

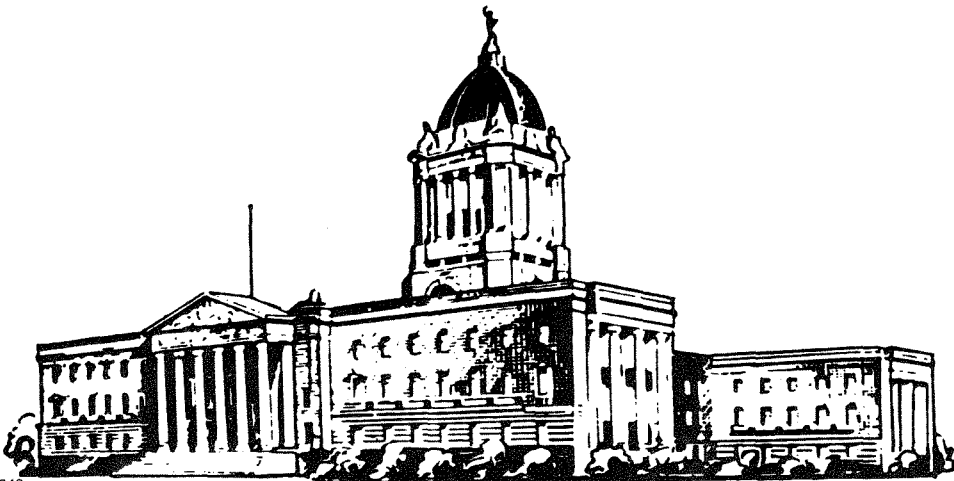


Second Session — Thirty-Second Legislature
of the
Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

31-32 Elizabeth II

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



MG-8048

VOL. XXXI No. 78B - 8:00 p.m., TUESDAY, 31 MAY, 1983.

MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 31 May, 1983.

Time — 8:00 p.m.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, C. Santos: Committee please come to order. We are now on Item 5.(b)(1), 5.(b)(2), Court of Appeal, Queen's Bench, County Courts and Surrogate Court: Salaries and Other Expenditures. The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, related to this item in the Unified Family Court, can the Attorney-General indicate whether there's any reason to believe that the Federal Government will introduce amendments to The Divorce Act, relative to, perhaps, the grounds for divorce?

HON. R. PENNER: Yes, I have every reason to believe that will be done, not of course by the end of this Session, which I think by the Rules of the Federal House now, perhaps by statute, terminates on June 30th, but it's expected that the new Session of the House that will begin very shortly after, and sometime between then and the end of the year, I expect the Minister of Justice to introduce amendments to The Divorce Act, which will deal with the question of grounds, likely going to marriage breakdown after a year. That seems to be the consensus that's developed, and with respect to uncontested divorces, that is completely uncontested with no ancillary relief on maintenance or custody, anything of that kind, such divorces will be, I think, handled in the Registry Office and will not involve court time or judicial time.

MR. CHAIRMAN: 5.(b)(1)—pass; 5.(b)(2)—pass. 5.(c)(1), 5.(c)(2), Provincial Judges Court: Salaries, Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, the Attorney-General indicated in his opening remarks that we would not see at this Session of the Legislature any legislation with respect to Small Claims Court. I would simply like to go on the record that I believe the jurisdiction of the Small Claims Court should be increased, particularly when the Attorney-General is proceeding with the amalgamation of the Court of Queen's Bench and the County Court. The historical role of the County Court was to provide a more speedier, less expensive, more accessible system of justice, and I think anyone who, for example, has a claim between \$1,000 and \$3,000 will find that the lawyer's costs are so significantly high that it's a deterrent to processing that claim.

I think that the Attorney-General should deal with this report as quickly as possible because I think that certainly the recommendation of the Law Reform Commission raising the limit to \$3,000 is probably a minimum for that figure. I don't recall exactly when the \$1,000 limit was set; the Attorney-General's advisors

might. But I think, particularly in view of the amalgamation, there has to be this type of avenue open to the average citizen in Manitoba to process a claim without running into the deterrent of high legal costs.

I am wondering when the Attorney-General would think there might be some action taken with respect to the report of the Law Reform Commission.

HON. R. PENNER: I welcome the position taken by the Member for St. Norbert. It concurs with mine. I would hope that we're in a position to deal with the whole question of the Small Claims Court within a year, that is, in the next Session of the Legislature, assuming of course that this one comes to some reasonable and timely conclusion. Indeed, I think it is open for consideration whether the limit on the claim that may be heard in the Small Claims Court is \$3,000 or \$5,000; I've had representations that it should be \$5,000.00. Interestingly enough, those representations come not from individuals so much as from corporations who tend to use a Small Claims Court as a relatively cheap way of enforcing corporate debts. They are the greatest users of the Small Claims Court. We often think of the Small Claims Court as being a people's court. Well, the people turn out to be defendants more than they do plaintiffs in the Small Claims Court, so it is a two-edged sword.

But one thing that I would want to consider with all members of the House. I would welcome the assistance of the Member for St. Norbert as we develop this, is the notion that when you do up the ante and the cases of necessity - more turns on them - they might be more complex, we should consider moving to hearings by legally trained persons. That doesn't necessarily mean judges. There are a lot of good models in the States, in the Los Angeles district where lawyers with 10 years experience on a rota basis - not hired but on a rota basis - adjudicate claims in that way. I don't want to be understood as slighting the clerks who presently hear those cases, but they're not legally trained. They seldom, if ever, give reasons for their judgment, leaving both plaintiffs and defendants often bewildered as to the reason for the outcome, so that in moving in that direction, I think perhaps we have to consider both elements.

MR. G. MERCIER: Mr. Chairman, I think that you can combine the two, that you could allow the present procedure to continue on with actions up to a certain monetary limit, maybe even at the \$1,000 limit as they are now and perhaps between \$1,000 and \$3,000 or whatever is the maximum limit, develop the concept of a civil division of the Provincial Judges Court.

HON. R. PENNER: That is certainly one of the recommendations of the Law Reform Commission that will be carefully considered.

MR. CHAIRMAN: 5.(c)(1) - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I believe the Attorney-General indicated The Young Offenders Act would be proclaimed - I've read it somewhere - for this fall?

HON. R. PENNER: It was and is still supposed to be proclaimed for October 1, 1983. However, the Solicitor General communicating with Attorneys-General about a month ago, not any more than a month ago, for the first time dealt with the question of the financial assistance to be given by the Federal Government. Here the Federal Government is legislating a drastically new system which arguably has great cost significance for all of the provinces, not so much for Manitoba as, let's say, for Saskatchewan and Ontario, imposing for example an obligation that young persons who ask to be represented must be represented by legal counsel, and accordingly it is the view of all of the provinces that the Federal Government ought to be pick up a considerable part of the costs.

The Federal Government has not been forthcoming. The Solicitor General in his letter to all of the provinces was at best vague, and at worst negative, saying that there would be no federal contribution with respect to court facilities, institutional facilities, judicial costs, and these are some of the main costs. On that basis, virtually all of the provinces, Manitoba included, in the list wrote rather strong letters to the Solicitor General saying that this was not tolerable and that something more tangible would have to be brought forward by the Federal Government.

At our recently concluded meeting of Provincial Attorneys-General, we adopted a strong statement asking that a definite commitment as to cost contributions be made and that a reasonable time be allowed from the time when we finally conclude an agreement as to cost and the proclamation of the Act, and that for those provinces where the juvenile age is 16 and will now have to deal with juveniles as young offenders up to 18, that there be a period of some - I think it's 18 months from the date of proclamation to the date when the age maximum kicks in as a uniform maximum.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General advise whether or not some complementary provincial legislation is required with respect to the handling of offences?

HON. R. PENNER: There are some changes that will be required to The Corrections Act. These have already been drafted and I expect will be introduced in this Session, although it's not essential, I'm advised that they be introduced and dealt with in this Session.

In addition, there are some relatively minor changes that will be required to The Child Welfare Act and The Summary Conviction Act.

MR. G. MERCIER: Will all of those be introduced at this Session of the Legislature?

HON. R. PENNER: I will be considering a draft of the proposed changes in the next day or so and hope to get some definitive word from the Solicitor General as to proclamation date. I would prefer not to add anything more to the legislative load. I expect that if we must do it, the changes will be of a minor nature and that we can expedite their passage through the House.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General advise as to what is the likely future of the

Brandon Student Court Committee project, which was established some three or four years ago and has continued? Is it going to be continued in Brandon? Is it going to be expanded elsewhere?

HON. R. PENNER: I have just in recent weeks received a report on the program. This is the one - I want to make sure we are talking about the same thing - where young people are involved in recommending disposition to a judge hearing a juvenile case. I really can't be more definite than that. It was my impression, but I am only going from memory now, that it was considered to be sufficiently successful to warrant continuation and, indeed, we'll want to look at it from the point of view of expanding it to other centres.

MR. CHAIRMAN: 5.c(x1)—pass; 5.c(x2)—pass; 5.(d)(1) - the Member for St. Norbert.

MR. G. MERCIER: I wonder if I could just go back, I have one more question I had noted and I didn't - has there been a reduction or increase or decrease in the number of part-time provincial judges, or any change?

HON. R. PENNER: There has been no change, that is, that we haven't added any - well, wrong - we have added one part-time judge in the Dauphin district, but none to the Winnipeg list, and what we are doing is, in the Estimates for this year we've reduced the amount budgeted for part-time judges by a whole lot and still, I may say, anticipating a decreased use of part-time judges as we move into the era of the Family Division of the Court of Queen's Bench carrying the brunt of the family cases in the province.

MR. G. MERCIER: How much of the caseload would he anticipate the Unified Family Court taking then from the Family Court Division?

HON. R. PENNER: The Family Division of the Court of Queen's Bench will consist, as it is presently projected, of eight puisne judges - as they are called - and an associate chief justice of the court, so that there will be nine judged.

Now I can give you an idea in the sense that the present Family Division consists of ten judges in the provincial bench and they carry a workload, both in the greater Winnipeg area - I still use that term - and in the province as a whole. I would estimate, and it can only be an estimate, that the Family Division of the Court of Queen's Bench will likely carry 65 percent to 70 percent of the total family load in the province.

I wonder if I might just use this break to provide the Member for St. Norbert with some information requested by him earlier. The members of the Board of Review are Caroline Cramer, new; Pat Desjardins, continuing; Phyllis Grearson, new; Dr. Marilyn MacKay, new and Dr. H.F. Shane I think continuing.

With respect to the workload in the County Courts about which we were talking, the criminal trials in Beausejour, Virden, Russell and Killarney at the County Court level were nil for each year in 1981-82; no criminal trials in those County Court Districts for the last two years. The civil trials and hearings are as follows, Beausejour and I'll go '81-82 in that sequence:

Beausejour, 2,316; Virden, 2,927; Russell, 3,213; Killarney 2,918. So there has been a very small number, and a decrease from '81-'82.

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

5.(g)(1), 5.(g)(2) Fatalities Inquiries Act, Salaries and Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could just advise how the arrangement with respect to Dr. Marcus Steen is working out with the responsibilities with the university?

HON. R. PENNER: They're working out very well. He's a very impressive, hardworking person with terrific qualifications and I am advised by my officials that he certainly is doing the job for our department and he appears to be doing very well at the university.

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

Resolution 21: Resolved that there be granted to Her Majesty a sum not exceeding \$16,287,100 for Attorney-General for the fiscal year ending 31st day of March, 1984—pass.

6.(a) Legislative Counsel, 6.(b) Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General could just explain the increased expenditures. Is there additional staff in this area?

HON. R. PENNER: There are no additional staff over fiscal '82-83. During the course of '82-83 there was the addition of 1.13 staff years research director and some support staff.

MR. G. MERCIER: Can the Attorney-General explain that position of research director?

HON. R. PENNER: Yes. We hired a person who works with Legislative Counsel and is available to Legislative Counsel to assist in providing legal opinions and in drafting, and is available for half of his time. This was the arrangement made between myself and Legislative Counsel to myself and any research projects involving researching the law in specified areas.

MR. G. MERCIER: I take it this person is a lawyer then?

HON. R. PENNER: Yes. This person had been a member of the Faculty of Law, had been the head research librarian for the Faculty of Law library and had been the person who had developed their research computer program and had taught legal research and writing and taught insurance law as well, and was in his day the gold medalist. He has been working on a whole number of developments in statute law, a considerable period of his time occupied latterly in drafting freedom-of-information legislation.

MR. CHAIRMAN: 6.(a)—pass; 6.(b)—pass.

Resolution 22: Resolved that there be granted to Her Majesty a sum not exceeding \$444,200 for Attorney-

General for the fiscal year ending the 31st Day of March 1984—pass.

7. Law Enforcement - the Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, what would the percentage increase be in the expenditures here - expert available at his left-hand side?

HON. R. PENNER: Okay, the '82-83 - this is a little tricky - costs were slightly less than those originally budgeted, because we project at the beginning of a fiscal year an anticipated cost based on the RCMP establishment for that year. We take the percentage of that cost that we're bound to pay pursuant to the contract and estimate.

We had some questions about the accounting methods being used by the people in Ottawa who send us the bills for actual payment. In the result the end cost for fiscal '82-83 was \$23,389,400; we're estimating for fiscal '83-84, \$25,660,000, so that you have about a 12 percent increase year-over-year, actual overestimated - I'm sorry it's about 13.-something.

MR. G. MERCIER: Mr. Chairman, could the Minister explain the increases then, that some municipalities have received? I'm advised that, for example, the Town of Grandview's increase is 20 percent above the previous year's contract.

HON. R. PENNER: Luckily for some of the towns, there was an error in last year's calculations. They got away with paying less than they would have had there not been that error. The matter has caught up with them in the sense that they this year are being charged on the basis of a correct calculation.

MR. G. MERCIER: Mr. Chairman, is that what happened then to the Village of Gilbert Plains and the Town of Grandview?

HON. R. PENNER: I'm advised that is what happened. There are two components. One is the error and the other is, as the member knows, the percentage that the province picks up of the total cost increases year by year.

MR. G. MERCIER: They would be paying what percentage this year?

HON. R. PENNER: It's 58 percent for fiscal year '83-84.

MR. G. MERCIER: It was 57 percent last year and then it would be 58 percent of a larger figure.

HON. R. PENNER: Of a larger amount.

MR. G. MERCIER: What is that figure that's used in the calculations and what is the increase?

HON. R. PENNER: I think we're figuring that the total cost for a constable is about - \$40,774 is the figure that sticks in my mind and then there's a percentage that is paid of that, on the extension contracts.

MR. G. MERCIER: Does the Attorney-General have the last year's figure, so we know what the increase was in that average constable's position?

HON. R. PENNER: I don't want to be hung to dry too far on this. This is information from a letter received from the Chief Financial Officer of the RCMP advising us that for fiscal '83-84 the estimated - this was in October and I believe it came down a bit - 100 percent provincial police service cost for your province by contract formula are \$44 million, and based on the financial arrangement contained in the agreement, we would be billed on 58 percent of those costs, or \$25,679,000.00. That estimate is based on the same number of members agreed to for '82-83. But then there were in fact some additions to the force in the 3-B Program for fiscal '83-84. I don't know if that provides you with any help in the information that you want.

MR. G. MERCIER: Mr. Chairman, related to this and the statement of details of estimated revenue for the province is the item (e) under Attorney-General Municipality Shared-Cost Receipt, is that related to the cost of police? I don't think so. It seems to me that is too low a figure.

HON. R. PENNER: On the revenue side?

MR. G. MERCIER: On the revenue side, the item (e), Municipality Shared-Cost Receipts. Is that related to the province's revenue?

HON. R. PENNER: Yes.

MR. G. MERCIER: From police contracts?

HON. R. PENNER: That's the municipality's share of the policing costs. So those extension costs are included in our costs and then we recover by billing.

MR. G. MERCIER: Well, Mr. Chairman, that's an area that I think has caused some concern. It shows revenue in the fiscal year ending 1983 at \$492,500, and then on the other hand in the coming year shows a jump from that figure to \$744,800, which is well over a third increase. The real question is, is the Attorney-General dinging the municipalities more than he should be?

HON. R. PENNER: No, I assure the Member for St. Norbert that we're not profiting on the municipalities. The actual recovery for our fiscal '82-83 is \$843,300, so there was a revision during '82-83 made necessary by the recalculation. If you'll see that we published for '82-83 an estimated recovery of \$492.5, but it was revised by the end of '82-83 because of picking up that error to 885.2. The actual was 843.3, so the estimate for '83-84 is actually less than the actual amount of recovery from '82-83.

MR. G. MERCIER: There's something wrong there, Mr. Chairman. The cost to the municipalities is not going down. The concerns that I have heard expressed are the costs are going up by 20 percent, so somewhere there is a mistake in the figures. I appreciate it's complicated.

HON. R. PENNER: I feel like Bob Benchley about to read the treasurer's report. We'll just hold on that. Mr. Arnason will double-check the set of books we use when we're really serious, and come up with the figure. If we could go on, we'll come back to this.

MR. G. MERCIER: This may be for the Federal Government's information, Mr. Chairman. Well, Mr. Chairman, while that information is being looked at, could we go on to another matter? That is, the status of the Dakota-Ojibway Policing Program. At least two years ago, there was supposed to be a final evaluation of that program. I wonder if the Minister could advise us whether that program is being received and what the intention is with respect to this program and the Federal Government's intention with respect to contributing.

HON. R. PENNER: The situation is not a happy one. There was an evaluation of the DOTC Policing Program received in December of 1982 - no, I believe it was received as December of '81 - we began having a chance to look at that evaluation. The evaluation of the program was, if I could sum it up in a word, sort of like a shrug, in the sense that it looks good, but we're not sure, and there are problems and all of the data are not in that would be required to make a firm evaluation.

We had entered into this program, the member will recall, some years ago and our share of the costs had started relatively small and then gone to 80,000 and it stayed at 80,000 for two or three years. Finally, during my term of office, in the last fiscal year, it was boosted to 100,000, but the actual cost of the program had really snowballed and had reached a point where they were budgeting, for this fiscal year, something close to \$1 million.

