

Time: 8:00 p.m.

MR. SPEAKER, Hon. Harry E. Graham (Birtle-Russell): The Honourable Minister of Government Services.

MR. ENNS: Mr. Speaker, it is my understanding that the committees will be carrying on their deliberations in this Chamber and in Room 254, but it's possibly advisable that we do now adjourn the House. I move, seconded by the Honourable Minister of Economic Development, that the House do now adjourn.

MOTION presented and carried and the House adjourned until 10:00 Friday morning.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: Mr. Morris McGregor (Virden).

MR. CHAIRMAN: Committee to order. We are on Item 1.(b)(2)--pass; 1.(b), 1.(c)(1)--pass; 1.(c)(2) --pass; 1.(d)(1)--pass; 1.(d)(2)--pass.

The Member for Wolseley.

MR. WILSON: I did have a question under gun control. Well, I guess I could always pick it up under the Minister's salary. I had a question under . . . maybe the Minister could explain what this section is because I don't have his annual report in front of me.

MR. CHAIRMAN: The Honourable Minister. 1.(d)(2).

MR. WILSON: It's the Canada and Manitoba gun control agreement.

MR. MERCIER: That's the operation of the gun control provisions of the Criminal Code.

MR. CHAIRMAN: The Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Through you, Mr. Chairman, to the Attorney-General. This \$56,400, is that just for the portion of the province for which the province is responsible for law enforcement, or are there some moneys in there that go to different municipalities, for example the City of Winnipeg?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: This particular part of it, it's 100 percent recovery from the federal government.

MR. BOYCE: On behalf of the province? I'm sorry it's rather nebulous in my mind but it seems at a recent date there was some criticism about the costs of this, and I'm just wondering if there are any funds made available to the City of Winnipeg for their operation of the Police Department under this item or any other item in the Estimates for the cost of The Gun Control Act?

MR. MERCIER: Under the agreement, Mr. Chairman, the city received some start-up funds to operate the registry system in the city. The estimate of the revenue that they would have received was over-estimated. I have met with the city, with the Mayor. I've sent a letter on behalf of the province and the city to the Solicitor-General expressing a concern about that. Of course there was a federal election; the new Solicitor-General, now, we haven't received a response yet.

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MR. BOYCE: Mr. Chairman, is the Minister advising us that the City of Winnipeg is suffering a net loss as a result of the under-estimate of revenues under the arrangements that were made on the gun enforcement?

MR. MERCIER: Yes, they are not recovering their full cost of operation as was originally estimated by the federal government, and neither are we as a province under the RCMP registry offices throughout the province.

MR. BOYCE: Mr. Chairman, perhaps the Attorney-General could take as notice the question and give us the information on just exactly what this shortfall is relative to the city and to the province, if he would.

MR. MERCIER: Mr. Chairman, I'll provide the member with a copy of the letter I wrote to the Solicitor-General, which sets it all out.

MR. BOYCE: Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Thank you, Mr. Chairman. I was wondering, how did we get into this item? Do we have enabling legislation that we had to pass in order for the province's involvement?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: The federal government passed amendments to the Criminal Code, Mr. Chairman, which we have to administer.

MR. ADAM: I see. Would the municipalities be involved, these village governments that have to pay for their own policing or part thereof?

MR. MERCIER: No, it wouldn't be a charge to the municipalities outside the city.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Mr. Chairman, while we are still discussing this matter of cost, perhaps the Minister would refresh my memory and tell me when this matter came into effect in this country.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: January 1, 1979.

MR. WALDING: The amount of \$35,900 that we approved last year - can the Minister tell us how many staff that was for, whether that is expected to be all expended in this fiscal year? Does the Minister expect that all of that amount will be expended in this fiscal year?

MR. MERCIER: Yes, they're on staff now. Pardon me, Mr. Chairman, just to . . . we have added a third person during this year.

MR. WALDING: Mr. Chairman, just on that same point, is the \$48,900, does that indicate an additional person on staff, or is that merely an increase in cost?

MR. MERCIER: It indicates the third person that we have added during the course of this year, the 1979/80 fiscal year.

MR. WALDING: Can the Minister explain to the committee the division of responsibilities between his department and the various police forces in this registration and control scheme? In other words, how are the three people in his department used? I understand it is the police forces in this province who have the most of the work involved in registration, etc.

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MR. MERCIER: The main person would be Mr. Roy Cooper, who is the head of this particular section, and was previously in the Firearms Training Course, I think, in another department. The function of this group would be to do the overall accounting and administering of the provisions of the Code and the relationship with the Federal Government.

MR. WALDING: I take it from what the Minister says that they have no direct involvement with the physical registering or issuing of permits and that sort of thing.

MR. MERCIER: No, that would be done through the RCMP Detachments in the city of Winnipeg Police Force.

MR. WALDING: Do those police forces receive any compensation for the extra work through this appropriation or any other appropriation in here?

MR. MERCIER: Mr. Chairman, the province would keep the revenue from the registrations outside the city, and the city keeps the revenue from the registrations inside the city - the City of Winnipeg.

MR. WALDING: Mr. Chairman, that wasn't the question that I asked. The question I asked was: Do the police forces receive any additional revenue or moneys from the province for this extra work in registration that they are doing under this particular section?

MR. MERCIER: No, Mr. Chairman.

MR. WALDING: I believe the Minister told us a little while ago that the amount is fully recoverable, and that is indicated on this page - that some \$56.4 thousand is to be recovered from Ottawa. But there is an amount at the bottom of the page that says Gun Control Registration Revenue of \$148,000.00. Is that the amount that is paid in licensing fees, or registration permits or whatever the term is, by owners of guns in this province? Does that come entirely to the province?

MR. MERCIER: Yes.

MR. WALDING: So the province is making a profit on this portion of the Criminal Code?

MR. MERCIER: No. As I explained to you, for example, in the City of Winnipeg, the City of Winnipeg has established a number of staff man years to operate the registration of guns within the city. It was estimated at the beginning by the Federal Government that the revenue through registrations would be sufficient to cover the full costs of the operation of those staff man years, that that hasn't proven correct. In the same way at the provincial level, there are a certain number of people associated in the RCMP with the registration of firearms, and there again the revenue does not cover the total cost of operation. That is why I indicated to the honourable gentleman to your left that I would supply him with a copy of the letter to the Solicitor General that outlines this fact that the revenues haven't kept up with the expectations.

MR. WALDING: Yes, Mr. Chairman, I follow what the Minister is saying there; that the City of Winnipeg has incurred some costs and the RCMP have incurred some costs. But as far as the accounts of the Province of Manitoba are concerned, there is no direct cost here because the direct cost is fully recoverable plus \$148,000 that the province receives in fees. Is this not correct?

MR. MERCIER: No, Mr. Chairman, the direct cost is shown on the page of the handout I gave, which shows the total cost of the RCMP over \$15 million; that is where our cost would come in. Here the department is just trying to show the revenue from registrations.

MR. WALDING: That refers back to an earlier question. I asked the Minister whether any additional payment would be made to the city or to the RCMP because of their additional

costs, bearing in mind that the province is receiving an additional \$148,000.00. Or, to take it one step further, if the province were to remit this \$148,000 by some formula to the city and to the RCMP, would that in fact cover their additional costs?

MR. MERCIER: Mr. Chairman, \$148.6 thousand that is shown here is the revenue the province receives through registration of firearms outside the city, but what is not shown is the cost of collecting that \$148,600. The cost is through the RCMP, which we pay for. We are paying for all the members of the RCMP Force that are used in the collection of these funds. Our estimates - and I don't have that figure right here - are that we are not recovering our own costs on a provincial basis; likewise the city is not recovering their own costs. That was the purpose of the letter to the Solicitor-General, and again, I think the letter that I will provide to the honourable gentleman on your left will fully explain that.

MR. WALDING: Mr. Chairman, I would like to ask the Minister now whether that \$148,000 is in respect to a certain start-up cost or the initial registration of firearms that is expected to, and would that be expected to drop off in future years as you are only registering newly-acquired weapons or transfers of weapons?

MR. MERCIER: Mr. Chairman, the start-up costs have been incurred. This is the anticipated revenue for the next fiscal year.

MR. WALDING: Can the Minister indicate what the revenue was for the last year, the year in which we are in?

MR. MERCIER: We will attempt to look that up and provide the member with that.

MR. WALDING: Would that be the amount that is shown in the top left hand corner of the bottom half of the page at \$234,000.00?

MR. MERCIER: No, because that is just for the operation of Mr. Cooper's office.

MR. WALDING: Can the Minister explain the last item on the page, Recovery of Police Costs, 04-7. What does that mean, and why is there no amount next to it?

MR. MERCIER: That refers to the \$148.6, the last two lines.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Mr. Chairman, is the Minister satisfied that this program is working properly or effectively, or is it . . . my understanding is that some of the dealers have lost sales over this program. Does the Minister have any information in regards to a lot of private transactions that are going on that there is no registration taking place?

MR. MERCIER: Mr. Chairman, it is felt that there has been a lack of response to it by the public. There was, under the previous government, a beginning. It has been a process of reviewing it with the provinces. I can't say what that would have ended up with, all I can indicate to you is the Solicitor-General had indicated that a review was starting and would be under way in reviewing the effectiveness of this program. Of course, nothing happened; hopefully that will be done under the new Federal Government.

Mr. Chairman, in answer to the Member for St. Vital's question about last year's revenue, it was \$140,000.00.

MR. CHAIRMAN: The Member for Winnipeg Centre.

MR. BOYCE: The Member for Ste. Rose asked one of the questions I was going to ask about - it would seem implicit in the Attorney-General's response to several questions that either the Act was not being enforced or it wasn't being co-operated with or something, if the revenue which had been anticipated was that, you know, the discrepancy or deficiency or shortfall, but the Attorney-General mentioned that there had been ongoing negotiations with the Federal Government. Can the Attorney-General advise the Committee what Manitoba's position was vis-a-vis The Gun Control Act in those negotiations with the Federal

Government, or is the position of the government of Manitoba in support of the legislation as it exists, or does the government see some need for amendments to the Act, or a repeal of the Act? What is the position of Manitoba vis-a-vis The Gun Control Act?

MR. MERCIER: Well, Mr. Chairman, there was an assessment of the effectiveness of the present legislation that was about to be begun, in close consultation with our own firearms officer, Mr. Cooper. That was not in any way completed to my knowledge. We would have liked to have had the federal government's assessment of the program done on a province-by-province basis and had an opportunity to respond.

MR. BOYCE: Mr. Chairman, that really doesn't answer my question. My question was, what is the position of Manitoba in these negotiations with the federal government? And, as the Attorney-General pointed out to us, it is our responsibility, through our government, to enforce the Criminal Code, and surely they are in a position at this point in time, to proffer an opinion of how the Act works as far as Manitoba is concerned. And surely when they go to these negotiations, they put forward some position. And I think the people in the Province of Manitoba are entitled to know what the government's position is: Are they in support of the Act as it exists; have they got some suggestions of how it could be modified as far as the statute itself is concerned, about some expansion of the program to encourage people to bring in these firearms, or some type of enforcement provisions to be expanded upon? It seems rather nebulous, the Attorney-General's non-answer to my question, Mr. Chairman.

MR. MERCIER: Mr. Chairman, as the member is aware, certainly the program was questioned by a number of people. We would support the assessment of the program, and I would have been happy to have seen the assessment done, which would have given us some grounds for dealing with proposed changes. All I can say at this point in time is that we would have liked to have seen the assessment of the program undertaken.

MR. BOYCE: I'll try once again, Mr. Chairman.

MR. MERCIER: You won't get any further.

MR. BOYCE: Well, I will have it on the record, and the record will speak for itself, these non-answers of all members of the government, including this Minister who flips at me, - I won't get any further.

I will repeat for the record, Mr. Chairman, I think the people in the Province of Manitoba are entitled to know the position of the government. I can appreciate the Attorney-General wanting to have the federal government's assessment of the program, but nevertheless, as he pointed out to us earlier, it is the responsibility of his office to administer the Criminal Code in this province, and I think the people in the province are entitled to an expression of this government's opinion, vis-a-vis The Gun Control Act. And the Minister is absolutely right, he doesn't have to answer the question, except to the electorate, when the election is called.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Chairman, dealing with the entire question of gun control, the position that was taken in 1976 and 1977 at the time of the proposed implementation of the gun control legislation by Manitoba was that gun control was a policy which might very well vary in its effectiveness from one part of the country to another. In Ontario and Quebec and British Columbia, I recall at that time, there was a great deal of pressure for gun control legislation. There was some feeling on the part of other provinces that the need was much less, obviously less on the prairies than in Ontario or Quebec, or in the Maritimes. So that each province had to weigh, based upon the analysis that the province would undertake, as to whether or not they would like to introduce a program of gun control.

That was a position that was presented at that time to the Justice Ministers of the day. I'm wondering if that position is one which the present Attorney-General adopts, or whether in fact that position is no longer assumed by the Attorney-General insofar as his federal-provincial meetings are concerned with his counterparts throughout the length and breadth of the country.

