



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

DEBATES
and
PROCEEDINGS

28 Elizabeth II

*Published under the
authority of
The Honourable Harry E. Graham
Speaker*



VOL. XXVII No. 58A

2:30 P.M. Thursday, May 10, 1979

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 10, 1979

Time: 2:30 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): Before we proceed I should like to draw the honourable members' attention to the Gallery where we have 58 students, of Grade Five standing, from Carpathia School. These students are under the direction of Mr. Berg. Miller and Mrs. Shapera. This school is in the constituency of River Heights.

We also have 20 students, of Grades Four and Five standing, from Red River Valley School. These students are under the direction of Miss Magoon. This school is in the constituency of the Honourable Member for Elmwood. On behalf of all the honourable members we welcome you here this afternoon.

Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports by Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Agriculture.

HON. JAMES DOWNEY (Arthur): Mr. Speaker, I rise to make a non-political statement in tribute to Leonard Shebeski of the Faculty of Agriculture, University of Manitoba. Dean Shebeski will be retiring this summer.

Dean Shebeski has made many contributions to Manitoba, Canadian and world-wide agriculture. His high level of academic and scientific ability, coupled with outstanding enthusiasm, has had many important influences on the agricultural development. He has been involved in a number of distinct scientific discoveries, particularly in the area of crop production.

He was involved in the development of Triticale, and partly because of his initiative and interest in exploring such new fields, this research project was conducted at the University of Manitoba. With this kind of guidance the particular crop has become known worldwide.

First, as head of the Plant Science Department, and later as Dean of the Faculty of Agriculture at the University of Manitoba, Dr. Shebeski has been a real stimulus to his staff in his research work. This has resulted in many new approaches and findings in the agriculture research field.

In with Dr. Shebeski's great dedication to effective research work and teaching at the university, he has maintained very good contact with the farmers in Manitoba and in Western Canada. This has meant that he is well known among farm people which, in turn, increases the acceptability and trustworthiness of the Faculty of Agriculture. He has also been recognized as an outstanding research authority in international circles as witnessed by his membership on international development agencies as well as his frequent call to other countries for the presentation of research information and evaluation of ongoing programs. -

On behalf of all Manitobans, I would like to extend to Dean Shebeski our sincere appreciation for his dedication and service to agriculture and to wish him a forthcoming, happy retirement.

MR. SPEAKER: The Honourable Minister of Mines, Resources and the Environment.

HON. BRIAN RANSOM (Souris-Killarney): Mr. Speaker, I wish to table the May 10th Flood Report of the Water Resources Division.

MR. SPEAKER: The Honourable Minister of Finance.

HON. DONALD W. CRAIK (Riel): Mr. Speaker, before the Orders of the Day, I'd like to announce to the Members of the House that a new Manitoba Savings Bond Issue will go on sale beginning June 18th with the two-fold purpose of providing capital funds for public use, and providing Manitobans with an opportunity to invest in these Manitoba bonds.

They are fully registered, ten-year bonds and will carry an interest rate of 9.5 percent and, as

has been the case with past issues, they will be redeemable at par any time after six months from the issue date of July 1, 1979. This is the 12th issue since the Manitoba Savings Bond series was started 18 years ago. The present 5 issues have not yet matured; these are the years 1970, 1974, 1976, 1977 and 1978. The bonds outstanding from these issues amount to \$82,316,000.00.

The decision to go ahead with the new series at this time has been made largely with investment opportunities for Manitobans in mind, and of course, in part, the government's intent to provide as much investment from within Canada, and Manitoba in particular in mind. It enables the average Manitoban who may wish to invest in their province to do so through a savings bond vehicle. Bonds will be sold at par through chartered banks, investment dealers, trust companies, credit unions and caisses populaires. They will be issued in denominations of \$100, \$500, \$1,000, \$5,000 with a \$50,000 maximum to any one person. The sales are limited to residents of Manitoba of all ages including incorporated companies, societies, associations or trusts having a registered office in the province, and to any local government organizations in the province.

The province, Mr. Speaker, reserves the right to close off the sale on two business days' notice.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL A. MILLER: Mr. Speaker, I welcome the minister's announcement. Just a few days ago, we exchanged notes and it was my impression that we were not going to have a bond issue in Manitoba, and I was very sorry to hear that but, I'm pleased that this afternoon, the minister was able to announce this particular issue.

You know, I believe that Manitoba has benefited a great deal since it was decided that Manitoba's government should look to its own citizens, give them the opportunity to invest within Manitoba and as a means of raising funds within our own province.

And it's interesting to note that in the previous issues, there are 5 previous issues at \$82,000,000 still outstanding. In other words, people are prepared to leave the money with the government and collect on their interest rates which are paid, I believe, annually or semi-annually, I forget which.

I'm assuming that these bonds, like previous bonds, will be cashable after 6 months and that makes them a particularly attractive bond because, in essence, they are really very liquid, they're a demand note after 6 months, and this makes it very attractive for most people who don't want to tie up their funds for three years or five years or even one year. But the interest rate, I believe 9-1/2 percent, although not as high as one can get today investing in other means as to even term deposits, I believe that interest rates are on the way down and that the 9-1/2 percent will attract Manitoba investors both large and small, and that's what makes this particular issue, the Manitoba Savings Bonds, interesting and attractive and I am pleased that the moneys that are raised within Manitoba are being spent in Manitoba.

MR. SPEAKER: Notices of Motion. . .

INTRODUCTION OF BILLS

HON. Edward McGill Brandon West introduced Bill No. 50, An Act to amend The Manitoba Telephone Act. (Recommended by the Lieutenant-Governor)

ORAL QUESTIONS

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. HOWARD PAWLEY (Selkirk): Mr. Speaker, further to questions that I raised in the House to the Minister of Labour, and further to information which the Minister of Labour forwarded to me through my office, I would ask the Minister of Labour if in fact he would confirm that the information which was forwarded to me by himself, dealing with the days lost in Manitoba due to work stoppages due to lockouts and strikes, indicate in fact an increase of 1000 percent, 1978 over 1977 and in fact if you exclude the construction strike a 500 percent increase in days lost, 1978 over 1977.

HON. KEN MacMASTER (Thompson): Mr. Speaker, that never was a secret in my mind, it was just a matter of giving the Leader of the Opposition the entire picture as it was across Canada and there was a substantial increase in every jurisdiction in the country, suspected to be basically in a lot of cases because of the coming out of the AIB period. The same downward trend, if you look at all the figures, indicates that the desire to go farther than the limitations that were placed

by that Legislation was not evident with workers and last year they felt justified to try and get back some of the things that they felt that they had lost during that particular period. Those figures are correct and that's why I forwarded the entire position of other jurisdictions to the Leader of the Opposition.

MR. PAWLEY: Mr. Speaker, a further supplementary, the member suggests that the reason for the increase is due to the coming out of the AIB, but at the same time I wonder if the Minister could confirm that in fact if one totals all jurisdictions in Canada, all provinces, that the percentage of increase in days lost due to lockouts and strikes, increased in Matoba's ratio of the total from just under 1 percent in 1977 Manitoba's share to just under 4 percent as Manitoba's share in 1978.

MR. MacMASTER: I produced the figures, Mr. Speaker, I suspect that they're correct.

MR. PAWLEY: Mr. Speaker, then a question to the Attorney-General. Last year during the Legislative Session, questions were raised to the Attorney-General in connection with the Student Program, in which students were being hired in order to work with the Royal Canadian Mounted Police, and two questions. It was indicated that those students would not have access to rifles or to shotguns, and would be under constant supervision. Is the minister prepared to confirm reports to the effect that in fact, students do have access to shotguns while on patrol and in fact have carried same under patrol?

MR. SPEAKER: The Honourable Attorney-General,

HON. GERALD W.J. MERCIER (Osborne): Yes, Mr, Speaker. I am prepared to review that newspaper report that I think the Honourable Leader of the Opposition is referring to, with the RCMP authorities.

MR. PAWLEY: I would ask the Attorney-General if in fact the same practice will be continued insofar as the forthcoming summer or is this particular program under review in that particular respect by his department?

MR. MERCIER: That will depend on my review of this matter with the RCMP, Mr. Speaker.

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

MR. A.R. (Pete) ADAM: Thank you, Mr. Speaker. My question is for the Minister of Highways. I wonder if the Minister of Highways could verify if there were any snow-ploughs out working in the vicinity or proximity of Erickson during a storm in the area where a fatal accident occurred, claiming the lives of five people and hospitalizing two others, I believe, in a very serious condition.

MR. SPEAKER: The Honourable Minister of Highways.

HON. HARRY J. ENNS (Lakeside): Mr. Speaker, I'd have to take that question as notice. I cannot indicate to him whether or not there were snow-ploughs operating in that particular vicinity, but I will take the question as notice and inform the member tomorrow morning.

Mr. Speaker, perhaps while I'm on my feet, I can just indicate to the honourable members of the House and through you, Sir, to the members of the fourth estate, that we anticipate the citizens of the community of Emerson, to be able to return to their community starting tomorrow at noon. Thank you.

MR. ADAM: Yes. I would ask the minister therefore, if he could also take as notice, whether or not the snow-ploughs went out after the accident, and also if he could confirm if it is correct that there was approximately ten inches or 25 centimeters of snow at the time of the accident, and that there was only two ruts in that particular area, — and only one track where a vehicle could operate at the time of the accident?

MR. ENNS: Mr. Speaker, I'm certainly prepared to get all the information that the member requests. I think, Mr. Speaker, the honourable member will also begin to appreciate the difficulties that the

Highways Minister faces. His colleague, the Member for Rupertsland, yesterday was asking why particular roads weren't getting their regular gravel maintenance on the roads. I can indicate to the honourable member that the crews, as they would normally, have by this time taken most of the snow equipment off the maintainers, not anticipating 15 or 20 millimeters of snow at this time, but I will check the actual situation, Mr. Speaker, and provide that information to the honourable member.

MR. SPEAKER: The Honourable Member for Inkster.

MR. SIDNEY GREEN: Mr. Speaker, I have a question to address to the Honourable Minister of Labour. Can the Minister of Labour advise me whether he has now rejected the request by the Manitoba Theatre Centre to appoint an arbitration board under an agreement to find out if the agreement exists?

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: My answer to the member yesterday is similar to what it is today. I had suggested yesterday that in my opinion the appropriate thing for the parties to do was to apply to the Manitoba Labour Board to try to resolve their differences. I have since advised the Manitoba Theatre Centre that I will not be appointing an arbitrator and the Member for Inkster, I believe, represents the union so that advice holds true for both. I think they should go to the Labour Board and attempt to resolve this dispute.

MR. GREEN: Mr. Speaker, the honourable member should be aware that I represent the Constituency of Inkster at the present time and if he raises the other matter, the union never made any request to the Minister of Labour. I take it the Minister is confirming that the request of the Manitoba Theatre Centre Board requesting an arbitrator, which the union said is not appropriate, has been rejected.

MR. MacMASTER: Yes, Mr. Speaker, the Member for Inkster is well aware of the arbitration procedure. I suppose, much better than myself and I find it would be an impossible situation to appoint an arbitrator in this particular case.

MR. SPEAKER: The Honourable Member for Inkster with a final supplementary.

MR. GREEN: Mr. Speaker, I merely wish to thank the Minister for accepting my representations to him in that connection.

I do, Mr. Speaker, have a question of privilege which relates to one of the members of the House but more particularly it relates to the New Democratic Party as an organization. It is reported in today's newspaper in an article which is so clearly wrong that I would have attributed it to "Ted Stupidly" except that it is signed by Fred Cleverley and therefore I cannot attribute it to my pseudonym, that Larry Desjardins, running for the New Democratic Party for the first time was defeated in the election as a New Democrat. Mr. Speaker, I have here a statement to His Honour the Lieutenant-Governor-in-Council indicating that the election in which that occurred was void and it therefore is not an election and that the first election that Larry Desjardins ran in as a - - New Democrat, he won handily over Paul Marion.

MR. SPEAKER: The honourable member did not have a point of privilege.
The Honourable Member for Flin Flon.

MR. THOMAS BARROW: Thank you, Mr. Speaker. My question is to the Minister of Labour. Due to the fact that in your platform many times you have stated that you believe in open government. Your Premier said, "My door will always be open." Why do you refuse to meet with the Injured Workers Association?

MR. SPEAKER: The Honourable Minister of Labour.

MR. MacMASTER: Mr. Speaker, I haven't refused to meet with the Injured Workers Association. They have had meetings with my Deputy and I understand they are arranging a specific date to meet with me.

MR. BARROW: I'm glad to hear that, Mr. Speaker. My second question is to anyone over there

who cares to answer. The question is this, Mr. Speaker: The media has come in for lots of criticism, the Free Press and the Tribune, which at times I think is most unfair, - - especially that article "Under The Dome", but anyhow, Mr. Speaker, a major source of the media who is known to be astute, honest, intelligent, and prophetic, has come out supporting that great party, the New Democrats: The Toronto Star. My question is this, Mr. Speaker, I just happen to have 33 subscriptions. Would they accept them in good faith?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, I'll answer a question from several days back from the Member for St. Johns with regard to the longer term bond issue that was done in U.S. currency. These date back to April 27th, and there was a number of questions posed by the Member for St. Johns. He asked about the comparable province issue rate that would have been comparable to the issue we did had we gone in the Canadian market, and the market at that time, Canadian, would have been approximately 10.5 percent.

The effective cost of the loan — second part question — in Japan, after taking into, in American dollars, account all the costs of the issue, the discounts, servicing of the interest charges over the life of the issue and so it works out to an effective rate of 10 percent.

The effective yield to the lenders — this was another part of the question — was 9.92 percent. The impact of foreign currency fluctuations on the issue is that the province will gain over a comparable issue in Canada, if the Canadian dollar should have an average value over the life of the issue greater than 85.95 cents Canadian dollar to the U.S. dollar. And the value at the date of the issue was 87.57 cents U.S.

MR. SPEAKER: The Honourable Member for Elmwood.

MR. RUSSELL DOERN: Mr. Speaker, I'd like to direct a question to the Minister of Tourism and Cultural Affairs. In view of the \$50,000 grant to the Diefenbaker Museum or Archives in Saskatchewan — new-found neys for that purpose — can Manitoba's troubled artistic community anticipate additional funding for their capital and operating grants?

MR. SPEAKER: The Honourable Minister.

HON. NORMA L. PRICE (Assiniboia): Mr. Speaker, I think that we are doing a great job of helping all the major arts as they have been having some form of problem or another. We certainly haven't been turning our backs on them.

MR. DOERN: In the event that the Museum of Man and Nature is unable to meet its goal of raising money for a new forest gallery and for general operating — it's on a sharing basis — will the Minister ensure that there will not be any layoffs or that the new gallery will not. . .

MR. SPEAKER: Order please, order please. The question is hypothetical. The Honourable Member for Elmwood.

MR. DOERN: Well, Mr. Speaker, I will attempt to rephrase it. Can the Minister report whether the Museum is on target in its fund raising efforts to build a new gallery and to meet their capital requirements? -

MRS. PRICE: Yes, Mr. Speaker, I believe they are on target. They have a very extensive fund raising going on that I hear they are doing quite well at.

MR. SPEAKER: The Honourable Member for Elmwood with a final supplementary.

MR. DOERN: Mr. Speaker, again, given the fact that the government was able to find \$50,000 for the Diefenbaker Grant, which I do not criticize on its own, I would again ask the Minister whether in view of the fact that that money was found, new money which apparently was not budgeted for, can the Minister assure us that the local art community will not go wanting and I would ask her on that basis whether she . . .

MR. SPEAKER: Order please. The question is repetitive. Does the Honourable Member for Elmwood want a final supplementary?

MR. DOERN: Bearing in mind the Diefenbaker Grant and the needs of our community, does the Minister subscribe to the old adage that charity begins at home?

MR. SPEAKER: The Honourable Member for Rupertsland.

MR. HARVEY BOSTROM: Mr. Speaker, my question is to the Minister of Highways. In view of the report I received yesterday regarding the airstrip at Poplar River in my constituency, which apparently was in a rather dangerous condition for the aircraft landing there, I wonder - if the Minister could investigate the allegation that the equipment that is supposed to be utilized in maintaining the airstrip is no longer serviceable and was not serviceable over this last period of time when bad weather conditions created a very serious condition regarding that airstrip's performance and the ability of the aircraft to land and take off safely.

MR. SPEAKER: The Honourable Minister of Transportation.

MR. ENNS: Mr. Speaker, I'll take that question as notice.

MR. SPEAKER: The Honourable Member for Brandon East.

MR. LEONARD S. EVANS: Thank you, Mr. Speaker. I would like to address a question to the Minister of Economic Development, also responsible for the Manitoba Housing and Renewal Corporation. I wonder if the Honourable Minister could explain to the House why MHRC could not sell a piece of land to one, Terry Balkan, the new owner of Shaino's Limited, and thereby providing one reason at least for the moving of the head office of Shaino's from Winnipeg to Vancouver.

MR. SPEAKER: The Honourable Minister of Economic Development.

HON. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, the land Mr. Balkan refers to was a piece of land on Garry Street which the Board decided would not be for sale and anyway it would have had to have been up for tender. When the member says, could we have possibly found him one piece of land, yes, we could have found him - - several but we were not prepared to sell that piece of land and it would have had to have been on public tender at any rate.

MR. EVANS: Thank you, Mr. Speaker. I would like to ask the Minister a supplementary question and ask the Honourable Minister, in his capacity as Minister of Economic Development, did he request his staff to actively work with Mr. Balkan to do whatever they could, to have them do whatever they could, to dissuade Mr. Balkan from moving his operations from Winnipeg to Vancouver?

MR. JOHNSTON: My staff has had conversation with Mr. Balkan, Mr. Speaker. I can assure you that Mr. Balkan has interests in B.C., as he has all the way across Canada, and he prefers to go and live in Vancouver or that area. Just the same, Mr. Speaker, I am often wondering why we weren't congratulated when New York Life announced their head office in Winnipeg.

MR. EVANS: Mr. Speaker, I would like to ask another supplementary question to the Minister of Economic Development and ask him if he can confirm that the much heralded multi-million dollar Canada-Manitoba Industrial Sub-Agreement was of no use whatsoever in this instance in attracting Mr. Balkan to the Province of Manitoba as opposed to moving to Vancouver?

