatever dollar, I'm going to get the next one free.

Ask the Fourth Estate, can they justify that up there? I can't, no way, because I've been here almost 20 years and I've never, ever seen that kind of a deal between the feds and the province. Why did you have to make this deal? Are you that hard up? Are you that broken down? It's unbelievable and I respect this Minister, I think he's a great man, he's a very intelligent Minister and he's respectable. — (Interjection) — I respect him, but I know he got caught in a trap the time he was here before.

I think this trap, if anything else, is going to destroy him, this one, because if the people in his constituency can justify this Minister going and blowing those kind of bucks and he then says, I get the next airplane free. Why can't we all get the same deal? Why can't your Deputy Minister get the same deal? We can't do it, he says, and I'd like to know how the Minister of Finance is going to show it in his books.

Thank you, Mr. Chairman.

**HON. A. MACKLING:** I'd like to put it on the record the fact that, as MLA for St. James, I am concerned about the air industry. One of the significant facts is that when we have air industry activity in Canada, when there is manufacture of aircraft in Canada, we do still get some spinoff benefits in our residual air industry in Manitoba; and I'm given to understand, Mr. Chairman, that the wings for the CL-215's are fabricated in Manitoba so there's significant industrial spinoffs in Manitoba from the purchase of aircraft in Canada, made in Canada.

Honourable members may decry initiatives that have taken place throughout the history of Canada to maintain an air industry in Canada. I think that it is an area where large dollars have to be employed but, certainly to the extent that it assists a continuation of our industry in Manitoba, there is additional benefit as well.

**MR. CHAIRMAN:** 2.(k)(1)—pass?

The Member for Niakwa.

**MR. A. KOVNATS:** No, Mr. Chairman. I'm rising in my place to be acknowledged, please.

I'm not going to take too long. I was sitting and just listening to the debate and I'm very very disturbed. I wasn't going to enter into the debate but I listened to the Honourable Minister of Finance say, well, we needed one, but we also have a spare and I was wondering what we are going to do with the spare.

I wasn't the one who brought this into the debate. What are we going to do with the spare? I recall . . .

**A MEMBER:** Put it in your back yard.

**MR. A. KOVNATS:** I beg your pardon? You have to speak up, I'm a little bit hard of hearing.

Well, if it's going to be in my back yard - I've got a big back yard, as a matter of fact, about eight-and-one-half acres, and we run into a little bit of difficulty because . . .

**A MEMBER:** You plant blueberries in it.

**MR. A. KOVNATS:** No, no, it's not blueberries. I've got a big, eight-and-one-half acre back yard and it probably would take an aircraft. The difficulty is that the St. Boniface School Board thinks that back yard belongs to them.

Anyways, Mr. Chairman, I do recall at one time, and it wasn't that long ago, when they had - I guess it was during wartime - they used to put names on the aircraft - Lucky Lady and things of that nature. I would like to make a suggestion to the Honourable Minister for the two water bombers that he has acquired. Possibly he'll call one Woolco and the other one K-Mart because they're famous for their two-for-one sales. Now we've made light of it I would like to get down to something serious and I wish the Honourable Minister would pay attention because I do have some questions that I would like to ask concerning the area close to the United States border, of which I am quite aware, in the Piney, Sprague - well, we're going to get to the blueberries before long - Menicino area, and some of that area is only four or five miles from the American border and it's a pretty heavily wooded area and I was just wondering whether the Honourable Minister can advise whether there is any type of reciprocal arrangements with the United States of America, as I am understanding that there are reciprocal arrangements between Manitoba and Ontario and other provinces. Do we have any reciprocal arrangements to cover fires in the area close to the United States border?

**HON. A. MACKLING:** Mr. Chairman, I'm sure if the Honourable Member for Niakwa will consult with the Honourable Member for Emerson he will reassure him that much of the concern that he had was dealt with, either in questions he put to me or in questions that were put to other members and for which, I believe, I made a relatively full answer.

However, if the honourable member is not satisfied, I will be repetitious and put on the record answers to all those concerns again, but I think that would be wasting the time of the committee.

**MR. A. KOVNATS:** If the Honourable Minister could just give me an answer, yes or no, because if the answer is, no, that there are no reciprocal arrangements with the United States, I'll stop at this point; but if the answer is, yes, then I have some additional questions. Do we have any type of reciprocal arrangements with the United States of America concerning fighting fires close to the American border which, in fact, could put some federal establishments in danger, particularly the airport at Piney which is a bi-national airport. Do we have any type of arrangements to cover that? That's all I want to know.

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

**MR. A. KOVNATS:** Then I've got to ask a couple more questions. Thank you, Honourable Minister.

If we do have some arrangements, and I'm glad that we do because it seems reasonable that we have this type of arrangement, are the arrangements concerning water bombers from the United States coming to Canada to fight fires, as well as water bombers from Manitoba going to the United States to fight fires?

**HON. A. MACKLING:** Under emergency conditions, we contract with sister jurisdictions and, where necessary, we get equipment from south of the line. As a matter of fact, in the fire east of Lake Winnipeg, we did obtain equipment from, I believe it was from Boise, Idaho. So we look for equipment as quickly as we can from where we can get it.

I had indicated in answers earlier that we do have centred in Winnipeg the Canadian Interagency Forest Fire Centre, which co-ordinates information in respect to fire-fighting technique and equipment availability and so on. It's a fullfledged system that is invaluable that assists us as well as other jurisdictions in Canada.

**MR. A. KOVNATS:** To the Honourable Minister, I thank him for his answer. I had heard that earlier in the debate. I don't know whether I've got that feeling of fear concerning what I'm going to ask now or whether it's a foolish question, but I must ask it. When the Americans, the people of the United States of America, use their water bombers, where do they get the water that they drop onto Manitoba?