MR. MERCIER: Mr. Chairman, there's only been a brief discussion on this matter at a meeting with the federal Attorney-General and the federal Solicitor-General last fall, at which time the federal Solicitor-General indicated that he was initiating an assessment of the program on a province-by-province basis. We indicated that we would participate in that assessment, and it was foreseen by me that when that assessment was completed, we would then have an opportunity to review the total information that was compiled, and determine at that time whether there was any need for any changes.

MR. PAWLEY: Mr. Chairman, I just wonder whether the Attorney-General agrees with the position which I mentioned earlier, that there be flexibility insofar as the implementation of gun control province-to-province, or whether he feels gun control should be done on a universal basis throughout Canada?

Mr. Chairman, I do find disquieting that the Minister appears not to have a position pertaining to this legislation, pro or con, and at the same time it appears that the Minister was not, in fact, initiating the evaluation. He makes reference to the Solicitor-General initiating an evaluation from province-to-province; he indicates some participation, I don't know to what degree, of provinces within this analysis. But surely the Minister is the chief administrator of laws in the Province of Manitoba, based upon his relationship to the RCMP, which he's responsible for, police forces, which he responds for, the experiences that derived within his own department, including the Manitoba Police Commission, and also through other various sectors of his department - surely he must have, after two, three years of experience, some opinion relating to this.

I think the Minister has to get off the fence and indicate where he stands.

MR. MERCIER: Mr. Chairman, the Honourable Leader of the Opposition is incorrect in one major point. He refers to two or three years experience. The program came into effect January 1, 1979. So when this matter was raised in the fall by the Solicitor-General, we had just over six months experience of actual operation. So at that point in time, certainly an assessment of the difficulties which would have begun about now, would have been useful.

Certainly there has to be flexibility, not only from province to province, but regions within a province. There are different circumstances, but the Honourable Leader of the Opposition's main premise is incorrect - we haven't had two or three years of experience. At the time of meeting with the Solicitor-General we just had a little over six months.

MR. PAWLEY: The Attorney-General has now 14 months experience, and is he indicating that he has formed no views, after 14 months of experience? More than 14 months of experience, going on 15 months of experience.

MR. MERCIER: Mr. Chairman, I indicated earlier that I would be prepared to take the same position as we took in the fall with the federal government. We would support their becoming involved in a review on a province-by-province basis of this federal legislation.

MR. PAWLEY: Mr. Chairman, it's certainly no problem to take a position in support of a review. I think we all could support any study or any review. This government is famous for its reviews and its studies. But surely the Minister himself, based upon information that he's received after 15 months of experience with the legislation, must have formed some opinion. If he has not, then I will drop the question and will not pursue it. I had hoped that after 15 months, the Minister would have a position beyond one of indicating that he would favour a study of the legislation by the Solicitor-General - not even by himself, but by the Solicitor-General from Ottawa - that the Minister himself would surely, at this stage, have arrived at some opinion which he would wish to express.

MR. MERCIER: Mr. Chairman, just to correct one part of the Honourable Leader of the Opposition's comments, we would be an active participant in that review. We would have been, and I hope we will be under the new government.

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

MR. WALDING: Mr. Chairman, just for clarification of a statement the Minister made a few minutes ago that the comparable revenue for last year was \$140,000.00. Could he clarify whether he's speaking of a calendar year there, or a fiscal year, and if so, which one?

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MR. MERCIER: It's an anticipated amount by the end of this fiscal year, the end of March.

MR. WALDING: Mr. Chairman, can the Minister explain why the amount for the forthcoming year is anticipated at \$148,000 while the past year, which would presumably include most of the start-up and initial registrations, should only be \$140,000.00?

MR. MERCIER: Mr. Chairman, we can only make educated guesses on these aspects. Obviously, the program will be more widely known in the next year, and that is the educated guess as to what the revenue will be.

MR. BOYCE: Well, Mr. Chairman, in listening to the responses of the Attorney-General, I don't know how other members of the Committee feel, but because of the uncertainty, in my mind at least, of what the position of the Province of Manitoba is, I am forced to move, Mr. Chairman, that in Resolution 15(d) be reduced to the sum of \$1.00. I so move, Mr. Chairman.

MR. CHAIRMAN: The Member for Emerson.

MR. ALBERT DRIEDGER: Could you clarify the statement of Member for Winnipeg Centre please?

MR. CHAIRMAN: Well, as I understood it, he moved that Resolution 15, Item 1.(d)(2) be reduced to \$1.00. It is a case of getting it clarified, is it a legal, you know maybe it is. There is a Motion on the floor, moved that Resolution 15, Item 1.(d)(2) be reduced to \$1.00.

MR. MERCIER: Mr. Chairman, on a point of order. While you were considering this matter, I think some members have walked out without - you are indicating how long your consideration of this matter would take place. I know . . .

MR. CHAIRMAN: The Honourable Member for Arthur, the Minister of Agriculture.

HON. JAMES E. DOWNEY: My point of order is that I don't think that the Minister was given an opportunity to further explain the situation before we put the question.

MR. CHAIRMAN: The Member for Wolseley.

MR. WILSON: Well, I didn't fully understand . . . I would like to have the member repeat the reasons for the motion and then I could properly vote on it.

MR. HANUSCHAK: That's the member's problem too.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Chairman, the Minister of Agriculture made a statement that the Minister hadn't had an opportunity to express his views. That is the problem, we tried to obtain an expression of view from the Attorney-General; we were unsuccessful. I would move that the question be put.

MR. MERCIER: Mr. Chairman, on a point of order. When the motion was made, the motion was, at least to me, very clear what was meant by it, but nothing happened for some period of time. And I appreciate, Mr. Chairman, that you wish to carry out your responsibilities to the Committee as fairly and as impartially and as correctly as possible, and in order to do so we arranged - obviously you wished to consult with the Chief Clerk in order to obtain his views, in order to follow the correct procedure - and I think by reason of that a certain amount of time was being taken with nothing happening, as a result of which some members may have gone out for a cup of coffee.

MR. ADAM: We can't wait forever, Mr. Chairman.

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MR. MERCIER: Okay, go ahead.

MR. CHAIRMAN: The Member for Winnipeg Centre.

MR. BOYCE: To the supposed point of order, which is obvious to everybody in the room, for the delaying tactics. Have I your ear, Mr. Chairman?

MR. CHAIRMAN: No.

MR. BOYCE: I have not your ear or is it just the babble behind me that you are going to pay attention to, Mr. Chairman?

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Thank you, Mr. Chairman. Mr. Chairman, the Attorney-General knows full well why the question is put, because if he intends to sit there and give flip answers and he is not going to answer questions, then this will probably flow at every resolution.

MR. CHAIRMAN: The Chairman recognizes the resolution on the floor and now is the time for the question.

MRS. WESTBURY: I wish to speak to the point of order also please, Mr. Chairman.

MR. CHAIRMAN: The Member for Fort Rouge.

MRS. WESTBURY: I think my question is just as relevant as the other points of order I have heard put to the Chair in the past few minutes. I really do feel, if I may say so, that the Minister has a responsibility to tell this Committee and the world what the position of the Minister is, and of his government, is in relation to gun control. It is very difficult to vote on this without knowing exactly what the position is that is being put to us.

MR. PARASIUK: Ronald Reagan disclosed his position . . .

MR. CHAIRMAN: The Chair recognizes a resolution on the floor and a motion and now is a vote. All those in favour of that resolution.

A COUNTED VOTE was taken, the results being as follows: Yeas 6, Nays 10.

MR. CHAIRMAN: I declare the motion lost.
The Honourable Leader of the Opposition.

MR. PAWLEY: On a point of order, I believe the count should have seven in support of the Motion, not six.

MR. CHAIRMAN: Then the Chair recognizes there was an error and we will have a recount. Those in favour of the Motion?

A RECOUNT was taken, with the following results: Yeas 7, Nays 10.

MR. CHAIRMAN: The Chair recognizes the resolution as lost.

1.(d)(2)—pass; 2.(a) —(Interjections)— You know, if we are in the House someone stands up, and if you are moving or holding your hand over your ear, you really haven't given the Chairman a chance to recognize you. I look around and there is a hand here and there; unless we have some signal to the Chair, I don't think the Chair has the right to wait, but I want to be fair and recognize everybody.

All right, we had passed 1.(d)(2).

MR. HANUSCHAK: Mr. Chairman, before we passed it, I think that it should go on the record the delaying tactics resorted to by this government in an attempt to put through an item on the Estimates. They resorted to a variety of means to delay the vote on it in order to rally sufficient support to pass the item. And I think, Mr. Chairman, that that ought to go on the record.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Mr. Chairman, now that we have got this out of the way, I would like to still ask the Minister if he has received any complaints from the gun shops or the firearm shops as to opposition to this legislation; if this has reduced any of their sales because of the bureaucracy involved and the obligation of having to obtain a permit before buying a specific firearm? I would like to know . . .

MR. CHAIRMAN: To the Member for Ste. Rose, we have already passed 1.(d)(2). There is an . . .

MR. ADAM: We haven't passed it, Sir.

MR. CHAIRMAN: Well, I recognized, I looked around and I passed and I signed it.

MR. ADAM: We have just voted.

MR. CHAIRMAN: All right, I'll recall it then. All right, go ahead.
The Member for Ste. Rose.

MR. ADAM: Yes, I was asking the Minister if he has had any complaints from the business community, the gun shops, the firearm shops, in regard to this legislation causing them loss of sales. And I would like to know, for the money that we have expended on this item last year, and what we have accomplished, how many firearms have been registered over the year and what is it costing us to do this?

And the other question that I had asked the Minister previously as to whether he has any reports that there are transactions taking place without the necessary permits being obtained?

MR. MERCIER: Well, Mr. Chairman, if we had information that transactions were taking place without permits, of course they would be required to take out the necessary permits, if we had that specific information. I have not really received any specific complaints from dealers because I think the dealers have recognized that they must bring, in one way or the other, for whatever reason, I think they have recognized they should deal with the federal government, and as I understand it have been dealing with the federal government, and have been corresponding, I take it, with the federal government. Certainly we detect some comments and some areas of opposition to some of the provisions of the legislation.

MR. ADAM: And the last question that I asked in regard to the number of registrations that have taken place since the program came into effect.

MR. MERCIER: Mr. Chairman, I can indicate to the member that up to September 30th of 1979 - and this would be on a provincial basis outside of the city of Winnipeg - that the revenue up until then was \$81,000 from 624 business permits and approximately 7,250 firearm acquisition certificates.

MR. CHAIRMAN: The Member for St. Vital.

MR. WALDING: Before we leave this appropriation, Mr. Chairman, I would like to ask the Minister how many vacancies there are under this appropriation?

MR. MERCIER: None. Mr. Cooper and two secretaries, and they are all filled.

MR. CHAIRMAN: 1.(d) . . . The Member for Winnipeg Centre.

MR. BOYCE: Thank you, Mr. Chairman. As long as I occupy a seat in the Legislative Assembly of the Province of Manitoba, I will discharge my responsibility to the electorate as I understand it. And I am certainly not going to sit here to be intimidated by people being able to muster more or louder voices. According to the Rules I am entitled at any particular time to speak for 20 minutes should I have something to say relative to this particular item.

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We were asked to vote, and the total of the two items - \$46,000.00. For heaven knows what! I get questions from constituents about the gun control law, how it is working, is it any good, are all guns being registered, is it accomplishing what we want, and under our organization, Mr. Chairman, it is the responsibility of this government and the Attorney-General to advise the citizens of Manitoba, in his opinion and in the opinion of his government, not what the federal government thinks about it, but what he thinks after 14 months of experience with this particular law. As a member of this Committee to sit here and ask a question and be told that is as far as I am going to get, I don't know if the Attorney-General realizes it, Mr. Chairman, but who he is telling that to is the 19 some thousand people who live in Winnipeg Centre, and I don't think that answer it good enough. Be that as it may, the government will use its majority to pass this item. But I want it on the record that who the Attorney-General is telling that that is as far they are going to go in having the expression of the opinion of this government in representing them in federal-provincial negotiations on this item, that the obvious arrogance of the government once again shows through in it. People wonder why I am a little short-tempered at this type of attitude. I went through several meetings in the past several months on Bills 22 and 23 where the same attitude prevailed. And I want the record to show, and show in an underlined way, that this government feels no responsibility or no accountability to the people who elected them.

Thank you, Mr. Chairman.

MR. CHAIRMAN: The Member for Gladstone.

MR. FERGUSON: Thank you, Mr. Chairman. I think we really do have a tempest in the teapot here. In the first place we are dealing with federal legislation imposed on us by a fellow by the name of Trudeau and his government. It's now necessary in the Province of Manitoba, whether or not many of these people are standing up so righteously for it or know what they are talking about or whether they don't, but it costs you \$10 to buy a permit to have any dealings whatever with any kind of a firearm. You also may be prosecuted if you loan or do anything with a firearm. Now to me the whole thing to start with was a bunch of damned nonsense. I think pretty near everyone around this table that has anything to do with hunting or anything else. We're dealing with two things. Number one would be sports weapons, the second would be weapons that you would use for other purposes and if you think for one second anyone of us sitting around this table that any gun law restriction is going to impose any restriction on anyone wanting to obtain firearms, there probably are three machine shops in the City of Winnipeg that can be producing firearms inside of 24 hours. Or they can be imported or they can be bought from anywhere. So basically, I don't really think that we have a great big thing here, and to start demanding from the Attorney-General - he comes up with a statement of what our stand is. Our stand in the first place - or at least mine would be - would be that it was a bunch of damned nonsense, because it's unenforceable. That would be number one. Number two would be that it's another restriction, another bureaucratic control on the sports hunters and the people of this country that do still have the freedom to carry weapons and want to go out for sport hunting. They're not going to go down and rob a bank, and anybody that wants to has no problem getting their hands on a gun.