MR. JOHNSTON: The multi-million dollar sub-agreement is an infrastructure support to small towns to help them build up their present businesses and it is not designed for companies that are making in excess of \$500,000 in sales and we happen to know very obviously that Mr. Balkan does not qualify for any grants of that nature, thank God.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (Bud) BOYCE: Mr. Speaker, I have a question for the Minister of Education.

MR. SPEAKER: Order please. I wonder if the honourable members could give the member the opportunity of asking his questions.

MR. BOYCE: Through you to the Minister of Education, Mr. Speaker. Subsequent to the

of Bill 52 in the House, I have had several calls from people representing students with special needs. Is the government in a position to clarify their intention as far as the educational needs of children who have special needs in the province?

MR. SPEAKER: The Honourable Minister of Education.

HON. KEITH A. COSENS (Gimli): Mr. Speaker, I assume the Member for Winnipeg Centre is referring to Bill 22, not 52. In that regard, Mr. Speaker, provision for the educational programming of students in this program is dealt with in that particular bill and I will be quite prepared to comment on it at the suitable time.

MR. BOYCE: Mr. Speaker, I perhaps need a little direction in asking this kind of question, because I don't want to be out of order by entering a debate on Bill 22 at this time, but in the bill itself it calls for the repeal of certain Acts, but now we are asking questions relative to a bill which was passed by this Legislature but never proclaimed. It was quite a comprehensive bill, so is the Minister actually telling us that Bill 58 is now scrapped and that that which was intended to be covered by Bill 58 should be included in our discussion on Bill 22 when it comes up for debate in the House?

MR. COSENS: Mr. Speaker, I think I would have to take that particular question as notice. I am a bit perturbed, as the Member for Winnipeg Centre, as to whether we are getting into a debate on that particular bill at this time; I don't know whether that is suitable or not. I will take his question as notice.

MR. BOYCE: I want to thank the Minister for his taking it as notice, Mr. Chairman. I certainly don't want to be out of order but perhaps, Mr. Speaker, you can see the dilemma, that people are asking, the people in the province are asking whether it is the intention of the government to have that which was included in a bill passed by this Legislature, in legislation which is up for current discussion in the House. So I'm sure the people in the province would appreciate some clarification of the government's position as to that which was passed by this House, included as Bill 58, but which is not a statute of the Province of Manitoba, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Transcona.

MR. WILSON PARASIUK: Thank you, Mr. Speaker. My question is directed to the Minister of Finance. Can the Minister confirm statements attributed to him outside the House that the Government White Paper on Tax Credits would not be brought before the Legislature until after the May 22nd Federal Election?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, that's essentially true that the questions were in reference as to whether the White Paper would be included with the Budget; I indicated that in view of the May 22nd federal election and the various platforms, there were three major political parties in the election; that there were implications as far as some aspects of the White Paper were concerned, and it would be more appropriate to wait until after the May 22nd election.

To get some idea, Mr. Speaker, in the event that the New Democratic Party form government in Ottawa, their present platform would certainly have an influence on our White Paper, because I think that they're advocating one program that is almost identical to a former NDP Program here and, of course, Mr. Speaker, if that disaster should occur, it would have a very profound effect on our White Paper.

MR. PARASIUK: Since Parliament would have to meet after any type of federal election to give effect to any platform, and since tax credits are a very major proportion of the whole Budget of the can the Minister then indicate whether in fact the Budget province' will be dealing with tax credits, or will that be postponed until some time in the future as well?

MR. CRAIK: Well, Mr. Speaker, the Budget will deal with some aspects that would normally be included in the White Paper.

MR. SPEAKER: The Honourable Member for Transcona with a final supplementary.

MR. PARASIUK: Yes, Mr. Speaker. Can the minister confirm that he's not trying to pass on whatever

good news he can before the May 22nd election, and that he's waiting until after the May 22nd federal election to pass on the bad news to Manitobans?

MR. CRAIK: Mr. Speaker, I can confirm to the member that the date of May 22nd has very little to do with the timing of the Manitoba Budget.

MR. SPEAKER: The Honourable Member for Burrows.

MR. BEN HANUSCHAK: Mr. Speaker, I wish to direct my question to the Honourable Minister of Consumer Affairs. Could the minister indicate whether he has completed his enquiry or investigation into the sudden gasoline price increase which occurred some two months ago?

MR. SPEAKER: The Honourable Minister of Consumer Affairs.

HON. WARNER H. JORGENSEN (Morris): I'm not sure whether my honourable friend is referring to a question that he posed in the House with respect to gasoline price increases in the City of Winnipeg; if that's the question, Mr. Speaker, I thought I answered him by telling him that we were not conducting an investigation into price increases in the City of Winnipeg because we felt that the marketplace was able to take care of price increases or price competition within the City of Winnipeg.

MR. HANUSCHAK: In view of some of the strange things which seem to be occurring in the marketplace such as a 25 to 30 percent increase in the price of gasoline which occurred overnight once again at the beginning of this week, will the minister reconsider his role and the role of his department insofar as allowing the marketplace to fool around with the consumers in this manner?

MR. JORGENSEN: Well, Mr. Speaker, as my honourable friend may be aware, prices of gasoline has been fluctuating pretty violently in the City of Winnipeg; he always draws to my attention those times, those occasions when the price goes up, but is silent on those occasions when the prices go down, when the consumer benefits and, on balance, I think that the consumer is getting the best possible value for his dollar in depending upon the marketplace to determine what the price of gasoline will be.

MR. SPEAKER: The Honourable Member for Churchill.

MR. JAY COWAN: Mr. Speaker, my question is to the Minister of Northern Affairs.

Monday last, during the Estimates, he indicated that some consideration was being given to increased subsidies for the Savage Island Fish Processing Plant. Given the fact that such subsidies may have an impact on the length of the fishing season and the number of lakes fished, I'm wondering if the minister can now indicate what progress has been made towards resolving this very immediate problem?

MR. SPEAKER: The Honourable Minister of Northern Affairs.

MR. MacMASTER: I can't report that at the moment, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Churchill.

MR. COWAN: Yes, I'd like to address a question to the Minister of Mines, Resources and Environmental Management. Can the minister confirm statements that have been made by the President of the Manitoba Government Employees' Association to the effect that the Province's Conservation Officers have become targets for frustrated Manitobans who disagree with government policies?

MR. SPEAKER: The Honourable Minister of Mines, Resources and the Environment.

MR. RANSOM: No, Mr. Speaker, I most assuredly cannot confirm that.

MR. SPEAKER: The Honourable Member for Churchill with a final supplementary.

MR. COWAN: Yes, thank you, Mr. Speaker. Can the minister then confirm that an incident involving a shotgun being discharged at three government employees in The Pas was hushed up because

the government didn't want to bring, and I'm quoting from the President of the MGEA's statement, "hushed up because the government didn't want to bring more tension to the area," and can he further indicate if any other incidents of this nature have also been hushed up by the government?

MR. RANSOM: Mr. Speaker, I'm unaware of the incident that the honourable member refers to. I would certainly wish to take the question as notice and have the situation investigated because I would want to be assured that a due process of law had been applied.

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

MR. D. JAMES WALDING: Thank you, Mr. Speaker. My question is to the Honourable Government House Leader. Can the minister inform the House when it's the government's intention to table Order for Return No. 55?

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: I'll have to find out which Order for Return that is, Mr. Speaker.

MR. WALDING: A supplementary, Mr. Speaker. Can the minister explain to the House why it has taken one year to remove one paper from a filing cabinet, reproduce it and present it to the House?

MR. JORGENSON: Well, Mr. Speaker, perhaps the answer to that question is the same as when we were on that side of the House; we often wondered the same thing.

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

MR. SAULCHERNIACK: Thank you, Mr. Speaker. I'd like to address a question to the Minister of Finance. In view of the fact that there has been agreement reached about certain fees to be paid to private auditors who are substituting now for the Provincial Auditor in carrying out audits at certain Crown corporations, will the minister now inform us as to the amount the fees are that have been settled?

MR. SPEAKER: The Honourable Minister of Finance.

MR. CRAIK: Mr. Speaker, on a similar question, several days ago or a couple of weeks ago, I indicated to the member that most of the agreements, or negotiations, with the various external auditors were completed and that some of them were actually working, and in due course that I presumed that an Order-in-Council would be processed which would confirm it all, and I would suggest to him that, in due course, that will take place.

MR. CHERNIACK: Mr. Speaker, would the honourable minister confirm that the fact that existing Orders-in-Council provide for the appointment of specific auditors to do specific audits, and provide that the amount of fees shall be settled by the Treasury Board, and that as a result thereof, there is no need for an Order-in-Council to confirm fees payable to those specific auditors?

MR. CRAIK: I think that's correct, Mr. Speaker.

MR. CHERNIACK: Mr. Speaker, in view of the fact that no Order-in-Council is necessary to complete the appointment of the auditors and payment of fees, is the minister prepared to inform us as to the fees that have been settled for the various auditors who are now doing the audit and need no further confirmation by word of Order-in-Council or anything other than what has been done by Treasury Board?

MR. CRAIK: Mr. Speaker, in view of the matter being of some particular interest to the members of the House and particularly some members opposite on the matter of the fees, I gave the undertaking that this would be processed by Order-in-Council. The original Order-in-Council of course doesn't require it but on the other hand, since it is of some interest to the members opposite, we will file the Order-in-Council in due course that indicates these amounts. Otherwise, Mr. Speaker, the Member would be required, if you really followed it in the logical procedure, could be required to file an Order for Return for the matter some time after the fact. But I have indicated to him

that in due course, an Order-in-Council would be processed.

MR. CHERNIACK: Mr. Speaker, in view of the fact that as I recall it, there has been an Estimate of some \$70 as being the cost of an Order-in-Council, in view of the fact that the Minister says that an Order-in-Council is not necessary in the case of fees that have already been settled and the accountants are already working, is he prepared to give us the information which he must have readily available to him or could have in one day?

MR. SPEAKER: Order please. May I point out to the honourable member that repetitious questions do not serve the best interests of the Chamber. Does the honourable member have a new question?

MR. CHERNIACK: Mr. Speaker, I appreciate your pointing out that repetitious questions do not serve, but I'm not repeating a question, I'm now saying that the cost of an O/C is such that it should not be necessary to spend the money and I'm asking whether the Minister is therefore now prepared to give us that information, or does he insist on an Address for Papers or an Order for Return?

MR. CRAIK: Mr. Speaker, we've been more than accommodating on this question and will continue to be so. What I indicated to the member the last time he asked question was that all of the assignments had not been completed, and as soon as they are or perhaps even sooner, we'll provide the information. If there's a hold-up that extends beyond a reasonable time, the Order will be processed and in due course, the information will be provided; it will be public information. I assume that that information would very likely be available for part at least of the Public Accounts discussion that will go on.

MR. SPEAKER: The Honourable Member for St. Johns with a fourth question.

MR. CHERNIACK: Mr. Speaker, would the Minister indicate when there will be a meeting of Public Accounts that can deal with matters such as the one he just raised?

MR. CRAIK: Mr. Speaker, I would think that the first matter on the Public Accounts agenda might — well it will be Bill 2, The Financial Administration Act and I would hope that we can — since it's now adjourned here at second reading stage — that we would have that before the Public Accounts Committee as soon as possible. I see no reason that it's not technically possible for it to sit even during the Budget Debate. I would assume that Bill No. 2 might well be the first matter of discussion at Public Accounts. If that's not technically possible, we'll be advised by the Clerk or the House Leader.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

MR. JORGENSON: Mr. Speaker, I move, seconded by the Minister responsible for Government Telephones, that Mr. Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented.

PRIVILEGE OF THE HOUSE

MR. SPEAKER: The Honourable Member for Burrows.

MR. HANUSCHAK: Mr. Speaker, I have a matter of privilege, of House privilege, that I would like to raise. I note on page 3885 of Hansard and I'm sure that the Honourable Minister of Highways is misquoted because I don't think that he would want to describe any member of the House in this fashion; I'm sure you wouldn't permit it. My colleague, the Honourable Member for Wellington is described as the "Hooourable Member for Wellington." Now I'm sure you wouldn't want that to remain uncorrected.

MR. SPEAKER: Order please. If there has been any problem with Hansard, it's the responsibility of the Speaker and I'll look after it.

The Honourable Member for Wellington.

MR. BRIAN CORRIN: Yes, on the same point of privilege, Mr. Speaker. I would note that I am not sure whether or not I have been insulted or complimented and I would indicate that it depends I suppose on the syntax and the exact and proper pronunciation and where you put your emphasis. If in fact it was "horrible" I suppose it was an insult, and in the other case I'd have to take counsel; I'm not sure.

QUESTION put, MOTION carried and the House resolved itself into a Committee of Supply with the Honourable Member for Radisson in the Chair for the Department of Labour and Manpower, and the Honourable Member for Emerson in the Chair for the Department of the Attorney-General.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN, Mr. Albert Driedger (Emerson): Committee come to order. I'd like to refer members to page 14, Resolution 18, Item 5.(b)(1)—pass — the Honourable Member for Elmwood.

MR. DOERN: Mr. Chairman, this is a section dealing with the Court of Appeal, Queen's Bench, County Courts and the Surrogate Court, and I want to discuss with the Minister his plans to provide these Courts with the proper physical conditions in which they will operate. I cite, for example, some of the problems. If one was to maintain a file on the Attorney-General's Department, which I have done — I don't know if I have everything but I have most clippings from the past couple of years since the present AG undertook the portfolio — there has been a great deal of criticism and at the very least, a lot of problems concerning his department. But I want to specifically deal with the need for proper court space. This is not simply a question of constructing facilities, it's a question of providing the proper space so that court cases can be heard.

Related to this, of course, is the question of providing proper correctional facilities, but I'll leave that for a more appropriate time. I'd like to specifically discuss with him, his plans and his government's plans for breaking the log jam. Because it has been pointed out, time and time again, that there is an incredible backlog of cases and that the courts in Winnipeg, in particular, which are the main I guess courts in the province, they are spread in a variety of places and it would be a lot more efficient if they were centralized.

Now, our government had some plans along those lines and introduced some initiatives to break that. That's been a mounting problem. I don't know how many years it's been going on, but we certainly know that in the last years of our administration, that our various Attorneys-General raised this problem. I can remember Al Mackling making pleas before Cabinet to get the money to build the courts and to renovate, and the Honourable Howard Pawley doing the same.

Since that time, and the present AG has of course pointed a finger at us and said quite legitimately that there was a six-month backlog when he took over, and now we know there is at least a seven-month backlog, and that is a deteriorating situation, Mr. Chairman. I'm not arguing about a month. I'm saying that when you are confronted with a problem whereby you have that kind of a weakness in the court structure and you're not doing anything about it, then you can be faulted. If you have decided to act, you've allocated funds, you've made the decisions and passed the necessary documentation, then you're going in the right direction. And the problem is that our government, in its last couple of years in office, took these decisions, spent a great deal of time — I can remember a number of meetings with the Chief Justice, with the Deputy Minister, who's sitting here with us today, and many other people, and listening to these arguments about how the present Law Courts was totally inadequate, it's an obsolete building.

The Law Courts building, for example, has poor security. The Judges feel almost threatened because they find themselves walking to their courtrooms and passing the very people that they are about to sentence, who are sometimes a fairly rough crowd with various friends of theirs present. They wanted a separation there. They wanted more courtrooms. They wanted, I think, some courtrooms maybe divided in half. The acoustics in that building are terrible. The lighting in the building is terrible. There's no air conditioning in that building. Some of the just sort of seating areas and everything else is quite obsolete. It's been there sixty years; we've received fairly good value for our money.

So we dealt with the Judges' representatives, the Judges coming to represent and make their plea, and we listened and we responded to them, and we agreed after a great deal of debate in

our government to, I think, approve — if my memory serves me correctly — a three and a half million dollar renovation to the Law Courts. And this is all part of a big package. It included the Woodsworth Building being constructed to pull out some of the Law Services; it included renovations; it included the construction of a new provincial Judges' building.

Now they recommended a whole series of things to us, and I can remember seeing figures of \$1 million, \$3 million, \$5 million, \$7 million and I don't know how many other figures, to do a proper renovation of the existing Law Courts. We opted, I think, for a \$3.5 million plan. That plan was started in a first phase, I believe, with new elevators and some other minimal work to the extent of several hundred thousand dollars, and then stopped.

In addition to that, there was talk of a new Court building. Now we can argue and debate where that building should be. Our government decided it should go across from the Public Safety Building in the civic complex, and that's related to corrections and the separations between AG and Law Enforcement and Corrections and Rehabilitation and that general debate. The building, I suppose, could have been built beside the existing Law Courts, which would create a big parking problem because there's hundreds of cars parked there every day. You have to allow for parking. Or it could have been built where it was planned for, and maybe there are other locations that are suitable, but that would be an expensive undertaking and, although we never had any particular figures on that, I think it is safe to say that you're talking probably in the order of \$10 million.

In that regard we commissioned an architectural firm, I think it was No. 10, and we began to expropriate the property and I believe that under the present Administration that that series of expropriations was completed, those buildings around City Hall, some restaurant companies, some older buildings and so on, right across the street from City Hall.

So I'm simply saying, I'm not talking about building these buildings to build them. There would be some important spinoffs in terms of the construction industry which has almost one-third unemployment and is looking at 15 percent unemployment in the summer, which would be a high, a regrettable high in the last — probably since the thirties. That would be good and the fact that there would be work for architects and engineers would be good, and the manufacturers and so on. That all would be positive.

But what has happened is that this government and this Minister has in effect frozen the renovations of the Law Courts and proceeding with the construction of a new Provincial Judges Court Building. The consequences of that and the ramification of that is a greater backlog of court cases and I say as a layman, that justice is not being done in this province. When you have to wait six and seven months and probably if this continues eight and nine months before your case can be heard, this surely is an injustice. There's all sorts of sayings about the wheels of justice grind slowly but this is getting to be ridiculous. ::

So I wonder if the Attorney-General could bring us up to date on what is going to happen, and you know, I want to caution him before he speaks in one regard because I don't want him to tell me for starters that he has no say in this, that this is up to the Minister of Government Services. It's up to the Attorney-General and the Cabinet as a whole. It is not the Minister of Government Services who will make that decision. He will act as the construction arm of the Attorney-General and of the government, but the AttorneyGeneral is the man who has the program and he's the one that has to pilot that program and fight it through Cabinet. If he is successful then the Minister of Government Services will commission the architects to proceed, will have the drawings completed, and will tender the contract.