The Department of Indian and Northern Affairs had increased its share and in the last fiscal year picked up the shortfall, because we didn't, of close to \$400,000 and then said, okay, we've picked up that shortfall - it was a little less than \$400,000 - in the operation of the program. The Department of Indian and Northern Affairs said, we'll fold that into your budget; you'll have that much more, year by year, from us, so the next budget that was presented, lo and behold, even with that 400,000, showed identically the same shortfall anticipated for this budget year that is just concluded, and the Dakota-Ojibway Council and its administrator came to us and asked to pick up some of that net shortfall.

I said I wasn't particularly happy about doing that and that we would only consider picking up any of the shortfall, if at all, if the Department of Indian and Northern Affairs gave us some assurances about what it was going to do in the long haul, and subsequently there was a meeting involving myself and the members of my department. For a portion of the time, the Premier sat in on that meeting, members of the Dakota-Ojibway Tribal Council and Mr. Munro was supposed to attend but he sent Chenier, his Parliamentary Assistant. What was said was that, well, if the province indicates that it will pick up some of the shortfall, the Department of Indian and Northern Affairs will pick up the balance.

On the basis that there was a national study now being done of different kinds of Indian policing programs

and that it would require one more year to really have the full story, it was suggested that we would contribute an additional \$25,000 if the Feds picked up the other \$375,000; some generous offer on our part of that kind. Lo and behold, the Department of Indian and Northern Affairs said they're not putting in anything, and so we didn't.

It was at that time that the program itself began to run into some difficulties and they were really not attributable directly to the fact that they were short of finances; they still had the money to pay the salaries. But I must be quite frank, some continuing problems as between the Dakota-Ojibway Police Commission, on which a representative of our department sits representative of the RCMP, and the tribal leaders who . . . The Commission, on the complaint of some of the senior officers, I think, asked for the resignation of the Chief. The Commission, having done that, the DOTC Tribal Council asked for the resignation of the Commissioner or of the senior officers. This really created a problem in the continued administration of that program and that's where it stands right at the moment. We're waiting for that national evaluation but we're unwilling to make any greater contribution to that policing program than is indicated in the Estimates.

MR. G. MERCIER: Mr. Chairman, how much is the province contributing then in this 1983-84 fiscal year?

HON. R. PENNER: \$125,000.00.

MR. G. MERCIER: And what is the budget and where is the rest of the money coming from?

HON. R. PENNER: The budget, on a reduced basis of the DOTC Program is approximately between \$700,000 and \$800,000.00.

MR. G. MERCIER: Who else is paying that

HON. R. PENNER: The Feds.

MR. G. MERCIER: Various departments.

HON. R. PENNER: Principally, the Department of Indian and Northern Affairs.

MR. G. MERCIER: When is the national study due to be completed?

HON. R. PENNER: It was due to be completed by March 31, 1983, a couple of months ago. I haven't seen it yet.

MR. G. MERCIER: If past practices follow, you probably won't see it for a couple of years but you'll still be in the program.

HON. R. PENNER: You may have noticed, I'm not holding my breath.

MR. G. MERCIER: Has the Attorney-General or the department come to any conclusions about the effectiveness of the program?

HON. R. PENNER: We have concerns. There are some benefits. We are led to believe, from the evaluation, that there's a certain sense of wanting to have their own police force and feeling more comfortable with their own police force. I must say, of course, as the member will recall, the RCMP are still called in with respect to serious crime. The police force operates with minor crime, comparatively minor crime, but on the other hand there has been rather alarming turnover and what happens is, new recruits are hired and sent to the RCMP Training School in Regina, come back and get added into the force and, lo and behold, a few months later there is some more turnover. That creates a problem, because there's a continual shortage of adequately trained police officers when you have that rapid a turnover and there are costs that are being paid for training that are lost when people come on to staff, any staff where training is required, and then disappear all too soon.

MR. G. MERCIER: Mr. Chairman, the Attorney-General referred to the Saskatchewan Court of Appeal decision in the Dieter Dumont case earlier, I think when we were discussing human rights. Have law officers of the Crown had an opportunity to examine that case and does it have any implications for The Law Enforcement Review Act?

HON. R. PENNER: I have read it personally and I don't think that it does. It distinguishes Putnam and Cramer. It doesn't attempt to disassociate itself from the finding of the Supreme Court in Putnam and Cramer. Indeed, as a provincial appellant court it could hardly do so.

Putnam and Cramer dealt with a narrow issue of whether a province can, not merely investigate, but can in fact discipline members of the federal force even though they are hired by the province on a contract basis.

What the Dumont held in Saskatchewan was that the provisions of the Saskatchewan Human Right Acts would apply if the allegation is one of discrimination.

MR. G. MERCIER: Does the Attorney-General have the information about the RCMP contract now?

HON. R. PENNER: This appears to be the sordid story, that the actual billing and this has is intelligible and has logic about, the actual billing for the three fiscal years that we are considering are \$603,000, \$695,400, \$744,800. What happened is that in 1981-82, we collected only \$355,300 of the billing of \$603,000, because the information that was required to complete the calculation came in late.

The difference between what was the correct billing and what was collected in that year of approximately \$255,000, was folded into the subsequent year, so that in that subsequent year there was a bulge that is accounted for by the fact that the collection was in reality for a year-and-a-half.

The cost per staff person over the three years, using of course the different percentages, 56 percent, 57 percent, 58 percent, are 33.5 in 1981-82; 36.6 in 1982-83; 40.6 estimated for 1983-84.

MR. G. MERCIER: Has the Attorney-General considered any further assistance to municipalities in

the way of police grants? I know he indicated at the beginning that next year he expects that policing grants will be transferred to the Department of Municipal Affairs. Has he considered any additional assistance to municipalities or does he expect that to be dealt with next year in the Department of Municipal Affairs?

HON. R. PENNER: I expect it to be dealt with next year in the Department of Municipal Affairs.

MR. CHAIRMAN: 7.—pass

Resolution 23: Resolved that there be granted to Her Majesty a sum not exceeding \$25,660,200 for Attorney-General, for the fiscal year ending the 31st day of March, 1984—pass.

8.(a), 8.(b) Public Trustee, Salaries and Other Expenditures. 8.(a)—pass; 8.(b)—pass.

Resolution 24: Resolved that there be granted to Her Majesty a sum not exceeding \$1,463,000 for Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

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

MR. G. MERCIER: What was the actual figure for last year?

HON. R. PENNER: \$6,829,000 and change.

MR. G. MERCIER: The addition then compared to the actual figure last year is only about an additional \$400,000.00.

HON. R. PENNER: That's right. Yes.

MR. G. MERCIER: Does the Attorney-General expect Legal Aid to come in within budget?

HON. R. PENNER: I must admit to a certain optimism that has guided my life to this point and has usually failed me in terms of reality, I must say that I think it is going to be a struggle. As I indicated earlier in my introduction, the new board and the Executive Director of Legal Aid staff who are with us are looking at some innovative ways of dealing with the workload. We hope still that the upturn in the economy will have some effect - I don't think we'll see that effect until after mid-year. I think it is going to be touch-and-go actually to try and make it within that \$7,251,300. The irony of the situation is - and I can speak with some feeling on this having once been in the position of chairing Legal Aid. I chaired it for its first six years and still remain, I think, somewhat close to it.- that on the revenue side we expect some significant increase on the civil side of Legal Aid during the course of this year.

What the Feds have done finally is to recognize an obligation on the civil side of Legal Aid by using CAP, Canada Assistance Plan, and it recognizes that almost everybody, if not everybody who qualifies for Legal Aid, qualifies for assistance under the Canada Assistance Plan. The amount paid for legal services is, I think, defined as a special need that is cost-sharable, so that we are expecting some fairly significant increase in the total amount that we receive from the Feds. We are also expecting a considerable or at least a respectable

increase in the amount that is received by the way of interest on trust accounts. There has been a laudable increase in housing starts and conveyancing due, no doubt, to the splendid Homes in Manitoba Program, and with increased conveyancing there is the increased interest on trust accounts.

So that on the revenue side, we are going to be doing okay, but as you know and I think that's the only proper way to account, the revenue goes into Consolidated and doesn't go to into the pockets of Legal Aid, so to speak. Legal Aid, in terms of meeting its estimate of expenditure, is going to be looking a little hung over, while on the revenue side, which it won't see, will look like it just came from a party. Perhaps the two are synonymous.

MR. G. MERCIER: Mr. Chairman, does the Attorney-General have a figure for increased federal support for Legal Aid?

HON. R. PENNER: On the criminal side or on the civil side?

MR. G. MERCIER: Civil side.

HON. R. PENNER: On the civil side, just hold on that, I know that we expect incidentally to get a payback. They're going to calculate back to about 1980; it could be as high as \$3 million, but on a per annum basis, approximately half-a-million dollars per year.

MR. G. MERCIER: The increase?

HON. R. PENNER: New revenue from the feds, yes, on the civil side.

MR. G. MERCIER: Mr. Chairman, the Attorney-General referred to the Federal Government's philosophy or the CAP Program and the fact that many of the recipients of Legal Aid are on social assistance.

HON. R. PENNER: Or qualify as persons in need.

MR. G. MERCIER: Is it not the policy of Legal Aid not to grant a Legal Aid Certificate to a person who is on social assistance for the purpose of seeking maintenance, or would the Minister like to clarify the Legal Aid's position on that?

HON. R. PENNER: First, I'll give my answer, then I'll clarify it, because I think the policy is the same as it was from near the beginning.

Where the applicant for maintenance says, "Look, I'm here to apply for Legal Aid for maintenance. I don't want to make this application but they told me down in the Social Assistance Office that I have to do it, but for that reason I wouldn't be here." In those circumstances, I think the policy is not to grant a certificate.

Where the person genuinely says I want to get an order for maintenance because I don't know what position I'll be in a few months or a year from now and I may want that order and is a genuine applicant on her own behalf, then a certificate will be granted.

MR. G. MERCIER: Mr. Chairman, I think this is a policy and I don't deny that it may have been in existence

under the previous government, but it may very well be one that should be re-examined. I don't think that explanation the Attorney-General gave is a satisfactory one.

I believe what happens is that people are referred to Legal Aid because the social worker has reason to believe that, let's say, the female - spouse's husband has an income and there is reasonable likelihood of recovering from the husband, without the Legal Aid Certificate that person is in no position to take that action. Overall, while it might increase the expenses of Legal Aid, there's also a corresponding reduction in cost to the government in terms of the amount of social assistance paid out by the Provincial and Federal Governments. I have reason to believe that the policy of Legal Aid at this time is simply to refuse to grant the certificates. I suspect many opportunities are being lost to recover maintenance on behalf of that spouse who is otherwise receiving social assistance.

I can see the situation where - I heard of this a long time ago - in almost every instance a social worker would say to a person, you have to go down and get a Legal Aid Certificate because you have to get a court order, but there was no likelihood of ever, in some of these circumstances, recovering anything from the husband. I think what should be looked at carefully is if there is a reasonable chance to recover maintenance from the husband, then the public purse is going to be saved money in the long run by the issuance of a Legal Aid Certificate, although it might result in an obviously a larger number of certificates being granted.

HON. R. PENNER: I take the point of the Member for St. Norbert and I think perhaps it may be time to review the policy. I think it should be reviewed at the political level, that is, discussions between myself and the Minister of Community Services to see if we can develop a joint policy on that issue.

I have a minor flood here which ought not to be allowed to interrupt the proceedings. Carry on while the Chairman fulfills his destiny and dams the flood, or is it my carelessness that you're damning?

MR. G. MERCIER: Mr. Chairman, if I can add, I have a copy of a notice of refusal of a Certificate for Legal Aid - don't get the impression it was a client of mine or something that I'm raising that case, it came to me from another individual. The refusal is on the grounds that as the applicant would not directly materially benefit from proposed proceedings, in the opinion of the area director, there is not sufficient merit to grant a certificate.

What I'm saying to the Attorney-General is if this ground is being used because the income to the applicant would be no greater in the sense that even in that she would get no more than what she's getting on social assistance, that shouldn't be the reason. If she can recover that same amount from her husband, then obviously there is a savings to the taxpayer and the certificate should be, I think, seriously considered to be granted.

HON. R. PENNER: I think the point certainly ought to be discussed. You see, it's a difficult question. If it's clear that the applicant will not herself materially benefit,

in effect, she's being used as a conduit, as an instrument for collection, then there could be adverse social effects in the sense that one hopes, and again perhaps my optimism reveals itself once more, that reconciliation lies somewhere down the line as between the separated spouses. If the matter is pressed they become adversaries in court proceedings that might, the argument goes, frustrate that chance. So there are negative aspects to the proposed policy of granting assistance and facilitating the court case. But I do say to the Member for St. Norbert, I am certainly prepared to review that policy.

MR. G. MERCIER: Mr. Chairman, in his introductory remarks the Attorney-General indicated a concern over rising costs of Legal Aid and indicated that he'd asked the board to, I think, try to maintain their program within the Budget this year. I am not sure if he indicated - he had suggested some cost-saving measures, or the board themselves were considering some cost-saving measures or some restraint measures. I wonder if we could get an indication as to what they were looking at in that area.

HON. R. PENNER: Some of the cost-saving measures be examined by Legal Aid and in fact some of them may be already implemented are as follows:

The establishment of an all-staff duty counsel system at the Public Safety Building and 373 Broadway in Winnipeg;

The conversion of one of the Winnipeg Community Law Centres into an intensive criminal law office, I had adverted to that as an example in my opening remarks. The responsibilities of that office would include the Winnipeg Criminal Duty Counsel Program;

A greater staff involvement in the Criminal Duty Counsel Program in Westman and the Parklands areas;

Elimination of some of the less productive rural duty counsel circuits. Some areas have been identified as being very sparsely used but costing a great deal, Lundar, Amaranth, Killarney and several other centres that are mentioned as possibilities;

A reduction of the head office drop-in afternoons from four a week to one a week and head office drop-ins to be the responsibility of the administrators of the head office;

To transfer responsibility of supervision of the University Law Clinic to the Faculty of Law and that is now presently under discussion;

Reducing the number of administrative and operating expenses.

These are some of the matters that were raised for consideration by the staff and the board. If you'll bear with me a moment I'll just check with Mr. Freedman as to whether there are others and how many of the these are actually in or close to the implementation stage.

Pursuant to a decision to implement these over a three-month period, all of the ones that I mentioned will be in place by July 1st, 1983.

MR. G. MERCIER: Do I detect, Mr. Chairman, in those measures a movement in the direction of a public defender system or has the Attorney-General had an opportunity to examine, I think what was an

experimental program in a certain area in British Columbia within the last year or two. Is that a concept that the Attorney-General and the board is looking at?

HON. R. PENNER: Only partially. In fact, the percentage of certificates being handled by the private bar overall is increasing. In the statistics for April of this year, they show approximately close to 85 percent private bar compared to 15 percent staff-lawyer ratio. I have looked at the Burnaby pilot project, the results seem somewhat inconclusive and I have asked the board of Legal Aid in the course of the year to examine that concept but this is not intended as a move in that direction. It is simply intended as a cost-saving measure, the results to be examined during the course of the year. But certainly there is no decision being taken to move to a defender system.

In saying that, I don't want to sound as if I am opposed to a defender system. It may well be something that we'll have to look at.

MR. G. MERCIER: Mr. Chairman, I wonder if the Attorney-General has had an opportunity, or the board, to look at the inquiry which went on in the Province of Saskatchewan into the Legal Aid System. All that I have is a copy of a press release which the Attorney-General issued in March of this year which contained one, I think, disturbing paragraph which reads as follows: "The report also mentions several disturbing practices that have developed over the years which are in need of correction. Several instances of moonlighting by lawyers, wasteful travel, incompetence, over-preparation for court cases, and waste of court time were found." The recommendations made by Mr. Justice McPherson are designed to remedy these undesirable practices without suggesting in any way that these are things that are going on in Manitoba. Has the Attorney-General or the board reviewed that report?

HON. R. PENNER: Personally I haven't although I am aware of it and the context in which that report was made. I have always had doubts about the Saskatchewan system that existed hitherto in that it was highly decentralized system in which almost separate corporations were set up on an area-by-area basis and were given a great deal of autonomy. That sounds great but it raises, inevitably, questions of accountability. I have always hewed to the view, I am not ordinarily a centralist in these matters that in a program of this kind, certainly in a province like Manitoba, there is nothing wrong with the highly centralized administrative setup that we have while allowing a certain degree of program flexibility within the fine parameters in the law centres, community law offices where we have them established.

I predicted that the Saskatchewan system would run into a problem of accountability as indeed it did. In my discussions with the Attorney-General from Saskatchewan, not recently but a few months ago, when he anticipated the result of this report, he indicated that what they were really seriously looking at is the Manitoba system.

MR. G. MERCIER: Last year, Mr. Chairman, we discussed briefly the concept of the agreement to pay

used in situations where you have a person who is not within the eligibility requirements but is perhaps a little above. Because of that, that person is not eligible for a certificate but could still very well be in a situation where he can't afford legal services and discuss the concept of whether that person should be eligible to a limited degree for Legal Aid, but being required to make a contribution to the costs. Is that part of the program now?

HON. R. PENNER: On agreements to pay, we picked up approximately \$25.5 thousand in fiscal '82-83. We picked up a similar amount in costs for a total recovery in that area of \$50,000.00.

MR. G. MERCIER: What is the policy then that the board operates under?

HON. R. PENNER: The guideline which is used is this, we take the threshold, the eligibility level, where the person actually is. Let's suppose there's a person who is married and has one dependent, and it's \$14,000 gross annual income, and that person is above \$14,000 and if he's still below the next step - the next step, let's say, being \$16,000, then he will be eligible for consideration, not inevitably, of being granted legal aid on a contributory basis.

MR. G. MERCIER: Mr. Chairman, last year the Attorney-General introduced an amendment which allowed for Legal Aid certificates to groups. Could he indicate how many certificates were granted in that area?

HON. R. PENNER: It appears to be nine certificates that were granted in that area, which incidentally is really not much of an increase in what had been ongoing, in any event. You will recall, that when I introduced the amendment, I did point out that it wasn't the case that Legal Aid was not granting group certificates hitherto, but there appeared to be some uncertainty as to the statutory authority to do it and one of the reasons for introducing the change to the legislation was to regularize the situation. It was anticipated - not incorrectly - in the event that there would be some increase, once you establish your public advocacy centre, then there inevitably will be some increase and there is some, but it hasn't been a tidal wave.