**HON. A. MACKLING:** Mr. Chairman, if we do call upon American jurisdictions for assistance, I assume that we would get the water proximate to the fire. It wouldn't be wise to bring the water any distance to a fire. I pointed out that one of the advantages we have in Manitoba is that we have a good deal of fresh water proximate to our forest areas and where we employ water bombers from whatever jurisdiction, they would fly in light and load water as close to the fire as possible to action. Where we got the equipment was from Boise, Idaho, it was communication staff equipment in that fire east of Lake Winnipeg.

**MR. A. KOVNATS:** Can the Honourable Minister give me any type of guarantee that if an aircraft was coming from Idaho, flying over the Missouri water system, that we have some guarantee that that Missouri water system would not be picked up in the water bomber and dropped onto Manitoba?

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

**MR. A. KOVNATS:** That relieves my mind. It was going through my mind and I didn't know whether it was foolish of me to have that fear but I did have that fear and I will be able to take what the Honourable Minister has advised me to the people in that area.

Now, one other question, and I have advised our chief critic that I really wasn't prepared to take too much time but we're talking about an area, and if it's a legal interpretation of something, I hope the Honourable Minister would tell me and I will resign myself to the fact that I can ask the questions another time. But we're talking about fires in an area that, we'll say, on Crown lands and that spread to private property. Is there any protection for the people who have private property right next to Crown lands for some type of reimbursement if the fire comes from the Crown lands to the private property? In addition, are the people from private properties who have had fires that spread to Crown lands, are they responsible? I'm not sure whether that's a legal interpretation or whether it is a known fact. Can the Honourable Minister advise?

**HON. A. MACKLING:** Well, I wouldn't like to try to be too definitive. However, generally speaking, if the fire starts on Crown land, it is actioned by the Crown; that is, if it starts in a forested area that is provincial Crown land, we will action that fire. If it spreads to private land, we'll continue to action the fire. If damage occurs, that is an area where I wouldn't speculate as to whether or not liability flows, because if it's an accidental fire, it may be lightning-caused, it may be caused by some person or persons unknown, I don't think liability would flow to the Crown in those circumstances, because there was no deliberate occasioning of that fire by the Crown. In the event that a fire starts on private land and spreads to Crown land, if it's in a municipality in which the private land is located, the municipality is responsible to action the fire. In the event that it gets out of control or even if it needs help within the municipality, it can call upon the provincial fire suppression equipment and we will action it. However, we call upon the municipality to pay in the event that our services are required. If the fire spreads from private land onto Crown land, again, the municipality would be obliged to try and put that fire out, prevent it. If it continues to spread, we would be called in to put it out. I think, generally speaking, those are the answers the honourable member is concerned with.

**MR. A. KOVNATS:** I'm not going to take too much more time. It's very interesting because I know that the municipality does charge some of the people from private property for the time of their fire-fighting equipment to come and put these fires out. You know, if the fire had started on Crown land and spread to private land, then I think they're still responsible for the cost of bringing those fire engines out from wherever they come out. But I don't want to get into that right at that point because the Honourable Minister was kind enough to answer my question.

One other point is that I know of one piece of property, it's a half section and there is an abandoned area right of way that runs between the two quarter sections and

I know that the government has been looking to transfer some of that land - and it's not whether the land has been transferred or not, that's not what I'm going to ask. I'm going to try to keep to what is in the Minister's jurisdiction. But there is some right-of-way property between the quarter sections. If a fire would start on that, which I would think is belonging to the CNR and my honourable colleague had mentioned earlier about fires starting from CNR and whether action is taken, can anybody who has private property on either side of what was a former CNR line take action against a fire that starts on this property even though is abandoned and is now the responsibility, I understand, of the Provincial Government?

**HON. A. MACKLING:** I think one would have to be pretty careful in weighing liability there. — (Interjection) — Well, the Honourable Member for Arthur is being helpful in indicating that is a legal question and I have recognized that.

You see, one should not speculate as to the circumstances. If, for example, it was possible to determine that someone's negligence occasioned the fire, then it may be open to the private property owner to bring a cause of action against the negligent party. All too often, it is not possible to trace successfully the cause of the fire. We can assume it happened because of someone's negligence if, for example, we can see that there was a campfire in the burnt area and the likelihood is that fire spread from the campfire to the burnt area. In other instances, it may well be, as the Honourable Minister of Municipal Affairs has helpfully suggested, they can be caused by lightning. There are any number of reasons why fires start. It's difficult to prove liability in many cases.

**MR. A. KOVNATS:** This is the last time, Mr. Chairman. You know, I am really concerned about this property because I think that the province has acquired this property somewhere around two or three years ago and has not disposed of it. There are all kinds of people like this friend of my wife's who is an owner of property on either side of this right of way, who is looking to get the property transferred to their own personal property. The government, the Province of Manitoba, who I think has got some responsibilities there have been a little slow in seeing that the land has been transferred and I'm going to proceed with the proper people. I think it's the Department of Highways that are responsible or the Department of Agriculture - I'm not sure - to see that the land is transferred to the proper owners.

I thank the Honourable Minister for being so kind to answer my questions so candidly.

**MR. DEPUTY CHAIRMAN, H. Harapiak:** (2.(k)(1) to 2.(m)(3) were all read and passed.)

Resolution 121: Resolved that there be granted to Her Majesty a sum not exceeding \$19,522,400 for Natural Resources, Regional Services, for the fiscal year ending the 31st day of March 1985—pass.

3.(a)(1) Engineering and Construction, Administration: Salaries - the Member for Emerson.

**MR. A. DRIEDGER:** Mr. Chairman, to the Minister, we've been going through the various sections and the

Minister was giving us a breakdown of the staff man years the increases, decreases. Instead of doing that with the balance of them, I wonder if the Minister would maybe consider, to expedite things, whether the Minister could give us a final summary within his department as to the increase or decrease of staff instead of going through the individual areas all the time?

