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**DEBATES
and
PROCEEDINGS**

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LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 10, 1979

Time: 8:00 p.m.

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN: Committee come to order. I refer members to Page 14, Resolution 18, 5.(b)(1)—pass — the Member for Wellington.

MR. CORRIN: We were trying to remember specifically, we were at, children's advocates.

A MEMBER: We passed that.

MR. CORRIN: We didn't pass it; you didn't respond to it yet. We discussed it and we found that in Ontario, British Columbia and Alberta there was sympathy for the concept and the Minister indicated that the Law Commission was doing some research into it. What I wanted to know is as of when? When did the Law Commission begin its study and what terms of reference has it received?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: I'll have to undertake, Mr. Chairman, to obtain that information as to how long they have been considering that. It may in fact even go back to the previous government. In fact, I think it does.

MR. CORRIN: My only concern would be, in that regard, Mr. Chairman, that their terms of reference be adequate and ample and they be given the sufficient wherewithal to do comprehensive research. I must admit that in this respect I am not absolutely familiar with the funding arrangements with the Commission. I can only indicate that generally I am very supportive of the concept of an independent Commission, notwithstanding even the fact that the appointees very often come and go as governments stand and fall. But it seems to me that from my discussions with people whom I do respect a great deal, that I must conclude that if a commission is to do its work effectively, it must be adequately funded and it must have a capacity to do fairly substantive research analysis, which sometimes may well entail travel to other locales around the country and other countries for that matter.

I would hope in this case that there will be sufficient latitude given so that research can be done with respect to the experiences in the three other provinces and particularly that Private Bar Program in Philadelphia, the children's advocate agency. I think that one should well be looked into too.

MR. MERCIER: Mr. Chairman, we passed that item but I would indicate there's a 26.9 percent increase in the Law Reform Commission budget this year.

MR. CHAIRMAN: (b)(1)—pass — the Member for Wellington.

MR. CORRIN: For the past three days, we have been discussing in a variety of contexts, but this afternoon and yesterday afternoon, in the context of this item, Mr. Chairman, the question of the organization of the courts and a substantial backlog which has been experienced in that regard in the past one or two years. In that context, I have been calling for a bilateral commission that would report to the Attorney-General and which report would be hopefully tabled in the Legislature.

It has come to my attention that the Minister, although he hasn't indicated it in the course of debate during his Estimates, the Minister on an informal, a less formal basis, has indeed anticipated the need for such an independent inquiry, and I'm talking about a bilateral inquiry. And it has come to my attention and I'm shocked that it should come to my attention in the manner that it did

rather than in a more direct fashion during the course of the Minister's submission to these Estimates, but I can say, Mr. Chairman, that I am now aware, as of this evening, that the Honourable Attorney-General is indeed in possession of a submission from the Committee of Provincial Judges organized at his behest dealing with this question of backlogs and court delays. The evidence, Mr. Chairman, as I'm sure the Honourable Attorney-General is aware, is inclusive within the pages of this very fine 15-page report submitted by the Chief Provincial Judge of this province on January 17 of this year.

It begins by suggesting to the Honourable Attorney-General that, "At your request, the committee comprised of Judges Kopstein, Dubiensi, Enns, and Gyles met on a number of occasions and also received a written submission from Judge Garson. The committee met with Norman Larson, Director of Legal Aid; John Guy, as the senior Crown Attorney, and Greg Brodsky and Rocky Pollock representing the Trial Lawyers Association." That, Mr. Chairman, as you are aware, is precisely what I have been calling for for two and a half days.

I must say, Mr. Chairman, I am somewhat shocked that the Attorney-General was remiss in not mentioning the fact that he had indeed commissioned the report which I had requested and which I had suggested would be far more purposeful and useful in studying this particular situation. Shocked is the only word I can use because I don't wish to use stronger language. I am surprised . . .

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

MR. MERCIER: A point of order, or a point of privilege, or information, I think, we'll assist the Member for Wellington. If he had been present in the House he would realize that his leader, the Honourable Leader of the Opposition, in fact asked me about that in the Legislature and I indicated at that time that that was a draft report prepared by Judge Gyles and in fact the Provincial Judges Association did not agree with the summary of the report as prepared by Judge Gyles and subsequently submitted a further report.

MR. CORRIN: The Honourable Attorney-General is suggesting that Judge Giles, having met with Judges Kopstein, Dubiensi, Enns, and Garson, and those are substantially the most senior, or the senior most judges on the provincial judiciaries bench, you are suggesting that other judges within his association took exception to his report — of the report of the five most senior members of the bench. I find that remarkable and I would ask the Minister to expand. I'm sure that it would be of interest to these judges and the other judges how that could possibly be the case.

MR. MERCIER: Well, Mr. Chairman, the Provincial Judges Association, as I believe I indicated to the Honourable Leader of the Opposition, indicated that was a draft report sent to me just before Judge Gyles, I think, was leaving on a vacation. Because of the pressures of time he did not consult with the Judges Association and have them approve the contents of that draft report, and I am assuming that is the draft report, and the Judges Association subsequently indicated to me at a regular meeting I have with them, that they wished to review that report and submit their own report.

MR. CORRIN: Excuse me, who wants to review the report and submit their own report, again — I missed that.

MR. MERCIER: The Provincial Judges Association.

MR. CORRIN: The Minister, Mr. Chairman, respectfully is suggesting that the Committee of Provincial Judges, and that's how they describe themselves, these five senior judges, were not representative of the other members of the Provincial Judges Association, notwithstanding the fact that most of those members would be substantially junior to these five, obviously these people were selected for their seniority and experience.

Mr. Chairman, before the Minister replies, I would note that they had the foresight and the perspicacity to do precisely what the Minister should have done, and that is consult with all the people who are associated in the field. And I would also like to note that there can be no allegation, and I'm sure the Minister will agree with me, there can be no allegation that the practising judiciary in any way have any bias for or against any of the various court users, participants in court processes. Nobody, I am sure, would suggest that this report is anything but objective and I must say, having perused it and read it now, I must say that it recommends itself to me as being imminently sensible. I am sure it didn't cost the Ministry any money to prepare in as much as these people are all on Departmental Salary; and I would note that the recommendations made by the five senior judges sitting in Committee are salient, pertinent, and most to the point. They've obviously perceived virtually

all the deficiencies and inadequacies within the system. They give numerous recommendations and I would indicate for the record that first and foremost they recommend that the government should proceed with the construction of a central criminal court building as soon as possible. They have noted that the present fragmented system disadvantages are so obvious as to not necessitate any explanation, and I quite agree with him. I don't see that anybody practising within the system has for many years taken the position that that particular situation was conducive to enhance the justice potential within our province.

They also note that it's necessary that two additional full time judges be immediately appointed and I would note that this report is dated January 1979. I believe that was — and I'll stand to be corrected, but I believe it was a month before the Knox Commission was given its mandate. So they have indicated that two full-time judges were immediately required in January, some months ago. Now I presume that the judges in dealing with cases in their courts on a regular basis are familiar with the load and they certainly are aware of their ability to handle that particular situation regardless and notwithstanding the comments made by the Member for Wolseley, who thinks they're all out playing golf and made that suggestion at these Estimates on Tuesday afternoon.

Chief Provincial Judge Gyles has also on behalf of the Committee suggested that you, Mr. Minister, should appoint a substantial number of Crown attorneys. He has indicated that it is obvious that the system presently lacks sufficient Crown attorneys to prosecute in the courts, and that's a direct quote from his report. He has told you that you simply don't have the manpower to do the job, and I think that he would be — that's on Page 9 of the Report which I presume is in your file as well as mine, Mr. Chairman. Judge Gyles has indicated that two of the judges at that time were virtually operating as relief judges, simply filling in for judges on vacation or absent through illness or in courts established for special sitting. He indicated that that was an intolerable situation and there simply had to be more Crown counsel in order to accommodate the pressures before the courts.

A fourth recommendation, Mr. Chairman, was that the Crown acquire a greater responsibility for individual cases from the time of plea of not guilty was received until the case was concluded. Judge Gyles indicated that the Crown attorney in his words in Arraignment Court, rarely has conduct of the case. He notes that it is convenient to merely set a trial date rather than entering into discussions with defence counsel. Obviously Judge Gyles knows of what he speaks. I suggest that given his long experience and the experience of all those other four people that have participated in the preparation of this report, I think that we should all be cognizant, notwithstanding the fact that this report is indeed critical of the Ministry, we should all conclude that this report is objective, independent and precise and to the point.

Judge Giles has also noted that it's time that the present pre-trial court system be expanded. He has indicated that the pretrial court that was established as a pilot project by the former government is conducive to settlements of cases and indicates that it is presently being operated on a restricted basis and that it would enhance procedures within the courts if it were now expanded beyond its former provisional basis.

Another recommendation made by this committee, Mr. Chairman, was that formalized court rules be created. Judge Gyles notes that many busy counsel are, as a result of pressure, simply too busy to serve the courts as fully as they might and he indicates that more responsibility should be borne by these people, notwithstanding the pressing nature of their affairs, and he wishes the courts to have the capacity to penalize, and he notes, "either Crown counsel or defence counsel for flagrant errors or omissions in their conduct." That, Mr. Chairman, without prejudice to either side, the Crown or defence, makes imminent sense. It's the judge's responsibility to maintain decorum and to maintain the efficiency of the system and they are the ones who are in a position to decide is if someone has detracted from that efficiency or decorum and they should be in a position to assess a proper penalty.

The judge also notes that he would recommend provision of awarding of costs against either Crown or defence counsel. This would be another mechanism by which parties would be required or induced to participate in a more participatory and more co-operative basis with the judiciary and the court system.

A seventh point in the report, and I note, of course, Mr. Chairman, this is only a synopsis because the report is quite compendious and lengthy, but the seventh point made by the committee of judges is that the arraignment dockets in two of the Public Safety Building courts should be reorganized. They make several points which quite frankly basically indicate that there is an overflow situation at that particular facility and they indicate that the situation as it presently stands has become intolerable and self-defeating and they suggest that these dockets be reorganized immediately.

Frankly, Mr. Chairman, with something as basically simple as that suggestion, I can't understand why we are waiting for Mr. Knox's report. Judge Gyles is obviously, given the fact that these judges sit in those courts every day of the year and they have for years, obviously he and his colleagues

are in a position to make that sort of recommendation and I think quite obviously his suggestions should be met in the spirit in which they were made and in good faith there should be reforms made immediately in order to make the situation more tolerable and more conducive to the sound administration of justice.

Judge Gyles has also indicated that there should be improvement in the handling of private prosecutions and he goes into some detail about private litigants before the courts and how they affect the system and what adverse impacts their participation has. He makes, of course, recommendations on how that could be redressed.

Mr. Chairman, it is clear that the five judges who have comprised this committee have done yeoman's work, presumably for the most part because of the backlog, they have done so on a voluntary basis in that one has to presume that most of this work probably was done after work and on weekends. They should be commended for their work. Not only that, but I think they have to be commended for the judicious manner in which they conducted their investigations, in which they dealt with the very serious matter of court backlogs. They have obviously seen fit to do what the Attorney-General would not, they have taken into account the opinions and positions of people who are practising on behalf of clients at the bar. They have spoken to the senior Crown Attorney in the prosecution system; they have spoken to the director of Legal Aid. They have obviously made considerable efforts to try and bring things back on track and make the system more conducive to the sound administration of justice.

I, for the life of me, Mr. Chairman, cannot understand why, after receiving such a fine report, the Attorney-General would have turned around, appointed Mr. Knox who has not participated in the system for seven to eight years. And I trust that it will not be suggested that he would be more independent, more objective or more knowledgeable than these five judges, all of whom together probably have 50 years' experience. I cannot for the life of me understand why the Attorney-General would have seen fit to go through the sham proceedings of calling upon Mr. Knox at the behest of Richardson Securities to make a so-called independent investigation when on his desk at that very moment there already was one. It is really nothing but a sham, Mr. Chairman, and it really does little to enhance the processes of this Legislature.

This report is objective. It's truly representative of the opinion of a cross-section of people who are knowledgeable. There's nothing more that can be said; if the Minister wishes to proceed with the Knox Commission sham, he's at his will and pleasure to do so. We, on this side, for our part would suggest that we are quite satisfied with the Gyles Commission Report, the Gyles Commission being representative of the Provincial Judges' Association, as well as all the people whose work impacts the system, and were representative of the system. There is little more that can be said, Mr. Chairman, but to encourage and incite the Attorney-General to act on the Gyles Report as soon as possible. I would suggest that it would almost be incumbent on him to telephone Mr. Knox this evening and call him off.

We've quite rightly, and I'm sure most members of the public will not regard that report as being more independent than this one. It's certainly not going to be any more comprehensive work than Mr. Knox might have to learn the system that he left eight years ago. It's just not going to be any more significant or substantive. So, there's little to discuss or debate. The answers are now at hand, they've been at hand for several months prior to Mr. Knox's appointment. We know what has to be done. I'm sorry to confirm that — and I do so with no gloating, Mr. Chairman, but the results, the recommendations were entirely predictable. Some money does have to be spent; we need more people to prosecute criminals in our courts; we need more judges to adjudicate cases and we need more courtroom space, all of which is going to cost money. The alternative, of course, is more criminals at liberty, less law and order, a situation which frankly, is not conducive to a sane or orderly society. I suggest, Mr. Chairman, that the Minister should act immediately on this Commission's report — immediately.

MR. MERCIER: Mr. Chairman, let me just review the history of this report. I met with the Provincial Judges' Association in the fall of the year at their annual meeting, and spoke to them about the importance of the present backlog in the Provincial Judges' Court criminal system, and it was my view that that was the most important matter that had to be dealt with in the administration of justice in Manitoba. Subsequently, at their meeting, they agreed to establish a committee that would undertake a review from their point of view, and prepare a report for me. Mr. Chairman, the Member for Wellington has in his hands, I believe, the same draft report which the Honourable Leader of the Opposition asked me about on Friday, March 2nd in the House, and at that time, Mr. Chairman, I can read my answer in Hansard, I said, "Mr. Speaker, I believe the Honourable Leader of the Opposition is referring to a draft report which I discussed with him yesterday, a copy of which he has received, which was sent a short while ago to me by Chief Judge Gyles on behalf of provincial judges, a report which I requested from them. The report is a draft report and in fact I met earlier

this week with Judge Harris, the new President of the Provincial Judges Association, who advised me that the Provincial Judges Association is reviewing the draft because there are some matters in it that they are not happy with and they will be forwarding a further report to me within a month."

I have now received their further report from the Provincial Judges Association. My senior Crown Attorneys are reviewing that report and the kinds of steps that we can take to implement many of the recommendations, which are good recommendations.

Mr. Knox was appointed in January of this year, almost two months prior to this report having been received and is aware of the contents of this report, and in his meetings with Legal Aid with 20 to 25 members of the Criminal Law Section on Criminal Justice of the Manitoba Bar Association meetings with members of the Manitoba Trial Lawyers Association, Judges, Crown Attorneys, everyone involved in the system has had the benefit of this report.

One of the fundamental requirements before proceeding with major improvements, Mr. Chairman, is the necessity of obtaining additional space in which to hold trials, for Judges to sit in, for Prosecutors to prosecute in. I believe we covered that subject adequately this afternoon about the plans, Mr. Chairman, for additional space. I fully expect, with an imminent decision on that that space will be available within three to four months and additional courtrooms will be available.

I have indicated earlier in my Estimates that although we provide for two additional Crown Attorneys within the budget, it may very well be in fact that more Crown Attorneys will be required to be hired to deal with the backlog and reduce it to a manageable length of time.

So, Mr. Chairman, I have a great concern about the backlog. I think these reports are extremely helpful. As I say, the decision on space, which is an absolute requirement in order to implement many of the major recommendations, is under way and the report is being reviewed at the present time by senior people in the department. I expect that we will be able, with the space having been confirmed very shortly, that within the next month or so we will be able to prepare for that additional space with additional Crown Attorneys and additional Judges and improvements in the system to resolve this matter.

MR. DOERN: Mr. Chairman, just a brief question here. The Land Titles Building, which is a very attractive facility, not that functional, beautiful, right adjacent to the Law Courts, could the Attorney-General inform us as to what use is now being made of the Land Titles Building and what future plans there are for that building? In particular, is it going to be tied in or utilized in relation to Law Courts, New Judges Building, IBM Building, some particular direct related function to the Attorney-General's Department?

MR. MERCIER: Mr. Chairman, the building itself is not being used at all now to my knowledge. There is a possibility — and I have been through the building a couple of times with Judges and Officials in the Department in Public Works — there is a possibility that in the future there might be a renovation of the building and the possibility that something like the Court of Appeal could be moved into that building.

The Member for Wellington has indicated his concern this afternoon for the importance of preserving the Law Courts Building. The Land Titles Office Building, I think, would generally fall into that same category and I would anticipate that we would have a serious look at that building as to whether or not there would be a possibility of building two courtrooms in that building for the Court of Appeal, with office space for the Court of Appeal Judges.

MR. DOERN: Has the space been vacant for the past 18 months?

MR. MERCIER: No, it seems to me there was a Board that was in the building for a period of time. That question, I think, would be more appropriately put to the Minister of Government Services. I think it has been vacant since the fall, that I know of.

MR. DOERN: Mr. Chairman, I would simply say to the Minister that he should pursue that and see if it's particularly relevant to his department. Obviously it doesn't make sense to be laying people off and presumably contracting space and, at the same time, having empty space while you're leasing additional space.

So in view of the proximity and the possibility that it could be used for court space or juvenile, anything that would relate to your department, I think you should have first claim on it.

MR. CHAIRMAN: The Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, I'd like to get back to this report which the Attorney-General

calls a draft report. Does he have the final report?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: I indicated that I do, yes.

MR. CHERNIACK: Could the Minister make it available to us so that we will know the differences between the draft, which we have, and the final, which is authentic?

MR. MERCIER: I will give that consideration, Mr. Chairman.

MR. CHERNIACK: Mr. Chairman, I am glad the Minister will give it consideration. I can't conceive what will influence his not giving us that report, because we all have, I think, a common interest in seeing to it that the administration of justice is improved along the lines discussed in the draft report. We would be critical of the Minister for going too slow. He would be trying to justify the fact that he isn't going too slowly, but the recommendations are recommendations which I cannot conceive have any justification for being suppressed or withheld. So that I would hope that he will give it consideration favourably so quickly that we will have it before his Estimates are over, so that we could review them and have an opportunity to ask him about any specifics.

For example, I was going to ask him, and I do ask him now, to what extent the Provincial Judges Association disagreed with this draft? Were there items they disagreed with or was there insufficient discussion of some of the items?

MR. MERCIER: Mr. Chairman, I would like to give the department an opportunity to complete their review of the final report.

MR. CHERNIACK: Mr. Chairman, this draft is dated January 17th. I don't know when the Attorney-General got it, but apparently he got a draft report which is rather surprising I would think. Nevertheless he had it, and he knows that there were apparently suggestions by Judge Harris that they were reviewing it; they were not entirely happy with it. So that it seems to me that whether the department reviews it or not, the department is still accountable for the decisions that they make or that they recommend to the Attorney-General; and after 18 months I can't help but say that one would hope that we would have a quicker co-operation from the Minister in letting us judge the need for the money, as set out in the Estimates which are before us, and whether it is being used adequately. I can't help but feel that this report itself is at least a year late.

This Minister, the new broom, came into office in October of 1977, I believe, and this draft is dated January of '79. What happened during all that period of time? What has happened since? Well, the department is reviewing it. What has been done in the interval of a tangible nature where one can measure the Minister's accomplishment in improving the system, rather than finding, as I believe we were informed, that there is a greater backlog than there was before, and the Minister at one time explained that the backlog fed on itself. Now I don't know what that means, I suppose the Attorney-General does, but feeding on itself somehow produces a greater backlog; and therefore I feel that the Minister is less than forthright in not letting us have that final report. Well, he's still considering it, so I would like to ask him, what is the purpose of Mr. Knox's review?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, my purpose is to deal with the question of backlog and the other areas of the administration of the department that have been questioned.

MR. CHERNIACK: What is Mr. Knox reviewing that is not covered in this report by the provincial judges?

MR. MERCIER: Well, Mr. Chairman, the members can go on for as long as they like. I've indicated that I have received the final draft that is under review by senior Crown Attorneys in the department; I've indicated that I expect very shortly to receive Mr. Knox's final comment. We are taking steps with respect to additional space which should be available early in the fall of this year; and that we, upon completion of the review of this report and the immediate steps that we can take following that review we will be taking, I suggest to him, action on those reports in a number of areas immediately and proceeding with resolving the problem.

Mr. Chairman, this is a problem that does not only face the jurisdiction of criminal law in the province of Manitoba, it faces almost every jurisdiction in North America. It faced the previous

who held numerous meetings at conferences held between Crown attorneys, judges, defence council, legal aid because the responsibility is spread out among everybody involved in the system. Everybody has to be involved in the solutions because each individual plays a part in the system, bears a part of the responsibility.

I think the report that the Judges Association prepared at my request is a valuable report, and I hope with the completion of this review of their report by the Crown Attorneys, which should be completed very shortly, we will be in a position to make decisions on steps to hopefully reduce this particular problem.

MR. CHERNIACK: First, Mr. Chairman, I want to give the Minister an opportunity to correct one phrase he used; he said, "Now that we have the final draft." I assume that it's no longer a draft and that it is the final report?

MR. MERCIER: Yes.

MR. CHERNIACK: Yes. Well, on that basis, and the Minister is still considering whether or not to make it available to us, I come back to my question which was: what is Mr. Knox doing? What are his terms of reference and how do they differ from the report that we are now discussing?

MR. MERCIER: Mr. Chairman, I believe the review by Mr. Knox has been a much wider and broader review than the report contained in the Provincial Judges Association report. He has taken the opportunity to talk to many more people involved in the system; the clerks in the various courts; the much wider range of lawyers involved in the system; has spent a much greater time in the total review of the system and provides more of an independent review than could be received from someone who has a direct part to play in the system.

MR. CHERNIACK: Mr. Chairman, is the Attorney-General suggesting that Mr. Knox has more objectivity than does the Deputy Attorney-General or the Assistants to the Deputy, who I assume — without knowing Mr. Knox at all — who I assume have the greatest amount of experience and knowledge in the entire system. Is Mr. Knox's qualification that he doesn't have any bias; that he is not likely to cover what might appear to be a fault from within the department? The way I'm putting that is challenging and can bring sharp rebuke, and I'll welcome rebuke if indeed I am wrong in inferring from what the Minister said that Mr. Knox's objectivity is of value. I don't believe his expertise can be greater than that of the in-House people.

MR. MERCIER: Mr. Chairman, all of the report from the Provincial Judges Association and Mr. Knox will only contain recommendations. The recommendations that will be implemented will be implemented after consideration by myself with the Deputy Minister, Assistant Deputy Minister and Senior Crown Attorneys.

MR. CHERNIACK: This Mr. Knox, is he writing a report independently somewhere, or is he giving ongoing reports to the Attorney-General?

MR. MERCIER: He is not giving ongoing reports, he's preparing a report now.

MR. CHERNIACK: Mr. Chairman, I'm still burdened by the fact that 18 months have gone by since the Attorney-General was appointed to this task and he's still waiting for reports. He has a report, apparently they are now looking for space, something that they could have been looking for long ago. It so happens that I remember discussions years back about the potential use for the Land Titles Building, but I also know that the Attorney-General's government put a freeze on construction and obviously now, he said that the major problem now is space.

That being the case — I think he said space for offices for a few people; if it's courtroom space, that's a different thing. They made a big hullabaloo about a garage that they can't use and big jokes came about how it could be used for various things, and the Attorney-General is looking for space.

We're also told concurrently by Mr. Enns, that there's all sorts of office space around, rental space, you don't have to build because space is available. So if there is the emergency which I read into my superficial reading of this, what the Minister calls draft report, then why isn't there space available today, why wasn't there space available six months ago? I'm assuming now that all of this draft report came as a surprise to the Minister because he does not indicate that he did anything in the interval but wait for a report; and then we got a draft, he was told, well, it's

not the final one, there's some question about it, so he took another couple of months.

What has been done in the interval by his department, by him, to start attacking the problem, other than wait for reports. And I must say, Mr. Chairman, that all I've gathered from what he said is that they are waiting for reports, which is not unlike what some of the other Ministers have said, only they used a term like "monitoring." But my challenge to the Minister is a sort of an inactivity, waiting for reports, and I'd very much like to know what has been done in the interval.

MR. MERCIER: Mr. Chairman, it would be nice, and I wish I could say that the problem had been solved at this particular point. It hasn't been solved. I've indicated I asked for the report from the Judges Association, when I received the draft report, their reaction was, prepare a further report. We have that report, that report is under review by senior people in the department who I'm sure you would agree should be involved in reviewing the final recommendations to be made. We have been working on the particular space that I spoke about today for approximately the past month. I think these have been positive steps, they've been necessary steps, and I suggest to him on the basis of these reports that within the next three months, with the acquisition of the space that we will be taking other positive steps to utilize that space and attack this particular problem. I hope I'm able to return next year to the Estimates and be able to indicate that we have been able to take major steps and that we have been able to reduce backlog. Furthermore, not just simply reduce it and allow it some time later to simply build up again, but to have taken positive steps and developed procedures that will simply now allow it to build up again to the length of time that it is now. It is simply not satisfactory to me and I know it's not satisfactory to the Member for St. Johns and I'm sure the previous Attorney-General and Leader of the Opposition now was not happy with it.

MR. CHERNIACK: I want to say that I don't for a moment question the sincerity of the Attorney-General wanting to make corrections. I am questioning why it's so slow in being done. I'd like to know what sort of space is being sought? Is it office space? Is it courtroom space? What's the extent of it?

MR. MERCIER: It was covered this afternoon, Mr. Chairman, but I'll indicate to the Member for St. Johns because he wasn't here this afternoon that I expect a decision to be made within the next couple of days with respect to the purchase of an office building on Broadway Avenue, I believe it's 373 Broadway Avenue, that has been looked at with the Chief Judge and the Department of Government Services that would allow us to renovate to provide ten to eleven provincial judges' courtrooms with judges' office space; in fact to entirely remove the operation of the Provincial Judges Court from the Law Courts Building, then to proceed with the renovation plan of the Law Courts Building which will allow us to develop more courts for the federal courts.

Then the plan would be to stage those renovations, complete them, to begin r plans for — they certainly have been begun, but to plan the construction of a new provincial Judges Court Building within four to six years, and then when the provincial Judges Court move out of the building on Broadway Avenue into a new building, that that building could then accommodate a central Juvenile and Family Court location because we presently have a great deal of difficulty with accommodation for Juvenile and Family Courts which are not well accommodated at the present time.

MR. CHERNIACK: Mr. Chairman, that certainly sounds like we're starting to hear some progress as far as the physical space is concerned. I would not press much further except — I still don't know what Mr. Knox is doing. I really don't know, Mr. Chairman. I don't know if you know what Mr. Knox is doing, but I sure don't know what he's doing. I'm told it's broader than the provincial Judges Report which we haven't seen yet. I assume he has a copy of the report and he would not be duplicating — the Minister is nodding his head — he would not be duplicating the work. I wonder if he would be evaluating the effectiveness, or the value of the report.

I want to make a predict on right now, Mr. Chairman. I never heard of any final report as compared with this one. I haven't seen this one. I would guess that the provincial judges' dissatisfaction with the draft was that it didn't go far enough. We'll find out whether I'm right or not, but I am guessing that they had greater criticisms and stronger recommendations to make that are contained in this draft, and that that to me is the logical conclusion as to why they wanted to hold it back and look at it. And that's why I'm really looking forward to seeing that report, and I do believe we're going to get it soon because I think it's not tenable for the Minister to withhold it from us. So I think we'll get it very quickly and we'll see if my prediction is right or wrong, which it may be, I'm not infallible in that respect.

Possibly the Minister could let us have the terms of reference to Mr. Knox. There must be a letter commissioning him to do something, entitling him to hold meetings with 25 people, I think

he used that number, 25 people — there must be correspondence. Mr. Knox was engaged to do a job. There must be some terms of reference. Would the Minister supply us with that to give us a greater clarification as to what he is doing as compared with what we already got and to justify all this delay.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I don't have a copy of the letter with me. But in terms of reference, were very general because frankly we didn't want to restrict his review in any way or his discussion with anyone. The terms of reference were really in general system to review the present backlog in the Provincial Judges Criminal Courts and to review the administrative structure of the department and to discuss these issues with all interested parties in the system.

MR. CHERNIACK: Are we going to get a copy of Mr. Knox's report.

MR. MERCIER: Well I haven't received a copy of a report yet, Mr. Chairman.

MR. CHERNIACK: My question still stands. Are we going to get a copy of the report.

MR. MERCIER: Mr. Chairman, I would like to an opportunity to see the report first and discuss it with Mr. Knox. If at all possible I would like to make it public, Mr. Chairman, but I would like that opportunity to see it first and discuss that aspect of it with him.

MR. CHERNIACK: I have to tell the Honourable the Attorney-General that there can not be any reason for his not undertaking to let us see it, because what he is implying, or what I infer from what I think he is implying, is that there may be some reason after seeing the report to withhold or rewrite it. And both possibilities are really, I think, not acceptable.

Here he goes to an outside person and says, do an investigation unlimited, broad scope, come back and tell and now he is saying I want me, to see it first. Well, he couldn't give it to us until he sees it but to even suggest that he may not give it to us because he wants to see it, almost suggests an editing process. The same applies to the report given by a judge. These judges are independent people with tenure who, as the Member for Wellington made clear, are people who would want to do the best thing, the best presentation, the best review without a particular axe to grind, withholding on that report. It just doesn't look right. And I say that out of all friendship to the Attorney-General that I really think he ought to say, you are going to get it and produce so that we have it in time to discuss it during these Estimates.