MR. G. MERCIER: How many groups were turned down?

HON. R. PENNER: I'm advised by the executive director, although he doesn't have the number, it would be his estimate that probably as many were turned down as were granted.

MR. G. MERCIER: Could the Minister tell me then which group received certificates, for which purposes, and which groups were denied certificates and what was the purpose of their action.

HON. R. PENNER: I'll be glad to provide that information or would you like some of it now? What I can give you now are the groups where certificates

were granted; I can't give you - at least I don't have a list available - the circumstances where applications were refused.

MR. G. MERCIER: Mr. Chairman, I would accept an undertaking by the Attorney-General to provide me with a list of those groups that received certificates and the purposes of the certificate as well as a list of the groups that were turned down and the purpose of their legal proceedings and the reasons why they were turned down.

HON. R. PENNER: I give that undertaking.

MR. CHAIRMAN: 9.(a)—pass; 9.(b)—pass.

Resolution No. 25: Resolve that there be granted to Her Majesty a sum not exceeding \$7,251,300 for the Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

Item 10.(a), 10.(b) Personal Property Security Registry, Salaries, Other Expenditures - the Member for St. Norbert.

MR. G. MERCIER: I just wanted to check the revenue to see how much profit this area is making.

HON. R. PENNER: Not bad. For 1982-83, the actual expenditures were \$700,000 - I've rounded it off - and the income was close to \$1.3 million.

MR. G. MERCIER: What was the increase in fees during the past year?

HON. R. PENNER: The fees have been constant since we started the service.

MR. G. MERCIER: There is no increase in fees?

HON. R. PENNER: I'm advised that there's a minor increase in fees for corporate securities, but no increase for non-corporate, which forms the bulk of the applications.

MR. CHAIRMAN: 10.(a)—pass; 10.(b)—pass.

Resolution No. 26: Resolved that there be granted to Her Majesty a sum not exceeding \$888,800 for the Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

Back to the Minister's Salary, Item 1.(a).

HON. R. PENNER: Before we do the Minister's Salary, I have, in accordance with practice, made available officials of the Liquor Control Commission and I would invite the Member for St. Norbert, or any other member here, to raise any questions concerning the operation of the Manitoba Liquor Control Commission.

MR. G. MERCIER: I'm just looking for my revenue sheet; what a terrible time to lose it.

Mr. Chairman, the Revenue Estimate, I believe, as of last year, March 31st, 1983, was \$117.5 million. The year previous to that, if I recollect correctly, was \$90 million or \$89 million. In the forthcoming year, the estimated revenue is another \$9.5 million increase to \$127 million. Last year, I believe, the Chairman was

kind enough to bring along with him some sheets that showed the prices of Manitoba spirits compared to other provinces. I wonder if the officials have brought along that information.

Mr. Chairman, just having got the certificate, for which I thank the Attorney-General and the officials from the Liquor Control Commission, it would appear that as a result of the taxation policies of the government on the spirits, which the officials have used to compare prices with other provinces, that Manitoba out of six products is third highest in four of them, highest in one, and second highest in another, compared to all other provinces.

With respect to wines, the two wines that are used, one an imported wine, Manitoba is fourth highest; and on domestic, is seventh. It would appear that the Manitoba prices have been pushed to their limit. Would the Minister agree with that? Increases over the last 18 months have been considerable.

HON. R. PENNER: I would agree that the increases in the last 18 months have been considerable. You'll recall that part of the increases - of course this applies nationally - is the federal excise tax, which is indexed, and somehow or other doesn't follow six and five.

I perhaps, injudiciously, should reveal my own biases when I point out that apparently I have no influence on the events here because the scotch that I drink, when I drink scotch, which isn't that frequently, is Ballentines and it's the one that's highest. In Alberta, I could drink Ballentines for \$13.15 compared to \$16.30. It almost pays to go to Alberta on that basis - not quite - but almost.

MR. A. ANSTETT: You'd get stopped at the border coming back.

HON. R. PENNER: Mind you, one would have to really get into the Ballentines to enjoy being in some parts of Alberta, I expect.

MR. A. ANSTETT: I hope that's not on the record.

HON. R. PENNER: Everything's on the record. No, I agree that the table speaks for itself. It can no longer be said - perhaps it should not be said - that Manitoba is a drinker's paradise.

MR. CHAIRMAN: The Member for Springfield.

MR. A. ANSTETT: Yes, Mr. Chairman, I share the sentiments of the Attorney-General in feeling some pleasure that Manitoba isn't a drinker's paradise because of some of the costs that we get in those kinds of paradises. But I do have some concerns about the composition of this table and I'm wondering, seeing as how Manitoba had a provincial Budget earlier than any other province, whether all of the 1983 increases, which are a result of provincial tax increases in 1983 spring Budgets, are reflected in this table or if it can reasonably be expected that Manitoba's position . . .

MR. CHAIRMAN: Would the member speak closer to the mike please, so he can be recorded? — (Interjection) — Thank you.

A MEMBER: Would you start from the beginning again?

MR. A. ANSTETT: Certainly, Mr. Chairman. I take some pleasure in hearing the Attorney-General's comments that Manitoba is not a drinker's paradise because of some of the social costs associated with those kinds of paradises. However, I have some concern about the presentation composition of this table, and I'm wondering if the Attorney-General or his staff on the Commission can confirm that this table actually reflects 1983 final prices. I know it will for Manitoba; I don't expect any further increases will follow after the most recent - and the table is dated June 1, 1983 - so I take it they're not expecting an increase tonight, or sorry, after tomorrow, they are expecting one tonight. I'm wondering if there are expectations that there will be changes in provincial Budgets in those provinces, which have not yet tabled their Budget, or have forecast an increase for some time after June 1st.

HON. R. PENNER: I thank the Member for Springfield for the question. There are four provinces, in a sense, yet to be heard from where it is anticipated that it's probable that the Budgets will increase the prices of the booze in those provinces. So that undoubtedly - well, not undoubtedly - that may well alter the position of Manitoba on the table.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, when can we expect the report for the year ending, I guess, March 31, 1983?

HON. R. PENNER: The beginning of October, 1983.

MR. G. MERCIER: Mr. Chairman, on that question, you know, we have a lot of reports that are tabled in this Legislature for calendar year 1982 that are required to be tabled in the Legislature by March 31st, a period of three months. Why does it take the Liquor Commission six months to prepare their Annual Report?

HON. R. PENNER: That's not quite right, with respect. Most of the reports that have been tabled and must be tabled by so many weeks after the opening of the Session - it varies - are for fiscal '82. This report for fiscal '82 was prepared in October of '82 and has been available since October of '82. So that, in fact, from the close of the fiscal year, it's only between March 31, 1982, and October, 1982, the length of time to prepare a report for an enterprise that has a sales volume of \$245 million, several hundred employees, hundreds of outlets.

MR. G. MERCIER: Mr. Chairman, one question. The last federal Budget, as I recollect, and I ask the Attorney-General and the Commission to comment on this, I think imposed an increase in taxes effective - was it this coming fall or in 1984?

HON. R. PENNER: October, 1984.

MR. CHAIRMAN: Somebody's taking your place.

HON. R. PENNER: He's entitled to have a career path.

MR. G. MERCIER: What was the amount of that tax that will come on at that time? It's not an increase in the excise tax, it comes at regular intervals.

HON. R. PENNER: No, that's right. The index for the excise kicks in in September of each year province wide. I believe the increase was approximately 50 cents a gallon. It can be measured as a gallon each impost of about 50 cents.

MR. G. MERCIER: I wonder, could the Attorney-General with the officials, using one of the examples cited, give us an estimate of the amount of the increase, what the impact will be or is it possible.

HON. R. PENNER: Somewhere in the range of 25 to 35 cents per 710 millilitre bottle.

MR. G. MERCIER: Then the provincial markup of 117 percent would apply to that?

HON. R. PENNER: That takes that into account. That's the total increase.

MR. G. MERCIER: Last year, Mr. Chairman, the government increased the markup in spirits, I think it was, from 106 percent to 117 percent. Is that correct?

HON. R. PENNER: The markups with respect to spirits, domestic, I'll use that as an example, I think you have the figures right, were prior to May 31st, 1982, 110 percent. Then May 31st, 1982 went up to 127 percent. Effective March 6, 1983, there are 133 percent.

MR. G. MERCIER: The markup went up March 31st?

HON. R. PENNER: March 6, 1983. That's the budgeted.

MR. G. MERCIER: It went up to 133 percent?

HON. R. PENNER: From 127 percent.

MR. G. MERCIER: How does that provincial markup compare with other provinces, or do they use the same system that is used here?

HON. R. PENNER: The Chief Executive Officer of the Liquor Control Commission advises me that it's quite complicated, because you have variations, particularly in some provinces where there is a degree of protectionism, but that the ballpark markup figure would be somewhere between 100 and about 142 percent. You may use that by way of comparison to find that we're at 133, 138. I'm talking about spirits.

MR. G. MERCIER: Mr. Chairman, I appreciate in 1982, there was a very significant increase in the provincial markup to raise some funds at that time to maintain the deficit as low as the government wanted to. Has there been any consideration to reducing the provincial markup in view of what appears to be now competing interests in this tax deal by the Federal Government and the Provincial Government? The consumer I think, as the Attorney-General has agreed, has been probably pushed to the limit.

HON. R. PENNER: I think it would be premature for me to reflect on what might be the case as we go forward into yet another Budget year, but I certainly can agree that there's not as much room in this kind of SIN tax as there previously was. Clearly there is some marginal level where you are so adversely affecting consumption that if you are looking at it strictly from the revenue and not from the social point of view, it really is cost inefficient to add more money to the per bottle price.

MR. G. MERCIER: Mr. Chairman, does the Minister intend to introduce any amendments to the Act at this Session of the Legislature?

HON. R. PENNER: There are some amendments under discussion. I will be in a better position to inform the member by the middle of next week.

MR. G. MERCIER: Mr. Chairman, does the Minister intend to deal with the beverage room closing presently in existence?

HON. R. PENNER: I can say no more than that issue is under discussion, but I would not want to go beyond that at this stage.

MR. G. MERCIER: Mr. Chairman, does the Minister, and he may very well have the same answer, intend to deal with any changes in television advertising?

HON. R. PENNER: The answer is the same.

MR. G. MERCIER: Mr. Chairman, I notice the Minister and the Commission just recently announced the photo I.D. cards to be available in September. I note that the release says a complete schedule of where such cards can be purchased will be made available in September. Is it the intention to deal through commercial outlets, not the stores themselves?

HON. R. PENNER: The marketing program for the photo I.D. cards which incidentally have done exceptionally well in other provinces will start in September with the universities and colleges, then move to some of the commercial outlets, hotels and following that, to our own stores.

MR. G. MERCIER: It would be a travelling . . .

HON. R. PENNER: No, it's just a phasing in of the marketing of the . . .

MR. CHAIRMAN: The Member for Assiniboia.

MR. R. NORDMAN: Mr. Chairman, mine is more of a sense of inquiry or suggestion. Having been in a related industry, the nightclub business, where an awful lot of our business was done on permits, I'm wondering if all the stores besides No. 3 in St. James-Assiniboia give you as little services as what they do there. Is it a policy of the Liquor Commission where you make a purchase of anywhere, say, from \$500 to maybe as much as \$1,500 where the staff reluctantly put your goods upon a flat-topped type of wheeled wagon and

check you out and leave you? You find your own way to get the product through the double doors out onto the sidewalk, out onto usually a gravelled parking lot, and the wheels won't move. I mean, any other retailer would bend over backwards to give you a hand to get you to your destination if you made that kind of a purchase.

I'm just wondering if we couldn't - and I imagine there is a fair amount of our business that is done is done by way of permits. I'm just wondering if there isn't some type of a delivery door that could be arranged where the deliveries or the pickups could be made just a little bit easier, particularly in that store, in No. 3. So I'm just wondering if there isn't a policy of better PR by the Liquor Commission, particularly on permit purchases.

HON. R. PENNER: I just advise the member that his concern has been noted, and what I would like to do is after the Chief Executive Officer has an opportunity to look into the situation I'll send a reply directly to the member about that concern.

It may well reflect that uneasy compromise between marketing and control which has also been the hallmark of the sale of liquor in the Province of Manitoba. They are anxious to sell you the liquor but not so anxious that you should take it out of the store.

MR. R. NORDMAN: Thank you, Mr. Chairman.

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

MR. G. MERCIER: Mr. Chairman, was there an increase in the wine markup in March this year?

HON. R. PENNER: Yes, there was a 6 percent increase in the fortified wines, 10 percent in domestic, and 10 percent in - imported, no, but in both the domestic and imported wines there was a surcharge over and above the percentage increase.

MR. G. MERCIER: Mr. Chairman, can the Minister tell me how the South African products have done in the past year?

HON. R. PENNER: I hesitate to answer.

MR. R. NORDMAN: Are they still under the table?

HON. R. PENNER: They're down 35 percent, as a result of which the South African regime is on its knees.

MR. G. MERCIER: Mr. Chairman, the Minister indicated that in his release of February 26, 1982, when he issued a directive to the Commission that wine and spirits from South Africa be removed from the shelves, that in 1981 South African products accounted for approximately 500,000, 2.3 percent of sales, by the Commission. Can he indicate for 1982 the dollar volume of sales, so that we can compare at the percentage of sales of South African products? Perhaps if he doesn't have it, that information, he could undertake to . . .

HON. R. PENNER: I'll undertake to provide the member with that information.

MR. G. MERCIER: Mr. Chairman, have any changes in the regulations taken place in the past year or are any being proposed?

HON. R. PENNER: Yes, there are a number of changes in regulations that are being proposed, none of them really major.

I haven't the material with me this evening, but again I'll be glad to supply the Member for St. Norbert with those changes in regulations which are being proposed - and all other members equally interested in this flourishing enterprise.

MR. A. ANSTETT: What about samples of water softener?

MR. G. MERCIER: Mr. Chairman, could the Minister indicate what has happened to occasional permits in the past year? Have they risen, or being reduced, or how have the concerns over occasional permits being handled?

HON. R. PENNER: There has been a very minor decrease in the number of occasional permits issued year over year.

MR. G. MERCIER: Has there been an increase in staff at the Commission in the past year?

HON. R. PENNER: I'm advised that the only increase has been for inspectors to handle, in fact, the area of occasional permits. I think all of the members have been concerned about whether or not those particular occasions, which by reason the permits granted by us, to serve liquor are adequately supervised with respect to fulfilling the conditions of the permit and with respect to safety and fire criteria regulations. We've added four inspectors to try and upgrade that degree of supervision or that amount of supervision. These are on a part-time basis.

MR. G. MERCIER: Mr. Chairman, I notice the advertisements in the newspaper for the position of Chief Inspector. Is that still an Order-in-Council appointment or is that an appointment of the Commission itself now?

HON. R. PENNER: The anomaly is still there; it's still an appointment by the Lieutenant-Governor-in-Council. There seems to be some difference of opinion across the table as to whether or not it should or should not be. At the moment it is and it is an anomaly, which is not a value judgment, just a statement of a fact.

A MEMBER: Wiggle, wiggle, wiggle.

A MEMBER: I'll put that on my list, too.

MR. CHAIRMAN: We're back to the Minister's Salary. The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Chairman, I've assumed we are on the Minister's Salary, that's where the Liquor Commission is normally covered.

MR. CHAIRMAN: Resolution 17.

MR. A. ANSTETT: Mr. Chairman, I wish to raise a few points under this item.

A MEMBER: With the Liquor Commission?

MR. A. ANSTETT: On the Liquor Commission, yes.

HON. R. PENNER: Not on my salary? You disappoint me.

MR. A. ANSTETT: Well, we'll come to that later. I've assumed the Liquor Commission discussion is on the Minister's Salary, that's the only place in the Estimates where it can take place.

Mr. Chairman, the Member for St. Norbert raised a matter which has been of some concern to me for a number of years with regard to the Annual Reports, the Liquor Commission. This is one agency of government which does not report to a standing committee and, of necessity, because of the time tabling of Estimates and the Annual Reports of the Commission, the Commission reports are always somewhat dated. I'm wondering if the Attorney-General would give consideration to having the report of the Liquor Commission and staff of the Liquor Commission available to report directly to a standing committee and have that report referred to a standing committee so that review of the Commission and its activities could take place in a standing committee. I don't know whether we would call the Liquor Commission public utilities, or a natural resource, or whatever. It's something that could be held then intersessionally, in the fall, when the report perhaps would be more current to members. I'm wondering if the Minister would consider that.

HON. R. PENNER: I will consider it, but I must say I have noted a direct ratio between the time spent in committee considering the reports of a Commission or a Crown corporation and the difficulties in which that Commission or Crown corporation is. I don't know if we want to ruin success here, have a Commission that's producing \$127 million for the people of Manitoba. I'm just worried at the moment - we make its report to a standing committee of the Legislature, the bottom will fall out, but then that may be an incorrect deduction to draw from those facts.

MR. A. ANSTETT: Mr. Chairman, if the Minister is suggesting that is the case, then perhaps those other Crown corporations which do report to standing committees might learn something from the greater exposure to which the Liquor Commission would find itself by having that exposure in a standing committee, and perhaps we can turn around all those other corporations by setting a good example and let that example shine.

A MEMBER: Bottle it.

HON. R. PENNER: No doubt, that's it, bottle electricity. Don't have to build those power lines.

MR. A. ANSTETT: Mr. Chairman, I understand that some of the liquor vendors in rural areas of the province

have been moving at the insistence, sometimes just the gentle prodding, but more generally the insistence of the Commission to become self-serve outlets, much like the Commission-operated outlets in urban centres. I have some concerns about that and I'm wondering how the Commission staff, how the Minister feels about the situation that then places many small rural vendors who, by definition, according to the regulations of the Commission, derive only a minor portion of their income from liquor sales, but are now placing one of their more valuable commodities, particularly in many rural general stores, which also serve as butcher shops, post offices, assorted hardware, drugstores and whatever, general sundry stores, in rural communities exposing their most valuable commodity and the commodity from which they would suffer the greatest likelihood of shoplifting out to open exposure on a self-serve basis.