MR. CHAIRMAN: The Honourable Member for Winnipeg Centre.

MR. BOYCE: I want to thank the Member for his expression of his opinion. I appreciate it because, Mr. Chairman, I don't know a damn thing about it. I don't. And this is the place where we are supposed to have things out so we can share opinions and come to grips with some of these things. I don't know what's good, bad, or indifferent.

I recall conversations with the member before it was passed, and I accepted his assessment of it because what he said just a moment ago made eminent good sense. But nevertheless, surely to heavens a government after 14 months has a government position vis-a-vis this question, and this is what I was pressing the Attorney-General to share with us. Because I wasn't going to criticize him one whit. All I wanted to know was if they were in a position to tell the people of Manitoba whether the darn thing was any good or we should scrap it, or modify it or what. And I couldn't even get that.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Well, Mr. Chairman, I indicated to the member that after six or eight months operation, when we met with the Solicitor-General, we'd had very little experience with it. I indicated we were prepared to be an active participant in an assessment of the program. Obviously, the law enforcement authorities, from what I understand, feel that a number of very dangerous weapons were taken out of the hands of the public at the beginning of the program when there was an opportunity to turn those kinds of weapons in. There is a question that makes it worthy of being assessed. Obviously, I take it, one of the prime motives in developing the legislation was to keep guns out of the hands of people who were likely to be involved in their illegal use; people who had mental health problems. That's one of the questions on the form. The applicant is asked apparently to indicate whether he has had any mental health problems. If he's the kind of person that's had them and wants to use the gun for an illegal purpose, he's probably not going to admit to it. So is the application of any useful value? I say the program is worth an assessment for those reasons, and for many of the reasons that the Member for Gladstone raises.

MR. CHAIRMAN: The Honourable Member for Minnedosa.

MR. DAVID BLAKE: Well, Mr. Chairman, I'm sorry that I wasn't here at the start of the debate. I don't know what has gone on. I assume the question is questioning the expenditure of the amount of money under review for the Gun Control Program. I, as a citizen, as a hunter and a gun owner, thought the legislation, as the Member for Gladstone said, was forced upon us by the federal authorities and we have no way to control it whatsoever. I think it was a lot of damn nonsense. I think the program is absolutely ridiculous. I don't disagree with the control of those weapons that can be used for insurrection or riot, such as sub-machine guns, things of that nature. But gaming firepieces such as I am sure all of us here own, and those of us that have families, it's an absolutely ridiculous law. There's no way you can enforce it and there's no way it should be enforced.

I have two sons that hunt with me. We each have our own shotguns and we have one or two other guns as well. And if you are accustomed to hunting in the conditions that we hunt with in our area, there's a danger of one of your guns becoming inoperative through dust in a goose pit or dropping it in a marsh or whatever. If it happens in a goose pit and those of you that have dug goose pits will know what it's all about. When you spend that time to dig a goose pit, you want to make damn sure you get some action out of it afterwards or it's a terrible effort wasted. But if that fowling piece becomes inoperative, there is no way you can say, well run back to the car, son, and get my second gun and use it because if you get caught coming out of the field by a game guardian or peace officer, you're in trouble. You haven't got a \$10 permit from your father to lend that gun to your son or vice versa, and the thing is damn ridiculous.

There is no question about it, Mr. Chairman. And I'm sorry that I wasn't in at the start of it to see just what the debate was about but, I have opposed this gun law right from the start, other than the fact that I don't object to taking pieces out of the hands of people that could cause riot problems such as Thompson machine guns, mortar pieces and things of this nature.

But the whole bill, that is a federal bill, thrust upon us that we have no control over - and you can't blame that on the Attorney-General. He is trying to go along with a bad piece of legislation foisted on us by the federal government, trying to make something out of it, and I don't know how you can just get rid of it like that. I would be in favour of it, but put yourself in his position where you just can't get rid of it like that. And you just have to go along and make the best piece out of it.

MR. CHAIRMAN: The Honourable Member for Minnedosa.

MR. BLAKE: Mr. Chairman, I am listening to my leftist friends on the left telling me why didn't you get rid of it on the 18th. Listen, that Clark government didn't have time to get rid of all the problems that he inherited. He got rid of a bunch of them and now you're right back in them again and you'll see that when you start paying \$1.80 for gas by next Christmas. You'll realize that Joe Clark was right to start with, and he would have got around to this gun law in time but he just didn't have time in seven months.

Mr. Chairman, I think the law is a bad law that's been thrust upon this government by the federal authorities, and there's really no easy way we can get out of it. I would encourage the

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Minister to get out of it as quick as he can and bring a sensible gun law in but it's not an easy thing to do. I would object to the gun laws right from the start, Mr. Chairman, and I just want to make my views known because I know I'm speaking for my constituents when I state those views.

MR. CHAIRMAN: 1.(d)(2)--pass; Resolution 16, 2.(a)(1)--pass. The Member for Wolseley.

MR. WILSON: I wondered if the Minister could explain areas in which the government would get into litigation other than the more famous ones, and the thing I wanted to ask him, is there anywhere in the public accounts or anything where we could get a breakdown of the CFI legal fees? I understand, according to your press release, that the legal fees were \$1,650,000, and I wondered if there would be anywhere in public accounts that we could have the names of the law firms that received this large windfall in the Province of Manitoba?

MR. MERCIER: I suppose that would be in public accounts from year to year.

MR. WILSON: Would it be necessary for a member to file an Order for Return to get this information?

MR. MERCIER: No, if members of the committee request it. We've tried to keep it up to date in the past, and we could probably fairly quickly provide you with that information.

MR. CHAIRMAN: The Member for Inkster.

MR. SIDNEY GREEN: Just for the assistance of my member, to help him, I am almost certain - the department can check me out, that there was an Order for Return up to a certain time. I'm almost certain that in the mid-'70s there was an Order for Return which showed that Richardson and Company had received a certain amount of money up to a certain time, and I'm not sure about Gallagher and Company. But if it could go from that date forward, that might save some time.

MR. WILSON: I know how to get that information now. The question I wanted to ask is, the first question, I was looking to get some sort of idea how we would participate and cost the taxpayer \$777,300 for civil litigation. I realize that a lot of that would be salaries. I'd like the type of case, and last year on May 8th, the Member for Wellington and myself had asked a question regarding the moonlighting by members of the Attorney-General's staff, and I wondered if that would come under civil litigation? Were they doing other civil litigation other than working for the government, and has it ceased?

MR. MERCIER: Mr. Chairman, when the member refers to the total amount shown under civil litigation, there are 29 staff man years in that amount, of which salaries amount to \$722,000.00. So that amount is basically made up of salaries of people on staff within the Civil Litigation Department.

MR. WILSON: What I was trying to arrive at for my own information is the type of things that the government would get involved in. It says civil litigation. I'd like to sort of be given a broad brush of what that would mean. How would the province, give me some examples of how the province would get involved in civil litigation? Would it mainly be as a defendant, or would it sometimes be as a plaintiff?

MR. MERCIER: Mainly, Mr. Chairman, representing provincial government departments, corporations, commissions, boards, and agencies. Generally, every department has a lawyer from the Civil Litigation Department generally assigned to giving advice to each department or board.

MR. WILSON: With the help of the Member for River Heights, he sort of indicated to me, would the type of thing that one of the school divisions in a faulty architectural design would come to our government to use our . . . in other words, our staff lawyers would be trying to recover money for the taxpayers for faulty design and that type of thing.

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MR. MERCIER: Yes, that's one example.

MR. WILSON: I wondered if the Minister wanted to comment on that moonlighting-aspect story. Was that just sort of something that was over-exaggerated by the Member for Wellington, or is it still a practice?

MR. MERCIER: Mr. Chairman, we dealt with that matter last year and guidelines were issued to lawyers on staff with the government that they are not, basically, to do any private legal work which interferes with their job. Their job is considered to be not just a 9 to 5 job, but required to work evenings and week-ends when necessary.

MR. CHAIRMAN: The Member for Wellington.

MR. BRIAN CORRIN: To that point, Mr. Chairman, as I told the Attorney-General last year, it was well-documented that people were indeed doing work that had nothing to do with relatives, and was indeed for remuneration in pay. I know for a fact that the people I was aware of have discontinued the practice. I presume that was as a result of a directive that circulated through the department. But it was well known that these people were doing this sort of activity during working hours, and I think that it behooves the Attorney-General to, at the very best, remain mute, stand silent on the point, not to suggest that there was no impropriety. There indeed were people who were doing this and I can provide him facts, figures, names - I think I did this last year. But bygones are bygones, that was last year and one presumes that things have improved this year.

MR. CHAIRMAN: 2.(a)--pass.

MR. GARY FILMON (River Heights): I was going to ask, if I may, Mr. Chairman, if that's a condition of their employment?

MR. MERCIER: Instructions from the department.

MR. CHAIRMAN: 2.(a)(1)--pass; 2.(a)(2)--pass; 2.(b)(1). The Member for Wellington.

MR. CORRIN: I would like to ask the Minister's advice respecting a matter which I believe may be quite widespread in the province, and which has come to my attention through my own practice of law. In 1978, I had occasion to represent a Manitoba citizen who was charged with five counts of driving while disqualified. He was sentenced to three months imprisonment on each charge and the Judge, in his wisdom, determined that those sentences should run concurrently - at the same time. I received instructions from the accused to launch a sentence appeal, and I did so on his behalf on October 18, 1978 and at that time a Winnipeg County Court judge granted interim judicial release of bail and my client was at liberty.

Now the point of the story, Mr. Chairman, is that this individual was released from prison some time before the expiration of his sentence, and has never come before the courts for an appeal subsequent to that bail application. Some time transpired as between the actual conviction, the sentence appeal and now, as I said 1978 to 1980, and it seems to me that was pretty easy. It seemed to me that was rather inconsistent with an efficient justice system.

I phoned around this month. I started to phone around because I hadn't heard from anybody in the Attorney-General's department and frankly I wanted to proceed with the appeal. We were sort of getting tired of waiting. My client has obtained new employment. His whole life style has changed since the date of his conviction, and he wishes to have the matter disposed of. I am wondering, Mr. Chairman, through you to the Minister, whether there is any way that the Minister's office monitors the progress of these sorts of proceedings. I know this afternoon we talked about the new computerized systems that were being installed at a cost of approximately \$100,000 this year, but I am wondering whether or not anybody tries to update releases because it occurred to me that if my client could do this, surely this might be quite a wide spread practice.

I was somewhat concerned and I wrote to Mr. A. H. Carruthers, who is the superintendent of the Headingley Correctional Institution because there was some confusion about the accused's status, and he advised that the only thing he knew about the case was that in October 1978 the incarcerated prisoner was transferred to the Public Safety Building. That's

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all he knew - on the day of his bail application, he was transferred to the Public Safety Building by a Sherriff's Officer and the institution had no further knowledge of what happened to him. The record shows simply and I am quoting, "the record shows simply he did not return to complete his term. Perhaps the Public Safety Building could advise you of any events that took place on or after October 18, 1978."

So the superintendent of the correctional institution doesn't know what happened to his inmate. The crown attorney seems to be nonplussed. I just wonder whether this is a wide-spread sort of thing. I might add that I think it's rather unfair that the appellant accused even before put to the bother of going for his appeal so many years after the event, but I am wondering if you could comment on what sort of systems have been devised. Perhaps one of those reports that was ordered, perhaps the Knox, what is it? I get them all mixed up because they're all the names of various - it was the Knox Report and then there was the Hall-Pilkey Report and then there was the Gyles Report and there was the first one, the Norton-Phileo Report. I am wondering if any of those four reporters, or groups of reporters, commented on this practice and whether they had any remedial proposals that they tendered to the Minister.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I am not aware of anything like this ever happening while I have been in the department. If the member would be so kind enough as to give me or someone within my department, here tonight, the name of his client, well I'm sure we'll be very happy that his lawyer brought this matter to my attention. I can assure you that the matter will be dealt with expeditiously.

MR. CORRIN: Well I should hope so. On that point, on February 26, I wrote to the the Honourable Minister and demanded that the matter be put on at the next arraignment so that we could effect a disposition. My client is entitled, I believe, to have a disposition. You know, otherwise he could be at work ten years from now and two policemen could walk into the premises and pull him out and say that he belonged in the Headingley Correctional Insitution, not at his job. So I quite agree, Mr. Chairman, that it's only proper that he have his day in court and have his appeal and the judge hear the circumstances of the case and consider his present circumstances.

MR. MERCIER: I wonder, Mr. Chairman, if the member could indicate whether he has discussed this with the crown attorneys.

MR. CORRIN: Of course.

MR. MERCIER: You have brought this matter to their attention?