MR. MERCIER: Well, Mr. Chairman, I want to indicate that my one concern would be if there were comments in the report that maybe make specific references to individuals, or private comments about individuals, there maybe something that either Mr. Knox or myself might not wish to distribute publicly. Certainly the operation of this system causes general recommendations or the kinds of things that I see no reason why should they be made public.

MR. CHERNIACK: I understand. If Mr. Knox says, "We think you should your Deputy fire I don't think that that should be in the report.

MR. MERCIER: If he recommends I be fired . . .

MR. CHERNIACK: That's right. So that I can understand that. Mr. Chairman, although we are smiling, I understand that that is a justifiable concern in which case it would be footnoted as saying, personal references have been deleted. But other than that I would hope that we will see it. Well now we don't know when Mr. Knox's report is coming but we do know that there's a building about to be bought and there is work being done without Mr. Knox's report, and I am sort of surprised that the Minister has even got a draft of a draft of Mr. Knox's report so to have the benefit his investigation. However I gather they are going ahead without the report which must be months — I think it was commissioned last January, and that's what? — four months, five months, so it's high time it was there unless they are going ahead with the Provincial Judges Report. Will we see that or is the Minister still contemplating his decision on that?

MR. MERCIER: I'm still contemplating that, Mr. Chairman.

MR. CHERNIACK: Will the Minister give us an answer by tomorrow Estimate time?

MR. MERCIER: Well, Mr. Chairman, I think the Estimates will be finished by tomorrow.

MR. CHERNIACK: There is still quite a bit to go, Mr. Chairman, and I would certainly want to accommodate the Minister to stand his salary over until tomorrow to give him a chance to bring us these documents. Now you know, I said accommodate but I really feel that he should accommodate us that way, too.

MR. CHAIRMAN: (b)(1)—pass; (b)(2)—pass — The Honourable Member for St. Johns.

MR. CHERNIACK: I was hoping that the Minister would respond to my request because I was saying, until he said something about completing it tonight, I had the impression that he was considering producing that report before his Estimates were complete. I really thought that's what he was considering.

MR. MERCIER: Mr. Chairman, what I indicated was that I wanted the senior officials in the department to complete their review of that report first.

MR. CHERNIACK: Oh well there is no use debating what I think the Minister said or what he thinks he said. That is no longer important. The Minister is now saying that he will not give us this report until after there has been a review and he also makes it clear to me now that he has no intention of letting us see the report before his Estimates are completed, which means a denial to us to discuss the problem that he admits is a serious problem in the context of the best advice that he's already received. And that to me, Mr. Chairman, is something I would want to criticize very strongly. I can understand his efforts but you know he is the Attorney-General in the Province of Manitoba, accountable to the people and we representative the opposition who have the opportunity to review his Estimates and to see what progress is being made. And all we are getting from the Minister now is a statement after 18 months in office that he hopes that by the next time he comes back to his Estimates that there will be improvement. But he is sitting now on a report. What we have, I don't even know how it came to our hands, but what we have he claims is a draft. He admits that he has the final. He says that this was not considered, well I think the word is adequate but he was not happy and he's refusing to give us a report which is in his possession, copies of which must be in this building if not in this room. And there is a Xerox machine just across the way from here, Mr. Chairman. I would undertake that if we got that report, I would sequester myself in a room and try to read it and compare it with the other to make some sense out of it so that we could deal with it during his Estimates. Is the Minister insisting on denying us the opportunity of discussing what is the recommendation made by an independent body of judges as to what should be done? Is he saying that he refuses to let us see it until his senior staff has worked on it? What's the difference whether they work on it or not? We should have a right, Mr. Chairman, to look at the report and say, "Why aren't you doing this or the other, or whatever?"

I said something about in all friendship making some suggestion. I now have to say in all friendship, I want to say to him that it would be shameful if he refuses to give us a report which I'm sure is available to us now and before his salary is passed.

MR. CHAIRMAN: (b)(1) — the Member for St. Johns.

MR. CHERNIACK: The Minister's refusal to respond is, I think, a bit of arrogance which I did not expect to see from him. We've seen it from others in his government. But to refuse to show us a report submitted by an independent body of people whose sincerity is without question, whose experience is I believe without question, and whose dedication to the job I believe is without question, the refusal to let us see that is I think an affront to this committee, Mr. Chairman. I really have to say that.

And if the Member for Rock Lake wants to make speeches, he knows he has a right to make a speech. If he wants to interrupt proceedings, Mr. Chairman, it is your duty to shut him up and that of the Member for Minnedosa, Mr. Chairman.

MR. CHAIRMAN: Order. Order. Will the members of the committee address their remarks to the Chair, please. (b)(1)—pass — the Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, I just have to say that I am disappointed and I think that the Attorney-General is acting wrongly and to the disadvantage of the parliamentary system to refuse to give us what he has. I think it really is an affront to this committee to be told there is a problem,

we have things to do and, Mr. Chairman, there's been no accusation that this Minister or that the department is responsible for the situation. What they are responsible for is correcting the situation. It is no help to say that the former Minister had problems, because obviously he did. It is common to say, according to this Minister as I see it reported in a newspaper article I clipped, that whereas there were six months backlog in early 978, there are now seven months backlog, so it got worse, and counting the Member for Elmwood saying, "I'm counting" makes one feel that since this article was dated April 3rd, that by May 10th maybe it's seven and a half months backlog.

Mr. Chairman, it is really unfair to this committee for the Minister to refuse to give us what he has in his possession and which is not his document. It's not as if it's a departmental document. I've been in government long enough to know that a departmental document is a document that a Minister has a right to say, "This is an internal document". He certainly can not say that the magistrates meeting together, giving him a report on what they believe should be done is an in-house document. They are not members of his department. They are not members of this government. They are people appointed with tenure and with independence and that being refused to us, I think is absolutely wrong.

MR. CHAIRMAN: The Member for Wellington. The Honourable Minister.

MR. MERCIER: Mr. Chairman, I have indicated that I would want senior officials to complete their review of the report, which I anticipate to be done fairly shortly. I think it would also be incumbent upon me to consult with the Provincial Judges Association as to whether or not they had any objections to the release of their report publicly. Their report was requested by me personally at a meeting with them, and I don't believe at this stage that they had any reason to think that the report might be made public. I would certainly want to check with the president of the Association in order to allow him some time to confirm with his fellow judges as to whether or not they had any objections to the release of this report. I think those are two matters that I have to look at in considering the request of the Member for St. Johns.

MR. CHAIRMAN: The Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, the first reason given has no validity in my opinion. He wants the senior members of his staff to look at the report. I guarantee him if he brings the report we'll make copies and they'll still have a copy left to look at. It can't be that they will alter the report in any way. It can't be that they will do anything but look at the report. Well, that's all we want to do is look at the report. There really is no validity to giving them a preview of the report. What for? What's the difference? They can't change it.

Now, the second reason is lame, very lame. If the Minister wants the time to phone Judge Harris, by all means do so. But these are reports by people who are public servants. Surely they would not want to be secretive about the decision they came up with, and there are quite a number of them, aren't there? There are about —(Interjection)— There must be more than eight. —(Interjection)— No, no, but the Minister suggests it's the Provincial Judges Association, so I suppose they all should be canvassed on this basis. Mr. Chairman, I really think that is an excuse, and that's all it is, Mr. Chairman.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Mr. Chairman, at this juncture I'd like to express sympathy with the remarks and views of the Member for St. Johns. I think that these processes, these proceedings, important as they are, being one of the only ways that members of the public can gain access to information relative to the administration of justice in this province, should be carried on on a very much higher plane than the Minister has indicated they will. I think that one can only appropriately describe the Minister's behavior in refusing to provide the Member for St. Johns with the final report submitted by the Provincial Judges Association as being essentially furtive, covert and clandestine, and as the Minister well knows, those are not three terms that one would wish to use in describing the justice system within this province. Those are rather terms that one might use to describe a rather repressive legal system if one could call that system a system of justice, I don't know, but it's certainly not in keeping with what we in this province think of our system.

I must conclude, Mr. Chairman, and I'm sure that virtually everyone around this table has concluded that the report is critical of the Ministry. I must presume from the responses given to my colleague from St. Johns that there must be very very good reason in the political sense, although there is of course no other rationale that could be submitted, there must be some very compelling reason why the Minister is refusing so steadfastly and adamantly to reveal the contents of that

report. Personally, I would ask the Minister if he could tell us what the differences are between the January, 1979 draft report so-called and the final report. I would like to know what the differences are. I can't imagine that they would be anything other than as described by the Member for St. Johns, and he has indicated that those differences would probably be more critical. The latest report would be more critical than the former one.

I would also like to know what areas of the draft report the Attorney-General disagreed with. I think that, given that this is the only opportunity the people of Manitoba will have to review this situation publicly and given that there is this demonstrated reluctance to talk about the final report, that the Minister out of all respect for his position if not for the people who pay taxes in this province, should advise the members of this committee what areas of this draft report he does not see fit to act upon, and what area he does not require to be adequately covered.

He could perhaps expand and advise us as to any deficiencies he's perceived, any areas which he would prefer to be expanded or to be detailed. He's had this report, Mr. Chairman, for four months. He has a final report on his desk in his office but he won't bring it down here. I think that it's absolutely essential that we be apprised of his opinions relative to this report, how he disagrees with the five senior judges.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I have indicated I'll be prepared to discuss that when my department has completed its review of that report.

MR. CORRIN: Mr. Chairman, I don't know how long it takes the department to complete the review. —(Interjection)— I ask you to call upon these gentlemen to come to order, Mr. Chairman.

MR. CHAIRMAN: Order. The Member for Wellington.

MR. CORRIN: I'd like to know, Mr. Chairman, through you, whether the Attorney-General will honour the recommendation of the judges that two additional full-time judges be immediately appointed. I know that we discussed this on Tuesday afternoon, and at that time I publicly deplored the present situation relative to part-time judges appointments, and at that time the Attorney-General sympathized with my concern and I'd ask in view of the fact that he seems to share my view whether or not he would also share the view of the Provincial Judges that there should be an immediate appointment of two full-time judges to the bench.

MR. MERCIER: I can indicate to him, Mr. Chairman, that the final Judges Association report did not make that recommendation.

MR. CORRIN: Could we ask the Attorney-General to indicate what the latest recommendation in that regard is? Did they ask that more judges be appointed or did they suggest that there should be supplementary part-time judges appointed in the absence of the appointment of full-time persons? What was the suggestion that was made? Obviously because they didn't say that doesn't mean that they did step back. They may have actually gone a step further, particularly if they were told that it was impossible under the present restraints to realize this particular recommendation in the immediate future. So what in fact did the final report indicate, Mr. Chairman?

MR. MERCIER: Mr. Chairman, there's no reference to additional judges in the final report. I had indicated earlier that with additional courtroom space coming onstream, it would be my view that there's a likelihood that we would require additional judges.

MR. CORRIN: With respect, Mr. Chairman, to the recommendation that there be an appointment of a substantial number of new Crown attorneys, we would ask whether or not that concern is also contained within the final report.

MR. MERCIER: Mr. Chairman, suffice it to say that I've already indicated although the Estimates provide for an additional two Crown attorneys, I see the possibility that we may very well require more additional Crown attorneys in that with the additional space coming onstream.

MR. CORRIN: Is it safe and fair for me to presume from those remarks, Mr. Chairman, that that means that the final report has indeed ratified the draft provision that there be an appointment of a substantial number of new Crown attorneys to the department?!!

MR. MERCIER: I have already answered, Mr. Chairman, or given my answer that I feel additional Crown Attorneys are required. I think there is a general concern in the department and in the Judges Association that additional Crown Attorneys will be required.

MR. CHAIRMAN: (b)(1)—pass — the Member for Wellington.

MR. CORRIN: Could we ask what recommendation is now being made relative to Crown Attorneys in the Arraignment Court? The judges made a recommendation and we're wondering whether they confirmed that recommendation in their final report.

MR. MERCIER: Mr. Chairman, I will let the member know when I release the report.

MR. CHAIRMAN: (b)(1)—pass; (b)(2)—pass — the Member for Wellington.

MR. CORRIN: With respect to the fifth item, Mr. Chairman, did the judges confirm their concern relative to the expansion of the pre-trial court system?

MR. MERCIER: Mr. Chairman, the same answer would apply; that matter is being reviewed and I will indicate the position that we will take when that review is completed.

MR. CORRIN: I can't fathom an answer from that, except that the matter is under review. The question, Mr. Chairman, was whether or not the Judges still regard that as being a substantive and serious situation and whether they wish — and, frankly, I am much more concerned about what the Judges want than what the Attorney-General wants, whether the Judges feel that it would be enhansive of the present court system to expand pre-trial procedures; that was the question, Mr. Chairman.

MR. MERCIER: I have given my answer, Mr. Chairman.

MR. CORRIN: Frankly, Mr. Chairman, it's almost an embarrassment to be asking these questions because it's personally embarrassing to hear a response such as that. I can't understand, I cannot fathom, why the Minister doesn't go to his office and put the darn report on the table and save us all a lot of time, trouble and embarrassment. One can't comprehend, unless there is some damning provision relative to the Minister himself perhaps dealing with his inaction, I can't understand why the report has to remain closeted behind his doors, why it has to be dealt with by his department in this very clandestine secretive environment. It is very unusual. Provincial Judges are not given to extreme comment anyway, as we all know. They are not intemperate people. They are appointed, generally, because they are individuals of a judicious temperament. They tend to be exceptionally rational, and that's, of course, one of the aptitudes that one associates with people who are appointed to the Judiciary. One presumes they are very responsible members of the public. Their interest is single-minded; their interest is in the administration of justice.

With respect, I think, Mr. Chairman, that that should be the only interest of the Attorney-General, as well. I don't see him as being far removed from people who sit on the Bench. They're certainly not beholden to him, but shall we say that we would class them as equals; we would class them as peers and we would expect that those qualities that we like to associate with members of the Judiciary we would also like to associate with the person who is responsible for the enforcement of law in the judiciary and the system of justice within our province.

And, Mr. Chairman, this behaviour, this manifestation, this predilection for secrecy and covert dealing is not representative of that sort of individual or that sort of frame of mind. And, with respect, I don't think it does anybody any good; I don't think it brings our system into respect. I think, if anything, it brings it into disrepute. I know that the Judges haven't said anything that they wouldn't make public, simply because they are not given to irrational outbursts. What they have said, they will stand by; what they have said, they will stand by. And, as far as that goes, everybody that pays taxes in this province is entitled to know what's transpiring in this regard.

I can't understand why the Minister insists on dealing with this on a rather base political level. If he thinks that this operation is performed simply to facilitate his personal embarrassment or the embarrassment of his Ministry or of his government, I can assure him in this regard that that is not the case. There are times when some of the action in this process does border on that, but this is not one of those instances. This is a very serious matter. It was so serious that the Minister agreeably appointed a Commissioner, I think, in order to convene an Inquiry. Presumably, it's foremost in the Minister's mind. Obviously it was, because he also commissioned — and this is the important point, Mr. Chairman, because as the draft report indicates — at his request a

of Judges dealt with this particular matter.

Frankly, there is little or no excuse and I don't understand why the Minister would go behind the Judges' back to get another report, or go behind Mr. Knox's back to get a Judges' report. I don't understand this very circuitous convoluted behaviour has been associated with this sort of matter. It seems to me that if the Minister really felt that neither the Judges nor Mr. Knox were able to make a report independent of one another, then what he should have done is clear; he should have had them work coincident and conjunctively one with the other; Mr. Knox could bring his special skills to bear and - , these several Judges, with all their years of accumulated experience and wisdom, could as well participate in discussions. They could have together met with the Manitoba Trial Lawyers' Association and the Director of Legal Aid and Senior Crown Attorneys, and so on. Why are they all doing this independently of each other? With respect, Mr. Chairman, it makes so little sense. It's such poor bungling administration. No wonder there is such a backlog in the courts.

MR. CHAIRN: The Member for Rock Lake on a point of order.

MR. EINARSON: Mr. Chairman, on a point of order. Mr. Chairman, we have listened to the Opposition members now for a half an hour on this very one subject matter, and I was given to understand that the Minister gave an answer that he would give consideration. I don't know why they're belabouring this matter continually, as they are doing. It's like badgering. I would suggest, Mr. Chairman, if we're sitting here until 1 o'clock in the morning and we want to continue they are going to accuse us of wanting to sit at these hours of the night. I suggest right now, Mr. Chairman, that we have valid reason to say that it is the members of the Opposition that are causing for delays, unnecessarily so, and rather than to belabour this point when the Minister has already given his answer, get down to dealing with the other matters probably just as important and moneys that have to be considered here.

I suggest, Mr. Chairman, there has been repetition here, and the Honourable Member for Wellington is out of order because he received an answer from the Minister a half an hour ago.

MR. CHAIRMAN: The Member for Rock Lake does not have a point of order, but I would caution all members of the Committee against repetition, and I feel we are bordering on repetition. The Member for Wellington.

MR. CHERNIACK: Mr. Chairman, on that point of order, which is not a point of order.

MR. CHAIRMAN: There is no point of order.

MR. CHERNIACK: I wish, Mr. Chairman . . .

MR. CHAIRMAN: Order. There is no point of order. The Member for St. Johns, on a matter of privilege.

MR. CHERNIACK: On a matter of privilege, Mr. Chairman, there are gentlemen present who are disrupting the proceedings by interruptions. One of the interruptions is to raise a point of order and make a speech, and I would appeal to you — and that is my matter of privilege, Mr. Chairman — to stop them sooner, as soon as it becomes quite apparent that they don't have a point of order, instead of letting them ramble on, as the Member for Rock Lake did, when I believe he, too, knew he didn't have a point of order. That's my point of privilege.

MR. CHAIRMAN: Order please. To the Member for St. Johns, it is not a . always easy to establish when a person is trying to make a point of order, and there has been a certain amount of rambling going on at all times. The Member for St. Johns.

MR. CHERNIACK: I appreciate the difficulty you obviously have with the Member for Rock Lake.

MR. EINARSON: The Member has no point of privilege, either.

MR. CHERNIACK: Oh yes, there is, for obstructing.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Mr. Chairman, frankly I am very appreciative and rather complimented that the Member for Rock Lake would take time from the paper which he has been reading since 8 o'clock

MR. CHAIRMAN: Order please. Could the member address his remarks to the Chair, please. The Member for Rock Lake on a point of order.

MR. EINARSON: Mr. Chairman, now I have a point of order. If the Member for Wellington is going to accuse me of reading paper in Committee, I don't think that I would be able to make the statements I made on the point of order if I had been reading a newspaper. I was listening to the comments the honourable members were making, Mr. Chairman, and I flatly object to the comments the Member for Wellington was making.

MR. CHAIRMAN: Order please, order please. Could we try and get back the decorum of the Committee, as it is supposed to be. The Member for Wellington, and would he address his remarks to the Chair.

MR. CORRIN: Yes, Mr. Chairman, you're perfectly right. Mr. Chairman, I quite agree with the Member for Rock Lake. There is no reason to further discuss this matter. I think that we have dealt with this in sufficient detail and depth. We, on this side, would like to have dealt with the report submitted by the Judges. It's quite apparent that that's not going to take place in the next short time; I presume it's not going to take place for some time. So I suppose this time we have would be best served by moving on to another topic. This we will regard as a very sad episode during these Estimates review, and we will let the matter lie there.

Mr. Chairman, I would like, under the same heading, to deal with a speech made by Provincial Judge Gyles a short time ago. He was speaking at the Child Guidance Clinic, and I would indicate that at that time he saw fit, once again, to be critical of the present system. It was reported that on April 4th of this year Judge Gyles indicated that, in his opinion, Provincial Probation Officers — and these are his words, not mine, Mr. Chairman, so don't call me to order — "were extortionists". He indicated that it had come to his attention that Probation Officers in the service of the government were extorting juveniles charged under The Juvenile Delinquents Act of crimes under the Criminal Code by holding charges over their head. Apparently he discovered that this was a practice in his courts; that it had been brought to his attention by both accused juveniles as well as their Defence Counsel, and Judge Gyles indicated that he was very concerned with that situation. He felt that this was highly improper, and he thought that there should be an immediate review of this practice. I would want to know whether or not the Attorney-General has had an opportunity to deal with this situation and, if so, what he has done since Judge Gyles brought it to the public's attention.

MR. MERCIER: Mr. Chairman, I believe that this is a report in the media that Judge Gyles in fact wrote to me about, to say that he was misquoted. We did review the matter with the Crown Attorney and Juvenile Courts, who advised that this was not taking place.

MR. CORRIN: Mr. Chairman, I had the opportunity to discuss that matter with Judge Gyles and the other members serving on the Juvenile Justice Committee when I appeared before them at the Law Courts Building, and I must say that, notwithstanding Judge Gyles' indication to you that he had been misquoted, there were a considerable number of public allegations made in that regard. There were a number of people who indicated that they felt that was indeed the situation, that that was occurring on a fairly regular basis, and complaints were received by his Commission. Perhaps he was misquoted when it was suggested in the newspaper report that he called the probation officers extortionists and I know that that's very strong language and I note that because, of course, it's an offence under the Criminal Code of this country to extort things and therefore presumably he would want to clarify the record if he had been misquoted in that regard.

But nevertheless, without calling it extortion, there were complaints that Probation Services employees were using this sort of leverage in dealing with children and Judge Gyles, as I recollect, was concerned about that. At least he expressed his concern about that as did other members of the panel.

And it was noted that if that meant that juveniles who should have been brought before the court for offences were being withheld by Probation Service staff that that could not be approved of, that that was highly improper that if there were offences that could be laid that they must laid. And it was pointed out forcibly by several people that that in itself was unlawful activity — that

it was unlawful for Probation Service employees to withhold those charges. They had to, notwithstanding their relations with their young charges, they had to bring those charges to the public's attention through the Attorney-General's office.

I would ask the Attorney-General whether or not he has had any reason to enquire in that regard. And if not I would admonish him that he should do so immediately because there are many who are most concerned about that situation.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, Judge Gyles has not seen fit to indicate this concern to the department. As a Member for Wellington indicated earlier, the Juvenile Justice Committee which I appointed last summer have been carrying on an extensive review of the Juvenile Justice system and held public hearings and I believe that they are in the final stages of putting together a report, either at the end of the month or in June, on the Juvenile Justice System. It may very well be that some reference will be made to this area in the report. But to date Chief Judge Gyles has not indicated any specific concern in this area to the department.

MR. CORRIN: Well I would suggest, Mr. Chairman, that some immediate attempt should be made to contact members of that Commission in order to review their perceptions of the validity of those charges. I think it's important that if there is any substance whatsoever to those allegations that that be dealt with in an expeditious manner and that suitable steps be taken to rectify that situation. I would also like to ask the Attorney-General dealing with this same general subject area whether he would be able to state his opinion as to whether or not Juvenile Court proceedings should be open to the public albeit though I would note subject to the retention of the ban on the publication of names.

Perhaps I'll wait the response of the Attorney-General before proceeding with any other comment, Mr. Chairman.

MR. MERCIER: Mr. Chairman, aside from the provisions of The Juvenile Delinquents Act, this is one of the issues I think that has been raised before the Juvenile Justice Committee on which they may have some comment and some recommendation which might form the basis for a submission to the federal government in due course with respect to The Young Offenders Act which is being discussed for some time not yet introduced as legislation in the House of Commons. This is one issue that the Committee I'm sure has been brought to their attention and which they are reviewing and on which they may make a recommendation, but as I have indicated they haven't made their report yet.

MR. CORRIN: Yes, Mr. Chairman, I would indicate because I think it's important. I have of course taken a public position in this regard and I wish to indicate for the record that the position which I have taken is not necessarily that shared by all my colleagues. I think that's important because some of them after publication of the reports from the Commission Hearing indicated to me that they did not share my particular position. I think in fairness it should be indicated that although some do agree with me, there are some who don't. But for the record, Mr. Chairman, I would indicate that I personally feel that those proceedings should be open to the public. As I said, I do believe that there should be a retention of the ban on the publication of names of juveniles appearing and their families.

But it seems to me that if we are to get value for our money in the court and through the court system, it's quite imperative and important that members of the public be allowed and entitled to witness proceedings in those courts. Being familiar with those proceedings myself, I would not suggest that there is any particular reason why we should be immediately attentive or cognizant of this revised policy and go out and therefore and thereby amend the law. But I would suggest that if one is to take an overview of justice administration, one would agree that the present situation pertaining to closed Juvenile Court hearings is anomalous, it's unusual in that it's certainly not in existence in any other court processes and it essentially runs counter to the philosophy upon which the system is premised and that being that every person is entitled to a fair hearing and an open hearing.

I appreciate that if names were to be published it would be exceedingly detrimental to those involved but I don't understand how it could be detrimental if members of the public were to know what sort of sentences juveniles were receiving in the Juvenile Courts.

I think there are frankly a great many of our citizens who are under misapprehension in this regard. There are many, if my analysis, if my assessment of public opinion is at all correct, there are many who feel the courts are too lenient and yet on the other hand there seems to be some

polarity here; and there are other who feel the courts are simply too stiff, too punitive, too harsh in their dealings with juveniles . On that basis, Mr. Chairman, I think that it's readily understood that the current closed situation is conducive to a lot of misconceptions, misinformation, as well if there are cases and incidents of neglect — and I should tell you at the Juvenile Justice Commission there were, Mr. Chairman, through you to the Attorney-General — there were very serious allegations.

There were allegations that a certain judge had on occasion denied legal counsel to children. There were allegations that a certain judge, I believe there was only one if my memory serves me correctly, had gone beyond the bounds of the normal processes and that he had acted in a manner that was rather unusual in any courtroom and on that basis — and I should tell that the Commission said they would look into it — they said they would enquire as to whether there was any validity in that allegation but it was made by, I recollect, two people making the same suggestion independent of one another.

It is indicative of the fact that there is a need for some opening up of the family court or juvenile system in order that we can clarify misconceptions and perceive accurately what is transpiring therein. Nothing will grow in a closed dark environment and certainly that's not an environment conducive to the flourishing of justice. So I would strongly recommend and suggest that it's time that those courts operated on the same basis as all others and would be open to public scrutiny ' subject to the retention of the current ban on name publication.

MR. MERCIER: Mr. Chairman, I'm glad to hear what I take to be or apply from the comments of the Member for Wellington that he would agree with me that it is important that such a Commission be appointed to review the effectiveness of the Juvenile Justice System and like him, I look forward to receiving the report from that Commission.

MR. CORRIN: Yes I think we might also agree that a 10- person Commission representative of members of the practising Bar — well not members of the practising Bar because they were the only ones who didn't gain an appointment — but representative of the Attorney-General's prosecutions office, the Department of Corrective and Rehabilitative Services, Child Welfare authorities and other interested and concerned individuals intimately knowledgeable of the system is indeed conducive to this sort of assessment. I think we can also agree that public hearings facilitate that end in that all interested members of the public can participate.

I might tell the Attorney-General, although he wasn't present at the hearings, that in my opinion hundreds of people throughout the province did take the opportunity to participate in those hearings, open as they were over some length of time. If the Attorney-General has no further comment in that regard, Mr. Chairman, I'll just go on to another area.

MR. CHAIRMAN: (b)(5) . . .

MR. CORRIN: Yes in that case, Mr. Chairman, I would ask the Attorney-General, whether or not he has taken up the matter of juvenile transfers with members of his department and the judiciary. As the Attorney -General knows and as I suppose all members of the public are aware Manitoba last year attained a very dubious status of being the transfer capital of Canada, I believe that there were some 82 if my memory serves me, some 82 transfers in this province last year. And that was a situation that moved Chief Judge Kimelman of the Family Court Division to describe as being deplorable in some public comments in a newspaper report. He indicated that it was a statistic of which he was considerably ashamed, one that he did not take in pride in and it was something that he had under review within his own judicial group.

I would indicate, Mr. Chairman, that I am fully cognizant and aware of the fact that not all provinces have as low a transfer age as Manitoba and needless to say when you have such a low transfer age , ours being only 14 years you are obviously going to be entertaining more applications and presumably on a statistical basis you can reasonably expect a proportionately higher number, absolutely, number of transfers.

But, Mr. Chairman, having said that, that's not reason for any pride or solace. I think we all have to reflect on the very sad commentary inherent in such a statistic, inherent in Judge Kimelman's public remarks, and I would ask the Attorney-General whether he is doing anything of an immediate nature to try and seek some answers as to why Manitoba has been so much in the vanguard in this regard, and I would like to know whether or not he is of the opinion that the current 14-year-old, and I'm not, just to save time, Mr. Chairman, I know that the matter is under review by the Juvenile Justice Commission, but they don't make policy. The Minister does. I'd like to know his own opinion. I suppose it's analogous to capital punishment where members on the government side are exhorting members of the Opposition to take public positions. Well, I think members of the public are also

entitled to become aware and knowledgeable as to the position of the Attorney-General on transfers. Does the Attorney-General believe that the age of fourteen, for instance, is appropriate, or would he reduce it or would he increase it? What are his feelings in that regard? Does he feel that a child of 14 should be transferred, or does he think in serious cases such as murder or rape a child of that age or even younger should be transferred to the adult courts for adjudication of their matters?

MR. MERCIER: Well, Mr. Chairman, I believe The Juvenile Delinquent's Act, a federal statute has a uniform age across Canada of 14. I would point out to him, Mr. Chairman, that I believe Manitoba and Quebec alone, the two provinces, are the only ones that have the 18-year age limit. In all other provinces a person becomes an adult upon passing his sixteenth birthday. Now, that would no doubt account, perhaps for a larger number of transfer applications. I believe the Member for Wellington now confirms that 14 is the uniform age in the Juvenile Delinquents' Act.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: I was wrong in that I misinterpreted the remarks to be that there was a fluctuating age transfer — limit age. I was wrong on that point, and I misinterpreted the remarks made and I'm sorry if I interrupted.