There might be the odd question here and there where there's a major increase or reduction and we could maybe pose that question, but then we don't have to go through each item in terms of the increase or decrease, the Minister could maybe give us a summarization not right now. I think we can accept that maybe at the next meeting where we look at the total increase or decrease within his department of staff.

If the Minister could undertake that then I don't think we necessarily have to go through unless there's a major change and maybe the Minister at that stage of game could clarify why there is a major increase or major decrease because the majority of the areas that we look at there are decreases, so I assume there's shifting in staff somewhere along the line and it might just expedite things to some degree.

Under this resolution, Engineering and Construction, I have questions. No. 1 is the Agro-Man Value-Added Crop Agreement, does that come under this jurisdiction here or would that be under Capital?

**HON. A. MACKLING:** Under Water Resources.

**MR. A. DRIEDGER:** Under Water Resources, thank you. How about the Saskeram? Would that come under this department or under Water Resources as well?

**HON. A. MACKLING:** The Water Resources capital I think will deal with that item or under Wildlife. You could ask me questions under either head. Either under Wildlife or under Water Resources capital or under Water Resources general.

**MR. A. DRIEDGER:** Mr. Chairman, I just wanted to establish that because there are members on our side that want to raise questions on the Saskeram as well the Agro-Man Value-Added Crop Agreement, that I think is getting close to finalization. We'd like to have an update as to where it's at and whether the projects can be completed.

This area, I believe, deals with the conservation districts and also deals with services - maybe the Minister can correct me if I'm wrong - but it deals with services, the technical services, engineering services provided to municipalities in terms of drainage studies and things of this nature. I wonder if the Minister could maybe just indicate whether he is happy or satisfied with the progress made with the conservation districts, what he is looking for in this direction, and also whether the services that are required by municipalities in terms of drainage requirements, whether this is sort of on line and on stream with what their requirements are?

**HON. A. MACKLING:** Yes, you'll see, Mr. Chairman, that Item 3.(d) deals with Conservation District Authority. The activities of the Authority include provision for grant accountability in accordance with the provincial financial assistance policy for conservation districts; controlling

and dispersing grants to the conservation districts to allow for the front-end financing of district programs; the processing, verifying, recording and payment of all accounts on behalf of district boards; and providing training and assistance to the Secretary-Treasurer in each district.

When we get later on in the Estimates, Mr. Chairman, at Resolution 130 you will find there, funding for Conservation Districts Commission. I would like to elaborate then as to initiatives in respect to Conservation Districts' activities and my expectations and my fond hopes for increased activity in respect to conservation district work. I think it would probably more judicious of our time if I expanded on that question at that time under that heading.

Let me just indicate to the honourable member that while we could provide global figures, I think it would still require questions to identify where, in each section of the department, significant changes have occurred. While I would accommodate on that, I don't think that that will focus the concerns that quite rightly can be made as we go through each section.

In respect to this section, the staff changes are - I really won't deal with it; well I'll deal with the whole works. The Administration - we had 21 in '83-84; we have 20 this year; there is a reduction of one; in Technical Services, a reduction from 39 to 37.26; in Regional Engineering Services, a reduction from the forecast 142 to 132 a 10-staff year reduction; in Conservation District Authority, it stays the same.

Now, in respect to the 10-person reduction, that is comprised of survey crews that were reduced from 32 to 28. There's no impact on the construction capability. There is a reduction in Advisory Services to branches and others. That's the significant person year change in those figures. The Budget is slightly down from \$6,915,000 to \$6,745,000.00 If the honourable member would like, I could read into the record what the program involves. Would you like me to provide that?

**MR. A. DRIEDGER:** Mr. Chairman, if I might - is this the area that provides the technical services and survey services to municipalities?

**HON. A. MACKLING:** Yes.

**MR. A. DRIEDGER:** Then I think I'd like to proceed with that aspect of it.

**HON. A. MACKLING:** Let me just outline what the branch does. It provides professional engineering services as are necessary to assist the resource branches in the development of programs and projects for which these branches are responsible; as well as to design, instruct, maintain and operate specific projects and systems.

Also it provides professional engineering services to Conservation and Water Management Districts, the Manitoba Water Services Board and to other departments and agencies, as required; to maintain an effective commitment, expenditure control and cost recording system in respect of funds in which the branch may be directly or indirectly responsible; to manage the Conservation District Authority ensuring the effective control and the accountability for funds expended by



the branch on behalf of the Conservation District Board and for the grants made to these boards through the Authority; to maintain a contingency plan for the co-ordination of flood-fighting activities and support programs to provide professional engineering services in respect to flood damage repairs and restoration works.

The Administration Branch provides administrative services in the areas of contracts, budgets, accounts, personnel and payroll, land acquisition, inventories, vehicle and general administration.

Now the Technical Services Branch provides technical support to departmental programs in the form of design and preparation of plans and specifications for capital works, as well as for upgrading and maintenance of existing works and by undertaking feasibility studies to facilitate the planning needs of the various resource branches.

The Regional Engineering Services. The existing activities include and they provide a variety of field engineering services with respect to the implementation of studies, programs and projects for the various resource branches of the department and agencies of other departments.

The Conservation District Authority. The activities of the authority include provision for grant accountability in accordance with the provincial financial assistance policy for Conservation Districts. They provide for controlling and dispersing grants to the Conservation Districts to allow for the front-end financing. I think that's largely repetitive, I think that describes the initiatives of the section.

**MR. A. DRIEDGER:** Thank you, Mr. Chairman. Can the Minister indicate whether there are less services required by municipalities in terms of survey, design, etc., for drainage projects? Is there a shift that there are less requirements at the present time or is it sort of staying stable?

**HON. A. MACKLING:** I'm advised that the demands are relatively stable. What we are endeavouring to do is ensure that municipalities will prioritize their activities or needs.