So I wonder if the AG can bring us up to date on what is going to happen with those projects.

MR. MERCIER: Mr. Chairman, with respect to facilities, I indicated I think in the last week or so that the government was looking at the purchase of a structure at, I believe it's 373 Broadway Avenue, which if purchased, and a decision is imminent but expected to be made within the next day or so, in that building we could provide almost immediately as compared to a three or four construction period that would have been experienced under the Member for Elmwood's plan, we could see, certainly within three months and a maximum of six months, and I would expect hopefully by the 1st of September, the construction and refurbishing of that building to provide for 10 to 11 Provincial Judge Courtrooms, including office space for the Provincial Judge, thus removing the whole Provincial Judges' operation from the Law Courts Building. There is parking owned by the government behind that building, which makes it advantageous. We would see the eventual use of that building in four to six years for a central location for Juvenile and Family Court.

As the Member for Elmwood I am sure is aware from his previous experience as Minister of Public Works, there are four to five locations presently utilized for Juvenile and Family Courts throughout the city in accommodation that is, in some cases, not particularly appropriate. That decision having been made, and on that assumption, we would then be in a position to immediately

update the renovation plans to the Law Courts Building, on the basis that all of the Provincial Judges Courts would be removed from the building by, for example, September 1st, and then be in a position to stage the renovation and implement the renovation plan to the Law Courts Building. We would also in the next few years then, have to plan, in my estimation, for the construction of a new Provincial Judges Building, and converting the building on Broadway Avenue to the central location for Juvenile and Family Court.

MR. DOERN: Mr. Chairman, I just want to make sure I understand the AG, because there's some talking going on in the Committee, and I'm not sure I heard everything correctly. I heard the minister say that he did in fact plan, he was going to plan for proceeding with the construction of a new Judges Building, 4, 5, 6 years down the road, and then I wasn't clear on what he said in relation to renovations of the existing Law Courts. I understand that you're going to consider — is it buying or renting the IBM Building?

MR. MERCIER: Mr. Chairman, I indicated that I expected a final decision to be made in the next day or two. The decision I anticipate will be to purchase the building.

MR. DOERN: So you intend to purchase and renovate the IBM Building, and then in the future, on the other extreme, to build a new Provincial Judges Building. In terms of renovating the Law Courts, when would that possibly commence?

MR. MERCIER: As soon as the decision is made on the IBM Building — within the next day or so. My recommendation, and I believe there is general agreement, is that the plans could then proceed immediately to update the renovation program, based on the evacuation from the Law Courts Building of all the Provincial Judges Courtrooms and office space. As the Member for Elmwood is no doubt aware from his experience with the renovation plans, there is a certain amount of staging in them that has to be done.

MR. DOERN: The idea would be to move out certain personnel, and then commence the renovation, and then when it's complete to move those people back?

MR. MERCIER: If I could just clarify the question, move provincial judges back?

MR. DOERN: Yes.

MR. MERCIER: No.

MR. DOERN: They would stay out?

MR. MERCIER: Yes.

MR. DOERN: They would stay in the IBM Building?

MR. MERCIER: Yes.

MR. DOERN: So then we would have the IBM Building purchased or rented and renovated; we would then have a commencement of renovations in the existing Law Courts, and shortly thereafter, hopefully since it takes years, the approval of a new Provincial Judges Building?

MR. MERCIER: Yes.

MR. DOERN: When the new building was completed, you would have a new judges' building, you would have a newly renovated Law Courts, you would continue to utilize the IBM Building or some other structure?

MR. MERCIER: I see the IBM Building used as a Juvenile and Family Court Building. There is a need for updating that accommodation.

MR. DOERN: Do you have any idea, any estimate of what it would cost to renovate that building for your purposes? Have you got a figure, a couple of hundred thousand, a couple million?

MR. MERCIER: Obviously the program would have to be tendered and until that is done, I don't

have a price.

MR. DOERN: The Minister may be reluctant to give me those figures, but does he have figures, does he have estimates?

MR. MERCIER: We have rough estimates, yes.

MR. DOERN: In the case of the Law Courts Building, is the government planning on continuing the renovation that we commenced, only in its earliest stages, which was a \$3.5 million proposal. It was one of four or five proposed; there were certainly lesser renovations suggested, very minimal; there were certainly more elaborate ones, none of which were grandiose, simply functional renovations but we opted for sort of an intermediate \$3.5 million renovation. Is that the one that the Minister intends to complete?

MR. MERCIER: As I indicated, Mr. Chairman, it would probably have to be updated because you would have the situation where all of the provincial judges and all of their courtrooms would be removed from the building and we would simply have to update it under those circumstances. I think that would be the basic plan that we would probably use in updating the program.

MR. DOERN: Has the Minister given a commitment to the provincial judges, the Chief Justice and others along the lines that he is outlining for the committee? Has he made commitments to them in terms of . . . I'm sure they have been quite concerned about what's been happening and I was just wondering whether he has given them any assurances that these plans are proceeding?

MR. MERCIER: I can't give them that assurance until this decision is made within the next day or so but we certainly, as the Member for Elmwood experienced, had numerous meetings with judges of the various courts in discussing this problem and attempting to arrive at some solutions.

MR. DOERN: The other thing I would just say to the Minister is that I deduce that his first preference is to purchase a building and renovate it.

MR. MERCIER: Purchase is more preferable to me, Mr. Chairman, because we see a long-term use of the building, after a new Provincial Judges' Court Building is built, as a Juvenile and Family Court, which needs accommodations. I think purchase would appear to be the best solution.

MR. DOERN: I would agree on that point, Mr. Chairman, that there is a great danger, in my judgment, in leasing space and plowing in a great deal of money unless one has a very long lease, you know, 7, 10, 20 years, at a very low rate. In that case it might be worthwhile but obviously you will have to decide what is best, but I simply want to reinforce that point, that many times one starts out on the basis of something being temporary and then God knows what happens after that, it becomes extended, extended, extended. I think somebody cited in an editorial on this question in one of the daily papers — I don't know if they referred to the university downtown when the U. of M. used to be downtown, pointing out some of the drawbacks there, but I always think personally of Veterans' Housing which was supposed to have been put up for a short while in the Forties and then knocked down, what, 10 or 20 years later? And of course it is never knocked down, it just continues.

The other point I would simply make to the Attorney-General and then I'm sure some other members of the committee want to speak here, is that we are still a long way away from getting these facilities. It took our government several years to wrestle with the problems, to make the solutions, and to initiate the actions and the Attorney-General is no closer than we were four years ago and unless he is able to get some commitments out of his colleagues and so on, it could be a very long time indeed before we see, in particular that new central Provincial Judges' Building. That was talked about in the days when the Honourable Sterling Lyon was Attorney-General and it was talked about ever since and it is still being talked about. Stewart McLean announced it in 1966 and now it is 1979 and it could go on and on and on and on, so it has got to be a case of action over talk.

MR. MERCIER: Just one brief comment, Mr. Chairman. I want to emphasize one point in view of the Member for Elmwood's comments, that I fully expect the purchase to be approved within the next day or so. As I have indicated, I believe the renovations can be done and completed hopefully by September 1, which would provide 10 or 11 new courtrooms there within a fairly short period of time. So I don't think there is as much delay as perhaps the Member for Elmwood may have

implied.

MR. CHAIRMAN: The Member for Wellington.

MR. BRIAN CORRIN: Thank you, Mr. Chairman. With respect to the concerns raised by the Member for Elmwood regarding the renovations of the Law Courts Building, I would want to put my feelings in that regard on the record now. Over the past few years I, I'm sure, have shared a concern of many people in this province relative to the preservation and the need for vigilant programs of preservation in order to conserve heritage sites, properties and premises about the province that have special significance to our peoples, and I would indicate that it's my opinion that the Law Courts Building at Broadway and Kennedy is one of those properties. And it's my opinion, Mr. Chairman, that that building, if it is to be renovated, and I appreciate that it has some deficiencies, particularly lighting, lighting in the main floor courtroom, particularly room 127 Courtroom is absolutely disastrous and deplorable. It's amazing that more judges. . . as a matter of fact I was just thinking that recently the judges have taken, in that courtroom, to using a small little light over their podium at the Bar in order that they can read their notes and see their memoranda.

But, Mr. Chairman, I would indicate for the record that I do not feel — speaking only for myself — I do not feel that that particular building should be substantially renovated. I feel that that building should be preserved much as it is today. I have worked in that building both as a student and a practicing lawyer for over a decade, and I think I can say that there is nothing about that building that is so unfunctional that it should be revised in any substantial way. I think that that building has within its walls, much of significance, much of importance. Many important legal decisions have been brought down in that building. As of course the Attorney-General is aware, Mr. Chairman, that building was used for many years as a law school facility and many of the practising members of the Bar throughout this province and other provinces as well have passed through its doors.

I would particularly like to make reference to the Law Society Library facility on the third floor which in my opinion and the opinion of many others, is something simply without comparison. I don't know of anything else like it in western Canada; there may well be things in eastern Canada or other places that are comparable, but I don't know any library facility of that sort with the character and warmth of that particular facility in the western provinces. And I would like to indicate it's certainly my express wish and hope that this government will do all within its power to preserve the integrity of that particular building.

And I suppose I should also indicate in view of the fact that there has been discussion as between the Member for Elmwood and the Attorney-General regarding the shifting of court facilities, that I would certainly hope, notwithstanding the court facilities may be shifted, I would certainly hope that nothing is done to impair the grandeur of courtroom No. 1 in that building. I would, for one, would take to the barricades if anyone were to — and I am sure I would be followed by lawyers thirty years my senior and much more conservatively inclined — nothing should be done to impair the grandeur and beauty of courtroom No. 1 and I hope that if any renovations are done I would hope that they would be done in conjunction with the Manitoba Bar Association, the Manitoba Trial Lawyers Association, and last but certainly not least, the Manitoba Historical Society, who has over the years expressed considerable interest in that particular site as well as many other sites dear to members of the legal profession throughout the province.

Having said that, I should also indicate, Mr. Chairman, and here I may be courting the castigation and umbrage of the former Minister of Public Works, but I'm not sure, there has been a renovation just very recently completed regarding the elevator facilities in the building, and for the record, and I don't know whether this was planned and scheduled prior to or after the 1977 election, but for the record. . .

MR. DOERN: We planned it; they built it.

MR. CORRIN: Well, you're both to blame then. For the record I don't know why we had to remove the main staircase of that building in order to take out what was a beautiful old elevator — one elevator albeit — and take out the staircase in order to put in two elevators so that certain members of the Bar, who want to remain fit and who enjoyed walking up the marble staircase, should be precluded from doing that. I'll never understand what the necessity of that was. It's progress of a sort but I don't think you can measure progress that way.

I won't go into . . . the Member for Elmwood already knows my feelings relative to the Overpass from the Woodsworth Building. We've dealt with that.

MR. DOERN: How do you feel about electric cars?

MR. CORRIN: I won't tell you how I feel about electric cars; you wouldn't like the answer.

Pierre Burton succinctly put it to me. I spoke to Pierre Burton when he was in Winnipeg once at a Historical Society dinner, and we were sitting together, and he asked me — he said he'd walked about Winnipeg — and he asked what happened to the beautiful old Law Courts Building. He'd walked by on his way down Broadway and the Parliament Building. . .

MR. DOERN: On a point of order, Mr. Chairman, I think he's out of order.

MR. CHAIRMAN: The Member for Elmwood on a point of order.

MR. DOERN: He's attacking a colleague rather than the Minister. Would you ask him to direct his comments to this item.

MR. CHAIRMAN: The Member for Elmwood does not have a point of order.
The Member for Wellington.

MR. CORRIN: Mr. Chairman, I'd have to put Pierre Burton's comments on record because they are so apropos. He suggested that the new renovations of the new Overpass from the Woodsworth to the Law Courts looked like, to him anyway, it was his impression that it looked like a spaceman raping an old dowager. And every time I pass the building think of Mr. Burton's remark at that dinner, and I couldn't help but agree with him; I think it's so true. And I don't think we want to do anything else to impair the beauty of that lovely old facility.

Moving away from that, Mr. Chairman, by way of epilogue to yesterday's discussions, I want to indicate that I've had an opportunity to contact the Manitoba Trial Lawyers Association — well, representative members of their Executive — and I have been advised that they would be pleased, willing, ready, willing and able, to participate as members of the Knox Commission. I shared my concerns about that with them and they suggested that they would be most pleased, most pleased to participate with Mr. Knox and they indicated they would do so gratuitously, that they would second a member of their Executive to sit; we had a vice-president volunteer immediately. And they would be pleased at this juncture and I trust they may be communicating with — you directly, Mr. Minister they would be pleased to share — their knowledge with Mr. Knox on a first-hand basis. They too share my concern that members who are practicing actively in representing people who are involved in trial processes, should be enabled to have a representative position regarding the Knox Report and if necessary, file a minority report. They are concerned about that.

I have also spoken to representatives of the Manitoba Association of Rights and Liberties, and they as a lay group very much interested in rights and liberties in this province and the rights of those persons in that regard who become before our courts, have indicated that they too will second gratuitously a volunteer member of their Executive to participate in the Knox Commission. They feel that it's of significant importance that there be bilateral representation on the Commission and they are willing to volunteer an executive member or members in order to afford the Attorney-General the best possible access to the community of concern and interest in that particular area.

So having said that, Mr. Chairman, I would once again indicate that we on this side feel that it's incumbent on the Minister to expand and broaden the horizons of that particular . Commission in order to encompass not only the investigative knowledge of Mr. Knox, and I would indicate that a member of the Trial Lawyers Association indicated to me that he knew of another member who had been polled, whose opinion had been polled by Mr. Knox, but it was indicated that it would be preferred that the representative opinion of the group be obtained in an official manner. That, to me, Mr. Chairman, makes imminent sense.

So I would ask once again that the Minister give consideration to voicing his opinion in this regard and I would point out that the members who were polled indicated that they had an ongoing acquaintance and knowledge of the court system; they didn't have to do any research. As one of the fellows pointed out, he had been in the Manitoba Law Courts Building every day of his life for nine years; he had served in the Crown; he had served on defence; he had been involved in judicial processes involving jury trials; he had been involved in every court that he could conceive of in the Province of Manitoba and I think that's true of virtually all the executive members of the Manitoba Trial Lawyers Association, Mr. Chairman. They are all senior barristers who are fully conversant and aware of what's happening in the province.

So we would ask again — we look towards a trilateral commission involving a lay representative, a representative of the Trial Lawyers as well as their clients, and of course a government representative, already appointed, Mr. Knox. We would ask if the Minister would indicate whether he would be willing to entertain our respectful request and respectful demand for such

MR. MERCIER: Mr. Chairman, I have indicated previously that Mr. Knox has met with members of the Manitoba Trial Lawyers Association. He has also indicated that the Association would be communicating with me and when I receive that communication, I'll deal with it.

MR. CORRIN: I am sorry that the Minister takes that position. Just very shortly, for the record, I want it to be noted that it is not in keeping with the position taken by the very same Attorney-General respecting the Family Law Review where there was a revision of the terms of reference and two additional members representative of certain groups and interests were appointed subsequent to the initial appointment of Mr. Houston and it is not in keeping with the tenor of the appointments to the Juvenile Justice Inquiry. I wish the members to be aware, and I'm sure the Attorney-General is cognizant, Mr. Chairman, that at the Juvenile Justice Inquiry, there were representatives of the judiciary, of the Crown, Probation Services, and several other associated court services although, unfortunately again, Mr. Chairman, and I would reinforce this, there was no designation of a member of the practising bar. There was no defence counsel appointed to that Commission. Mr. Chairman, this is of considerable concern. That point was driven home to me by one of the vice presidents of the Trial Lawyers Association, that they felt very much put out when they read of the constituent membership of that particular Commission and noted that not one of their members had been appointed. I would say, Mr. Chairman, that if you are going to appoint a member of the prosecution, and there was a member of the Crown Prosecutor's office on that Commission, then it's absolutely essential and almost incumbent upon the Minister to also give equal status and recognition to members who are in private practice who work in the area daily representing the interests of their clients.

I would suggest that two wrongs will not make one right in this regard, Mr. Chairman. I think that in fairness the Minister should review the terms of reference and he should give immediate consideration to the appointment of counsel from the Manitoba Trial Lawyers Association and a lay person from the Manitoba Association of Rights and Liberties.

If the Minister wishes to respond, I'll stop at this point and then we'll move on, Mr. Chairman.

MR. MERCIER: Mr. Chairman, the Juvenile Justice Committee was appointed, I believe, last summer. Mr. Knox was appointed last January. I have received no communications from the Manitoba Trial Lawyers Association indicating any concern. If I had, I would be most pleased to meet with them and discuss their concerns.

MR. CORRIN: In that regard, Mr. Chairman, I would only say that those sorts of initiatives shouldn't always be placed within the scope and purview of the affected and concerned citizens. I think that it is important, unlike the situations that arose with respect to Family Law, and in this instance it is important that the Minister give sufficient concern and consideration to doing this without being prevailed and put upon by private members. I think that it is important that the Minister take into consideration for that sort of . . .

Mr. Chairman, on a point of order . . .

MR. CHAIRMAN: The Member for Wellington on a point of order.

MR. CORRIN: I am having trouble hearing myself think.

MR. CHAIRMAN: Order please. Could we have order please.

MR. CORRIN: If the option is listening to you, I would prefer to listen to myself.

In any event, I think it is proper at this point, Mr. Chairman, for the Minister to review his past errors of omission and in so doing, give consideration to upgrading the Standard of the Knox Commission. If the Commission is to have credibility, if the Commission is to be accepted by all as being meaningful, then I think it has to be seen to be objective and 8i or tri-partisan, and I think the best way to afford that opportunity is to appoint these people.

Mr. Chairman, I would like to go on to discuss something that is of very pressing urgency, something that has been of immediate concern to other provincial Attorneys-General, something which is being acted upon in many jurisdictions across Canada and the United States today and something, for some reason, that is not being brought to the fore in Manitoba, and that is the question of the rights of children and their rights in this regard to children's advocates. Mr. Chairman, as the Honourable Attorney-General I'm sure, is aware, Ontario, British Columbia and Alberta have embarked in their courts, associated directly with their courts, with a program of child advocacy. They have done this in different ways.