MR. MERCIER: Mr. Chairman, as I was indicating, Manitoba and Quebec are the only provinces with the 18-year age, and all other provinces at 16, and I think you would find in looking at the transfer applications, and they're all transfer applications which must be approved by the court. They're not simply approved by the Attorney-General's department. They're applications to court and approved by the court for transfer to adult court. You'd find that the great majority of the age of juveniles dealt with in those transfer applications is at 17- year bracket, which — and that might very well be if Manitoba has a higher number of transfer applications than other provinces because of the higher age limit in Manitoba.

MR. CORRIN: Yes, but I'm wondering whether the Minister could indicate whether he would change the age of majority. First of all, I'd want to know that, whether he would change the age of majority and that he would reduce it, for instance to 16 years, and I would also like to know whether or not he would take the position with his federal counterparts that the transfer age itself should either be increased or reduced. That is my concern. I'd like to have some response in that regard.

MR. MERCIER: Mr. Chairman, we've taken the position in correspondence and discussions with the Federal government as they reviewed the Young Offenders Act, which they've discussed for a number of years now, that the age, we be allowed to maintain the age of 18 in Manitoba, subject to the right of transfer o applications in serious cases. Now again, that's the position we have taken to date. This may again be another area where the Juvenile Justice Committee might very well make some recommendations other than our position that we've followed so far, and I'll wait that report.

MR. CORRIN: Mr. Chairman, through you to the Minister, I would indicate that there is not only a concern about the number of transfers, but in speaking to members of the bar, they have brought my attention to something which I think should be immediately rectified, it should be brought to the immediate attention of the Board of Legal Aid by the Attorney-General. A rather senior criminal lawyer in the city has advised me that, in preparing his fee or the standard fee under the Legal Aid tariff — I believe it's item number 48 — the schedule of fees which governs members who practice within the Legal Aid system, he has advised me that the total fee now paid for preparation time respecting transfer appeals. This would be a situation where a juvenile was transferred by a provincial judge and sought an appeal in the Court of Queen's Bench against that order, the total fee for preparation in such cases is only \$25.00. Mr. Chairman, although I do not do very much criminal work, I am assured by this particular counsel that it is virtually impossible to prepare an appeal from a provincial judge's order to the Court of Queen's Bench in as serious a matter as that, on the basis of a global fee of \$25, and he pointed out to me that he had recently a case which took him, and I believe him, took him days, several days to prepare. He indicated that, on the appeal, he had to do psychiatric evidence and social work evidence and all sorts of evidence that he deemed to be relevant and pertinent to the appeal, and he indicated that he had had considerable and lengthy discussions with Legal Aid administrative staff respecting this all-inclusive \$25 preparatory fee.

And it's a serious matter. It's a very serious matter, Mr. Chairman, I think you will appreciate,

because one really can't expect as a professional of any sort, of any person to dedicate several days of their time for \$25, and I can't think of a situation where it's more important that the rights of an accused be protected than in the juvenile transfer appeal. It's so obvious that, because of the gravity of those proceedings and the consequences of an appeal not being upheld, I think it's absolutely essential that this particular matter be rectified. I would suggest that there should be in this particular regard a fee schedule on the usual basis for preparation, which is an hourly fee up to a maximum with the director being given the normal review capacity so that if the fee that is submitted is regarded as being inordinately high, then the lawyer in question could be required to detail it on an hourly basis, item by item. And this happens, Mr. Chairman, as the Attorney-General is of course aware, quite often.\$

It's not unusual these days for lawyers' accounts to be scrupulously reviewed, and I might say that it's always been the case that that has been done by Legal Aid personnel.

So essentially what the tariff is doing, not to overstate the case, Mr. Chairman, is denying the right of an accused child to an appeal. And I think it's intolerable, because I simply don't think you can expect even professionals to do their best if that sort of situation is allowed to fester for very long. Well the Minister has practised law. He knows what overhead charges are like. I don't have to remind him how very expensive it is to operate a law office these days, so I think he's fully aware of the fact that \$25 is out of line.

I've also done some studies and I'm told that normally these appeals take about half a day, so the lawyer would be paid on that basis \$75 for his counsel fee. That would be one half of the \$150 allotted for a day, and of course only the \$25 total, which means that regardless, he's virtually encompassed by the \$100 limit, and I don't think, with respect, I don't think that anybody would suggest that \$100 for several days' work is adequate remuneration.

He also noted, and I would note too that, of course, there was until very recently a 15 percent holdback on all fees. It's 10 percent now as of last month. But lawyers don't get paid the schedule, so rather than getting the \$25, you get \$25 less \$2.50 and the \$75 is reduced by \$7.50. And this holdback is of course — and one shouldn't forget that the tariff hasn't been substantially revised since '75 or '76, so we members of the bar are working at '75 and '76 levels, only to the extent that they have been reduced by 10 percent.

So with respect, I think that this particular lawyer and others in this particular area are labouring under very difficult constraints, and I would think that there should be some immediate review of this situation. I would ask the Attorney-General whether he shares my concern and will look into this.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Well, Mr. Chairman, we can certainly ask Legal Aid to review that particular item in the tariff as could the individual lawyer. I think there's — (Interjection) — Well, Mr. Chairman, I believe there's a Legal Aid liaison committee of the Law Society or the Bar Association. The board is there with a committee dealing with the tariff, and surely we can ask that that area be reviewed and will do so, but I don't think an individual lawyer has to wait until the Estimates of the Attorney-General come up each year to ask for individual items in the tariff to be reviewed.

MR. CORRIN: In that regard, Mr. Chairman, I would note — and I'm sure I don't have to remind the Attorney-General that he has considerably more influence with Legal Aid personnel and with the Board of Directors of Legal Aid than do individual members of the bar, and I think that if he were to bring it to their attention as being his concern, I think it's safe to presume that his appointees to the board would respect that concern and give it immediate attention. I don't think that it's unfair to suggest that that would be the case. I would expect that to be the case, frankly, notwithstanding whether they were the former government's appointees or your appointees. I would expect that you, if you had a concern, they would move on it and look into it immediately. It's your job to look after, of course, the public's interest and they should be wherever possible as co-operative as they can in this regard.

MR. CHAIRMAN: (b)—pass — the Member for Wellington.

MR. CORRIN: Yes, Mr. Chairman, in this regard I would also like to ask whether the Minister has had a chance to look into — I may have missed this and if the response has already been given I publicly acknowledge that I have been remiss in not noting it. There were some fairly serious allegations as we all remember in March of this year. The Minister of Highways motivated by a report to him by his Registrar of Motor Vehicles indicated that some Juvenile Court judges were not relaying convictions and suspensions in their courts to licence officials, and he went on to indicate

that in his opinion some judges were reporting properly and others were not and this had caused considerable concern, not only to himself, but to the Minister who deplored the judges' position.

I would ask whether or not the Minister has now had the chance to do the investigation he said he would and could he report to us on his findings. Was the Honourable Minister of Highways vindicated in his concern, or was he not?

MR. MERCIER: Well, Mr. Chairman, yes there were apparently records of some convictions that were not being reported to the Motor Vehicle's Branch. As of late last month, I have written to all provincial judges, magistrates, and justices of the peace authorizing the release by any judge, magistrate or justice to the Registrar of Motor Vehicles of any of the records of Family Court as required under Section 235 of The Highway Traffic Act.

MR. CORRIN: In view of that, Mr. Chairman, I would be moved to ask the Minister whether any frank discussions were held as between himself and members of the bench, those members who were remiss in not reporting to the Motor Vehicles Branch Registrar. It seems rather unusual that members of the bench should not confirm and obey the law, and I would ask what position the Minister has taken in this regard. Also I would like to know whether or not he has asked that all the backlog of unreported convictions be brought forward to the registrar.

MR. MERCIER: Mr. Chairman, the concern that some judges had was with respect to the publicity provisions of The Juvenile Delinquents Act, and whether the forwarding of these records to the Motor Vehicle Branch violated the publicity provisions. We've had discussions with the chief judge and the Family Court judge, and have now clarified, I think, the interpretation of this section and authorized the release of those records. I am sure with the position the Member for Wellington took on the openness of the proceedings, etc., earlier that he would agree with this provision.

MR. CORRIN: Yes, Mr. Chairman, I was just going to comment on that, that this is a very good reason to open the court proceedings, and this of course substantiates my position on secrecy in the Juvenile Courts. Obviously, this could not have happened if members of the public, and of course the media, were present in court. It would have been quite impossible for the judges to get into that . . . they could have done it, I suppose, well, they probably wouldn't have been motivated to do it but they could have. If they did it would have come to our attention far earlier and the Minister of Highways and his Registrar of course would have been able to communicate with yourself and practicing members of the bench at probably a much more appropriate time. As it is, one presumably has to conclude that hundreds of convictions are now going to go by the boards unreported, and in view of the fact that this has happened only to some of the juveniles in those courts, not to all of them, that means that we've had two systems of justice. Depending on which judge your case came before, you were treated differentially, and as I'm sure we'll all agree, that is simply improper. The law has to be the same for everybody and you can't have one boy walking out without his driving privileges and another one walking out scott-free and getting into his car, both having committed exactly the same sort of offence.

So I'm pleased to hear that this matter is now suitably rectified, and I stress that it's indicative of the need for an open system and supportive of my position in this regard.

MR. CHAIRMAN: 5.(b)(1)—pass; 5.(b)(2)—pass; 5.(b)—pass; 5.(c)(1)—pass; 5.(c)(2)—pass; 5.(c)—pass; 5.(d)(1)—pass; 5.(d)(2)—pass; 5.(d)—pass; 5.(e)(1)—pass; 5.(e)(2)—pass; 5.(e)—pass; 5.(f)(1)—pass; 5.(f)(2)—pass; 5.(f)—pass; 5.(g)(1)—pass — the Member for Elmwood.

MR. DOERN: Mr. Chairman, I wanted to raise a specific problem from a constituent of mine and ask the Attorney-General if he would care to make any specific comment or if he could make general observations in regard to this. It concerns the matter of a fatality that happened I guess about a year ago in the summertime, and it resulted in the death of a young man, Ronald Cameron Smith. If I recall correctly, he was a university student, a resident of Elmwood. He was killed in the performance of summer duties with the city of Winnipeg, painting lines on the street, killed out on Portage Avenue in the St. James area. They were painting lines; there were markers up; he was killed by a motorist; and there was an enquiry under The Fatalities Enquiry Act.

I would just like to read a couple of points here for the Committee and for the Attorney-General, and then ask some questions, because even though the Attorney-General may not know all the details of this case, he may be able to make some observations in regard to some of the questions that I would like to ask.

The reason that I raise the matter, Mr. Chairman, is that it would appear that someone was

just killed outright on June 16, 1978, and nothing happened . . . nothing happened. This young man had his life snuffed out while working his way through university, and the whole consequence is that there was no suspension or fine or penalty for the driver; no jail sentence; no reprimand; the city was responsible, I suppose, but it seems that nothing happened in relation to the city; there's no compensation paid. And what you have in effect is the loss of life, and a family which, first of all, suffered the loss of I believe an only son, and then they are further grieved and pained and shocked because of the fact that it seems like it didn't matter, it just happened and it's just too bad, that's just the way it goes; that there was no pursuance of the matter, no charges laid, and that's why I want to draw this to the attention of the Attorney-General.

I also want to make a much larger statement, Mr. Chairman, and say that my information, which comes second-hand and perhaps could be commented on by the Attorney-General, because he's more conversant with the law than I will ever be, is that my information is that there seems to be very few charges laid or prosecutions resulting from deaths of this kind. I don't know whether the A.G. has any figures, but I would be interested to know how many fatalities occurred along these lines, namely traffic fatalities, and how many prosecutions resulted from them? Because I remember hearing some figures a year or so ago of some 40 or 50 similar incidents, maybe not just traffic, but some 40 or 50 fatalities and that the result was that there was in effect no prosecutions arising out of them. Now, I can only say that this is what I heard, and I would be very interested to know if this is so. So the Attorney-General may want to say something there.

MR. MERCIER: Mr. Chairman, in a general way, if there is available to the department sufficient evidence that criminal charges have occurred, criminal charges would be laid immediately and an inquest would not be held. It's usually only in those cases where there is some doubt as to the cause of death that the inquest would be held.

Now in this particular case, we are attempting to get some information on it, and may have some before the member finishes, but one thing that should not be ignored — and again it's general advice — but it very well be that the family may wish to consider civil remedy against the driver and/or the city of Winnipeg, or any other responsible party.

MR. DOERN: Well, I just wonder if the A.G. could make some observation — as I say I got this second-hand — the statement was made to me that there were some 40 or 50 instances, maybe just deaths in general, and that there were very few if any prosecutions from the Attorney-General's department. Now that could be appropriate in that it could happen that maybe in the investigations there was no need to pursue the matter further, but it appeared to me, when listening to this statement, that there seemed to be a lack of vigour on the part of the department in obtaining prosecutions, and since what I'm saying is vague, and I realize it, I wonder if the Attorney-General can corroborate those figures, or if he could comment on them?

MR. MERCIER: Well, Mr. Chairman, I'm afraid the comments of the Member for Elmwood are so general that it is extremely difficult to respond. I would have to respond in a general way by saying that whenever there is sufficient evidence to proceed with a criminal prosecution that that occurs, and if the Member for Elmwood has some concern about particular instances where that didn't happen and should have happened, I would be most interested in receiving particulars.

MR. DOERN: Mr. Chairman, I would like to read into the record a few paragraphs concerning this case, and then ask some questions, because I'm sure that after I provide some of the information then the members of the department and the Attorney-General could certainly give their reactions to what I wish to raise after. Let me just point out a few pieces of information: This young man, Ronald Cameron Smith was killed at Thompson Drive and Portage Avenue in Winnipeg at 12:50 a.m. on the morning of Friday the 16th of June, 1978, and the fellow who was driving the vehicle, someone named Steven Blake Labchuk, no charges were laid against him. I wrote to the department to Mr. Montgomery, the Director of Criminal Prosecutions about this case. He then studied the report of Chief Provincial Judge Harold Gyles, who presided at the fatality inquiry July 6, 1978, and he quotes to me some of the comments of Justice Gyles, "that the driver of the vehicle that struck Mr. Smith was Steven Blake Labchuk, who has given evidence today, and certainly there is no evidence of any unlawful act which occurred. With respect to negligence, there has been no evidence presented to this Inquest that indicates that the accident was caused by negligence on the part of the driver. There may be some possible contributory negligence but there has not been any solid evidence presented that would satisfy me in this regard." And then further to that, and reading from his summary, I guess, or conclusion, he also said, "With respect to the operation of the City of Winnipeg, I feel there is culpable negligence and I would certainly recommend that the report, which was given by Mr. Doerksen, the Safety Health Officer with the Department of

Labour, be followed explicitly." And then they go on to talk about the need for certain improvements in safety and so on.

And then he said that he advised me that he had a telephone conversation with John P. Guy, the Senior Crown Attorney, and he discussed the fatal accident with Mrs. Sheila Leinburd, one of the Provincial Crown Attorneys, and he concurred in her view that there was insufficient evidence to warrant criminal charges or charges under The Highway Traffic Act against Mr. Labchuk.

And he goes on that he studied the police report and there apparently was no consumption of alcohol and no evidence of a previous record, and facts disclosed in the course of a police investigation point unequivocally and unalterably to criminal prosecution. This was not the case in the instant matter and in the light of the Chief Justice's conclusion and the opinion of the Chief Prosecutor can conclude that no criminal charges were warranted in the circumstances.

And then he goes on to talk, I guess, about civil litigation, etc., etc., etc. And then one or two points out of the Inquest Report, which I have a copy of which is some 130 pages long, and this section struck me as peculiar but I, again, am not a lawyer. On Page 129 the court said, "Just for the record, I presume that this Inquest was ordered by the administrator", and Mrs. Leinburd said, "Our department initially came into contract with this matter and I think we suggested that the Inquest take place." The court says, "It wasn't required by Statute. It wasn't ordered by the Attorney-General?" Mrs. Leinburd, "No, that's right." The court, "So pursuant to the Act it was ordered by the administrator and perhaps there would be a letter from him that should be filed." Mr. Leinburd, "Perhaps, if I could have a moment." The court, "That could be filed subsequent." Mr. Leinburd said "Yes."

And there was evidence given by a Mr. Spirit, a bus driver who happened to be out on a balcony watching the traffic when he observed this car coming at apparently a much faster rate than the rest of the traffic and when the traffic slowed down, in a sort of a bottle-neck, I guess, with these traffic cones, this fellow was going faster than anybody else, etc., etc.

So that's the sort of background, Mr. Chairman, and I'm just trying to convey to you what is a gut reaction and an intuitive feeling about this whole matter; that this boy or man is just wiped out one day, just completely. His family has to go through the grief of having lost a son, and then they look at this, you know, from afar. They are missing their son. There is no action taken against anybody. The driver gets off scott free. It's as if nothing happened. He doesn't have his licence suspended. He isn't fined. He isn't given a penalty. He isn't reprimanded. He is just sort of a person who happened to kill somebody.

The City, which has been described as being culpably negligent, which sounds like a very serious accusation to me, nothing seems to happen as a result of that. Out of this Inquest comes a whole series of recommendations about let's tighten up safety procedures. Well, you know, that's all very well, but meanwhile there is a dead person and it hardly seems in any way to make up for the loss of that person. There is no compensation. I don't know; I have no way of knowing what compensation, if any, can be asked for or deserved. The young man was not married but I think some sort of nominal suggestion was made that his funeral would be paid for.

So, you know, the whole thing just strikes me as horrendous and I am just asking the Attorney-General, who is more acquainted with these cases, is this the way it is? Because, if so, it strikes as intuitively wrong and unjust that when people are killed in accidents do you get a letter from somebody in government or from a firm, simply saying, we regret the loss of your son and we realize it was a terrible thing, but nothing can be done. I mean, is that all there is? Is that the kind of system that we have working in our country and working in our province? Because it just strikes me as being horrible.

And the family, which I have talked to a couple of times, of course they just find this impossible to fathom, understand and so on. Everybody just shrugs their shoulders, and life goes on, but there is one dead person.

So I just ask the Attorney-General if he would care to make some observations because it's beyond me.

MR. MERCIER: Well, Mr. Chairman, from what the Member for Elmwood read, there was a determination at the Inquiry that there was no fault on the part of the driver, and it apparently was reviewed by at least three Crown Attorneys as to the possibility of criminal charges and apparently there was no evidence for criminal charges.

But, from part of what the member read, it appeared there was a reference to the City of Winnipeg being negligent. Now, in that particular case, as I indicated earlier, the parents would still have time, I believe, to contact a Solicitor to bring an action against the City of Winnipeg, or anyone else that the report might have indicated was negligent in the circumstances, and it would be a civil remedy there and a likelihood of damages being awarded. But unfortunately money is not going to compensate the parents for the loss of their son.

MR. DOERN: Well, you know, you can't put a price on a life, but I am saying I assume the Attorney-General is saying it is strictly a civil matter in the sense of it could be pursued privately as a civil action, or whatever it's called.

But I would simply ask the Attorney-General again if he would review this matter. I mean, I realize it has been reviewed but I would ask him whether he would, himself or instruct his Deputy Minister, to review this matter and offer up any suggestions or any positive suggestions he would have, either reinforcing what has already been suggested, or expanding or clarifying it. Because I'm saying I have to go to this family and just say to them, do this or do that, and they have discussed this with some private counsel but it just seemed to be bogged down. I don't know whether it's a case of suing Autopac or suing the driver, or just what happens, but the whole thing seems to be unsatisfactory. I'm just asking the Attorney-General if he would, somewhere in the next few weeks or a month, instruct that this case be reviewed and some further information sent to me.

MR. MERCIER: Mr. Chairman, perhaps one thing I could do is forward to the member a copy of a letter from my office to Mr. Dean Whiteway, Member of Parliament, who inquired from the office as to this matter and received some . . . I guess he, too, was contacted by the family and requested some information, and that information was sent to him in November of 978, and I think this might indicate the status of the matter for the Member for Elmwood.

MR. DOERN: Could I ask you the date of that letter?

MR. MERCIER: November 1st, 1978.

MR. DOERN: Well, my letter is fresher; it's December 19th. So I just, again, ask the Attorney-General could he ask somebody in the department to just review the whole file and see if there is any new advice or new approach that might be suggested; I'm asking you now.

MR. MERCIER: Yes.

MR. DOERN: Thank you.

MR. CHAIRMAN: 5.(f)(1)—pass — the Member for Wellington.

MR. CORRIN: Could the Minister account for the expenditures within this particular area of his department?

MR. MERCIER: You'd like an itemization?

MR. CORRIN: Yes, please.

MR. MERCIER: Mr. Chairman, in this department there is professional fees \$375,200; other fees \$4,500 —(Interjection)— No, this is Fatality Inquiries Act. Rental of space \$3,600; office equipment, furniture and furnishings \$200; printing and stationery supplies \$6,100; postage, telephone and telegraph \$1,600; publications, freight, other \$400; computer related expenditures and travel expenses \$11,000; educational assistance \$500; subsistence \$1,000; transportation \$155,000.00.

MR. CORRIN: In this regard, Mr. Chairman, I'd be interested to know — and this probably reveals more my ignorance but I am certainly not ashamed or embarrassed to admit my ignorance in this regard — I'd like to have some idea of what the nature of the professional fees would be; how they would be, very generally, broken down.

MR. MERCIER: Mr. Chairman, the department projects approximately 2,860 cases in this fiscal year. That works out to cases, \$30 per case, autopsies — \$85 per autopsy. Special tests . . . Generally fees, Mr. Chairman, paid to medical examiners in these cases.

MR. CORRIN: As a matter of general interest, Mr. Chairman, in view of the number of special tests, I'm still not certain, perhaps for clarification purposes could the Minister indicate whether these people that are on staff whether they are medical officers, doctors on staff or whether they are private physicians who are retained on a fee-for-service basis; I wasn't sure I understood that.

MR. MERCIER: Mr. Chairman, most of them would be fee-for-service medical examiners. I could provide the member with a copy of the page that goes into a great deal of detail on fees.

MR. CORRIN: Would these be the pathologists that are serving in the hospitals around the province, the people who are on — I guess they're on call, but usually they are associated with one hospital complex, and they provide exclusive service in pathology in that regard.

MR. MERCIER: The answer is yes.

MR. CHAIRMAN: 5.(g)(1) — the Member for Wellington.

MR. CORRIN: Yes, in this regard, Mr. Chairman, I'd like also to ask the Attorney-General whether he agrees with the opinion provided to me by Dr. W.L. Parker, who is the province's Chief Medical Examiner, relative to the need for inquests in all cases involving deaths by misadventure in public institutions. Dr. Parker and I corresponded briefly, in association with a death of a very young man at the Manitoba School for Mental Retardates at Portage la Prairie.

MR. CHAIRMAN: Point of order.

MR. MERCIER: On a point of order, Mr. Chairman, I believe this line of discussion relates to a Private Members' Bill brought by the Member for Wellington and therefore, it would be out of order.

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

MR. CORRIN: With respect to the Attorney-General, of course, it doesn't deal with that at all. It deals with an inquiry done by Dr. Parker, and the report that was provided by a member of Dr. Parker's staff to the administrator under the Fatality Inquiries Act. We're not talking about a Private Members' Bill, we're talking about an actual case which took place in the last few months, and I appreciate my honourable friend's concern but . . .

MR. CHERNIACK: Mr. Chairman, on that point of order please.

MR. CHAIRMAN: On a point of order, the Member for St. Johns.

MR. CHERNIACK: On the point of order raised by the Attorney-General. Mr. Chairman, I wouldn't like any sort of a precedent be set on the record suggesting that because there may be a private bill, that the subject matter is not in order to discuss during Estimates. I don't know how much the Attorney-General wants to stress that point, but if he does, I would have to ask you for a ruling. I don't think that that is a valid objection, Mr. Chairman, and I would not like it to remain as if it is an accepted point of order, because the Member for Wellington is not arguing that the Attorney-General is wrong; he's just saying that he's dealing with something else.

MR. CHAIRMAN: I don't believe the Attorney-General did have a point of order.

MR. CHERNIACK: Thank you.

MR. CORRIN: Thank you, Mr. Chairman, as I was apprising you, Mr. Chairman, the Chief Medical Examiner indicated that he would be more comfortable — and I should indicate that I'd be willing to table the letter or at least show it to my honourable friend, if he wishes to review it. It's very short and the paragraph in question simply says, "I think in deaths such as this, there should be an inquest in order that the next-of-kin of the deceased and the employees," meaning the employees of the public institution, "are fully recognizant of all facts." And I would note, just by way of epilogue, that that opinion was shared in the same case by Dr. Lowther, who indicated in a news report was quoted as having indicated that it was his opinion, and I should quote the report which was dated February 21st, 1979 and was prepared by a reporter of the Legislature in the employ of the Winnipeg Tribune, a Mr. Robert Matas. Dr. Lowther was quoted by the reporter as saying that, and I'm quoting now: "In the light of any accidental death, there should be an inquest." And he was referring again to the Chenier matter at his own institution.

Mr. Chairman, I would indicate that I share the concern of both Dr. Parker and Lowther. It seems to me that it makes imminent good sense to have above-board reviews conducted on a mandatory basis, not with respect to all deaths, but only those and I would stress only those that take place

in circumstances that are unexplained or unexpected, sudden deaths that take place perhaps as a result of violence or culpable negligence. But, Mr. Chairman, I think that it's exceedingly imperative, because well, as the Chenier case revealed, just to relate the facts to you; Dr. Parker's report which I believe we did table in the Legislature indicated that this particular youth was psychotic, not only was he afflicted with mental retardation, but he was also afflicted with a psychosis, and as a result he was in particular jeopardy at all times. I think there was demonstrable in the facts of that particular case, a need even though the circumstances didn't seem particularly alarming, although every death is significant, but the circumstances didn't lead one to believe that there had been culpable negligence on the face.

I think that we have to establish to the satisfaction of the deceased's family, and to our own satisfaction that there were not inappropriate procedure in existence that may have led to such circumstances. I would indicate that I feel that when I refer to public institutions, that there should not only be autopsies and inquests respecting deaths in hospitals, but also I would indicate that I would prefer to see it inclusive of correctional institutions around the province as well. A few years back, there were some very alarming reports emanating from the state of Alabama. One presumes, of course, as always that nothing of that sort could ever happen here, but to my recollection, Mr. Chairman, in the state of Alabama it was discovered by members of the State Legislature and press, that for a very long time, there had been a very informal method employed by correctional officers at a very remote work camp of disciplining difficult, so-called difficult inmates. The method was very simple, they were taken out in the night and they were shot, and they were buried in very shallow graves on the grounds of a prison farm. And this had been going on only as a result of a few correctional officers, but it had been going on for several years and these prisoners had been reported as simply missing. They were reported as people who had absconded the premises and they were simply away without leave, and nothing was done to look further into the matter.

Although that could happen I suppose that sort of situation of subterfuge could happen at any time. It seems to me that we have to be very vigilant about any missing person, anything of that nature should alert us to the possibility that something untoward may have happened. I think it's very important that we are always in close scrutiny of our public institutions in order to assure ourselves that the best interests of the public and the residents are being looked after.

So I would ask the Minister whether he would agree with me, and Dr. Parker and Dr. Lowther that there should be mandatory inquests into the cases of deaths at public institutions, such as hospitals and correctional facilities.

MR. MERCIER: Mr. Chairman, first of all, I would acknowledge publicly that the province of Manitoba I think is fortunate to have a man as able as Dr. Parker serving as Chief Medical Examiner for the province, and any recommendation that he would make would most certainly receive very serious consideration.

In the Chenier case, we've in fact ordered an inquest and I say it is the policy of the department to order inquests in deaths in public institutions.

MR. CHAIRMAN: 5.(g) — the Member for Wellington.

MR. CORRIN: Yes, I respect the fact that it is the policy of the department, although I note that without naming names, not all members of the department are familiar with the policy. Dr. Parker was not aware that that was mandatory in each case. He thought that was a matter of discretion, and that the discretion was vested legislatively in the administrator. I must say that anyone reading the Fatality Inquiries Act would, of course, draw that conclusion, simply because that is specifically what is directed therein. It seems to me, Mr. Chairman, that in situations where departmental policy is consistent with sound public policy, in cases where the law might be described as lagging behind policy, that it would be conducive, if for nothing else but clarification, that the law be updated to meet the most recent policy reforms. And I would ask the Minister if he would agree with me, in view of the fact that he has already indicated that it is a departmental policy, that the law should reflect the fact that that is perceived by, I suppose, all members as being sound public policy as well.

MR. MERCIER: Mr. Chairman, the Premier reminds me that the law used to be that it was mandatory to have an inquest into all deaths in institutions, and it was changed under the previous government. —(Interjection)— No, I never said it made it right. In fact, it might be cause for giving serious consideration to making it mandatory once again, because as I say, it is the policy of the department.

MR. CORRIN: Well, Mr. Chairman, if the Premier is correct and I presume that he would have an obviously much better recollection and knowledge in that regard than I would, although he was not present in the House during the eight years of the former administration. But on the basis of — well, with the exception, excuse me, with the exception of approximately the term of one year — of course, it's quite irrelevant — (Interjection)— no, it took eight years. It's quite irrelevant whether or not we did change the law, I don't think that that change, if there was such a change, was conducive to the administration of justice and I would suggest that the legislation be revised. Without touting my own Bill, I would note that the opportunity is present — the Bill has been held for many weeks by a member of the Minister's side — it's Bill No. 34 and I frankly expected that the Minister would act on it. I'm quite surprised that the Minister would not take advantage of the opportunity, since it's on the Order Paper every day to give speedy passage to it, in order that the matter be clarified. It seems to me that that too, is sometimes sound public policy. I think looking after people is much more important than looking after politics.

MR. CHAIRMAN, Mr. Morris McGregor: 5.(g)(1)—pass; 5.(g)(2)—pass;

Resolution 18: Resolved that there be granted to Her Majesty a sum not exceeding \$8,800,600 for Attorney-General — Law Courts—pass;

6.(a)— pass; 6.(b)—pass; Resolution 19: Resolved that there be granted to Her Majesty a sum not exceeding \$199,700 for Attorney-General — Legislative Counsel—pass; 7. —pass — oh, pardon me, the Member for Wellington.