**MR. A. DRIEDGER:** Well, Mr. Chairman, that brings up the area of concern I have under Item (c), and I'm dealing with it on a blanket basis, but where we have a decrease of 10 in the survey and design aspect of it and this is the thing that bothers me throughout this whole department, the continuous reduction in all aspects of services that are being provided, not just in this area, but I create the concern again in this particular area where municipalities are coping financially just like government is. It isn't that many years ago when these services were provided relatively free to municipalities or at a very reasonable cost. Now we're at the point where the municipalities pay pretty well full shot for these services and we have reductions in this area.

I have to raise the concern with the Minister about the direction that his department is pursuing in terms of services that are being provided by the professional people that we have. The municipalities have to rely on this department, this government and this

department for the professional services that are required. For example, the councillors in the LGDs or municipalities do not have an idea where to make a drain. This is why we have this department. This is why we have these professional people available for them, to indicate this is the survey, to do the design, to indicate the cases where it is a government responsibility.

Now, the concern I have is, if the Minister indicates that the requirement is pretty well stable over the years, we have major reductions in the area of the survey and design people, are we having major reductions in works undertaken by this department in terms of providing drainage? Are we just cutting back on the services that we provide to municipalities? It's the figures that create these questions in my mind because I know dealing with municipal people that the concern is on an increasing scale for providing drainage. At a time when taxes increase, there's more pressure all the time to provide proper drainages on the municipal people. Here we have an area that I think is of major concern and we'd like to look at it under the capital project as well, but we are decreasing the services that are available.

I have to express great concern to this Minister that I don't like the direction he's going. It's apparent in every one of his departments and I made this statement in my opening remarks that I don't think that we like what's happening, the direction that this Minister is going, that he is cutting back. That is why I express the concern that this Minister is not fulfilling his responsibility; why there is concern on this side about any of the actions that he is undertaking, that he is not doing a good job. I wonder if the Minister could give us some rationale as to why the cutback is taking place.

**HON. A. MACKLING:** Mr. Chairman, the rather modest changes that have been effected within the Branch do not decrease the capacity of the Branch to deal with the demands that are made upon it. It is true that municipalities have been able to obtain services through this department at much less than they would be obliged to pay should they have gone out to the private sector. Of course, if there is urgency and if we are unable to deliver in the time frame that they want, they are free to go to the private sector for such services as otherwise we could offer.

I'm advised that, relatively speaking, the demand is down from what it has been in the past, so there is no substantial difficulty in being able to deliver on service. It may mean however, that should the demands increase some studies and designs may not be actioned as quickly as some municipalities perceive as is necessary. Well, we will certainly do our best to provide for that, but if should that occur, they are at liberty to obtain services from whomever they can including private sector.

**MR. A. DRIEDGER:** Mr. Chairman, I beg to sort of differ with the Minister on that aspect of it. These services were provided at one time to municipalities at a very reasonable cost. That cost has been escalating and where maybe at one time municipalities maybe abused it to some degree to ask for survey and design on various projects which they maybe did not intend to undertake immediately, but they had it on file, what



has happened, the costs have gotten to the point where, you know, if there's any reduction, it possibly is the cost factor that's creating that reduction.

But when the Minister tells me that they can go to a private source and get that kind of service, I think that he's reneging on his responsibility because the municipal people look to this Minister, to the government, to provide these kinds of services. This Minister, when he uses that approach, and if this is the approach he uses with municipalities, I take exception to that kind of statement. To go to the private sector, the private sector cannot provide that kind of engineering professionalism that he can provide through his department. To use that approach with the municipalities, I say to the Minister, don't do that, because that is creating a bad impression with the municipal people. They rely on water resources to supply them with the kind of professional help that they need, to do a survey and design in terms of drainage.

So, using this business, if you don't like my department and my costs, go to a private sector. I think that is an irresponsible statement on behalf of the Minister, and we will be checking with the municipalities. But if there is, because of his reduction, because he feels conscientiously that his whole department in Natural Resources has to have reduction, if that is going to be the cause of inconveniences for municipalities, then we will be looking at these things again in the future and we'll be coming down pretty hard on this Minister. I'm tempted very much right now to chastise the Minister that I think he is reneging. He is reneging on his responsibility to the municipal people in the way he's dealing with some of his Estimates.

**HON. A. MACKLING:** Mr. Chairman, I'm very tolerant of the type of righteous indignation that the honourable member wants to indicate. I would expect the honourable member and others of his colleagues would be righteously indignant if I were to indicate that we were providing or that we had staffing in excess of need, that we were spending tax dollars to provide numbers of staff waiting to provide for any surge in activity that might occur in the municipal field. I would expect him to say, cut those expenses, because you know you can do better than that, and if you cut your expenses, you could reduce the deficit. Get to be more businesslike. Cut out the waste in your department.

Now I've come forward as a Minister, and the department has looked very carefully at all of its programming and has found that we can make a reasonably modest reduction in our staffing and in effect carry on relatively the same amount of work. That's an efficiency increase of about 10 percent. I would have expected the honourable member to say, Mr. Minister, that's excellent. Now, that's the kind of thing we'd like to see every department doing, tightening up, becoming more efficient, saving the taxpayers' dollars and thus reducing the deficit. That is not what I'm hearing from the honourable member. He is saying, look, we know that sometimes municipalities have asked for a study or a design and then maybe they haven't actioned it and so these things have occurred and we know that government has supplied these services in the past, almost for nothing. Well, you can see the kind of efficiencies that develop in government if you put those two things together.

If government is prepared to provide service, to spend time, effort in studies and designs and to develop capacity to respond to all of the requests that are made, and not charge sufficiently for them than what the taxpayers have to pay for that, then sure municipalities, if it doesn't cost them too much, if they really don't care, can avoid the problem by saying let's have a study made, let's have a design made, whether they action it or not, and the honourable member alludes to that. Now that is not responsible administration.

So I would have expected the honourable member, as someone who from time to time has risen in his place and criticized government for spending too much and cutting back on deficit, to have been strongly in support of what I have indicated has happened in this branch. Not a reduction in efficiency, just as much efficiency, but a tightening up to make sure that we do not have an over-abundance of staff; that we certainly respond to the reasonable workload, but that we are not wasting tax dollars.