MR. CHAIRMAN: The Honourable Minister on a point of order.

MR. MERCIER: On a point of order, I wonder if the member would consider addressing himself to this under perhaps the Public Trustee. I think it would be more appropriate than the present item.

MR. CORRIN: Well, that's an interesting point because, Mr. Chairman, in none of the jurisdictions to date has the office of Public Trustee been utilized to provide the service I'm referring to. Each jurisdiction is using a different format.

In Ontario they've gone through the Official Guardian's office, which is essentially linked directly to the item we're under now, Salaries in the senior courts.

In British Columbia I know that they've formed an office of the Family Advocate and in that jurisdiction — I might indicate that that was initially spawned by a pilot project funded by the Federal Government in 1975. The Attorney-General of that province has picked up the program. Apparently, upon reviewing the adequacy and sufficiency of that particular program, the Attorney-General was moved to pick up the expenditures when the federal pilot grant expired, and on that basis in British Columbia there is a special court office now, and I'm making the point — this is speaking to the point of order, Mr. Chairman — because I want to indicate that we have different formats in different provinces and some provinces, it is true, deal with the question under the Office of the Public Trustee but, Mr. Chairman, others do deal with it indeed under the Law Courts and the salaries of the senior courts of their provinces, which of course is the item we're dealing with right now.

So on this basis, Mr. Chairman, it makes small difference. Frankly, I would like to deal with it right now simply because we just have enough time and it's quite convenient, I think, that we can dispatch it this afternoon and not have to deal with it this evening. We're all hoping, I think, to conclude these Estimates possibly this evening so we might as well, prior to the Private Members' Hour, make haste and try and do that.

Mr. Chairman, having said that, I would indicate that I'm particularly heartened by the actions of Ontario and British Columbia and Alberta. I think that this particular step is long overdue. The Attorney-General in British Columbia noted when he brought into his Estimates provision for this particular program, that in his opinion it had proven itself to reduce both future delinquency and criminality. He indicated that it was his feeling and opinion that the right of a child to legal counsel when the child was involved in protection proceedings under The Child Welfare Act, commonly known as Apprehension Proceedings very often, or in custody proceedings pursuant to Family Law legislation, very often worked in such a way as to stabilize the child's situation and, in so doing, reduce the potential of the child for future delinquent involvement or criminality. So, Mr. Chairman, on that basis, and I would heartily endorse the present Attorney-General of British Columbia in making those opinions and coming to that conclusion — (Interjection) — We hope. Non sequitur, Mr. Chairman. The Member for Elmwood indicated that he hoped tomorrow there would be a new Attorney-General, and I indicated that I share his expression of hope. It depends whether we can believe in hamburger polls or not.

Mr. Chairman, he also noted that it recognized children as having rights, essential human rights that had been previously denied them in their involvement in the courts, and he noted that in the sorts of matters that I have referred to, being protection matters or custody matters, that they, the children, were the most ultimately involved and affected in this respect. Mr. Chairman, it's so true, and I'm sure the Attorney-General in his practice has encountered situations that had moved him to make the same passing observation. So very often when parents quarrel, it is the children who unfortunately are the victims, the children who are caught in the warring ground like ping pong balls, or tennis balls, between the husband and the wife, the mother and the father, and very often it's the children who have to bear the scars of that acrimony for the rest of their lives. Mr. Chairman, for that reason it's, in my opinion and, I think, an opinion shared by many others now, that it's absolutely imperative that recognition be given to children's rights to have counsel in the courts.

Now Mr. Chairman, I know that in Manitoba there is reference in the Court of Queen's Bench

Act, and there is provision for the appointing of amicus curiae to act on behalf of children who are affected by court proceedings. But, Mr. Chairman, there has recently been a case, its acronym is J. versus J., it was a domestic case so it was reported only by the initials of the surnames of the parties. But in J. versus J. the Manitoba Court of Appeal has clearly indicated that it will only be in cases of an exceptional nature, which are not defined in the decision, in cases of an exceptional nature, where recourse to that particular section of the Manitoba Court of Queen's Bench rules will be taken. Mr. Justice O'Sullivan indicated on behalf of the court that he would refuse to appoint counsel to a child whose parents were involved in a very fractious, very, very hotly contested custody battle pursuant to divorce proceedings. He indicated, and I must say only over the strident protestations of a very well known and very highly regarded barrister in this city, that he did not feel that the time had come when that particular section should be utilized to bring in that sort of reform.

Now, I don't know, it's possible, as often is the case, Mr. Chairman, that in the back of the learned Judge's mind was the possibility that reform should come through the Legislature. A lot of Judges, contrary to public opinion, don't like to make law. They would much prefer to see the legislators have that responsibility and they would much prefer to interpret law, and we all know that Mr. Justice O'Sullivan is certainly what might be construed as a small "I" liberal Judge, and certainly one who's not temperamentally or otherwise disposed to effecting reform in law. But, Mr. Chairman, I would indicate through you to the Attorney-General that I would prefer to think, and I do believe that members of the practising Bar and the judiciary would like to see some legislation, palpable, tangible, legislation brought forward through the Ministry of the Honourable Attorney-General that would give effect to this particular situation of neglect.

I can tell you as a matter of interest that I followed up J. versus J. because, you know, normally when a case is heard in the Manitoba Court of Appeal it's put to bed and it's put to rest permanently. That's the last you hear of it unless it goes to the Supreme Court of Canada with leave. But J. versus J. didn't die. Yesterday morning I was in the robing room awaiting a trial myself, and both of the lawyers on J. versus J. appeared and I asked them jokingly whether they were here on that case, whether they were in the robing room on that case awaiting a trial. They said they most certainly were and they indicated that one of the parties had refused to adhere to the order made by the Judge and in the opinion of one of the parties the children were still dissatisfied with the order made by the Court of Queen's Bench Judge and upheld by the Manitoba Court of Appeal Judges, and they were there on a motion to review the custody provisions that had been formally declared. Both of them indicated, they both agreed that that could have been — and this, I think, is very telling — both sides, both of their lawyers indicated that if there were an independent legal counsel appointed to represent the children, in all likelihood they would not have been there yesterday morning, back in court again. The legal fees, because I talked to them about that, I asked how the clients could afford it. You know, it's one thing to go to the Court of Queen's Bench, but to go to the Court of Appeal, it's another and I saw the factum and it was incredibly well researched; it was an opus. As a matter of fact, it is being circulated at the Bar Association now as a sort of precedent.

MR. CHAIRMAN: Order please. The member has two minutes.

MR. CORRIN: Thank you, Mr. Chairman. I would indicate, through you, Mr. Chairman, that there is no call for that sort of situation to arise. It's not to the benefit of the children; it's not to the benefit of the people, the parents who have to pay the legal fees; it doesn't benefit the lawyers because the lawyers didn't want it. The lawyers are both very senior counsel, they don't need the business. Neither of these gentlemen needs the business; they can get along fine without it. As a matter of fact, it puts them in difficult straits because they are being asked to get involved — although they didn't say this but I would express it because I know, I've been there — they are being asked to get involved in matters that are essentially of a personal nature and sometimes can't be dealt with in a court of law. It simply belies interpretation by a court. So they would have liked to have an independent counsel appointed. They would have preferred to have the independent counsel do his own psychiatric assessments, psychological assessments, home and family assessments through social work representatives in order that the matter might never have had to proceed through the Court of Appeal and back through the Court of Queen's Bench Chambers.

Mr. Chairman, I should also indicate that I am aware and familiar that several amendments would have to be made to our legislation, but I would ask — is that my time, Mr. Chairman? I would only ask the Attorney-General then, before we go on with this debate, if he would indicate whether there is any study being made in order to assess the possibility and potential viability of this concept and whether there has been any liaison with either or all of Ontario, Alberta and British Columbia

in this regard.

MR. MERCIER: Mr. Chairman, we have discussed this matter with the Public Trustee himself and certainly the legislation is discretionary. The Queen's Bench, with the Public Trustee, has indicated he is available to act on behalf of infants where requested to do so. But at the same time, Mr. Chairman, the Manitoba Law Reform Commission have this matter before them and are reviewing legislation from other provinces and are dealing with this matter and hopefully will be making a recommendation in due course.

MR. CORRIN: I thank the Minister for his response, Mr. Chairman. I would indicate that the Public Trustee in making his remarks, of course, presumably was aware of the decision in *J. vs J.* and therefore the limitations, because the court will not give cognizance or recognition, as I said, unless the circumstances are exceptional and divorce, matrimonial breakdown, has now been decided by precedent not to be exceptional. I don't know of any more exceptional circumstances than an acrimonious, hotly-contested divorce case. Many children have fallen on those rocks and have been unfortunately, irretrievably lost in those circumstances.

I would also like to indicate, Mr. Chairman, that we shouldn't only look at the office of the Public Trustee. My research indicates that there has been a very good project working in Philadelphia in the United States that uses private lawyers, that uses a private agency using private initiative and I understand that it is working responsibly in co-operation with governmental officials in the city of Philadelphia, which I think is in the state of Pennsylvania, I'm not sure, but in the appropriate state in the United States. I am told that the program is working. It is supported by the Defenders Association of Philadelphia. It's called CIDS, the sort of monogram or sort of acronym, I guess you would call it — the acronym for it is CIDS, which is Children in Deprived Situations, and apparently the lawyers there are working on a multidisciplinary basis which frankly excites me quite a bit. They are working with child psychiatrists, child psychologists, social workers; they are working with court communicators who are apparently able to speak Spanish.

Apparently in Philadelphia there is a large Puerto Rican population and it is necessary that the office have that sort of capacity in order to communicate, much as we would with native children in the northern province and the central core areas of Winnipeg. Apparently that particular multidisciplinary approach is being received very favourably all around the United States now. Apparently it is thought that when you have professionals working on an integrated basis in that fashion, you get a much more efficient unit and I would note that because it is being done essentially on a fee-for-service basis, it's a public defender system which works much as our Legal Aid, and the lawyers and the other professionals all bill the government for their services. So the psychiatrist would bill, much as our psychiatrists do, the Manitoba Health Services Commission, and the lawyers working through the service would bill just as we do, the Legal Aid Services Society of Manitoba, and they of course negotiate their tariff on an annual basis down there unlike Manitoba's legal situation. We don't negotiate our tariff, Mr. Chairman, as I am sure you are aware. We haven't yet been recognized as being the equivalent in stature of the Manitoba's physicians, practising physicians. We are sure that it will not be long that we will be given that regard. —(Interjection)— Well, we'll deal with that this evening in Legal Aid.

Mr. Chairman, I would indicate that I personally have no preference either for the private approach or the public trustee approach, or for that matter the approach, as I said, used in British Columbia which is the Office of the Family Advocate, which is directly associated with the senior courts and the family courts. I should — just to expatiate a little bit, because we only have a few minutes and then we'll go away to Private Members Hour, in British Columbia, as I say, the province assumed the federally funded pilot project. They use a Family Advocate System which is attached directly to the court, which I think is very good because they're responsible apparently to the judiciary, which in my opinion is a good idea. I like that. I think we can all agree that you can probably trust the judiciary to remain objective. I'm not sure and I don't say this to disparage any person holding the position of Attorney-General, so do not interpret this personally, Mr. Chairman. I'm not sure that we can always trust in all circumstances though, politicians of one stripe or another to safeguard the interests of children, and that would include myself, Mr. Chairman. I think it's better that it be put in an independent form in one fashion or another. So the British Columbia idea of putting it in the judiciary's bailiwick is in my opinion more desirable than the Ontario format of putting it into the Official Guardian's Office. I do like the idea expressed in the Philadelphia situation, the Children's Advocate Agency, although it perhaps does have that flaw, but the argument there is that the private members of the bar, and the physicians and social workers participating are vigilant on behalf of their client groups and that they safeguard the public interest. And I think that some credence can be given to that argument, Mr. Chairman.

So not being able to do an absolute accounting at this early juncture, Mr. Chairman, I would

indicate though that there are interesting and fairly stimulative approaches being taken to this new concept, and I would also like to indicate, because I think it's very important, Ontario has done one thing very right. Although I don't like the idea of Official Guardians, I do very much like the idea of making mandatory a four day refresher course for lawyers wanting to participate in the Ontario program. Apparently the office is through the Official Guardian, but Legal Aid is funding it. The head of it is the Official Guardian but he delegates work through Legal Aid and they will only delegate work, Mr. Chairman, to lawyers who take a four day refresher course under the auspices of the Law Society of Ontario or Upper Canada. I think that's a hell of a good idea because unfortunately, Mr. Chairman, with respect to practising members, it does no good to have people representing themselves to be able to represent the interests of children in the courts if they are not fully aware and cognizant of all the most recent developments in Family Law, and it makes very good sense for the Official Guardian and I suppose really, the Attorney-General, Mr. McMurtry, to have made it mandatory that the four day refresher course be taken by all barristers wishing to participate in the course.

I should indicate that in Ontario they are only getting involved in protection cases. They are not taking custody cases. I am advised by my informants there that they are considering going into the area of contested custody but they regard their program at this particular point in time as being somewhat experimental and they are staying in the protection area. So they are working primarily in the area of child welfare under the terms of reference of their newly revised Child Welfare Act. I believe there are provisions directly in that Act for this particular format to be taken and I would indicate that such an amendment would be necessary in our legislation as well if we were to do the same.

I would also like to indicate in the last two minutes that in British Columbia the statistics on the last four years of performance has indicated, and this is the report of the Family Advocate there, tabled I believe through the Attorney-General's office in their Legislature, the report of the Family Advocate there has indicated that in 80 percent of all the cases his office has been involved, and this, Mr. Chairman, is significant, in 80 percent of all the cases in which he has become involved, they have gone by way of consent order. There has been no contest between lawyers. And I think knowing as I do what happens in the courts in these matrimonial conflicts, that is a truly remarkable statistic.

If you want to find a way to cut back on provincial court backlog, Mr. Chairman, that perhaps is the way. 80 percent of all the orders in over three years which have gone under his terms of reference have been settled by consent. Lawyers don't fight with him, because they recognize that he is an objective representative and he has no bones to pick with their clients, and they recognize that he scrupulously picks only objective personnel to work with. The clinical psychologists, the social workers, the agencies he deals with, are agencies and people who are beyond reproach. They're very very selective. I'm informed that he doesn't deal with anybody who has a black mark on his or her record. He doesn't deal with anybody who is perceived as being favourable to either a husband or a wife in matrimonial disputes, and they're getting remarkable results in that jurisdiction. So I would suggest if we want to cut backlog, let's have children's advocates. It will cost us a little bit initially but in the long run I'm sure it's going to yield a saving.

MR. CHAIRMAN: Order please. In accordance with Rule 19(2), the hour being 4:30, I am interrupting proceedings of Committee for Private Members' Hour and will return at 8:00 P.M. tonight.

SUPPLY — LABOUR AND MANPOWER

MR. CHAIRMAN, Mr. Abe Kovnats (Radisson): Committee come to order. I would direct the honourable members' attention to page 59 of the Main Estimates, Department of Labour and Manpower, Resolution No. 77: Item 1. General Administration (a) Minister's Compensation — the Honourable Minister.

MR. MacMASTER: Mr. Chairman, this is one of my first opportunities to speak to you as the Minister responsible for the newly formed Department of Labour and Manpower. The new department consists of the whole of the former Department of Labour plus research and manpower and employment service functions which were formerly decentralized in five different government departments, these being the Department of Education; the Department of Northern Affairs; the Department of Agriculture; the Department of Municipal Affairs and the Department of Economic Development.

In effect, the newly designated Department of Labour and Manpower reflects initiatives in government reorganization prompted by the task force on government organization and economy. The new structure of the department, I believe, will eliminate some of the duplication and will result

in services and programs that are more co-ordinated and effective.

Over a number of years now the government has had or has undertaken many new responsibilities in the areas of employment services, manpower training and development. This has happened in other provinces as well and they have generally responded by either creating a new Department of Labour and Manpower or by centralizing all employment services and Manpower activities under a single government department.

In Manitoba however, as new responsibilities were undertaken in these fields they were assigned to various government departments for purposes of administration and implementation. Consequently no effective action was taken to develop a comprehensive and co-ordinated program for Manpower policy and development. By centralizing all Manpower related activities under the new Department of Labour and Manpower, I believe we have established a firm base for developing an effective integrated and comprehensive Manpower policy.

I would now like to take this opportunity to outline for you the structures, functions, programs and future plans of the Department of Labour and Manpower. The new Department consists of central administration and two major divisions. These are the Labour Division and the Manpower Division. Within the Manpower Division there are four branches. These are Training and Development Branch, the Manpower Planning and Immigration Branch, the Employment News Services Branch and the Research Branch. Each of these branches has specific functions and responsibilities which I'll outline in a moment. The other major division, the Labour Division encompasses most of the activities of the former Department of Labour. It consists of seven branches. These are the Conciliation Services Branch, the Employment Standards Branch, the Workplace Safety and Health Branch, the Mechanical and Engineering Branch, the Office of the Fire Commissioner, the Pension Commission, and the Manitoba Labour Board.

In addition to the two major divisions the Department is also responsible for the Women's Bureau. Under the new structure of the Department the Women's Bureau will report directly to the Minister.

Also as I indicated administrative services including personnel and budget and financial services are centrally located within the structure to service and co-ordinate both the Labour Division and the Manpower Division.

As I pointed out the Manpower Division which is headed by an executive director, consists of four branches. One of these is the Training and Development Branch which consists of the Apprenticeship Training Unit, the Selkirk Training Plant and the Employment Services Unit. The Apprenticeship Training Unit is responsible for the training and certification of persons to the level of skilled tradespersons. Currently 27 trades are designated for such training and certification. The Unit is also responsible for the examination and the issuing of licences to persons in the barbering and hairdressing occupations. The objectives of this unit are to develop skills and to maintain standards of competence in these trades. In working towards achieving its objectives the Apprenticeship Training Unit assists in the development of appropriate legislation and regulations, distributes information and lectures to potential entrants into the Apprenticeship Training Program and facilitates the employment of apprentices through its contacts with employers. As well, the unit supervises the on-job training of apprentices, arranges for in-school training for apprentices and in co-operation with employers, employees and Community College instructors, assists in developing appropriate courses for apprentices. In addition the Branch conducts examinations and issues certificates of qualification to apprentices who successfully complete their training and to qualified tradespersons who meet the necessary requirements. It also conducts examinations and issues licences to barbers and hairdressers.