MR. CORRIN: With respect to the item that we've just passed, Legislative Counsel, I would just ask one question — something that I've only recently become aware of, because I've only recently been involved with Legislative Counsel in the preparation of public bills. I've taken note that there is no particular legislative counsel who is charged with the responsibility of dealing with the opposition side. Perhaps that's erroneous and you can correct that, but it seems to me that I've been dealing with many competent and qualified people but no one in particular. It occurred to me that it could be an improvement — and I'm not suggesting it 16 definitely would be, but it could be an improvement if one person, perhaps it would have to be on a rotational basis, but if one person on an annual basis could be seconded to serve the opposition with respect to public bills —(Interjection)— I thought he had a point of order . . . you are perfectly correct, I haven't been educated in this regard . . . —(Interjection)— I was wondering whether or not the Attorney-General would . . .

MR. CHAIRMAN: I would just bring this to the attention of the committee. I believe this item was passed, but if I was given permission of the committee to revert back to it — I thought I gave enough time to come to the figure to pass, and then when we got on to (7) the Honourable Member for Wellington brought the . . . but if the committee wants to revert back, I agree to revert back to (6). The First Minister.

MR. LYON: On a point of order, for the benefit of the honourable member, the Legislative Counsel, if he will look at his rules, is an officer of the House. He and his staff serve the House. I think that should obviate any problem that he may have.

MR. CHAIRMAN: The Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, I have not found that rule which says that the Legislative Counsel is an officer of the Legislature. I have not found it. If the First Minister can point it out to me, I would be appreciative, because I haven't been able to find it; I have looked.

MR. CHAIRMAN: The Honourable First Minister.

MR. LYON: Mr. Chairman, it's in the rules of the House, so far as my recollection goes.

MR. CHERNIACK: I did inquire from Mr. Reeves as to where it's set out. I have not spoken to Legislative Counsel, to Mr. Tallin. I gather that this is a tradition, that there is no guarantee such as the provincial auditor has or that the Civil Service Commission is supposed to have that they cannot be removed except by the Legislature. I could not find anything but Practice and Usage. If the First Minister can refer me to a rule, I'd appreciate it. I mean it sincerely, I couldn't find it.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, Rule 100 says, "The Officers of the Department of the Attorney-General who were appointed as Legislative Counsel and Deputy Legislative Counsel are the law officer and the deputy law officer respectively, and shall have charge of all the bills.

(2) The law officer shall, in (b) render to the private member such assistance in the preparation of bills as the time at his disposal permits; (c) revise and put notes on all bills including private bills and cause them to be printed, etc.; be present at sittings of committees, etc." In the rules of the House it's Rule 100.

MR. CHAIRMAN: Order please. Item (6) has been passed. Was there agreement to go back to Item (6), for my benefit? The Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, let's just review that. Your predecessor, just a few minutes ago, pointed out that in his opinion, he had passed Item (6) and he said that he gave an opportunity to committee to enable the matter to be reopened for discussion and paused. The member to my right from St. Vital and I both said, agreed, or something to that effect, no one said anything else, and the Member for Wellington then spoke on it. Now I believe that it was reopened. I suppose anybody in committee can move, what is it? — the previous question, or whatever? — but I believe it was reopened.

MR. CHAIRMAN: Well, I'm at the direction of the committee, but it was my opinion that once the Acting Chairman has initialled and signed the Resolution, it was my assumption that the area was then passed. What is the wish and the desire of the committee? The Member for Wellington on a point of order.

MR. CORRIN: Mr. Chairman, on the point of order, I would indicate that I personally have found this whole subject of passed items to be somewhat humorous, if not only for the fact that of course under the Minister's Salary anything can be discussed, and quite frankly it's always a bit of an embarrassment to me when we get into these long laborious arguments. They're rather unproductive, and they tend to cause the deterioration of the decorum of the committee's business. With consent I will proceed to deal with what was a very minor matter, and if not, we will deal with it on the Minister's Salary. But I'd appreciate the opportunity to deal with it and I would indicate, Mr. Chairman, that I did have my hand up. Two nights ago that particular Chairman who was seated again this evening indicated to me that was the proper method of addressing the Chair, and I would indicate my hand was up, maybe not high enough, but . . .

MR. CHAIRMAN: Order please. The Honourable Minister has indicated he is prepared to discuss the item. The Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. In this regard, I would indicate that in dealing with Legislative Counsel, who I should indicate were very co-operative and were most competent and capable, and I believe one gentleman did remark that it was very difficult for him to keep up with all the work that he had to do. And one gentleman who shall remain nameless, indicated to me quite clearly that he felt it was his responsibility to serve the government side first. Frankly, I can respect that. I can respect that. And I didn't question, I didn't hesitate in my approbation of that position as a matter of fact. But he did indicate that that was his feeling and that was his perception of his responsibility, and I think that's quite responsible and professional.

But I would indicate that in view of that, it would facilitate the role of the opposition and certainly I think clarify the position of Legislative Counsel, if one person could be designated as being, as I said, on a rotational basis because I don't think it would be fair to put one person always in charge of the opposition side I don't think a person would get a sufficient breadth of experience if he or she had to do that sort of work all the time, but perhaps on a sessional basis if one person could be seconded to work with us, I think it would be more appropriate and it would probably lessen the load and burden of that individual and the department in general.

I just wanted to know if the Attorney-General would consider taking that matter up and consider the suggestion.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, the member hasn't indicated whether or not the Legislative Counsel were unable to assist him. Having everyone generally responsible for assisting private members probably makes it easier to serve private members. I would think, too, we're dealing with rules of the House and perhaps it is a matter that should be discussed in a rules committee.

MR. CHAIAN: The Member for Wellington.

MR. CORRIN: - This is a matter of information, Mr. Chairman. It was a fairly senior person and he felt that he was best suited to do the work in question, to give me the answers that I had. He indicated that he felt that it should be somebody with quite a bit of experience in the department that dealt with something as complex as the question we were dealing with, and I leave that to his judgment, he knows much better than I do in that regard.

MR. MERCIER: I think one of the practical difficulties the Member for Wellington would find in his suggestion, Mr. Chairman, is that members, legislative counsel are assigned to work in various fields, so you would find that legislative council (a) may be working with two or three specific departments and (b) with two or three other departments, and if you were to assign one of them to work with the Opposition, you probably might find in some instances that that person might not be as familiar with that department as another person serving in that department.

MR. CORRIN: I accept that, actually, as quite a reasonable observation. I deduce that there's some reason to accept that particular observation, Mr. Chairman, but still I would indicate that we did have some difficulty in that he felt obliged, because of the pressures of his office, to serve, I suppose serve a variety of Ministers, on a priority basis, and although I know he was genuinely striving to assist myself I do feel that in those circumstances it puts staff in a difficult position. And although they bear up remarkably well they, of course, are beyond reproach and most equanimous in this regard. I would just suggest that we might give consideration to dressing up some of the procedures so that they not be put into embar' rassing predicaments. That's all I have to say on that particular item and I thank you for going back to it, Mr. Chairman.

MR. CHAIRMAN: 6.(a)—pass; (b)—pass; 6.—pass.
Resolution 20, Item 7 Law Enforcement—pass — the Member for St. Johns.

MR. CHERNIACK: I'm interested in hearing from the Attorney-General on the latest information he has on the obligation of the police officers to enable people who have been apprehended to have access to lawyers.

MR. MERCIER: Mr. Chairman, I believe I indicated in Question Period to the Member for St. Johns that I have arranged a meeting with the Manitoba Bar Association, and I believe the chairman of their Criminal Justice section. That was scheduled for next Tuesday, but that meeting may have been cancelled today and another date two days later, next Thursday, we now have that meeting to review the issue with the Manitoba Bar Association.

MR. CHERNIACK: Mr. Chairman, I appreciate that information. My note says that the Minister expected that they would meet this week, the week of May 7th.

MR. MERCIER: I believe I did indicate that in the House, and I was going from memory and I'm sorry that was not correct. It was Tuesday, May 15th, and I believe Mr. McGannet (?) phoned today to change the meeting to Thursday, May 17th.

MR. CHERNIACK: Mr. Chairman, if there has been bad procedures in the past, and they've gone on for so long that another week or two can't be too damaging. But I wonder if the Minister has had an opportunity to review again the policy which according to the newspaper was satisfactory to him; and whether he is approaching this discussion with, I believe it's the president of the Manitoba Bar Association and the chairman of I think it's Trial Lawyers Association, I'm not sure of their term; whether this is being discussed with them just to hear their views or to re-open the subject with the police as well, because so far all we've heard about it is the policy of the City of Winnipeg police, and the Minister of course is responsible for much more than that. So has he determined any policy that now exists outside of Winnipeg.

MR. MERCIER: No, we haven't, Mr. Chairman. We would expect that that could be raised by the Manitoba Bar Association, and I would expect that the RCMP have the very same policy, but we can get confirmation from them as to their exact policy prior to that meeting. The complaint that has been issued, was it with respect to City of Winnipeg police?

MR. CHERNIACK: I'm sorry the First Minister has left, because I would want to say to the

in the presence of the First Minister, as I said to his predecessor in the presence of the First Minister's predecessor, that the Attorney-General then, and I believe now, have too much on the table for them to do. I think they carry just too big a load, and I say that in the sense that I really believe that this Minister ought now to know what is the policy in Dauphin. What is the policy in Wabowden in relation to the right of access to lawyers, and if we have heard a complaint — it took a long time for this complaint to come about, and it took a lengthy hearing for it to become enunciated by firstly some sergeant, who apparently, according to the Chief of Police was wrong, and then by the Chief of Police who enunciated a policy.

Now, we've all been trained and misled, I think, by all the American television that seems to give all kinds of protection to the criminal that we see, or the alleged criminal, whom we see being arrested on the TV screens. But I have real concerns, as I'm sure the Attorney-General must have, about what takes place here. I have had practically no criminal practise; I don't know the extent to which the Attorney-General had a criminal practise, but when I hear of these allegations and then they reach the stage of being considered very seriously at lengthy hearings by a board of the province, I think the Attorney-General ought to know now what's going on in all the other jurisdictions in Manitoba, and I think this is of such great concern that I'd like to know that he's coming to this meeting next week or whenever it takes place with a definite attitude of establishing a policy which will be protective.

Now, I've heard many lawyers say, "Well, you know, the best way you get a confession — if a crook is a crook, then getting a confession from him is the best way to carry out justice", and I've not learned that; I never learned that in my apprenticeship at the Law School, and I still ve some belief that the system of justice that we've inherited over so many years must protect the individual against the establishment. I'd like to hear some kind of reassurance from the Attorney-General that he too has that kind of concern.

MR. MERCIER: Mr. Chairman, firstly we have no reason to believe that the policy of the RCMP outside of the City of Winnipeg is any different than that of City of Winnipeg police. I'm virtually positive of that, but we can certainly confirm that. I think what ust be pointed out is the test that is now used is that of one of the voluntary nature of the statement. The statement must be proved to be having made voluntarily without fear of pressure, coersion, etc. And the policy of the city of Winnipeg police is, — because I was asked a certain question: what is the policy of the city of Winnipeg Police Force with respect to accessibility to counsel? — I read that into the record. Some observers in the media indicated I was reduced to reading that in the record. I have to say for the record that that was the question I was asked and I gave the answer in response to that question.

That policy generally is to allow accessibility to counsel virtually at any time an accused person or a person or detained at the station, requests counsel. When a statement is introduced in court, there's a very extensive examination by the judge as to the voluntary nature of the statement before it is admitted into evidence.

Now, I'm prepared to discuss with the Manitoba Bar Association their resolution which would expand that right to an obligation of the Police Force to advise an accused person before he makes a statement, that he has the right to counsel, that is the extension of the present system. That is not the law in Canada, it is not a requirement of The Criminal Code in Canada at the present time. Probably before any introduction of such a procedure, that would have to be legislated by the federal government, but it should be noted for the record that the statement has to be proved to be voluntary before it is admitted; the person is charged and cautioned before the statement and then they are asked simple questions, like, did you rob that bank? Yes or no.

MR. CHERNIACK: You did rob that bank, didn't you? That's the way it's asked.

MR. MERCIER: Maybe that's the way it's asked but I don't think so. You have to remember too that the public interest has to be protected and if a person voluntarily answers a question and makes an admission and that is admitted, a substantial number of convictions are obtained through statements. I don't have the numbers, but I'm sure it's a very substantial number.

MR. CHAIRMAN: The Member for St. Johns.

MR. CHERNIACK: Mr. Chairman, I don't want to invite a discussion, although I do want to make some comments which may bring about a response. In the first place, my limited criminal practice did show me that a large proportion of cases are relied on by confessions. And that's natural, there are some people who just want to confess to their bad deeds. On the other hand, a voluntary confession can be voluntary as long as it's not forced by blackmail or by whipping, or threats,

yet it can be induced by just a long, long, long session of, "Did you rob the bank, did you rob the bank?" After a while it can still be voluntary.

I am not saying, at this stage — I haven't thought it through that much, nor do I know that much to assert it, that a person should have the right as in the States of saying, "You have a right to counsel." I believe they are protected by the State that you don't have to make a statement if you don't want to. Is that not correct? I think after a certain stage they can get all kinds of voluntary admissions and then at a certain stage when they decide they are going to charge them, they can say that. I don't know the nuances that well.

But what I am saying is that a right to counsel, I think should be an immediate right. There is a difference. I'm not saying, at this stage, I'm not saying that the officer has to say to the person alleged to have committed a crime, "You have a right to counsel, do you want counsel?" But I am saying, if that person said, "I want to call my lawyer," then that interrogation should stop forthwith. Now there's a difference. You see, if somebody says, I want to see my lawyer and the Police Officer says, yup, sure, okay, we'll get him tomorrow morning, meanwhile let's talk some more about whether or not you want to make a voluntary statement. I think that's wrong. And I think that that is consistent with the need to make a voluntary statement, and at the same time there is no imposition of the need to promise counsel. All I'm saying is, if a person wants to see his lawyer, there ought not to be any discussion with that person until he sees his lawyer. That's the point I want to make. That does not conflict with the fact that the statement must be voluntary, and I want to make that distinction. It's not one or the other, it's voluntary but that has nothing to do with the right to have a lawyer. That's the point.

And since the Attorney-General is firstly, not ready to report, because he can't report and since his Estimates will be passed, I assume before a week Friday, then we may have to wait another year to get a real discussion going. The Minister shakes his head. We will certainly hear from him, but I don't know when we'll be able to discuss it with him.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Yes, in this regard, Mr. Chairman, I would indicate that I quite concur with the opinion of the Member for St. Johns. One only has to think of a situation where yourself or one of your friends or loved ones are in Police custody to appreciate the significance of that one call to the lawyer and the imperative that it be a right, and of course it's a perfectly testable right. The beauty of that particular system, Mr. Chairman, is that it is in itself, a perfectly testable right, because if every person is told they have the right to a lawyer, I can assure you that every person, and no judge will ever believe otherwise, every accused person will take his or her one call. And in those circumstances you can be assured that on the presumption that they get through, that there will be a record at that point — that because a lawyer contacted, there will be a record for the court that the person was in contact with a lawyer and would undoubtedly be advised that he or she should remain silent until the lawyer were present.

MR. CHAIRMAN: The Member for Elmwood.

MR. DOERN: For the benefit of the committee, could I give the election results in B.C. to date? 18 elected New Democrats, leading in 13, for 31; 19 Social Credit elected, 7 leading for 26.

MR. CHAIRMAN: The Member for Wellington.

MR. CORRIN: Mr. Chairman, I would indicate that it's a fail-safe system if the accused must be apprised of his right to a lawyer, the accused invariably will take recourse to making that one call. You've got a perfect test as to whether a statement is voluntary because I don't know of any lawyer that would suggest to a client who called him that he should go ahead and continue with the interrogation statement without the lawyer being present. I'm quite certain most lawyers would simply indicate that they would be coming down and they would indicate to the police at that time what time they would be arriving and that would be the end of the matter.

Although I know that there is reason for concern that some statements on that basis might be lost and I'm aware of that. And I'm aware that that means some cases might be harder to press against guilty individuals and that's, I suppose, a sort of legitimate concern. I think that if one weighs the overall benefits and if one looks at that from the perspective of civil liberties in our country; and if one looks at that from the rights of individuals — and when we talk about individuals we should always look at ourselves, rather than looking at John Smith the reprobate who's been charged and convicted 20 times. We should look at ourselves or a member of our family or a friend and remember that it can happen to us and it does. It does on occasion happen to otherwise uninvolved

respectable people. It is the only way that we can maintain, vigilantly maintain a high standard within our society.

And I would suggest that for the Attorney-General to do otherwise than to aid the cause of civil rights in this regard would be wrong, because to do otherwise would be to serve a sort of selfish interest; and that the Attorney-General, of course, likes to — I am now talking about him in his designated position, not of course him as person — the Attorney-General, be he a he or a she would want to have his department performing efficiently and would perhaps be inclined to look at the conviction record occasionally in that regard. But you have to temper your enthusiasm and I think you have to in this regard give cognizance first to the rights of those people who are before the police who have matters that may be brought before the courts of a very serious nature.

And so I would suggest that the Member for St. Johns brings a very important and substantive point to bear in his discussion of this item and I think the Attorney-General should give consideration to being supportive of it. It's important.

MR. CHAIRMAN: Item 7—pass — The Member for Wellington.

MR. CORRIN: I've nothing to say, Mr. Chairman. Thank you.

MR. CHAIRMAN: Resolution 20 — Resolved that there be granted to Her Majesty a sum not exceeding \$14,340,100 for Attorney-General—pass.

Resolution 21: Item 8.(a)—pass; 8..(b)—pass; Resolution 21 — Resolved that there be granted to Her Majesty a sum not exceeding \$788,500 for Attorney-General—pass. The Member for

A MEMBER: What number did you say?

MR. CHAIRMAN: 8.(a) and (b)—passed.

Resolution No. 22: Item 9.(a)—pass — The Member for Wellington.

MR. CORRIN: In this regard, Mr. Chairman, we dealt with this peripherally under Other Estimate items and I would like to indicate that we are still concerned about both eligibility guidelines' User Fees, and the restrictive approach to tariff revision by the Board of Legal Aid. We know that there has been a 25 percent decrease in the case load in the past year. This was rather startlingly included in a letter to the editor by the Director of Legal Aid in the past four or five months. He noted that he did not know the cause and he couldn't precisely assess the causation for that. But he did indicate that one of the suspicious items might be User Fees and I would indicate that we still share that concern. We, too, cannot verify that. That's simply impossible to establish but there has been a decrease and we would hope that if it is the case that there are people who are not availing themselves of the legal aid system because of the User Fees, we would certainly hope that the Minister is satisfied that those people did not have legitimate concerns and were not injuriously affected . as a result of the imposition of those fees.

Some of us can laugh and say, "Well it's \$35.00 now, \$35.00 is peanuts." I've heard that mentality, too, expressed quite forcibly that \$35.00 is nothing and if a person really has a legitimate concern they'll pay their money and they'll obtain protection. And of course, we all appreciate and I'm sure some members are thinking, well that only applies to people between the eligibility ceiling on social assistance and the eligibility guideline ceiling on legal aid.

Even though that's marginal, I would suggest that a lot of those people are just getting by and anybody who studied the eligibility criteria, I think, would have to agree. You're going spare on perhaps not on the absolute essentials and necessities but you've got to be going spare on the most basic frills. And I think how you wish to define basic frills is any person's prerogative but nevertheless by no means are these people living high on the hog. Those people as a matter of fact are the people who I think we would all agree are deserving of the most help because those are the people who are working. Those are the people that we would have to describe as the working poor, the people who aren't on welfare who are out there slugging it out, very often from my own observance, Mr. Chairman, people who have very limited abilities, virtually no skills who are doing some of the hardest types of employment, the most difficulty physical labours and very often doing so very dutifully and frankly with a sense of obligation that belies their circumstances and does them only great respect.

But, Mr. Chairman, still, as I said, I wish to reinforce that members on this side still wish to resist the imposition of the User Fee. We do not regard it as something that enhances the service. We feel that if a working person in these circumstances is put to hardship in any legitimate case,

it's one legitimate case too many.

We would also, in this regard, indicate that we are not pleased, we are displeased, with the rather erratic procedures regarding the revision of the eligibility guidelines. I would indicate that under the former government it was an annual review process and I am advised by the Director, what had been adopted was a very simply mechanism that simply took reference to the increase in the cost of living factor over the previous fiscal year in the province and made the obvious necessary increment in order to satisfy the situation. This has not been the case for some time. As a matter of fact, Mr. Chairman, eligibility guidelines were frozen for some two years, being from March 1977 to March 1979, and over that period, Mr. Chairman, the cost of living in this particular city rose some 18 to 19 percent, while guidelines remained static. I must indicate that I find it simply untenable that the Attorney-General wouldn't have felt moved to intercede on behalf of all potential legal aid users and require the board to readopt the uniform policy that called for standard cost of living increments on an annual basis. That seems imminently sensible, I don't see it as being untoward, nobody I think could stipulate that that would be, in any way, a ripoff to the system. That, if anything, is the most objective guideline by which to assess the increment. There's nothing there that can be criticized that I'm aware of, and if the Attorney-General disagrees with me of course he should indicate, and I would ask that he indicate that. If he is in concurrence, I would ask whether or not he would give consideration to asking the board to go on that uniform system of readjustment in association and conjunction with cost of living increases. Perhaps the Attorney-General, at this point, Mr. Chairman, could be called upon for a response.

MR. CHAIRMAN: The Member for Virden.

MR. MCGREGOR: To keep the records straight and being a man of truth, I think I will report the B.C. election correctly. Social Credit elected 18, leading 13, total 31; NDP elected 19, leading 7, total 26; it looks and indicates Bennett, with a reduced majority government. That's official.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I just want to note for the record with respect to the eligibility guidelines that they were either the highest or among the highest level of guidelines in the country. They have been increased this year anywhere from 4 to 11 percent.

With respect to the user's fee, Mr. Chairman, the advice I have received from Legal Aid, that in 85 percent of the cases of persons who received a legal aid certificate, the user fee was waived, and only 15 percent paid the user fee. This is advice from Mr. Larson.

I would also indicate, Mr. Chairman, for the record the Department of Justice of the federal government made a proposal to us to study the effects of the user fee on the service delivery system of Legal Aid Manitoba. The total cost of this study to be paid by the Department of Justice is \$46,000.00. We have agreed that that study should be proceeded with and we expect the study to be completed by October 1st of this year. The Department of Justice have indicated for some time a concern about escalating costs of Legal Aid, generally, over which there was no control. We have concurred in their proposal to do the study, and it should be a fairly interesting one, Mr. Chairman.

I may as well go on and make one comment, because the member referred to the tariff. This year the holdback was reduced from 15 to 10 percent, and I want to indicate that the Board of Legal Aid, after some consultation, I believe, with the Manitoba Trial Lawyers Association and others on the Legal Aid Liaison Committee, with their consent, are proceeding with a study of a block fee system. And that is under way in Legal Aid. I indicate that this has received the concurrence of representatives of the Trial Lawyers Association and others.

MR. CORRIN: What does the block fee system mean? I am not familiar with that term.

MR. MERCIER: What we mean, in general is, for example, in an impaired driving case, looking at the statistics where a person may have had \$25 preparation, \$25 to appear for a remand, then a fee in court, looking at perhaps the average fees that were given and revising the tariff to include a flat fee for certain cases.

Now, I think that kind of thing would have to be subject to the discretion of the Board or the Executive Director in unusual circumstances, to revise it. But it's an area that Mr. Larson has been interested in for some time, and it's being reviewed.

MR. CORRIN: As a matter of interest, is the Minister aware whether doctors are paid on that basis? For instance, if a doctor consults . . . It's very relevant, Mr. Chairman. Just for your edification,

why I make that remark is members of the Minister's staff throw up their hands. Not that I think it's appropriate, frankly, for staff members to do that, but if they are going to participate in matters before the Committee then we have to give cognizance, I suppose, to their presence.

MR. CHAIRMAN: Order please.

MR. CORRIN: Mr. Chairman, to go on, I am seriously concerned about that because it seems to me that there are many similarities in the way the doctors are currently paid and the way lawyers are paid under this system — and I stand to be corrected — I am not aware that physicians are paid on a block basis. If you go into a doctor's office and have a number of examinations and tests, which ultimately lead to an operation, I don't think the physician is required, on that basis, to just charge for the operation. In other words, there is a block fee because he took out your appendix; it doesn't matter what he did to work up to that stage, that goes by the boards.

And I would seriously question, although I won't dismiss it out of hand because I think that we should always be exploring these things; it makes sense to always be investigating and exploring the potential of any given idea in this sort of area. But I would question the propriety, well, not propriety, the appropriateness of this sort of system or method of fee structure.

MR. MERCIER: Mr. Chairman, I'm not familiar with fees for services for doctors, but from what I have seen generally, it seems to me there's a fee, for example, for tonsillitis or appendectomy, and that there must be varying difficulties with those operations from patient to patient. It's my view that there probably is a similarity but that's just a lay person's opinion.

I'm sure, Mr. Chairman, the Member for Wellington has had experience with the taxing officer of Legal Aid and discussed that on numerous occasions with fellow members of the bar.

MR. CHAIAN: Order please. The Honourable Minister.

MR. MERCIER: I think he would recognize, as I think I did in practice, in doing some Legal Aid work, that it's often that taxing procedure that is more irksome to practising members of the bar than any allegedly reduced fee they might receive, the time taken in taxing bills. So I think that's why it's received some support, at least for the purpose of reviewing and studying by members of the board and by outside people. That's really all it is now, a study at the present time.

MR. CHAIRMAN: (9)(a)—pass; (9)(b)—pass; (9)—pass. Resolution 22: Resolved that there be granted to Her Majesty a sum not exceeding \$3,131,500 for Attorney-General—pass. Resolution 23, Item (10)(a)—pass; (b) — the Member for Wellington.

MR. CORRIN: Here I only have one concern, and that's why members of the public have to pay such inordinately high fees in order to obtain searches. I know I was in there the other day on a personal matter, did a search and asked for a Xerox copy of the front page of a chattel mortgage, and to my shock I was charged \$1.50 for the Xerox copy. That seems to me to be an exceedingly high rate of return. The machine was just there in the office, and \$1.50 for the work that was involved didn't seem to be appropriate and I couldn't remove the document from the office so there was no choice. If you want a copy of the document, you've got to deal with that particular clerk and that particular wicket and pay the structured fee. And it seemed to me that some people who would be doing their own personal searches — and I would hope under the new system that people would do that, because it's much simpler now, a lay person can walk in and do a very good job with one of the clerk's assistance — I would hope that they would be given the opportunity to do that at a minimal sort of cost. If a person, as a person might well have, a number of items and a number of copies of security documents to be made they could alone bump up a small bill of \$10 to \$12.00. I know the time I was there, which was relative only to one item — it was just a boat — I spent \$10.50 on what I would consider to be the most basic type of search, because it was an eyeball computer search. I just eyeballed the telescreen with the computer operator in her chair doing the necessary technics, and I wrote out most of the information off the screen, and I took the bare minimum in terms of copying work — just the one page although I could have taken more. And, frankly, probably a layman should have taken more, particularly if they were going to go off and speak to a lawyer or somebody about the matter.

It was my feeling that we shouldn't discourage the use of such a good office. We have done a lot to make that office more expanded and more understandable to the public. It's a friendly place to do business, as well, which is really quite refreshing. The people there seem to be genuinely enthusiastic about their work and they seem to be suitably disposed, well-disposed to serving members of the public.

I would ask whether or not consideration could be given to reviewing the fee structure. It's high, it's not prohibitive, perhaps, but it is high and I would suggest that we should look at it.

MR. MERCIER: Mr. Chairman, I would be prepared to look at that fee and the other fees, and review that.

MR. CHAIRMAN: 10.(b)—pass; Resolution 23: Resolved that there be granted to Her Majesty a sum not exceeding \$672,100—pass.

I would refer members to Resolution 14.(1)(a) Minister's Salary—pass — the Member for St. Johns.

MR. CHERNIACK: I want to discuss features of the Liquor Control Commission: Lotteries, gambling and professionalism. If forced to I could stay later. I don't see the point to it. I'm just wondering whether the Minister doesn't want to bring us that report that he was considering whether or not to bring us, so that we can deal with it tomorrow under his Salary, or whether there is an insistence that we go on into the early hours of the morning to satisfy somebody's ego.

MR. MERCIER: I didn't think there was a question.

MR. CHERNIACK: My question was whether the Minister is prepared to have the Committee rise, so we can deal with his Salary tomorrow.

MR. MERCIER: Mr. Chairman, I would prefer to deal with it now.

MR. CHERNIACK: All right, Mr. Chairman. I'd like to know the government's policy in relation to gambling and, more specifically, those aspects that come under the Minister's jurisdiction. I am referring to . . .

MR. MERCIER: To do with the Lotteries Licensing Board.

MR. CHERNIACK: Yes, m'hmm.

MR. MERCIER: Well, Mr. Chairman, I assume that we are referring here to the casinos blackjack kind of operations that are authorized under the Lotteries Licensing Board. As the member is aware, we authorized the Haig Commission to review lotteries in Manitoba, and included in that was the operation of the Lotteries Licensing Board. I had a concern when I first assumed office because of the applications for casinos and blackjack operations started to come in very, very quickly in large numbers. The Haig Report then recommended no more than 12, and I think the member probably has had a copy and read the recommendation, in general no more than 12 casinos in the city of Winnipeg plus the normal agricultural fairs, etc., in Brandon, etc.

I, and the Lotteries Licensing Board have concurred in that recommendation and that is the policy the board will be implementing and they are now dealing with — I think at last count, and I stand to be corrected, there were 32 or 36 applications — for these casino operations and those will be restricted to no more than 12.