I am advised, and I have indicated to him, that the amount of work is relatively stable; I am advised that there is no excessive backlog as a result of the guidelines we have developed here. Quite frankly, I am amazed that the honourable member would address these arguments.

Mr. Chairman, in addition to that, I am advised that we are using regional engineers to do some design and thus efficiency arise, particularly during the winter or slow periods. Now that is good government, Mr. Chairman, and I expect the honourable member, rather than saying, oh, I could chastise the Minister for this, to stand up in his place and say good work, we should have more of that.

**MR. A. DRIEDGER:** Mr. Chairman, I will not do that because I have been involved in a municipality, as reeve for five years of the R.M. of Hanover, and I know the thinking and the rationale of municipal people. Very often when they want to undertake a major drain of some nature, and they need the services of his department, they don't know what the costs are going to be. They ask this Minister or his staff, give us a survey and a profile, design this and give us a cost estimate. If the thing comes in at \$350,000 and then they have to come back and say, especially in the aspect of third order drains where this Minister is very negligent, in my opinion, in terms of the drains that he undertakes, now we have that kind of approach. Then the Minister turns around and the staff indicate to the municipality this is going to be the cost of the survey, design and the project and then he says, well they are not going to undertake that work. I think that's a very irresponsible position that the Minister is taking because the municipalites also are fending for bucks.

If the Minister is saying well, I am promoting the spending of bucks to bring down the deficit, I disagree with the Minister very heartily on that because this is an area that provides very essential services to the basic infrastructure of the rural areas and this is the Minister that is cutting down dramatically.

There are three areas that I am very concerned about and I don't want to go into a tirade about agriculture, highways and natural resources, but these are the areas that are providing essential services to rural areas that

are being cut down and the deficit, if he wants to talk about the deficit, hasn't decreased and the spending has increased. So it's a matter of prioritizing it and this Minister is not fulfilling his obligations to the people in the area that he is serving and that is my concern.

I cannot get up in my place and compliment the Minister on cutting back, not in areas of essential, necessary services, and I don't know how else to express it, Mr. Chairman. I am very disappointed and I think the municipal people are going to be disappointed that we are renegeing on responsibility and that this Minister has allowed himself to be deked out of bucks and he indicates that . . .

**HON. A. MACKLING:** That's not so.

**MR. A. DRIEDGER:** I asked him not to come back and say well, you can't have it both ways, and he is doing that again, he is hiding behind that aspect. He says you want me to bring down the deficit, be responsible, and then you want me to spend money. These are areas in Natural Resources in the infrastructures of the rural areas where this Minister should be performing and that's where he is cutting back. That is a disappointment that the rural area feels and they feel let down by this Minister.

**MR. CHAIRMAN, P. EYLER:** Before proceeding, I think members should know that food is not permitted in the Chamber. The Chairman had his donut in the caucus room; other members may, too.

Mr. Minister.

**HON. A. MACKLING:** Mr. Chairman, the honourable member wants his cake and he wants to eat it, too. I am not referring to the Chamber. I am referring to the honourable member who says look, we can say to you, Mr. Minister, cut your deficit, cut your spending, don't raise taxes, eliminate taxes, cut your spending. We can tell you that, but during the Estimates process, when we get up and say you better spend more money, you better not cut any services, we can say that because we are in opposition and we are justified to speaking out of two sides of our mouth. We can do that, but don't, Mr. Minister, stand up in this House and say well, you know, you are telling us to spend more money and yet you are criticizing us for running a deficit and we should cut taxes.

Now the honourable member can't have it both ways. He's got to decide which way he is going exercise responsibility. He's got to exercise responsibility because one of the things that the taxpayers in Manitoba, one of the things that the voters are going to look at is whether or not the party that is in opposition is entitled to govern. Is it entitled because of its constructive approach to government? You just can't have it both ways. The Honourable Member for Emerson can't say oh no, now you are going to stand up again and argue that, certainly.

If you continue to press me for additional spending, I want you, during the course of the same time that you are arguing for that, to tell me where to find that money, where to indicate to my colleagues that we should increase taxation, or where we should find that money. That is the responsible role for someone in

opposition. When you tell me that, I will listen but, when you tell me, no, I'm entitled to ask for more spending and don't you dare raise a defence of, oh, that will mean taxes or deficit; no, no, you can't say that.

The honourable member is being irresponsible. He talks and he says that I am being negligent. He is using those colourful words. I use those colourful words in return, Mr. Chairman. The honourable member is being irresponsible, he is being negligent, because the role of a constructive critic is to say cut this expense item here and find the money here, or increase spending here and find the money there. That's the kind of thing he should be doing, not, Mr. Chairman, saying oh, you're doing a great hardship, despite the fact that I have indicated the efficiencies have been increased within the department, rather than any significant reduction in service. Services, I am assured, will be relatively the same; that is, we will be more efficient than we have been in the past.

The honourable member should commend the branch. He doesn't have to commend me; he can commend the branch for that kind of initiative, the kind of initiative that finds ways to deliver as much service by saving the taxpayers money. That's commendable. He should commend at least the staff of the department for coming up with those kind of initiatives. I know politically he doesn't like to praise me because, after all, I am the Minister and I am across this side of the House, but we have asked - and I want to put this on the record - we have asked branch employees in this branch and in other areas to look at their departmental spending, find ways to help us to ensure that we are getting the most for taxpayers' dollars. They have done that and they have done a tremendous job, and I want to put on record the excellence of that effort on the part of the Deputy Minister, the Assistant Deputy Ministers, the branch directors. It wasn't an easy exercise but they did it and they did one tremendous job and I want to thank them.

Mr. Chairman . . .

