

THE LEGISLATIVE ASSEMBLY OF MANITOBA,
8:00 o'clock, Tuesday, April 13th, 1965.

MADAM SPEAKER: The second reading of Bill No. 97. The Honourable the Member for Dufferin.

MR. EMIL MOELLER (Fisher), in the absence of the Honourable Member for Dufferin, presented Bill No. 97, an Act to incorporate the Corporation of The Bergthaler Mennonite Church of Manitoba, for second reading.

MADAM SPEAKER presented the motion.

MR. MOELLER: Madam Speaker, the object of the corporation is to administer the affairs of the Bergthaler Mennonite Church of Manitoba and to assist and extend the mission of its congregation in Manitoba.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. GORDON W. BEARD (Churchill) presented Bill No. 80, an Act to incorporate Thompson General Hospital, for second reading.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. STANES presented Bill No. 81, An Act to amend an Act to incorporate the Trafalgar Savings Corporation, for second reading.

MADAM SPEAKER presented the motion.

MR. STANES: Madam Speaker, the purpose of this Bill is to extend the time, which is the third time it's been asked. The company is having some problems in capitalization and administration and require this additional time in order to complete their negotiations, not only with this province but other jurisdictions.

MR. CHERNIACK: Madam Speaker, we had occasion in the past to discuss bills of this nature --not of this nature but bills rather first incorporating companies of this type, and last year we were happy to know that with the new Companies Act we would not have to receive bills of this type thereafter. I assume though --I don't really know, I haven't looked it up-- but I am assuming that a company once incorporated by private act must continue to get its amendments through this House, and if that were the case I would hope there would be some way whereby it could be reverted back into The Companies Act so that matters of this type would not have to come back to the House and could be dealt with by the Provincial Secretary's office. Now that's one thing.

The other thing, Madam Speaker, is the extension year after year, and I think it's fair to say year after year because this is apparently the third time, if a company just proceeded to come into this House in 1961 --this is actually the fourth time it is coming up for amendments apparently-- if it wasn't organized sufficiently in 1961 to proceed, I'm wondering whether it was fair to this House at that time to bring in a bill and to become incorporated and for some three years now fail to organize. Now how long should a company like this be kept in the gestation period? I am not voting against this, Madam Speaker, but I do put the question to the House and to the House Leader as to whether or not this should be continued, and if so, isn't there a limit or is it just automatic that every time it comes in it's automatically put forward?

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. COWAN presented Bill No. 89, an Act to amend and consolidate the Acts incorporating the Fidelity Trust Company, for second reading.

MADAM SPEAKER presented the motion.

MR. COWAN: Madam Speaker, this is with reference to a Winnipeg company, a company whose directors are Winnipeg people and which is practically all owned by Winnipeg people, an active company, to bring it into line with the general rules with regard to trust companies as set out in The Companies Act in two respects. In addition, at the first meeting of the Private Bills Committee, the representative of the company came before the committee and asked for instructions as to what he should do with regard to a further change that they wish to have made in the Act, whether he should bring in a second bill or whether an amendment might be submitted at the committee stage, and the Private Bills Committee advised him that it would likely be in order for him to submit an amendment at the committee stage providing notice was given to the House on second reading. The proposed amendment that will be made at that time --that he hopes to have made at that time will increase the capital stock of the company to \$2 million divided into 100,000 shares having a par value of \$10 each and designated as Class A Common

(MR. COWAN cont'd).....shares; and one million shares having a par-value of \$1.00 each and designated as Class B Common shares.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. WRIGHT presented Bill No. 48, an Act to amend the West Kildonan Charter and to validate By-Law No. 45/64A of The City of West Kildonan, for second reading.

MADAM SPEAKER presented the motion.

MR. WRIGHT: Madam Speaker, the City of West Kildonan is growing so fast that the council now finds it necessary or desirable to advance certain sums of money to its recreation commission that wishes to carry on certain capital works, and by making this advance to the commission it would be able to do that. It will be repayable as the bill says over the normal annual payments over a period of --I think it is seven consecutive years.

The other part of the Bill, Madam Speaker, has to do with the business tax, to bring the business tax in West Kildonan more into line with that of St. Boniface and the City of Winnipeg. I wish to point out, Madam Speaker, on the back page of the bill an error in the classes where it lists banks. It says principal or main Winnipeg branch. That should be West Kildonan Branch.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. DESJARDINS presented Bill No. 60, an Act to validate by-law No. 140 of the St. Boniface School Division No. 4 and to Repeal an Act to validate by-law No. 117 of the School District of St. Boniface No. 1188, for second reading.

MADAM SPEAKER presented the motion.

MR. DESJARDINS: Madam Speaker, I should say I was informed by the Minister of Education that he has a bill that would cover all the points asked in this bill so I would be very pleased to follow his suggestion, and the solicitor for the school board also, and ask this House to proceed with second reading and that this bill may be allowed to die in committee. We're satisfied with the other bill.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. MORRIS GRAY (Inkster) presented Bill No. 73, An Act to amend The Horse Racing Regulation Act, for second reading, and requested that it be referred to The Law Amendments Committee for further consideration.

MADAM SPEAKER presented the motion.

MR. GRAY: Madam Speaker, just a few years ago we had given the horse racing organization permission to run races for 42 days. This 42 days takes up over two months, because Monday they run, Tuesday they don't run. In the meantime, they are sitting, those who attend the horse races and those who want to spend their last dollar down there, unrestful. The business people on Portage Avenue are complaining bitterly that during the summer two months their business is so little they might as well close up shops, and their revenue, the revenue with their business tax, amounts to very very large sums of money. Particularly are complaining these corner stores. They lose their money because a few -- I don't know whether they go to the races or not but some of those who go can realize that only 98 or 99 percent ever win and if they play the popular horse they pay \$2.00 for a ticket and they get back \$2.25 so they make 25 cents and then they've got to pay for admission fee and parking and any other expense which they have. In my opinion that horse racing reaches a sport in a way, outside of gambling, is 21 days more than is sufficient, more than sufficient and they don't need 42 days, so I'm not just trying to deprive the revenue of the province and I'm not also trying to deprive the revenue of the organization operating the institution called horse racing. So I feel that 21 days should be sufficient and not create a scare among the business people in the City of Winnipeg who are suffering from the two months nervous disposition on the part of the people. And who goes to the races mostly? Ninety-five percent of those going to the races are waitresses, clerks, people that cannot afford to lose. People came into me where their husband left the rent for the wife to pay and somebody persuaded her to go to the horse races and they said they had a very very good tip for them, and finally they lost their money and they lost the rent, and you can imagine the tragedy at their home at that time. So I feel this way, that I don't think I could persuade the House to eliminate horse racing, but I think 21 days is absolutely sufficient and gives the merchants an opportunity to do a little bit of business to cover their high rent and their high taxes. The tourists come here and before they buy anything in the stores, they usually go first to the horse races and they come back and they have no money to buy. So I appeal to the House, there may be other arguments against it, but I appeal to the House, let us go to the Law Amendments Committee and if they find after the presentations which will be made

(MR. GRAY cont'd.) that this is a voice in the wilderness, let's put it this way, then they could probably change it, but I appeal to you all, please let it go for second reading.

MR. DESJARDINS: Madam Speaker, I wonder if the honourable member would permit a question. What guarantee has he got that the housewife will not lose the rent money in those 21 days?

MR. GRAY: I absolutely have no guarantee, except she could go for 21 days and not support it for two months. That's the only answer I can give you. I have no guarantee at all. I'm not depriving the people from going to the horse races. All I want is give the people an opportunity to know that they're not going to close shops, the merchants in particular, for two months, if you close it for 21 days.

MR. STANES: Madam Speaker, I appreciate the sentiments of the Honourable Member from Inkster. There are undoubtedly some cases of hardship, both on the part of the gambler and of the creditor and other people, but one must also remember there are very large numbers, probably a large majority, who stay within their means that thoroughly enjoy horse racing, and find it very beneficial recreation. If one is going to take horse racing and gambling, why stop there. There's many other sports, so-called, which do harm, people who put more than they can afford on them, who create hardship to others. The reason I cannot support this, Madam Speaker, is purely because the government of the day -- I think it was in 1952 -- came to an agreement with the horse racing people and gave them the amount of racing of 42 days. It was on that basis I imagine they did their capitalization and so on to discover whether it was possible. I think at this stage we cannot renege on that early agreement. Therefore I cannot support this bill in principle.

MADAM SPEAKER: Order. The Honourable Member from Rhineland.

MR. FROESE: Madam Speaker, I just wanted to put my views on record. I will support the bill on second reading. I'd like to see it go to committee so that we could discuss it in committee and probably hear representation on it.