MR. CHERNIACK: What is the government's rationale for 12 and not 13, or 32?

MR. MERCIER: The rationale, generally, Mr. Chairman, is that there should be some control over it. In the province of Alberta, I believe they have a casino and blackjack operation authorized every day of the year, 365 days a year. It is not my feeling that we should get involved in something like that. The policy will be to restrict the operation basically to organizations which are not fund-raising organizations, but organizations which exist, generally for some other objective. Take, for example, the Manitoba Theatre Centre is not a fund-raising organization, but an operation designed to carry out theatre work. That would make them eligible, but at the same time, that would not make, for example, an organization like the Kinsmen, who are generally a service club, fund-raising organization, not eligible to run a casino or blackjack.

MR. CHERNIACK: Mr. Chairman, my question was, what is the government's rationale for having 12 casinos? The Minister didn't answer that, he told us what happens in Alberta, he told us what restriction may be placed on fund-raising organizations, but why 12?

MR. MERCIER: Mr. Chairman, it's a judgment call. As to the number, the report was based on

Mr. Haig's discussions with lottery operations in B.C., Alberta, Saskatchewan, Ontario, and they've all expressed an interest in that report and indicated they thought it was a valuable report which they all wanted to use. Public hearings were held at which representations generally I believe were made from members of the public in favour of the operation of some, I don't believe it would be acceptable to go every day per year as Alberta. And basically, Mr. Chairman, it was a judgment call. I don't know whether the Member for St. Johns is in favour of 20 or 10 or 5 or maybe none.

MR. CHERNIACK: Mr. Chairman, I've just been informed that Bob Steen, the Mayor and the former member of the Legislature has just died and the other committee has closed in recognition of that death. I'm really not inclined to proceed now, although I do have more matters to deal with. I therefore move that Committee rise.

MR. CHAIRMAN: I have a motion that Committee rise. Committee rise.

SUPPLY — LABOUR AND MANPOWER

MR. CHAIRMAN: I would direct the honourable members' attention to Page 59 of the Main Estimates, Resolution No. 77, Item 1.(b)(1) Salaries—pass — the Honourable Member for Logan.

MR. JENKINS: Thank you, Mr. Chairman. I think I said two or three words before we got the break for the Private Members' Hour. I think I was referring to the field of industrial relations that the Minister had been alluding to in his introduction to his Estimates and I think we will all agree that the record for Manitoba in the field of industrial relations for the year 1978 was certainly an unenviable one. I know that there are many people making many suggestions for a more harmonious relationship between management and labour but I think the Minister pointed out that as far as he saw it, that the two parties as much as possible should be left to work out their solutions that they have. I do have to agree with the Minister in this respect; I think this is one of the fallacies, and usually they come from people who maybe don't have too much experience with the collective bargaining process but everybody wants to come up with a magic solution. Well, I don't think that, try as we may, that we are ever going to come up with a magic solution. I think that there will always be industrial disputes and there will be at times industrial harmony. But third party intervention should only — and I reiterate — only be a very very last resort that any third party might get into.

I agree with the Minister that, yes, the use of mediators, conciliators are all good; they all work towards the collective bargaining process. But for those who advocate compulsory arbitration or final offer arbitration which seems to be a new one which is where management makes a final offer, unions make a final offer and then lo and behold the arbitrator picks out one or the other. That is like playing Russian roulette, and depending which side of the bargaining table you are sitting on with a pistol with six loaded chambers, because if I could be the person who would pick the arbitrator in my dispute, I would be quite happy, and I guess if management were in the position where they could pick the arbitrator, they would be quite happy.

So I say that the years that we were the government in this province, we tried and I think were able to maintain a position where we left it in the main to the protagonists in an industrial dispute to try and come to their own settlement. And after all, that is what the whole process of collective bargaining is about. There is give and take by both sides of the bargaining table, and I think governments at times, when they do get caught into this game of legislating people back to work, get themselves into almost the same position as when a constable is called in to solve a domestic dispute. They both wind up with both sides blaming the one who tries to intervene, and in this case, when it's an industrial dispute, it is government invariably that gets the black eye because management isn't satisfied with the solution in most cases, and neither is Labour, and so who do they turn around to? They blame those within the legislative field.

So I would say to the Minister that his wisest course in the field of industrial relations is to try and maintain as an independent position as is possible. After all, that is his function, and not get involved in bringing in legislation that may, on one hand or the other, favour one side or the

other. I do have to agree with the Member for Inkster that the more legislation we bring in dealing with the field of labour relationships and in the field of industrial relations, the more restrictions we put on, the more complicated the situation becomes. My friend for Inkster may not like this but I'm going to say that the more regulations, the more rules you bring in, the more lawyers you bring into the thing, and you know, perhaps the best solutions in the field of industrial relations, and if any legislation should be brought in, maybe we should bring in legislation that bans the lawyers and other ancillary people that become involved in the bargaining process because that may be against the Human Rights Commission, but perhaps it would be well for the people who are involved in the field of industrial relations, both on Management's side and on Labour's side, to try and keep as many people out of that bargaining process as possible and to make the collective bargaining process work between senior management and senior negotiating personnel from whatever bargaining unit they are dealing with. —(Interjection)— Well, the Member for Inkster, I guess, just reiterates what I have just been saying, that if lawyers were not involved there probably would not be an MTS strike at the present time.

But the Minister has set up a committee, I understand, a committee which is to look into ways and means of dealing with some of the problems that came about from last year's prolonged construction strike. I would like to ask the Minister, this new committee, is it completely set up, how many times has it met, and when does the Minister expect that they will be making a preliminary report to him? Again I would caution the Minister that he be very careful with the recommendations that he make, especially if they are involving more due process of legal procedures for these people to go through.

The collective bargaining process that we have been engaged in in this country and wherever free collective bargaining takes place has worked in the main very well. When you realize the amount of industrial disputes that do take place, and in comparison to the amount of collective bargaining that is done, it is quite small in comparison to the amount of amicable settlements that are made. And unfortunately the good agreements that year after year are settled sometimes in an industry for many many years don't seem to make the headlines of the newspapers because they are not newsworthy, everybody is happy. But when an industrial dispute takes place, then of course it becomes news, there is no doubt about it. I know the place of employment where I work, we have been on strike on more than one occasion and I can assure the Minister — I guess I don't have to tell him, he knows, he has been a member of a trade union — that it is a process that trade union people, when they do cast their ballots to go and withdraw their services, it's not one that they do willy-nilly. They make certain that all other means have been explored. I know the collective bargaining unit that I belong to, right now, I understand has rejected the offer of the Joint Railway Committee by about a 63 percent vote. But that vote is a secret vote; it is a vote that was recommended, I believe, by the bargaining unit to the membership. The membership had an opportunity to have a look at what the offer was. They received their ballots; I received mine and I marked my ballot. I'm not going to tell the Minister how I voted one way or the other, it's a secret ballot, but it explained what was offered and what we had asked for and what was offered in return. Now the membership of the shop crafts have made their decision; they have made their decision that they are not prepared to accept that offer. And that is democracy. That is democracy; that is how it works.

I know some of my honourable friends across the Chamber at times they like to say that trade unions are not a democratic process. I can assure you, any unions that I have ever had anything to do with, that it has been a democratic process. The membership have been the ones who have made the decision in the long-run. It has not been, as we hear at various times, union bosses telling us how we are going to vote. Frank Hall, when he was our chief negotiator for the non-ops, certainly never came to Winnipeg and said, I am telling you that you mark your ballots so and so. You go out because I tell you to. All he ever came and explained was what was offered, how the process was, and we were to make the decision. So when people like to say that union bosses are telling workers what they are supposed to do, I could tell you, from my experience in the Trade Union Movement, and I have held various offices within my Local including that of president, and I certainly never was able to tell them what they should do because they would very shortly and swiftly tell me where I could go.

So I say that the Minister, while he has this Committee, and I hope that they will make some recommendations, and while it was a long and prolonged strike, the due process of collective bargaining in the final run worked, there was a settlement. And unfortunately, one of the negotiators for the Builders Exchange has now seen fit that he wants to advocate the Right to Work legislation which we are debating at present in this House. I believe we have an amendment to that effect. And as I've said on more than one occasion, Right to Work legislation as it is envisaged and as it is in force in some of the states of the United States, is nothing more than union busting, because that's all it is — nothing more than union busting — that's plump and plain.

But the Minister has said and I have to accept his word that at this present time he is not contemplating that type of legislation in this province and I hope that he keeps to that. Because if he allows himself to be persuaded to go that route, then I can assure him that as sure as we stand or sit in this Chamber that the industrial strife that he had last year will be magnified. You will have, unfortunately, increases in disputes, and there are those who maybe that is their purpose, that they want to create more industrial strife than there is in this province.

As I said when I started that the record last year was a bad record. Part of it it's true was caused by the AIB and I think the Minister knows what I thought of the AIB and what I've thought of the AIB from Day One. As far as I'm concerned, when you bring in wage and price controls, it only works in about two circumstances. It works in times of national emergency, and the Prime Minister of the country, Pierre Trudeau, was not able to convince the people — not the people — that there was an emergency. He was not able to convince management and he certainly was not able to convince labour that there was a national emergency. But in time of war, yes, I can see that that is a national emergency and people will, when they are faced with threats from outside, will sometimes allow you to do that. The only other time it will work will be in a dictatorship. In a dictatorship, sure, they can set prices; they can set wages, they can set them and people have to accept them. But I think we all agree that we live in a democracy and as long as we live in a democracy then I think we have to let the process that has, in the main, proved to be a pretty good one, where people are able to collectively with their employers, decide on what remuneration, working conditions in the place of employment will be. It's far from perfect but it's I believe, again, as far as . . . I think it was Winston Churchill said, democracy in the parliamentary system may not in the best interests be the best system, but it's the best system that we have. And democracy is a fragile and frail flower, that if we try to thwart it by inserting the state into the collective bargaining process — they have done that in other countries and in some of the democracies, they have done that perhaps to too large an extent here in North America. Australia had that problem, they've had compulsory arbitration for many, many years, but it certainly hasn't stopped the fact that there were work stoppages and industrial disputes.

Perhaps the best industrial democracy is in western Europe, in West Germany and the Scandinavian countries. They have perhaps the lowest incidence of work stoppages due to strikes and lockouts of any of the western democracies, and the state interferes very little in the collective bargaining process as it operates.

As long as we can maintain the balance that we have now, I'm sure that the Minister . . . he has assured us that he does not intend this Session to bring any changes to the Labour Relations Act, and I take him at his word, but I wish he would go further. If he does envisage changes, that they are not going to be bringing back to the Executive Council the right to order people back to work without ever calling back the Legislative Assembly, which is what is in the Labour Relations Act as it is today; that if a dispute takes place and it is absolutely necessary to order people back to work, that this Legislative Assembly has to be called in special Session to deal with that problem.

And I think if the Minister maintains that hands-off attitude toward becoming and bringing the government into being involved in the process of collective bargaining, he will find that his job as Minister of Labour will be much easier than if he gets involved in that third party squabble that I was speaking to him about before.

The only thing that I must say to the Minister, and what has disappointed me, has been the whole process of the minimum wage, and I would be remiss if I didn't remind the Minister once again, he may not have liked the formula that was put out but I think that for those people who have to work at that level, with those job skills — and I think the Minister would agree with me that there are very few of those, in fact I don't know of any that are organized — if they had a bargaining unit that couldn't get them better than \$2.95 an hour then they wouldn't be worth their salt, that bargaining unit.

But the one thing that I think the Minister should seriously consider in his review and his recommendation, is the two-tier system that he has set up for those over the age of 18. To say to those people who are working in places of business where intoxicating beverages are sold, that these people will remain at the present level of \$2.95 — I'm surprised that someone hasn't suggested it before, but I think it is a violation of human rights. Because how can you summarily say to those people, because you happen to work in that place where the wage norm will be as of — June 1st, is it? I believe it's June 1st — will be \$3.05 an hour, to say that because these people work where these beverages are sold that they may or may not receive tips. Well the same is true for those that work in the restaurant trade, and I'm not advocating that the Minister include those. But I say to the Minister, have a very good look at that and just see how your recommendations stack up with the Human Rights Act as it is here in Manitoba, because I think to single out people because they happen to work in a certain type of industry, that you are going to say to those people

because you work there, you are going to have to stay at the minimum wage rate, at \$2.95 an hour.

I would suggest that perhaps even the Attorney-General should have a look at that, because after all it is within his purview to see that the Human Rights Act is followed to the letter here in this province. As I said when the Minister made the announcement this afternoon that he is anticipating changes to the Workers Compensation Act, I thank him for the announcements that he made and I hope that when we do get to committee we'll be able to discuss that, or when we speak on that bill on second reading we will make our views known on the changes that are before the House at that time.

So if the Minister could give us a bit of detail about the committee that he's setting up to investigate the bargaining process within the construction industry, have the people all been appointed, has a Chairman been appointed, and have they had any meetings, and things like that. So if the Minister could give us something on that, I would be very appreciative.

MR. MacMASTER: Mr. Chairman, the committee has been set up. Mr. Cam MacLean is the Chairman, it has equal representation from labour and management. I have asked both labour and management to put their very best people on it if they chose to, and I believe they have put some of their most prominent, for sure, people on that particular committee.

I believe they have met five or six times, he may or may not be aware, but Mr. Cam MacLean himself has been very sick recently and now I understand is just recently back on his feet and feeling better. I'm guessing, but a meeting is either tomorrow or next week — the next meeting.

As far as progress goes, being a bit of an impatient person I suppose, I'm not totally satisfied with the progress. I'd love to have had something that I could table now, but it's such a major task that they're undertaking, that I don't think that it's incumbent on me to go after either party to speed it up. I think it will be a very eventful day if they come to some consensus as to how they can handle their negotiations, without the possibility of the crisis that they had last summer here in the province — there's some real good people on that committee. I've talked to people on both sides, being Labour and Management and I know without a doubt that they are very very sincere, and very very concerned about what they're doing, and I think they're going to do an excellent job.

MR. GREEN: Mr. Chairman, I want to follow up some of the remarks that were made by my colleague, the Member for Logan, with respect to industrial relations. May I say, Mr. Chairman, that I would be very pessimistic with regard to results from a committee of Labour-Management and so-called independent chairman, because I don't think there is anybody independent in this field to make recommendations to cure some of the difficulties that we had last year with the Builders Exchange. I remember the Minister's predecessor, the last Conservative predecessor, Mr. Baizley, had the Woods Committee and there were some nice words said about Chairman Woods in the House today.

I came into the House, Mr. Chairman, in 1966 and probably the single most motivation, in which I was involved at that particular time was to try to do something about changing labour laws in the province of Manitoba. At that time, Mr. Woods headed a committee composed of labour management people, which did absolutely nothing, and I had occasion to call it the "Petrified Forest Committee," and it wasn't as if I had any criticism of Professor Woods. But when the issues between the parties are such that each party is trying to get government assistance to help their cause, that is the almost assurance, that is the almost total assurance that nothing will happen or worse still, the government will come to the aid of one particular party or another.

And as a matter of fact, that's probably the worst and yet, one of the unfortunately possible results of the changing of government — that you'll have a government that will be management oriented, and pass a whole series of laws to assist management, which is the way I believe it was in 1966, and I'll deal with some of those laws, and which I fear is the situation today and I hope the Minister will prove me wrong, and which some people wanted it to be in the period 1969 to 1977. When our government was in power, it was the view of some not that we should take the previous restrictions off, but that we should start passing pro-labour legislation to assist labour in their fights with management, rather than putting the parties on the basis where they could engage in free collective bargaining without the assistance of or the hindrance of the state.

I'm afraid, Mr. Chairman, that that will always be the case and I'm glad that I'm sitting on this side with some people who have been in the movement a long long time and know better than to try to say that the workers' rights are going to be protected by one government or another, rather than by the freedom of employees to have that conduct available to them which is available to every other group in society, and that there be no special laws either to assist or restrict trade

unions.

Now, Mr. Chairman, when I came into the House in 1966, at that time the province of Manitoba had laws which could prevent you, Sir, from walking down the street in front of a store repeating true information and doing no harm to anyone. Because any union picketing which didn't fall within what judges and lawyers had ruled within the four corners of a Labour Relations Act passed for the ostensible purpose of trying to solve these matters, was declared illegal, and people were told that if they continued to do it they would go to jail. A man walking on Portage and Main was restrained by court injunction from standing there with a sign saying, "Non-union employees working here." Well, Mr. Chairman, that is restrained now in every province but the province of Manitoba. It still is the law in every province but the province of Manitoba and in the province of Manitoba, a citizen whether he be a trade unionist or a farmer or a lawyer or a doctor or a politician is entitled to walk the streets demonstrating, provided he does no harm to anybody, provided he doesn't commit any act which is against the civil or criminal laws of our society.

In 1966 to 1969, there were judges who were ordering employees to work for the employer who you worked for yesterday. It is still the case in every province except the province of Manitoba that judges can issue injunctions ordering people to go to work. And probably the two single most changes, the two most important changes in labour laws in the province of Manitoba in my view, was to take that conduct out of the area of labour laws altogether. We didn't pass special laws; we said from now on, trade unionist have the same right as anybody else. No judge can order the Member for Thompson to go to work or go to jail. It's against the common law of England — has been for 300 years. A judge could not order the performance of personal services. No such injunction could be issued, but it can be issued in every province of this country except the province of Manitoba, and the province of Manitoba has provided those freedoms to individuals, to freedom of speech, and the right to refuse to work for another under pain of going to jail. And for nine years, Mr. Chairman, we have lived with it — although when it was presented to the Conservative Party then in power, and the Minister wasn't here every man stood up and voted against the two resolutions proposing those two changes — every single one of them. They all voted against them; they voted against the right of a person to walk down the street with a sign and they voted against the resolution which said that a judge could not order somebody to go to work. And they said there will be anarchy, there will be riots in the streets if you do this. Well, we went, Mr. Chairman, for eight years with relatively good industrial relations, much better than when we had those restrictive laws and I say much better than at the present time and the Minister hasn't changed those laws, and the laws have been tested.

A group of trade unionists on strike against a radio station walked in front of one of the advertisers saying, "This advertiser supports this radio station." The court said that in every other province of the country — this wasn't what the court said, but the court said that the Manitoba act has been changed to make that legal and no injunction was issued.

And last week, Mr. Chairman, and when my friend talks about lawyers getting into the the act, I am in total agreement that labour trade unions and collective bargaining should stay out of the area of politics, that politicians should not be involved in it, that judges should not be involved in it, that lawyers should not be involved in it, and that if they know that the others are not going to get involved, then the likelihood of them coming to a freely negotiated collective agreement is much better. It's only when one side thinks that they've got an ace-in-the-hole and that some law is going to help them get out that you have trouble.

And a perfect example, Mr. Chairman, is the strike that we now have at the Manitoba Theatre Centre. That is a completely unnecessary, damaging strike to the employer, which should never have happened. The parties were negotiating with one another for a period of 8 months or so, well from August until now. The union applied for a conciliation officer and then, Mr. Chairman, a lawyer walked in. The Manitoba Theatre Centre got a lawyer. And the lawyer said, we don't have to come to a collective agreement with you, we've already got one, and you have to work under that agreement. You can be made to work — this is what this lawyer said, you can be made to work, not because you want to work, not because you are satisfied with your terms and conditions of employment, but because the law says you must work. And immediately that happened, Mr. Chairman, I tried to get the parties together again without lawyers and they did meet again. It was agreed that the lawyers would get out of it because they shouldn't have been there in the first place, until management saw that they weren't going to be able to get an agreement.

And you know what they did, Mr. Chairman? They did a stupid thing. They went to a judge and got an order requiring those stagehands to work. Imagine. It is unheard of in the province of Manitoba, it hasn't happened for 10 years, and probably never would have happened had this lawyer had had some previous involvement in the area. But the judge did give an injunction and management therefore thought, we don't have to negotiate with these people, we've got a judge who tells them that if they don't go to work, they'll go to jail. By Monday, the order was thrown

out, because, the judge said, in the province of Manitoba we do not permit this type of injunction. And now the parties are at loggerheads. —(Interjection)— Never would have been, yes, the Member for Kildonan is right, never would have been, and interestingly enough, the manager of the Theatre Centre filed an affidavit wherein he swore, Mr. Chairman, that the Theatre Centre was going to lose hundreds of thousands of dollars, that the theatre in Manitoba would be virtually ruined if there was a strike. He swore that. But he was willing, Mr. Chairman, to permit a strike and to try to fight it once he found out that the court would not order people to work, even though the union said, if you're right, and you have an agreement, then any moneys that are obtained by virtue of the strike, not by virtue of what had been previously negotiated, but by virtue of the strike, if you turn out to be right and there is an agreement, we will repay that money.

So the Theatre Centre had nothing to lose, Mr. Chairman. Nothing whatever to lose, because if they made an agreement with the employees and it was found that some of the increase had been due to a strike — I'm talking about that portion of the increase which hadn't already been freely negotiated, but the part that stopped, the union would have had to pay that money back. But they preferred a strike because they knew that there had never been an agreement, and there wasn't an agreement.

But Mr. Chairman, I'm saying this to give an example as to what happens when one starts to deal with the laws as being the way of solving industrial disputes.

So we did those two things, Mr. Chairman. We eliminated compulsory conciliation. Do you know what the situation used to be with conciliation and conciliation boards? If you were working for an employer and the end of the agreement came and you got conciliation and it was in the peak of an employer's business, a friendly government could and would say, well, you can't do anything now because we're going to extend the period of conciliation and then we're going to appoint a conciliation board, and then that conciliation board is going to hold hearings, and by the time the hearings are over, if it ever applied with the Manitoba Theatre Centre, the show is over and there is no need for the employees any more, and therefore no need to settle. And conciliation boards and compulsory conciliation, the advent and intervention of the state were used by the employer to knock out any concerted action that the employees could take. So we threw out compulsory conciliation.

We made it available for the employees and the employer to take whatever rights they had as soon as the collective agreement was expired. And we did various other things, Mr. Chairman, the great part of which I hope, were in the direction of taking the law, the lawyers, the courts, the politicians, out of involvement as between the employers and the employees, so that the parties could negotiate together on the basis of free collective bargaining.

Mr. Chairman, I hope that the direction of the Minister is not going to undo some of these changes, because I tell the Minister that if it becomes the job of a Conservative administration — and I said this, by the way in 1966 and I can find it in Hansard, if the Conservative administration starts passing anti-labour laws with the intention of assisting management, then he who sows the wind will reap the whirlwind. The next time around, a new group coming in, there will be no holding them back but to pass laws against management. And you will have a never-ending circle of such laws. I would advise the Minister that the best thing that he can do is to get out as much as he can from any special provisions for labour and management that do not apply to himself.

Mr. Chairman, I read an editorial in the Winnipeg Tribune today which frightened me, because it took the position that Mr. Parrot, the fellow who's in jail, the postal workers' man, Parrot, that because it was the law and because the courts ordered him to order people to work, he has no complaint, and that the law is the law is the law, and anybody who disobeys it deserves to go to jail and there is nothing more to be said about it. Mr. Chairman, that is the most dangerous concept that can be advanced in a democratic society, or any other kind of society. If there are not citizens who are willing to say, that law, I cannot obey and will not obey, then Mr. Chairman, you ultimately put control in the hands of power-seeking people who will pass laws to say anything.

And I can say, Mr. Chairman, without any problem, that Mr. Justice Brandes of the Supreme Court of the United States, said if the law were such that I was supposed to walk into the back of a bus, I would break the law and I would not walk into the back of a bus. And I have said, Mr. Chairman, and I've said it in this House, and I've not only said it in this House, I've said it in the court rooms, that if the law is such that I cannot go home and tell my wife not to buy Brown's bread, I will go home and tell my wife not to buy Brown's bread — or try to convince her, she may not listen to me — and if that puts me in jail, then people have to go to jail, because then you are freer in jail than on the outside. I say, Mr. Chairman, that no judge will order me to go to work or to jail, and if he does I will not go to work. What will be the result of it, I do not know, but I will not work under pain of going to jail by any judge, because nobody has the right to do that to me. And if that sounds, Mr. Chairman, anarchistic, which is what the Tribune referred to

it as, let me tell you that in Germany after the war, we put the judges in jail. Do you know what their crime was? Their crime was specified as having obeyed the law, that was their crime, because Hitler passed laws — they obeyed them — and we said they shouldn't have obeyed them. Somebody should have stood up and said, "I will not obey that law. Do what you like with me, I will not obey that law."

Mr. Chairman, I say this with regard to Mr. Parrot, when the Member for Logan said that trade unionists are not labour bosses, he's right, but somebody apparently thinks that Parliament can legislate them into being labour bosses. Parliament passes a law telling postal workers to go back to work; the postal workers won't go back for Parliament because they don't feel, nor do I feel, that Parliament can make me work. So Parliament then says that if they won't work for us we'll get a judge to tell them to go back to work, and they won't work for the judge. So the solution is, we'll tell Parrot to tell them to go back to work.

Now, if they won't go back to work for Parliament; if they won't go back to work for the judges; what makes us, in society, think that they will go back to work for Parrot, or that he can be ordered not to be the servant of the employees but to be their labour boss, because that is the ultimate circle of that kind of decision. The ultimate circle of that kind of decision is to confirm what many people have been complaining about, it's to make it part of the law that a trade unionist who is elected by the membership to be the servant of the members, can order them back to work and they must go back to work running when he does so.

Well, Mr. Chairman, it is a sad state of affairs in our society when a man with a family, who has been in every way a law abiding citizen and whose crime is that he would not order people to go to work, that he would not be a slave-driver, that that man winds up in jail, and we sit here as if it's right. We have editorials saying that he has no business complaining. Mr. Chairman, we all have business complaining, because when the freedom of that individual is hampered with in that way, it is a diminution of the freedom of all of us. Freedom is indivisible, and a man sitting in jail because he refused to tell people to go back to work is something which destroys freedom in our society generally and affects all of us.

And it cannot happen in the province of Manitoba, at least I don't think it can happen, and if it can happen, Mr. Chairman, then it will destroy to that extent some freedom in the province of Manitoba. And it is suggested that we need this type of thing in order for our society to run. Mr. Chairman, I find that is a very strong condemnation of our society. I haven't always been a strong supporter, but I've never criticized it to that extent, to say that our society can't operate unless judges can order union leaders to order men to work, and if they don't they go to jail, because that's the nub of it.

Mr. Chairman, the Minister is now going to be pressured from the Builders Exchange for the very same reason. The Builders Exchange, because they got some notion, through in my opinion some ill-advised advice, that the Conservative government is now in power and now is the time to attack the labour laws of this province, and you're going to hear from the Chamber of Commerce, a whole bunch of changes. They couldn't win their strike, the Builders Exchange subjected the people of the province of Manitoba to a strike lasting four months. It wasn't the strike of workers, it was a strike of employers, and when they didn't get what they wanted, they went to the Minister or they are going to the Minister and they say they want a right to work law.

Well, Mr. Chairman, I'm glad the Minister has made his amendment, because the Minister has a problem. I believe that the Minister has a sound foundation in Industrial Relations, he was the president of a trade union. He understands some of the things that some of his backbenchers do not understand, but he is going to have difficulty with them because he moved a motion, Mr. Chairman, with which the people on this side, if it were in order, could fully agree with, but I'm going to explain it before the vote to the people on that side. Because what the Minister has moved is that there be Rand formula, which means that there is a compulsory check-off of union dues from every person, whether he is a member of the union or not. You are going to have to get the Member for Gladstone to vote for that and you're going to have to get the Member for Springfield to vote for that; you're going to have to get the Member for Pembina to vote for that, Mr. Chairman.

He then also moves that we agree with the principle of all other freely negotiated forms of union security. I agree with the Minister, but unfortunately I'm going to have to explain to his backbenchers what he's driving them into. He's driving them into agreeing with the principle of closed-shop agreements, because that is a freely negotiated form of union security, which means that the employer cannot hire anybody unless he is a union member before he is hired. And further, Mr. Chairman, that he cannot hire somebody without going to the union and asking them to supply the person. Now that is the antithesis of the so-called right to work, and more properly called right to break union legislation, and I'm happy that the Minister has put on the table an amendment which says the same thing as the amendment now before him, and I hope he will vote for it since

his own was ruled out of order, but if he doesn't we're very happy to get his.

And then I want to see the problem the Minister has with his backbench, because that thing has now gone full circle. It's gone from the right to work, which we were trying to explain as being the right to obtain employment, to . . .

MR. CHAIRMAN: The honourable member has five minutes.

MR. GREEN: . . . now a resolution condemning in fact the Builders Exchange idea of the right to work. I don't know if the Conservative Party wanted to go quite that far. I think they wanted to say, we're not going to bring in legislation this year, which is the way the Minister handled it and handled it rather well, but now he is on record as proposing an amendment to the right to work resolution which says that he disagrees entirely, and I'm glad to hear it and I think he does, with what the employer groups have been saying about the right to bust union legislation. I am pleased, Mr. Chairman, to see that that is coming from the Minister.

But I want to warn the Minister that it's not the only pressure that's going to be exercised on him, and I will, Mr. Chairman, make a pledge to the Minister as far as I, as an individual am concerned, I will support the Minister if he keeps the government out of labour relations. I am not going to, and never have, moved anything in this House which asks the government to come to the assistance of the unions. I've asked them to take restrictions off the unions. I have opposed that legislation which I saw as having the government come to the assistance of the employers.

I will continue, Mr. Chairman, to try to have these two antagonists not relying on government or state support to obtain positions which they could not obtain through freely negotiated collective agreement. And I tell the Minister that I will help him in that regard. He can depend on it. And it will be probably at some expense to myself, but that's no problem. I will have to deal with that problem myself. But I will help him.