The Selkirk Training Plant which is operated in co-operation with the Parks Division of the Department of Mines, Resources and Environment, endeavours to assist special needs individuals, who for such reasons as low academic background, poor work history, the various social and economic circumstances are prevented from entering the work force or from pursuing further training. Training and counselling are provided in conjunction with the production of wood and metal items for Manitoba Parks. It is expected that about 100 persons will obtain training at the plant in the coming year. In the past this particular program was administered by the Department of Agriculture.

The Employment Services Unit in northern Manitoba is presently aimed primarily at enabling northerners to take advantage of employment and training opportunities and to provide summer employment for the youth population in the north. In carrying out this program the Employment Services Unit of the Branch which was transferred from the Department of Northern Affairs provides a Manpower Service in the north which involves counselling, training, referral and relocation. This latter program involves relocating families from remote areas in the north to Thompson, Leaf Rapids and Flin Flon. In this way jobs are provided and families are taught to adapt to a new environment through counselling by staff of the Department. Part of the cost of this program is paid by the

mining companies providing the necessary job opportunities. Arrangements are currently under way to provide a similar Manpower Service in certain areas of the south.

The Branch also works in co-operation with other agencies such as Canada Employment and Immigration Commission, the Department of Indian Affairs, the Department of Health and Social Services, as well as with native organizations.

The Manpower Division also has a Manpower Planning and Immigration Branch. The main objectives of which are: (a) to ensure compliance with the terms of the Adult Occupational Training Agreement with the Federal Government, and (b) to maximize annual funding allocations under that Agreement to support institutional and industrial Manpower Training in the province, and (c) to work with federal and provincial government authorities to assist Manpower needs, to assess Manpower needs and develop training plans. The Branch also works towards the efficient utilization of federal and provincial resources made available for Manpower Training and development in the province.

In response to the new federal Immigration Act, the Branch provides information relating to immigration, citizenship, and demography to ensure that provincial concerns are emphasized. This Branch is also beginning to identify the settlement needs of newcomers and in relation to this function is attempting to improve cost recoveries from the federal government for citizenship education and settlement services including language training.

The principle activities of this Branch therefore are to negotiate and administer the federal/provincial agreement relating to Manpower Training and Development, and to consult and articulate with the federal government Manitoba's concern with respect to immigration, citizenship, and demography. In doing so the Branch ensures that funds available are used in the province's best interest and ensures that federal training and immigration policies under development takes into consideration the needs and concerns of the province.

The Manpower Division also has a Youth and Employment Services Branch which consists of staff which were formerly with the Department of Education and Department of Municipal Affairs. The major concerns of this Branch are to assist secondary and post-secondary students find employment so that they may continue their education and generally to alleviate the youth unemployment problem and the employment problems of special needs adults. To meet these concerns, the branch administers numerous youth and employment programs. For example, the branch is responsible for the STEP Program which provides provincial government departments with funds to hire summer students and also operates an Employment Services Office which registers and counsels students seeking summer employment and refers students to different government departments. It also operates Hire a Student Job Centres which provide student registration and referral services in areas of the province not served by Canada Manpower.

Another very important program administered by the branch is the Private Sector Youth Employment Program which was instituted in 1978. The program is designed to create new jobs in the private sector for persons between the ages of 16 and 24 by paying a portion of the employee's wages. Last year the program was highly successful as close to 5,000 summer jobs were generated through the program. I expect the program to be at least as successful this year.

The branch also administers a Work Stay Program which is aimed at assisting youths with low academic standing or who are on probation or are disadvantaged for other similar reasons. Under the program, the branch reimburses the employer for the trainee's full salary at a minimum wage for the first eight weeks, followed by an eight-week period where the employer receives 50 percent of the trainee's salary. This program includes counselling services to the trainees. The Work Stay Program has been, and I expect that it will continue to be successful.

The New Careers Program is also administered by the Employment Services Branch. The program provides comprehensive job training and supportive educational training for unemployed and under-educated adults. Although training has generally been limited to the government service, steps are being taken to extend the program to the private sector.

The branch is also responsible for the Northlands Travel Program under which financial assistance is given to northern schools undertaking educational travel for students.

Also, this branch is co-ordinating the administration and redistribution of funds committed under the Special Municipal Loans Fund to municipalities for the construction of such things as buildings, waterworks, roads, and recreation facilities.

All these programs, I believe, have been very helpful in alleviating the employment problems facing our youth population and our disadvantaged adults. I'm confident that we can continue to improve on the effectiveness of these programs and to look for new ones.

The Manpower Division also has a Research Branch which consists of research personnel who were formerly with the Department of Education, the Department of Labour and the Department of Economic Development. The main function of this branch is to provide information to support effective policy formulation and decision making in those areas for which the Department of Labour

and Manpower is responsible. On a regular basis, its functions include providing information and analyzing to the Minister and the senior officials, identifying the current and future manpower needs of Manitoba, monitoring and assessing federal policies and programs to ensure that our interests are protected and that our priorities are advanced and to evaluate the impact and effectiveness of federal and provincial manpower programs. In general, the Research Branch provides information, evaluation to assist and support all other branches within the department. In doing so, its specific activities will vary according to the needs of the other branches and of senior officials at any given time.

At present, the branch is in the process of determining the needs of other branches so that it can develop an effective and practical program of research. During the course of the year, the Research Branch will be assessing various manpower requirements of industry and of needs of individuals and will be bringing forward ideas and proposals for my consideration in respect to these needs and opportunities.

The activities of the four branch I have just outlined comprised of comprise the Manpower Division of the new department. While the four branches are structurally separate, in practice their activities will be co-ordinated into an integrated, comprehensive program for Manpower policy and development.

The other major division within the department is the Labour Division which, as I outlined earlier, consists of several different branches. All these branches were formerly within the Department of Labour and their functions and programs will remain essentially unchanged in the terms of their objectives.

Two changes from the former Department of Labour may, however, be worth noting. First, the Apprenticeship Branch, as well as part of the Research Branch from the former Department of Labour has been absorbed within the Manpower Division of the new department. Second, the Women's Bureau, which was formerly reported through an Assistant Deputy Minister, will now work more or less independently and will report directly to the Minister. Its primary function will continue to be to provide information and assistance to women who are in the work force or who are entering the work force. Responsibility for advising the government on issues which affect the working women in the province, has been assigned to the Bureau and will involve the development of a provincial position on the status of women, as I have previously stated in this House.

The newest branch within the Labour Division is the Workplace Safety and Health Branch which was established in 1977 to provide a single, comprehensive and integrated system of law and administration for the safety, health and hygiene welfare of workers in the province. Previously, responsibility for developing and administering legislation relating to workplace safety and health was dispersed among several government departments and agencies. The more unified structure and co-ordinated approach that we now have should result in a more effective Safety and Health Program in the province.

The development phase on the physical integration of the division is now complete with the placement of the component sections within a central office in the Norquay Building. We are now looking forward to significant advances in workplace safety and health based on the inherent advantages of this consolidated approach. The Workplace Safety and Health Branch consists of four different units: The Administration Unit is responsible for the general implementation of The Workplace Safety and Health Act and the administration of the branch as a whole. We intend to increase the staff of this unit to expand our internal technology capabilities for the purpose of staff and program development. The branch also has a Safety and Health Inspection Unit which prior to 1977 operated under the administration of the Workers Compensation Board. The main functions of the staff of this unit are to identify safety and health hazards in the workplace, to issue orders and recommendations believed necessary for the removal of such hazards and generally to ensure compliance with the Act and the regulations. This unit has an established program to assist in the development and organization of Workplace Safety and Health committees in over 300 designated workplaces in this province. In addition, the unit provides detailed information on its extensive regulations to affected parties and distributes education material on Workplace Safety and Health matters.

An important subcomponent of this unit is the Training and Educational Section. This section conducts seminars and in-plant training aimed at educating persons on safety and health in the workplace and on the requirements of our legislation.

To summarize, the main activities of this unit are to conduct inspections of workplaces and to educate employees and employers on safety and health matters. We view the training and educational aspect of our responsibilities with extreme importance and we are in the process of significantly improving our capabilities in this field.

Also within the Workplace Safety and Health Branch is the Industrial Hygiene Unit. The main purpose of this unit is to correct conditions in the workplace that may lead to health impairment

and to provide technical advice on preventative programs and occasionally on Workers' compensation claims.

In the course of its activities, the unit conducts surveys of environmental conditions in workplaces and provides detailed consultations in response to requests from industrial plants, educational institutions, and government agencies. The unit also does analysis relating to the level of contaminants in the workplace and in addition analyzes biological samples for abnormalities. We recognize the importance of the work performed by this unit and have taken some steps to expand its activities.

The fourth unit within the branch is the Occupational Medicine Unit. This unit administers regulations aimed at the early detection of occupational diseases relating to exposure to workplace contaminants. Through medical examinations which include X-rays and lung function tests, occupational diseases are detected and efforts are made to minimize impairment of a worker's health. The staff of the Occupational Medicine Unit is also involved in numerous consultations and educational sessions.

We recognize that there is a definite need to review current minimum standards on workplace exposures and we intend to work towards this goal. Workplace Safety and Health in general is one of the areas which we'll be reviewing in detail over the next year.

A second branch within the Labour division is the Mechanical and Engineering Branch. In administering and enforcing relevant legislation, the main objectives of this branch are to ensure that buildings are constructed and renovated in compliance with established construction safety standards and to ensure that specific specified mechanical, electrical and fuel-fired equipment is designed, constructed, installed and maintained in a manner that will minimize the possibility of injury to persons and damage to property. The safety of the public is the main concern of this branch. For this purpose staff of the branch inspect such things as boilers, refrigerator systems, pressure vessels, gas and oil burner equipment, electrical equipment, elevators, ski lifts and tows, buildings, mobile homes and amusement rides.

Also for safety reasons it is desirable that qualified workers perform certain tasks. Therefore the branch is also involved with conducting examinations and issuing licences or certificates to qualified workers such as power engineers, certain welders, installers of gas and oil burner equipment and persons working with electrical equipment and motion picture projectionists.

Also for safety reasons the branch issues permits or certificates for such things as the operation of boilers and refrigeration or pressure vessels, the installation of gas and oil equipment, the delivery of heating fuel oil, the operation of elevators, the sale or lease of mobile homes, the construction of certain buildings and the operation of amusement rides.

As well, the branch provides designs and building plans for certain buildings to ensure compliance with specified standards which are set out in the Manitoba Building Code. This Code is based on the National Building Code of Canada with certain amendments made to account for local conditions. The National Code was developed by the National Research Council in co-operation with provincial authorities. The Manitoba amendments are made by the Building Standards Board. The inclusion in the Manitoba Building Code of a section dealing specifically with Manitoba climatic data and requirements for foundation and footings are examples of these amendments.

As well, sections were included on smoke alarms in tourist camps that were not in the national code. Increased requirements for insulation standards and standards to make buildings more accessible to handicapped persons were also incorporated in the Manitoba Building Code.

The work load of the Mechanical and Engineering Branch has grown rapidly and steadily over the last several years. Additional staff in the coming year will allow the branch to keep up-to-date in its licencing and inspection programs. The entire system of licencing, certifying and issuing of permits, will be reviewed to determine if some procedures and practices can be streamlined and to make more efficient use of our resources.

A third branch within the Labour division is the office of the Fire Commissioner. One of the main objectives of this office is to minimize the possibility of death, injury and property damage through fire prevention and fire protection programs. Some of the office's activities include inspecting public buildings to ensure compliance with fire safety regulations of the Manitoba Fire Code and that public buildings and places of public assembly provide an acceptable degree of life safety to the occupants. The branch inspects plans and installations such as spray painting facilities, flammable liquid storage facilities, bulk fertilizer plants and fixed extinguishing systems for conformance with government regulations.

The branch also consults with professionals and the public in respect of code requirements. The office of the Fire Commissioner conducts investigations to determine the cause and origin of fires, to suppress arson and to reduce the incidence of fire from reoccurring causes. It investigates all fires where fatalities occur and reports its findings to the Chief Medical Examiner.

In addition, the office instructs paid and volunteer fire personnel on fire prevention and fire

evaluates fire fighting facilities, gives advice on the purchase of equipment and publicizes and promotes fire safety and prevention. One of the Fire Commissioner's main activities now involves operating the Manitoba Fire College which is headquartered in Brandon but which also operates on a mobile basis by offering courses in various regions of the province. This year the Fire College will be expanding its activities significantly because of an increase in demand for firetraining services, particularly by municipalities. The College, in co-operation with Assiniboine Community College and Red River Community College offers specialized training in all aspects of fire prevention, fire-fighting and fire detection and investigation. The training programs are specifically designed to serve volunteer fire fighters, regular paid fire fighters, fire service instructors, fire prevention officers, police officers, volunteer representatives from northern communities and the staffs of correctional institutions, hospitals and personal care homes.

On completing a training program through the Fire College, a person may be granted a certificate as a Fire Fighter, as a Fire Service Instructor or as a Fire Prevention Officer. Generally, a Fire Service Instructor will return to his community and instruct others in fire protection matters while Fire Prevention Officers become qualified to conduct fire inspections in their own communities. This proposed increase in training activities of the Fire College will necessitate additional staff for the office of the Fire Commissioner.

Conciliation Services is another branch within the Labour division. Conciliation Officers are appointed under The Labour Relations Act or pursuant to The Public Schools Act to assist parties involved in collective bargaining to negotiate collective agreements. I consider the work of this branch to be very valuable and although we have experienced a number of serious work stoppages over the past year, I have no doubt that the situation would have been much worse without the assistance of our Conciliation staff. Our Conciliation officers are available at all times to assist the parties to collective bargaining and I would encourage the use of their services not only in crisis situations but also at other times.

While I was, and am very concerned with the work stoppages we experienced the last year, the seriousness of those work stoppages in terms of their effect on the economy was not as great as many people would have us believe. In actual fact our total man days lost last year amount to 1/4 of 1 percent of the total man days worked. This is perhaps not as low as I would like to see it, but still shows that our economy was not as seriously affected as some people might think. Hopefully we have all learned something from last year's experiences, that the parties to collective bargaining can work together with government officials where necessary to improve our industrial relations climate. Primary responsibility for doing this, I believe, rests with the parties directly involved in negotiations.

Some people might suggest that more legislation is needed to improve our collective bargaining system. However, in the long run, I do not believe that restrictive legislation is the answer. Rather, I believe, giving the parties greater freedom of action to develop their own collective bargaining and dispute settlement procedures, will lead to more acceptable results and a better labour relations climate. A system of compulsion, characterized by rigid procedures and requirements in our legislation will discourage the parties from using their own resourcefulness and ingenuity to develop and refine ways of resolving their differences. In the long run, therefore, if our collective bargaining system is going to be improved, restrictions on freedom of action should be removed where possible.

Nevertheless, my concern with last year's protracted work stoppage in the construction industry has prompted me to ask Mr. Cam MacLean, Chairman of the Manitoba Labour Management Review Committee, to set up a committee to consider ways of improving the collective bargaining system in that industry. Such a committee has now been established with equal representation from labour and management, and I am hopeful that it can arrive at some consensus as to how the bargaining system can be made more effective. Although I would prefer the parties to agree to voluntary arrangements, I'm also prepared to consider legislation embodying any recommendations that the committee may propose.

The Administration Staff of the Manitoba Labour Board, comprises another branch within the Labour Division. The Labour Board itself is an independent quasi-judicial tribunal, which adjudicates complaints and applications made under the Labour Standards Act and various Labour Standards Statutes. It is now also responsible for hearing certain appeals and applications under the Workplace Safety and Health Act. The Administration Staff of the Labour Board possesses numerous kinds of applications under the Labour Relations Act, including applications for certification and de-certification, applications respecting unfair labour practices, and applications for board rulings on a variety of questions that may arise under the Act.

In the area of labour standards, the staff of the Board processes applications relating to such things as unpaid wages, overtime wages, termination of employment, paid general holidays, annual vacations with pay and equal pay.

In the area relating to workplace, safety and health standards, the Board is empowered to entertain appeals, file the result of orders issued by the Workplace Safety and Health Branch. The Board also deals with applications relating to allegations of discriminatory action. I expect the Labour Board and its support staff will continue to function in much the same manner and as effectively as it has in the past.

Also within the Labour Division is the Employment Standards Branch, which operates in much the same manner as it has in the past years, with the same duties and responsibilities. The Branch is responsible for the administration and enforcement of legislation establishing minimum labour standards. Those standards relate to such things as minimum wages, overtime, hours of work paid, general holidays, annual vacations with pay, termination of employment, maternity leave and equal pay. Decisions made by the staff of the Branch may be appealed to the Manitoba Labour Board. The legislation administered by the Employment Standards Branch is reviewed on a continuing basis. At the present time, we are considering the consolidation of this legislation so as to eliminate confusion created by redundancies and to facilitate the administration of the legislation. Also, we are now in the process of streamlining administrative processes that will allow for more effective enforcement of the legislation.

The Pension Commission comprises another branch within the Labour Division of the department. The main purpose of this Branch is to actively promote the establishment, extension and improvement of pension plans throughout the province. In doing so, the Branch registers pension plans affecting Manitoba employees and inspects and audits plans to ensure that they comply with the requirements of our Pension Benefits Act. In addition, the Branch administers agreements with other Canadian jurisdictions providing for reciprocal registration, inspection and audit of pension plans. This year, the main emphasis of the Pension Commission will be directed towards educating the public as to what pension plans are all about. Many people lack an understanding of pension plans, and therefore an educational program explaining them will be a worthwhile endeavour.

This generally describes the structure, functions and programs of the new Department of Labour and Manpower. The Women's Bureau serves the needs of working women in the province for information and counselling and advises the government on those issues which are of major concern to the position of women in the work force.

The Manpower Division of the department will co-ordinate and administer a variety of programs relating to training, job creation, employment services, immigration and the development of an overall manpower policy.

I am confident that the co-ordination of all of these functions and programs under one division within the department, will result in programs that are more effective, and that will allow for the maximum utilization of the resources available.

The Labour Division will be responsible for such things as workplace safety, public safety, the administration of labour relations and labour standards legislation, conciliation services and the regulation of pension plans. Most of these are established programs that are reviewed on a continuing basis, in an effort to improve them. Special efforts, however, will be made to improve the Workplace Safety and Health Program since we are dealing with an Act and an administrative structure that is relatively new.