MADAM SPEAKER put the question and after a voice vote declared the motion lost.

MR. GRAY: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Who was that please?

MR. GRAY: I just would like to be on record. Madam Speaker, I ask for the yeas and nays, please.

MADAM SPEAKER: Call in the members. Order please. The question before the House is the second reading of Bill No. 73.

A standing vote was taken, the result being as follows:

YEAS: Messrs. Barkman, Cherniack, Froese, Gray, Harris, Paulley, Peters, Schreyer and Wright.

NAYS: Messrs. Baizley, Beard, Bilton, Bjornson, Carroll, Cowan, Desjardins, Evans, Groves, Guttormson, Harrison, Hillhouse, Hutton, Jeannotte, Johnson, Johnston, Klym, Lissaman, Lyon, McDonald, McKellar, McLean, Martin, Moeller, Molgat, Patrick, Roblin, Shewman, Shoemaker, Smellie, Smerchanski, Stanes, Steinkopf, Strickland, Tanchak, Vielfaure, Weir, Witney, Mrs. Morrison.

MR. CLERK: Yeas, 9; Nays, 39.

MADAM SPEAKER: I declare the motion lost.

MR. PAULLEY presented Bill No. 74, An Act to amend The Judgments Act, for second reading.

MADAM SPEAKER presented the motion.

MR. PAULLEY: Madam Speaker, I think the objective in the bill that I have proposed is very evident. Under The Judgments Act at the present time the amount of residue of an estate or property under which there is a judgment against, at the present time in the Act, leaves to the debtor a sum of \$1,500 at the present time. The objective is to double this amount to \$3,000.00. I propose this resolution, Madam Speaker, in view of the fact of the increasing values of property as of today by comparison with what they were prior to the revision of the statutes in 1954. I think that it would bring into a more realistic figure, the amount that a debtor under judgment may be exempt for or have still an interest in, in respect of his property.

I might say, Madam Speaker, that under The Judgments Act, being Chapter 29 of the revised statutes, there appears in one of the clauses reference to land so that the debtor who is under judgment may retain 160 acres or a quarter of a section. I have not attempted to increase this amount in acreage, Madam Speaker, because I feel that the relative value of the acreage has increased during the period of years since it was first enacted. However, Madam Speaker, such is not the case insofar as a home is concerned and therefore I am proposing this increase. This is one of those Acts that I'm sure that simply by omission hasn't been looked

(MR. PAULLEY cont'd.) . . . at over a period of years, and I think that it would be more realistic to have the figure of \$3,000 in The Judgments Act today, instead of the figure of \$1,500.

It may be, Madam Speaker, that I am not suggesting a high enough figure due to the increasing values of property. However, if there is any argument or consideration to be given to increasing this amount, or changing it, I respectfully suggest that this could be done at the Law Amendments Committee. As you well know, Madam Speaker, we are considering the possibility of increases in The Garnishment Act and other Acts, to bring them up, of a more realistic nature, in the light of today's costs and today's appraisals; and that is the purpose behind me introducing this bill at this particular time, and I recommend it to the House.

HON. STEWART E. McLEAN, Q. C. (Attorney-General) (Dauphin): Madam Speaker, I have no objection to this bill receiving second reading but would like to say that in Law Amendments Committee it will be suggested that this bill be referred to the Committee on Standing Orders and Regulations to be considered along with the consideration that that committee has already been asked to give to The Garnishment Act. I believe that this Judgments Act, and the amendment that is proposed, are part and parcel of the post-judgment recoveries and ought to be considered together. I am prepared to vote for it on second reading, having indicated my view as to what might be considered in Law Amendments Committee.

MR. HILLHOUSE: Madam, I feel as the Honourable the Attorney-General does. I think that this bill should be supported in principle, but I do believe that it should be referred to the Committee on Statutory Rules and Regulations. I think too that when we come to consider that along with The Garnishment Act, that we should also consider The Executions Act, because I believe The Executions Act is just about as archaic and out of date as the present Judgments Act.

MADAM SPEAKER: All those in favour, please. . . .

MR. PAULLEY: Madam Speaker, if I may just say a word in closing the debate if nobody else wishes to speak, I want to say that I accept and thank the Honourable the Attorney-General and the Member for Selkirk. I'm quite prepared, although I had my reservations insofar as The Garnishment Act is concerned, I'm quite prepared to accept that. I think, Madam Speaker, my purpose has been fulfilled as a result of a scrutiny of some of the Acts, and I'm not sure of the Exchequer Act or Execution Act was it -- what it says, but this particular Judgments Act did come to my attention while perusing the statutes of Manitoba when I should have been enjoying a holiday. So, Madam Speaker, my purpose has been served, that I have drawn it to the attention of the House. It seems basically in principle that my contention has been accepted that it should be reviewed and I'm satisfied with this for the time being.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. M. E. McKELLAR (Souris-Lansdowne) presented Bill No. 83 an Act Respecting the Rural Municipality of Victoria for second reading.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. DESJARDINS presented Bill No. 88, an Act to validate By-law No. 4525 of the City of St. Boniface for second reading.

MADAM SPEAKER presented the motion.

MADAM SPEAKER: The Honourable Member for St. John's.

MR. CHERNIACK: Madam Speaker, I have read the by-law. I can understand what it says but I don't quite understand the basis on which it is necessary to have a special Act in order to enable this to be done. I'm wondering whether this is in any way a contravention of the zoning requirements of the City of St. Boniface or indeed of the Metropolitan Corporation of Greater Winnipeg, and I would like to inform my honourable friend from St. Boniface that I would look forward in committee to enquiring about that aspect of this by-law, the reasons for doing something which apparently is contrary to some law and the reason why it has to be brought in this way. I thought it was only fair that I suggest it and I will of course support the second reading.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. KLYM presented Bill No. 42, an Act to amend The Metropolitan Winnipeg Act (2) for second reading.

MADAM SPEAKER presented the motion.

MR. KLYM: Madam Speaker, this bill is in connection with the Greater Winnipeg Water District line traversing the municipalities of St. Boniface, Tache and the local government

(MR. KLYM cont'd.) district of Reynolds. Instead of a tax on their property through which the line traverses, Springfield up till the present time has been receiving \$4,000, Tache \$1,000 and the local government district of Reynolds \$2,500.00. The last time that the council of Metropolitan Winnipeg met along with the municipalities concerned, they agreed to the following changes. The Rural Municipality of Springfield is to receive \$15,000, Rural Municipality of Tache \$3,750, the local government district of Reynolds \$2,500, unchanged.

MR. FROESE: Madam Speaker, if I may briefly comment, I notice the figures given \$4,000, \$1,000 and \$2,500, yet in the bill itself you find that in one case they are willing to contribute 2-1/2 times as much, in another case more than that, and the largest amount, you'll find it's almost four times, but why the discrepancy here?

MR. KLYM: Madam Speaker, I don't see any discrepancy. The agreement was unanimous. The thing is they had agreed to use a figure of \$20,000 for Springfield and a quarter of that for Tache, which is \$5,000 and leave the local government district of Reynolds unchanged. Then to compromise the municipalities concerned agreed to 75 percent in each case; for example, out of \$20,000 they agreed to 15,000 and 75 percent of course of \$5,000 is \$3,750.00.

MR. GRAY: May I direct a question to the mover of the bill? Does this bill in any way interfere with the rights and privileges of the Metropolitan Corporation?

MR. KLYM: I do not know if it's interfering.

MR. GRAY: Why couldn't they do it, instead of you bringing a bill in here.

MR. SCHREYER: Madam Speaker, the Honourable Member for Springfield was answering a question, in which case I would beg to move, seconded by the Honourable Member for Seven Oaks that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. COWAN presented Bill No. 85, an Act to Validate By-law No. 2169 of the Rural Municipality of Rockwood and By-law No. 713 of the Town of Stonewall for second reading.

MADAM SPEAKER presented the motion.

MR. COWAN: Madam Speaker, both of these by-laws which are to be validated deal with the capital fund raised for the Rockwood Stonewall Medical Nursing Unit. The original by-laws can be found in the Statutes of Manitoba 1951 as the Schedule to Chapters 87 and 89. The reason for the two by-laws, the new by-laws, is that the flat rate imposed by the original by-laws is raising too much money due to the increase of the population of these two municipalities. The new by-laws will, in the case of the Town of Stonewall, enable them to impose only such flat rate as will raise the required amount and in the case of the Rural Municipality of Rockwood will enable them to raise the required amount by a mill rate rather than a flat rate.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. ROBLIN: Madam Speaker, may I suggest that you now call the Resolution with respect to the Highway Safety and Highway Traffic Committee.

MADAM SPEAKER: The adjourned debate on the proposed motion of the Honourable the Provincial Secretary. The Honourable the Member for Brandon.