I guess I have some concern, and I'm wondering if the Minister shares it, about forcing these small rural businessmen to expose themselves to this kind of shrinkage at the Commission's insistence. If they choose to do it, then they're accepting that liability and that shrinkage, but I'm wondering if it's fair that the Commission should impose it on them.

HON. R. PENNER: We don't. I'm advised that we do not impose a requirement on these vendors as to how they will display and market the booze.

MR. A. ANSTETT: Mr. Chairman, I have to advise the Minister then that's not the impression that some rural vendors in eastern Manitoba are under at the present time. I would certainly hope that his staff will ensure - the Minister's assurance - that no such pressure exists is conveyed to those vendors because they are under the impression that they're expected to all convert over time to self-serve operations.

HON. R. PENNER: I'm advised that we've received no complaints.

MR. A. ANSTETT: Mr. Chairman, perhaps the reason that local MLAs receive the complaints is that local vendors perceive the Commission as all powerful with regard to their licensing and their rights and everything else that accrues to them as part of their vendor's licence, and they're rather nervous about complaining to the "godfather" in the Liquor Commission. As the Member for Assiniboia says, "The Lord giveth and the Lord taketh away." I have heard those complaints, so I have some concern about what the Commission is doing. Those complaints relate not just to my own constituency, but to vendors in three constituencies in eastern Manitoba. I raise it here because I wanted the Commission staff, as much as the Minister, to be aware of that.

HON. R. PENNER: There have been some conversions, but I'm advised they're entirely voluntary. Only 10 vendors converted their operations to self-serve, bringing the total of self-serve liquor vendors to about 43. That's less than 30 percent of the total.

MR. A. ANSTETT: I thank the Minister for that assurance.

Mr. Chairman, the other thing I have concern about is what appears to be an inconsistency over time and it's not a reflection on any one government because it's the kind of thing that builds over 20 or 30 years. In some communities in rural Manitoba - this doesn't seem to vary with population - there may be two or three vendors and in other communities there is one, and when an additional merchant, small businessman, operating some sort of retail operation applies for an additional permit, it's the night on the grounds that the community is already well served, while another community 10 miles away might have two vendors in a community of the same size.

I realize that there may have been reasons in the past for granting a vendor's permit in one community and the situation may have changed, but I'm just wondering if the Minister can explain what the standards are. I know there are some communities in Manitoba where there may be three stores and only one is a vendor, where another community down the road 20 miles will have three stores and all three will have vendor's licences in the same community. Is there a standard or is it a question strictly of application and meeting certain regulations of the Commission?

HON. R. PENNER: I'm advised that the present Commission and management inherited a situation where there were some situations where there were some vendors in conflict each with the other, but that there have been no vendor permits granted in circumstances which would lead to a conflict as between a vendor in a given area and another. Rather than that, there are objective criteria which are used: is the area served; how many vendors should there be in a given area; what is the distance from the area where there is a vendor to the area where the applicant proposes to sell the liquor measured, may I say, in kilometers now, not miles?

MR. A. ANSTETT: Mr. Chairman, I'm aware of those criteria in terms of the service area and that sort of thing. I was more concerned about the situation where there are now two vendors in one small community and they've been established there for a lengthy period of time. I'm not suggesting that there were two vendors there as a result of approvals that took place under this government or the previous government or the government before that, etc. I guess my concern is focused on the fact that having a vendor's licence in a small community, and particularly in those towns in rural Manitoba which are not large enough to have a Commission outlet, where there may be two vendors, the survival of some retail businesses is perceived by people in the local community as being dependent upon their ability to receive Commission approval and have a vendor's permit. I'm wondering why it's Commission policy that will discriminate against some businesses in a community by not denying anyone who meets the requirements to have a vendor's permit. Why do we exercise this strict control over the merchandising of liquor in rural communities?

HON. R. PENNER: I don't understand the question. Could you put it a little more simply?

MR. A. ANSTETT: Why do we give a built-in advantage to one small storekeeper in Lac du Bonnet or

Whitemouth or St. Pierre and deny it to the other storekeepers in those communities when having a vendor's permit is obviously a traffic generator for one storekeeper? The allegation in the past has been, of course, that that's been a source of political patronage plums, and it depended on which side of the fence you were on as to whether or not you got a vendor's permit. I understand that years ago when the two old parties changed governments on occasion, and it's not just the case in Manitoba, the liquor vendor changed depending on which party the storekeeper pledged his allegiance to and that, as governments changed, liquor vendors changed.

MR. G. MERCIER: . . . in Nova Scotia.

MR. A. ANSTETT: Yes, the Member for St. Norbert says that still happens in Nova Scotia.

MR. G. MERCIER: I said they dealt with.

MR. A. ANSTETT: Oh, they dealt with it in Nova Scotia, it doesn't happen there any more.

The problem I have, Mr. Attorney-General, is that we don't have that happen in Manitoba. Instead, we say if you got there first, then you have the licence and that's it, and we don't allow any competition in small rural communities. I'm wondering if that's part of, as the Minister referred, our control mentality that dates from the Bracken Commission and everything else, or if we're prepared to consider allowing anyone who is in the retail trade and who makes a majority of his income from other sources to also be a vendor on the side.

HON. R. PENNER: I find that history awfully interesting; I only wish we had more time to pursue it. The fact is the policy is based on a very good marketing concept; that is, it doesn't become a viable operation unless the vendor is able to carry a fair stock and it's just not that easy for a small vendor in a rural area to maintain stock. It sounds like, well, it's a great thing. You have the liquor outlet and everybody beats a path to your door. You still have to maintain inventory. You still have to make it a viable part of your operation and if, instead of one vendor in a small area, small market or catchment area, you have several vendors, then the commercial viability of carrying that stock fades to a point where it's simply not worth it. So there are marketing concepts. Certainly there are no patronage concepts which enter into it. Indeed, if it was a patronage question, then one would think that you'd start giving out these licences like they grew on trees.

MR. A. ANSTETT: Or on five year terms.

HON. R. PENNER: Or on five year terms.

MR. CHAIRMAN: The Member for Assiniboia.

MR. R. NORDMAN: Mr. Chairman, just tailgating on what the Member for Springfield says. You know I can see this happening in the rural areas, where one storekeeper has been given the licence, and yet, that same theory doesn't apply when it comes to people

getting a licensed premises, such as one restaurant after another, along a street. Portage Avenue, out in St. James, for instance, in one block there are three licensed premises and I made inquiries about this some years back and I'm not saying, knowing exactly what years it was, but the theory presented to me was that this is private enterprise, we're not interested in whether they survive or not. I mean, it's their business. It's private enterprise and it's a survival of the fittest.

Now does this theory still persist? If there's a restaurant, if I open up a restaurant next door to you, and you have a licence, and I apply for one; and then the Member for Springfield, he comes and sets up next door to us; and there's three of us, all of us in business, selling exactly the same product for basically the same price. The Liquor Commission is not really in the business of keeping people in business.

HON. R. PENNER: I think that the Liquor Commission, in terms of the granting of vendor's licences, is offering a service to the public . . .

MR. R. NORDMAN: Yes, and not responsible whether they make it or don't make it.

HON. R. PENNER: That's right.

MR. R. NORDMAN: Yeah, I don't argue with that. But why do they do that then in the country with a vendor?

HON. R. PENNER: Well, the point is this. It is still the case in this province that we are concerned about the marketing of liquor. Yes, we make money and we like that a whole lot, but we're still concerned that all of the safeguards aren't taken off. When we start to vend liquor through private concerns and not our own stores, we have some concerns about the control features, whether the persons to whom we are giving a licence meet standards and are going to be selling that booze in accordance with Commission policy. The control feature there, is that if you select vendors on the basis of applications that are taken to account, the character of the vendor, and its reputation in the community and the kind of store and its general appearance and its ability to display and to sell - all of these represent certain control features. If you drop the control features, as I think you would do if you'd say, well whoever applies can obtain, then it would be a departure from our general control philosophy and maybe that's what is wanted. It seems to be suggested that that's what we should do. I'm not persuaded it's a good idea.

MR. R. NORDMAN: Mr. Chairman, I think though that where maybe the market could stand two, and the second one makes application, that he could be permitted to open up. Because the other guy, you've just given him a licence to print money, and as far as standards of the Liquor Commission, I don't think there's anything any stronger anywhere than the standards that the Liquor Commission enforces upon a restaurant or a hotel that is opening up and has applied for a licence. I recall one hotel, right in the City of Winnipeg here, that I was involved with as the manager, where the Liquor Commission forced us to put certain kind of paint on the kitchen walls, simply

because - we did it, because they said so. We put certain kind of vinyl wallpaper in the back hallway of the hotel, which was only a two-storey building and nobody ever used it but servicemen, and we had to put a certain kind of wallpaper on that hall in the stairwell. So, the Liquor Commission has a lot of authority and they swing a big bloody stick, but I still feel that where the market will stand it, that you certainly give consideration to having that second vendor in that small town.

MR. CHAIRMAN: The Member for Springfield.

MR. A. ANSTETT: Yes, Mr. Chairman. If we follow the Attorney-General's logic in the question of market area, then we have some problems with a great number of the vendors throughout rural Manitoba at the present time. Because in many communities the vendor is a local sundry shop that sells fishing tackle, and perhaps bait and liquor. They don't sell a lot of fishing tackle and bait in the wintertime and in another community, it's a gift shop. In these same communities, we have general stores, which may contain the post office and a butcher shop, which do not have vendors, and, in fact, in many of those situations the retail sales picture would show a portrait that would be against the Commission's regulations, a majority of the income, a major portion of the income would be from liquor, whereas I understand the policy is that we're supposed to be placing vendors where it will be a minor increment to their total retail sales.

I appreciate the Attorney-General's point and it's not something that he has created. It was there when he assumed responsibility for the Commission, but in many rural communities, and I don't just speak of my constituency, and I speak in no way negatively of the people in my constituency who presently hold permits. There are many communities where vendors receive a major source of their income, in fact, a large majority of their retail income from vendor sales and that's not a reflection then of a market question.

In fact, if the Commission's policy over the years had been followed and only those people who would receive only a increment to their existing operation, they have an existing viable operation, as a general store, a gift shop, a tackle and bait shop, then there might be some argument that could be followed about serving the area. But where they are supposed to be viable operations on their own, the need for them to be separately viable as liquor vendors, I'm not sure logically follows. Mr. Chairman, obviously the policy that's being followed and the circumstances on the ground are at variance and I suspect that that's historical and not the responsibility of current Commission staff or the current Minister.

I'll leave that for a moment. Well, in fact, I'll leave it forever, for now, at least this year, because I can see that it is getting late. I just want to touch briefly on the whole question of permits. The Member for St. Norbert touched on it. As having been someone who was on a community hall executive and . . .

HON. R. PENNER: Well, just if I may. You've made some statements and I would invite you, because you have facts that I don't possess, and I doubt whether

the Commission itself possesses, about some great profits that are being made by some stores and I would suggest that I would be encouraged and assisted if you would provide me with the data which you appear to have, with respect to this kind of huge profits which are being made by some vendors, contrary to the policy that you allege has been established where, in fact, it's only a small amount of the profit of an enterprise that is supposed to be made. I am advised that, in fact, vendors average 7 percent gross on sales of liquor, and that liquor does not, in the vendors that we're aware of, make the kind of money that is being suggested by the member. But he says that he wants to leave it for now. I suggest perhaps what he might do, since he possesses some data or implies that he does, that he provides us with that information.

MR. A. ANSTETT: Mr. Chairman, first of all, I am not suggesting that exorbitant or great profits are being made. I made no reference to profit.

HON. R. PENNER: No, but you said, it made lots of money.

MR. A. ANSTETT: I talked about the percentage of sales. As I understand it, unless I misspoke myself, I'm sure that's what I said. I said that the Commission policy was that this was supposed to be an ancillary enterprise, an addition to a viable, existing operation.

HON. R. PENNER: I know what you said.

MR. A. ANSTETT: But many small rural vendors, certainly not a majority, but a large minority of them - it may well be 10, 15 percent - make a majority of their income from the sales of liquor, a majority of their retail sales. They may be very small operations. Their total profit might be \$5,000 or \$10,000 a year from liquor sales. I'm not suggesting people are getting rich at this. I am suggesting only that the policy which the Commission says is in effect is kept in the breach. There are quite a number of examples in rural Manitoba.

I am not suggesting for a minute that should be changed, because we would then incur a hardship on those people who may have been licensed for 25 or 30 years in their present location in their present operation, but I am just pointing out that these situations do exist. I know of at least three in my own constituency. I'm not prepared to name those on the record, because I am not suggesting that there is anything wrong with that. I am pointing out that it is at variance with current Commission policy.

HON. R. PENNER: All I ask is that you provide us with the data.

MR. A. ANSTETT: I'm prepared to do that, Mr. Chairman. On community halls, Mr. Chairman . . .

HON. R. PENNER: I wonder if the member could advise us how long he wants us to go. I thought we were going to be in a position to conclude our Estimates tonight, but I have a limit beyond which I can't go. Apparently he has none himself, and if we are going to go on much longer, we might as well have committee rise.

MR. A. ANSTETT: Mr. Chairman, I expect to finish in less than five minutes.

MR. CHAIRMAN: Five minutes commitment.
The Member for Springfield.

MR. A. ANSTETT: Mr. Chairman, I have a concern about the operation of permits in community halls in that there has been an increase in inspection, albeit on a part-time basis. One of the problems that many community hall executives run into is the fact that, although obligations are placed primarily on the permittee when a special occasion licence is taken out, there are additional obligations placed upon the operator of the hall or club or wherever the event is going to be held. Those events can only be held in facilities that are approved by the Commission. I recognize that, for inspection purposes, the Commission has to keep very tight rein on permittees, but one of the things that's troubled me in the past is that there seems to be an adversarial relationship between community halls and the Commission. I am wondering if the Commission has ever considered doing a public relations educational and informational effort with community hall operators, particularly since most of the community halls in rural Manitoba are community-operated.

They're not private operations, but they're operated by community volunteers who, with fair regularity, run afoul of the Commission. Every time the permittee operating in the hall runs afoul of the Commission, the community hall as well is held responsible, and yet they don't get the assistance from the Commission and the backup, they've got inspectors on their back before they get help in knowing how to supervise, setting up rules, setting up the control mechanisms they need to prevent problems.

I guess what I am saying, Mr. Chairman, to the Attorney-General and, through him, to the Commission is I guess I have the concern that the volunteers, community people involved in community halls in rural Manitoba could be a major asset to the Commission in enforcement, but instead, because of the adversarial relationship, to the point where they too fear the Commission and end up playing games to cover up mistakes and oversights, that we've lost the good will of people who could be a major asset to the Commission in dealing with permittees.

The community halls deal with these people all the time. Many of them, 25, 30, 40, 50 times a year, whereas many permittees take out one permit in their lifetime. They really couldn't give a damn if they get denied permit privileges for the rest of their lives, but the community hall relies on that privilege and that right on an ongoing basis. They want to observe the law, but they're having problems. I think those problems relate as much to the way the Commission deals with them as to anything else.

I would appreciate the Attorney-General's comments on that.

HON. R. PENNER: I'm astonished. We heard earlier from the Member for Springfield that there is some feeling that people are afraid of the Commission; that somehow or other because they depended on the

Commission that they don't take their complaints to the Commission. Well I haven't been in office all that long, but I haven't received a single complaint from the owner of a hall, the operator of a hall that somehow or other they're afraid of complaining to the Commission. You would think they'd complain to the Minister that the Commission leans heavily on them.

I have no doubt that there will be some operators of halls who might be happier if there weren't the degree of inspection and concern that the Commission staff exercise, but the Chief Executive Officer says to me that he's astonished and I'm astonished. If that's going on, I am just wondering why the Member for Springfield, who apparently again has some information which neither of us possess, hasn't passed that information on to me.

MR. A. ANSTETT: Mr. Chairman, I would point out to the Attorney-General that several community halls made presentation to the Michener Commission on exactly this point. So if the Attorney-General isn't aware of it, certainly the Michener Commission was aware of those concerns.

HON. R. PENNER: Well again I would invite the Member for Springfield if there are some facts that have come to his attention of what's going on now - I believe the Michener Commission sat in 1980. Is it '79 or '80? If there are continuing concerns, then I would certainly like to know about it. It may well be that the proprietors of halls who depend presumably to a considerable extent for some of their income on renting for the occasional permits might, it's suggested, be somewhat backward in coming forward with complaints to the Commission.

They haven't come to me, and if there are instances in which it is alleged that the Commission is exerting a heavy hand, I would certainly like to receive them.

MR. G. MERCIER: Mr. Chairman, I think that completes any inquiries of the Liquor Commission staff. I thank the Minister and thank them for their making themselves available again during the Estimates.

Mr. Chairman, I just have one matter I want to raise under Salary. It relates, Mr. Chairman, to the question of abortion. There are many different views in society as we all well know on abortions, ranging from people who believe that abortion should be readily available on demand, to those who believe that abortions should not be allowed under any circumstances.

As a legislator, I believe we have a responsibility and a duty to uphold and support the law as it is. Those who would advocate legislators to take positions other than those authorized in the present law, I think, have to persuade members of the Federal Parliament to change the law.

We have a law that exists now and my question to the Attorney-General is this: In the event that a person or persons are charged with performing illegal abortions, contrary to the Criminal Code, what steps would the Attorney-General take to close the abortion facility while the criminal charges are considered in the courts?

HON. R. PENNER: Just by way of preface I would like, since it has been raised and appropriately so by the

member, to place on this record very very briefly the fact that at the time that Dr. Morgentaler first considered coming to Winnipeg to open up his clinic he wrote me and asked me to grant him an immunity and I categorically rejected that application and advised him in terms that he would be subject to the law and that the law would take its course.

Subsequently, local groups lobbied me from both sides of the issue and one such lobby, much of it concerns itself with again asking that this immunity or stay of proceedings be granted and I have persisted in my course that that could not be done and would not be done.