But Mr. Chairman, I urge the Minister, and I will give you an example. We did mostly, for the most part, Mr. Chairman, we moved in the direction of non-stage support, and my direction would be, and this I'm repeating so it's not news, would be to eliminate The Labour Relations Act and let the parties negotiate with each other, the same way as everybody else negotiates with each other. Some people forget that 27 percent of the work force in the province of Manitoba or in Canada, in any event, was organized, I can't say in Manitoba, in Canada, was organized without laws telling them that they could be members of trade unions. The union to which my friend, the Member for Logan belongs, didn't depend on a certificate from some Labour Board. 26 percent. That's up to 1943 approximately.

Between 1943 and the present time, with the great labour laws that we've got and with the fact that the Civil Service has been taken in virtually holus-bolus, we're probably up to 35 percent, although that last figure could be wrong. If we ignore the Civil Service, we certainly weren't over 30 percent.

And so, Mr. Chairman, 26 percent of organized labour was organized without any legislation trying to help them. The last 4 percent came in spite of the legislation which was trying to restrict them. So my first preference would be to eliminate The Labour Relations Act and I have good confidence in trade unionists and workers throughout the province of Manitoba to be able to organize.

My second preference would be to continue the path whereby we try to take the people in these areas out of restricted legislation. I want to indicate one place where we didn't do it, and which I say was not one of the best features of our labour legislation. I understood, I voted for it, I was not enthusiastic about it, I believe I said so at the time. We enacted a legislated compulsory check-off with an agreement and it was felt that this should be automatic, because once an agreement was obtained, there should be a payment for administration and they shouldn't have to negotiate over it. It could prevent negotiations from being completed if an employer was really resistant to having union security, he wouldn't have an agreement, but I don't think that that has happened.

But Mr. Chairman, other things have happened. It means that the employees themselves and the union . . .

MR. CHAIRMAN: The Honourable Member's time is up.

MR. GREEN: I have two minutes, if I may. I'll finish in two minutes, Mr. Chairman.

It means that the union and its activities amongst its membership is to some extent lessened. And I'll give you an example. My daughter got a job in a restaurant. She had two jobs, one she was getting the minimum wage, that job was terminated, she went to another place, and she thought it was the same thing. Well, when she got her pay, she found out she was making, maybe a full 75 cents more than the minimum wage, and she found out that she was a unionist, and she found

out only by receiving her pay, by the amount of her pay and the fact that she will have to pay union dues. But no steward came to her, nobody said to her, "You are a member of a union, this is our group, these are the things that we do," because it's not necessary, the dues come with some type of automatic check-off. It's quite a different situation in England where they don't know what a certificate is.

When we were in Sweden, the Chairman of the Labour Board was trying to explain to a very sophisticated Swedish union representative, very skilled in industrial legislation, telling him what a certificate was, that you had to go to a Labour Board and file cards, and over 50 percent, and then the government gave you a certificate. And we went on with this for some time, and then he said, he made an interesting statement, the Member for Logan will appreciate it, he said, "I understand the solution, I don't understand the problem." He could not understand why there was a problem. It is a matter of fact that if people are working for somebody that there's going to be a union protecting their needs, and why do they have to go to a Labour Board and apply for a certificate.

In England they have no certificates for union dues. They have no certificates for union recognition and they have no compulsory legislation, and I guess some people will say they have problems, and I suppose they do. But the problems don't reflect, are not reflected in some lack of understanding of the employees as to what their union is, who it is, and what they have to do with regard to it. You know, union security in England, I always used to explain it to my class as follows: that the steward would come to the foreman and say, the man at that machine has not paid this month's union dues. If he is here this afternoon, he will be all alone. And in a very short time, the problem was solved.

Mr. Chairman, you can't take one system and superimpose it on another, and perhaps the check-off that we legislated was so much a feature of labour relations in the province of Manitoba anyway that it didn't matter, but I tell the Minister that you cannot remove all of the things, you cannot remove the protections that are necessary which come from restrictions because the cornerstone of our Labour Relations Act is a restriction, not a protection. The cornerstone of our Labour Relations Act is that no employee shall go on strike unless he belongs to a union which has first been certified and has gone through a collective bargaining procedure. So the cornerstone is a restriction on the right of a group of people to withdraw their services in unison, which everybody else in our society has.

Now once you put in that restriction, you have to put in all kinds of protections. And I would say to the Minister that I for one would be glad to trade all of the protections for the removal of the restriction, which would mean that employees would have the same right to say, at any time that we don't like our wages, we're going to tell our employer that unless he pays us more or unless he improves our hours we're going to stop work, and we're going to appeal to the public to support us. That's all a withdrawal of services is. That's all a strike is.

If I told the Member for Gladstone that there was a law that prevented him from saying, next year I won't grow a crop, and from saying, Mr. Chairman, that next year I won't march on the Legislature and say that I'm against rail line abandonment. He would say, "Are you crazy? You're going to tell me I must grow a crop? You're going to tell me I can't protest?" But you've told that to every employee by virtue of that Labour Relations Act. You've said to him, you cannot in concert with your fellow worker, withdraw your services unless you first of all go through a procedure. That necessarily involves restriction. I have been consistently one who believes that you should do your best to remove as many restrictions as possible; that every time you have added to the labour bargaining process the state, the politicians and lawyers, you have hurt the employees, you have not helped them. I tell the Minister that he will find an ally on this side of the House for a removal rather than a re-imposition of restrictive labour legislation.

MR. CHAIRMAN: (1)—pass; (2) — the Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Chairman. This is a very difficult Act to follow. But first of all, let me say that I would like to say that it's a pleasure for me, and I may probably get some criticism from my colleagues to say that I have too great an expectation, but I'm delighted to see this particular Minister in this portfolio — no one has said it him, but I will, because I do think we have lost almost a year in respect to the Labour Department's operation. From his opening statement, I would suggest and as I say, I welcome the fact that he has taken a hold of the handle — at least that's what he says and he's re-organizing it and he's going to do great things. The reason I say that I am pleased is because I trust and I hope my expectations won't be disappointed, because I do know the trade union movement does train people well and I do know that the Honourable Minister did spend some time in the trade union movement, and he became leader of his particular union. I've spent —(Interjection)— Steelworkers. They're all good workers, whether they're steel, packinghouse,

whatever, if they're organized. If they're not organized, they are in difficulty. So therefore, as I say, it delights me to see the Minister there. Now, I may be disappointed in the future, but at least I'm starting out with great expectations.

I would want to not repeat what has been said in respect to industrial relations or collective bargaining except to say since we do not have a choice, since we already have an environment which has all these laws, and I do agree with the Member for Inkster and the Member for Logan and, of course, the Minister's direction that two parties should negotiate their agreements under a free collective system, which we have evolved in this country. But since we do not have that freedom anymore, because there are laws, I would suggest that with as little interference as possible, there is something that the Minister can do. You know that the collective bargaining system isn't always an equal system. There are little people and large people involved, and there has to be a watch, in order that the collective bargaining system is done under equal conditions.

The other area that I would suggest one has to be aware of, is that the collective bargaining system doesn't just include that particular time of the year when you are negotiating for wages and working conditions; that it also includes much of what goes on before and in between the collective bargaining time. And this is where the Minister, with the fact that we have the various laws, regulations, inspection, health and safety, Workers Compensation, can be of the greatest assistance to the people in the work force. Not only for those who are involved in the collective bargaining system, but for those who do not have that process to their advantage, that he make sure that the environment is such that people will feel free, will feel that they are not being utilized, exploited under the system that they labour — whatever their disciplines are.

What I am trying to say, is that there has to be a much greater enforcement of the various inspection services, the Workers Compensation has to be carried out with the cognizance that many of the people who are involved do not have a total knowledge of the system, whereas the employer has specialists who do look into the various areas of how to circumvent — not necessarily intentionally, but for the sake of cost or for other reasons and so on. And this is where I think the Minister can be of great help to the people in the labour force. As I said, I didn't want to repeat too much of what was said before, but I did want to bring that to the attention of the Minister.

I should also like to say that I am happy that he has set up a committee in respect to the construction industry. Now, I cannot blame him for what has gone on in the Industrial Labour Management Review Committee, because the report that we have is most of it prior to his time. But I would hope that he would have a good look at what took place last year, and give us a report of whether he's going to improve the climate in that area. I notice that the subcommittee of this Labour Management Review Committee only met three times last year. No other committee of that group met at all, and I think that's appalling; I'm sure the Minister would agree that the labour climate in Manitoba is not such that we can close our eyes and say, "Let's sit down and do nothing about it." So, I would hope that the Minister would have a very close look at that; wind up who ever needs to be wound up so that that Committee will do its fair share.

As I said, the other area that I would hope the Minister would be very cognizant of, is that the enforcement and the Workers Compensation, and the various apprenticeship advisory committees meet in order that they give him the information that is necessary for him to carry out the direction and policy as he has enunciated in his opening statement today.

As the Minister is aware, we've just had this year already, a couple of workplace fatalities and I'm hoping that he will also be able to report on that — what he will be doing in order to tighten up the areas so that these things do not occur. Thank you for now, Mr. Chairman.

MR. CHAIRMAN: Under the next item, if I could just mention at the end of the Second Period, it's 3-1 for Boston. The Honourable Member for Flin Flon.

MR. BARROW: Thank you, Mr. Chairman. We're certainly dedicated MLAs, when we attend this Legislature, when Boston and Montreal play in the seventh game of the National Hockey League. Mr. Chairman, I'd just like to say a few words — everyone has spoken in great length to cover the whole scene. I'd like to zero in on the local problems, which I will pursue during the Estimates, of course, and hopefully get some answers and some results.

Mr. Chairman, I attend many meetings of the steelworkers, the trades, both in Flin Flon and Thompson and sometimes I'm horrified at the utter disregard they have for the Minister of Labour — both this Minister and the former Minister. In fact, at one time in Thompson, I felt it my duty to protect him, to say something good about him. But all I can say, Mr. Chairman, is that he does shave every morning; this is the best I can say for this Minister and the former Minister. The feeling between the top people of the union that I am mostly connected with are very very negative. It shows up in the public statements toward Dick Martin who of course is head of the labour movement

and the infantile accusations on both parts, which doesn't make for good results in anything that has to be done and should be done.

Mr. Chairman, I wasn't in the House today and he questioned our ability to represent labour. I think the member that just spoke, the Member for Logan, and myself, are proper labour representatives, and I am not going to discourse on what I have done and what I have tried to do. I will say it has been a very frustrating task many times. But I did have the distinction of being fired from three different jobs on union activity, and I don't think anything speaks higher than that. I was fired from the coal mines, not directly but indirectly. They made sure that you worked in a place that was dangerous and hard to make money in, and I got that particular place. It was either get killed, starve or quit. I chose to quit. I hired on with HBM and S and it was the same thing. I had a good work record; every day I worked. I took a round every day, but I was too active in union activity, and one day I was transferred to the surface, for health reasons at that time, and I refused to take a course on the railway, as a brakeman. I thought that I did not have to take that course; they said I did have to take that course. And being stubborn or stupid, whatever, I refused and I was fired that day and I informed the foreman that he could fire me; I had a good case and I would go to the highest and fight this case on workers' rights. So immediately he changed his mind and he put me outside in 40 degree below zero, drilling dry on a slag pile, hoping I would quit. I didn't quit but eventually they wore me down and I quit.

The same thing happened; it may have been a coincidence. I worked at Frontier Collegiate, and I had a good record; I was recommended for promotion; until the day I won the NDP nomination, I was fired. I was fired because I ran against Buck Witney, who was a cinch at that time to win that election. —(Interjection)— Bud Jobin, a former Cabinet Minister, we were rank outsiders. You could have had odds at 100 to 1 on me winning the election, but to take no chance, to make it tough, they let me go. They didn't fire me, but they said this, "Tom, we don't know how we are going to get along without you, but after today we will try." So I handed in my resignation, of course, and things turned out for the better.

Mr. Chairman, another opportunity to bring up a well-worn subject, and I feel sorry for the press when I bring this up, is jurisdiction. The Minister knows full well, and he is doing the same as the former Minister when she said, "I will look into it. I will look into it." And when she says this so many times, I can imagine this is a long pipe from here to China and never seeing the end.

Our former Minister wasn't without blame; he could have done some things in this; he didn't do it. And I accept some of that responsibility; maybe I should have put more pressure on him, but there were reasons and we didn't do it. But you can do it. You know the answer. Your colleague has admitted it. Right in this House, in Hansard, the problem is there. It should be remedied. We will do it. We will take a town 130 miles away, not under provincial jurisdiction. And it leads on and on.

You said today you had made progress. I'd like you to tell me what progress you have made, or whether you really really want to do something about this very, very simple problem.

Mr. Chairman, I won't go any further than this. We will later. HBM and S, the company I worked for for 15 years, at one time was owned by the Witney interests. It was purely paternalism, and it wasn't a bad system, really, except for men who had little pride. But you know, if you had a problem, they'd pat you and run along and do it. A man would get hurt and they'd give him a job of light work, so he would work. Compensation patients were nil. And it wasn't a bad deal, but slowly it changed. It changed when it went over to Anglo-American, where they adopted the free enterprise system of production at all costs. Production is the main thing. It slowly changed.

And now we have had a tough fight, because we're used to a placid attitude, but since 1952 it has changed and it has become more and more and more militant. The younger people are coming in now and they are not asking; they're not begging, they are demanding.

Mr. Chairman, I'd like to say a few things about the accidents, how it works, the difficulties we have, and I'd say half of my problems are compensation cases where it isn't paid. Now, it's a very simple thing if it is done right. A man gets hurt; it doesn't matter how minor, a cut or an injury, he reports it. If it's a cut, of course, a slight cut, you always have the danger of infection in the mine because it's highly infectious, and so on.

The man, himself, is some to blame. A miner has been told he is a hard rock; he is tough. He works hard all week and on weekends he gets drunk and he fights. This is the image and some of them adopt that image. They don't report it. Then, later on, complications set in and they try to establish it; it's difficult.

Another difficulty in that regard, the Minister of Labour knows full well, is the attitude of shift bosses. If shift bosses have too many accidents, it reflects on them. You know, what's going on in your beat? So he tries to eliminate them. He tries to intimidate the worker not to report it. This

is done. Because if that shift boss is going up that chain, he isn't going to get it by having a lot of accident reports; he is going to get up there by increasing production. The fewer men and more production, the higher you go, and the whole system is built around that type of thing.

The doctors are to blame, too, Mr. Chairman. The doctors in Flin Flon . . . If I ever get hurt, I will never ever go to a Flin Flon doctor because, man, here is a chance to put me away. But they have a very lackadaisical attitude towards pollution; they ignore it. Accident reports: We have worked for a month to try and get a guy compensation, and it boils down to the doctor did not turn in the report — right there.

A good example is that lead contamination. Not one doctor has spoken out against lead contamination, although they are as familiar with that problem as the Member for Churchill and me. They know and, after all, Mr. Chairman, all these doctors have taken the Oath of Hypocrisy, and yet it continues on and on, and on.

The conditions in the smelter are atrocious. And, again, the men are to blame. If the Minister were to go in that smelter, if he has the chance — he doesn't get much chance because the management never take him into bad places; they don't show him the bad places; they don't show him excessive heat; they don't show him dusty dangerous places. They have a route, and a week before he goes they clean it up. But if they are fortunate or unfortunate enough to get into the lunchroom, they invariably say, "This is not fit for a pig to eat in." And these young fellows that come from Cape Breton, Newfoundland and Prince Edward Island in the smelter, they don't; they draw pay and they go back.

I picked up two kids, and between them — hitchhiking to Newfoundland — they had \$3, late in the fall and cold. I said, "My God, we got guys that have worked there for 40 years; can't you take it?" "No, I can't take it."

But for those people who worked for 40 years, it's a gradual thing, a gradual thing. They worked there when they were 16 and they worked day after day after day, and things deteriorate; they don't notice it.

I asked the manager once: The people in Thompson, the union workers, complain about their smelter, and I had the opportunity to visit that smelter. To me it was modern. The floors were clean. The workers were not bad off but they complained. My God, they didn't know how lucky they were. And I told them this. I said, "Why in the hell don't you build a new smelter?" "What", he said, "at a cost of \$80 million?"

And here's the thing: It's profit against safety and safety will never come out on top of corporations. And the member knows that. The zinc plant — much the same. Zinc plant, stripping zinc. They lift a sheet, turn it and pack it. Hard work, awkward work. And the acid that comes off this zinc has the power to rot your teeth. Now the company admit this. If you work there and lose your teeth they will give you a new set. But what does it do to your internal system, Mr. Chairman? If it rots your teeth, what about your . . . But what they do, they can do it in six hours so they get two hours off. They work a six-hour shift, they go home.

Again the men are at some fault. All they have to say is, "The place is not safe; it's unhealthy; we won't work unless you fix it." And it will be done. But that two hours is a — so it's not all the company's fault. Accidents could have been avoided with a little precaution, a little care, a little foresight by the company, and I'll just mention two that I'm very very familiar with. A bucket, I think I mentioned it before, was upset in the Yukon because the trap doors caught a chain. Now if that trap door had been down three more feet the chain wouldn't have caught it. So they had an inquest — two guys dumped down 600 to 800 feet. They picked them up in paper bags it was sad. And they had an inquest. the company didn't say, "It is our fault." Because in one day, two shifts, we'd shift that door down, which was a sensible way to do it — no, they fired the hoistman. He was fired because two people got killed on their mistake. And why didn't the men speak up? They don't speak up, Mr. Chairman, because they have to work for that company. And they might not fire those men that give evidence, but they'll never have a promotion; they'll never get a better job. They've got the worst job that's going. This has been done time and time again.

A better case and maybe a simpler case. They had to cut a 6,900 volt cable into the different things on the surface, the smelter, the zinc plant, this and that, and the 6,900 had to be cut. Now I spoke to Manitoba Hydro people. It isn't done. You don't cut a cable with 6,900 volts. Now what would happen, had they shut the power off it would have shut those plants down for one half hour. But if the cable is leaded, then it's safe or unsafe; it's either one or the other. If it's leaded it's safe and then the risk factor isn't so much. So the electrician foreman, the plant foreman took it on himself with two helpers to cut that cable hot. And it backfired. One of them refused to be on the scene. The person who was supposed to operate the machine to cut it at the last minute said no, and he started to run. There was an explosion with intense heat. The shift boss was burnt so badly he died. The person who hid was burnt — oh, so many degrees, not seriously, but bad enough. The second person who was going to was burnt to the utmost — I forget what degree

it is. But he hovered between life and death. So they had an inquest. And the electricians who knew this, who could have given evidence, didn't. Why? Because the same thing again. If you're going to go anywhere with this company you don't say anything. So they agreed that it was the fault of Gordon Watt, the man who cut the cable, the staff man, but he was dead, and nothing happened. I went after the chairman of that committee in Thompson and I asked him. I said, "You know." "Tom", he said, "you'll never know how many sleepless nights I've lost over that particular case."

Now this is the state of your inquests. And this should be remedied. Put the fault where — and accidents will happen. Don't get me wrong. They will happen, unavoidable accidents. But these aren't, Mr. Chairman, these can be stopped.

I want to say a few words about the Mine Safety Review Committee. Mr. Chairman, on this committee, you're invited to give briefs, and we did. I gave a brief. And everything I said re, I said at that committee meeting. And you were open for questions. Not one of the staff asked me any questions. None of them. On the committee they never asked me any questions. I made it much stronger than that. But my colleague from Churchill was there, and not one question. But the people who could have thrown more light and given more information was the government mine inspectors. Do you know he was forbidden to give a brief, written or oral? What an opportunity. Because they'd been accused, Mr. Chairman, the companies, of these government mine inspectors reporting this: the place is unsafe. This should be done. And the company are laughing at them. Because there's no enforcement beyond that. This is the feedback that I get.

Mr. Chairman, I can give you example, example, of accidents that could have been avoided, and not only with the company at fault or the government, the men themselves. This accident in Cape Breton. Beautiful apparatus for detecting methane at its dangerous level. But what they did, they put the miners on a production basis bonus. I get this from very good authority, which probably will never be brought up, that the company deliberately plugged the valve that would make this apparatus effective. Because they knew methane gas was there and they didn't want to stop production, so ten men were burned to death. Now if this man has the guts, or his colleagues, to put this on the stand, it would be denied, that no man would do this, and he will beat it. He'd beat it with a good lawyer, and this lawyer really intrigues me. You take two of the best lawyers and they will disagree so completely.

I think Tommy Douglas put it very well. He said, "The olden days were simple. Two ranchers," he said, "wuld fight over a cow, and the guy that drew the fastest won the argument. He got the cow." The other guy didn't need it. You know the way it is now? Two ranchers have an argument over a cow, the lawyer ends up with it. And that's just about the way that some of these lawyers operate. —(Interjection)— I apologize for my colleague's remarks.

Mr. Chairman, on a ratio of one to ten, if you were in Flin Flon, Thompson, Snow Lake, Lynn Lake, Leaf Rapids and you were shift boss and you wanted to go to the top, production would rank ten and safety would rank minus one. They have said in Flin Flon — Hal MacKenzie, the guy in Snow Lake at this present time, they've said, "We'll break anybody's back to get to the top. We're getting up there." This is the attitude of the top people. God help the guys on the bottom.

Mr. Chairman, one thing I should bring up and I'm going to take a lot of criticism from a lot of my very good friends, is the miners' bonus system. A mine run on bonus. The more bonus you make, the more careless you get. If you can drill and make \$16, \$17, \$30 a day, you do not take time to scale, to . . . , to make things safe. They have one thought in mind. My friend knows this. The Minister of Labour knows this full well, being a Thompson resident. And now they're putting on a big drive to make a miner a tradesman. To lose the miner image. So he'll work with a little dignity, slow and safe. I would hope you'd look into this.

Mr. Chairman, I must mention the attitude of this government and my friend from Thompson, of course, is part of it. But the attitude when the liquor workers were on strike, an interesting case, because social workers said there was a big difference in the problems, in the social atmosphere with lack of opportunity to get alcohol. Policemen, they came out in public and said the arrests, the troubles, were altered. And what did the Attorney-General do? He lets two stores, three, open, against our labour beliefs that they would do it. And no one likes to drink, Mr. Chairman, as much as I do. I like to drink. But I would not cross a picket line. But definitely the urge to cross these picket lines was great. No matter how strong a union man you are, that liquor had more attraction.

But that wasn't bad enough, Mr. Chairman. In Flin Flon there was no strike, because Saskatchewan, there's just a mile and a half between Flin Flon and Creighton. So we were limited. You go and get whatever — one bottle? 24? But you could make 20 trips. So there was no hardship. But what happened here? He didn't only refund the fines for breaking this law, he encouraged people to do it. I hope the attitude of the Minister of Labour doesn't coincide with the Attorney-General.

Mr. Chairman, I think I'll have more to say later on different things than this, but that's about it for now, and I thank you.

MR. CHAIRMAN: I didn't rule the honourable member out of order. I would strongly recommend that a lot of the discussion should have taken place under 2.(a)(1) and 2.(a)(2), and if the honourable Minister is going to reply, I would hope that he would wait until we get to that section. The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. Well, your remarks bring me to my next question. I would just ask for some direction as to when we should discuss the committees that come under the responsibility of the Minister of Labour. I know there was some indication last year to discuss them under this item, I believe, during the Estimates procedure. And now we will be talking about the construction industry committee, the Manitoba Labour Board, the numerous other committees that come under the responsibility of the Minister. So I would just seek some direction as to where to discuss those particular items.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Mr. Chairman, if the member could specifically mention which particular committee — they all have a heading some place during the Estimates, and if you think of one that hasn't, I'll be prepared to discuss it just about any time.

MR. COWAN: Well, one that would come directly to mind in that respect would be then the Special Cabinet Committee that has been formed to undertake investigation of the lead poisoning crisis in the province. Perhaps the Minister could indicate under which item he wishes to discuss that specific committee.

MR. MacMASTER: Workplace Safety and Health Committee.

MR. COWAN: Perhaps I can just give a list of committees so that we don't skip over one and we know where to bring them up. The Labour Management Review Committee, the Power Engineers Advisory Board, the Building Standards Board, the Construction Industry Wages Board, the Minimum Wage Board, the Elevator Board, the Workers Compensation Board, and if I've missed any committees perhaps we could ask the Minister for a list of committees and areas under which he would wish to discuss them. And if we can be assured that there will be ample opportunity to discuss them under those various areas, then there would be no need to continue under this particular item.

MR. MacMASTER: Mr. Chairman, I think the simplett, as I come to the sections within the Estimates, outside of numbers of employees, was and is — I'll outline the numbers of committees within that particular section of the Estimates. If that's acceptable. The only one that we feel that is kind of at large, if you wish, is the Labour Management Review Committee, and I would suggest that under Administration now is as good as any or under the Minister's Salary, whichever you wish. But the rest specifically fall in and I'll outline them as we come to them.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Thank you, Mr. Chairman. In that case, can the Minister indicate whether that committee has met since this Labour Management Review pamphlet was put out, and which group of that Labour Management Review Committee has met? The subcommittee or any of the other sectors of it?

MR. MacMASTER: The Manitoba Labour Management Review Committee met as a whole February 27th, 1979; the Construction Sub-Committee met May 2nd, 1979; the Hospital Working Committee met April 12th, and is scheduled to meet May 16th. That's it, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Have there been any changes in the membership as outlined in the report? Have there been any additions?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: To the best of my knowledge, there has been no replacements. I had a request from, and I'm guessing, I think it was the Chamber of Commerce who were questioning whether they had a representative and I remember informing them they did. And I had another letter of information or enquiry from somebody asking me if they had a representative and they did. That's the only two enquiries I've had.

There has been some talk, I think by both sides is a fair statement that we should have a look at the entire membership of that Committee — for reasons I think left unsaid. I think we can use our imagination that if a Committee — and it sometimes happens with Committees where you're appointed and if things don't happen and if things aren't happening sometimes you get a little stagnant yourself or sometimes you go on with, not the proper understanding of what you are going for and you don't participate. I should say to the Member for Kildonan that — I've said it many times, I think it bears repeating — that I have no interest in any way, shape or form in paper committees or paper appointments. And what I mean by that is, I have no interest in Committees that you establish for the sake of a piece of paper or the PR you get out of it. I have never had interest in my life in being appointed to a committee just so I had a title and I reflect that in what I do with committees. I expect if a committee is to be established that it's supposed to be something worthwhile and if people accept appointments on committees, I like them to think well of it and to be prepared to work on it.

I've been associated with groups in my life where I've heard them say we've been asked to select an appointee for this particular committee and it's the kind of thing where, you know, whoever loses gets the job sort of thing. I don't believe in that type of philosophy. The numbers of meetings that have taken place in this committee and probably in others I'm not, I suppose, totally satisfied with, I think committees should be working hard if they are going to sit on committees. And we are going to endeavour and are endeavouring to encourage boards and committees and commissions to work just as hard as they possibly can.

MR. CHAIRMAN: If I could just like to interrupt the proceedings just for one more minute. I had a signal that the score was 3 to 2-½ . . . oh 3 all. The Honourable Member for Kildonan.

MR. FOX: Thank you Mr. Chairman, I appreciate the Minister's approach with respect to the committees. I would agree with him that if members are just wanting to have their name on the committee from whatever area they come from that they serve no useful purpose. Let me ask the Minister whether he has suggested any particular areas or topics to the Management Labour Review Committee at the present time, besides the construction industries.

MR. MacMASTER: This particular committee has been dealing with three items, the one mentioned, the construction industry and the other was to attempt to supply me with a list of arbitrators. I think ministers since time was in this province and possibly in others are faced with the decisions that I'm faced with, certainly not daily but more than I appreciate, where I have to make a selection of an arbitrator. I like to believe that we have some excellent people here in the province who are very capable arbitrators. But you are always under that little cloud, by one side or the other that maybe this particular person might lean the other way. I think it's very important that as difficult as it may be again for Labour and Management to come up with 15 or 20 names of good solid citizens of Manitoba that can act as arbitrators and that that list be forwarded to me. And the list will be on my desk and when a request by the Steelworkers or the Retail Clerks or whatever the case may be comes in asking for an arbitrator then No. 6 is the man or No. 6 or No. 8 and you just roll through it. It takes away that little cloud that hangs over, I think every Minister of Labour's head.

The other point they've been asked to consider is essential services in the hospital field. Now there's been some discussion previously to myself and I don't intend to know where it all came from or how it came about but there is some feeling that there should be some discussion when the unions and management are not in the midst of negotiations, when the situation is relatively calm where they should be talking about what type of essential services should be provided in the hospital field if in fact a work stoppage or whatever took place in that particular service.

I was pleased that it was before them. I'm pleased with the fact that I understand it's an ongoing discussion as to whether you need possibly two engineers or a nurse or an on-call doctor or whatever you might need if a stoppage took place with the thought in mind of preserving service to people in this particular essential service. And that's three three topics that I know of that they are discussing. There's others that we have thought of to refer to them and those may come up in the near future.

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Chairman. It's interesting that the topic that the Minister has suggested for this Committee, the constuction one that it comes naturally because I would imagine he would want to have a solution to that although knowing the history of that particular dispute I don't know that he's going to be able to solve that one through a Committee, nevertheless I wish him luck and the Committee as well.

In respect to the list of arbitrators I would just like to have a little further clarification as to whether the Minister meant that the arbitrators that would be recommended would all have a speciality area and that then he would choose from them or else he would choose them in rotation. I didn't get that very clear.

And the other area that I would like a bit of explanation on — why he wants to know what essential services in the hospital field are. Are there any other areas that essential services are and is he not satisfied that there has been responsibility when it came to a dispute and a lock-out or a strike that the emergency services have always been taken care of. I know from my own particular experience in the packinghouse that there was always a negotiated agreement that so many engineers would look after the plant machinery just to keep it from deteriorating but the remainder would be called off and I would imagine that this kind of agreement is reached in almost every area where you have a collective agreement. That workers realize their jobs are at stake and they are not going to let a place blow up because then tomorrow they have no job even if they have an agreement.