MR. LISSAMAN: Madam Speaker, I was a little concerned after listening to earlier speakers in this debate. They appeared to leave the House with the impression that more laws might save lives and that there had been some unnecessary delay, and the committee had been laggard in its duties and that there was general cause for discomfort with the committee. However, I think the Honourable Member for Elmwood put matters in their proper perspective the other night when he emphasized to this House the need for enforcement.

Now another thing that disturbed me a bit is, I was a bit concerned and wondered if the pattern that seems to be developing on the reports of these committees -- we had the incident of the closed door, and now parties raising objections to the report of committee, is this a developing instance of bad faith? I think the parties should criticize their own members if necessary, but not necessarily the actions of the committee. This committee was well constituted. We must remember that it was delayed by the summer session and subsequently the Minister was otherwise engaged, through no particular fault of his own, but the committee brought in a unanimous report and this is no mean achievement from a committee dealing with such controversial matters and a matter in which many people have many different views as to what promotes various degrees of highway safety. And I can recall only one objection, real objection, being raised during the committee stage and that was by the Honourable Member for Selkirk, who raised the very reasonable objection that a Ministerial Committee had been

(MR. LISSAMAN cont'd.) . . . appointed to look into The Highway Act and the entire Highway Safety Committee agreed with the honourable member and decided and agreed to route the reporting of this Ministerial Committee through the Highway Safety Committee and then following this recommendations would be made to the House and I am sure that we would have worked and deliberated upon this to a greater extent than we did, but due to the illness of the gentleman who was preparing material in this regard, this became impossible. Now the committee is going to sit again. There is, granted, much work to be done but I must emphasize that the committee was unanimous in its report and then for members to come into the House and parties raise objections to a unanimous report, seems hardly to meet with my idea of reasonable fair play. As members will realize, we agreed that we recommend driver education and training to this House, that we recommend the compulsory mechanical inspection of motor vehicles and all down the line I do not recall any disagreement upon the matter of the report.

Now, one objection was raised in the House to the matter of the organization meeting of the committee, but this is not unusual. First of all, you have to constitute a committee and I can remember in years past under a previous government, driving in here 135 miles just simply to constitute the committee and driving home again, and this is what occurred in this particular instance. The committee was constituted and set up this one day and the members returned to their homes. So this is not unusual, and I don't think it's any -- while it leaves much to be desired it's not a thing that hasn't been done before and not at all unusual. But I do regret the rather unfair criticism of the committee by parties who have members who were part and parcel of this committee and then wait until the report comes in and they jump on it and criticize it.

I think the committee did a very creditable job. As I mentioned before the time was short due to the summer session and the unfortunate occupation of the Minister but these are things that happen and I am looking forward to this committee taking into consideration the entire Highway Safety program and the Act between this and the next session, if the House will agree, and I think this is the proper thing to do. A good start has been made; recommendations have been made to this House that are well worthwhile and in the future, as I see it, the recommendations will certainly be worthwhile. In the meantime I must agree with the Member for Elmwood, and I think all committee members would agree, that the problem really in highway safety -- we have a multitude of laws on the books and it's the observation and abiding by these laws that really will promote highway safety and all the good intentions in the world and all the Acts put on the books will not promote highway safety till there is enforcement and thorough co-operation from the public of this province.

MADAM SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Madam Speaker, I would like to make a few comments in connection with this report brought in by the committee. I think that the committee will be able to do some good now that it's reconstituted and they have special items listed here that they are going to review, such as the points raised in No. 4 in connection with the matter of reviewing the existing penalties for driving infractions under The Highway Traffic Act. I have one suggestion to make in this respect and that is in case of juveniles where they get into trouble that they probably get suspension of their licences, but only have those effective over the week-ends or during non-working hours, so that they would not be deprived of using the automobile when going to and from work, but have it in effect during non-working hours and over week-ends and I think this would be most effective if this were to take place.

I also have another item that I would like to bring to the attention of the committee and that is that I would like to see temporary licences issued to younger boys and girls who are working on the farm during harvest season, that a temporary licence be issued to these youngsters to help on the farm and this could be just for a month or two months and our boys of 14 and 15 could be put to use in that way. This would be appreciated by the people of this province I'm sure and while they are presently doing it in many cases, why not legalize it in this case. Many of these youngsters can drive an automobile and a truck quite well at that age. I know of so many that learn to drive a car or a truck on stubble fields after they have been harvested and that's an ideal way of having a youngster learn to drive an automobile or a truck. You have an open field, nothing can happen, nothing can go wrong, and that's where they can get the feel of the wheel and of the automobile. So I see nothing wrong with this and I think the committee should consider this.

I think they've got some other very valuable points -- the one in No. 5, having special reflectorized licence plates or also to have a special reflector for slow moving implements and

(MR. FROESE cont'd.) so on. I think this is very good and if it was a standardized one people would recognize this and this could be a lifesaver in many instances. So I hope the committee takes these suggestions and I wish them well.

MR. STEINKOPF: Madam Speaker, in closing the debate I would like to make a couple of points in relation to the report that was submitted by the committee and the comments that have been made since the report was tabled. Apparently there is still some confusion between what the committee was asked to do in that it consider matters of safety in relation to The Highway Traffic Act and other matters that might be pertinent, but there are many matters dealt with in The Highway Traffic Act that do not directly deal with the matter of safety and it is in that field that I think that most of the criticism has been levelled.

The matter of safety is a very broad subject and there are many who feel that any work in the field of safety is still in its infancy and isn't productive of too much in the way of concrete results. However, the committee in its deliberations, short as they may have been, came up with some very specific and definite conclusions and probably one of the most important is the first recommendation that the committee made and I'm going to read it. "That the driver education and training at the high school level is desirable and necessary on a contributory basis. In order to achieve this purpose, courses should be given after regular school hours, on Saturdays and during holidays. In addition to the training course for driving and traffic rules, a further course on the effect that alcohol, drugs and special equipment have on safe driving should be an integral part of the course."

Now this matter was discussed at great length and it was, as you see, a unanimous conclusion, decision, that was recommended. In the course of arriving at this conclusion, the question of driver age was taken into consideration and the committee felt that the driving age should be left at 16 years of age but that a course in the high school should be compulsory for anyone receiving their first licences and that up to a period of 18 years of age. The worst accident rate, as we know, is not at the 16 or 17-year old level, but between the ages of 20 and 25 and that a 16-year old driver is not a worse driver than one of 18. The thought was that if a licence was granted only after the course was taken, that the pupil would be willing to absorb more in the abstract subjects as those that are not directly related to the skill of driving, but those that have to do with the moral responsibility of driving, the privilege that one has when one receives a driver's licence and how to respect that privilege -- that they would absorb more of such matters as education on the effect of alcohol and other such things have on someone who is driving.

And I have here an article from a magazine called "Span" that is right on the subject and I quote: "When dad was a teenager learning to drive, his car had about 60 horsepower and was one of 30 million motor vehicles on the nation's streets and highways. Today his teenage child learns to drive a car with three to five times more horsepower on highways carrying more than 82 million motor vehicles. It's apparent that training competent drivers is both more important and more complex than when dad first lurched along a secluded country lane in the family car years ago while his father shouted instructions and perhaps epithets. Today some 1.4 million teenagers across the nation" -- and this is the United States -- "are enrolled in driving education programs offered at more than 12,000 high schools. Driver education has conclusively proved its value in producing skilled, safe young drivers. Its effectiveness is emphasized by the fact that many insurance companies reduce rates to young drivers who have successfully completed driver education courses."

The Honourable Member for St. John's queried the part in the recommendation that referred to a contributory basis and I would like to explain that the cost of running these courses, being outside of the regular curriculum, we felt should be borne in part by the students themselves, particularly in view of the fact that when they are finished with the course they will be eligible for and will receive their licence.

It was also recommended that the licence may be of a different colour or have some special significance for the 16, 17-year period and that in the light of some violations, that might otherwise be considered more of a minor nature, that the licence could either be lifted for a specific period or maybe for the total period of the 16 and 17-year age limit.

Another recommendation that the committee made after careful consideration was the matter of the use and practice of having a breathalyzer. The committee decided that there wasn't enough evidence to warrant the recommendation of the use of a breathalyzer. Up until the time the committee met, the general opinion, particularly in the field of law, was that a breathalyzer was not a fair and legal way of testing alcohol in the blood stream.

(MR. STEINKOPF cont'd.)