Similarly, as the member knows, an application was made on behalf of that clinic, that it should be approved as a hospital and that has been rejected.

So I think it should be clear that we are not allowing personal views - and personal views differ in our caucus as I suppose they do in the Honourable Member for St. Norbert's caucus - we are not allowing personal views to sway our judgment as to what ought to be done with respect to a complex social problem and what ought to be done with respect to public health facilities generally.

Having said that, and I'll say no more about it, I have inquired from my senior officials, and I didn't want to rely on my own knowledge of the criminal law although I have some in this area, as to whether or not there was the equivalent in criminal law of the civil injunction and have been advised that there doesn't appear to be that type of procedure open as such, and that what might happen, and I am being a little cautious here because I don't want to appear to prejudice hearings that undoubtedly will take place in, I would think, the not-too-distant future, but I continue that it might well be the case that if someone is arrested in connection with a charge of carrying out an illegal abortion, that it is open under the provisions of the judicial interim release sections of the Criminal Code for the judge to place conditions on that release. Those conditions, arguably, could include refraining from the conduct which gave rise to the charge.

The difficulty, of course, with that is that since there is in law albeit limited application, a defence that might be put up, but it doesn't necessarily follow as a matter of law that every such operation will found to be illegal and with the presumption of innocence it may be a matter of some debate as to whether that kind of condition can be imposed. I leave that for the judge who will be seized of the matter.

It may well be the case, of course, that the matter is not handled by arrest, that's a matter for the police. It may be that the matter is handled by summons to appear and then the criminal process takes its course. What then will be the power of a judge before whom someone charged with an offence appears is a matter again upon which I don't want to conjecture. We'll have to leave to counsel, both for the Crown and for the accused, to argue before a judge at that time.

MR. G. MERCIER: Mr. Chairman, in the event that a person or persons is charged in the way I have spoken of, will it be the position of the Crown that in speaking to bail or judicial release, that the person or persons charged should not be allowed to continue to operate

the abortion facility pending consideration of the matter?

HON. R. PENNER: I would like to, and again I am by no means trying to avoid the question, I am not, I would like to leave that matter for consideration when a charge is laid, and I am assuming that a charge will be laid if evidence is turned up that such abortions took place and there are specific persons about whom there is evidence. That matter will have to be carefully considered by the Director of Prosecutions and the Crown Attorney and positions taken on the facts of the particular case.

MR. G. MERCIER: Mr. Chairman, in the event that a person or persons was charged with this offence and there were no such conditions imposed, or perhaps even dealt with by a judge on a bail application, and the facility continued to operate, would the Attorney-General then consent to a civil action for a civil injunction?

HON. R. PENNER: I will re-examine the issue at that time. But let me say this - the hypothetical is interesting and important and a matter of some concern, but I don't think that it would reach that point, and I'll tell you why I don't think it would reach that point. I am inclined to believe that given the by-laws of the College of Physicians and Surgeons with respect to the operation of out-of-hospital medical facilities, that if a charge were laid concerning the operation of such a facility then it would likely, although by no means certainly, be the case that the facility would be operating in violation, I think it's Bylaw No. 5 of the College of Physicians and Surgeons and that the the College of Physicians and Surgeons would be able to - and perhaps that's the appropriate body to deal with the issue - in effect close the operation down, but again that's hypothetical, and as I say that given the number of things that might happen in the event there was a charge then I would prefer to leave the options open.

I just want to assure the members in this committee that it is not a case of my department or myself standing idly by and saying, well just let the tide roll on. We know this is a matter of public concern on both sides of the issue, and we will do our duty.

MR. CHAIRMAN: 1.(a)—pass; Resolution 17: Resolved that there be granted to Her Majesty a sum not exceeding \$1,952,600 for Attorney-General for the fiscal year ending the 31st day of March, 1984—pass.

Committee rise.

SUPPLY - COMMUNITY SERVICES AND CORRECTIONS

MR. CHAIRMAN, P. Eyler: The committee will come to order. We are considering the Estimates of the Department of Community Services and Corrections, Item 4.(a) Child and Family Services - Salaries.

The Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Chairman.

When we broke for Private Members' Hour, I was attempting to make the point that my primary concerns

with the Interim Report of Judge Kimelman relative to Indian and Metis adoptions and placements, my primary concern - emphasize the word "primary", it's not my only concern - has to do with the view that Judge Kimelman takes with respect to the status and future of the Children's Aid Society of Winnipeg. It seems to me that there has been, for some reason over the past little while, a concerted attempt on the part of many, I wouldn't call it a conspiracy because that would be a little extreme, I think, Mr. Chairman, but a concerted attempt on the part of many to cause difficulties for the Children's Aid Society of Winnipeg, to be hypercritical of it, to take positions that are almost destructive of the concept of the Children's Aid Society.

I am one who has said for some time that I agree with Dr. Charlie Ferguson of the Child Abuse Clinic and a number of others, that the Children's Aid Society of Winnipeg requires some evaluation and examination and probably some reform, but I don't recommend complete destruction and dismantling of the Children's Aid Society as a solution to the problem. It's rather like the position taken by the yippies and other extreme radical groups in the United States a few years ago who argued that first you destroy the system and then you build some kind of replacement.

I'd like to know from the Minister of Community Services at the present time, Mr. Chairman, what is going to happen to the Children's Aid Society of Winnipeg in his view? What are his plans for the CAS? Does he believe that it should be broken down into five or six regional parochial individual services that would in my view carry within them the incipient danger of fostering a type of ghetto approach, an attitude to our society generally, and our communities generally, or is he going to go slow on this and look at it very carefully before leaping to acceptance of that kind of recommendation?

HON. L. EVANS: Well, we don't want to do anything precipitously. We want to take it nice and easy, and calmly, and rationally, Mr. Chairman.

I wish to advise the honourable member that we've had many discussions with the Board of CAS Winnipeg, as I indicated earlier, both with the outgoing and incoming President of CAS Winnipeg.

I think the Honourable Member for Fort Garry realizes that there is some need for some review and reform, and I appreciate his point of view. I think there's no question that everyone agrees if there's some basis for agreement it certainly has to be that there is need for improvement in the system. I guess then the question is how do you get this improvement?

I simply want to point out to the honourable member and other members of the Legislature that various organizations, various knowledgeable people have called for some changes along the lines of some form of regionalization, or some form of community-based service, or a service that is more community based than we see now at CAS Winnipeg.

Judge Carr, I'd remind the Member for Fort Garry, recognized the need for more community-based service in his review conducted last year and the report that was released last year. The Member for Fort Garry may wish to read parts of that report and note how Judge Carr does appreciate the problems of size that are facing CAS Winnipeg.

Judge Kimelman has called for regionalization. The Planning and Review Committee, which I referred to this afternoon, composed of agency planners, has recommended, I might add, Mr. Chairman, some kind of a regionalization concept, or that the government should study a regionalization concept. This is the Planning and Review Committee that is composed of senior people from all the agencies and institutions.

My senior staff have met with all the Executive Directors of the agencies and institutions, I believe just about everybody, and there is an acceptance of the principle of the community-base type of agency, they have indeed accepted the principle of regionalization.

So I think there are many people out there, who are more expert in the field than either the Member for Fort Garry or I, that are calling for some kind of restructuring of the system that we have.

I want to point out to the member that the problem is he seems to always want to focus in on CAS, Winnipeg, or he has done so in his recent remarks, but I want to point out that what we want to look at is the adequacy of services throughout Manitoba and we want to look at the adequacy of services in the City of Winnipeg.

I would remind the member that we not only have CAS, Winnipeg, but we have CAS Eastern in the St. Vital, St. Boniface area of the city, plus we have the Government of Manitoba; namely, my department offering services in the Charleswood and, I believe, Tuxedo area, Assiniboia area, the southwest end of the city.

So what we're looking at and what we should be looking at is the adequacy of our arrangement within the City of Winnipeg area. Should the Government of Manitoba be delivering Child and Family Services in the City of Winnipeg? One might wish to make an argument that we should have more privatization in the City of Winnipeg; that we should perhaps get the government department, our department, out of this service in the more concentrated, populated areas of the province; and that perhaps we should confine ourselves as a department to the more sparsely populated areas where we are indeed now mainly concentrated, primarily Northern Manitoba, northern Interlake, some Parklands region and so on.

So there is some suggestion that perhaps we should look towards more privatization in the City of Winnipeg, and maybe there should be some reorganization and restructuring. What I am suggesting, Mr. Chairman, is that there is good cause to look at some form of reorganization and perhaps a smaller type of arrangement whereby we can have organizations that are more closely related to the community and reflect perhaps more easily, more readily, the needs of the community that only smaller organizations can do. So maybe I'm saying small is beautiful or something along those lines, but I don't think we have all the answers.

I think whatever we do, we would wish to do in total co-operation with all of the agencies involved and particularly CAS Winnipeg being one of the largest. Indeed we have been trying desperately for some many days to get back with the new President of CAS Winnipeg, Mr. Sinclair, to continue discussions, particularly since Judge Kimelman has come out with his report, and to have further discussions with Mr. Sinclair. We very much want to sit down and have

continued dialogue. We certainly do not wish to come forward and present a plan, a fait accompli. We would like to get co-operation. We would like to work co-operatively, jointly, mutually with everyone concerned.

So I want to say now that we are convinced that there is some thrust that we should pursue. One is continuation of a private system of agencies, first of all, and this may mean getting the government, the department, out of the City of Winnipeg entirely.

Secondly, we may wish to look at some reformation of boundaries so that we might have a delivery system that is organized in such a way that we have smaller units. But I'm saying that whatever happens, I can't stand up and say this is exactly what we're going to do, or this is the way boundaries should be drawn, or this is the way responsibilities should be divided. I cannot stand up here and say that. All I can tell you - because the honourable member asked for my personal views and that's what I'm giving him and some of my inclinations. I cannot say that, it will be a decision that will be made by government. But I can assure the honourable member that the decision will be made in as much of a co-operative framework as we can with total consultation. Having said that, I again repeat, there has been considerable dialogue and full dialogue at the senior staff level, and there seems to be an acceptance of the principle of some need for regionalization, if you want to call that, or restructuring perhaps - that's maybe a better term - of what we have out there.

So having said that, I think one would have to accept that at some point we will have to make a decision as a government and at some point go forward with the existing agencies, with the existing leadership and do whatever we can to come up with a better kind of service.

You asked for my inclination, I have given you my inclination, but I can't stand up here now and say this is government policy, this is exactly what we're going to do. When a policy decision is made, of course, then a policy decision will be announced in good parliamentary fashion.

MR. L. SHERMAN: Mr. Chairman, I appreciate the Minister's candour on that point. He suggests that he is giving me his personal view and I appreciate that.

Further to that, I appreciate his assurance to this committee that the subject is being examined exhaustively, conscientiously and comprehensively and that no government policy has been determined on the subject as yet, and that there will be proper opportunity for debate when it is announced. That really is the reassurance that I have been seeking from the Minister.

I would want to ask him at this juncture, though, you know, if he can supply to this committee any explanation or rationalization of the reasons for the suggestions that the Children's Aid Society of Winnipeg be broken down into five or six separate community based agencies? I may be wrong, but it's my understanding that the Children's Aid Society of Winnipeg grew out of an integration of a number of separate community-based agencies that were operating in the community some time ago. It was deemed, at that time, that a much more efficient, standardized, quality oriented kind of approach could be taken, through the integration

of those separate community based agencies into one agency, known as the Children's Aid Society of Winnipeg.

The arguments at that time seemed to be overlooked now in the suggestions that the CAS Winnipeg be broken down again into a number of individual community-based agencies. So, I'd like to ask the Minister whether he knows what the rationale is for that kind of a suggestion. If he says that it's because they have to be more responsive to ethnic, cultural and linguistic groups, then I think that it is a debatable position because if they are too responsive and too oriented to ethnic, linguistic and cultural groups, we are going to find a bureaucratic structure, in terms of social services, that supports and reinforces the concept of the ghetto, the concept of the isolated ethnic and cultural community, which flies in the face of the kind of sense of social unity that we're trying to develop in our own province and in our own country; and further to that I would suggest that the cost, bureaucratically in terms of staff, administration, professionals, will be entirely unreasonable and entirely insupportable.

If we're looking at six separate community-based agencies, we're looking presumably at six separate community-based executive directors and assistant executive directors, etc., etc. So, we're looking at a funding problem and we're looking at a social problem, and I think that very strong arguments have to be made to convince me and a lot of other people, that we should reverse the course that was taken some years ago and go back to separate parochial neighbourhood community services, in place of the integrated CAS of Winnipeg. I'd like to know what the rationale for that argument is and whether it has much support at this juncture in the councils of the government, particularly in the Minister's office?

HON. L. EVANS: You asked if there is support for it - well, I have indicated already my personal preference that small is beautiful in this case, because from our analysis and examination of the costs of the various Children's Aid Societies in Manitoba, it appears to us that the smaller agencies and that includes every agency, western, central, eastern, all look very small compared to CAS Winnipeg.

I might point out to the honourable member that the average costs of these smaller agencies are lower. The costs are lower. What we see, there seems to be more emphasis on prevention; there seems to be more emphasis in other support types of programs.

I don't want to stand up here really and sort of critically analyse the deficiencies of CAS Winnipeg, because I agree with the member that CAS Winnipeg has been indeed subject to a lot of criticism, a lot of harassment. Some of it may be justified but a lot of it isn't, and I will never ever criticize a board of volunteers, a board of community-spirited people, who are giving of their time, energy and talents to help their fellow citizen. I have never and I never will criticize such a group of people. I know they mean well and they're doing their best, but we perceive and I perceive some difficulties in my mind and in the minds of some of my senior advisers that come out of the organization.

So I'm not trying to stand here and say, you know, so and so's at fault, or the board is at fault, or a manager

or a group of managers are at fault. It seems to me from our examination that we will serve the taxpayers very well and are serving them very well in the smaller agencies because the productivity seems to be higher. I hate to use that term when we're dealing with children and families, when we're dealing with human beings, but from a cost point of view - and I think we can probably get the data, get the statistics - we are convinced that smaller agencies will do the taxpayers very well, will be very good for the Treasury of Manitoba in terms of efficiency, simply in terms of the cost of delivering the service.

We think there is too much emphasis placed on putting children in group homes. There seems to be a great deal of confrontation that comes out of an organization that grows to be rather large. I note that CAS Winnipeg has a bigger legal fee for disputation in courts on a proportionate basis than any other Children's Aid Society in Manitoba. You can say, well, I have a bigger legal bill because they're bigger. I'm saying they have a bigger legal bill relative to the other Children's Aid Societies, and that arises out of the great deal of the confrontation that has occurred. You could perhaps then argue, well, perhaps it's because of the particular type of clientele, they have a more difficult caseload and so on. To some extent that's true, but to some extent their caseload is not that much different from what you find in CAS Eastern, for example.

CAS Eastern, which deals not only with eastern Manitoba, parts of Eastman, but also the eastern section of the city, has an excellent track record in keeping families together, in keeping legal costs down, and their general efficiency and success rate is a very very enviable one and, I say, I'd like to see more performance along the line of CAS Eastern.

If we can avoid unnecessary legal battles, unnecessary legal costs, if we can avoid placing more children in foster homes, in group homes and in institutions, if we can keep the families together, if we can provide the kind of service that I think all Manitobans want and do it at a low cost, that's the kind of arrangement we should want. I say again, my bias is to enhancing the private delivery system in the sense that my bias is towards removing the government from the City of Winnipeg.

I also have a concern that I will put on the record right now and Judge Kimelman has alluded to it, and that is that we've got to assure ourselves that the boards who are charged with the responsibility of spending tens of millions of the taxpayers' money, the boards - I'm talking about all the Children's Aid Societies - are indeed responsive ultimately to the government, to this Legislature, to the taxpayers. I mean the last thing we want is an irresponsible type of situation, and I say that not as a reflection of any person or any board, I'm just saying that it's the system that has evolved, and I think there was some historical basis for the boards being constituted the way they are and to be run the way they are. But times have changed, no longer are they related to a Catholic Church or a group of Protestants or whatever their historic roots may have been.

The City of Winnipeg has grown, the City of Winnipeg is much larger than it was decades ago when you had the formation of the Children's Aid Societies. Our population mix has certainly changed. The nature of the social problems have changed to a large extent.

So, I say, let's recognize we're living in the latter part of the 20th Century, and let's face these problems that have been drawn to the attention of the public not by this Minister and not by this department, but by many people, many organizations and not only the Native organizations, but many other groups in our community of Manitoba and that's documented in the press.

I'm sure the honourable member has read many of those stories, many of those Letters to the Editor, many of those editorials. Our major newspaper in the Province of Manitoba, the largest daily newspaper, the Winnipeg Free Press, I invite you to read the editorials over the past year and note some of the criticisms that have been made by that particular journal. I say that particular journal is not an organ of the Native organizations. It's certainly not an organ of public information representing the Government of Manitoba or this particular party in office, that's for sure. I'm just making the point that you have newspapers, you have organizations, lawyers, we have judges, we have people, professionals in the system, all levying various criticisms. Some of them, perhaps, are not justified; some of them can be rebutted and so on. But there is a common element of concern and I think the honourable member shares it and I share it, that we've got to make some changes, but I assure him they will be done in a very methodical fashion and, hopefully, in a co-operative fashion.

The last thing in the world I would like to see happen is to have to dissolve any agency or obliterate any agency. I would like to evolve something that we can all agree is a little better than we have now.

MR. L. SHERMAN: Mr. Chairman, can the Minister advise whether Ms. Betty Schwartz will be returning as Executive Director at the Children's Aid Society of Winnipeg?

HON. L. EVANS: Well, I'm not in a position really to say "aye" or "nay" on that matter at the present time. As the member knows, Ms. Schwartz is an employee of the Board of Directors of Children's Aid Society of Winnipeg. They have hired that particular Executive Director and they have now made some arrangement with her about taking leave of absence. I read of it in the newspapers as the honourable member did, as a matter of fact, and I would think that at the present time is a decision in the hands of the Board of Directors of Children's Aid Society of Winnipeg.

MR. L. SHERMAN: But does the Minister know whether Ms. Schwartz jumped or whether she was pushed?