MR. CORRIN: Yes. They told me to go look, they told me to contact the superintendent and see whether he had any record of the prisoner. That was one of the things they suggested I do, so I did. I am always one to take advice. And they also suggested I look in the pocket at the Prothonotary's Office in Queen's Bench to see whether they had any record of the bail appeal. I knew there was a bail and an appeal motion made because I was there. There is no question about that.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Who was the Crown Attorney?

MR. CORRIN: Well, following - I'll disclose that to you in private because, following last year's precedent with respect to moonlighting attorneys, we weren't going to name names and I'm going to treat that in high confidence, so I'll disclose that to the Minister in private afterwards.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

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MR. DOWNEY: Mr. Chairman, I guess I have a question. Are we here to debate the specific case that the member is bringing before this committee or are we here to do Estimates for the Attorney-General's department?

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. PAWLEY: Mr. Chairman, I would like to just raise another area with the Attorney-General, and first I want to express appreciation to the Attorney-General for looking into this case originally when I brought it to his attention, and I know the limitations that he faced. But I would hope that some procedure could be developed in order to prevent this happening within criminal prosecutions and that is - the Attorney-General's memory, I am sure, would be refreshed when I mention the details involving a conviction pertaining to a traffic offence, a fine of \$300, non-payment of that fine within the three month period, the chap in question having three children ages one, two and three and being unemployed sought welfare, and as a result of seeking welfare found himself turned over to the police and was committed to 30 days in jail for non-payment of the fine. At the same time he was committed for 30 days he was awaiting a job interview, which meant that he would be not available for the job interview until such time as a release could be arranged for him from Headingley Jail.

Now I know in this particular case that the answer is that the individual in question should have sought an extension of time in order for him to pay his fine, rather than to be jailed for a 30-day period. But you know, Mr. Chairman, many are not aware that they can make such an application for an extension of fine, and --(Interjection)-- he had a lawyer at the trial, but certainly afterward didn't seek legal opinion.

Mr. Chairman, if I could just pursue this because this sort of situation, I'm concerned as to how frequent these type of situations are. Because I would hope that we could avoid imprisonment, I don't know, I suppose it's happened at scattered times throughout the last number of years, I don't think it's a matter involving the present government or previous government, but when it comes to - I had always understood that we were avoiding imprisonment of non-payment of fines pertaining to traffic and liquor offences. And I would hope that some procedure could be developed within the department in order to ensure that before a commitment is made in a case such as this, that an extension could be arranged, because in this particular case, I know that the convicted was unaware at the time that he could apply for an extension, could have gotten an extension, all he knew there was a deadline, he was picked up, and the result is 30 days in prison, with the cost that that means imposed upon the taxpayers in general, the person probably jeopardized from obtaining employment, wife and three youngsters having to draw welfare during the period of time that the person is in jail for the non-payment of the other time.

So my question really, to the Attorney-General is, could this be reviewed? I'm not expecting the Attorney-General to come out with some specific methods, but I don't think it's just enough to indicate that he could have obtained an extension of time to pay. We know that, but some way or other there should be some method by which, when this happens, a person is made aware that they can immediately make an application, that there's just reason such as there was in this case for being . . . he wasn't wilfully defying the payment of the fine, that additional time be given to avoid this type of unfortunate situation from occurring.

In this particular case, I accept and I commend the Attorney-General for looking into it and doing what he could but under the circumstances, he wasn't able to do more, but I would hope that this could be avoided in the future, so that this type of occurrence doesn't happen to others from time to time. I just would appreciate the Attorney-General's response.

MR. MERCIER: Mr. Chairman, as the Leader of the Opposition indicated, he raised this matter with me, and it was looked into immediately, and as he has indicated, the accused in this particular case, I'm quite sure, would have been granted an extension, positive he would have been granted an extension if he had just brought the matter to the attention of the court prior to the warrant being issued for his arrest. But unfortunately, once the warrant was issued, we could do nothing.

I suppose the difficulty is there are so many of these orders for payment, and it must be a massive thing to deal with. I suppose we could look at the form that an accused must receive and see if there could be something written on the form that might indicate, or inform people of a right to apply for an extension, depending upon their financial circumstances.

Mr. Chairman, we can have a look at that and see if there is any possibility of improving the notice of that to a person who is ordered to pay a fine and in default, a jail sentence.

MR. PAWLEY: I appreciate the Attorney-General's response, and certainly I believe that what we must attempt to minimize is those instances where people are in prison for non-payment of fines, traffic, or liquor, having nothing to do with wilful defiance on their part, but simply being financially unable to pay the fine, and I appreciate and want to thank the Attorney-General for his commitment to look into ways and means to ensure that such occurrences are eliminated from within the system.

MR. WILSON: Under Criminal Prosecutions, Mr. Chairman, I wanted to possibly convey to the Attorney-General whether he shares the thinking of Francis Fox, the former Solicitor General that he doesn't want to become involved in the day-to-day operations of the criminal prosecution division in the police force for fear that the thing might become a political police force. My concern is what I call the possible suggested unfairness where any citizen could get charged with perjury if he says anything false, and where lawyers seem to be able to have what we call leaks to the press, because what it means is that by, if you give this latitude to your staff, or latitude to these type of career-seeking low life lawyers that some people have around, that, -(Interjection)- well, I'm explaining it this way to the Member for St. Vital - I was personally involved where we had sought to have a ban on publication, but before we even went to court, Mr. John Bertrand of the Tribune had printed it in the front page of the Tribune, and the reason we were seeking the ban on publication was because lawyers connected either directly or indirectly with the provincial work were involved in perjury and giving false information, an absolute - a very tenuous situation where the situation was such that it was alleged by a chap by the name McFarlane that I was head of a Spartan Motorcycle Gang. And these are the types of things, it was felt through my lawyer and myself, that should not be for the ears of my eleven-year old daughter or my elderly mother because we knew that they had no basis in fact so we were hoping to be able to have a ban on publication. But for some reason or other, and it's not the first time I've seen it, I wondered if the Minister could comment, does he have any guidelines of which members of his staff are not allowed to give the press stories before they even go to the Court Room?

MR. PAWLEY: Mr. Chairman, just on a point of order, I would hope that the Attorney-General would very seriously reflect before he would engage himself in answers to the questions from the Member for Wolseley, I think under all the circumstances.

MR. WILSON: Then maybe I'll say this. It says, "perjury, anyone who commits perjury who have been a witness in a judicial proceeding with intent to mislead, gives false evidence, knowing that the evidence is false." What I am saying is, could the province not consider amending the laws of Manitoba so that members of the legal profession should also be subject to perjury the same as the citizens of Manitoba are?

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

MR. MERCIER: Everyone in Manitoba is subject to the Criminal Code, which includes the offence of perjury.

MR. WILSON: Regarding what I considered was the leaks to the press, during what I consider the law for Pilutik and the law for some other people in high places, police investigations are conducted for the benefit of the Crown and ought not to be handed out to others as a public service. This was a quote from Mr. Charles Huband in which he and the former Attorney-General were discussing matters as to why the press could not get any information pertaining to this case, and I wondered why this doesn't apply. In other words, I am asking the Attorney-General if I can come up with cases where things are leaked to the press prior to people being charged, would he look upon this as a serious matter, or would he consider it just normal day in and day out. What I am trying to say is, it seems to me that Mr. Bertrand and Mr. Pawn of the Free Press are beholden to the Crown prosecutors because they rely on them for stories, and I think it's terrible that these people would leak stories without giving people their civil rights to be able to ask for a ban on publication.

I believe Engel and Friedman, I believe Peter Nygard, I believe Judge Martin and others have all had the privilege of having a ban on publication, and this is the thing that concerns me.

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MR. MERCIER: Mr. Chairman, I just want to make a clarification. A ban on publication is available on evidence at a preliminary inquiry, not on a bail application or on a matter like that.

Mr. Chairman, I am not prepared to comment on a federal government prosecution or the conduct of federal government lawyers who don't come within my control or jurisdiction of my department. Certainly as a policy, I'm certainly not aware of any instance where people employed in a criminal prosecutions department, as the member refers to, leak evidence to the press in advance of any court proceeding.

MR. WILSON: Well, then, wanting to be more specific, because I am concerned about future generations, and I remember the former Attorney-General, when judges' telephones were tapped by mistake, expressed a great deal of concern and said it was done in error and it should never have occurred, and I wondered why it had seemed to be treated so lightly that there was a suggestion that members of the provincial government may or may not have been wiretapped, and I wondered if we were in any less of a position of privilege, we as an elected body, than the judges who expressed alarm at the time the former Attorney-General made that mistake, or made that suggestion.

What I am basically getting at is, it seemed that in the questioning at that particular time, the former Attorney-General talked about a total of 18 wiretaps in the province. I wondered if the Attorney would be give some indications as to how many wiretaps there were within the province of Manitoba in the last fiscal year?

MR. MERCIER: On the last point, Mr. Chairman, a report is tabled in the Legislature each year and in the Manitoba Gazette with respect to that matter.

MR. CHAIRMAN: The Member for Rossmere.

MR. VIC SCHROEDER: I have a few questions of the Attorney-General with respect to the Dragan and Wong matter.

MR. CHAIRMAN: I wonder if the members would speak into the mike because right at this moment we can't really hear what the honourable member is saying.

MR. SCHROEDER: Fine. My first question is, could you tell us what the date of arrival of the court party was, that is the date of arrival in Hong Kong?

MR. MERCIER: Mr. Chairman, perhaps I can also, at the same time, advise the Member for Rossmere that the members of the commission authorized by an order of the Queen's Bench Judge were Judge Conner as Commissioner, Mr. Dangerfield and Mr. Jacksteit of the Criminal Prosecutions Department, Miss Christie, a court reporter, three defence counsel, Mr. Houston, Mr. MacIver and Mr. Weinstein and three accused, for a total of ten, I believe. Mr. Jacksteit and Mr. Weinstein, the Judge and Miss Christie, all arrived in Hong Kong on the evening of February 7th. Mr. Houston and Mr. MacIver and Dr. Dragan arrived on the 8th, and Dr. and Mrs. Wong arrived on the 9th of February.

MR. CHAIRMAN: The Honourable Member for Rossmere.

MR. SCHROEDER: Thank you, through you to the Minister, on what day did the hearings begin?

MR. MERCIER: There apparently was, Mr. Chairman, a calendar, I believe there was a weekend and on the Monday the hearing was adjourned over some difficulty with certain witnesses and the Hearing Commission heard evidence on the 12th, 13th, 14th, and 15th of February.

MR. SCHROEDER: I take it that on the 11th no witnesses showed although there was a hearing scheduled.

MR. MERCIER: My advice is that the hearing was adjourned, Mr. Chairman, because of some difficulty with witnesses.

MR. SCHROEDER: Thank you. On the 13th, is it correct that a witness showed up who informed the Commission that he was not prepared to testify and that he in fact did not testify?

MR. MERCIER: Mr. Chairman, I understand that a witness began his evidence on the 13th, that the Commission was adjourned to allow him to consult a lawyer and when the Commission reconvened the witness refused to give further evidence.

MR. SCHROEDER: Yes, Mr. Chairman, to the Minister. Could the Minister then inform the Committee as to whether this Commission had jurisdiction, first of all, to compel witnesses to attend before it in Hong Kong and, secondly, if it had that power, did it have the power to compel witnesses to testify, and if it had that power, why was it not exercised with respect to this witness?

MR. MERCIER: Mr. Chairman, I am advised that there were no witnesses under subpoena as the power to subpoena does not exist outside of Canada, so that all the witnesses who testified and who were to testify did so voluntarily; and all witnesses who were named in the Commission, and four witnesses who were found in Hong Kong on arrival there were asked to appear and did appear.

MR. SCHROEDER: Yes. Did I understand correctly that there were four witnesses found in Hong Kong and therefore they were asked to testify?

MR. MERCIER: All witnesses appeared. I said all witnesses named in the Commission appeared voluntarily, as did another four witnesses who were not named in the Commission appeared voluntarily.

MR. SHROEDER: Yes. Then I recall some news reports that indicated that there were 28 witnesses to be interviewed in Hong Kong, did those 28 witnesses then show up, plus an additional four?

MR. MERCIER: The figure I have of our proposed list of 24, I am not sure whether the extra four who were not named in the Commission were over and above the 24, so 24, 28, I can clarify that later for the member if he wishes.

MR. SCHROEDER: Yes, to the Attorney-General. How many witnesses testified at this Commission Hearing in Hong Kong?

MR. MERCIER: Nine, Mr. Chairman.

MR. SCHROEDER: Yes. The balance of the 24 or 28 then were not located I take it, is that correct?

MR. MERCIER: No, Mr. Chairman, I just explained that all, at least 24 or 28, witnesses voluntarily appeared and were prepared to give evidence; nine witnesses were called, at which time I am advised that the failure of two key witnesses - one of whom, who after consulting his solicitor refused to give evidence - at which time their failure to give the evidence expected, and the discovery apparently that another third witness could not give the evidence expected, lead to a decision at that time to cancel the hearings and the remaining witnesses were not called.

MR. SCHROEDER: Thank you. Could the Attorney-General advise us as to whether any of the three defendants were ever interviewed by the RCMP or any other police officers or officers of his department?

MR. MERCIER: I do not have that information, Mr. Chairman.