However, to show you how fast this matter and this problem of safety in dealing with those who drink is moving, since the committee made its recommendations the Canadian Bar Association has come out very definitely and very conclusively, with a recommendation that breathalizers be adopted and the Criminal Code be amended in such a fashion as to make them completely legal in every province. In the Globe and Mail of March 27th, "MLA Wants Breath Test Compulsory. Provincial Secretary Donald C. Harper yesterday introduced a bill in the Legislature that would make breathalyzer tests compulsory for suspected drinking drivers." "The Amendment to the Motor Vehicle Act, one of several proposed by Mr. Harper, would provide a four months suspension of driving privileges for persons refusing to take the test." Provincial Secretary Harper is the Provincial Secretary of the Province of New Brunswick. The recommendations of the Canadian Bar Association which was arrived at on March 2, 1965, is as follows: ". is making unlawful the driving of a motor vehicle by a person with a blood alcohol level to be fixed by the legislation provided: (a) That the level should not be less than .08 percent, or 8 parts per thousand of alcohol in the blood; (b) That the blood alcohol level be determined by analysis of breath only; (c) That the accused is offered a sample of the material to be tested to determine the level; (d) That the analysis on behalf of the Crown prosecution is conducted by a duly qualified technician; and (e) That the accused must be afforded the opportunity to cross-examine everyone who takes part in the taking of the sample and analysis of it, including the person who is responsible for the maintenance of the equipment used in the analysis." And then it goes on in further detail; but it is a very positive recommendation and this prepared by a special committee of the Canadian Bar Association with representative lawyers and Crown Prosecutors, and in one case, a judge, a magistrate from various parts of Canada.

Another important recommendation that the committee made was that on vehicle inspection. This of course has many effects on safety, particularly in the used car field and it's a type of recommendation that will take a little bit more consideration before it can be implemented, particularly in the province.

The Honourable Member for Selkirk had some unkind things to say about me and particularly suggested that I should be held in contempt. I know that the opportunities to sound off and to make headlines in a debate like this, as per the headline that he did make, are not too often available and he lost no time in making the charge.

The Honourable Member for Brandon has just made an explanation and I have searched every record, both directly and indirectly, to find out if there was any contempt, and certainly can't find anything other than maybe a hurt feeling of the Honourable Member for Selkirk. At the first meeting that we had he made his protest known that he thought that the citizens committee that had been appointed should report to the special select committee of the House. This was unanimously agreed on and he appeared satisfied and our meetings were conducted in that atmosphere until the final meeting. All meetings were well attended and I think the deliberations were very businesslike and we got a lot of work done.

The matter of the revision of The Highway Traffic Act was something that concerned me from the moment I took on this position and we had worked on it long before the Committee of the House was appointed. The work of The Highway Traffic Act, as you can imagine, is a rather detailed type of work -- isn't the type that is normally handed to a committee of this type; and as a matter of fact, the committee that did work on it, broke up into various sub-committees and each sub-committee had a minimum of 27 meetings. And were it not for the fact that the draftsman who was retained to put the bill together became ill, a revision of The Highway Traffic Act would have been available for this session. I suggest, Madam Speaker, that we did; the committee did do its work faithfully and well. There's an editorial in the Winnipeg Tribune of January 23rd which reads as follows: "Special Legislative Committee do not always take themselves as seriously as does the Committee on Highway Safety. This dedication to the task set it by the last session of the Legislative Assembly is therefore to be highly commended as befitting the important task entrusted to it." This is dated January 23, and it goes on to suggest that we should act a little less gingerly in connection with some of the recommendations that they thought we were going to make. But they did say that the committee had attended to its knitting and did do a good job. I was very disappointed in the comment that most of the members of the committee made, who took the opportunity to speak, those particularly from across the way, because they were not too constructive.

There was one good suggestion made by the Honourable Member for Seven Oaks and that

(MR. STEINKOPF cont'd.) is a reflectorized type of sign for slow moving vehicles on highways. This is a type of recommendation, I think, that would go a long way to creating the spirit and the actual work of the Safety Committee. But safety is something that you can learn about almost every day. On the way down here this evening, I had two classic examples of not knowing everything that there is to know about safety. First of all, on Grant Street a fellow came along with a front end loader and he was running it backwards; and his lights were on the back and there was nothing on the front; and he almost careened off a bus because the bus didn't see him coming along. On another street, being such a beautiful evening, the children were out a lot later than they had been; they got their bicycles out and a child coming down the street, the bicycle ran right into a car because it was dusk, it was dark, and he didn't see the car. Safety is something that you can't talk about. I don't know whether you can legislate safety or not; but certainly you won't do anything about it by getting up and criticizing something in which you had a good part of seeing work and in recommending.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MR. ROBLIN: I was going to call the Committee on Ways and Means, but I see the honourable member is not in his seat. I'll therefore call the debate on the Legal Aid Resolution, if you please, Madam Speaker.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Attorney-General. The Honourable the Member for Brokenhead.

MR. SCHREYER: Madam Speaker, I'm sorry I wasn't aware that I might be called now. I could speak in five minutes, however, or ten. So if the First Minister would like to call some other item and come back to this.

MR. ROBLIN: Well it doesn't matter, Madam Speaker, because we've lots of business tonight. We can call it tomorrow. Then I would inquire whether the Honourable Leader of the Opposition wishes to speak tonight on the constitution.

MR. MOLGAT: No, I would ask that the matter stand, Madam Speaker.

MR. ROBLIN: In that case, Madam Speaker, I'll move the Committee of Supply. I move, seconded by the Honourable the Attorney-General, that Madam Speaker do now leave the Chair and the House resolve itself into Committee to consider of the Supply to be granted to Her Majesty.

. continued on next page

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried, and the House resolved itself into a Committee of Supply with the Honourable Member for Winnipeg Centre in the Chair.

COMMITTEE OF SUPPLY

MR. McLEAN: Mr. Chairman, before you begin calling the items, there were a number of questions that I was asked and I would be glad to make some answers now, if that is satisfactory. First of all, the Honourable the Member for Seven Oaks raised the question of jurors pay and I have to apologize to him that I had forgotten about Chapter 40 of the Statutes of 1963 wherein there was provision made for making additional payments to jurors in those cases where the presiding judge felt that the juror had suffered undue hardship by reason of his attendance at the court, and allowing the presiding judge to make a recommendation to the Attorney-General that additional fees be paid to a juror and upon receiving this recommendation the Attorney-General may in writing require the Provincial Treasurer to pay the juror remuneration in addition to that which he is entitled. But I must point out, not exceeding \$3 for every day; in other words, there could be a maximum of \$12 under those cases. And then a further provision that where the person summoned for jury duty resides more than 30 miles, there may be out-of-pocket expenses in addition to the normal travelling expenses. I have this to say to the honourable member and the members of the committee, that there have been occasions when judges have recommended that and I'm informed from a recent assize the presiding justice is making a recommendation and certainly it will be observed. I overlooked that and as a matter of fact completely forgot about it when we were discussing the matter of jury pay yesterday.

There were two questions asked by the Honourable Member for Lakeside with respect to legal fees and also gratuities to discharged prisoners, both for the year ending March 31, 1964. And subject to what I said that I wasn't certain that the accounts were in full, these are approximate amounts as we have them at this moment. Legal fees amount to \$25,300 -- and I would point out that that item includes the payment to counsel assigned to indigent persons during the year and also legal fees paid in respect of the Tallin Commission on mortgages, plus other legal fees paid in respect of the various items of the department. And gratuities to discharged prisoners, \$1,900 -- that's a rounded figure; I think perhaps that may, but it won't vary too much from there.

The Honourable Member for Inkster asked a question concerning the age of persons who were in jail on drug addiction charges and I want to make it clear that I'm only reporting on those in the jail at Headingley -- there are undoubtedly those who are in the penitentiary on such charges -- and also make it quite clear that drug charges are federal matters and not prosecuted by the Attorney-General's Department -- but of the eighteen drug addicts, that is persons in Headingley jail in respect of charges of drug addiction mentioned in the annual report, all were older men. The youngest was 35, and I pause here to say that I don't regard that as being very old, but in any event, the youngest was 35 and the remainder for the most part in the 50 to 60 year age group and at present there are three in Headingley jail all over 50 years of age.

The Honourable the Member for Ethelbert Plains raised a question about a 13 year old and a 14 year old boy being in the rehabilitation camp at Cache Lake and we have had an investigation made and the information is that there has never been a 13 or 14 year old boy at the camp. It is possible that a 17 year old raised to adult court may have been sent to camp but there is no such person there at the present time, that is the information that I was able to secure but in any event, wish to make it clear that we have not had anyone 13 or 14 years of age in the camp.