Overall, I feel confident that the reorganization as reflected in the new Department of Labour and Manpower will result in better programs and services. Thank you.

MR. CHAIRMAN: Item (b) Administration (1)Salaries—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairman. I'd just like to take opportunity to address my remarks to the opening statement by the minister, which I think is the appropriate procedure at this juncture of the Labour Estimates.

The minister has given us a very accurate and very complete review of the reorganization that has occurred in the department. I would hesitate to make comment as to whether that reorganization will be effective or efficient, or whether it will even, in fact, be advisable until we've had opportunity not only to go through the Estimates and to pursue in more detail as to what changes have been made, but also to give it a certain period of time to see if the changes that are occurring in society as a whole as a result of these administrative and reorganizational changes, are producing the desired results. There's always a certain amount of question as to whether changes will indeed produce the results that one has intended them to do.

But while the minister has taken a good deal of time, and I don't begrudge him that time, I think the report that he gave was very informative, and probably most accurate. But he confined his remarks to what is happening within the department, and he has not commented on what is happening in society as a whole, what is happening with the labour force that that department has

intended to serve. I think that's unfortunate because some very major changes have taken place within the general working population, within the general working environment within the province. And for the most part, they have not been positive changes, Mr. Chairperson. I only have to note some statistics that have come about as a result of research done, to show that while the Manitoba labour force has grown in 1978, it has lagged behind the growth that the rest of the Canadian labour force experienced. In other words, we are not keeping up with the growth in labour forces, with the growth in employment opportunities that are occurring throughout the country as a whole.

I just have to note at this time for the record, Mr. Chairperson, that in 1976 the growth of the Manitoba labour force and the growth of the Canadian labour force were exactly the same, at 2.3 percent, and in this year 1978, there's four-tenths of a percent differential, that we have lagged behind by four-tenths of a percent. The number in Manitoba employed, Mr. Chairperson, while in 1976 had actually increased at a greater rate than the national average, this year increased at a lesser rate than the national average. Where we had 440,000 Manitobans employed, which indicated a 2.6 percent increase over the previous year, the country as a whole had enjoyed a 3.4 percent increase. So the differential there is even greater. We have lagged even farther behind what was happening in the country as a whole. Now where we did, and this is unfortunate, Mr. Chairperson, where we did exceed the percentage increases of Canada as a whole, is in the area of unemployment.

The number of Manitobans unemployed in 1978 grew by 14.8 percent — 14.8 percent, yet the percentage that the country grew at was 7.2 percent. So we doubled that. In other words, where we did out-perform the national average was in creating unemployment in this province. And that saddens me, Mr. Chairperson, because that results in all sorts of repercussions and ripple effects down through the working force, down through the working environment, that are unhealthy, and that are unnecessary — that have come about primarily because of the restraint orientation of this government, a lot of that coming about as a result of cutbacks in the construction industry. The Manitoba unemployment rate, Mr. Chairperson, while still remaining in its relative position within Canada as a whole, the differential has increased. The absolute difference between the Canadian rate and the Manitoba rate in 1976 was 2.4 percent, and this year we see it 1.9 percent. And the percent that Manitoba's rate occupied as a percentage of Canada's rate has grown from 66.2 percent in 1976 to 77.4 percent now. So we are taking a large degree, not only in absolute terms, but in relative terms of the unemployment picture of the country as a whole. Our workers are being forced to pay with their jobs for the abuse of the economy that the minister and his government have been responsible for over the past 18 months.

I might add, that the 6.5 percent unemployment rate in 1978 represents one of the highest unemployment rates that this province has seen. Also, Mr. Speaker, the rate of unemployment in Manitoba increased from 5.9 percent in 1977 to 6.5 percent in 1978, which is an increase over itself, over its own 1977 figures of 10 percent, and that was the largest increase in the unemployment rate in all Canada.

So while we've lagged behind in a growing labour force, and that's largely because of the lack of opportunities, lack of jobs, the out-migration. While we have lagged behind in the number of those who want to work being able to find productive labour, we have increased, we have outstripped, outpaced all of the other provinces, in the area of an increase in the unemployment rate. So that does not bear well for the workers of Manitoba, nor for Manitobans as a whole because we need a healthy work environment; we need those jobs for the economic climate of this country to be in itself healthy and growing.

Then we come to the area of Manitoba work stoppages, Mr. Chairperson, which has occupied some of the time in this House during the Question Period and during a number of the contributions by other members and is of some importance, because this was a government that came to government saying that they were going to reduce that sort of conflict and confrontation, that they were going to create a working environment that would result in a lower number of work days lost due to work stoppages. And that includes strikes and lock-outs. I think one of the areas that we have to concentrate on, is the number of lock-outs, which increased phenomenally over the last year. The employers were taking the cue from the anti-union perspective or the anti-union philosophy of this government and locking their employees out. And that is the only reason that one can give to such a phenomenal increase over one year.

But the increase in the total days lost is even more phenomenal. A 1,404.6 percent increase over the numbers of days lost in 1978. And the minister quite rightly says that the AIB is part of the reason, part and parcel of this increase occurring in the Province of Manitoba. It has also had the same influence on the other provinces within the country of Canada. But, what we find happening is not the number of work stoppages increasing in Manitoba in direct proportion to the number of work stoppages increasing throughout the country as a whole, but we find once again we're

careening ahead of the rest of the country in this one area.

Mr. Chairman, in 1977, there were 19,450 days lost due to work stoppages and strikes, which is an 80 percent decrease over the previous year. Now, we are in the third year of the AIB, and that has a very profound impact on that. I don't think that any one cause can be singled out solely, but if one cause can be singled out primarily it would be the AIB. So let us assume that the country as a whole was undergoing that same change. In 1978, we find that Manitoba has increased from 19,450 to 292,640 work days lost due to work stoppages such as strikes and lock-outs. That's phenomenal, that's absurd.

And that comes under the reign of a government that promised us that just the opposite impact would take effect when they took the reins of government, and it didn't. Matter of fact, the directly opposite effect took place, but in Canada as a whole, the increase was only 123.5 percent. So indeed while the increase was nationwide, there is an unquestionable difference between the amount of increase in the Province of Manitoba and the percentage increase in Canada as a whole.

In 1976, and we're using that as a base year for these figures but we can use other years on this one, the Manitoba days lost due to work stoppages, strikes and lock-outs were 8/10ths of 1 percent of the national average — in other words, we had lost 98,190 days and the country as a whole had lost 11,610,000 — so we were occupying a relative position of 8 percent.

In 1977, that had decreased in relative terms to 6 percent of the national average. In other words, taking all the days lost due to those stoppages, we had 6 percent of those days lost in the Province of Manitoba.

And that has been a fairly consistent figure and I can, if necessary, go back a large number of years and show that at times it has risen to 2 percent, at times it has dropped to lower, but let us say around 1 percent is a fairly basic figure; we, historically, have occupied a level of about 1 percent of the days lost nationwide due to strikes and lock-outs.

In 1978, it increases to 4 percent; in other words, in absolute terms again we have increased, and in relative terms we are occupying a greater proportion or we have a greater proportion of days lost in this province than the rest of the country. And that indicates to any right thinking individual I think, Mr. Chairperson, that the Manitoba scene has worsened in respect to the Canadian scene; that we are not, as this government had promised, experiencing a labour climate that invokes co-operation and thereby decreases the number of days lost due to strikes and lock-outs, but that the labour climate, the labour environment has deteriorated to the point where we are suffering more than we have historically with this problem and I think that bears ill for the government opposite.

The Manitoba weekly wage, Mr. Chairperson, while it was increasing at a rate in 1976 of 12.1 percent over 1975, and 8.5 percent over 1976 and 1977, in 1978 it increased at a rate of 5.8 percent; that was less, Mr. Chairperson, than the consumer price index. So the workers in Manitoba, and I have the figures, the workers in Manitoba lost purchasing power, they suffered a loss in real wages; in other words, their wages increased 5.8 percent, but when taken into consideration with the increases in the cost of living they have suffered a loss of almost 3 percent in real wages, they have fallen 3 percent behind the position they occupied the year previous.

And that represents an annual loss of roughly \$336 for every worker in the province last year — \$336.00 — and that's not taking into account the food prices that have increased by 14.5 percent. But again let's look at those increases and decreases relative to the rest of the province because we can't just isolate Manitoba and say, "Manitoba experienced this," because quite frankly the rest of the provinces were also experiencing a lowering in the increases in wage settlements.

But in 1976, the Manitoba average weekly wage and the Canadian average weekly wage both increased to 12.1 percent over the previous year, so we were even; and let me point out that historically, we had been increasing faster. But in 1977, Mr. Speaker, the Canadian average weekly wage was 9.6 percent and we had dropped down to 8.5 percent. So now the pattern that historically we had been increasing faster has been turned about and we are increasing at a lesser pace than the country as a whole; and that gap widened, that discrepancy widened in 1978 where the Manitoba rate increased at 5.8 percent and the national rate increased at 6.2 percent.

So we do have problems — the problems are not only in absolute terms in this province but they are relative to what is happening in the rest of the country — we are not keeping pace, we are not keeping up, we have seen the minister say that this phenomenal increase in work stoppages, days lost — and production lost because that's what we're talking about is production loss due to strikes and lock-outs — has not as seriously affected the economy as some people would believe, and I'm paraphrasing him I'm not quoting him exactly, but I think I have the intent of what he said.

What sort of statement is that from a minister who has sat through the last year where the increase has been 1,404.6 percent compared to a substantially lower increase in the rest of the country of 123.some percent? What sort of statement is that? Of course it had a deteriorating and

a negative impact on the economy. How could it otherwise? Talk to the construction workers — it had a negative impact on their economy, their own personal economy, and it had a negative impact on the global economy, too — construction was down. The negative impact has to be there and it was there. Talk to the other 50 percent of the people who were out on strike and you will find that it had a negative impact on them also, and it did on the economy as a whole.

So maybe it hasn't as seriously affected, as some people would want to believe, but it has indeed seriously affected the economy of the province as a whole, and it can do nothing else but do that. It cannot do otherwise. It has to have that sort of negative impact when you lose that number of days due to strikes and lock-outs. So let him not try to kid us or kid the people of this province and try to belittle that phenomenal increase in days lost, because it's not going to work. The people in the province know, we know, and I'm certain that the minister knows that the days lost were a drain on our economy generally, and that the more days of production that we lose because of strikes and lock-outs, the larger the drain is. It follows as night follows day. So it was a serious impact, it was a negative impact, and it hurt the economy, so don't let him try to fool us by belittling the impact.

I'd like to just comment on one phrase that the minister used in his presentation because I think it is informative, I think it is enlightening. "The Work Place Safety and Health Division" — now you note, I use the word "division" because that's what it was, is now a "Branch"; it has gone from a Division to a Branch, that implies to me a downgrading of the Workplace Safety and Health Division to a Workplace Safety and Health Branch.

In other words, they have taken the Workplace Safety and Health Division and said that "you no longer occupy the status of a Division, but you are a Branch." Now, I'm certain the minister will want to clarify that statement — perhaps it was a slip of the tongue on his own part but he has made it on numerous occasions throughout his entire presentation — and there has been a downgrading of the Workplace Safety and Health Division. There were fewer inspections last year. We will go through the figures in detail, and I don't want to take up the time of the House now, but I can assure the minister that once we have gone through the activities in detail of the Branch, 1978 over 1977, we will note and the public will know that there has been a decrease in the level of activity of that Division and that it has occupied a lesser priority in that government than it did in the previous one.

Quite frankly, we took the workers' health and safety quite seriously; seriously enough to put that Workplace Safety and Health Division into place so as to build in better protection, to afford them better protection for not only their safety but also for their health which is a crucial issue. And yet we have found that this government does not apparently share that same commitment, that same interest in the workers' health and safety, and they have indicated it today in the minister's presentation by saying "It is no longer a Division, but now just a Branch."

But he has put in on the level of many other branches so that what we have, in effect to my understanding — and the minister may be able to correct me through his staff as we go through the Estimates — my understanding was that the Mechanical and Engineering Branch were supposed to be made a part of the Workplace Safety and Health Branch, or the Workplace Safety and Health Division at that time, and that these were supposed to be incorporated in the whole process so that we would have that sort of reorganization that the minister seems to want to put on the other departments, or the other branches and divisions within the department, but has not been motivated to do so within the Workplace Safety and Health Division; they have separated it, they have drawn it apart, put it into smaller pieces and relegated it to the status of a Branch down from that of a Division. So that we will comment about, I am certain.

The minister says that it almost took, Mr. Chairman, a fair amount of courage — I have to commend the minister to bring up the Private Sector Youth Employment Program — it took a fair amount of courage to do that because that program has come under considerable and justifiable criticism and I can inform the minister that it's going to come under more criticism, because we have not gotten to the bottom of that barrel of apples yet.

We have not found out all there is to be found out about the Private Sector Youth Employment Program last year, but we surely intend to do so, and we intend to do so in due haste so that the program next year will not suffer the same inadequacies that the program suffered in the previous year's. So while it took a fair amount of courage for him to say that, I have to disagree, I have to disagree with his comments that it was highly successful, and that nearly 5,000 new jobs were created.

You know, in the minister's own area in the area of Thompson, I happen to know that two jobs are on the list as having been created were not created; there was no moneys accepted for them, and they indeed appear as being created on his list, but in actuality those jobs never existed. Someone had made an application, and due to adverse conditions or due to a change of heart or a change of mind had decided not to pursue those, and so those two jobs don't exist.

We had an article in the paper the other day that said Standard Knitting was down on the list as having created eleven jobs didn't take any moneys, that there were no jobs in essence created as a result of the minister's program. So I can hardly concur with two statements that he made in regard to that program : one, that it was highly successful, because I don't happen to think that it was successful. I think we will find as we go through the books more and more, and it's a fairly detailed list of grants that was given to us by the Minister of Education, we will find that less jobs were created than those books show — I've outlined 13 right here and I know there are others — and we will also find out that many of the jobs that were subsidized were not new jobs that many of the jobs that were subsidized would have been created anyway.

Matter of fact I can guarantee you, Mr. Chairperson, that we will find instances where a company that took money to create new jobs under that Private Sector Youth Employment Program actually had a smaller work force in 1978 than it did in 1977. So while it said it was creating new jobs its total work force had decreased and I think we will find that in numerous examples, I can't say how many, but we will be bringing it to the minister's attention. Surely we will be bringing it to the minister's attention because that's a fact. So when he tells us it created new jobs, I question that; when he tells it was highly successful, I deny that. I say that's a misrepresentation of the impact that that program had and I don't think the minister is doing it willingly I think because there's been no evaluation done on that program — and I'm anxious, I'm anxious to see the results of the evaluation the minister told me is going on right now and has been ongoing for some time — it would seem to be a fairly simple process. I don't think that it's happening quite as quickly as the minister would want us to believe. And because there has been no evaluation on that program, because it has not happened, he doesn't know how that program had failed its original intentions and he cannot know until two things happen; either he takes the initiative and has an evaluation done, or we take the initiative and tell him. And let me tell you, I hope he takes the initiative because it's very hard going through all those lists, it's very difficult going through 2,000 and some grants and picking out the ones that look to be questionable, but we are doing it. I hope they are doing it, it's their responsibility. Perhaps it's our responsibility to make them a better government — and I know it is — and we will accommodate them as much as we can but I would suggest that he has more resources to do that than we do. So I would hope that he gets on with the task of evaluating that program and I hope that he'll answer us with quite a good deal of candor and honesty when he brings that evaluation in, because I don't think it was as successful as he would have us believe.

He talks about changes in the Workplace Safety and Health legislation, I believe I interpret him correctly, or at least a review. We will discuss that further in that Section of the Estimates, but he also talks about removing of restrictions of freedom of action where possible — I think again I'm not quoting him exactly — but I think when we're talking about not the Workplace Safety and Health Division but Labour legislation as a whole, and that they are prepared to legislate that where necessary although they would hope that co-operation would do the job.

Well, I'm a bit concerned about that, quite frankly, Mr. Chairperson. I'm a bit concerned because I and the working people of this province think that we have in place by and large, for the most part, good labour legislation, that we have labour legislation that serves the needs of labour, and that is important. I'm not certain that that government shares the same commitment to those needs or has even the same perspective of those needs.

MR. CHAIRMAN: The Honourable Member has five minutes.

MR. COWAN: Thank you, Mr. Chairperson. . . . has the same perspective of those needs as we do. So I am somewhat concerned that that sort of revamping of the regulations and legislation, if it comes about, will be to the detriment of the working people of this province and we must stand on guard.

To only prove my point, if I may, I just take note of Bill No. 35, The Worker's Compensation Act that was introduced into this House, and a quick perusal of that has shown that that bill takes away some very fundamental provisions of the previous Act that I believe were put in to serve the best interests of workers who were injured on the job, who were taking part of the Worker's Compensation Program. I don't think the Minister can deny that; I don't think he will even attempt to deny that because that bill will come before the House for extended debate and at that time we will point out, quite frankly, that it does and there can be no denial, it's in black and white, it's in the legislation.

So when that happens, that's the first piece of legislation that the Minister has brought forth of any substance this Session, and it is a negative piece as far as I am concerned and when I have talked to my labour friends, and that includes union and working people both — I include them as one group — when I talk to my labour friends, they tell me that they are afraid of what

that bill is going to do, that they have taken the increases that were coming to people, that were coming to people automatically, and taken them out of the realm of being an automatic increase according to a formula and have frozen that and put them into the realm of a political arena where the Minister now decides when an increase will come.

Now, the Minister perhaps needs more work, perhaps wants more work, but I think that the system previous was eminently fair and I think that it was accepted and trusted by the workers of this province and I'm concerned, and they have told me that they are concerned, that the new system will not work as well nor will it work to the advantage of those who need those sort of changes the most.

So in closing, Mr. Chairperson, I would like to say to the Minister that we intend fully to pursue the Estimates, that we are willing, as all Oppositions should be, we are willing to discuss the matters, the changes that have been made within them and that we are willing to support the Minister where those changes prove to be advantageous to the working people in this province and we are more than willing, we are committed, to fighting those changes where we believe that those changes will act to the detriment, and there are numbers of those. We will also quite sincerely try to help him improve that Private Sector Youth Employment Program so that it will serve the function that I'm certain his government intended it to.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Just a couple of points then I suppose it will be called that hour.