HON. L. EVANS: Well, I read the paper, and the paper said that she wasn't well and she went to Rochester for medical care. Now I haven't, as a matter of fact, asked the President of CAS Winnipeg whether she jumped or whether she was pushed. I've just accepted the statement on face value. As I said before, I think it's important to have good managers in place and so on, but the point I'm trying to make I guess this evening is that it's also important to have proper structures, proper organizations.

MR. L. SHERMAN: Is the Children's Aid Society of Winnipeg operating at the present time under a

prevailing mood of paranoia? Is the caseload backing up? Are the families at risk and the children at risk who are the normal clients and wards of the Children's Aid Society of Winnipeg suffering because there is so much confusion, uproar and disturbance of morale and destruction of confidence at the Children's Aid Society, that the professionals cannot properly do their jobs? Can the Minister report on that point?

HON. L. EVANS: We have no indication of any major or serious problems along those lines. I'm advised that the service is adequate. Now, whether paranoia exists in the minds of certain individuals, I have no way of knowing. I don't talk to the staff or the management of CAS Winnipeg, certainly nothing has been brought to my attention. I don't believe there's any unusual change in the caseload of CAS Winnipeg. At least that's what I'm advised.

MR. L. SHERMAN: Has the Minister been asked for help in resolving the CAS Winnipeg problems?

HON. L. EVANS: Well, have I asked for help.

MR. L. SHERMAN: Have you been asked for help?

HON. L. EVANS: Well, we have met with the Board. Where we have been asked for help specifically by the Board is with regard to the finances. Unfortunately CAS Winnipeg has developed a sizeable deficit again after having had the slate wiped clean back in 1976, 1977 when my colleague the Minister of Health, who was then responsible for the Children's Aid Society, the Child and the Family Programs.

I saw a letter the other day on file where I think it was \$1 million roughly that we wiped out at that time. Now they've developed over the years an accumulated deficit of something in the order of \$600,000 plus and we're prepared to help them out with some of that deficit because we're trying to move to the global budgeting concept. Having said that I don't think we want to wipe out all of that deficit but that is where we've been asked for help.

We've indicated that we can help them to some degree, something like in the order of \$200,000.00. They've written back to us and they've asked to discuss this, and if we've made one phone call we've made 20 phone calls to the President of CAS Winnipeg, to have discussions with them about this particular problem and other problems.

MR. L. SHERMAN: Is the government providing the kind of moral support though for the board and the professionals at the Children's Aid Society of Winnipeg, that is required to operate an agency working in the Child and Family Services field and particularly for children at risk? This I think is at the nub of what concerns a great many of us, the fact that we have a society in place, an agency in place there that may have difficulties, warts on it, problems, shortcomings, all of which should be addressed, there's no argument about that.

But it is out there to operate in that field serving children at risk and it can't do that job if the government itself is not offering it the kind of moral support that

it needs. What kind of support, encouragement and reinforcement for CAS Winnipeg and what it's attempting to do, is coming from the Minister's office at the present time? Or has the Minister's office simply thrown up its hands and said, yes, we agree with those critics who say it should be dismantled, it should in effect be destroyed, let us break it down and start all over again?

I really put that question to the Minister as to whether the opposition and the community can have confidence in the fact that the government, the Minister of the day, believes in the Children's Aid Society concept at all, or whether the Minister thinks that the Children's Aid Society concept is outdated and passe and should be abolished?

HON. L. EVANS: Well, I just assured the honourable member a few minutes ago that we would like to see the continuation of the private delivery system. That is where the board of any agency would be essentially from the community. I don't know, I think we're just repeating ourselves here. The amount of moral support that they're getting is the same as, I suppose, is the moral support of any other Children's Aid Society. But again I repeat, I've met with the representatives of the the Board on a number of occasions over the past year or so and I've always been very appreciative of the time, effort and energy that they are prepared to give.

The CAS Winnipeg has had enormous staff problems that have been reported in the papers. My office and the child welfare directorate has been approached by employees to resolve certain staff management relations, if you will. We have used our good offices to try to expedite this and it's been our position, that as long as the Board of Governors or the Board of Directors is responsible for the Children's Aid Society it is up to the Board to take whatever steps are necessary to look into any allegations of poor management practices, or poor staff relations and, indeed, that is the position we've taken. The Board has assured me that they are looking into these staff management problems that piled up over the past year, so that is fine.

But I'm not going to stand up here and say, well, I should give moral support for everything and bless everything that CAS Winnipeg is doing. They've had some difficulties, they've had some problems. There are some things that are not adequate and I'm not going to stand here and say, well, we're going to give you moral support in those areas where we don't think the administration is adequate, or that the service is adequate, there are some areas of difficulty.

As I said before, Judge Kimelman has made a recommendation; there are recommendations coming from Judge Carr; recommendations coming from the senior managers in the system, that there may be a need for some major changes and that's what I was alluding to earlier. That there seems to be a consensus out there developing from among the senior people. The executive directors of the agencies and the institutions have accepted the principle that small is beautiful, and have accepted the principle that there may be need for some restructuring and rationalization of boundaries, and perhaps some realignment of responsibilities.

So there seems to be a consensus developing generally among the professional staff, at least at the senior level. We've had at least two judges of the court indicating to us a need for some restructuring, both the Carr Report, and now the Kimelman Interim Report, and our own Planning and Review Committee composed of senior people from all of the agencies, senior planners also recommending a move in this direction. So if anything, maybe we've been a little too slow to react to suggestions being made out there because Judge Carr made his recommendation about a year or so ago and the feedback I'm getting from the system has been evolving over the past several months.

MR. L. SHERMAN: Mr. Chairman, in the government's quest for review and reform of the Child Welfare System, is there specific attention being paid to and proposed remedies being considered for the problem of child abuse?

HON. L. EVANS: Yes, this whole area has been strengthened. We have now appointed a full-time co-ordinator of a program, of a program, of a thrust upon the prevention of child abuse. So we've strengthened our staff in that particular area. This is in the Child Welfare Directorate.

MR. L. SHERMAN: Mr. Chairman, would the Minister agree that there are glaring deficiencies in the system with respect to what I suppose could be described as the tracking of child abuse victims and the co-ordination and co-operation and communication between agencies and personnel and professionals in the field, is seriously wanting in this respect? That in many instances, children who are victims of child abuse are returned to the unhealthy, damaging environments, from which they were rescued in the first place, because there was not a proper registry kept and a proper track maintained of the individual children, the individual families, the individual environmental situations where child abuse occurs, and that a wholesale thrust and effort is needed by the government, in any reform of the child welfare system, that focuses on development of a proper monitoring system or tracking system in the realm of child abuse. So there is not this inadvertent, unknown, unintentional, but nonetheless highly damaging recurrence of exposure of victims of child abuse to the same damaging environment again and again and again from which they were rescued in the first place.

I raise this question because the issue has been raised and cited by spokesmen in this field, who have testified at inquests having to do with extremely traumatic, if indeed, not horrifying deaths of infant citizens of this community and of this province. I raise it because of comments made by officials, medical officials, medical professionals, specifically associated with the Child Abuse Unit at the Health Sciences Centre, in particular, Dr. Charles Ferguson, and others, his colleagues, Dr. Ken McRae, and other personnel associated with that unit.

I think it's important that the Minister address the subject for us in the committee and reassure the committee and me and the populous of Manitoba that an approach to reform the child welfare system is more

than a rhetorical one, that it is isolating and identifying for itself very serious social ills and evils, very serious social damage that's occurring, none more serious, none more damaging, than those that are occurring in the area of child abuse.

There has been so much testimony offered, so many horror stories told at inquests into violent child abuse deaths and violent child abuse situations in this community, that I would hope that the Minister can reassure us that that is a priority item in the reform package that his department is studying and intends to undertake.

HON. L. EVANS: Well, Mr. Chairman, I can share and I do share the honourable member's concern for this very important area, an area which is a sad commentary on our society. I want to assure the honourable member though that we have taken a number of steps and there's a great deal of activity in the area of stepping up programs to help offset and to prevent child abuse.

Later on in the Estimates, you'll find that we have allocated more money for the Child Protection Centre at the Health Sciences Centres. There's substantially more money for that very excellent Child Protection Centre that the member should be familiar with. We've hired a full-time co-ordinator that I referred to earlier, whose job it is to consult with the various groups in the community, to provide that communication, and to disseminate this information.

Indeed, we've taken leadership in outlining manuals and guidelines for doctors and for teachers in the detection of child abuse - how to detect child abuse. We've taken leadership in that area.

We've set up committees in hospitals around the province through the work done by this co-ordinator.

We have funded the crisis centre in Thompson. We're funding crises centres to a greater degree than ever before.

Now some of these crises centres, you'll say, ah, they're for women, but in many cases it's family crises - women and children. You sometimes just can't separate wife abuse from child abuse. Sometimes they go together and I want to point out - and I'm very proud of the fact that we, in Manitoba, and the monies are included in the Estimates, are developing the first province-wide Wife Abuse Prevention Program in Canada. We've funded this committee for the prevention of wife abuse. It's located on the premises of the Children's Home of Winnipeg and it is now in its still early stages, but we're funding it and we're committed to funding it on a continuing basis and indeed, we hope that as years go by we will have a network of information, a network of communication. There was some information, I guess, in the media not long ago about a hotline being established. Again, you might argue, well, we're talking about wife abuse, but in many many cases, there is also child abuse, there is difficulty in the home.

So, I point out also that apart from all these endeavours; that is, the endeavour to set up information manuals and information pieces for doctors and teachers; that apart from setting up child abuse prevention committees in the various hospitals in the province; apart from providing more money for the Child Protection Centre; apart from the Wife Abuse Program

which we've set up; apart from putting more money into the crises centres around the province, we also sponsored, again for the dissemination of information, a major conference on child abuse last year. I think Dr. McRae was one of the speakers at that particular conference.

I think that you can always argue we should do more. We can always argue that. It's like in teaching - the sky is the limit in many many endeavours, but I think that we have dedicated substantially more resources in the past year than ever before to the area of family crises, wife abuse prevention and child abuse, which is sometimes related to that.

MR. L. SHERMAN: But in the area specifically of child abuse, Mr. Chairman, and I'm not minimizing the problem of wife abuse or the relationship of the two, but I'm zeroing in specifically on child abuse, because there is a Child Protection Program and a Child Protection Unit in place, and there are specific experts like Dr. Ferguson, who has spoken out so strongly on it and I also remind the Minister that wives who are abused, who certainly have my sympathy, are adults and can speak for themselves. Children who are abused are not adults and seldom can speak for themselves. Somebody, including the Minister and including me, have to speak for them, and Dr. Charlie Ferguson is speaking for them, thank heaven, and other members of that unit are speaking for them.

I would ask the Minister specifically whether there is anything being done in terms of a record-keeping or monitoring system or a tracking system, to use the vernacular of the profession, that will offer some sort of guarantee that children who are rescued through the intervention of the Children's Aid Society or whomever from damaging situations are not cursorily and relatively quickly returned to those situations and ignored in the pleas that they may raise against re-exposure to that kind of danger.

We do not have, according to the experts in this field, the kind of tracking system that is necessary, the kind of communication between agencies in the field that is necessary to ensure that we have a handle on abusing parents and abusing home situations in such a way that it will protect children removed from that damaging environment from relatively rapid re-exposure to it and reinsertion into it.

What I want to know from the Minister is: What is being done in that area? Are we developing a monitoring or a tracking system to some reasonable degree of assurance - I know that nothing can be 100 percent perfect in this field - to some reasonable degree of assurance and assurance guarantees that we are not casually returning children to damaging environments and to situations in which they are literally exposed to physical, emotional and mental torture, to say the least?

That, I think, is one of the biggest shortcomings or has been one of the biggest shortcomings in the system to date, and I would hope that the Minister's efforts in the Child and Family Services field include an effort to set up a system that will provide that kind of safety and security for children who are at that kind of risk. This would hopefully be the kind of thing that could be achieved through computerization and modern technical approaches to record keeping. It surely must

be easier now to maintain that kind of record-keeping safety net than has been the case in the past. Can the Minister offer some assurance that initiative is being pursued?

HON. L. EVANS: Certainly, Mr. Chairman, as the member describes, we do have a tracking system. We do have the registry on child abuse; it has been improved over the years and it is active. We are actively maintaining this registry, so there is that tracking system.

It can always be improved, but I want to point out that the major thrust, I guess, has been the establishment of the Child Protection Centre last year. That was set up by this government last year; it's now in its second year of operation. I can advise the member that we have increased the budget. It's now \$245,000.00.

Under that budget and under that centre, Dr. Ferguson, who the member is very complimentary of, and I know Dr. Ferguson has an excellent reputation - I had the pleasure of meeting at the Child Abuse Conference that we sponsored, that our government sponsored this last year. I had the pleasure of sitting beside him at the head table. Dr. Ferguson, among other things, goes around the province teaching doctors to identify signs of child abuse. That is one of the functions that Dr. Ferguson performs for us through the Child Protection Centre at the Health Sciences Centre.

So I am saying that there have been strides made in this area. We can always do more, but I think through that Child Protection Centre a great deal has been accomplished. As I also said a moment ago, we have hired a full-time co-ordinator who also is very active in helping to organize committees in various hospitals and whatever. As I said also, we have set up various guidelines and various manuals or informational pieces for the use of doctors, teachers and so on to help in detecting a child that may have been abused. A teacher in a classroom certainly should be alerted to looking for certain signs of child abuse.

We believe that through this information system that is being developed and these committees that we are further ahead. We are doing more in Manitoba today than has ever been done in the past. So I repeat, we can always do more, but we have done a lot in the last year-and-a-half, I would submit, Mr. Chairman.

MR. L. SHERMAN: Mr. Chairman, the Minister says that we can always do more. I agree with that and I think in this field this is an area in which we can, we must always do more. So I would hope that he continues to pursue the objective of providing, insofar as it's possible to provide, a total safety net for children who are at risk in this child abuse area.

Mr. Chairman, I would like to ask the Minister with respect to Child and Family Services Division generally whether he can advise me and the committee as to whether or not there is a new executive or a new director or a new administrative person in place by the name of, I believe it is, Gurman, a Mr. Gurman; if so, who that person is, and what specifically he is charged with doing in the Child and Family Services field? Has there been an additional administrative or executive officer

by that name hired in the division? If so, what are his responsibilities?

HON. L. EVANS: Mr. Gurman is the Chairman of the Review and Planning Committee that I referred to earlier, Mr. Chairman. That is the committee comprised of a senior planning officer, if you will, from each of the agencies. We provided each agency with funds to hire a senior person to put on this particular committee. It is Mr. Gurman's job to act as Chairman of that.

Prior to coming to us, he had been a Program Director in the Children's Home of Winnipeg, so he comes with considerable experience in the Child and Family Services area.

MR. L. SHERMAN: Would he have or would he have had a number of new planners, planning personnel, attached to him and attached to his office, Mr. Chairman? Would there have been additional planning personnel hired and placed in the department and attached to him and his office in order to carry out these functions?

I must say that in the list of department staff positions and staff man years that the Minister provided me, I don't see any reference to that, but the question has come up in the community as a result of the suggestion from some areas that a substantial number of new planners have been hired in the Child and Family Services Division. So I would like to know from the Minister whether that is true and, if so, have they been hired and attached to Mr. Gurman's office? I think the number most commonly mooted about in the street talk with respect to the division is that 10 new planners have been hired and attached to Mr. Gurman's directorate.

HON. L. EVANS: Mr. Gurman has no one. He does not have a planner or a planning officer attached to his office. He doesn't even have a secretary, I am advised, but what he does have is this committee made up of planners, one from Children's Aid, Winnipeg; one from Children's Aid, western Manitoba; one from Children's Aid for eastern Manitoba, one from Children's Aid, central Manitoba; and one from each of the child-caring institutions, Sir John Hugh MacDonald, Marymount, Children's Home of Winnipeg and the Knowles School, and one from the Native Child Welfare Association.

Those individuals you may consider planners, but they are on the payroll of those agencies and those institutions. So we don't have a whole stack of planners. That group is from and of those agencies. The only person in our department is Mr. Gurman and, as I've said, he doesn't even have a secretary.

MR. L. SHERMAN: Mr. Chairman, would those persons functioning in that planning capacity have been on the staffs of those child-caring institutions and agencies beforehand, or would they have been hired and added to those staffs in order to serve the role that Mr. Gurman is charged with carrying out?

HON. L. EVANS: Many of them were on the staff prior to us establishing this new senior planning officer position. I don't know exactly how many, but many of

them were with the agencies before. But it was up to the agency to designate whoever they wished, whether they wanted to go out and hire somebody outside or whether they wished to use an experienced person within their own organization. That was their decision. We didn't tell them who they should put on this committee, and that was a decision made by the Children's Aid Society or Marymount or Knowles School, etc.

MR. L. SHERMAN: Is service on the committee a full-time responsibility? The Minister nods his head to indicate that it is. Then, Mr. Chairman, I would want to ask the Minister whether that meant that those agencies had to hire replacements for those people to do the jobs that they had previously been doing before they went to Mr. Gurman's committee.

HON. L. EVANS: They do some planning in their own agencies. They continue to plan, but what we did was provide additional funding for each of those agencies, for each of those institutions. So we didn't take something away; we added, on top of their regular budget level and whatever adjustments for inflation, etc., we provided a specific sum of money to each one to hire such a person. So we didn't take away from any area of program service. We added this money for this specific function. As I also mentioned, they are in a position to do some planning within their own agency.

The thrust of it all, of course, is to try to avoid duplication where possible, try to get better co-ordination, to try to get a more integrated delivery service.

MR. L. SHERMAN: Mr. Chairman, what we are establishing here is that although the Minister and the government may not have taken anything away from those child-caring institutions and those agencies, he and the government have layered in another level of planning bureaucracy, which has produced an increased requirement in the budgets of those child-caring institutions and agencies and therefore an increased requirement in the budget of the department to provide Mr. Gurman with a cadre of professional planners. That is an additional expense, an additional commitment by the government and the Minister's office.