The Honourable the Member for Ethelbert Plains also asked concerning the tree planting and I'm glad to give him the information in some detail. These are trees planted by the inmates of Cache Lake Camp. Cache Lake Creek, ten acres of area burned in 1961 replanted to white spruce and pine. Childs Lake extended camp area by two acres, planted and transplanted trees and shrubs. Wellman Lake cleared park area, replanted with white spruce, red pine and shrubs. Cache Lake Road planted two rows of white spruce and red pine along road; also planted Scotch pine along north side for one mile and along south side for three quarters of a mile. Plantation at Cache Lake - 250 acres prepared by ploughing, 36,000 white spruce and 800 red pine seedlings from Hadashville Nursery planted there. Plantation at Shell River 225 acres prepared and planted with 83,500 white spruce seedlings from Hadashville and 9,000 from roadside growth transplanted into plantation. Singush River 2,000 red pine seedlings planted; Boggy Creek 100 scotch pine planted; Swan River 100 scotch pine planted; Cache Lake Nursery, which

(MR. McLEAN cont'd) is one mile from the camp, divisions made in Nursery with 300 red pine and 800 scotch pine, central area planted with 3,500 oregon blue spruce, 3 seed beds 140 feet by 4 feet and 6 seed beds 160 feet by 4 feet planted with 21 different types of shrubs which can be expected to produce 100,000 shrubs in three to four years. It will be noted, Mr. Chairman, that all of this took place in relation to the Cache Lake rehabilitation camp and in the Duck Mountain Forest Reserve.

I think there was one other, oh yes, I think I perhaps didn't make too adequate an answer with regard to the matter of educational opportunities available to the inmates. I wanted to just take this opportunity to say, I mentioned the library, there is a very large library at Headingley jail which has a wide range of excellent books and I mentioned a gift which had been made by the John Howard Society just a short time ago. But what I particularly wanted to tell the Members of the Committee was that through an arrangement with the Department of Education, free courses are provided by the correspondence branch of the Department of Education to any inmate who is interested in making use of them and every encouragement is given to inmates to make use of these courses and there has been some use -- I would not be prepared to say that it has been very wide, but it has been used. And I thought I would just take the opportunity to say that, although not related to the jails, that we have completed our plans for the addition of what we look forward to being quite a good training in industrial arts at the Home for Boys. These arrangements have just been completed and this is an additional educational facility which will be provided at the Home for Boys in Industrial Arts.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Mr. Chairman, I want to thank the Honourable the Attorney-General for the information. As to the two lads that were supposed to be there and weren't there, it so happens, Mr. Chairman, that one fine evening I went to my cottage and behold somebody had broken into it. They had also taken the canoe from beside the cottage down to the lake. I heard quite a bit of noise down there, so I went down to see what was going on. There were two young boys and I say, according to the ages given to me, one was 13 and one was 14. They were there accompanied by a guard. They went out of bounds and just had been picked up, so there is no question at all about them being at this camp. Now as to why there is no record of them being there I don't know but this is factual because it happens that I spoke to the lads and they couldn't have been anywheres near 17, they were just young boys. And incidentally Mr. Chairman, they both came from the Town of Dauphin.

MR. CAMPBELL: Mr. Chairman, when the Honourable the Minister was giving the answer to the couple of questions that I had asked, he mentioned that these were for the fiscal year ending March 31, 1964. That was a slip of the tongue only, I think. It is 65 I'm sure, because the 64 ones of course are in the public accounts that I was quoting.

MR. CHAIRMAN: Resolution 49, 6 (a) passed, (b) passed. Resolution No. 49 passed. Resolution No. 50 7 (a) 1 passed.

MR. MOLGAT: On this subject, when speaking on the Minister's salary I made some comments about the delay in proceeding with the Home for Juveniles here at Vaughan Street and I had understood the Minister to say that it was being deferred in the program, that there were other priorities and this would be a later priority. In his subsequent reply he indicated that I had either misunderstood him or not listened to him, because that wasn't the case, that he was going to proceed at a much earlier date on the Vaughan St. replacement. I wonder if he could indicate to the committee exactly what the plans are for the replacement of the Vaughan street home, when it will be started and where it will be located?

MR. McLEAN: Mr. Chairman, just very soon, I would anticipate within the next two weeks, a meeting will be convened of all of the people concerned in the general work of the Juvenile Court, Juvenile Family Court, together with the architects to outline the plan of the building and from that point forward I would anticipate that there will be no delay. We will follow the regular normal procedure with a view to having the construction completed as quickly as possible. I of course can give no indication of the time of completion. As far as I am concerned I would hope that it would be as soon as possible.

The location has not been finally determined. I'm not in a position to indicate or disclose any possible locations at the moment, because some negotiations with respect to property are pending.

MR. MOLGAT: Mr. Chairman, are there monies then in the estimates either current or capital for the construction of this facility in the next year?

MR. McLEAN: Between last year's capital and this year, sufficient as we now estimate the cost.

MR. MOLGAT: And do I take it that insofar as location that it will not be at the present location of the Vaughan St. building, that that building will be used for other purposes?

MR. McLEAN: It will not be at its present location and to the extent that the provision of alternative detention centre and court, Juvenile Family Court is provided, that space will be freed up in the present building.

MR. CHAIRMAN: 7 (a) 1 passed.

MR. PAULLEY: I just want to ask the Minister a question or two in connection with this Item No. 50. I'm somewhat hesitant in raising this matter and I want it clearly understood that generally speaking I'm not raising any severe criticism of a group of people who are endeavouring to do their part in helping out young girls who may be unfortunately under adverse circumstances in the City of Winnipeg but I feel that I must refer to newspaper items that appeared in the Winnipeg Tribune and also the Winnipeg Free Press in the early part of February dealing with Roslyn House. I read these reports, Mr. Chairman, and I was greatly disturbed at the report that was given -- and I'm referring now to a Tribune report of February 9th wherein it says that Winnipeg's Roslyn House, a home for disturbed girls at 422 Assiniboine Avenue will ask the Provincial Government to meet a deficit of \$6,912.00 for the year 1964. The article then goes on to mention a number of teenage girls from 14 to 16 who have been placed in Roslyn House by the Childrens Aid Society and the Manitoba Juvenile Court. The gentleman who is quoted, Mr. Elmore, in this article says that an agreement had been reached between the Attorney-General's Department which would guarantee at least a substantial amount of the deficit. Other items in the press around the same period, Mr. Chairman, makes reference to increased staff and personnel which has been hired apparently in this particular house and this has added greatly to the cost. Whereas the cost was as I understand it in 1963 the average cost was \$5.50, for 1964 it increased to \$8.07 per day. As I say, Mr. Chairman, I was disturbed by the reports themselves because it seemed to me that on the basis of the meeting that was held in the Investors Syndicate Building; that there was some stigma attached to the girls who were in this particular house which may or may not, and I sincerely trust that it does not, last with them for years to come.

I want to know from the Honourable the Attorney-General first of all, is there included in the amount of the estimates now under consideration, I presume it would be in Item No. 50, for an increase in the amount or at least a contribution to this House as they call it for disturbed girls; and I'd also like to know from the Honourable the Attorney-General whether or not his department lends any assistance to the volunteer group that conducts the affairs at this home. At least Mr. Chairman, I understand that it is generally speaking a group of individuals who are concerned with our young girls who voluntarily as far as they are concerned give of their efforts and time to Roslyn House; and then as I mentioned, there has been a considerable increase in staff, and I presume the staff is professional, and from an article in the Winnipeg Free Press of February 11th, mention is made that the staff is now composed of six full time members and five part time which include a psychiatrist and five social workers. Formerly the staff consisted of seven full time members none of whom had any formal training in the handling of teen-age girls with problems. I would be very interested Mr. Chairman, to hear any comments that the Honourable the Attorney-General may make insofar as this situation is concerned. And as I said at the offset of my remarks I raise this question only in hesitation because I don't want any adverse criticisms or publicity given which might adversely affect the future of the girls.

MR. McLEAN: Mr. Chairman, this item of expenditure would come under the next appropriation, Detention Homes, but I have no objection to just telling the Leader of the New Democratic Party what I know about Roslyn House and the general operation of it.

During the, I think it would be something like three or four years ago, perhaps five years ago, during the time that my colleague, now the Minister of Mines and Resources, was the Attorney-General, a group of citizens interested in providing half-way home facilities for girls discharged from our institutions, banded themselves together and collected a sum of money for the purpose of establishing such a home which they called "Roslyn House". They approached the government and there was an agreement which in effect was twofold -- one was a loan of money to the group to assist in the purchase and furnishing of the house which is located not very far from the Legislative Buildings here; and then the other was an agreement that the province would pay a per diem allowance to the Roslyn House for girls who were looked after in the home. There are basically two groups of people or two departments that are interested, namely the Department of Welfare through their association with the Child Welfare, Children's Aid people and ourselves in the Attorney-General's Department. Our interest is so far as the

(MR. McLEAN cont'd) Attorney-General's Department, is those girls who may be discharged from the Home for Girls, or alternatively, who may be directed to such facility by the Juvenile Court, having come under the jurisdiction of the court.