The terminology of branch or division does not bear the significance that the Member for Churchill feels it might. It's the same operation only as I have outlined in my remarks, with additional help which we will explain and quite possibly he will even concur with the types of positions that we will be trying to fill and the numbers of people and the operation of it.

In relationship to the bill that he mentioned, there are two further amendments that will have to be added to that, one, in relationship to the formula — the formula should in fact stay as is; and the other is in relationship to the foster parents which he may or may not have picked up on but there are some problems in relationship to that particular section which I will be further reviewing. But the formula that he has mentioned, I will be hoping to have somebody move an amendment to keep that formula as was and debate it. Some of the problems we see, or have been brought to my attention — which I don't think in reviewing are significant enough to touch the formula, but the foster parent part of that bill bears some discussion which I'll be more than willing to accommodate during the Committee stages — I want to bring to the attention of the committee, and I think it's the proper time in committee rather than in the House on second reading. But I want to assure the Member for Churchill that an amendment will be brought in to erase what was proposed in that bill and to keep the formula. The foster parent thing is of concern to me for a variety of reasons and we will be proposing another amendment to it, but at committee I wish to thoroughly debate that with the members opposite, for a variety of reasons.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Chairman, and it is indeed pleasant that the news Minister has given us with regard to the formula as it now exists in the present Workers Compensation Act and that the Minister does intend to restore the principle of the formula. That is, as I say, indeed good news.

I would like at this time just to make a few comments before we get into the whole discussion on the department. I do want to take note that the resignation of Professor Woods is one that we as members this side of the House accept with regret and I think we should at this time pay tribute to Professor Woods for his long years of service that he served on that committee. I think he was the original chairman in 1964 and served, I think, up until mid-1978, I believe I'm correct, and I think that we as members of this Chamber should pay tribute to the work that he and that committee have done over the years and I think we would be remiss, and I myself in particular would be remiss if I didn't make some passing reference to the very good job that Professor Woods has done over the years. I wish to express, on my behalf and I'm sure that I'm speaking for members on this side of the House, a hearty vote of thanks to Professor Woods for the job well done that he has done over the years as Chairman of the Labour-Management Review Committee Board.

I would also at this time too, before we pass on, like to note the resignation of Mrs. Mary Eady who was the Director of the Women's Bureau and pay tribute to the work that she did. It was a new bureau that was instituted by the former government and she was the first director of the Women's Bureau and I think that she did an excellent job. I'm sure that she will do an excellent

job in the new position that she has but, again, as I say, I think this side of the House and in fact the whole Chamber, I think, all members would join me in wishing her well and thanking her for the job that she did in the years that she was director of the Women's Bureau.

I would also note that Miss Shirley Bradshaw is now the new Director of the Women's Bureau and I wish her success in that position and I'm sure that she will do a good job for the working women in our labour force in the Province of Manitoba.

The Minister, when he was giving his opening remarks, was discussing the field of industrial relations for Manitoba for the year 1978 and the record that we achieved last year is . . .

MR. CHAIRMAN: The hour being 4:30, and in accordance with Rule 19(2), I am interrupting the proceedings for Private Members' Hour and will return at 8:00 p.m. this evening.

PRIVATE MEMBERS' HOUR

MR. SPEAKER: Order please. We are dealing with Private Members' Hour now and on Thursdays, the first order of business is Public Bills. On the proposed motion of the Honourable Member for Inkster, Bill No. 29, An Act to amend The Clean Environment Act, this bill is standing in the name of the Honourable Member for Rhineland. The Honourable Member for Rhineland.

MR. ARNOLD BROWN: Stand, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Member for Wellington, Bill No. 34, An Act to amend The Fatality Inquiries Act, the Honourable Member for Rhineland.

MR. BROWN: Stand, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Member for St. James, Bill No. 37, An Act to amend The Museum of Man and Nature Act, the Honourable Member for Kildonan.

MR. PETER FOX: Stand, Mr. Speaker.

MR. SPEAKER: Second Reading of Public Bills — Bill No. 43 — the Honourable Member for Wellington.

SECOND READING — PUBLIC BILL

BILL NO. 43 — AN ACT TO AMEND THE LEGAL AID SERVICES SOCIETY OF MANITOBA ACT

MR. CORRIN presented Bill No. 43, An Act to amend The Legal Aid Services Society of Manitoba Act, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: Mr. Speaker, this matter is one that I am particularly pleased to bring to the attention of Members of the Assembly and yourself. I, in the course of my practice, had occasion to be appointed by Legal Aid of Manitoba to represent a lady whose name will not be disclosed in the course of our discussions this afternoon, to appeal a case which she had lost in the Manitoba Court of Queen's Bench. I was granted permission by the board and director of Legal Aid Services to do that and I was asked to do that on her behalf in order that she could obtain the right to a new trial. This lady, it should be noted, is of very limited financial means, obviously, and as well, Mr. Speaker, she had a very limited background in the practices and customs of our country because she had just recently come from another country, Portugal.

In any event, Mr. Speaker, I had been sent to the Manitoba Court of Appeal and I had the privilege there of presenting a factum and making an argument. On that occasion, Mr. Speaker, I was so fortunate on behalf of my client to be successful. The lady in question was granted the right to a retrial but subject to one proviso and that is that she pay the costs of the other party, the respondent to the appeal. I should indicate at this point, Mr. Speaker, that she had not been represented by a lawyer in the first instance in the Court of Queen's Bench and as a result of that, it took her some time because of her unfamiliarity with our customs and legal proceedings and

not having had legal counsel, it took her some time to become aware of the existence of Legal Aid.

Now, Mr. Speaker, what happened was, that Legal Aid in processing her application took a rather undue length of time. In the initial instance they refused her her eligibility; they wouldn't grant her a certificate. So at that point she came to me and I advised her that she should appeal, which she did. She appealed the Legal Aid decision not to grant her eligibility. But as a result of all this, Mr. Speaker, her time for appeal in the Manitoba Court of Appeal expired and it could only at that point be granted by way of Special Notice of Motion and Special Leave.

And I think the judiciary quite rightfully noted, Mr. Speaker, that it was not their fault if Legal Aid was dilatory in processing applications; that was a matter beyond their control and as they pointed out to me, it was beyond the control of the other party to the appeal. And he had made representations through his counsel that he had suffered some prejudice, that he had suffered some small financial embarrassment, he'd been put to considerable costs and expense and his counsel strenuously advocated the propriety of costs being levied on his behalf. And the Court of Appeal, through Mr. Justice Monnin, concurred, and so indeed, Mr. Speaker, he was successful and costs were awarded against the lady in question; my client.

Now the judge went one step further. He indicated that notwithstanding that my client had done nothing wrong, that the costs should be borne by Legal Aid. Now he indicated that orally, viva voce; he didn't write that in his decision, Mr. Speaker. He said let Legal Aid pay because they're responsible for this delay, and he said that if the lady doesn't pay and Legal Aid doesn't indemnify, then she should not have the right — and this he wrote in the Order — that she should not have the right to appear as a party in the re-trial.

Well, Mr. Speaker, there was a deadline put in the decision of the Honourable Justice of the Court of the Appeal. He indicated that she had to pay the costs by April 1st. April 1st has come and gone and the other lawyer quite rightfully on instruction from his client, has indicated by way of Notice of Motion to the Court of Queen's Bench, that her defense should be struck and that she should be disentitled to appear as a party at any trial proceedings. And I would note that the matter as such that there would have to be a re-trial anyway because it involves divorce, so the case would have to be made once again. But she will not be entitled now as a result of this situation to appear as a party or to have counsel appear on her behalf.

Well, Mr. Speaker, this is deplorable; this is deplorable. This lady has done nothing to disentitle herself to her rights, her fundamental liberties and rights. As a matter of fact the Manitoba Court of Appeal has indicated that she was right and Legal Aid (Manitoba) was right — they were correct — in launching the appeal. And here we've had verification by the Court of Appeal that Legal Aid was correct in granting eligibility; that she was correct in obtaining counsel and instructing counsel to appeal; all this has now transpired and she can't appear as a party.

Ironically, Legal Aid has been put to expense, the Court has been put to the expense of its time which is hard pressed and which it has the husband of necessity and, Mr. Speaker, the lady is precluded from her day in court.

Now, Mr. Speaker, I checked into other jurisdictions because I thought, you know, that — I should say, before I go into other jurisdictions — I checked into our own jurisdiction and I contacted both the Director of Legal Aid as well as the Chairman of the Board of Legal Aid, and both of them quite rightfully acknowledged and indicated that Legal Aid (Manitoba) was precluded by statute from paying costs. They simply cannot pay a client's costs and there is a section — I believe it's section 15 of the Act, of The Legal Aid Services Society Act — that absolutely prohibits the Board from authorizing the payment of costs. So both Mr. Allen and Mr. Larson, being the two individuals I spoke of, indicated to me in writing that it was simply impossible under the present terms of reference for them to act in order to accommodate this lady's pressing need.

Now notwithstanding, this lady I think, Mr. Speaker, as we now all know is beyond the pale; she's out of luck. But, Mr. Speaker, I think it's important that since this matter has now been brought to bear that we do something to rectify the situation in order that it not happen again.

Mr. Larson indicated to me that he thought in these circumstances Legal Aid probably should pay the costs. He thought that since they'd sent her there, they'd sent her to the Manitoba Court of Appeal and had been responsible for the delay in getting her there, that it would be only appropriate that the Board give consideration and sufficient latitude in order to enable her costs to be paid and entitle her to her participation at her trial.

And, Mr. Speaker, I would note that if I were in any way involved, if this Bill were to come about and my client was to get any benefit, I want the record to clearly indicate that I would gladly resign, retire myself from the record, from this case. I would take not one further sou; I would not take a penny of money for my work in this regard. It would give me great pleasure if we could do something to assist this particular lady in this regard, and all the others that may be stuck on the horns of this sort of dilemma in the future.

Now, Mr. Speaker, I contacted the Attorney-General's office in Ontario and as is often the case, they have already been somewhat in the vanguard and they have come across this problem and they have enabling legislation there that allows the Board of their Legal Aid Services Society to award costs in exceptional circumstances. I was advised that it's only happened once in the past year, and they have many more applications than we do, it's only happened in that jurisdiction once in the past year and I think three times in the history of that particular legislation there. But nevertheless, Mr. Speaker, there have been applications and in meritorious cases, redress has been given.

So, Mr. Speaker, I would indicate that such legislation deserves immediate consideration. I think it's quite intolerable notwithstanding that the situation has existed for several years, that it be allowed to continue when we know of its existence. And as I say, it's certainly a matter that can be dealt with on a nonpartisan basis — certainly on a bilateral basis — as between members of the two parties in this House. I don't see what need there is for debate simply because what we're doing is simply entrusting the people we have appointed to administer the Legal Aid service with all the responsibility that we normally accord Boards of Directors of those sorts of agencies.

Obviously the question of certain expenditures is often put within the purview of an independent Board and it in no way would affect the absolute gross total of expenditures on an annual basis. We would still as it were, globally budget Legal Aid services, and it would just be the case, Mr. Speaker, that they could allocate out of their funds a small apportionment for this sort of contingency. I would note, Mr. Speaker, in case it's thought by members that the cost associated with this sort of legislative amendment might be inordinate, I would note that the costs in this particular case — this was a case contested in the Manitoba Court of Appeal and dealt with in the Manitoba Court of Queen's Bench; two senior-most courts in this province — it was only a question of a factum fee of \$100 as well as costs and disbursements of the respondent's counsel which I think amounted to roughly another \$100 when they were taxed. So we're only talking in this case of a couple of hundred dollars, and in view of the fact that in Ontario we've only had this sort of exemplary situation arise once in the past year; one case wherein there was an award of costs made by the Society. In terms of the global expenditure and budget of Legal Aid that's literally a drop in the bucket and it would enable a meritorious applicant to proceed to have a trial in accordance with the laws of this province and country.

So, Mr. Speaker, I would earnestly hope that members opposite do not treat this as is often the case as being a Bill that should be put into a sort of perpetual limbo, the old expression "the bill that's talked out" or very often "not talked out", just held. Mr. Speaker, I think it's important that members show good faith with members of the public and not with me because as I indicated her case is beyond retribution now, but with general members of the public who may become involved in such a dilemma in the future. I would ask that members not unduly hold up the passage of this Bill but give it immediate attention in order that the law can be rectified. It's a very short amendment; it has received the endorsement — as it were — of the Legislative Council, who indicates that the Bill — and I'm reading from his letter which is to the Attorney-General, Mr. Speaker — he indicates, "I think the Bill is deserving of special attention" and indeed it is, Mr. Speaker. Anything less than special attention is not satisfactory.

People are unduly hurt by small technicalities in the law and this is a very good example of how people who don't have the financial wherewithal to support themselves, who are unable to loan or otherwise obtain funds to proceed in the Courts — even though they're funded by Legal Aid who has paid considerable amounts of money to get them there — it's an embarrassment to them, Mr. Speaker. It's an embarrassment that they should spend so much money getting a person through the Courts and winning a person's case and doing so justifiably and rightly and then be stuck in the position where they can't give the person access to their rights at a trial, and they're embarrassed and I'm embarrassed and I think we should all be embarrassed. It's an inadvertent oversight in the law. It's of a technical nature, but we should do our utmost, and immediately, Mr. Speaker, to rectify that problem and give passage to this Bill forthwith. Thank you.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON: Mr. Speaker, I beg to move, seconded by the Member for Minnedosa that debate be adjourned.

MOTION presented and carried.

ADJOURNED DEBATE ON SECOND READING — PRIVATE BILL

MR. SPEAKER: Bill No. 33, An Act to Amend An Act to Incorporate Bel Acres Golf and Country

Club. (Stand)

SECOND READINGS — PRIVATE BILLS

MR. SPEAKER: Bill No. 40, An Act to Grant Additional Powers to Rossmere Golf and Country Club. (Stand)

BILL NO. 41 — UNITED HEALTH SERVICES CORPORATION ACT AMENDMENT

MR. DAVID BLAKE presented Bill No. 41, An Act to amend An Act to Incorporate United Health Services Corporation, for second reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. BLAKE: Yes, Mr. Speaker, I was asked if I would bring this particular Bill forward. It's of a technical nature allowing the United Health Services Corporation to invest surplus funds in Credit Unions. As the Bill now stands, it reads "Chartered Banks" and they are unable to use Credit Unions or Trust Companies, and as they do have a certain amount of business with Credit Unions, Caisse Populaires or Trust Companies, it's the feeling of the Corporation that they wish to be in a position to favour those particular organizations with some of their business.

The Trustee Act, Section 71, only allows a trustee to invest in Credit Unions and member institutions that are defined in The Canada Deposit Insurance Corporation Act. And as you know, the Credit Unions are not covered under that Act; they use the Credit Union Stabilization Fund that's equally as advantageous and as protective as The Canada Deposit Insurance Fund.

The intention of the Corporation would be to utilize demand money deposits only through the Credit Unions at this time but in future there is other of the services may be utilized at this time, so the Bill is of a housekeeping nature just to eliminate the inclusion of Chartered Banks and allow them to deal with Credit Unions or Trust Companies.

MR. SPEAKER: The Honourable Member for Wellington.

MR. CORRIN: Yes, Mr. Speaker, as I am sure the member would appreciate and yourself, I am interested in this and I would ask, particularly since it is of a technical nature, I would ask that this Bill be allowed to stand in my name. I would move that the debate be adjourned and that the Bill stand in my — seconded by the Member for Inkster.

MOTION presented and carried.

PROPOSED RESOLUTIONS

RESOLUTION NO. 7 — CAPITAL PUNISHMENT

MR. SPEAKER: Resolution No. 7, a motion presented by the Honourable Member for St. Matthews and an amendment moved by the Honourable Member for St. Vital. This Resolution is open. Are you ready for the question? The Honourable Member for Inkster.

MR. GREEN: Yes, Mr. Speaker. I think that there is great unanimity, Mr. Speaker, on one question that is before this Legislative Assembly, that everybody in this Legislative Assembly is against murderers, is against murderers, and would like to reduce the number of murders. I would think, Mr. Speaker, I would almost suggest that most of the members in this Legislative Assembly — I can't even think of any exceptions, but I'm not certain of this — are against killing, and would like to reduce the amount of killing that takes place in society, and we therefore, Mr. Speaker, with respect to this Resolution, we have a rare situation of unanimity as between all of the members in the House. We all hate killing. None of us would condone murders. None of us would coddle murderers. On all of these questions, Mr. Speaker, there is no dispute. Therefore, it is important, Mr. Speaker, that the real issue in dispute be debated and be brought to the attention of the Legislative Assembly because, whereas some people would like to divide the Legislature between those who like killers and those who don't like killers, everybody knows that there is no division on that question. Nobody in this Legislative Assembly condones killers, or would like to have killers not dealt with in such way as to reduce the amount of killing.

But Mr. Speaker, there is a difference of opinion. I mean there can't help but be a difference of opinion, given the debate that has taken place up until now, and that difference of opinion centers around, it appears to me, and I will wait to be demonstrated to be wrong, one very, simply put if not simple question, what is the most effective way of reducing the number of killers? Isn't that what we're talking about? And the Member for St. Matthews, who puts this Resolution forward, said that the best way of reducing the number of killers is to kill the killers. That's the proposition that's put forward by the Member for St. Matthews.

There are others on this side of the House who have argued that the best way of reducing the number of killers is to make killing unacceptable in the minds of as many people in society as we could reach. That's the difference of opinion. And it's not a simple difference of opinion, Mr. Speaker, it's something that's been argued time and time again. It's not a new issue that's being raised, and the most optimistic and probably the most short-sighted remark that I've heard in this Legislature on this question, and I say this with all respect to the Member for Crescentwood because he is usually a little bit more substantial in his thinking than he was when he made the statement, "Let's settle this question once and for all." For 4,000 years it hasn't been settled, but the Member for Crescentwood says that this vote in this House, or in the House of Commons in Ottawa, is going to settle it once and for all.