MR. SCHROEDER: Is it possible to obtain that information for us?

MR. MERCIER: Well, perhaps the member might explain what he is trying to accomplish. We have a situation where there is an investigation by the Commercial Fraud Squad of the Royal Canadian Mounted Police. The evidence is produced to the members of

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the Prosecutions Department indicating, after study, reasonable grounds for the laying of charges. The decision of the Crown Attorneys, on the basis of their experience, and the two involved in this particular prosecution have been with the department for some time and have a great deal of experience, the charges are laid, the lawyers are then faced with a decision as to whether to bring the witnesses, all of the witnesses, to Canada to give evidence or to go to Hong Kong to take the evidence. It is determined that they can save 50 percent; the cost of going to Hong Kong is one-half the cost of bringing the witnesses to Winnipeg to give evidence, if they would come. A judge of the Queen's Bench authorizes the Commission in Hong Kong to take the evidence. The Commission goes to Hong Kong. All of the witnesses are available on a voluntary basis, nine people are called; one key witness, after consulting a solicitor, refuses to give evidence; two other apparently key witnesses don't give the evidence that was expected; and I am sure the lawyers here will vouch that you never are sure of what a witness will actually say until the examination takes place. In this particular case they didn't give the evidence that was expected. The Crown Attorneys involved therefore, after considering it over the following weekend made the decision to cancel the taking of any further evidence on the basis that there was not sufficient evidence to proceed with the charges, advised counsel for the accused and returned to Winnipeg where the matter was dealt with and disposed of today.

Mr. Chairman, I think that is a pretty full explanation of what occurred. Surely justice is not only served when the Prosecution Department obtains convictions. If the facts are determined and the evidence determines there is no case against the accused, then surely justice says there should be an acquittal. That is what has happened.

Now, Mr. Chairman, if the Member for Rossmere can tell me what he is trying to accomplish in this particular case perhaps we can make some progress.

MR. SCHROEDER: Thank you, Mr. Chairman. This case I think everyone would agree is somewhat unusual. We have here an allegation apparently of fraud, conspiracy to commit fraud outside of the country. We are talking about a substantial amount of money in a time when we are talking about cutbacks in social services all over the place in this province; we are talking about the system of justice that is not, and never has been, perfect, a system of justice under which we frequently have decided, on the basis of cost, that certain cases will not be prosecuted. I am fully aware, as I am sure the Attorney-General is, that on frequent occasions there are certain types of offenders who, when they leave the province for instance, have simple Manitoba warrants issued for them and not Canadawide warrants, because of the costs involved at bringing them back. Frequently charges are dropped with respect to defendants in situations where witnesses leave the province and therefore we are unable to continue prosecutions. And here we have a case where, although the numbers sound staggering - first of all I question the number required for a preliminary hearing, and we have to remember that that was the stage we were at - we are talking about a situation where, as I understand it, the RCMP were in Hong Kong at least on several occasions interviewing people, and that surely, based on that, there should have been a very careful consideration given to the usefulness of getting on with it; and that is not taking into account some of the other unusual circumstances in this case, one of which is the fact that there were two senior prosecutors who went to Hong Kong - and I suggest, Mr. Attorney-General, that ordinarily in fraud cases or murder cases or others one prosecutor usually handles a case; I suggest as well that ordinarily we don't send people some four or five days ahead of time half way around the world to a hearing, and I take it at public expense. I really believe that this type of hearing should be closely examined, the kind of spending by this department - now this department apparently has increased its spending by something like 60 percent since 1977.

I was at a meeting tonight, Mr. Attorney-General, where we were talking about students in R.B. Russell School who are facing closure of certain of their programs for next year, the elimination of the Electrical Repair Department for instance, because this government isn't paying enough money into the education system, and at the same time this type of case is being prosecuted without possibly, I am not saying that the safeguards weren't met in the beginning but it may well be that the RCMP didn't do their job adequately in determining whether there was sufficient basis for continuing the prosecution. After all the final end result has been that there was apparently no evidence, no evidence against these individuals, whom it has cost an awful lot of money. It has cost them an awful lot of aggravation and we have to assume that they were innocent all along and they have been put through an awful lot, and therefore I do think that the questioning is relevant. I think that the taxpayers of this province have the right to hear these kinds of answers.

MR. MERCIER: Well, Mr. Chairman, the Member for Rossmere made a number of comments, one of which pertained to the issuance of warrants for accused persons out of the province and not attempting to execute those warrants until the person has returned to the province. The difference is that in this case the defendants resided within the province.

This was a commercial fraud case, of course, Mr. Chairman, and they're difficult cases and I think the member will realize that. They're very complicated cases. I am concerned in a general way about the length of time of investigations of commercial fraud cases; they seem to take quite long to be completed and it's due mainly to the very complicated aspects.

I can only say and repeat, Mr. Chairman, to the Member for Rossmere, that it was a case where two, and more than two, senior counsel in the commercial fraud part of the prosecution's department reviewed the evidence and the investigation reports from the RCMP, determined there were reasonable grounds for laying the charges and the evidence that was expected did not come out and the accused were rightfully committed. Hindsight is great. Obviously if we had known this at the beginning the prosecutor would never have proceeded with the charges, but they were senior people in the department and on the basis of the reports they had proceeded with this particular prosecution.

MR. DEPUTY CHAIRMAN: 2.(b)(1). The Honourable Member for Wolseley.

MR. WILSON: Yes, under this section, I wondered what motivates the Attorney-General's staff pertaining to the appeals. I have in front of me two appeals for welfare fraud fines and I wondered why they would be appealing both of these, why they wouldn't just appeal one and see how they make out and then appeal the second one; apparently there's a Mrs. Stevenson and a Mrs. Chartrand. I'll let the Minister answer but what motivates the Minister's staff not to appeal crimes of violence, crimes against women and yet at the same time it seems to spend an awful lot of time on homosexual, prostitution crimes and welfare fraud fines? In other words it's mindboggling to me, without having all the information in front of me, as to what guidelines your staff uses to launch appeals, in light of the fact that we have obviously some sort of crying need for more development of things that are going to keep our juvenile offenders from committing crimes; and I wondered why hasn't the government staff been reprimanded for not catching this women. I mean it seems to me, do we not have any training of our staff that would allow the welfare and social workers to not investigate these welfare frauds? What I am saying is that there should be some onus, it sort of reminds me of the person that leaves the door open and there's six pieces of lemon pie on the table, I mean it's an invitation and I realize that these women have committed some form of - I guess maybe I'm asking what motivated them in this welfare payment thing to appeal these cases?

MR. MERCIER: Mr. Chairman, I believe those two matters are probably both before the Court of Appeal and have not yet been dealt with. I point out to the member that there's a time limit of 30 days for filing a Notice for Appeal. It will sometimes happen that if there are two very similar cases it may be appealed or if one case is appealed and the second one is similar the first one might be appealed and dealt with first, and depending on how the first one is handled or disposed of the second might be proceeded with or abandoned.

With respect to the member's concern about the discovery of fraud in the welfare department, I think that is a question more appropriately put to the Minister of that department. I can say to him that we have just, within this week, at the request of the Department of Community Services, assigned one lawyer to that department to deal with all of the welfare fraud cases and to work with their department and to assist them in dealing with these matters and the evidence that comes out and what can be learned from these particular cases.

MR. WILSON: Well I appreciate the Minister's answer because I, again as a layman, didn't know there was a 30-day clause because it seemed odd that both of them were being appealed.

I wanted to deal with an article on December 8, by Mr. Jeff Gindin in which he claimed that the crown prosecutors in Manitoba lay overly severe charges in practically 90 percent of all the cases because there is such a thing called plea bargaining and I wondered - Mr. Gindin said the Crown will often lay attempted murder charges knowing that it's sort of a pipe dream - I wondered in light of the Minister's previous comments that every person who commits perjury is guilty of an indictable offense and is liable for an imprisonment of 14 years; and

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also to the media, under the Criminal Code of Defamatory Liabile everyone who publishes a defamatory liabile that he knows is false is guilty of an indictable offense and is liable to imprisonment of five years.

I also belong to an organization called the Canadian Association for the Prevention of Crime and under Section 3, they are going to strive to eliminate games playing within the courtroom which might increase court efficiency and cause a great deal of taxpayer saving and money that may go towards social services that the Member for Rossmere seemed to be so concerned about. And they just wonder, this organization which I belong to, what games are going on, because it seems to me that if these Crown lawyers as this article by Mr. Gindin says knowingly exaggerate, and how well I know because I had a phone call one day myself that told me I'd better get down to my lawyer, that the next day I was going to be charged with attempted murder and, lo and behold - I know you can't comment on this, but for the record - they fabricated some unbelievable story, very tenuous and I'll be kind and say they were only tenuous, in more stronger terms they were absolute lies and they were able to accomplish what they accomplished by having a preferred indictment scored against me. They had no intentions of laying an attempted murder charge against myself because it was an absolute fantasy. So not wanting the Minister to be put in a position to have to talk about this member but getting back to the story which I can relate to, I wondered if this is going to be a continued practice or does the Minister think that it's rather unfair to continually lay overly severe charges, or if he does, do it discreetly so that members of his staff don't put articles such as Mr. Rosner has that cause a lot of people to become upset.

MR. MERCIER: Well, Mr. Chairman, I suppose there is always a difference of view. . .

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

MR. CORRIN: I'm wondering at this point, Mr. Chairman, whether you'd like to make a ruling on whether it is proper in the circumstances for the Member for Wolseley to attempt to gather evidence, gather information, receive responses, at this particular meeting and discussion, which are essentially all relative and relevant to charges now pending before the Court in his case. It seems to me that to do so allows him very special status and standing in the courts. I don't know of many --(Interjection)-- and I put it to you, Mr. Chairman, and the Honourable Attorney-General can respond and I think I'm really defending the Attorney-General's position. It appears to me, Mr. Chairman, that this does indeed present an extraordinary opportunity in that no other accused before the courts could present questions to their chief prosecutor prior to pre-trial procedures and it would appear to me that this is a rather extraordinary situation and I am not sure one that the Attorney-General should be placed in; for him to have to comment on charges that his department may have laid or may have thought of laying with respect to attempted murder. And as they may relate to other charges now presenting before the courts it seems to me to be just an extraordinary situation and almost an abuse of the privileges of the House by the Member for Wolseley. I think that there'll be a time and a place for the disposition of his charges. He will have legal counsel retained in order to assist him in presenting his case; they will have an opportunity to subpoena witnesses; they can even subpoena the Attorney-General to the trial. But for the Member to take this opportunity to present directly questions to the Honourable Attorney-General is simply extraordinary.

MR. DEPUTY CHAIRMAN: The Member for Wolseley on the same point of order.

MR. WILSON: Yes, I just wanted to say to the Member for Wellington. I sat there for a good six months watching members of his profession very skillfully feed the media story after story and I wrote six letters to the editor which were unprinted. I wrote all kinds of things. I tried to present my case to the reporters and they all said that they cannot print anything because they'll be charged with contempt. So how in the world on one side could you members of the legal profession feed the media story after story and then not expect me, because I wouldn't be in this position if I wasn't a politician of being a national story that appeared right across the country. I am talking about - I will refrain for the balance of the Minister's estimates in referring to myself but I will lay on the record some of the things that I can relate to.

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MR. DEPUTY CHAIRMAN: Order please, order please. I would prefer some guidance in the matter. I wonder whether either member has a point of order in this case. The Honourable Minister, please.

MR. MERCIER: Well, Mr. Chairman, I have no intention of commenting or making any comments that might involve in any way the matter referred to by the Member for Wellington. I took this last question to mean that the Member for Wolseley was referring to a newspaper article and comments by Mr. Gindin, and I was going to make some comment about that in those comments, that's all.

MR. DEPUTY CHAIRMAN: I'm going to rule that both points of order are not valid. The Honourable Member for Wolseley. Order please, the Honourable Minister.

MR. MERCIER: Mr. Chairman, I was going to say, in response to the Member for Wolseley in the article that he cited, that obviously defense counsel and the prosecutor sometimes have a different view of the evidence and that might account for some of the difference of opinion but there's no way that I or I'm sure my department would in any way condone deliberate laying of charges that exceeded the evidence that was within their knowledge.

MR. DEPUTY CHAIRMAN: 2.(b)(1). The Honourable Member for Wellington.

MR. CORRIN: Yes on the point of plea bargaining, as between the crown and defense lawyers, Mr. Chairman, I'm pleased that my friend the Member for Wolseley introduced that because I do think that it would be of some purpose for the Attorney-General to comment on departmental policy relative to that matter. There has been some controversy as to whether or not it is departmental policy to plea bargain and of course as the Member for Wolseley has mentioned in that context there's been some controversy as to whether it is a practice of the department to overcharge in order to effect favourable bargains. Can the Minister make any comment on the formal policy of the department, any directives that have been issued in that regard?

MR. DEPUTY CHAIRMAN: The Honourable Minister.

MR. MERCIER: What I'd like to do, Mr. Chairman, if the member will agree is attain for him and give to him a copy of the directive that has gone out to the department with respect to that matter.

MR. CORRIN: Mr. Chairman, frankly since this is a public process I would prefer, and since it may lead to other questions and we don't want to unduly protract or delay the Estimates proceedings, I would prefer just to hear it extemporaneously. I don't care to hear all the details, just the general gist would be more than sufficient.