Now it is my understanding that in the beginning that this was regarded as a home, a facility which would provide a home for the girls, would see that they were provided with proper clothing, in some instances to assist them in obtaining training for employment such as business training or a hairdressing course or some training of that sort, and to provide a home for them while they were receiving that training and also to assist them in securing employment and providing them with a home until they had made an adjustment to the community generally.

I want to stress that this was a voluntary group and insofar as the management was concerned, the management is entirely under the jurisdiction of the group of people who formed the Roslyn House Association and in no way do we take any part in the internal management of the Association or of the Home.

The payment is on a per diem basis and it will be recognized that there will be fluctuations in the per diem rate due to the number of persons. A very simple illustration is that if they have 20 girls the per diem rate will be the cost divided by 20 per day, whereas if they only have 10, the rate naturally goes up because much of the cost remains constant, even though they have a fewer number. In actual fact there have not been too many persons referred and placed there by the Attorney-General's Department from the Detention Home or the Juvenile and Family Court or the Home for Girls. The last time that we were discussing this if my recollection is correct I think we only had three. The larger number of their total group has always tended to be persons placed there by The Childrens Aid Society or I presume also the Welfare Department, although I think it's almost entirely by The Childrens Aid Society.

Now there has been, and I'm now only speaking of matters which sort of come to me from general information, that perhaps there has been some problems with respect to staff in the Home, there have been perhaps some problems about the internal management. I see papers in the press from time to time and I gather that perhaps there are some differences of opinion about the operation of Roslyn House. I make no comment about that because I have not made any investigation and as I say we are not directly involved in the management of the Home, although naturally concerned about it insofar as those for whom we are responsible are concerned.

We did get into some difference of opinion about this per diem cost, and this arose because they had actually added a number of rather more highly paid people to their staff, there's some difference of opinion as to the circumstances under which they were added -- I mean some differences of opinion as to the circumstances under which they were added insofar as we were concerned -- and where we came into it was that we were called upon or asked to pay a higher cost and it also resulted in what appears to be a deficit in the operation of Roslyn House and I could only say at this moment that we have not resolved our perhaps difference of opinion about what is the proper amount to be paid by the province through the Attorney-General's Department to the Association. I'm hopeful that we will resolve perhaps our differences. I'm sure we will. However, a change has occurred, and here again there may be some differences, that when my colleague and the people in the department started out they were thinking in terms of a home, you might almost say a boarding home for the girls. It has tended now to take on more the character of a treatment centre and I'm really not so certain that it is a treatment centre that we are interested in or, put it this way, it was a treatment centre that was visualized when it was first established.

Now this is an area in which the experts can put up varying arguments on both sides and I hesitate to become involved in it except to say that there has been a change in the character of Roslyn House in that it is now endeavouring as I understand it, to act as a treatment centre. The problem that we have posed just speaking of the philosophical problem, the problem is that if we from the standpoint of the Attorney-General's Department if we are going to be involved in an institution which is providing treatment, then we have to consider whether that treatment might be better provided in our Home for Girls rather than in a voluntary institution in which we don't have the control over the types of treatment and the method of treatment and so on. I mention it only to indicate that there could easily be a difference of opinion there and that maybe give some of the background of it.

There is -- I was trying to find the figures -- it isn't so very much because as I say we have relatively few people that are paid for through the Department of the Attorney-General, but there is an increase because we are anticipating an increase in the rate -- well, I'm

(MR. McLEAN cont'd) sorry, I think perhaps -- yes the rate for girls is estimated for this year as \$5.80 per day, but the net result will be an increased amount of money in our estimates for this purpose.

MR. PAULLEY: I appreciate the remarks of the Honourable the Attorney-General in this regard, Mr. Chairman, but what he has told me, and he mentioned on one or two occasions about his predecessor in office, but what he has said to me, and I'm not suggesting that he has attempted to evade the question at all, but seems to be in conflict with the news reports of February 12th particularly, of the Winnipeg Free Press. Because in this article it states that -- and again, it may be that as the Minister says, and I am not arguing with him on this point, but there are a number who are sent to Roslyn Home as the result of the Juvenile Court. So I would suggest to my honourable friend that if this is so, irrespective of how many may be recommended to go to the Home as the result of action of one of the judges in the Juvenile Court, that very fact places an onus of responsibility, I suggest, on the Attorney-General's Department.

Now the Minister who just replied, the Attorney-General, said something, if I heard him correctly, of an increase of the per diem rate to somewhere in the neighbourhood of \$5.80. The report I'm referring to now, of the Winnipeg Free Press of February 11th, says that the per diem cost for each girl is \$8.07, a substantial increase over last year's figure of \$5.50. Now if the Attorney-General is right, Mr. Chairman -- and I don't dispute his figure -- that the department is considering an increase to \$5.80, it's still a considerably less sum than what the per diem cost was in the year 1964. And while I can understand, at least to a very limited degree, the Attorney-General saying, "Well, this was an organization, a voluntary organization, and we're going to let them go ahead." and I appreciate, as I mentioned earlier, volunteers taking part in affairs and in such places as Roslyn House, I think that if our courts do send, be it one, be it two, or be it a greater number of disturbed young girls to a residential home, then it immediately should become more of a concern, I would suggest Mr. Chairman, than that that has been indicated in the remarks of the Attorney-General. I note that in one of the items it refers to the fact that during 1964 the House provided accommodation and service for 34 teenage girls, and that the girls were placed by the Juvenile Court and the Childrens Aid Societies of Winnipeg and Eastern Manitoba.

It's not my purpose, Mr. Chairman, to pursue the matter further. However, may I suggest to the Honourable the Attorney-General that if the per diem rate is only going to be increased from \$5.50 to \$5.80, it's not a realistic figure at all; and secondly, and possibly even more important, is that if the juvenile courts are referring young girls, then it immediately, in my opinion, becomes clearly a responsibility of the Attorney-General of the Province of Manitoba to consider all requirements in a residential house of this nature, in order that those volunteers who are lending of their services to such a house, have the facilities in order to rehabilitate these young girls so that they can go on in life and be equipped and prepared for their futures.

MR. McLEAN: Mr. Chairman, I want to correct one point. I was in error. I now have this item; it's over on the next page, under the heading or the title there, Maintenance of Girls and Boys in Refuge Homes, and so on. The \$5.80 is the payment we make, sort of the first interim payment, and we are likely to be paying the rate to which the Honourable the Leader of New Democratic Party refers; that is only known, of course, after the operation for the year is completed and I note that we have included, and it will be seen there that we are increasing our monies for this purpose by \$12,500, which is obviously intended to take care of the increase. I would also point out that under this same general heading, we have girls, as I have indicated, going to Roslyn House and also to the Home of the Good Shepherd, and boys to MacDonald House and Dawson House. Now the argument that we ought to intervene more actively in the management, that's a good point. I may disagree but it's certainly not a point without its merit for consideration.

MR. PAULLEY: If I may, Mr. Chairman, just on the last comment of the Minister. It wasn't particularly that I thought the Department should interfere with management, but the Department should look closer into the affairs so that the Attorney-General or the Department can more readily answer the questions which may be raised by members in this House.

MR. MARTIN: Mr. Chairman, I'd like to ask one question. There's great public interest in Roslyn House and has been ever since it's been open. I would like to know whether Roslyn House is just for those who have been committed through the courts, or are there girls there who are problem girls who have not the stigma of the court upon them? When you mention about

(MR. MARTIN cont'd) the Childrens Aid Society -- but then the of the judicial site of it comes into it so much and I would like to be clear on that point, because you have in our community problem girls who have not gotten into that trouble and could be saved from a life of delinquency and crime if they had proper shelter. I was wondering what Roslyn House does in that field.

MR. McLEAN: Mr. Chairman, I can't speak for those who are there as a result of the interest by the Childrens Aid Society -- I certainly would assume that they have not been involved in any way with the court. So far as the girls for whom the Attorney-General's Department is interested, they could be girls who had been committed by the court; for example, could be a girl committed to the Manitoba Home for Girls; she has completed her term there and on her discharge she might be taken into Roslyn House there to be provided with a home while she had a period of training or began employment. That is one possibility and so to that extent, if it's a stigma to, that is in the sense they have been before the court because they were before the court before being placed in the Home for Girls. In addition, there will be other girls who come within the ambit of the court, the Juvenile Court, because of some alleged delinquency, but who may not be committed; they may simply be referred without having been formally dealt with by the court. It may be considered by the court that they would be better not to be committed, not to be, as it were, have their case dealt with, but rather to be placed in the Home, and this Home or any facility of this sort serves a useful purpose. But the point I am wanting to make, Mr. Chairman, is that they find their way to the Home through the medium of the Juvenile and Family Court, even though they may not have been formally committed, as it were, or convicted, to use the rather stronger but more, perhaps the more accurate term, by the court.