I don't think so, Mr. Speaker. I think that however the issue goes, whether Parliament restores some measure of capital punishment or does not restore some measure of punishment, there will be people dissatisfied with the law, and the people who are dissatisfied on the one hand will be those who will say that society, in taking the life of a convicted murderer, is engaging in two hazards: One hazard is that they will increase the number of murderers, and I know that there is profound disagreement on that subject; the other hazard is that they may be taking the life of an innocent person, and I would think that I could almost get agreement from my Tory friends, unanimous agreement in the House, that we should never take the life of an innocent person. Would you agree with that? Well, I guess maybe I can't get their agreement on that question, Mr. Speaker.

But those are the two hazards of capital punishment, and frankly, although it sounds like the less onerous of the two, I have been in argument and in feeling more concern on the first One that I have been on the second, although the second is of major concern, Mr. Speaker. Don't let me minimize it. But if I were satisfied that killing murderers will stop or reduce killing, I might be convinced that some innocent people are going to be put to death by society in the interests of the overall good. However horrendous that sounds, Mr. Speaker, it's not I who have to make that decision because I have already foreclosed that question on the first. But the members of the other side have to make that decision.

MR. SPEAKER: I've been listening to the member for quite some time, and I was wondering if he could possibly confine his remarks to the amendment that is placed before us.

MR. GREEN: Mr. Speaker, with the greatest of patience I am trying to indicate that the amendment deals with and I outlined it so succinctly — that I thought anybody could understand it, and evidently I am wrong — as to whether or not killing reduces the number of killers. That's what the amendment is all about. The amendment is that there be a study to determine the deterrent effect of capital punishment. That's what I am talking about. And I said, Mr. Speaker, that the hazard of going to capital punishment is: (1) That it will increase the number of killers. The second hazard is, and I'm entitled to deal with that in debate, that you will kill, murder by State decree innocent people, and I don't think anybody wants to do that. I don't have to deal with the second hazard because I've indicated I believe, and I want the study because I believe it will bear me out, but I'm willing to look. I believe that killing murderers increases the number of murders.

Now my honourable friends disagree with that, and therefore they're willing to go to the second hazard, that they are going to murder by State decree innocent people. Has it ever happened? Mr. Speaker, as sure as I stand here, as night follows day, the assassination of Sacco and Vanzetti was a judicial, premeditated murder, and anybody who reads the case, anybody who goes through the history of that case, can come to no other conclusion but that the State through its prosecutor, through its investigation, through its system, legally murdered Sacco and Vanzetti, and that when there was a commission to determine what the State had done, that commission again participated, aided and abetted and conspired in the wanton killing of two innocent human beings. Now, that's one of the hazards of capital punishment, and it's not the first time.

Mr. Speaker, if capital punishment was employed in France for treason, and it was, Mr. Speaker, an offense, a capital offense in many countries; it was a capital offense in Canada, then, as sure as I am standing here, Dreyfus would not have been freed from Devil's Island; Dreyfus would have been judicially murdered by the Government of France, and nothing would ever have been heard about it again because the only way Zola and the other people who fought the Dreyfus case could

maintain an interest in it is that Dreyfus was alive, and lived to walk out of Devil's Island a free man, rehonoured by the State, by the Government of France, and interestingly enough, Mr. Speaker, the aftermath of the Dreyfus case was the separation of Church and State in France and the elimination of any public support to private religious schools in that country, interestingly enough, a sidelight — that was the aftermath.

Now Mr. Speaker, there have been numerous other cases that I could cite to my honourable friends about the hazard that they are prepared to walk into without having made a study, Mr. Speaker, without having produced a single satisfactory statistic that what they are going to do is to reduce killing. As a matter of fact, I largely suspect, and I suspect that the effects of the study will show that they are going to reduce murders, and really that the urgency of my learned friend, and those others who argue for the return of capital punishment, are not to reduce killing but to provide adequate vengeance by the State against a killer. That's the real reason. Now, Mr. Speaker, let me say that I do not entirely undersell that reason. There is, whether we admit it or not, a feeling of vindictiveness, of a desire to get even with somebody who's done a horrible thing. Nobody is without it.

I was asked in the House by the former Member for Swan River, talking on this very subject, what would I do to the man who raped my daughter' and I said I would want to cut off both his arms and his legs and kill him, but Mr. Speaker, I suspect that civilized society would behave in a more rational way than a crazed man, who has been crazed by the fact that someone has molested someone in his own family. And that's really the difference. There is a need for retribution. The Member for St. Matthews has most strongly put it out. He said, "If you don't have capital punishment, you're going to have the vigilantes running around killing these people who are engaged in killing," and he seemed, Mr. Speaker, to say that in a way in which he would condone it because society isn't doing the job.

I was involved in a case over at the Law Courts last week where a man said exactly that. The evidence was, Mr. Speaker, and it's a case before a Commission, and I'm not asking it to be considered by the House, but the evidence was that the man said that he was going to go out and kill the rapist, and the policeman said to him, ' "Don't you do it. We'll look after it for you." And then, it is alleged, that the policeman beat up the man. It's the kind of thing, Mr. Speaker, that maybe the Member for St. Matthews would sympathize with the father and hope that somebody would beat up this guy because society wasn't going to do a good job, and that's what he says when he talks about the vigilantes running around beating up on murderers, or worse.

So, Mr. Speaker, what has been asked for is at least to try to provide the Member for St. Matthews and the others here who are so certain that killing will stop killing with ammunition. Where has it happened? Where has it happened? We had years and years of capital punishment. They've got capital punishment now in Spades. That's a good word for capital punishment — spades. They've got it in Iran. They've just killed 201 people in less than eight weeks, and if my learned friend is right — my honourable friend — this is going to stop the people who are conspiring against the State of Iran because they're all being killed for one form of political treason or another. Is it going to stop political treason in Iran, or is it going to increase it? I think the answer is so obvious that anybody who can think would know it, but of course that doesn't include everybody in the Legislative Assembly.

Mr. Speaker, you can go to the statistics and find that after every war, after every war there is an increase in murders. Now how does that increase occur? We take decent, well brought up, religious and in every way, wonderful people. We put a gun in their hand, we send them overseas, and we tell them that the guys over on the other side are devils, God is on our side, you kill those people. Mr. Speaker, I'm not knocking it — it has to happen and has happened, and everybody has been for it when it's happened.

MR. SPEAKER: Order please. The Honourable Member has four minutes,

MR. GREEN: But, Mr. Speaker, what the statistics show without any question whatsoever, is that once those young people have killed and have had a gun in their hand, and have blasted somebody into smithereens, and have seen his brains knocked out of his head, the notion of doing that becomes infinitesimally more acceptable, and that infinitesimal willingness to take another life is translated through society, and after the war murders increase. And it increases, Mr. Speaker, because killing is made more acceptable.

If somehow, Mr. Speaker, citizens of our society in the broad, were so horrified by the notion that a life is going to be taken, there is a chance that there will be less murders, but if the taking of life is something that the state says should be done under certain circumstances, then I tell honourable members that the citizen has that translated to him, and says at a certain time, I don't agree with the state; I am hostile to the state, but killing is something which is acceptable and

they can kill and so can I. And that is the psychology. And honourable members should be aware of it. They'll have their retribution, there's no doubt that society, if you restore capital punishment, you will give back the feeling of retribution to some, not necessarily to all, to some the taking of the life of the murderer is not enough. They may do something else. You know, in the gang wars it didn't stop killing, that you had capital punishment. It was kill, be killed, two for one, three for two, and it continued.

Now, Mr. Speaker, the honourable members will have retribution restored but it still won't be enough. They will not, in my respectful submission, reduce killing. They have never done it; it has never proved to be correct, and therefore, Mr. Speaker, it is meaningful that we have obtained the statistics. And that's what the study says. The amendment says, there is unanimity in the House. We all hate killers. We all hate murderers. We all hate killing. We would like to see less murders. We are not satisfied unanimously that the killing of killers will reduce the number of killings. Therefore, we would like to see whether that is so. And that, Mr. Speaker, is the aim of the study, and if people are willing to open their minds and look to see what they are advocating is worth the hazard, because don't forget, those who don't want to study, those who are for capital punishment, they accept the hazard, that we can assassinate judicially Sacco and Vanzetti, that we could have assassinated Dreyfus and that all of these people and others, Mr. Speaker, will have been innocent people murdered by the state, they accept that hazard. They should have pretty strong evidence upon which to move into such a hazard.

Mr. Speaker, I am proud to say that John Diefenbaker was always an abolitionist. I now think that he has changed with regard to guards in prison. I don't know. But he was an abolitionist. Joe Clark is an abolitionist. Tommy Douglas was an abolitionist. I gather that Ed Broadbent is an abolitionist. I'm glad to say, Mr. Speaker, that I am in good company —(Interjection)— of Clark, absolutely, abolitionist — that I walk in the path of good company, of people who have come to the conclusion of all political persuasions, that the way to reduce killing is not to kill.

MR. SPEAKER: Are you ready for the question? The Honourable Member for St. Matthews.

MR. LEN DOMINO: I was —(Interjection)— I'm just speaking on the amendment. I was dismayed last week to hear the amendment proposed by the Member for St. Vital. I had hoped that we could deal with this issue this Session, that it could be brought to a vote. I certainly didn't want to cut off debate on it, but now with the amendment what we're going to now see, it's quite obvious that we're not going to see members express their opinions, who haven't already expressed their opinions. We're going to hear from the Member for Inkster, and probably we're going to hear from the Member for St. Johns, and we're going to hear from myself, and we're going to hear from others. And the House may be edified by what we have to say, and there may be some value to it.

However, I was hoping that we could put to the test the statements that had been made by the Member for Inkster in particular. Because he was very fond of saying that, and I thought he was almost going to get to it when the Speaker cut him off for time. He's fond of saying, the polls seem to indicate that the people of this country are for capital punishment, but they somehow tend to elect over and over again, men and women who are against capital punishment. I tend to think that's not the case in this House, and that's not the case in this province, and I tend to think that if we were to have a vote and stand up, it would be shown that members on that side of the House and members on this side of the House, the vast majority would agree with the people of Manitoba. However, thanks to this amendment we're not going to get that opportunity this Session. I fully recognize that.

The Member for Inkster, I would like to, not praise him but congratulate him on his last speech. I thought it was a good speech. I thought he put his point well, unlike some of the other members who've spoken and unlike, I would suggest, an earlier speech he made on this very topic. He didn't choose to attack myself or members personally, members on this side of the House or the other side of the House, who differed with him on this particular issue. I said very early in this debate that it seemed to me it was a very emotional debate, and there was no way of getting around it. I personally have tried to stop myself from getting involved in emotional arguments or arguments with the person where you attack the individual. But I think that a lot of what's happened in this debate proves that much of the opposition to capital punishment really is just a strong emotion, uneasily searching for a satisfactory reason to justify that emotion, because I haven't heard any satisfactory reasons.

The Member for St. Vital suggests that we need more documentation and more evidence. He suggested that I should supply some more. I'm the only member in this House who brought forward research, who presented in his discussion of the subject, who was willing to table the documentation from criminologists, sociologists and mathematicians. I made reference to several studies in my speeches. No other member, for or against, chose to do that. Certainly not the Member for St.

Vital, when he spoke.

The Member for Inkster suggested that the real question was — well, first he said that we were all against killing, and I think that's right. Then he said the real question was, how do we stop killing? That's the question. Do we use the capital punishment to reduce killing? Because it's impossible to stop it, I would agree. You're never going to stop it completely. It's a matter of degree. I would suggest the real question is, the value of human life. And I would take his argument, and I would say, that all of us in this Legislature, each of us, I don't think there's a man or a woman in here, who would disagree with me when I said, that the most important value is the value of the human life, the value of an innocent person to live an uninterrupted life span. Okay. The real question is, how best do we reinforce the value of human life in our society? Okay. And I would suggest that the best way to reinforce that is to kill those, is to take the lives of those people who break that moral code. Abolitionists — and I've heard this argument now three or four times — argue that the execution of a murderer is morally wrong, for they believe that every individual has an absolute right to an uninterrupted life span. I've heard that. The Member for Inkster is shaking his head. He may not have made that argument, but others have because I've heard it. And it's been in the last month. Those same people claim that if an innocent victim had a right live so does the murderer. Well, Mr. Speaker, that takes egalitarianism too far.

Crime sets the victim and the murderer apart. If the victim died, the murderer, in my opinion, doesn't have the right to live. He forfeits that right when he committed the crime. If innocent people are to be secure in their lives, murderers cannot be secure in their lives. The thought that murderers are to be given the same right to live as their victims oppresses me, genuinely. The thought that a Stalin, a Hitler or an Idi Amin should have the same right to live that their victims did, is wrong. —(Interjection)— Never to execute a murderer regardless of how depraved the act, is to proclaim that no act can be so heinous or so vicious as to deserve death. What those people are suggesting is that no human being can be so wicked to deserve to have his life cut short. Mr. Speaker, I don't believe that.

Mr. Speaker, people in this House have argued that execution of a murderer is morally wrong. They say that every individual has that absolute right to an uninterrupted life span; I believe the death penalty doesn't violate the sanctity of life, I believe the death penalty reinforces the sanctity of life.

The ancients — and I've said this before and I think it bears repeating, the Member for Inkster talked about 4,000 years of argument, but for 3,990 of those years, the argument has gone on we've exercised society's right to use capital punishment — the ancients often spoke of, they tell us that each man's life should be sacred unto each other, but those very same ancients unflinchingly executed murderers, because they realized that it's not enough to proclaim the sacredness and the inviolability of human life. The sacredness of human life must be secured as well by threatening with the loss of their own lives those who kill, those who violate what has been proclaimed as inviolable, those who take the life of an innocent victim. Let me further expand on this, Mr. Speaker.

To punish a murderer by incarcerating him, just as one punishes a car thief, it can't help but cheapen human life, for the difference between the two crimes is then defined as only a difference of degree.

Mr. Speaker, what we have done by abolishing capital punishment is we have erased the qualitative distinction that recognizes that a crime against human life is different than a crime against property.

Almost everybody who I talk to on this subject agrees that you're not about to take the life of a bank robber — there's no need for it; but society does believe and society does demand that death should be the penalty for premeditated murder, because murder differs in quality from other crimes, and it deserves a punishment of a different quality. Murder is not a trifling offence, just as I'm willing to admit that taking a life of another human being is not a trifling sort of situation, whether it's the state doing it, or another individual. But punishment for murder should be proportional to the gravity of the crime, pardon me, punishment for any crime should be proportional to the gravity of the crime. All penal systems, and particularly ours' proportion punishment to the crime. The worse the crime, the harsher the penalty. I think that premeditated murder is the highest form of crime and we should reserve for it the highest form of punishment which is execution by the state.

Mr. Speaker, I can't say this too strongly, but I believe firmly that the life of each man should be sacred to each other man, but I also believe that the abolition of the death penalty attacks that very precept; it doesn't defend it.

Mr. Speaker, I'd like to address myself to some of the other arguments that have been made in connection with this Amendment to my original resolution. I'd first like to talk about the whole idea of motives which have come up and it came up again today. I think that the idea of revenge

as a motive is irrelevant to the death penalty, and I've made statements about revenge. I don't think revenge is, necessarily, morally blameworthy; I think revenge is a human emotion which you cannot stamp out, you have to cope with. If society's not willing to provide revenge, then the human beings, in their own way, will find a way to provide revenge, and what will happen is, you will have a breakdown of law and order. But, having said that, let's talk about the fact that revenge is irrelevant to the function of the death penalty.

Capital punishment must be justified independently by its purpose, whatever the motives are. An action, a rule, or a penalty cannot be justified or discredited by the motives. Actions for penalties, such as the death penalty, are justified not by the motives of the supporters, but by their purpose and by their effectiveness in achieving that purpose. Capital punishment is warranted if it achieves its purpose; its purpose is doing justice, its purpose is reinforcing the value of human life in our society; and its purpose also is to deter people from committing the same crime.

I don't buy the fact, and I never said in this House that deterrent was the main reason I brought in this resolution; reinforcing the value of human life was the main reason that I brought in this resolution. And I want to talk further about . . . what about a person executed in error, the argument brought up just recently, we just finished discussing? I think it's a very, very serious consideration, because I recognize that we have an excellent judicial system. I think we have all sorts of safeguards to prevent against mistakes; I'm willing to see even more safeguards to prevent any possible mistake, but I do accept that mistakes have been made' and I further accept that if we bring back capital punishment, mistakes will be made in the future; I'm sure some mistake will be made; I'm proud of the fact that very, very few have been made in this country, to be exact, I can't think of a Canadian example of a mistake.

Of the members who spoke and who addressed themselves to this issue, the Member for Inkster, the Member for St. Vital both used foreign examples, foreign judicial systems, although the Member for St. Vital referred to an English example where their judicial system is very similar to ours; however, not a Canadian example.

The argument here really is not that some criminals escape, but that some innocents are punished and some innocent people don't escape. We, as a society, employ and sanction all sorts of activities which risk lives of innocents. The standard we usually use as to whether we're going to outlaw an activity, or penalty, or whether we're going to allow it to proceed even though it involves risk to the lives of innocents — the standard we usually use is, are the moral drawbacks of practice, do they outweigh the moral advantages?

Mr. Speaker, in all sorts of human activities which this House sanctions, activities such as the construction industry, the construction of large buildings, the construction of roads, the mining of precious metals, manufacturing, the use of automobiles, the use of air traffic, sports, wars, even revolutions, all those practices, all those human activities involve the possibility that innocents will die; and yet the Member for Burrows is not going to suggest to me that simply because we could save several thousand innocent lives, we're going to outlaw motor cars, because we as a society have agreed that the risk to those lives produces for us greater benefits than the banning of those activities, therefore we acknowledge that we're going to have to put at risk some innocent people, people who have made no error in the traffic laws or anything, die every day in this country.

Mr. Speaker, I argue that the use of capital punishment, even though we may see an innocent person die at some time in the future, the moral value, the practical value far outweighs the risk, and just as I'm not going to see us stop the building of all large buildings because we lose the lives of innocent construction workers, I'm not about to see us draw short stock . . .

MR. SPEAKER: Order, order please. The hour being 5.30 p.m., when this Item next comes up, the honourable member will have four minutes remaining. The Honourable Government House Leader.

MR. JORGENSEN: Mr. Speaker, I move, seconded by the Minister of Tourism the House do now adjourn.

MOTION presented and carried and the House adjourned and stands adjourned until 10.00 a.m. tomorrow (Friday), uut sits in Committee in Room 254 and this Chamber at 8.00 p.m. this evening.