It may be absolutely necessary. So far we have seen no evidence, or up to this point in time I would say that I have seen no evidence that it has produced results that would justify that. But even leaving that as an open question, the fact remains that it appears there has been an extra level of bureaucracy layered in here in order to provide Mr. Gurman with a cadre of planners and subordinates. Is that not what, in effect, has happened?

HON. L. EVANS: Mr. Chairman, while of course there is a cost in hiring these individuals, and they are incidentally senior people and we wanted them to be senior, experienced, professional people, we believe that the expenditure ultimately is an investment inasmuch as we expect a return in a better delivery system, and also a return in cost-savings.

This year alone, we have targeted a savings of around 1.5, in fact, \$1.5 million plus through adjustments in

group homes. The thrust of that adjustment in the group home area comes from planning, reviewing, monitoring by this committee headed by Mr. Gurman. Indeed that is one of the major mandates, as I say, of having a better delivery service.

The children are far better off in a foster home than they are in a group home, particularly those children under 12. So I believe, we believe, the system, I believe, agrees with us that we should move in that direction. There has been no opposition really, to my knowledge at least, in any of the children's aid societies. It is a matter of pulling it off, and we believe that this committee has been proven to be a useful vehicle to move in this direction.

So I would suggest that if our target is met, this organization, this group will save us 1.5 million this year and, of course, forever thereafter more or less, if you have that kind of a reduction in a high-cost delivery; namely, groups homes which are far more expensive than foster home rates.

For example, if memory serves us correctly, the average cost per child in a group home is something like \$45 per day. If that child was in a foster home setting, the cost is more like \$12 to \$15 per day. So it's a third of the cost and the child is better off.

So other things remaining equal, the child is far better off in a foster family home than that child would be in a group home where you have staff 24 hours a day and it's less personal. As I said, it's one-third of the cost, \$45 per child per day versus \$12 to \$15 per child per day in a foster home. That's where we hoped to save approximately \$1.5 million.

MR. L. SHERMAN: Well, Mr. Chairman, the Minister is asking me to accept on good faith that we're going to save \$1.5 million through this procedure, and I suppose I have to accept it on good faith. It certainly doesn't show up in the printed Estimates. We're looking at a requested appropriation of \$44.6 million for Child and Family Services this year as against \$40.5 million for last year. We're looking at a requested appropriation overall for the department of \$298 million this year as against \$253 million last year.

Now, the Minister is saying that both those figures would be \$1.5 million higher than they are right now if he hadn't gone to this concept of a planning operation, a planning cadre under Mr. Gurman whose participants were drawn from child-caring institutions in various social service agencies in the Child and Family Services field, is that correct? That's what I assume that he is saying, that both those figures would be \$1.5 higher. He's asking me to accept that on good faith. I suppose I would be hypocritical if I didn't accept it because I have no way of challenging it, Mr. Chairman.

I just point out that we're faced again with the incipient danger that we face at all times in areas of governmental spending and governmental administration, and that is the misguided belief, the misguided position, that says that you can add people to do think pieces and to do planning work for you and to do abstract intellectual work for you that is going to save you all kinds of money, and in most instances demonstrably, under government, it doesn't save you a dime. It costs you a great deal more money, that you wind up paying additional salaries, you wind up people creating jobs,

you wind up with make-work projects and we live in that continuing incipient danger to the taxpayer under this kind of government programming approach.

There's nowhere that I can find in here that the Minister's suggestion is inaccurate nor is there anywhere that he can demonstrate in here to me that \$1.5 million is being saved. So, as I say, I have to accept it I suppose on blind faith, but I accept it with some skepticism. I don't know whether the Minister cares to comment on that response of mine or just let it rest for the record.

HON. L. EVANS: I'd like to comment because I want to give the information as fully and as accurately as I possibly can. I'd advise the member that the bottom line on Page 28, this is Section 4, Child and Family Services, for 1983, March 31, is \$40,574,800.00; that's the printed. We actually spent, I'm advised, \$41,763,076, and the fact is that the cost escalated last year for all kinds of reasons. To some extent we don't have control because if there are more family breakups, more children having to come into care, there is the cost and you have to deal with it. So we had to spend more money actually last year than we were budgeted.

So the increase is not as great as you would indicate. You're looking at 40.6 million to 44.7 million. I'm saying with the increase is roughly 41.8, if you round it to the nearest 100,000 that was actually spent, so you should compare that 41.8 with 44.7 approximately.

Now, the question of whether or not we're going to show a lower figure in spending next year, that is not the question, and that is not how I can describe it. Because what we have done, we have already said to ourselves based on our own analysis of the situation in setting our targets for reducing the number of group homes that we can get by - and this is approximate - with about \$1.5 million less in 1983-84, because we have targeted to close a certain number of group home beds or to reduce the number of group home beds.

We have targeted - and this is very very approximate - about 1.5, maybe a little bit more. Therefore, in our budgeting we have reduced the dollars by 1.5 and that would be under Line 4.(c) Maintenance of Children, \$31,824,300.00. What you would do if we weren't moving in the way that we hoped to move, in fact - not hoped to move, we are moving, we've already moved, we've already made some moves, but it's only beginning - we have to, in order to live within that budget, find the 1.5 and we intend to find it in this way that I've indicated. But if we left the status quo in terms of number of children in group homes - and incidentally there are 160 children under 12 in group homes and I think that's just incredible, 160 children under 12 in group homes, that's far too big a number - you would add \$1.5 million to that figure of \$31,800,000.00.

It's quite a challenge and it's not that easy, but we've started to move and we're going to continue to move. Some people may be a bit unhappy in the process. We're not out to hurt anybody, but we are going to look after the children. That's our mandate to provide children with the best care possible and it so happens, happily, to coincide with a better deal for the taxpayers, because I'd far rather pay for a child in a home setting than in a group home setting, a family setting than group home setting, and I'm paying for that at a third of the cost, roughly speaking.

MR. CHAIRMAN: 4.(a)—pass; 4.(b)—pass; 4.(c)—pass; 4.(d) - the Member for Fort Garry.

MR. L. SHERMAN: Would the Minister give me a list of those External Agencies, please, Mr. Chairman?

HON. L. EVANS: The member asks for a breakdown of the \$10,296,800.00?

MR. L. SHERMAN: Yes.

HON. L. EVANS: It cost them \$800.00. It's as follows, the Children's Aid Society of central Manitoba, \$1,194,100.00. I can do this slowly if you want, or maybe just do it at a normal pace and you can read it on the record tomorrow, whichever you wish.

MR. L. SHERMAN: Well, just give me one second here, while I find something and I can just check it off against my own records. Okay, I can check it off against my own records. We've got the Children's Aid Society of the various parts of the province, but do the external agencies consist of the same number, the same individual agencies that are identified in the Annual Report of the department, or are there any changes, and are we talking about external agencies ranging right across the field here of Community Services, or just the Child and Family Services Agencies, such as the Children's Aid Societies?

HON. L. EVANS: Yes, well it's the four Children's Aid Societies. I might point out that of the total, Winnipeg takes five - I'm going to round this off - approximately \$5.9 million. Of that total, \$5.9 million is estimated to go to Children's Aid Society of Winnipeg. This, incidentally, is just to cover the administrative costs and the field of Social Services. This is not the cost of maintaining a child in care.

MR. L. SHERMAN: Right.

HON. L. EVANS: But, in the item you have the four Children's Aid Societies, plus the Jewish Child and Family Service, but to that you have to add two items, the Manitoba Foster Parents Association Incorporated. We're giving them a grant of roughly \$23,000 and I might take this opportunity to take my hat off, if I had it on, to this particular association. They're an excellent group of parents and they're dedicated to promoting better foster care home service for children and to raise the standards and to help promote foster care for children, generally. They're a very, very dedicated organization and I'm very pleased to be able to give them this kind of support.

In addition, in this item, is that Children's Centre Child Protection Agency and Parent Aid Project that I mentioned earlier, involving Dr. Ferguson, the \$245,700.00.

MR. L. SHERMAN: \$245,000.00?

HON. L. EVANS: \$245,700 is the estimated amount. So, when you add therefore, all the child and family agencies that I've mentioned, plus the Foster Parents Association, plus the Children's Protection Centre, or

the Child Protection Centre, you get to the \$10,296,000.00.

MR. L. SHERMAN: And does that list include the Jewish Child and Family Service, the Children's Home, Knowles Centre, Marymount, Sir Hugh John MacDonald Hostel? Are they considered for purposes of this categorization, external agencies?

HON. L. EVANS: It includes the Jewish Child and Family Service, but it excludes the institutions because they are maintaining the children. It's an accounting breakdown. Those institutions are not included.

MR. L. SHERMAN: Okay, thanks.

MR. CHAIRMAN: 4.(d)—pass; 4.(e)(1) Seven Oaks Centre for Youth, Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, Seven Oaks Centre for Youth has been in the news from time to time in the past year, perhaps not in recent weeks, but certainly over the course of the past year. There has been some rather exotic criticism levelled at the Seven Oaks Youth Centre, in fact, some media reports have described it as overcrowded and "horrifying" in terms of the overcrowded conditions there.

A Free Press report of a few months ago, and admittedly, it's a few months ago, but it's within the past year, cited the fact that children were forced to sleep on the floor of what it described as a packed Seven Oaks Youth Centre. Health officials, the fire commissioner, Workplace Health and Safety officials were all described as, "having toured the centre and having expressed concern about the conditions. But because it is an institution run by the province," goes the report of last fall in the Free Press, "there is little they can do." That's a direct quote from the Free Press report.

I would ask the Minister for a up-to-date report on the situation at the Seven Oaks Youth Centre. If it was horrifying a few months ago, what is the condition now? More horrifying, or has some action been taken to reduce the horror and improve the situation there? Has some action been taken to reduce the overcrowding? What is the caseload at Seven Oaks at the present time, and how does it compare with previous years, since it was turned into an institution within the provincial service spectrum for child welfare cases?

HON. L. EVANS: Well, Mr. Chairman, first of all, I think those so-called horror stories, I think, essentially in one particular newspaper, were really an exaggeration of a situation. I believe, for a very brief period of time, some children did have to sleep on mattresses, but you know, I'm sure there's hardly anyone in this room who has not had children who have gone to camp from time to time, who hasn't had children sleep on mattresses on the floor. I know I have, and I don't think they're necessarily hard done by, they're out camping. Sometimes when you have visitors from out of the province, or out of the city, or wherever, and you find an unduly number coming in, and you don't have that many beds, well, you do what you can. The staff did what they could to accommodate an influx of children.

You see, you can set up a capacity of any given level that you think is a reasonable capacity but if the system out there - and by that I mean social workers, the police, and others - bring in people, bring in children, bring in youths who are in a crisis situation for you to handle, you cannot turn them away. You're not inclined to turn them away. You want to help them, you want to do your thing. So all of a sudden there's great pressure put on you by the system, you may find that before you know it, you may be over the capacity. But hopefully that would only be for a very short term, and by short term I mean, a matter of days.

So I reject those criticisms in the paper. I don't think anyone was hard done by, they were well cared for. We have an excellent staff, adequate staff, and although a few people slept on a mattress, I don't know for one night or two nights, I don't really think that those children were hard done by. They were probably a lot better off in that institution sleeping on a mattress than where they were prior to coming in to Seven Oaks.

But having said that, I can advise that the department had planned renovations of the centre for some time. I'm pleased that these renovations are either in process, or they have been completed. No, they're half way through. I think if memory serves me correct it's something like \$1.2 million of renovations of that particular facility that have been authorized.

In addition to that we increased the staff compliment by six. What we did is transfer some staff positions from the Tuxedo Youth Centre and move the positions over to Seven Oaks. So now we have 54 staff, that includes positions for relief staff including co-ordinators, counselors, a nurse, other support staff and as I said there were a numbers of positions for relief persons. So we have a staff of 54 and we think that's quite adequate. The centre accommodates up to 45 children for short-term care.

MR. L. SHERMAN: Up to how many?

HON. L. EVANS: Up to 45. But at the present time we have 40 children in the facility so we're certainly not overcrowded. But 45 is the capacity and we have 40 at the last report we've received, and we have ample staff.

Now we have children who are brought in there for their own protection, or indeed for the protection of others. We have a very special type of caseload and we're there to serve the system out there, whether it be the police, or whether it be social workers, or whoever in the system finds that it's necessary to place that youth in the Seven Oaks Centre.

So not only has the physical situation been attended to or is being attended to but we've added staff, so I think we're in a better position than ever before to cope with children that are brought into that centre. Again though having said that, we are to a large extent at the mercy of the system out there that tends to use this facility. But we think we have a reasonable set up at the present time.

MR. L. SHERMAN: Well, the children who would be at Seven Oaks would only be children who were apprehended under The Child Welfare Act. Is that correct? There wouldn't be any JDA cases there at all.

HON. L. EVANS: That is correct, Mr. Chairman, under the Child Welfare System.

MR. L. SHERMAN: And these are children with severe behavioural problems; emotionally disturbed children with serious emotional disturbance, is that correct?

HON. L. EVANS: Yes, some of them have severe emotional problems. Some may have some very temporary emotional problems. The police may have picked them up because they've run away from home. Now, why does a child run away from home? There may be a thousand reasons. So the police may apprehend a runaway child and bring that child, who may be from another city, to the Seven Oaks Centre for his or her protection and shelter until an assessment is done; and it's possible that the child after being assessed and cared for, parents contacted, etc., may be out of there in a matter of hours or a day or two depending on what the circumstances are.

(Proceedings Inaudible)

MR. L. SHERMAN: Mr. Chairman, what would the staff and staffing ratio represent? The Minister says that the staff at Seven Oaks has been increased by six, to 54, and that the centre accommodates up to 45 children. There are 40 there at the present time. That's a staff-to-resident ratio of about 1.3, or 1.4 to 1. But are those 54 staff members, largely and in the main, professional counselors, or is the largest component one of maintenance or administration staff? What kind of a treatment-service ratio is represented by the 54 staff to the 45 or 40 resident children?

MR. CHAIRMAN: Order please. I'm informed by the Clerk that with a five minute recess the problems with the recording for Hansard can be fixed.

I ask the Committee to come to order.

Mr. Minister.

HON. L. EVANS: Yes, in response to the questions of the Honourable Member for Fort Garry regarding the Seven Oaks Centre for Youth, I'd like to advise him that the construction costs I said were estimated at \$1.2, I would revise that, it's \$1.3 million and hopefully construction will be completed by late fall.

The staff have been increased, as I indicated, by six. However, after renovations are completed the capacity will be raised from 45 children to 65 children. This is one of the reasons for the staffing increases. At the present time the 54 staff consist of one superintendent,

(Evans) This is one of the reasons for the staffing increase. At the present time, the 54 staff consists of one superintendent, two co-ordinators, 26 counsellors, one nurse, six support staff - that would include cooks and maintenance people - and seven in charge. Those are the people who would supervise on different shifts and different areas of the building. There are 11 positions for relief. In other words, these are positions to cover people who would come in and replace personnel on holidays and for sick leave and that sort of thing. So that is the total breakdown of the 54.

MR. L. SHERMAN: Thanks, Mr. Chairman. One final point on that, the Minister has, in essence, discounted

the earlier media criticisms of the situation at Seven Oaks, particularly the so-called overcrowding situation there, and has suggested that the centre accommodates up 45 children and he has told the committee there are 40 there at the present time. Can he confirm that at the time that these criticisms were levelled, there were more than 70 children being held in the centre? Is that a frequent occurrence and situation, and is that why the current expansion of the centre is taking place?

HON. L. EVANS: Yes, we can confirm that there were that number, 70 or a little bit over 70 for about seven days, I believe. So it was a short-term situation.

I want to advise - I don't know whether the member heard my answer, because he was engaged in conversation, but I confirmed it was about 70 and it was a short-term situation, about seven days. But I want to emphasize to the member that it is a reception centre and the Children's Aid Society has certain responsibilities. The agencies have certain responsibilities for moving the children out. It's a short-term, temporary-type accommodation for a group of children who are brought there by the system, but they are moved out rapidly. The sooner they move out, the better. It's not meant to be a long-term holding facility whatsoever.

There has to be some accommodation after assessment of these children. They have to be accommodated somewhere or other. In some cases, they go back home. In some cases, they may end up in Knowles School or Marymound or a group home or wherever.

MR. CHAIRMAN: 4.(e)(1)—pass; 4.(e)(2)—pass. Resolution No. 33: Resolved that there be granted to Her Majesty a sum not exceeding \$44,691,200 for Community Services and Corrections, Child and Family Services for the fiscal year ending the 31st day of March, 1984—pass.

Item 5.(a)(1) Rehabilitative Services, Community Mental Retardation: Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, what does the Minister plan or contemplate in the way of expanded or reinforced Community Mental Retardation services in '83-84, particularly in the area of community residences, community residence beds?

HON. L. EVANS: The thrust this coming year - although we have various kinds of programs for community support services such as in the day care area, we have monies now for - we began last year and we're continuing this year providing monies to the day care centres to take on mentally handicapped children and children with other kinds of handicaps.

As a matter of fact - this is a bit of an aside - we are at the present time sponsoring a four-day conference in Brandon, which I have the pleasure of opening and giving some introductory remarks Monday morning among other things, for day care workers to be better equipped to handle retarded children who come on to these day care centres.

If it was for additional community residences, we have a very small amount of money this year. It's partly

as a result of having to make some very hard decisions regarding our allocation of funding, but we have a small amount of money, approximately \$50,000 for new community residences.

MR. L. SHERMAN: For how much?

HON. L. EVANS: \$50,000.00.

MR. L. SHERMAN: For how many community residences? I'm sorry, Mr. Chairman. I didn't hear it. \$50,000 for something community residences?

HON. L. EVANS: That is new identified money for community residences. I don't know what we'll get for that exactly, but I want to take this opportunity to point out or mention to the Legislature that we are in the process of looking at the Task Force Report on Mental Retardation.

Also in line with that and all the other advice we're getting, we are also looking at the Manitoba School for Retardates at Portage. There are some very expensive renovations being required by the Fire Commissioner's office, and it may be advisable rather than to undertake some very expensive type of renovations, particularly for one building, it may be better to divert some of that money into some community residences or some other options.