MR. MacMASTER: Well the first question first. The recommendation I am waiting for from the Review Committee, I suppose, might be one of two in relationship to the arbitrators. It might be a list of six that specialized in certain areas or it might be a list 15 or 20 who both parties felt were competent to deal with labour management problems. I haven't received that, I'll be getting it I understand shortly and we'll be viewing it with great interest to see how they came to their conclusions.

In relationship to the hospital situation, it's not that I have any dispute whatsoever with anything that's taken place in the operations of the hospita. As I think I mentioned, maybe I didn't, maybe I omitted to, that this was before the Board before my time; I inherited that which is no excuse for not having an answer why it's there. But I don't have the answer why it's there and I don't know whether it was suggested to the Board for review in 1975, 1976, 1977, 1978 or whether it was September of 1978, a month before I took over, I really don't know. But I will find out how it came about, why it came about, at whose suggestio, I'll attempt to find out whether any progress is being made and I'll report that back to the member.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes thank you, Mr. Chairperson. The fact that there is some investigation or some discussion as to what would comprise essential services in the hospital area, in the medical area, in case of a work stoppage, would lend one to believe that that discussion or discourse is taking place for the purpose of possible legislation and we have had a fair amount of rambling philosophical debate on this particular area from this side of the House this evening. I would just wish to give the Minister and opportunity to reply to some of those statements and to indicate if he is preparing legislation or if he is even considering the idea of such preparation of legislation that would tend to limit those people who would be able to participate in a work stoppage in the hospital field?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I can say very straightforward and simply that there is no other areas of essential services that is being looked at. It's my fault that I came here this evening not knowing why that was before the Manitoba Labour Management Review Committee and I can assure the member that there is no proposed or no preparation of any type of legislation in that particular regard being even considered. What I would have to consider, saying what I have said before in relationship to my thoughts on the legislation in general in the labour field, is that any recommendation that this Board brings forth would certainly have to be considered, but it's, and I hate the word hypothetical because it sounds like I'm putting people off or disregarding what they said, but I think that's the only word I can use at the moment. I have no idea what they would recommend. I have no idea whether the conclusions they reach that there's no need for any consideration of anything.

As the Member for Kildonan said, it appears that it has been working well and maybe Management and Labour will decide that it will work well and that their recommendation to me would be that nothing be done in this particular area, that they have reviewed it thoroughly and they are satisfied with the present operation. That could be their recommendation.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Ye the Chairperson can correct me if I am out of order on this. I understand that the General Administration has an opportunity to discuss in some general terms the departmental policy and I would just like to have the Minister then indicate what the departmental policy on the subject of essential services is. I understand that the Committee has not reported back yet but the Committee does not exist in a vacuum. There was some policy statements made last year in the Labour Estimates by the previous Minister as to the government's intention to intervene if the economic well-being of the province was threatened or substantially or severely or seriously — I'm not certain of the exact words, but I can find them — threatened by a work stoppage. And that had, at that time, worried a number of us, it still worries us, and the Minister, I would hope would take time now to clarify, not so much where he stands because I've noticed that the Minister has been very careful to personalize things, to individualize things, to say, I stand for a certain policy, or I stand for a certain avenue to be taken.

But the Minister does not stand alone. The Minister operates within a Cabinet, within a Caucus, and some of the backbenchers in that Caucus are not known for their pro-union or their pro-labour stance, and I think even the Minister would have to agree with that. If he doesn't, I'll be glad to take opportunity to read those sections from Hansard of last year which indicated how his colleagues felt about union bosses, fat-cat union bosses, those are their terms, terms I don't even like to repeat, but they are a stark reality and they were used in the committee room just not too far from here.

So I know the Minister is operating under extreme pressure, and I know a bit of the Minister's history and a bit of the background and that he did come up, at one point through the labour movement, and I have no reason to suggest that he does not want to see an equitable system, that he personally does not want to see that equitable system. But I think he's working under a tremendous handicap, it's his Caucus that is handicapping him.

And we have seen it happen in these Chambers on the Right to Work legislation, where you could see the friction, you could see the disagreements, you could see the Minister one day walk in and slam his fist down when one of his colleagues from the back benches had just introduced a particularly onerous amendment to the resolution. You could see him visibly disturbed, and that's to his credit. Please, I'm not saying anything that should be construed in the negative sense. That's to his credit. He was visibly disturbed.

But I think that he's in a party, and in a Caucus that has shown its stripe to be historically and in the past 18 months, not to be, well let's put it as general as we can, not to be pro-labour. Time will tell just how anti-labour they are, but they historically have been anti-labour, and it can continue, it could happen, so the Minister has those pressures to deal with.

So what I would like him to do, rather than stand up and say this is how I feel personally, because we can do that back and forth and I'm sure we will walk away here with a greater awareness of each other, which is probably beneficial to the whole process, but no greater awareness of what is going to be happening in the Legislative field or what is going to be happening in the departmental field, from the Department of Labour.

So given those circumstances that undoubtedly exist that are visible, and given the circumstances that the previous Minister, his predecessor, the Honourable Mrs. Price, on occasion had indicated that there would be little hesitation to legislate people back to work if the economy was seriously affected by a work stoppage, can he now indicate what the policy of his department is in that regard.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I have two answers to two previous questions and then I'll answer the Member for Churchill. In relationship to the Labour Management Review Committee, I've now been informed and I was very close to being correct — that both parties, labour and management, have asked for a consideration by myself of reviewing the membership and the workings, I suppose, the whole operation — and that word I just used myself. They have asked for a review of that committee, the structure, the membership of that committee. So that's basically what I said to the Member for East Kildonan.

In relationship to the hospital essential service review, I understand that both labour and

expressed interest in a review of the essential service aspects of the operation. Again, I don't have the date as to when they asked it, I don't have the date as to when it first started, but I was aware that they were reviewing it.

In relationship to the Member for Churchill and the awkwardness that he alleges that I have, I suppose every Minister, regardless of his own particular portfolio, has fairly strong feelings about what he's involved with, maybe because he's learned to appreciate the department or appreciate the workings, or maybe in my particular case, because I learned the values of labour management techniques, or the process or the system through 20 some-odd years of being very involved in it. So contrary to what the member says that he doesn't like me personally expounding my views, I think he would maybe appreciate the fact that I have no fear of personally saying what I think, and by so doing, I suppose I put my feelings on the line and I make them public, and I have no reservations about doing that.

I remember, I guess it was the last Session, and I don't know which member of the opposition it was now who questioned me in relationship to when I was Minister responsible for Renewable Resources, and there's really no secret that I happen to love hunting and I love the wildlife, so I love preservation of the trees and the bush. So consequently, my good friend, the Minister of Agriculture and I had some differences, and somebody, I forget who it was, during Estimates, questioned me pretty thoroughly on that and I had no hesitation there in saying what my position was. I was the Minister responsible, that's the things that I was prepared to work for and work on behalf of,

In relationship to establishing a policy or quoting a policy, I ask again the members opposite to try and understand what I mean when I say that I have no intention of expounding a particular policy. We just came through a situation in Manitoba in the last few days, that regardless of whether credit is due to myself or not, I was asked so many times, what will you do if the policemen in this province go on strike? And I suggest to the member opposite, from Churchill, that whether he understands it or appreciates it or not, my answer was, from the understanding of collective bargaining, that what I would have done is, I would have thrown the scales one way if I had said, the policemen will not be permitted to strike in this province. That's my policy. That would have thrown things totally out of whack and would not have permitted the two parties to carry on negotiating.

That's why I would not make a stand, that's why I would not take a position. Not because I was afraid of once reviewing the situation, what I might have had to do, but the fact is that if you get yourself in a position as a Labour Minister and say that you will not permit this or permit the other, you will not permit strikes in this area, or strikes in that area, I think the members will understand that what you're then doing is telling management to just hold out as long as you want because the government isn't going to interfere.

I don't know whether that helps answer the question but I don't have any intentions of standing up in this House and saying that we're not going to permit this to happen or the other to happen, because the minute you do, you throw the scales either one way or the other, and that, in effect, destroys that free collective bargaining process that some of us feel very strongly about.

MR. COWAN: Yes, thank you, Mr. Chairperson. I take no exception to the Minister expressing his views, just as I hope that the Minister takes no exception to those on this side expressing their own personal views from time to time. That is part of the process indeed, but my comment was that I took note that the Minister was very careful to disassociate himself more or less from the departmental policy. Now, I appreciate the Minister's views; I'm interested in the Minister's views because his views are going to play a very profound role in the development of departmental policy.

On the other hand, the department itself is not the Minister. No one Minister makes a department, and there has to be policy, there has to be policy that is ongoing in a manner, and that may change, may evolve, that may happen indeed. But there is nonetheless a continuum of policy that perhaps is in constant evolution, but none the less is there, and at any given time, if you were to take a snapshot of the continuum, you would see that the policy exists at that particular moment in a very definite form. And that is what I am asking the Minister for in this instance, his policy, his departmental policy, excuse me, the department's policy, given the statements that have been made by his backbencher colleagues, and some of the front bench colleagues, I might add, and given the statements that have been made by the previous Minister, the departmental policy in regard to the legislation of essential services back to work, and in specific in the hospital field because that's the topic under discussion.

Now, the reason I ask that now is that that may happen during the tenure of this Minister. They may be faced with a work stoppage of some nature in the hospital field, where they have to make a choice, where they have to make a choice. And the Minister is quite right in saying that whatever

he says is going to have an impact on negotiations. That's a cross that he must carry. But the fact is that he will have to make decisions from time to time and departmental policy will have to be developed, or should be developed on the continuum, and that now we are in a period — I won't quote directly but I'll paraphrase the Minister — we're in a period outside of that heat of the negotiating environment.

In other words, the reason that the review committee is reviewing this now is because we aren't caught up with the times of work stoppage. And the Minister knows that that's a very emotional time and that it is a bad time to have to make policy. The policy must precede that, and it is a bad time to have to change policy. And it is a bad time to have to make the public aware of the policy, because in the heat of the negotiations, every statement takes on greater impact than it would have at this time.

So that is why I ask the Minister, not to tell him that I don't want his own personal feelings, because I appreciate them. I appreciate his own personal policy, but to take that snapshot of where the departmental policy in reference to essential services stands at this moment, and it doesn't have to be a long detailed answer. I would expect the Minister to make a statement that would be complete and comprehensive, but I'm not asking for the dotted I's and the crossed T's. I'm just asking for a general policy statement on essential services.

MR. MacMASTER: I think the member is either intentionally or unintentionally not trying to follow exactly what I am saying. The hospital essential service review, if we wish to call it that, and it's the only essential service that I know in Manitoba under review at the particular moment, and I think that bears repeating so that we don't get away from that particular topic.

I understand that both labour and management have agreed to review it. Wouldn't it be appreciated, it certainly would by myself, if they come to some conclusions that are agreeable to both, hopefully none that have to be legislated and I say that without reservation. But even if they do not, Mr. Chairman, there is a pretty basic point that can't be forgotten in those types of discussions that are taking place. Both parties are getting to know each other a lot better by sitting down when the heat isn't on and discussing mutual concerns of both unions and their employees and hospital operations. I think that in itself leads to better labour relations.

I think it was the Member for East Kildonan, or Kildonan, I keep calling that East, I don't know why, who mentioned that it's not only important that unions and management have good, open, free negotiations and discussions and free to reach their own conclusions during collective bargaining, but it's very important that I think good dialogue between the signing of contracts is extremely important. We know of cases where people store up things, and they save them for negotiations, and I think that's probably, history will bear out that it happens on both sides, and I think it's absolute nonsense, I think that's a creator of a lot of problems.

So the fact that there's only one particular area of our society which of course is a very important one, is now being discussed freely, voluntarily, co-operatively by the two parties involved. I think that speaks very highly of both parties and I do not, as I repeat, have a set specific policy in relationship to essential services in the province. I think, regardless of whether the Member for Churchill thinks there should be, I think you have to deal with situations as they arise, and hopefully with good advice from all parties concerned that you reach the appropriate conclusions.

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

MR. COWAN: Thank you, Mr. Chairperson. Then, so that I understand it properly, I would just ask the Minister to clarify two points that arise out of his last comments.

One is that, and believe me we have no argument with the labour and management people sitting down and discussing what constitutes essential services and how essential services should be dealt with in a work stoppage, I don't want that impression left — I don't know if the Minister was implying that or not — but just to clarify it. We have no argument with that process happening, that consultation, talk back and forth, in times that are less stressful than other times, is always an important process; and always to be encouraged; and always to be for the most part, supported.

But the question that still hangs heavy in the air is, is this committee or subcommittee that's dealing with the essential services in the hospital field, they're to develop policy? Are they the ones that are going to report back to the Minister as to what the policy should be? And if that is the case, then what if they should reach an impasse where they can't report back to the Minister with one report, where they have dissenting or minority reports such as happened recently in the Minister's own experience under the Minimum Wage Board? And if that is the case, is there presently in effect in Manitoba right now, no policy towards essential services in the hospital field during a work stoppage?

MR. MacMASTER: The only policy that I believe that would be in effect is a great deal of common sense and understanding by both parties, if that particular situation took place and I think I'd be circumventing the report of these particularly good people who are reviewing this if I was to say now, or even suggest, what I would do if they did not come in with a report.

MR. CHAIRMAN: The Member for Kildonan.

MR. FOX: Thank you, Mr. Chairman. I just want to follow up a couple of things. One of them I would suggest, maybe the Minister won't have the answer but his staff may, whether the Labour Management Committee had arrived at any recommendations that were left pending when the turnover took place in respect to government, or if there were any — although I doubt very much because they didn't meet in '78 — whether there were any recommendations during that period of time that were on an unanimous basis, made to the Minister? **MR. CHAIRMAN:** (b)(1) — the Honourable Minister.

MR. MacMASTER: To the best of my knowledge, and I'll have that confirmed, there was no recommendations left. Now I stand to be corrected on that. I just say to the best of my knowledge I will confirm that and get back to the member but I don't believe there were any recommendations left outstanding when we formed the government in Manitoba.

MR. FOX: The other area, Mr. Chairman, I wish to pursue just briefly, and that is what the Minister indicated in respect to the committee reviewing essential services; and that is that I would hope, as I said in my opening statement, that much of what takes place in respect to Industrial Relations is the environment and climate in between negotiations and there the Minister and his department, his staff can do a lot to alleviate the pressures that arise. I know that grievances, as you said, fester and eventually they create a difficult climate in which to have your services in respect to conciliation and so on, because by then the parties have already made their stand and you just cannot backtrack, or it's very difficult.

So I would sincerely recommend that the Minister's services, through his various inspection services and other assistance that the department can provide are enforced as much as possible so that the climate becomes where there will be very good industrial relations and negotiations.

MR. CHAIRMAN: The Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. Just in the hope of expediting the whole process, perhaps we can ask the Minister for an organizational chart of the department when we meet tomorrow. —(Interjection)—

MR. COWAN: Okay, very good, excellent. And then we could also ask the Minister, we will be asking item-by-item on staffing, if we could have that run down. I'm certain that would expedite the whole process and also aid the whole matter of making these Estimates more productive.

The Minister mentioned that we would be reviewing the committees and the councils as we go through, and there's just two that I would like to clarify right now to make certain that we shouldn't be discussing them. One is the Manitoba Labour Board and where we should be discussing that because that is a very important item and I'm not certain exactly what area of the Estimates it would fit into; and the other is the Labour Education Centre, which it is my understanding that the applications and the representations that are made on behalf of the Labour Education Centre by their board and by the Manitoba Federation of Labour, have been directed from the Department of Education to the Department of Labour and that it is the Minister of Labour who is presently negotiating — if that's the proper word or maybe that's too strong a word — is presently discussing the possibility of a Labour Education Centre with the board and the MFL. So I'd just ask where those two specifics should be discussed?

MR. MacMASTER: The Labour Education Board, your Member for Churchill is going to have to leave that with me. It's not in my department. I don't know whether it's in the Department of Education, I will assure the member that I will find out what department it is in and I assume it's in the Department of Education, but I will get back to him on it and I'm sure it's not in my department. But if the Department of Education for some reason isn't dealing with that particular board, then I will at some later time in the Estimates, bring that to the attention of the Member for Churchill.

The Manitoba Labour Board is under the Manitoba Labour Board in my Estimates in (XI) 2.(e).

MR. CHAIRMAN: (b)(1)—pass — the Member for Logan.

MR. JENKINS: Yes, just before we leave the Management Labour Review Committee, on the last page is the committee meetings and I see it was only a subcommittee. Is this the subcommittee that met three times, what subject matter did this subcommittee deal with? Would it be the construction, or what would be the subject matter that this subcommittee which held three meetings — May 5th, June 15th and December 21st of '78? What subject matter was that subcommittee dealing with?

MR. MacMASTER: Does the Member for Logan have the title for the subcommittee?

MR. JENKINS: No, Mr. Chairman, I can't enlighten the Minister because it's on the back page of your report here, the 1978 Annual Report of the Manitoba Labour Management Review Committee, and it says: Committee Meetings, whole committee — none; subcommittee — three meetings, May 5, '78, June 15, '78 and December 21, '78. Then there was a Hospital Sector Working Party — no meetings; Public Sector Panel — no meetings; Private Sector Panel — no meetings. So the only committee meetings of the Labour Management Review Committee was this subcommittee, and it doesn't say what the subcommittee was or what subject matter they were even having under contemplation.

MR. MacMASTER: The early meetings in the year, I believe there was one late in the year — a subcommittee late in the year, was there?

MR. JENKINS: December 21st.

MR. MacMASTER: That was the one that was set up to make arrangements, establish procedures, how the Construction Review Committee was going to work and what their terms of reference would be and that type of thing, and the other subcommittees were on the Hospital Sector and the selection of arbitrators. I understand those two points have been going on for quite some time.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, previously when the Minister was discussing the work of the — I'm not certain I have the title correct but the intent is there — the Construction Industry Committee was a committee to investigate the labour climate in the construction industry. The Minister indicated that it met 5 to 6 times and that he personally was not entirely satisfied with the progress that that committee had been making. I would ask the Minister in light of that statement, to detail just in what respect he is dissatisfied? Is he dissatisfied with the fact that they've only had opportunity to meet 5 or 6 times, or that they have not made much progress in those 5 to 6 meetings, because the two indicate different problems?

MR. MacMASTER: Well, I understand now just recently — and I don't know whether it was in the last month or two — that this committee has now decided to meet every two weeks, once every two weeks, and that was a fairly important thought of mine. I'm always afraid of committees that adjourn at the call of the chairman sort of thing, and I think the thing was so important that they should have been meeting more regularly and now I understand that they are meeting and they have agreed themselves that they have to meet every two weeks. I think that's a major step that has been taken.

MR. COWAN: Thank you, Mr. Chairperson. Well, the Minister has every cause to be somewhat concerned when the meeting of a committee is left up to the call of the chair or the call of the Minister and we need only look to the meetings of the Workplace Safety and Health Advisory Council over the past year to understand his apprehensions and from which they flow, but that is something I'm certain we'll discuss in some great detail when we meet that section of the Estimates.

The Minister said that he was reviewing, or that he had been asked by labour and by management to review the membership, the structure of the committee of the Labour Management Committee, I believe, and it gives me some apprehension when we see that sort of process begin where an entire membership is going to be reviewed and perhaps changed. So I would ask the Minister to clarify exactly how the appointments will be made. Will labour present him — if they decide to

change membership — will labour provide him with a list of a set number of positions that would fill it, and management do the same and those names would automatically go on, or would they provide them with a general list from which they would pick and choose?

MR. MacMASTER: The committee has been appointed by specific interest groups, they've made their own appointments.

MR. COWAN: I am sorry, Mr. Chairperson, but I missed the last portion of the Minister's answer; my mistake. Could he repeat it please?

MR. MacMASTER: The Committee is formed by specific interest groups making their own appointment.

MR. COWAN: So, in fact, the names that are presented to the Minister will be the names that will stand as the membership. And the reason I ask this is there was a problem that the Minister is full well aware of that occurred not too long ago when a William Bednarchuk from Thompson was appointed to the Rural Building Construction Wages Board, and that appointment was made by the Minister, and I hesitate to say without regard; perhaps it would be better to say that the construction industry unions, through the MFL, have made another name available to the Minister, made another name available to the Minister for consideration, a name which they thought I would be more appropriate to sit on that Rural Building Construction Wages Board and that they were quite upset with the appointment that was made by the Minister.

I understand that the situation has since been clarified but I would ask the Minister to assure us that in the future we do not run across these sort of circumstances, where the wishes of those most involved or those who would be at least as involved as anyone else in the results of the committee or in the findings and hearings and decisions of a committee, have their own nominee overruled by the Minister, for whatever reasons the Minister may have felt appropriate.

And perhaps — I don't know if he wants to discuss it at this point or another point — perhaps he can just clarify, for the record, how this dispute has been reconciled between himself and the building trad unions.

MR. MacMASTER: We can discuss that entire item under (X1)2.(b), which is Employment Standards. That's one of the committees.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Yes, thank you, Mr. Chairman, and I want to thank the Minister for his chart here, and if the Minister could give us a breakdown. I understand that Mr. Plantje is the new Deputy Minister, Mr. Johnson is the Chairman of the Workers Compensation Board and I understand Miss Bradshaw is the Director of the Women's Bureau; is that correct? The Assistant Deputy Minister, I wonder if the Minister could give us who that is and what staff qualifications or staff officer rating, also the Director of the Workplace Safety and Health; Mechanical Engineering; Fire Protection; Employment Standards — I understand there is a new Chairman of the Manitoba Labour Board, Dr. Baizley — Conciliation Services; the Pension Commission; and, down the other side, I understand Mr. Jim Wood is the new Director of Research and the Directors in the other little boxes that we see. And where would Mr. King, who was a former Deputy Minister, fit in this chart? If the Minister could inform us where Mr. King . . . I understand he is an Executive Consultant to the Minister; is that correct? If he could give us the breakdown on some of the staff that are in place in various places. I realize that some of these are committees, but in some there are staff involved, and if the Minister could give a breakdown of the staff within the department.

MR. MacMASTER: The Assistant Deputy Minister is Mr. Gordon Boucher and Mr. Jack King is retired. That was the first question first and the last question second. Mr. John Reimer is the . . . Would you prefer that as I come to them in the Estimates that I can just tell you who the Director is, or do you want them all?

MR. JENKINS: Yes, that perhaps would be all right.

MR. MacMASTER: Because they will all be discussed as we go through the Estimates. I can give you the Director of each one.

MR. JENKINS: And perhaps the Minister, at that time, could give us the amount of staff that is

involved.

MR. MacMASTER: I will, exactly as we did with the others.

MR. JENKINS: And why I mentioned Mr. King, since the report on administration, the Annual Report, states that Mr. King is now a Special Consultant to the Minister of Labour and Manpower. Oh, he is no longer a Special Consultant; he has retired completely. Is that correct? Fine, thank you, then.

MR. CHAIRMAN: (1)—pass; (2)—pass — the Honourable Member for Churchill.

MR. COWAN: Mr. Chairperson, on (1), I don't believe — perhaps I was out — I don't believe that we have gotten the staffing changes in this particular item. There is an increase under Salaries and I wonder if the Minister could detail just how that increase is being spent.

MR. MacMASTER: Mr. Chairman, last year there were 42; 39 funded and three unfunded. This year there are 39, all funded. The reason for the difference in the Salaries, (a), is the general salary increase and salary adjustments, but there was a shortfall last year of . . . There is separation pay and vacation pay for retiring Mr. Jack King. That has made up the difference, plus your general salary increases.

MR. COWAN: Yes, Mr. Chairperson. Well, in the fact that I am somewhat new to the whole Estimates procedure, I am a bit stuck on the one word and so I don't feel too badly because so is my colleague, but I would ask him to define what he means by 39, all funded. Are we talking about vacancies in this respect or is it a term for something that we haven't come across yet under these Estimates?

MR. MacMASTER: Mr. Chairman, there has always been, in Estimates in years gone by, X-amount of positions and then X-amount, one or two in a lot of cases, in a lot of departments over the years, that were not funded, and what it permitted departments to do was find the funds to fill a position because during the course of the years a department may have had difficulty establishing a position but if they did it initially it was accepted.

What I have said here is that we have 39, and all 39 are funded. It's positions that we wish to fill and intend to fill during the course of the year. That's the same explanation I gave, I believe, to the Member for Logan as I went through the Civil Service thing. That when I talk and if I say that there are 39 funded, 21, 16, 14; that means positions I intend to fill during the course of the year.

MR. COWAN: Yes, then, to clarify the matter, the Minister is telling us that there were 42 people — 39 and 3, yes — 42 people last year under this item and there are 39 this year, or is he telling us there are 39 with three vacancies, and there are 39 full positions this year?

MR. MacMASTER: There were 39 people last year, but 42 positions, three unfunded. But when I talk about Estimates, it's a policy I don't follow. Mine says there are going to be 39 this year, the same as last year, and they will all be funded this year; there are no unfunded positions in that 39. They are all there; they are all meant to be filled.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Well, just so we get this clear, the Minister is saying that last year there was money in the Estimates for 42 positions with three vacancies, or is he saying that there was money for 39 people but some time during the year he required three other people, for which he had to find funds available somewhere else in his department? Is that what the Minister is saying, or is it three positions that were vacancies last year? —(Interjection)— I didn't hear what the Minister said.

MR. MacMASTER: Vacant and unfunded, the three positions last year.

MR. JENKINS: Then I think I understand the Minister now. Now, of the 39 positions that he has funded this year, are there 39 people in those positions at the present time?

MR. MacMASTER: No, Mr. Chairman, there are five vacancies, all of which we intend to fill.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, perhaps we could have a more detailed breakdown then, Mr. Chairperson. Can the Minister indicate the title of the different positions, the different staff under this item?

MR. MacMASTER: There are Deputy Minister, Assistant Deputy Minister and Executive Assistant, Secretary to the Minister, Secretary to the Deputy Minister, an Investigator, Payroll Personnel Clerk III — there will be three of them, one departmental accountant, there will be three voucher clerks, three revenue clerks, two administration officers, seven secretaries, three clerk-typists, one term SMY, one executive director — that's of Manpower, one research analyst, one head of personnel services, a personnel administrator, chief of financial and administration services, a budget officer, an administration services officer and an accountant.

MR. JENKINS: Yes, Mr. Chairman, I just want to go back to last year, where the Minister said he had 39 funded and three unfunded positions and we're not going to deal with the unfunded positions. Of the 39 funded positions last year, how many vacancies were there, or were all the positions filled last year?

MR. MacMASTER: There were no vacancies. Now again, I say to the Member for Logan the same as I said before; there were no intended vacancies. Now, during the course of the year, there might have been through attrition, somebody quit and for a couple of months there wasn't anybody in there. Basically speaking, those 39 were funded and filled.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. Well, last year the Annual Report indicated that there were 24 employees under this particular item. I would assume then, that the difference between the 24 and the 39 comes from the addition to this item of those people involved in the Manpower Division.

MR. MacMASTER: That's right, Mr. Chairman.

MR. COWAN: Yes, when the Minister read through the list, I didn't hear him mention the special consultant that had been on staff last year for the first time. I'd ask him if that position has been eliminated.

MR. MacMASTER: That's the position that Mr. King held this year until he retired. Now we will reclassify that, I won't be hiring a special consultant in that particular position.

MR. COWAN: Yes, can the Minister indicate how many of the clerical staff from the — we might get a bit confused here now, but I think it's fairly important that we detail it out. How many of the clerical staff from the old administration division employees — that's not taking into account the new addition of 15 employees from the manpower division, how many of those were located outside of Winnipeg and in what communities in the last year?

MR. MacMASTER: Last year and this year will be the same, three in Brandon and one in Thompson.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Churchill.

MR. COWAN: Yes, can the Minister indicate which positions are vacant presently and if there have been bulletins put out for those positions yet, and when the Minister expects them to be filled?

MR. MacMASTER: A budget and finance officer, a secretary for the finance section, administration services officer, a voucher clerk and the term position. The administration service officer is presently being prepared to go to be posted, and the job descriptions for the budget and finance officer is presently being drafted and will be posted. The clerk's position is being reviewed for content at this particular moment.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Logan.

MR. JENKINS: Yes, Mr. Chairman, of the present staff that the Minister has, they are all permanent civil servants? Are they, or are there any term or contract employees —(Interjection)— If permanent, and the Minister says that he will be bulletining in the near future for the five vacancies that he has, and the list that he just read off to the Member for Churchill is the position, is that correct?

MR. COWAN: Thank you, Mr. Chairperson. I'd like to just revert back to the Construction Industry Review Committee, and ask the Minister if the end result of that Committee, or if he intends the end result of that Committee to be recommendations for legislation in regard to accreditation among the building trades unions in the province of Manitoba, such as we have in numerous other provinces surrounding us?

MR. MacMASTER: I have no idea, Mr. Chairman, what the recommendations of that Committee will be, none whatsoever.

MR. COWAN: Yes, thank you Mr. Chairperson. Well, is the government itself then considering implementing legislation that would deal with the field of accreditation in the building trades unions?

MR. MacMASTER: Not to my knowledge, Mr. Chairman.

MR. COWAN: Perhaps the Minister can indicate to us, as he has said on numerous occasions that they are reviewing the workplace, safety and health legislation and reviewing the labour legislation, when and if he would foresee that legislation being brought into this House? Does he see any further legislation being brought into the House in that regard, or in regard to the construction industry during this session, or are we looking towards the next session for all of that legislation to be introduced?

MR. MacMASTER: I would think that if the advice from any of the committees regarding legislation, if their advice was accepted and legislation was required, that it would have to be in the next session.

MR. CHAIRMAN: (1)—pass; (2)—pass — the Honourable Member for Logan.

MR. JENKINS: Yes, could the Honourable Minister give us a break-out of what Other Expenditures are involved with, since there is an increase here of approximately \$22,000.00. Would it be because of the costs associated with the transfer, or would it be just an inflationary cost? I'm speaking about the transfer of the Manpower Division, or would some of that be for the job of evaluation of the Student Summer Employment Program in the private sector? Would it be in here or would it be in the Manpower?