**MR. A. DRIEDGER:** Your colleague ministers have taken you for a ride.

**HON. A. MACKLING:** . . . if I appear to be reacting in some strong words to that kind of argument, it's because it's a fundamental principle. You cannot argue with me that we should be spending more, unless he is prepared to indicate where we are going to get that money.

**MR. A. DRIEDGER:** You are hiding behind that.

**HON. A. MACKLING:** Now I have indicated that, to the contrary, despite the fact that there has been a tightening up here, we are still providing the service and I think that, rather than use those hollow words of condemnation, even a little faint praise would be acceptable, not the kind of position he is taking right now.

**MR. CHAIRMAN:** The Member for Morris.

**MR. C. MANNES:** Mr. Chairman, I want to associate myself with some of the remarks made by the Member for Emerson.

The Minister challenged us to show us in what areas that some savings could be effected and I just happened to pick up this piece of material that I think he handed out today telling us the menu planning for breakfast, lunch and dinner on the Mantario hiking trail. Maybe that might be one of the small areas in which some savings could be effected.

Mr. Chairman, my question . . .

**A MEMBER:** Tell the people how deep you made that stream, you don't have to walk up the hills.

**MR. C. MANNES:** Well and, of course, how to dispose of human waste when it's frozen. Mr. Chairman, I would like to ask a specific question regarding maybe the heading of the whole section. It's called Construction, yet I don't see a sub-appropriation for Construction items. Could the Minister tell me whether there's a Construction component within this voting resolution or why it is so named?

**HON. A. MACKLING:** Actual Construction takes place under Water Resources or, if it's for municipalities, by whomever the municipality may hire. They may go outside and hire privately, I don't know.

The honourable member alludes to the brochure that was distributed today. It's going to be sold at \$2 per copy, if the honourable member wants to return his, I'll be happy to make sure, if it's unmarked, that it goes back and is sold, and I'm sure there'll be people willing to buy that because it is very helpful. I think there are many people who want to tour by foot, rather than by machine, some of our natural beauty areas and I'm confident that brochure will be well received throughout Manitoba.

**MR. C. MANNES:** Mr. Chairman, I take it, from the Minister's answer, that there's no Construction component whatsoever within this area and I accept that.

I don't know if this is the proper time but, again, it comes out of his answer that he just gave. Is the department now expecting to charge for all its publications in the Natural Resource area?

**HON. A. MACKLING:** I will be dealing with that item later but, as I'm generally most co-operative, as members know, in dealing with questions even though they may not be within my purview or my authority, if I feel that it would be reasonable, I will answer. So, even though we'll be dealing with that later, a good many of the publications that we make - and I had hoped to have a stack of them here because I think, last night, when that item was dealt with, although it's passed, I had indicated that I would get a supply of those publications - a good many of them are handouts, they are free, because we're concerned about providing effective communication about resources to many people, particularly are these helpful in school. But in respect to maps that we put out for self-guiding trails, we do endeavour to provide some cost recovery. I don't say that we're going to provide cost recovery in total, but certainly we expect that some significant returns will be made. We sell maps, air photos and some brochures.

**MR. CHAIRMAN:** The Member for Swan River.

**MR. D. GOURLAY:** Thank you, Mr. Chairman. I have a specific question regarding the North Duck River which comes out of the east slope of the Duck Mountains, runs through the farming community of Cowan and, over a number of years now they've experienced some serious flooding after a heavy rainfall or quick spring run-off. The last serious situation that occurred there was in the summer of '82, serious flooding occurred throughout much of the farming area there and serious loss was incurred by a number of farmers. A local committee was struck to approach government and I attended a meeting at Cowan a year-and-a-half or so ago at which time the government was represented by the Minister of Agriculture.

The local committee had requested of the Department of Resources to undertake a study, I believe to examine the possibility of diverting some of the headwaters of the Duck Mountain so that it would by-pass the farming community and I'm just wondering what action this department, this Minister, has taken with respect to that request to alleviate the flood hazard in the Cowan Community.

**HON. A. MACKLING:** I thank the honourable member for the question. He was kind enough to have contacted my office and indicated that he would be putting a question to me in respect to this and, in anticipation of that, I do have the answer that I believe will provide as much information as I can to date.

In February, 1983, the Department of Natural Resources and the Department of Agriculture had agreed to undertake a joint preliminary study of flooding and erosion problems along the North Duck River. In October, 1983, staff of the two departments, accompanied by representatives of the Cowan Watershed Area Steering Committee, carried out a field inspection of the problem area. As was initially projected, because of other priority commitments, the Water Resources Branch was not able to begin its studies until February of 1984.

It had further been estimated that the study would take four to six months of engineering time, with the completion time varying between autumn of 1983 and autumn of 1984, depending on availability of information and possible interference by other priorities. The studies by both departments are under way at the present time. The Department of Natural Resources has nearly completed its evaluation of headwater storage solution options and its re-evaluation of two diversion options previously studied. A draft report is presently being prepared.

The Department of Agriculture has been requested to better define the nature and extent of the problems experienced for a measurement against the costs of solutions. As well, the Department of Agriculture's Report will examine cultural practices as they relate to the problems. A final report which will assimilate the Natural Resources and Manitoba agricultural studies is expected to be complete around the end of June of this year.

**MR. D. GOURLAY:** I'd like to thank the Minister for that answer. I have one other specific request that

involves the Community of Bellsite where they, over the years, have experienced serious flood drainage problems as a result of local precipitation and run-off from the Porcupine Mountain area.

I know that the Local Government District of Mountain had passed a resolution requesting a re-evaluation of the drainage work in the Bellsite area and I'm just wondering whether the department will be able to speed up the re-evaluation of that community this coming year.

**HON. A. MACKLING:** I thank the honourable member for the question. I know I recall that matter having been brought to my attention. I think the honourable member may have brought it to my attention earlier. I know that while I was in, either Swan River or Mafeking last year it was brought to my attention by a number of farmers in the area, and I do believe that study is being actioned by the department. I don't know what state it's at; I will make inquiries and let you know.