I am not announcing a policy, I am simply saying that we are looking at that. So when I say \$50,000 for new community residences, that should not be taken as an indication of the extent to which community residences may be developed during the present year. It very much will depend on the success we have at looking at this particular problem that has been posed by the Fire Commissioner's office, and perhaps the Member for Fort Garry may be familiar with it. We are upgrading the various buildings, but when you have a building that is so expensive to upgrade in terms of its value, etc., there may be need to look at other options. We're looking at some of these options and it may have an impact on some additional community residences.

I want to say this also, Mr. Chairman, that the community residences that we put in place to date, over the past year and years gone by, have been essentially with the support of community organizations, volunteer groups, and so on. I do regret that we've had some delays in having some of these residences put in place, but it's because of various difficulties that the various groups have run into. The money is there, it has been there, and it's being expended, the commitments are there, but some groups have had problems in mortgage money. Others have had problems with community zoning by-laws. There have been various hurdles that these volunteer organizations, these parents, these community groups have run into and we've been doing our best to assist them.

Nevertheless, some progress has been made, but having said that, it makes me ask the question whether we should maybe divert from the policy that we've had to date, and that is, to rely strictly on community groups, to apply for monies for community residences and then either approve or disapprove. But having approved, leaving it up to them entirely to obtain the suitable accommodation to fight the good fight with the

municipality, if that happens to be the case, to work their way through the mortgage world, the world of mortgage financing, and so on. There may be room for some direct initiative by the department, and that's something that I would like to do seriously, whereby we take the initiative and move in community residences in a direct fashion, either directly by the department, or through some agency related to the department, that's already in existence.

But having said that, I repeat, that there are funds for all kinds of community services for the mentally retarded, whereby we're improving funding for respite care, day activity centres, and in other areas of supervised apartment living, and training residences.

MR. L. SHERMAN: Mr. Chairman, I want to assure the Minister that I have no difficulty with any commitments that he may have made, or feels that he may have to undertake, with respect to improvement and upgrading of the Manitoba School at Portage la Prairie, or any other institution for the mentally retarded. I have never been one who has said that the thrust should be entirely in the community living area, where services to the mentally retarded are concerned, and that our efforts should be redoubled to phase out our institutions in this field.

I believe that our institutions are necessary, must remain, always will have to be there for a certain component of the population, and those that I've had the opportunity to visit on frequent occasions, both as Minister and as critic, and I put the Manitoba School at the top of the list, have demonstrated to me that they approach their job, through their personnel, with compassion and understanding that goes beyond just normal anticipated service and really reflects a labour of love.

So, I don't have any difficulty with whatever the Minister may be contemplating, in terms of institutional improvements. All I want to know is whether he is intending to do anything in the community mental retardation field at all, insofar as community residences are concerned, and insofar as the community living option that is constantly and, I think, legitimately promoted by the Canadian Association for the Mentally Retarded, among others, is concerned.

Last year the Minister indicated that some 70 new community residential beds for the mentally handicapped were projected in his plans for 1982-83. In fact, that figure was somewhat misleading, in that, it did not constitute 70 new spaces. It really amounted to 32 new spaces and 38 repeats, or reconfirmations, and what I'm really asking the Minister right now is for a simple and direct answer, as to whether we're looking at a possibility of 32 new community residents beds in the mental retardation field in Manitoba for the coming year, or 22, or 12, or none.

I think the important thing here is that we understand each other, that we do not raise false expectations in the community, and that we do not create situations where either, what I say as critic, or what he says as Minister, exacerbates the ongoing debate between the institutional advocates and the community living advocates. When we get to the next item in the Estimates, I certainly would like to have some brief detail about his intentions for programming expansions in the institutional field.

But at the moment, I would just like a straight answer from him, as to what he contemplates in the community service field in M.R. He has suggested to me that only \$50,000 is earmarked for community residences this year, thus far, pending further decisions relative to institutional improvements. I'm perfectly happy to accept that, but I think the case should be stated clearly for those who favour the community living option, that that is the thrust and that is the intention this year. We've got to reinforce some of our institutional capability, particularly at the Manitoba School. I assume that's what the Minister is saying. I'm not disputing that, but let us not suggest in a non-factual way, that there may be vast numbers of new community residential beds coming in the M.R. field, if they're not coming.

Let us say that 1983-84 is earmarked for institutional improvement and reinforcement and we'll get around to community living additions and expansions later, as soon as the budget permits. I can live with that. I don't know that the community living advocates can live with that, but I think they can live with that kind of a direct admission more easily than they can with uncertainty. So all I would really request at this juncture is a clear statement from the Minister as to what the emphasis is for 1983-84 in M.R.? Institutional reinforcement? Fine. I can live with that, but let's make it clear.

HON. L. EVANS: I don't whether the member understood what I just said a moment ago, regarding the school at Portage, but I want to, inasmuch as he made reference to it, state that the 70 beds that we committed was new money. In fact, the number we have from our financial staff is \$690,000 of new money was involved for the 70 new beds. We have a breakdown of where those beds have been put into place and so on, but I don't know whether we want to get into that although I could read that into the record. But regardless, whether it be reconfirmation or whatever, as far as I'm concerned, I found \$690,000 of new money in '82-83 that is dedicated to 70 new beds. Most of that has been either put in process or is on the verge of being opened.

In answer to this other question as to this year, what I am saying is that we have to make a decision. We have no estimated number, a firm number that I can give the member at this time as to how many more people we can get put into the community resident component. I can't answer that because it depends on a decision that we have to make with regard to the Manitoba School for Retardates at Portage.

I mentioned to the member that there is one building in particular that will be very very expensive to renovate, and we have to ask ourselves the question whether it's worth renovating. If that's the case, maybe we should consider utilizing those monies in some other way, whether it be to develop further along the institutional line in total or in part, or whether we should take some of those monies and utilize them for additional community residences.

That's a decision that has not been made. It is subject to analysis. If I was in a position to indicate what we can do, what we will do, I certainly would, Mr. Chairman, but we don't have the answers. We are looking at the task force report and we are looking at a lot of financial

information, loads of data, and the staff are in the process of studying this and looking at options, looking at the cost benefit side.

So it's something that is in process but I, like the member opposite, am in favour of having - I believe there is room for institutions and there's room for community living. I believe we have got to have a balanced approach. When it comes to institutions, we have to spend our money to make sure that we have the finest service available.

I would like to see the level at Portage raised; I would like to see the level of service improved. I'd like to see all kinds of improvements made at Portage la Prairie at the Manitoba School for Retardates.

At the same time, if there is an expenditure that we're looking at that doesn't seem to be an economical type of expenditure, it seems to me that it is incumbent upon government, whoever's in government, to ask themselves whether that money might be better spent elsewhere. That's what we are in the process now. That may, therefore, have an impact on many many more community beds. It may have an impact on the institution in terms of renovation, etc. I'm not in a position to say, because I haven't got the answers, but I can assure the member we are taking a hard look at that question.

MR. L. SHERMAN: Mr. Chairman, is the Minister saying that the \$600,000 that he says he found as new money — (Interjection) — I beg your pardon? - \$690,000, for community residence beds in M.R. this past year, '82-83, was spent? Where was it spent and where are those 70 new beds? Is he saying that all 70 of those beds are now on stream and added to the spectrum? Is it not more accurate to say that some of them are still on hold, some of them still haven't been built?

HON. L. EVANS: The 690 has not been spent, not all of it has been spent, but it has been carried forward, Mr. Chairman, into '83-84. Then we have added to it for inflation. So a great deal of this - the last information I have that, approved and in process of opening, there are 54 beds of that 70.

There are various reasons why the other organizations have not yet put their facilities in place. These are problems that organizations such as WinnServ is grappling with. I think the one problem WinnServ has is with regard to mortgage financing, and we have been trying to help, as soon as they resolve that, but the money is there. So the commitment of 690 from last year is carried over to '83-84, and then of course we have to recognize a bit for inflation to be added to that. So that commitment will be fulfilled. The commitment to put the 70 beds in place will be fulfilled. To date, I am advised, according to these statistics, that we have 54 of that 70.

MR. L. SHERMAN: Mr. Chairman, has the Minister met with the CAMR people who are interested in the community living option to discuss other thrusts and initiatives in the community service field in mental retardation over and above the conventional community residence approach? I believe that the Association has had some communication with the Minister as to a number of ideas and initiatives that it would like to

pursue in concert with the government in terms of community living options that go beyond the conventional four-bed or six-bed or eight-bed community residence which we normally associate with Community Mental Retardation services.

Has the Minister had any meetings? Has he sat down and talked to CAMR and its Executive Director, its key leaders, its key planners and program shapers about the community living option ideas that they have in mind and that they would like to pursue within whatever budgetary provisions the government can make available for community M.R. services?

HON. L. EVANS: I guess, certainly I have had some meetings with CAMR, not recently. My senior staff have met with staff of CAMR, I think, Manitoba division recently. Having said that, I have to hasten to add that I guess I'm in contact with membership of CAMR, particularly in western Manitoba, in my own riding, where I see the people and communicate with them all the time and where we have communications, correspondence and so on from CAMR locally.

So there is a great deal of that which goes on, on a continuing basis, but my senior staff have met in recent times with, I guess, the executive director of the CAMR Manitoba division and the board itself, and we're aware of their thrusts and their concerns as indeed they've asked us to assist them by publishing and distributing a minority report - I guess they don't want to refer to it as a minority report - but their report pointing out their particular views. We've agreed to do that. So we have some familiarity with their position.

If you talk about going beyond the idea of normal, what we call community residences, whether it be four bed, six bed or eight bed, and you get into such things as independent - not independent - but supervised apartment living, you're getting into a very very costly field.

We were asked I guess last year some time, if we would take on one individual. That one individual had previously been at the Manitoba School at Portage. He had been taken out on a demonstration basis paid for by funds raised through some charitable effort by some organization, and we were asked - they having completed a year at that - whether we would take on that individual.

The estimate I received from the department of cost would be something in the order of \$35,000 to look after one retarded person, and in our view, my view, considering the fact that we're very very short on new revenue and even though our budget has gone up \$50 million, if the member looks carefully at the Estimates and as we proceed to Social Allowances, he'll see where a great deal of that money is going. Welfare is going to the moon, unfortunately, because of UIC exhaustees and other reasons why the municipal welfare role is increasing and, of course, we cost-share in municipal welfare.

We've had to be very very careful in the repriorization. I just cannot see at this time how we can begin to find the money whereby we put out \$35,000 for one person. I say, even in the field of mental retardation, if someone gave me another 35, I would rather spend it on looking after three or four in some community living concept or whatever, in some residential concept.

So we may have to make some hard decisions. No one wants to hurt that one individual that could be looked after for that amount of money, but that is a lot of money and unfortunately, there are many others who are mentally handicapped that need help too. I think I would opt for using that amount of money to help several people, rather than concentrating it on one person who happened to have a particular difficulty and needed a lot of supervision. So certainly we're not adverse to looking at new options and new ideas and so on, but we're always constrained by the amount of revenues that are available to us.

Having said that, there are reasonable increases in various programs that do help people live in the community, whether it be the Occupational Activity Centres, Respite Care, and so on.

MR. L. SHERMAN: But I have to ask the Minister, Mr. Chairman, is he communicating this difficulty that he faces to the CAMR and to the other personnel and agencies operating in this field, or is he expecting the new communication's component that he is building up in his ministry to do that sort of job?

The criticisms that have arisen with respect to the Minister in this area in the past have largely had to do with a lack of communication. Whether fair or unfair, whether right or wrong, whether accurate or inaccurate, those criticisms have suggested that the Minister has not sat down with the CAMR, with the community living option people, or in fact with many representatives of other options and thrusts in the mental retardation field and discussed with them their problems and discussed with them his problems. I think one can understand the fiscal challenges that the Minister faces and the hard choices he has to make, but extreme difficulty arises when those difficulties and those challenges are not communicated to the people in the field.

If the Minister is not sitting down with the community living option people and explaining this sort of thing to them, then the whole conflict, the whole area of debate in mental retardation continues and worsens because there is a feeling the Minister is taking one side against another, rather than recognizing both philosophies and both points of view. So I have to ask the Minister whether he is communicating these difficulties. He would get understanding from either side or both sides in the debate, I think, if he would communicate his difficulties and his challenges to them, but if he doesn't speak to them, if he doesn't meet them, if he doesn't open his office door and sit down with them, then the debate between the two philosophical positions in mental retardation just gets worse and the Minister is at fault for causing that worsening situation.

HON. L. EVANS: Well, Mr. Chairman, first of all on the funding, the problems of repriorization and all that, we have communicated to all the agencies including CAMR and everyone involved with the department. In fact, there are four letters that have gone out, including one from the Premier, on our problems, in our repriorization and on the movement to global budgeting and so on.

Having said that I've had, not recently, but I've had a number of meetings with the key people that the member refers to, but I know my senior person in the

department involved with mental retardation, the Assistant Deputy Minister, has had many meetings recently. As a matter of fact, we've agreed recently to publish their report which outlines their various viewpoints and in the past, I have indicated our problems of funding.

Having said that, I repeat there are many many thrusts that have been taken in the area of community living, community services for the mentally handicapped, whether it be in Occupational Activity Centres, whether it be in the Day Care Program, and so on. There have been many many initiatives taken.

Let me say this though, I think we're very much aware of what certain groups would like to have, and I think they're aware of our budgeting limitations, and I think they're also aware - and I've said it publicly so many times - that I believe in a balanced approach to this phenomenon.

I want to conclude by pointing out a new phenomenon that's at work here - and maybe the member is not appreciative of it - but the school system now is at the point where many of the mentally handicapped who were taken in many years ago are now at the age of 21 and they are now falling out of the school system, landing up at home, and there is increasing pressure to take these people into Occupational Activity Centres or into Day Care Programs, Day Development Programs, Day Activity Programs and so on. That is a new challenge and a new challenge costing additional funding. I think that perhaps has a higher priority, in many ways, than spending additional money on new ideas in community living. I think that we have to be prepared to somehow develop programs, day developmental programs, call them what you will for this particular category, Age 21; when they are coming out of the school system and there are increasing pressures, so this is a relatively new phenomenon and it's something that we have got to be prepared to address and be prepared to spend some money on it. That may take a greater priority than finding more money for residential living, because it's getting to be quite serious for the families involved.

Having said that, Mr. Chairman, I wonder if this would be a good time to break off for the evening and perhaps we could pick this up again tomorrow, or maybe Thursday, I guess it is. So I would move, if it's appropriate, that the committee rise.

MR. L. SHERMAN: Mr. Chairman, I have no objection to that. I thought that we would perhaps be better advised to just finish this particular subsection (a) on Community Mental Retardation. I had almost finished my questioning with the Minister on that. I would agree with him that we should not go on, at this point in time, to the next subsection in this appropriation, but I had virtually finished my questioning on this point.

I just would conclude by asking him whether he is communicating this message that he is giving me and the committee to the community living option advocates because, if he doesn't do that, then the debate and the differences of opinion, the divergences and the difficulties that exist between the two schools of thought, the community living advocates and the institutional advocates, continues to fester and worsen. There continues to be a polarization of positions with a view

that the Minister is for one and against the other, or vice versa, for the other and against one. The answer in these difficult situations and difficult challenges, it seems to me, is for the Minister to sit down with the advocates on both sides and communicate his awareness of, and his understanding of that problem, even if there is no solution but, if he doesn't meet with them and talk to them, then the situation simply continues to fester.

So it's one thing to tell me and to tell the committee that he is looking now at another whole problem in the field which may take precedence over community living proposals and may require attention and focus and expenditure in the occupational workshop field but, more important than telling me and telling the committee, is telling the advocates of the community living option of that view, and asking them for their input and their assessment and their evaluation of it, and their suggestions as to how we should proceed. I would hope that he is doing that, because that kind of communication can reduce the tensions between the two philosophies in this field, and that's the only thing that can reduce them in a time of financial limitation.

HON. L. EVANS: Mr. Chairman, the Honourable Minister had some responsibility in this area; he set up the Task Force on Mental Retardation; he had both of these groups, in effect, represented on that task force. It had over two years and, after all this time - I came into this portfolio not really knowing anything about mental retardation. I will confess to very little knowledge about mental retardation. I soon discovered however that there were these varying points of views. I think the honourable member tried to get them together on this task force. After a couple of years or so, I believe - well he knows what the result was. At the end of the process, there was still this major division. It's regrettable.

Regardless, I have met with many organizations, the auxiliary to the Manitoba School; I have met with Special Olympics; I have met with the WinnServ people; I have met with individual CAMR locals; I have met with the executive of CAMR Manitoba, not recently, but certainly we have had several meetings earlier in the last fiscal year, but very recently, my Assistant Deputy Minister

has had meetings. So I think there has been communication.

I trust that through all the public statements I've made about a balanced approach, and my letters to them about a balanced approach, I would trust that they appreciate and know where I stand. Certainly the staff know where I stand, and that has been communicated to these people that the member speaks of.

Having said that, I know what the challenges are, and there are some opportunities that we now see, and we're going to analyze the situation and move in that direction. I think that it's possible to make some rather interesting modifications in the next year, but it again will depend on a number of factors. But certainly there has been written communication, oral communication with many, many individuals, many organizations throughout the province. You run into these people and you discuss matters with them, not just formally around a table, but you see them in informal situations. I had the privilege of being at the Special Olympics at Pelican Lake earlier this year in the late winter, and there were many people from all over Manitoba, particularly western Manitoba, who were concerned about mental retardation. Some of these people are very keen on community living and so on and some are supportive of institutional living.

I think the average person out there who is concerned about the mentally retarded person is in favour of both and sees room for both, both the institutional and the pure community living idea. I think everyone has the best intentions, everyone wants to see the best arrangement, everyone wants to see an improvement in the situation for the mentally retarded.

This takes a lot of money and, regretfully, it takes more money to put some of these programs in place as quickly as we'd like to see. We just haven't got that kind of money, but I believe with this study of the task force report and the study of the particular situation at Portage might give us some clues as to some major modifications that could take place in the next year.

MR. CHAIRMAN: 5.(a)(1)—pass; 5.(a)(2)—pass; 5.(a)(3)—pass; 5.(a)(4)—pass; 5.(a)(5)—pass.
Committee rise.