MR. MERCIER: Well, I will have that available for the member in the morning and I certainly have no objection, if we happen to complete this Item, to returning to it or discussing it later on if he has any concerns about the directive.

MR. CORRIN: Well, I don't understand the difficulty. Surely it is just a question of whether or not the department condones the laying of more severe charges than are warranted by the evidence, and the only other point would be whether or not the attorneys in the Crown Department are allowed the latitude of bargaining or whether they are instructed to proceed to trial. There doesn't seem to be much more to it. It's just a yes or a no to either question.

MR. MERCIER: Mr. Chairman, I think I've already answered the first question put by the member, and the answer is, no. With respect to charges or overcharging, as I guess he referred to it. Secondly, any discussions that take place between a Crown Attorney and Defense counsel are based on the evidence, with the clear understanding that sentencing is a function of the courts.

MR. CORRIN: So on that point, Mr. Chairman, then, I take it that the Minister is refuting the statements made by members of his department. The article referred to by the Member for Wolseley, I happen to have a copy of it with me this evening as well, and the article cites statements by two former senior attorneys in the Minister's department, Crown Counsel were Hymie Weinstein and Rocky Pollock, both, I'm sure, well known to the department.

Mr. Weinstein - and I think we're just quoting what he says, reading from the article, it says, "Former Crown counsel Hymie Weinstein said that while overcharging isn't a stated or consistent policy of the Attorney-General's Department, it does occur. He said that whenever he was confronted with a case in which several different charges could be laid, he would always lay the most serious charge." And this is a direct quote from Mr. Weinstein. When in doubt, go with the higher charge. It's easier later to come down than to go up.

Weinstein went on to say that this wasn't really overcharging, but rather just playing it safe from the Crown's viewpoint. He said that there is no question that such a decision would give a Crown a better hand in plea bargaining.

Then Pollock, who also worked for four years for the department - I think he left a couple of years, two, three years back - he said that overcharging of accused is part of the system and practised by some Crowns more than others. He says, and this is a quote, "There is no question that the police overcharge." I'm quoting again, Pollock said "he knew of a case which the Crown realized he couldn't prove, so he offered an incredible plea bargain in return for a guilty plea. The accused agreed and pleaded guilty to a lesser charge. Afterwards" - and this is a quote - "Afterwards the Crown Attorney jumped up and down laughingly, telling the defence lawyer that there was no way he could have proved the case in the first place."

I am wondering, in view of those statements made by what were fairly senior members of your department, I would ask the Minister to provide us with his position on the propriety of that sort of situation. I have always taken the position - and I'm sure that the Attorney-General has as well - that the Minister, in his capacity as Attorney-General and chief law enforcer of the province, is a neutral factor in the sense that he represents the interests of all people before the courts, not just the police and the prosecution but also the accused and the defence.

He isn't there to determine or arbitrate guilt, that's a judge's job, but rather just to place information before a judge in the best possible way and most efficient manner, in order that all the facts come to life and justice can be served.

I'm wondering though, if we have Crown who make plea bargains with accused who otherwise would have been acquitted, I wonder if that's really justice. I really question whether that sort of activity is proper, and I'm wondering if the Attorney-General could make a comment on that.

MR. MERCIER: Mr. Chairman, first of all, Mr. Weinstein and Mr. Pollock, as much as I respect them, were not members of my department. They were members of the former Attorney-General's Department.

With respect to the quotations that he has read out, certainly particularly from Mr. Weinstein, it would appear to me, I get the implication from those statements that the charges that were laid were in conformity with the evidence that he had produced before him.

With respect to the last comment of the Member for Wellington, it would seem to me that if a Crown Attorney, having all the evidence before him, on the basis of which he knows an accused cannot be convicted, he has an obligation to make that known to counsel for the accused and in those circumstances an accused should be acquitted.

MR. CORRIN: Mr. Chairman, in response to that, I would wonder whether the Attorney-General would agree to me that from purely a justice point of view it's questionable whether people's lives and liberties should be put up at the bargaining table, and that sort of scenario. I'm wondering whether the Attorney-General believes that it is a proper method of justice administration to have people stake their liberties almost in the manner of a crap game, and I'm wondering whether or not we mightn't agree that plea bargaining, although it is a practice, might well be condemned as being deplorable, and in this regard, Mr. Chairman, through you, I remind the Attorney-General that the Manitoba Court of Appeal, I believe last year, had some very strong remarks to make about Crown Attorneys' and defence attorneys' practices in the course of bargaining pleas.

I believe that Mr. Justice Hall, or Mr. Justice Monin, one of the two, roundly condemned the practice as it now exists, and suggested that it had taken a disproportionate place in the

system, that effectively counsel were supplanting the role of the judiciary in attempting to negotiate dispositions of their cases, rather than presenting them to the courts for adjudication. And in view of the remarks made by Messrs. Pollock and Weinstein, it seems to me that there is some credence to the Court of Appeal's position.

I would ask whether the Minister feels that it's appropriate, in view of the Court of Appeal's directive and these statements, not to issue some sort of stern directive rebuking the practice, and if not so, I wonder whether or not the Attorney-General could have at least assure me that he would prefer that only senior counsel be allowed to involve themselves in the practice.

One of the things that the Court of Appeal brought to light was that many junior counsel were making a heck of a mess of plea bargaining in the sense that they weren't very experienced and weren't able of evaluating the evidence on their plates, and were really playing Russian roulette with people's rights and liberties. And that to me seems a fairly substantive point, Mr. Chairman. It seems to me that if there is going to be plea bargaining condoned by the department and by the Honourable Minister that it should at least be sharply proscribed in order to assure members of the public that they will be accorded all their rights; that they won't fall prey to the current system again.

I was wondering if the Attorney-General would like to comment on that.

MR. MERCIER: Well, Mr. Chairman, plea bargaining is a bad name or a bad description for what really takes place and what is really allowed.

There is nothing wrong, in my view, from a discussion taking place between a Crown Attorney and the counsel for the accused on the evidence; and that is a Crown disclosing evidence and the Defense Counsel indicating their view of the evidence, or the evidence available to them, and on the basis of the evidence agreeing that the evidence only involves a certain charge; and on that basis a plea of guilty being entered.

With respect to junior counsel, they have been instructed in these matters, to consult with their superiors.

MR. CORRIN: Mr. Chairman, I think the Attorney-General and I would agree that it's best to call a spade a spade. And I think we are both aware that there are powerful reasons why accused persons are inclined to accept plea bargaining, the best in my experience being the fact that many accused persons are not able to either raise the bail necessary to obtain their interim release pending trial, and others of course are not allowed out of custody.

Just yesterday there was a report in the newspaper that a man somewhere in the province had been held five months - incarcerated five months - pending the determination of his case. He was sentenced to two days in jail. The Judge couldn't - although he was found guilty; I think he entered a guilty plea as a matter of fact, after five months and this is not uncommon, Mr. Chairman - the Judge just shook his head and didn't know what to do.

Notwithstanding the protestations that the backlog has now been brought under control and the situation is ameliorated, I think the real truth is that there are still many accused persons in this province who are languishing in cells awaiting their hearings, and that's a damned good inducement to enter into a plea bargain. After you've sat a few months in the pokey you're damned ready to enter a plea to virtually anything. Now if you've been overcharged, it seems to me that it's naturally inclined and weighted in the favour of the Crown Attorney's office.

In view of that and in view of the fact that that still goes on, it seems to me that the only way that we can ameliorate these people's positions is of course to speed up the disposition of their hearings and also strongly prescribe the position of Crown Attorney to bargain pleas with Defence Counsel.

I'm wondering whether the Honourable Attorney-General wouldn't agree with me that there is fantastic leverage situated in the position of the Crown Attorney when an accused person is not allowed out of custody pending determination of his case; and if he does, does he think that it's fair that plea bargaining should be a part of the system, or does he think that it's fair that people should wait five months to have their case determined in jail? Does he think that it's unreasonable that people should not be induced to make deals with the Crown that aren't necessarily consistent with true and natural justice?

MR. MERCIER: Mr. Chairman, the practice in the department on custody cases is to attempt to bring those cases on as quickly as possible and to give them priority.

The Member for Wellington again refers to plea bargaining. I've attempted to explain to

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him what are the instructions in the department. I can only say that I hope what he refers to, doesn't happen. If he has the specific cases to refer to, he could bring those forward to me privately if he wishes and they will be dealt with.

MR. CORRIN: Yes, in this regard, I think also we might explore the practice, Mr. Chairman, of police having the conduct of the laying of charges.

Recently there was a case involving a very well known Winnipeg personality, Mr. Bill Guest. It received quite a good deal of publicity. And I believe that it was determined that the police had removed the charges from the senior Crown Attorney's office and had somehow managed to put the matter on the docket without the approval or recommendation of the Departmental Attorney. So Mr. Guest found himself in the terrible predicament of facing charges and all the publicity that entailed, without any member of the Minister's department having actually endorsed the case for prosecution. And I'm wondering if the Minister could indicate to us how frequently this particular situation arises, and whether or not it is now under control.

MR. MERCIER: Mr. Chairman, we have emphasized that the responsibility for the laying of charges lies with the Crown attorneys, and that responsibility is being re-emphasized with docket Crown attorneys. Presently, the Crown attorneys in charge of the docket courts are able to review most of the files at least one day prior to the court appearance of the accused, to give him an opportunity to review the charges proposed by the police, to determine whether there is sufficient evidence to justify any charges being laid.

With regard to persons arrested over night, the Crown Attorneys review the matters each morning, and if necessary, stand them over until the afternoon to review the police reports in respect of the charges that are before the courts. We are attempting to deal with that. There's no question where the responsibility lies.

MR. CORRIN: Yes, in this regard, Mr. Chairman, I would like to also discuss the Juvenile Justice Committee Report tabled by Chief Provincial Judge Gyles several months ago. Judge Gyles, in making his report after the inquiry's completion, at page 29 cites what he termed a deplorable situation in rural areas. The committee discovered that in rural Manitoba. . .

MR. MERCIER: Pardon me, Mr. Chairman. It's not a point of order but I wonder, Mr. Chairman, if the Member for Wellington is going to embark on another area, and I . . .

MR. CORRIN: It's the same point.

MR. MERCIER: I understand the members of the committee are inclined to a motion to rise.

MR. CORRIN: Oh, well, I'll just . . . If I might be allowed the latitude, it's the same point and then we'll be finished that point for this year.

Judge Gyles mentions that in the rural areas matters involving juveniles are referred to probation officers, who instruct the police on the laying of the charges. And I'm quoting, he says, "With respect to the relationship between probation, Crown and police, it would appear that the Crown and the police are dissatisfied." That includes members of your department. "Dissatisfied with the manner in which juveniles are handled in the rural areas. Both the police and the Crown question the role of the probation officer in authorizing charges. There is a direct conflict in the role played by a probation officer, who authorizes a charge against a juvenile and who also must deal with that juvenile under Section 31 of the Juvenile Delinquents Act, which provides a duty, among other things, to represent the best interests of a child when a case is heard."

Now, Mr. Chairman, that suggests to me that, in rural Manitoba anyway, we have a highly anomalous situation and one that I think demands, we can all agree, demands redress. Goodness knows, if Crown attorneys are dissatisfied with the existence of that particular situation - and I don't blame them because they may find themselves having to prosecute cases that should never have been before the courts. And we might have juveniles appearing that should never have been there in the first place when untrained social workers are laying the charges. It's probably even worse than police laying the charges because social workers probably are even further removed from the process than the police, and particularly since there is such a conflict and one cannot see how the probation officer can lay a charge against

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the youngster and then turn around and suggest that he'll discharge his duty under the Juvenile Delinquents Act and look after his best interests. I mean you can't be both prosecutor and the best friend simultaneously. So I'm wondering whether or not any action is being taken, Mr. Chairman, by the Honourable Attorney-General to redress this situation and afford rural kids the same rights as their urban counterparts.

MR. MERCIER: Mr. Chairman, subsequent to the report of the Juvenile Justice Committee, we established a senior group of representatives from Health and Community Services, Corrections and Education to review his recommendations. As a result of this review, there's no question there is need for clarification that the Crown Attorney has the ultimate responsibility for the laying of charges under the Juvenile Delinquents Act.

At the same time, the people involved in the system recognize that a large percentage, approximately 40 percent of the cases in Juvenile Court, are diverted out of the system and handled non-judicially by Probation Services. So that whole matter is under review with all the departments involved in a particular case. There's no question where the ultimate responsibility lies.

MR. CORRIN: Supplementary to that, Mr. Chairman, I note that the Justice Committee and Chief Judge Gyles mentioned that if anything effective was going to be done in this situation, that there would have to be a significant number of new Crown attorneys introduced to the juvenile justice system in the rural areas. He said that - perhaps I should quote again - he recommends, "that every rural area have a Crown attorney who would be responsible for juvenile prosecutions in that area, and who could be contacted with respect to the laying of charges, non-judicial dispositions or what other action should be taken with respect to the juvenile."