**MR. CHAIRMAN:** The Member for Morris.

**MR. C. MANNESS:** Mr. Chairman, I'd like to ask the Minister if this is the appropriate section under which to ask a question specifically regarding the La Salle River and its passage under Highway 75, and the engineering that might be involved once that highway is twinned in that area?

**HON. A. MACKLING:** That could properly be asked under Water Resources.

**MR. C. MANNESS:** I see.

**MR. CHAIRMAN:** (3.(a)(1) - 3.(c)(2) were read and passed).

3.(d)(1) - the Member for Emerson.

**MR. A. DRIEDGER:** Just a final comment, Mr. Chairman. I just want to reiterate my concern to the Minister that I'm not happy at all with the reductions that he has had in this area and I hope that the Minister will reconsider his position, because the services are very much required and I hope that in the future, we don't have to hear complaints from the municipal people in terms of lack of services provided by his department. We will be watching it and monitoring it very closely, together with municipal people.

**MR. CHAIRMAN:** 3.(d)(1)—pass; 3.(d)(2)—pass.

Resolution 122: Resolved that there be granted to Her Majesty, a sum not exceeding \$6,745,800 for Natural Resources, Engineering and Construction, for the fiscal year ending the 31st day of March, 1985—pass.

Item 4 - Mr. Minister.

**HON. A. MACKLING:** This is the Water Resources section. I know that honourable members have a question. Before starting this, I thought it might be helpful to distribute the capital items under Water Resources. I would plan to do the same under each heading under Parks and there's one other I think. They will be brought in shortly. Mr. Weber is on the way down, and he will distribute those.

**MR. A. DRIEDGER:** I appreciate the fact that the Minister tables his Capital Expenditures at this stage of game. We will not be necessarily debating it at this stage of the game. We will be debating it under the Capital Expenditures. But under Water Resources, I wonder if the Minister could indicate to us - I raised the question before and I think some of the members, my colleagues, raised the same questions as to the areas that would be covered by this department. I think the Member for Arthur is concerned about the Saskeram aspect of it; the Member for Morris raised a few questions when reference was made that they would be dealt with under Water Resources. I wonder if the Minister could outline to some degree the program that comes under this department here.

**HON. A. MACKLING:** I would be happy to, Mr. Chairman.

If the questions do stray, I'm not adverse to our dealing with them even if they may not be right under the item. Let me read the mandate in respect to this and that gives a broad overview.

The objectives of the Water Resources Program are to develop staff and implement programs for the long- and short-range planning, development and control of water resources available to the province and design construction and maintenance of water control works, the equitable allocations of water for use by public or private organizations in the province within the overall priorities as established by the government.

I just realized, Mr. Chairman, that one of the things I had intended to do and I've overlooked, was to introduce staff as they appear in respect to each branch. I failed and I apologize to Mr. Newton for not having introduced members to him. But I think Mr. Newton is well-known as the head of engineering and construction for many years. Now joining us is Mr. Tom Weber, whom I think is well-known to the members as well.

The existing activities of the Administration Branch include the administration of water resources. I'm sorry, Mr. Chairman, there is a question.

The administration of water resources and departmental policies provides administrative support to all sections in water resources; provides direction and ensures control of funding approved for water resources programs. The Water Licensing Branch is responsible for the investigation of all applications for the right to use water and the issuance of licences to qualified applicants. Quantities authorized are dependent upon the applicant's needs and the amounts available.

The investigation of alleged violations of The Water Rights Act, the collection of revenues under The Water Power Act for power production, land rentals and operation and maintenance charges; the review of proposed culvert installations, bridges and diversions as to hydrolic capacity through or adjacent to provincial roads, provincial trunk highways and municipal roads; a review of requests for the use of Crown lands inside and outside of water power reserves; the review of all applications for and issuance of permits to build within the Red River Valley designated flood area and designated reservoir areas.

The activities of the Water Management Branch include the operation and maintenance of provincial

water control works including provincial dams; provision of engineering services to Conservation Districts; plans and studies; the feasibility of constructing new drainage facilities; flood damage reduction measures; new water supply and conservation projects; establishes and administers designated reservoir areas and designated flood areas; participates in intergovernmental studies of water problems.

**Water Investigations.** Under that section, the Water Investigations Branch is responsible for monitoring and providing advice on all aspects of surface and ground water hydrology including surface water and ground water investigations; ground water regulation; surface water and ground water supply investigations; services to Conservation Districts; ground water management and development; flood reduction studies; flood forecasting; issuance of well-drilling licences; water quality testing; water treatment investigations.

The Regional Management Branch is responsible for providing representation for the Water Resources Program to the regions, developing and implementing programs in the regions and providing an interface with other provincial and local government entities.

The Canada-Manitoba Water Development Agreement. The existing activities under that agreement are as follows: It involves a series of projects designed to develop a long-term strategy for economic development in Manitoba through water management and drought proofing; funding for water development projects is provided from both current and capital authority. The current projects involve the following activities: Formulation of economic development scenarios; drought sensitivity analysis; development of a long-term water development strategy; water resources development, meaning ground water; analysis of Assiniboine-South Hespler area projects; water demand and supply analysis; site investigations of available water supply options; evaluation of water supply alternatives.

Under the Canada-Manitoba Flood Damage Reduction Agreement, the existing activities are as follows. The Flood Damage Reduction Program is comprised of four Canada-Manitoba Agreements: A general agreement which terminates December 31, 1990; a mapping agreement to investigate means of reducing or preventing flood damage to existing urban development in flood plains, which terminates December 31, 1984; forecasting agreement to improve flood forecasting systems and to establish a flood forecasting centre. It terminates December 31, 1985. The costs under that agreement are 50 percent recoverable from Canada.