MR. MARTIN: Mr. Chairman, my point is that we have today and at no time more so perhaps than the present time, in all our communities, boys and girls, teenagers, who perhaps have never done anything to cause them to run foul of the law, but are problem cases, and it may be because they come from broken homes. And while we speak of Roslyn House in terms of treatment, I think what is needed perhaps today more than anything else, and essential, I think, is training homes or training schools for boys and girls who come from these homes, and perhaps through the friendly interest of the Childrens Aid Society or some other organization would be prevented from getting into trouble, and I think that perhaps in the not distant future that we shall do something to help these, and in that regard I'm not so sure in my own thinking that it should belong to the Attorney-General's Department, but rather I would imagine should come under the Department of Welfare and keep our relationship with the courts far removed from them and perhaps save them from getting into trouble.

MR. FROESE: Mr. Chairman, what would be the difference between Roslyn House and the other one, the Lady of the Good Shepherd, that was mentioned here? Are they similar? Are they doing the same, providing the same service, or what is the difference? How do you distinguish between the two?

MR. McLEAN: They would be providing essentially the same service. The Home of the Good Shepherd is operated by a group of the Roman Catholic Church.

MR. MOLGAT: Mr. Chairman, while we're on the subject of the Family Court, I'd like to discuss with the Minister and make a recommendation insofar as the use of that court in one specific field. There was some comment earlier -- I think it was on the general Minister's salary -- regarding abused children, or the more popular term, "battered babies"; and this apparently is a condition which is on the increase, not just in our own area here but right across our whole North American society. There are two specific problems, of course, attached to it. One of them is the question of getting after the parents and trying to prevent this. There is also the very serious other one, of the protection of the children who are involved and seeing to it that they do get medical attention as soon as this situation is realized. Apparently the experience is that the parents who are responsible for this generally do provide -- after the initial period when in a fit of temper, or whatever it is, they do this -- they do then provide medical attention for the children. The difficulty is that if this is then reported to the Attorney-General's Department, normally this means eventually the laying of a criminal charge, if the information is available, and this then comes up in the general court as a normal procedure. The danger in following this, of course, is that parents may not then take the children and give them the medical attention that they require for fear of the resultant case in a court and all the other difficulties that can arise.

I wonder if there wouldn't be some value in this, in changing the method that we follow

(MR. MOLGAT cont'd) for the prosecution of these cases. I think the first step would be to make sure that it is compulsory for doctors and hospitals to report any suspected cases. This should be done. In order to protect their position, I think we should then say, instead of sending these cases to the regular courts they should be handled in the Family Court where there will not be the same procedures exactly as in the other courts; there will not be the publicity that is normal in the other fields. And I realize that this poses some difficulties because I quite appreciate that justice should be done in an open manner. But here there is a very special case, that if we deter in any way the parents from seeking medical attention for these children, then it is the children who suffer from it; and that we have a responsibility in our society towards these children. So that we have to take here a balance between the two factors and I think that on balance we would be better off to have the children sent to a hospital immediately and then proceed in another manner than the one we are following now. So I would recommend to the Minister an investigation of this possibility, making it compulsory for the reports to go in but not handling it from there on through the normal courts and handling it through the family court who would follow this up through either a branch of the Attorney-General's Department or one of the voluntary societies who can do this such as the Children's Aid or whatever other group is chosen, so that we do get both sides of this question settled as best we can, because I do think that there is here a growing problem.

. . . . continued on next page

MR. CHAIRMAN: 7 (a) 1 passed. 2 passed.

MR. CHERNIACK: Mr. Chairman, on the question of 7 (a) 2 Probation, I wonder if the Honourable Minister could give some indication as to the use that is made of the probation officer. I recall that when he spoke several days ago about the report of the probation officer, I think he was dealing about it in the Carver case, but it doesn't matter what case --he mentioned I think that the probation officer is called in when the Magistrate requests a report from the probation officer, as a pre-sentence report, and I'm wondering if this is correct and if it is right and proper that it should be so. I'm wondering how the magistrate can come to a decision as to whether or not he requires a pre-sentence report unless he knows something about the background that would indicate that there is something particularly valuable in that pre-sentence report from the probation officer. It seems to me that there are certain instances where a probation officer should automatically make a report. A person who is charged for the first time with a serious offence and whose future may then be determined by the sentence he receives, as to which way he will go in his life after punishment, certainly I think ought to have a pre-sentence report made on him. A person who is constantly a repeater in court should have some sort of pre-sentence report made and it seems to me that the probation officer has a real task to perform not only when a magistrate thinks that it might be useful but really I would suggest when the probation officer himself would think so. The probation officer as an officer of the court should be given the responsibility of making a decision to investigate a case and to make a report without having any suggestion that he is doing something which he was not asked to do. So I would ask the Minister if he was correct in the statement whether he thinks that this is good policy or whether he thinks that I might have a point in suggesting that there should be certain occasions when the report should be made; and thirdly, whether he could indicate the basis on which a pre-sentence report is made by a probation officer. What does he do. What is his powers? Where could he go to get information? What doors could he knock on? What files are available to him to give him sufficient background information to make a meaningful report to the magistrate?

MR. McLEAN: Mr. Chairman, the Honourable Member for St. John's has asked me a difficult question, because I am not always certain that I fully understand the actual way in which a probation officer works, and I want to be quite frank and acknowledge that. I would think however, my own view would be that a magistrate, I would hope all of our magistrates would be able to do this, that they would almost instinctively recognize cases where they ought to have a report from the probation officer. After all, magistrates are not living in isolation from life and they become pretty accustomed to understanding people who come before them, so that I would think that in many instances the magistrate does and ought to recognize when he should seek the assistance of the probation officer. I think however, that I would be fair to say that perhaps the position of the probation officer in relation to the court is not perhaps as formally established as it ought to be; or as some would like to have it, and indeed this is one of the things which we I believe ought to provide by way of a statute in our province to define the role and the place of the probation officer. I believe this to be the case for example when they come to giving reports or information to the court which as matters stand at the moment I suppose might almost be classified as hearsay evidence as they are giving it, the legal position is not too clear. As I understand it however, once a probation officer is involved in a case they have access to all of the records, they have the right to interview persons including the accused person or the convicted person as is the case when the matter is normally referred --I'm speaking of adults-- to the probation officer for consideration.

Now there is a distinction to be made between probation officers who deal with adults and those who deal with juveniles and in our --this gives me a good opportunity to say that in Manitoba we have ten probation officers in Winnipeg who deal with adults, commonly considered as adult probation officers; we have twelve juvenile probation officers and then throughout the balance of non-Winnipeg part of Manitoba we have eleven probation officers who do both adult and juvenile work and we have three family counsellors who are associated with the Family Court here in Winnipeg and seven supervisors who supervise the work of the others.

Now what I want to make, the point, if I understand the position clearly, that with regard to the people in the Juvenile, who deal with the juvenile, they come into these cases at a very early stage, and indeed, in many respects some of the senior chaps up in the gallery will dislike me for saying this, but they almost take charge of the case, if I make my point, and in that sense, they come into the consideration very early. May I just repeat now that what happened in the Carver case perhaps was a bit unusual and I may have been acting in a somewhat

(MR. McLEAN cont'd).unorthodox manner. There was some complaint about certain information not being available to the magistrate at the original consideration and when the case was appealed I had asked the senior probation officer to insure that everyone was standing on the alert with whatever information would be helpful to the court on the appeal. I think perhaps as I say that my action in that regard was a little bit unorthodox but it was dictated or caused by the complaint that had been made that no one was available to give any help in the original case. I think that was a misunderstanding at that time and perhaps the teamwork wasn't just as good as it ought to have been. I don't put that forward however, as being very sound in its approach. It was a situation that I thought needed a little care.

I haven't really answered the question too well for the Honourable Member for St. John's and I would recognize that we have need in Manitoba for some statutory recognition of the role of the probation officer and defining perhaps more precisely his relationship to an accused person, to the court, and to other agencies as well.

MR. CHAIRMAN: 7 (a) 2 passed, (b) passed. Resolution No. 50 passed. Resolution No. 51 8 (a) passed.

MR. MOLGAT: Mr. Chairman, I'd like to ask some questions about the Portage Home for Boys. I wonder if the Minister could tell me what is done insofar as schooling for the boys who are there? That is, what courses are given; what teaching staff is there at the School, what are the qualifications? Is it a full time school or exactly what is the whole structure?