So it's clear, Mr. Chairman, that the answer lies in the retention of more staff. It's the age-old story, I suppose, for this department; if you're going to do the job, you need bodies. I'm wondering whether the Attorney-General can tell us whether, in the appropriation, whether there is in this appropriation sufficient money to provide for the retention of more staff in the rural areas in the juvenile system. Are we going to have two, or three, or five, or ten more juvenile court attorneys in the upcoming year?

MR. MERCIER: Well, we have provision for some additions in the rural areas, Mr. Chairman, but you can't have have it both ways. At least the opposition will have to decide where they want to rest their case. At the beginning of these Estimates I heard nothing but concern expressed about the expansion in this department; now I hear concern expressed that there's not enough expansion in one area. So this is a problem.

MR. CORRIN: On that point, Mr. Chairman, it's true that the Member for Burrows was concerned about the expansion of the department, and it's true that he, on a very general basis, and I suppose you could say that I was a bit concerned about the 60 percent increase to Planning and Management, essentially for computer services, and the rather meagre 4 1/2 percent increase over the past three years to the Human Rights Commission. I expressed that one concern, that I didn't think there was parity or equity. It didn't recommend itself to me that one should be given such disproportionate budget favour whilst the others should be discarded to the rubbish heap for such a lengthy period of time.

But with respect to the need for a Crown attorney, I don't think there's a person at this table that's familiar with the situation who wouldn't agree that it's necessary that there be more Crown attorneys, and particularly in the rural areas, in order to afford equal treatment to not only the youth of that area and their parents but also adult offenders or accused offenders.

Obviously, if we're going to handle cases efficiently, that means speedy justice and if we're going to have a speedy justice system, we're going to have to have sufficient numbers of prosecutors to handle the volume of cases. And I don't think that Judge Gyles had an axe to grind; he's in a good position to assess whether or not there's a need for more attorneys.

I think we can all agree that the committee membership was quite representative. As a matter of fact, he even included, I just noticed, one of the accused in the McGay College case. So these people obviously now had an opportunity to see both sides of the law in action, and hopefully it's restored their faith in its processes if they'd lost it.

But I would ask whether the Attorney-General could be more specific in terms of what numbers of attorneys we might expect to be allocated in various rural areas. I think it would

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be of some interest for members of the various areas representative of the rural parts of our province to know whether there will be an increment in terms of their complement of personnel in the upcoming year. Surely we should know whether there will be one extra in Churchill, perhaps one extra staff here in Dauphin, Gladstone, whatever.

MR. MERCIER: Mr. Chairman, we, as I indicate, are adding six prosecutors, which will provide a second prosecutor in Dauphin and will provide an additional prosecutor for the circuit in the eastern judicial district. I would expect that both will be involved in juvenile court proceedings.

MR. CORRIN: Mr. Chairman, through you to the Honourable Attorney-General, I presume then that we're advised that there will be an addition for the province in the upcoming year of two Crown attorneys. I'm wondering . . .

MR. MERCIER: No, I said two; if I can just clarify it, I said two out of the six additions to the prosecutorial staff will be in rural areas. One in Dauphin, to be a second full-time Crown attorney in Dauphin, and the other will be on circuit in the eastern judicial district, mainly in the Beausejour, Powerview area. We want to keep the Member for Rossmere busy, when he's not in the Legislature, out in that area.

MR. CORRIN: Mr. Chairman, I'm wondering whether we can have any comment as to the adequacy of two rural staff prosecutors. Will that be sufficient, in view of the juvenile justice report, to meet the demand? I know that because of the restraint policy we were unable, for the past several years, to supplement departmental staffs in many of the rural points, and I'm wondering, in view of the fact that there has been a freeze, whether two more persons to service all of rural Manitoba will be adequate, given the fact that Chief Judge Gyles tells us that he doesn't have enough staff bodies to handle the juvenile offenders out in the country, let alone the adults, he was just talking about kids. I am wondering whether they are going to be able to service the whole of rural Manitoba. It's a big piece of territory for two men.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Well, Mr. Chairman, if the honourable member is ever fortunate enough to be in government he will find that the departments never have enough people. This is a start, and a significant start I think, the addition of these two people and hopefully it's going to improve the situation in the areas of the greatest need and we can only strive to improve the system as the years go by.

MR. CORRIN: I am wondering if the Honourable Minister could comment, Mr. Chairman, on how many staff man increment were recommended to him by any of the rapporteurs, namely, Messrs. Knox, Hall-Pilkey, Norton-Philco, or the provincial judges, led by Judge Giles and Kopstein. Did any of those four rapporteurs give a specific number that they thought would be appropriate or adequate? And I am sorry if I am embarrassing the Minister in continually and repetitiously asking for information about those four reports, Mr. Chairman, but as you will remember from last year, we were advised that the opposition would not be made privy to the recommendations of any of those four reports, even though one presumes they were done at public expense if any expense was in fact encountered. So it's necessary that we repeatedly ask the Minister to provide us with the information through the Estimates, in order that we can determine whether or not they made a specific recommendation, because I would like to think that they did an adequate job and that they would have been capable of determining the number of supplemental staff persons that would be necessary. I know Mr. Knox certainly was onto that point because that was one of the chief reasons for his inquiry. He was looking into the backlog in the system and obviously the numbers of Crown Attorneys in the system were going to be of some significance in his study.

So I am wondering, could you tell us, through you, Mr. Chairman, could we have information pertaining to the number of attorneys that were recommended by Mr. Knox? Could we now find out what he thought would be adequate?

MR. MERCIER: Mr. Chairman, as the Member for Wellington would be aware from the statement I released in early September, both Mr. Knox and the provincial judges' reports

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indicated a concern with respect to involving more senior experienced Crown Attorneys at the beginning of the system in order to perhaps better assess the charges before they're laid in the evidence and be involved in the discussions with defense counsel at that stage. There were no specific recommendations for any numbers or additions, but implicitly I think it was recognized if you have to involve more people at the front and increase the caseload it involves having to add people to do more case and to add people to do more speedy trials in the country courts, and that's really where the additions to staff have come, the other four additions.

MR. EINARSON: Mr. Chairman, I move that the Committee rise at this point.

MR. CHAIRMAN: You have heard the motion that Committee rise. All agreed?
(Agreed)
Committee rise.

SUPPLY - LABOUR AND MANAGEMENT

MR. CHAIRMAN: Mr. Abe Kovnats (Radisson)

MR. CHAIRMAN: I would draw the honourable members' attention to Page 68 of the Main Estimates, Department of Labour and Manpower. Under discussion is Resolution No. 89, Item 1.(b) Administration, Item (1) Salaries--pass - the Honourable Minister.

MR. MacMASTER: Mr. Chairman, I was asked some questions before the House adjourned and I have some of those answers now.

The communications co-ordinator, the salary is \$27,100.00. The amount of money spent on the three seminars that were held at Hecla Island: The first one, by and large the majority of expenses picked up by the Department of Labour was \$3,600, the second one was \$100 that was shared by the industry and the unions; the third one we contributed another \$100, and that was shared by the industries and the union.

The member raised the question that was the first indication of a committee within the Woods Committee for reviewing essential services, was that established in 1976, and that was correct. I think the records indicate that it was somewhat inactive for a couple of years and that Woods Committee was originally set up by the Honourable Duff Roblin in 1964.

I think that's all the outstanding questions, unless the Member for Churchill has some others.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. JAY COWAN: Thank you, Mr. Chairperson. No, those are the outstanding questions as of the break for the Private Members' Hour earlier this afternoon.

I would like to first start by apologizing to the Minister. I was attempting to foist some of my own confusion onto him, in trying to determine the number of employees for the different departments, and I kept using the number 24, and the Minister, of course, didn't know where I had gotten that number, and justifiably so, because I, at the time was inferring that I had got the number from his Estimates last year and I hadn't. What I had done was received the number from the Department of Labour annual report, and I'll want to discuss that just a bit before passing this item. But in the meanwhile, at the break, I had asked the Minister if he could be prepared to report back to us in a little more detail on what is occurring in regard to the Advisory Council on the Status of Women, because I know it's an issue that is of concern to all of us on this side and also, from conversations I have had, with constituents and with citizens of the province, I know that they are, too, anxious to understand and learn a little bit more about what is being planned in this regard.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: For the first year of the Advisory Council on the Status of Women, we expect to have a number of eight; we expect to geographically have representation on that particular committee. We expect for the - and I'm talking about, this is the initial year, the first step into this particular area - we expect to pay the person who is chairing that particular committee a remuneration of \$5,000.00.

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I have one specific item in mind that I'd like that particular Council to look at it. There are other items, certainly, of interest. We can all name a dozen, I suppose, Mr. Chairman, that the committee itself will choose to review, to ask to have researched, to arrange for a government to give consideration of. There is just a host of things that I'm aware of that they possibly will be considering, but the one particular point that I will be asking them to give consideration to is the entry of more women into the trades in Manitoba. We hope to do a great deal of that kind of work within the apprenticeship department, but we certainly want some input from the women on the Advisory Council.

I will have on staff a co-ordinator that will be responsible and work with the Advisory Council, that job will be posted in the near future and there will be a secretary on staff for that council also, Mr. Chairman, and that's really the sum total of what I have in mind at this particular moment.

The members opposite will have to bear with me. It's like a lot of other things, you're walking into something new. It's something that the womens' organizations in Manitoba, dating back to 1972, have been very adamant about, that there should be one established. The records show that last year when they made their annual presentation, the Provincial Council of Women, I asked them at that particular time if they could spend one year working through the Womens' Bureau and see how it worked. They had a great deal of co-operation and there was a lot of good exchange between themselves and Womens' Bureau, but during the course of the year womens' organizations and women individually have convinced me that there should, in fact, be a separate group of some type, some structure. So this particular year, that's the route that we will be going, Mr. Chairman.

MR. COWAN: Yes, Mr. Chairperson, pursuant to just a number of statements that the Minister made in his last remarks. He mentioned that there would be one specific item which he takes special interest in and will be directing the Council to study, in particular, and that was the entry of more women into the trades, which is an area that does need study and should be studied, and of course we're pleased to see that.

In light of the recent decision in regards to equal pay for work of equal value, can the Minister indicate that he would be prepared now to direct the Advisory Council, or to suggest, I'm not certain, what lines of responsibility will be, but either to direct or to suggest to the Advisory Council that they would also examine the recent decision and the impact that it does have on women in Manitoba? Even though it was a decision made in another provincial jurisdiction, under federal legislation, it still does provide an example for Manitoba, and we should use it for that purpose.

Also, can he indicate if he will direct that Advisory Council to study the ever-increasing gap in wages between women and men, instead of coming together; instead of women making more as a percentage than they have in the past of men's wages on average, it seems to be going the other way. It seems to be that they're making less, and the differential is widening instead of lessening. And that is of concern to people who want to see a more equitable wage structure throughout the industrial economy, throughout the entire economic fabric of the province. So I would ask the Minister if he is prepared to commit - and I know he can't commit on behalf of the Advisory Council - but if he is prepared to commit a representation to that Council by himself, encouraging them to study these two very specific areas, as well as the important area of the entry of more women into the trades force.

MR. MacMASTER: Mr. Chairman, I think the Advisory Council will want to, themselves, decide their priority points which they want to review. Two that the member has mentioned are pretty obvious ones in the press and in the eyesight of women today. There are others that are very obvious also and this particular Council, I think, itself, should be left up to themselves really to decide what their priorities are. I have a pet one that I would like them to consider, but when you get into the list of the other areas - the Member for Churchill mentioned two; I think the womens' organizations may have 22 - I think I'd prefer to leave it with them.

If they suggested to me and asked me what we were hoping to do about trying to get women into the trades and I was to talk to them, like I intend to, they may decide that they'll leave that with me and monitor how I work and how our departments do and that there certainly other things that are, in their eyesight, more pressing. And I would hope that the members opposite would accept that. I don't think there is - at least I wouldn't want the council to think that their coming in with a list of items that's going to occupy their time for the next seven or eight months or a year. I think the council should come in and again, Mr.

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Mr. Chairman, pick their own priorities, of which it might be the ones that the member has mentioned. Increased funding for day cares might be another one. Greater equal opportunity might be another one. There is just a host of things they might be considering.

MR. COWAN: Yes, thank you, Mr. Chairperson. Well, as the Minister said, he had a pet project that he would hoped they would investigate or at least consider investigating, and I presented a couple of what I considered to be pet projects. I think we've at least given them some suggestions to start off with if nothing else and I think we served that purpose well. The Minister mentioned that there would be eight members on the Advisory Council and that geographical representation would be considered in the choosing of these members. Could the Minister be a bit more specific on that? Is he referring to the fact that there will be women specifically designated from northern areas and from rural areas to sit on the committee so that there is a cross-section throughout the province to insure that women's interests, which in the north are somewhat different - although the common interests are the same, there are specific interests that are different - as well, with the rural communities than the urban interests? So is the Minister indicating that there will be a formula set out to insure that all that occurs? Yes, the Minister indicates yes on that.

Following on that item, the Minister indicated that the women's group or a specific women's group, and I am sorry I didn't catch the exact name of it, tried through the past year working with the Women's Bureau and that . . . The Council of Women, the Member from Fort Rouge informs me. The Council of Women tried working through the Women's Bureau and found that that was unsatisfactory or, if not unsatisfactory, at least they were of the opinion that they could work better through an Advisory Council on the Status of Women and this leads one to the question of just what specific dissatisfactions were these women experiencing in working with the Women's Bureau that would cause them to want to set up another body to work with?