MR. MacMASTER: Evaluation, Mr. Chairman, would be in Manpower, and the increase is general price increases and some additional prices because of the enlarged department, which is basically very normal.

MR. CHAIRMAN: (2)—pass; (b)—pass; (c) Women's Bureau (1) Salaries—pass — the Honourable Member for Logan. **MR. JENKINS:** Well, I wonder if the Minister could give us a review of the Women's Bureau and its activities and what it's been doing in the past year, and what the Minister foresees in the future, since I think the report here states that we now have in the workplace force, somewhere in the vicinity of 48 percent, is it? Somewhere, I'm not just quite sure, but if the Minister could give us a bit of a resume of the activities and what he foresees in the future for the department. Does he foresee an expansion on the equal pay for equal work? Is the department considering legislation on these lines? If the Minister has any thoughts on this, perhaps he could tell the Committee at this time.

MR. MacMASTER: Well, to answer some of the unasked questions, but ones that will come. Last year, the Women's Bureau operated on 5.26 staff; this year, it will be 6.26; last year a counsellor was acting in a dual role as counsellor and director, and this year the counsellor will, in fact, be able to dedicate full time to counselling, which I believe will be a great benefit to the particular Women's Bureau. The bureau is responsible for providing information and counselling service to women who are in the process of entering the workplace or who are already there, and advising the government on issues of concern to women in the workplace. I suppose, the objective is to

provide information and assistance to women, who are entering or in the workplace, to act as a co-ordinating role for women's organizations in the province, to advise the government on issues of concern and to work in concert with the Civil Service Commission in addressing the needs of women in the Civil Service, as well as the total public sector.

They do a great deal of counselling with private and group sessions and they hold meetings once a week, 7:30 to 9:30 on ten-week periods. It's an extended program that they run. They act as an information centre for inquiries of all natures in relation to women. They prepare information, publish, and distribute a bi-monthly newspaper entitled "About Women". They have organized display booths on a regular basis in shopping malls; they participate in both local and national federal-provincial committees administering manpower policy and programs. They act as a resource group to community organizations in relationship to women, such as the Chamber of Commerce social responsibilities and business group, day care centres, Manitoba Federation of Labour, the University of Manitoba. They conduct or direct research on community service and programs relating to women's employment health hazards. They work with school counselors to improve the ability of students to prepare for future participation in the work force. They present seminars and participate in conferences and they work with the Department of Labour and Manpower in training and apprenticeship to develop recognition of participation of women in training programs where women have been in past the exception rather than the rule. I think that's a general overview of the role of the department.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: Yes, thank you, Mr. Chairman. My interest stems partly from a constituency point of view, because I had a constituent who was an apprentice in carpentry. She was having very great difficulty in becoming articulated to an employer especially on construction sites, and at one time I think she and a friend of hers who was not a constituent of mine, but was also an apprentice, had gone through the introductory course at Red River, had started her apprenticeship and had difficulty in being able to become indentured, you know, with an employer here in the province of Manitoba, with the result that I think they went up into the Northwest Territories or the Yukon Territory, one or the other where they did some work and they were able to work on some sites up there. It seemed that there was no place for them here in the province of Manitoba in which they were able to obtain indenture papers, mainly because of construction sites not having the facilities for women on site and this was one of the problems I understand that latterly, I think they tried to go into some small mill shop business on their own, and perhaps when we're discussing the apprenticeship program that maybe we can enlarge upon this. But I imagine if this is happening, say in the field of carpentry and joinery, it also must be happening in other construction trades.

It may be that — I imagine it would be easier for women to become indentured say in a plant where they're in a permanent location, but on construction job sites they're pretty rough and ready. I guess the Minister knows that as well as I do. But has the department and the Women's Bureau in particular had any enquiries or complaints of this matter? I'm sure that the Minister or the director must have over the past few years when it has become more common for people to become employed in what were at one time all male occupations — and if the Minister envisages any type of legislation and I don't know whether it's the Human Rights or what area it's in the Department of Labour — but it does seem unfortunate that if these people do have the necessary aptitude and skills to become acceptable through the entrance course that they run at Red River and then are passed and acceptable for the start of the apprenticeship program, and then to have the difficulty of becoming indentured to an employer, it seems to defeat the whole purpose, and perhaps the Minister could elaborate on that. Has the Women's Bureau had any problems with that other than the one that I just happened to mention? I imagine she has been in contact with the director.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I think the problem has received some attention in the last period of time and is one of the new problems, I suppose, that's facing society as a whole. I recall quite vividly at INCO in Thompson when I was working there, when the first women came in and there were walls knocked out and walls put up and washroom facilities established throughout the smelters and refineries and in the mine drives and I think it's a basic education process and a push by ourselves within the department to industry to make them aware of the fact that women have the opportunity and the right to become apprentices and when they do, facilities then must be provided. I don't know of any other incident except the one you've talked about but I'm sure that there are other incidents that are taking place. What I can simply say to the member is that if any are brought

to our attention then I suppose that we're certainly going to have to involve ourselves — and the Women's Bureau are attempting in their way to educate employers — that this is without question going to be required of them to accommodate this particular situation in the future, not just in the future, but at the present.

MR. JENKINS: Do I understand the Minister correctly then that the case that I mentioned, has that come to the attention, or is that just the first time that the Minister has heard of it? Has it come to the attention of the Women's Bureau? Because I'm just speaking of one trade, and in the construction trades there are others, and I would imagine that there would be others in the field of pipefitting and plumbing, electricians, surely it was not the fact that it was just someone who was in the construction industry as far as the trades of carpentry and joinery are concerned. If the Minister is aware of any of these, and if this case came to the attention of the Minister or through the Women's Bureau to him, if any attets have been made to enlighten the employers that they share a responsibility to see that it is possible for these people to receive the on-the-job training that is required as part and parcel of their attaining a journeyman's certificate. I really don't know how a person under the apprenticeship plan would be able to receive a journeyman's certificate if they don't have the on-the-job training that is required under The Apprenticeship Act of Manitoba. So if the Minister and his department, and especially through the Women's Bureau, I would imagine this would be the department even though it may come under the apprenticeship training program, in our enlightened day here we feel should be open to members of both sexes to achieve their certificates of journeymanship in whatever trade that they desire to enter and become indentured and eventually get their certificates of qualification.

MR. MacMASTER: I understand, Mr. Chairman, that there is a federally funded co-ordinator that works in the province of Manitoba, funded I might say by the federal government, who works with the community colleges and the apprenticeship programmers. . And this particular person is not daily, but certainly in close contact with our W omen's ureau B/ outlining the problems they foresee, attempting to look down the road at the possible problems that are going to come to the people as they go out and enter industry.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: I believe when we were in government, the Department of Labour and even the Department of what is now Government Service, Public Works at that time, now Government Services, were considering the idea of engaging apprentices, whether the government would look favourably upon those people who might be under that apprenticeship training program and indentured, say, to the Department of Government Services, whether they have any women apprentices in their training programs as far as the apprenticeship program is in force here in Manitoba.

MR. MacMASTER: I can't remember exactly, I don't know if there are any women in apprenticeship with the government at the moment, but I remember that there was X amount of trades that were recognized last year as being areas where apprenticeship should be taken by Government Services when they were negotiating with the MGEA. So the apprenticeship situation, and I guess that's the only word I can use, within government itself was expanded through negotiations last year, and I just can't remember the details, whether carpenters weren't being taken or plumbers weren't being taken, but the program was expanded last year. But I don't know of any women that are in the apprenticeship program with the government of Manitoba, and I don't see any reason why there shouldn't be.

MR. JENKINS: I thank the Minister. I think if we are espousing the cause of women, that they should be able to get into the apprenticeship program in the private sector. Then I think, as the Minister has said, we should be setting a good example in our own Government Services where we would be taking people in for the apprenticeship program. I'm sure that Miss Bradshaw will be working very hard on the Minister to see that this comes about. But I would be looking forward, when the Minister, if and when we do get someone into the apprenticeship program here in our Government Services. I want to also say that I notice that we have a new guard, and I think that's a forward step and I think it's one that the Minister and the Minister of Government Services and the Minister of Labour can look forward to, to perhaps employing, giving the opportunity for those of the fairer sex to make their opportunities to be able to become journeymen in whatever trade or whatnot that they may desire to enter into.

MR. CHAIRMAN: (1)—pass — the Honourable Member for Kildonan.

MR. FOX: Yes, Mr. Chairman, I'd like to ask the Minister, in respect to the staff man years, whether he could describe them. I understand from last year's report that there were, I gather, 6.5 staff man years, unless the part-timers were less than a half, and would he also indicate the pay scale in respect to each of the staff man years.

MR. MacMASTER: Last year, Mr. Chairman, there was 6.26 appeared on the Estimates, but one was not funded. This year, there's 6.26, the identical number, but it's an addition of one because we're funding them all, and they're all filled now. There's a Director, a Counsellor, a Research Officer, a Program Development Officer, and there's half-time counsellors making up two half-time counsellors and a secretary and a half-time administrative secretary.

MR. FOX: Would the Minister also give us the pay scale for each of them?

MR. MacMASTER: Did you want the classifications, Mr. Chairman, is that what the man wanted?

MR. FOX: The wages, the money.

MR. MacMASTER: The Director is 37,200, the counsellor is 21,000, the secretary is 12,700, the research officer is 18,600, and the two part-time counsellors are 7,600 and 7,900 and the part-time secretary is 5,300 and the development officer is 17,400.

MR. FOX: Yes, Mr. Chairman, is the Director's salary the same as what was paid before, with the increments over the negotiated period? And the other question I have, Mr. Chairman, is — I'll wait for that one first.

MR. MacMASTER: I'll have to get the Director's salary last year. I mentioned previously it was a counsellor that was acting as a director and I don't have that particular salary in front of me, but I'll get that for the member.

MR. FOX: In view of the fact that the Minister stated that last year's wasn't funded, is that the reason why there is a \$40,000 difference between last year and this year? Or is that for the increments as well?

MR. MacMASTER: Increments plus the new position.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Chairperson. I think the way the Minister phrased it was that there was a counsellor acting in a dual role as a counsellor and a Director when he went through the different items, and it's my understanding that that person was making — and I'm going to use approximates because I don't have the exact figures — but was making between \$20,000 and \$25,000.00. And this year we see a person who has taken on the role as Director and does not have that dual role which would indicate a lessening of responsibility, and yet we see an increase to \$37,200, or at least at a minimum \$12,000 over the previous Director's wages, and perhaps as much as \$17,000, and I'm wondering if the Minister can clarify what would necessitate such a substantial increase in one person's salary over the course of one year, when we have seen such restraint and such low wage settlements in other areas of the government.

MR. MacMASTER: The new director, Mr. Chairman, came to the position as an over twenty year civil servant with the established salary.

MR. COWAN: Would the Minister indicate who was the previous Director, by name?

MR. MacMASTER: The Acting Director was L. McIlwain.

MR. COWAN: Was it the Acting Director that was making approximately \$20,000 to \$25,000 a year or was it the Director previous to the Acting Director, and how long was the Acting Director responsible for this department?

MR. MacMASTER: Approximately a year.

MR. COWAN: And the name, I might ask the Minister then the name of the previous Director before the Acting Director.

MR. MacMASTER: Mary Eady.

MR. COWAN: Thank you, Mr. Chairperson. I have to just make special note of that substantial increase, because I think it leads rise to numerous questions which will appear apparent as we proceed through the discussion of this particular item under the Estimates. I would ask the Minister to indicate what activities this department has been undertaking for the past year, in detail if he would, please. By this I would want to know the number of requests for information, and I'd like him, if he can to compare them to the previous year or the previous two years, if possible, the number of requests for information, the number of special studies undertaken by the department regarding employment of women; the number of hearings or inquiries set up on matters relating to employment of women; the number of studies undertaken to review the effectiveness of activities of the Women's Bureau itself; the number of seminars held to discuss matters relating to the employment of women; and the number of group counselling sessions that have taken place on matters relating to the employment of women.

MR. MacMASTER: I'll have to take that as notice, Mr. Chairman.

MR. COWAN: Yes, Mr. Chairperson, I just have to read into the record that it is 29 to 23 for the NDP in British Columbia, and that's leading or elected. Those are the latest results.

To my information, and this is information that has been gleaned from going through the annual reports of the Department of Labour for the years 1972 to 1978 which are the effective years for the Women's Bureau, it's my information that in 1978, there were 1,150 requests for information directed to the bureau. I would ask the Minister if he can indicate — that is the only figure I have — if he can indicate what sort of change that is over the previous year, 1977, over the previous year 1976.

It is also my understanding that the number of studies undertaken regarding the employment of women, in 1973, were three, in 1974 were two, in 1975, were three, in 1976 was one, in 1977 was one, and in 1978 there were no studies. My question to the Minister is, can he indicate to us the title of those particular studies and why there were no studies in the year 1978.

MR. MacMASTER: I'll take that as notice, Mr. Chairman.

MR. COWAN: Yes, Mr. Chairperson. Then in my information I also understand that the number of hearings or inquiries set up on matters relating to employment of women, in 1976 there was one, in 1977 there was one, in 1978 there was none. I would ask the Minister if he can confirm that.

MR. MacMASTER: I'll take that as notice, Mr. Chairman.

MR. COWAN: Yes, Mr. Chairperson. Then I also understand that the number of studies undertaken to review the effectiveness of the activities of the Women's Bureau in 1978, there was that one study and it had not been undertaken in previous years. Can the Minister report to us as to the findings of that particular study?

MR. MacMASTER: I'll get that information for the member, Mr. Chairman.

MR. COWAN: Yes, thank you, Mr. Chairperson. It is also my understanding that the number of seminars held to discuss matters relating to employment of women in 1976 was two, in 1977 was three, and in 1978 there were none. Can the Minister confirm that there were no seminars held in this regard in 1978?

MR. MacMASTER: I'll have to get that information. If there are other questions along that line, if the member just wishes to read them out, I'll get them as information for him.

MR. COWAN: Thank you, Mr. Chairperson, the final question is the number of group counselling sessions set up — in 1977 there were 5 and my review of the annuals indicates that we cannot determine how many were set up in 1978. I'd ask the Minister if he can indicate to us how many

were set up in 1978 when he undertakes to get that information.

I would also ask the Minister in this regard to inform the House as to the latest statistics in these matters — what the latest statistics would be on each of the items that I had previously listed for 1979, for as late in 1979 as it is available. I understand the problems involved in collecting and collating information of that sort.

Can the Minister confirm that indeed there has been a drop in the caseload of counselling that has been held under the auspices of the Women's Bureau, that there has been an actual decrease in the number of women coming to the Women's Bureau for counselling services?

MR. MacMASTER: Well part of the reason if there was a drop, and I'll attempt to get those type of figures for the member, possibly part of the reason was that the counsellor was acting as the director at the same time. Now the counsellor is a full-time counselling and I'm sure that more attention will be paid to that particular item during the year 1979.

MR. COWAN: It is my understanding then, that the Acting Director was also acting as a Counsellor or that Mary Eady, the previous Director was acting as a Counsellor also? If the Minister could clarify that because I'm not certain whether he is referring to a Director-Counsellor as the previous full-time Director or the previous Acting Director?

MR. MacMASTER: The previous Acting Director.

MR. COWAN: Then, Mr. Chairperson, it leads to the question — was Mary Eady, the previous Director, acting as a Counsellor and a Director also?

MR. MacMASTER: No, Mr. Chairman.

MR. COWAN: Which brings us back to the matter of salary and that the previous Director, Miss Eady was making in the neighbourhood of \$20,000 to \$25,000 and the present Director is making \$37,200 and so that justification that the Minister had used that there was a lesser salary because the Minister was also acting as a Counsellor, does not hold true. That's still a very substantial increase for two years. —(Interjection)— The final results for the records — are those the final results —(Interjection)— The results at the moment are 31 to 26 for the NDP and that's most likely leading or winning.

I have to make note of the title of this Department to the Minister at this time, the title of his department which is Labour and Manpower. And given the fact that the language is changing and sometimes I take a bit of abuse for my use of the title, Chairperson, although it is meant with all due respect, Mr. Chairperson, I would hope that the Minister in tune with the times would investigate the use of the word, "manpower" and perhaps come up with a more appropriate term . . .

A MEMBER: Person Power.

MR. COWAN: Person Power — I'm not certain that that rolls off the tongue glibly but there may be a more appropriate term that would not make women feel isolated from this department. And while speaking about that subject I would just ask the Minister if the Labour and Manpower Department has any special training programs within itself for the development of women within its own work force? Do they have any affirmative action programs or do they have any counselling programs that help women enter the Labour and Manpower Department work force or are they making any special efforts to rationalize their own work force to include more women in it?

MR. MacMASTER: This particular Women's Bureau does in fact counsel and assist people getting into the work force and assists them once they're in the work force. Within the Department of Labour at the particular moment there is two and I believe now there's a third inspector which is new to the Province of Manitoba who are women.

MR. COWAN: By that is the Minister indicating that there's an Affirmative Action Program within the department or affirmative action hiring policy within the department to include more women in the department's work force?

MR. MacMASTER: I believe that what it indicates is that equal opportunity is very prevalent.

MR. COWAN: If equal opportunity is very present, Mr. Chairperson, which may or may not be the case, can the Minister indicate out of the total work force of the department, how many are

women?

MR. MacMASTER: I can't give the member that particular number. I'm prepared to break it down if at all possible as we go through each particular section.

MR. COWAN: Well as we are trying to expedite matters and I hope we are doing a successful job of it so that we don't become bogged down, perhaps I can ask the Minister to undertake to provide us with that package in one lump sum, sometime, not today. It's not important that it comes before us tonight, but in the near future so that we can review it and then if necessary comment upon it during the Minister's salary. Can he undertake that project for us for the purposes of expediting the whole process? The Minister has indicated that he can.

The Member for Kildonan just passed me over a piece of paper that suggests the title, "The Labour and Human Resource Division", which is probably not a bad title. It probably takes in more, I think, of what the Minister would like to see his own department be, probably more aptly describes what all of us would like to see that department be. So perhaps we can just lay that upon the table as a suggestion for years to come.

The Minister has indicated that he will undertake to bring back statistics on a number of activities of the department. And as a good proportion of our questions would hinge on that information I would ask the Chairperson if there is any indication of Committee rising and then pursuing those items tomorrow when we have that information before us and we should be able to move in quick order through the items there or we can continue on and then perhaps hold the department open for tomorrow so that we can discuss the activities. Because I think it's very important that we have what seems to be a substantial drop in the number of activities of the department yet we can't confirm, nor we can detail, nor can we clarify where that drop has taken place and what effect it will have. And it sort of puts us in a blind spot right now as to pursuing the items under discussion here. So I would ask if there is any indication that that would be an acceptable procedure at this point.

MR. MacMASTER: I'm quite willing to carry on, Mr. Chairman, and get this information back to the member just as quickly as possible.

MR. COWAN: Could the Minister indicate what the advertising budget for the Women's Department was last year and could he indicate what the advertising budget was for the years 1975, 1976, 1977, and 1978 and what moneys are budgeted for advertising in the upcoming year?

MR. MacMASTER: Advertising and exhibits in 1977-78 was \$1,100; 1978-79 was \$1,000; advertising this year is \$5,100.00.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes, Mr. Chairperson, in conjecture that the statistics and the information that I had supplied earlier and asked for confirmation is probably true, because when you're operating on a \$1,100 and a \$1,000 budget, and even a \$5,100 budget for advertising and exhibits, you are not presenting the Women's Bureau to the public because that is one of the primary methods by which the Women's Bureau becomes known in a proper manner, and you are going to have a fall-off in requests, and you are going to have a fall-off in counseling.

Now that would not give any reason for the fall-off in the number of studies taken or the number of inquiries, or the studies affected in relation to the effectiveness of the Women's Bureau and the activities of the Women's Bureau. But I would suggest that those are because the Women's Bureau did not occupy a priority in this department in the previous year. As a matter of fact, it was ignored, I would suggest. It was ignored. It was given no direction, it seems. One would have to conjecture that it was given no direction from the activities it took. Because had the Minister at that time been on top of the department, one would think that she would have said, "Why aren't you doing anything?" or "What are you doing?" And the Director is here before us and can't indicate what was being done either, and can't indicate why it wasn't being done.

So I would suggest that this whole area of women entering the work force and women entering the work force with counseling behind them and with support services behind them has been neglected and ignored during the past year. I would suggest that the statistics prove that very definitively. And yet at the same time, we have between 1976 and 1977, approximately 26,000 women entering the labour force, on an average of 8,000 per year who are entering the labour force — many of them or the majority of them — for the first time, and you would expect that they would want counseling and you would expect that in many instances they would want support services

if they were available to them and they knew about them. And yet we don't have this it seems, during the past year. They have been thrust into the labour force.

I don't anticipate from the comments by the Member for Logan, that they have been taking the high-paying or the well-trained jobs. They probably have been taking the lower paid jobs; they probably have been taking the jobs that need less training and less education, and less work background. It would just make common sense and they will become stuck in what are called "dead-end" jobs by my colleagues, jobs that lead nowhere. And they will become stuck in those jobs and I don't think that was the intention of having a department of this nature as to allow those women to become stuck in those types of jobs.

And arising from the comments of the Minister about the women entering the work force at INCO and the fact that there were many changes necessary, I just have to mention a number of things to him revolving around those comments, and one will be of special interest to the Member for Flin Flon, as I know the whole subject has been of special interest to him. And when HBM and S invoked a forced sterilization policy on women — and just women — working in the smelter at that operation, there was a curious silence from the government and there was an even curiouser — if I can use Alice in Wonderland's words —(Interjection)— Well, that's Alice in Wonderland's word, curiouser; she says it better than I do, I imagine — a more curious reaction from the Women's Bureau, and that was, again total silence, and yet this is an issue that is of very great concern to women.

Think of it: Forced sterilization or substantial paycuts. It's an abhorrent policy as far as I'm concerned. It should not be allowed to exist, and it was taken before the Manitoba Human Rights Division and because of the jurisdictional problem that the Member for Flin Flon likes to talk about so frequently, it was put before the Canadian Human Rights Board and I understand that it's presently before them and being decided upon or being interpreted, at least, yet we hear nothing from the Women's Bureau. I would ask the Minister to clarify why it is we were greeted with such total silence when an issue of this concern came up in the Manitoba work force that directly had tremendous impact on women and women in the work force.

MR. MacMASTER: I have one of the answers to the previous questions, first. In 1976-77, under the NDP administration, there was \$3. thousand for advertising, and in 1977-78 when the NDP prepared the budget, there was \$1,100, and this year that particular advertising budget is up to \$5,100.00. So there is a substantial increase. In fact, there is a 500 percent increase over previous years.

All I know about the situation in HBM and S in Flin Flon was that statistics had been rolling out saying that there was the possibility at a certain lead level, that women could in fact suffer because of it, and the member is right, that the option was given to them to move to another job which and in some cases — I don't know if it was all — but in some cases was at lesser pay because the company felt they should be advised of the new determined problem that might be created by that particular situation of staying in that particular area.

MR. CHAIRMAN: To the Honourable Members, I have another report from British Columbia. NDP elected and leading in 26; Social Credit elected and leading in 31.

The Honourable Member for Churchill.

MR. COWAN: Yes, thank you, Mr. Chairperson. The Minister says, and he is quite correct in saying that recent evidence shows that women may be adversely affected by low levels of lead. Recent medical and scientific documentation also shows that men may be affected — in both the same manner — in the field of the reproductive capabilities and capacities of both, by the same low levels of lead. Yet the women seem to have been discriminated against by the company, by Hudson Bay Mining and Smelting, and yet we have nothing from the Women's Bureau. We have no sort of questioning of the process; we have no statement. We have utter and total silence, which I might add was unbecoming. I would ask the Minister to explain why it is that the Women's Bureau chose not to speak out on this very important issue?

MR. MacMASTER: I just explained what I understood to be the position at Flin Flon, Mr. Chairman.

MR. COWAN: Yes we know, Mr. Chairperson, what the situation at Flin Flon was. Why did the Women's Bureau not speak out on it, that is the question?

MR. MacMASTER: Mr. Chairman, the only answer that I can supply to the particular question is that the explanation of the situation is as I said it to be, and I'm not sure if the area could have

been brought down to the control that would have been acceptable, I guess is the word, in relationship to the latest information that had come out as it regards to women.

MR. COWAN: Yes, thank you, Mr. Chairperson. Well, I really don't want to discuss, at this juncture, the action that was taken by Hudson Bay Mining and Smelting. What I would like to discuss is the action that was not taken by the Women's Bureau. Has the Women's Bureau done any sort of scientific studies to indicate what hazards there are, generally, for both women and men in the work force and, in specific, for women in the work force, and have they made any sort of information available to women entering the work force as to special hazards or hazards that may pose special problems to women?

MR. MacMASTER: I believe that's part of the project that was done last summer, Mr. Chairman, which I have to get the details for the member from, and I believe from that flowed some if not recommendations then certainly some suggestions that are presently being discussed. Now, I will get the details of that particular study.

MR. COWAN: Is the Minister now talking about a study that was taken in specific reference to the situation at Hudson Bay Mining and Smelting? He is talking about a general study on hazards and toxins, etc? I would ask the Minister, then, if that study was directed to the effect on women alone or if it was a general study that perhaps came from the Workplace Safety and Health Division that was adapted by the Women's Bureau. Was it their own research, in other words, or was it research that was coming from another area? —(Interjection)— The Minister says it was their own research, well then I would be pleased if the Minister could undertake to table that document, so that we can take a look at it and see if there was any material contained within that document that would imply that the actions taken by HBM and S were either in keeping with the latest scientific knowledge or not in keeping with the latest scientific knowledge.

The other point that I want to make is that we have heard nothing from the Women's Bureau on the minimum wage policy of the government, and we know that women, by and large, make up a large part of the minimum wage work force. And when we have the small increases, which we have seen, and the delayed increases, which we have seen coming from the government lately, then what we see is a widening in the differential between the pay — and we're talking statistically now because we can't talk about individuals — but women making up the larger proportion of the minimum wage work force. We see that differential between men and women's wages increasing, and is the Women's Bureau studying the impact that the increase in the minimum wage, the delayed and relatively small increase in the minimum wage will have on women workers and are they studying the movement of the differential so they can provide the Minister with information as to the impact of his policies, and have they also studied as to the specific policies of the Minister in regard to minimum wage, what impact they will be having on the women work force that are currently making minimum wage?

MR. MacMASTER: That, I don't believe, has been studied or at the present is considered to be studied, but the suggestions of the Member for Churchill will be taken under advisement as a suggestion for the Women's Bureau.

MR. CHAIRMAN: One more report from British Columbia: Social Credit elected and leading in 33; New Democratic Party elected and leading in 24.

MR. BARROW: How many Conservatives, Mr. Chairman? How many Conservatives were elected?

MR. CHAIRMAN: We put that in with the Social Credit.

MR. COWAN: The Member for Flin Flon, for the record, says, "How many Conservatives?" He has a special technique for getting to the heart of the matter, which we all dearly love. I guess it is the government's turn to thump, and that is the way of elections; the thumping goes back and forth, so we have to be philosophical about it, and enjoy our chances when we do get an opportunity to thump, as I'm sure they did and I know we did previously. —(Interjection)— Perhaps ours were more short-lived, but there is another tomorrow, I should hope.

Can the Minister indicate what research is being undertaken by the department and what activities are being undertaken by the department in regard to the concept of equal pay for work of equal value?

MR. MacMASTER: Mr. Chairman, when we had our meeting with the Council for Women, there was a pretty good exchange, I think. I'm not sure if any of the members opposite were there at that particular meeting, and what I had asked the Council to do in the forthcoming year, and they were fairly complimentary towards my suggestion, was that they work in very close harmony with the Women's Bureau during the year 1979, work with them in support of them, in advice to them, and co-operation with them. And this particular group has arranged — two that I know of — two meetings with myself in the very near future, talking about the very topic that the Member for Churchill has raised.

They have done, themselves, over the many years, from a wide variety of sectors of our society, a good number of studies in relationship to equal opportunity, equal pay and a variety of other things.

One point that's of interest, which I don't suppose I have to say but I think it's of interest to the member, that this particular Council claims that there's a flaw in the terminology of the postings that go up within Government Services for government jobs. I have read many since to see what they are, and I don't know what they are. But they did a study into this, and they have researched that, for example, and they are coming in specifically to meet with me and to talk to me about the type of wording that, at the moment I must be honest and say I have difficulty with, I just don't understand what the wording is, but they claim that they have done a study into this particular item where it discourages women. It doesn't say they can't apply, but it discourages them, and I have asked them to put that together and bring it in, and meet with the Director and myself on that particular point, plus the equal pay and equal opportunities. They have done an incredible amount of research over their many years, and they are going to bring in those particular studies and documentation for my information.

MR. CHAIRMAN: Order please. I have a very sad announcement. Mayor Steen has just passed away. I guess I have no other comments. I have lost a good friend, and I'm sure that we all have.

The Honourable Member for Churchill.

MR. COWAN: Committee rise?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I wonder, Mr. Chairman, if it's in order for maybe a moment's silence. Could we stand for a moment?

MR. CHAIRMAN: At your suggestion, I would suggest that a moment's silence would be in order in honour of Mayor Steen.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. JENKINS: I would like to, on behalf of my colleagues here, express our deepest sympathy to the family and in particular our colleague, the Member for Crescentwood, on behalf of the members of the New Democratic Party and perhaps suggest to the Minister that this would be a suitable time for committee to rise.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, Mr. Chairman, I too take the liberty on behalf of the government of expressing our sympathies to the family and sympathies to the good brother of Mayor Bob Steen, and I concur that, as of this moment, the committee should rise.

MR. CHAIRMAN: Committee rise. This meeting is adjourned.