MR. McLEAN: Mr. Chairman, at the Home for Boys at Portage la Prairie there is a school building, a staff--my recollection is there are eight teachers, there's eight teachers with a principal of the school. It is in all respects a regular school which the boys attend at the proper grade for their attainment. I think I could say nothing more than that, except that its a school right on the grounds closely associated, I mean just a step away from the residences and giving the regular school courses.

MR. MOLGAT: The reason I asked the question, Mr. Chairman, was I had a number of complaints about the Portage Home and I want to verify whether or not the complaints are justified. I have been told for example, the teachers at the Portage Home are not qualified teachers, that they do not hold the regular qualifications which we would expect from other teachers in a standard high school. Is this correct or not?

MR. FROESE: Also on that vein, are there any retarded youngsters among those in the Portage Home for Boys out there?

MR. McLEAN: So far as I know, the teachers at the school for the Home for the Boys are all qualified teachers. Now I would check on that. I happen to know two of them rather well and I certainly know they are fully qualified and I would expect that others are --well I will just check.

This comes to me because I have an impression that the teachers were asking to be rated on the same basis as teachers are for grant purposes in regular public schools, so they wouldn't be asking for that unless they were. However, let me check that. I would be inclined at the moment to say that they are all qualified teachers. I certainly know that the principal is and one at least other of the teachers.

With regard to the Honourable Member for Rhineland, I don't know that there are retarded children at the Home for Boys, but I would be inclined to think that this is quite possible that there might be in two groups --one would be the educatable retarded person who could be taken care of I would think in the school without any problem because many of the classes are not large and it would really mean that perhaps a boy of 14 might only be in Grade 3 because of his rate of progress. Now whether they take people there who are within the group of trainable retarded I would be rather doubtful although I would think that it might be possible.

MR. MOLGAT: Mr. Chairman, I gather then from the Minister that there is a full-time school time operated there and I presume on standard hours, the same as any other schools. Could he tell me up to what grade is taught at the home?

MR. McLEAN: My colleague says Grade 11. I was discussing with the principal and I'm sure that he told me he had students in Grade 11.

MR. MOLGAT:rules insofar as visiting by parents and by other people. Yesterday the Member for St. John's read us what the regulations were insofar as Headingley. Could the Minister tell us what are the regulations for the Manitoba Home on visiting and on mail. Now the reason that I ask this question is that the complaint has arisen of a large number of boys breaking out of the Portage Home and it's been said to me that the discipline is too harsh, that the school is operated on purely military basis and not as a curative place at all and

(MR. MOLGAT cont'd). that part of the problems have to do with visiting, with mail privileges and with the atmosphere in the school. Now can the Minister inform us what the situation is.

MR. McLEAN: First of all a message has arrived on the teachers. The principal and teachers are all appointed now by the Department of Education; they are classed as institutional teachers within the terms of the Department of Education, and are all qualified. I don't know the rules on visiting. There are, I'm certain there are rules at times. I think that the parents and/or close relatives of each boy are limited to the number of times they may visit during, perhaps the number of times during the month. I would have no comment to make about whether the school is run on a rather rigid disciplinary basis. I would think probably it is and it is a fact that there are a number of boys who leave, break away from the home; but it must be recognized that these are all boys who have evidenced some misbehaviour problems, that's why they are there, and naturally the discipline would have to be fairly strict. To be absolutely fair about it we would have to recognize that the problem is compounded by the overcrowding at the home which we hope to assist by the new facility for a camp for the boys which will relieve the number there and I would think ease that situation. But I would think that the discipline is fairly stiff.

MR. MOLGAT: I don't expect that the Minister will have all the details as to the standing orders if we might call them so, for the school. I wonder if he could obtain them for me and let me have them at a later date. What the rules and regulations are insofar as the boys there. What about the probation officers, Mr. Chairman, who have been working with a boy prior to his being sent there. Do they follow the case once the boy is in Portage or are they then relieved and take on other cases and are they handled strictly by the school itself?

MR. McLEAN: By the school. There is a probation officer located at Portage la Prairie.

MR. MOLGAT: Official probation officer who had a boy ceases dealing with him once he is sent to the Portage Home?

MR. McLEAN: That is correct although that same person might be, and in fact is referred back to the probation officer when he returns to his home. For example someone going from Dauphin, when he returns home, is under the supervision, if that is necessary, of the Probation Officer at Dauphin again.

MR. FROESE: Mr. Chairman, is there an age limit here. At what specific age do they leave. Are all of these boys at this Home put there through a court order or who designates that they must be at this particular home?

MR. McLEAN: Well they're under court order and they range in age up to 18 years of age and I believe some as young as 12 years.

MR. CHAIRMAN: 8 (a) passed; (b) passed; (c) passed; (d) passed; (e) passed; (f) passed; (g) passed; Resolution No. 51 passed. Resolution No. 52 - 9 (a) passed; (b) passed. Resolution No. 52 passed.

MR. CHERNIACK: Mr. Chairman, I can't help Mr. Chairman but stop up on this Item No. 10 to inform the Honourable Minister that this evening's Tribune had some comment to make in regard to the reason why other than close relatives and girl friends are denied admission to Headingley Jail, and since the Minister was probably too busy to read the newspaper, I would inform him that according to The Winnipeg Tribune Superintendent Littlewood did give the reason, and the reason comes under this section because he says that the jail has no room for girl friends on visiting days and says that they have no facilities. I don't know what facilities he would want to provide for other relatives and girl friends other than what is now provided for parents and although there are some humorous connotations, I am sure that they are not humorous, and I don't mean them that way, in relation to the rights of people to visit and to be visited in the jail. I would like to recommend that if it is true that it is a lack of facilities then I think facilities ought to be provided to make it possible for a prisoner to be visited by people that are near and dear to him other than his immediate family. Maybe some choice has to be made at some time or other but I think it ought to be done. But I think it should be a matter of policy and not a matter of room or facilities and if Superintendent Littlewood is wrong then I think the newspaper article should be checked into because they quote him in that respect. So that if it's necessary to provide additional room or facilities, possibly you'll find some money in this section with which to provide them.

MR. SCHREYER: Mr. Chairman, closely related to what has been said by the Honourable Member for St. John's is the problem of women on juries because as I understand in previous

(MR. SCHREYER cont'd)..... years there was an inclination not to have women serve on jury duty for the very simple reason that there was lack of facilities for women at the buildings. I would ask the Minister when he is replying to the Member for St. John's to indicate whether or not this deficiency or lack of facilities for women on jury duties has been rectified.

MR. FROESE: Mr. Chairman, I had one question under (9). I think it's quite a simple question. Since we've now passed this new Act will there be any changes in the administration and in the set-up under this item and does that account for the increase in the allotment?

MR. McLEAN: Mr. Chairman, the increase in the amount under the Administration of the Estates is just the normal increase due to increments in salaries, and otherwise, and there'll be no change insofar as the actual work of this branch of the department is concerned. The members will remember, I believe there is a slightly different title given to the administrator by the new Act but otherwise everything remains the same as at the present time.

With regard to women jurors I learned my lesson last year, Mr. Chairman, I'm not going to make the same mistake twice. I regret to report that we have not been able to provide those facilities that there ought to be for the accommodation of women jurors, that is the kind of accommodation that I'm sure all of us would like to have. We have a serious problem at The Law Courts Building which has been aggravated by the addition of two Queen's Bench judges that is an over-all problem of space in the Law Courts Building and our long-range plans call, we hope, for some of the facilities which are not directly related to the courts being moved out of the Law Courts Building and my own view is that we very much need a general renovation and refurbishing of the Law Courts Building; and certainly when that is done, if not sooner, we should provide adequate accommodation for women jurors. But even before that, we should do that, but at this moment there is practically no space at all for hardly anyone over there and I would have to say that we have not made any improvement in that situation since we spoke of it a year ago.

I think the suggestion made by the Honourable Member for St. John's is a commendable one. I'm not just too certain how much money we ought to spend to accommodate the girl friends of those who are in jail but it certainly is a point well worth considering.

MR. PAULLEY: Well, I take it then from the Honourable the Attorney-General's remarks in regard to provision for room for lady jurors that there is provision for Queen's judges but not for the queens of the jurors.

MR. CHAIRMAN: Resolution No. 53 passed. Department of Mines and Natural Resources on Page 19.

MR. EVANS: Mr. Chairman, I think it might meet with general approval if I move that the committee rise.

MR. CHAIRMAN: Committee rise and report. Call in the Speaker. Madam Speaker, the Committee has adopted a certain resolution and requests leave to sit again.

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Member for Pembina that the Report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. EVANS: Madam Speaker, I beg to move, seconded by the Attorney-General that the House do now adjourn.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 o'clock Wednesday afternoon.