The Canada-Manitoba Value-Added Crops Production Agreement. The agreement is jointly implemented by the Departments of Agriculture and Natural Resources. The Department of Natural Resources is responsible for the land and water management projects identified in the agreement. These projects are funded from both current and capital authority.

The current projects involve the following activities: Developing optimum drainage plans for selected watersheds having potential for value-added crops production; analysis of ground water data accumulated in the Wilson Creek experimental watershed to facilitate development of ground water management techniques for the area below the Riding Mountain escarpment.

I think, Mr. Chairman, that gives members a quick, broad overview of the varied program that falls under the Branch of Water Resources.

**MR. A. DRIEDGER:** In my conversation earlier with the Minister, we had some discussion about the closing time today and I wondered if this is an area that is a big one, close to the members on this side of the House when we look at the Flood Damage Reduction Program, the Value-Added Crops Area and what have you. I certainly don't want to belabour the issue at this stage of the game. I think there is some concern that we want to work on with this and I'm just wondering whether the Minister might consider giving us, he's given us the staff man years in each area so far, whether he wants to do maybe that and then maybe we could close after that, unless some of my colleagues maybe have a question. But, if he could do the staff man years, and then may be if there's the odd question, then we could adjourn at a reasonable hour. This is a big section in our opinion and that way possibly we can deal with it on a full scale later on.

**HON. A. MACKLING:** In respect to the staffing changes: Administration - there is no change; Water Licensing - no change; Water Management - reduction from 37 staff years in 1983-84 to 35 in this Budget; Water Investigations - 31, 1983-84 reduced by 1 staff year this year; Regional Management stays the same at 6; Canada-Manitoba Water Development Agreement - there were 4 in 1983-84, there is 0 this year; Canada-Manitoba Flood Damage Reduction Agreement stays the same at 6; Canada-Manitoba Value-Added Crops Production Agreement - a reduction of one-tenth of a staff year, it was one-tenth and it's 1 this year.

**MR. A. DRIEDGER:** Just a question here, we've been working on the general basis and then passing the section. Under the Value-Added Crops Production, just to bring myself up-to-date, Mr. Minister, could you indicate when that agreement is terminating and whether the objectives of that program are going to be met in the Minister's view?

**HON. A. MACKLING:** It terminates on March 31st this year, but authorized projects have until March 31, 1985 to be completed. The current projects authorized under this agreement are the Mississippi Wet Sands Management projects and related productivity projects.

**MR. A. DRIEDGER:** Just a short further question, Mr. Chairman. Does the Minister feel that all the projects designated under the Canada-Manitoba Value-Added Crops Agreement that all the projects will be completed by March 31, 1985?

**HON. A. MACKLING:** I'm advised that we have some further time. We have until September 30, 1985 for completion.

**MR. A. DRIEDGER:** Does the Minister feel that these projects, all the ones that have been designated, will be completed by that time?

**HON. A. MACKLING:** There may be, in one instance, and that's the Cooks Creek delay, however under that

one the federal portion, I think, we can attain in that time. In the event that we have difficulty there, I assume that we would endeavour to get some extension through the Federal Government.

I'm advised we've lost our chance for extension, but a sizable component of the Cooks Creek is provincial only and we fully expect that we should be able to target our construction activity to take up the funds from the federal portion in that period.

**MR. CHAIRMAN:** The Member for Turtle Mountain.

**MR. B. RANSOM:** Mr. Chairman, for many years now the municipalities have been faced with more and more bridge replacement costs and I'm wondering whether the Minister has given any consideration to making proposals under the Jobs Fund, for instance, to do construction work, assisting municipalities with replacing bridges.

**HON. A. MACKLING:** Replacement costs, I assume the honourable member is talking about drainage and bridges and related water activities. I know that under the Jobs Fund there was an opportunity for some municipal activity, particularly in respect to bridge construction and there were a number of municipalities who did look to that and did construct some bridges.

There is a concern on the part of my department for further initiatives required to deal with the very substantial number of bridges in the province that are going to need repair or replacement, and I'm sure that we have, over provincial drains and provincial waterways, a significant number of undertakings in that and I'm sure the municipalities have, as well, and will be looking to us for further assistance.

**MR. B. RANSOM:** Is the Minister encouraging municipalities to get in touch with the department then if they're doing some repairs on bridges? Is there a possibility that there might be funds available? And also, while I'm on my feet, does the Minister know at this point how much money was transferred from his department into the Jobs Fund? This is a question that I asked last night, perhaps he has the information.

**HON. A. MACKLING:** I'm advised that, in connection with the municipal requests, we are referring municipalities to the Highways Department and Municipal Affairs for direction in respect to municipal bridge replacement funding and so on.

In respect to Jobs Fund details, I'm sure that all of that will be available under the Jobs Fund when descriptions of all of the Jobs Fund activities, including those where appropriations are made or discretionary spending that takes place within departments has been funded through the Jobs Fund, and that complete accounting can be given at that time.

**MR. B. RANSOM:** I had asked the Minister last night if he could provide me with information as to how much money had been transferred out of his department last year into the Jobs Fund and I'm just wondering whether he has that information at this time?

**HON. A. MACKLING:** No, Mr. Chairman, I have indicated that I have looked at that and I believe the most effective way to deal with that would be to provide through the Jobs Fund Estimates and, when they are before the House, a full detail of every aspect of the Jobs Fund, including any allocations of funding that otherwise are discretionary within the departments.

**MR. B. RANSOM:** Mr. Chairman, surely the Minister will deal with his department. When we get to deal with the Jobs Fund we can ask them about where the money is going and that sort of thing, but there were funds taken out of the Department of Natural Resources last year and put into the Jobs Fund. I think it's only the Minister responsible for this department who is going to be able to answer that question.

**MR. CHAIRMAN:** 4.(a)(1) - the Member for Arthur.

**MR. J. DOWNEY:** Mr. Chairman, I heard, Committee rise; I'm prepared for committee rise.

**MR. CHAIRMAN:** Committee rise.