MR. MacMASTER: I don't believe that there's any specific dissatisfaction with working with the Women's Bureau. I expect that they will carry on working with the Women's Bureau but the women themselves felt that the establishment of an Advisory Council was the way to go. I think they have felt that way for several years and I think they worked well with the Women's Bureau but they still, this year and during the course of the year, have felt that an Advisory Council was necessary in the Province of Manitoba. And I have had a good look at how they operate across the country and I came to the conclusion that they did and that's why it's in the Estimates here today.

MR. COWAN: Then, Mr. Chairperson, perhaps the Minister can indicate what sort of relationship the Advisory Council on the Status of Women will have with the Women's Bureau itself as it exists today. Will there be a coordination of the efforts of the two groups?

MR. MacMASTER: I don't think they will have any problem working together, communicating to each other what area they are going into and what particular jobs they are interested in, what particular areas that they have specific concern in. I can't see any problem in good cooperation between the two, Mr. Chairman.

MR. COWAN: Thank you, Mr. Chairperson. Can the Minister indicate how long the mandate for this Advisory Council is? He has mentioned a couple of times during his presentation this evening that for this year, or for the next seven or eight months, is this Advisory Council on the Status of Women a temporary measure or is it meant and intended to be a longer term measure, one that will be ongoing from year to year?

MR. MacMASTER: It is meant to be ongoing, Mr. Chairman, unless some time in decades to come things are that well for the women in the province of Manitoba that they themselves feel that there is no longer a need for a particular council.

MR. COWAN: One last question on this and I hope for all our sakes that there is a time in the next, maybe decades are too long a time frame to use, but in the next little while that we do not have a need for these sort of councils, that we have been able to develop an equitable society that provides equal opportunity, equal satisfaction for all working people, for all people in society, and that we can turn our attention to other problems, having solved some of the very outstanding problems of the day. And I think this is one of the problems, the

the position, the relative economic and sociological position that women occupy in today's society, so I hope and I share the Minister's hope in this. I know that this sort of a council leads to greater accomplishments and it does deal in a very satisfactory way with some of the problems that they are facing. The Minister said it may be two, it may be 20, I am afraid it is going to be more like 222 or 2,222, there is a lot of problems, there is a lot of problems, longstanding outstanding problems, and any attempt by a government or a Minister or a group of people to deal with those problems of course is welcomed by this side.

I wish it had been a bit more, but I am not going to prejudge it by saying that it should have been a bit more. I am perfectly willing to wait out the year, a year is a short time in regard and in reference to the amount of time that this problem has been around, a year is a short time, so I am willing to wait out that year and maybe during the Estimates next year have an opportunity to discuss some of the positive contributions that this Advisory Council has made. And also having that year's experience under our belt we will be able to then make some suggestions, not in the critical sense but in a constructive and positive sense; so I believe that after asking this one short question that we have satisfied ourselves, at least I know I have satisfied myself on this side. The Advisory Council is a step in the right direction and that we are wishing it all the success that we possible can and we will hope that the commitment to it will grow, not necessarily in monetary terms, although that always helps to have money in your pocket to do the kinds of things you want, but also in terms of support and acceptance by the community and the society at large.

The Minister has indicated that the Advisory Council will be examining certain areas, of which we suggested a couple and of which they will decide which ones are germane to their mandate as it stands now.

I would ask the Minister what the result of these investigations will be; what powers will be empowered to the Advisory Council to make investigations, in other words, if they are going to investigate a problem, in all the problems we're talking about, the problem the Minister is talking about, the problem that the Member for Fort Rouge talked about earlier, the couple of problems that I mentioned, are all very large problems that are going to demand a great deal of effort on the part of the Advisory Council on the Status of Women, and they are going to have to be given certain tools to develop solutions, hopefully, to some of those problems, to develop tactics, to develop strategies, to bring about that more equitable society that we all seek.

So my question to the Minister would be, what sort of tools is this Council empowered with, and what will be the objective of the Council to make recommendations or to develop programs, or to design legislation to be brought before this House, in other words, how are we going to translate the work of the Advisory Council into concrete and definitive action that will indeed do something towards making right - and I use that in the non-political sense - towards making right some of the wrongs and some of the injustices that women, along with many other minority groups, have had to suffer through, because society was steered in such a way as to not provide them with that equal opportunity and that equal access to opportunity, which is as important as the opportunity itself.

So, what tools will it have, in specific, and what will be its function, how will it translate its work into positive action?

MR. MacMASTER: Mr. Chairman, it's certainly not a hypothetical question but it's a question that's talking about something in the future which is somewhat difficult to answer. I can assure the member very adamantly that I did not think about this for the last few months as in-depth as I have; and I haven't talked to as many people as I have; and I haven't spent as many hours concerning myself as to how best to get this particular Advisory Council off the ground and get it going without giving myself assurance and having assurances that the resources of a lot of government departments are available for information, for research, for study, for calculating statistics and facts and putting together presentations. That will not be a problem that I think this Council is going to find.

As the member said, he is going to be watching over the year, I'm going to be watching over the year and I think the general public will watch over the year, and he can rest assured the womens' organizations are going to watch over the next year. I do not have a history of establishing things just for the sake of name only. I established it because I think it can serve a very worthy purpose; I am totally, absolutely committed to that, convinced of that. And this group is not going to find themselves in want of assistance from governmental agencies when they so desire, and when they put their presentations and proposals together dealing with myself, or if they wish to present them to other departments, there's a whole host of

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things that we haven't talked about that they may want to consider. I know a good many of them, and that's going to involve just simply putting together their case on certain issues and presenting it to certain Ministers. Those type of things are going to be welcomed and some womens' organizations have already been of service to this particular government. They have acted in a very responsible way and we appreciate it.

I can't specifically, because I don't know just what the particular areas are that they're going to grab ahold of and go at, but I can assure the member, without reservation, that they're going to have the co-operation of the government, and that's the people within the government. I don't think they'll be wanting for assistance or information, assistance to make presentations, or whatever they wish to look at in their early infant stages as they start developing and getting more mature in the ideas and the formulation of the things that they want to put together and bring to our attention.

So, specifically it's difficult to answer because I know of so many issues that they have raised, so many ideas that they have and I don't want to tell them which to take first. There's no sense getting an Advisory Council together and telling them that thou shalt do this now; when they, themselves, figure there should be something else that has priority, is of greater concern to women in this province. So whichever route they take, so be it, and I wish them the best and will assist them in every way.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MRS. JUNE WESTBURY: Thank you, Mr. Chairperson. I would like to repeat what I said in my speech last week in reply to the Throne Speech, how gratified I am, and I know a lot of womens' organizations are going to be, that this Advisory Council is being established; and in listening to the Minister I do feel that he is sincere in his desire to make it work, to function properly.

I presume, through you, Mr. Chairman, to the Minister, that the terms of reference will be similar to those in the seven provinces which already have Advisory Councils, and that in establishing the Advisory Council the experience of these seven other provinces will be drawn upon. I must say I'm sorry I was a few minutes late in coming into the Chamber and missed the opening remarks by the Minister. Unfortunately I have a long long way to come. I was in the building but I have a long climb before I get here. I'm not complaining, Mr. Chairman, that's just a fact, and I was on my way here.

I gather that the eight members are to be selected on a sort of geographical basis, and I completely agree that this is desirable to some extent, but I wanted to know whether the womens' groups that are already established, and you know, we've talked about the provincial Council of Women and I mentioned today the women in trades associations, and I wondered if established womens' groups will have the opportunity to name or to suggest nominations, perhaps to submit a list from which the Minister could choose, because I think that that would give more credibility to the Advisory Council. I would suggest to the Minister that the Council would have less credibility if the appointees were named because of their political affiliations, for instance, and I know that the Minister would never do that, but unfortunately, sometimes this has been known to happen, Mr. Chairperson. --(Interjection)-- Right, with all governments, Mr. Chairperson. I'm not playing political games, I'm really committed to what we're talking about here and so, I believe, are the Member for Churchill and the Minister.

I was wanting to ask a question about the salary of the Chairperson of the Advisory Council. Has that been established? Could the Minister tell us what it is to be? He mentioned that he's going to appoint a co-ordinator to work with the Advisory Council. What will the salary be of that co-ordinator, please, if that decision has been made?

MR. MacMASTER: I appreciate the member's coming late. I don't want to keep repeating things but this particular time, we certainly will. The salary of the co-ordinator has not been determined and I'm sure you did not use it deliberately, but it's a very important word, you suggested that I was going to appoint a co-ordinator. It's somewhat different and for the sake of the record, it has to be made reasonably clear, a co-ordinator's position will be established, it will be classified, I do not have the salary specifically at my fingertips and won't have for a short period of time. That job will be bulletined, posted, and selected by the Civil Service Commission, quite substantially different. And the remuneration, again we're talking about the first year of something new, the remuneration for this particular year for the person who is chairing this Council, because we don't know how much time or how big a job it will be, is going to be \$5,000 for the first year.

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MRS. WESTBURY: Yes, Mr. Chairman. I would hope that the position of the Chairperson will be a full-time position and I would suggest that if it is, \$5,000 will be just a continuation of the old story of women getting paid less for equal jobs, so I must protest the figure of \$5,000.00.

I would like to go back to some of the questions I raised earlier today about women in trades, and I hope this is an appropriate place to bring it in as the Minister did refer to women in trades as well. In the brief that was sent to the Minister from the Women in Trades Association, they asked that since nominations are yet to be called by the Minister regarding appointments on the two committees, the Apprenticeship and Tradesman's Qualification Board and the Trade Advisory Committee, that the Minister consider the research and recommendations made in the papers presented before re-appointing an all-male board or committee. Women need to know that their sex is representative in decision making, they say, especially when economic security is an issue. I gathered from the Minister's statement that he felt that was not his responsibility.

MR. CHAIRMAN: To the Honourable Member for Fort Rouge, there is an Apprenticeship Division that will be coming up very shortly.

MRS. WESTBURY: Oh. All right. I'm sorry.

MR. CHAIRMAN: You've completed your remarks?
The Honourable Member for Kildonan.

MR. PETER FOX: Yes, Mr. Chairman. I wonder if the Minister could indicate to us how many arbitration cases the Minister was involved in besides which were referred to him for any suggestions he had?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I know something about labour, and I know something about unions, and I know the member asking the question does, but he's going to have to be more specific, particular arbitration cases that were referred to me. I think he's going to have to elaborate on that to some degree before I can answer that, Mr. Chairman.

MR. FOX: I would imagine that there's a sub-committee of arbitrators and of course, the Honourable Minister is aware of who they are. Was he the one who appointed each one to a particular case, or were they taken in rotation?

MR. MacMASTER: They were all appointed by myself, Mr. Chairman, and they were not taken in rotation. We do not have an established provincial list of arbitrators at this particular time.

MR. FOX: Did the Honourable Minister say he doesn't have an established procedure on them yet? They're not operating, is that it?

MR. MacMASTER: Maybe I need my cup of coffee, Mr. Chairman. I don't know whether my words are wrong or not. I didn't say procedure, there certainly is a procedure, there has historically been a procedure in place in Manitoba for many many years. I said there was not an established list of arbitrators, so you can't take things in rotation if you do not have a list to take them from.

MR. FOX: Possibly I'm a little dense. Is the Minister indicating that he has no arbitrators, or he just picks them whenever the issue arises on an ad hoc basis?

MR. MacMASTER: Yes, Mr. Chairman, that's the way it's been done for many many years. There are a number of people in Manitoba which we are blessed with who are considered excellent by both parties, by myself, for dealing with arbitrations. The member opposite, I'm sure, knows that over the course of time specific people are not always available for a variety of reasons, so, yes, you pick a person when the requests come in for that particular job to be done.

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Again I say there is no established list in Manitoba and has not been, to my knowledge. Now, I could be corrected, there might have been one some place somewhere in the past but not to my knowledge.

MR. FOX: Well, the reason I asked, Mr. Chairman, because the sub-committee submitted a list of arbitrators to the Minister and I just wondered whether he was utilizing it or not, or whether he was just going to utilize his own choice whenever the occasion arose. And if there was a list submitted and which he is aware of, then the reason I wanted to know was whether he was utilizing the list in a rotational basis or whether he was just picking them at random.

MR. MacMASTER: Yes, Mr. Chairman, there has been a list submitted by the Cam MacLean Committee and I have full intentions of talking to the committee themselves about that particular list that was submitted. But no, the list isn't being used to date. Some members off it are.

MR. CHAIRMAN: The Honourable Member for Churchill.

MR. COWAN: Yes. Perhaps I might just follow up on the Member for Kildonan's questions very briefly.

For what reason is the Minister expecting to talk to the committee very shortly, on that list? Does the Minister have some dissatisfaction? Is the list incomplete? Or is it just to clarify the proper usage of the list in respect to the committee's opinions?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I wish to talk to the committee, Mr. Chairman, as to their reasoning for selection and the particular names they put forward. It's a very important move. It will be the first time in this province that it's ever been established and I wish to talk to them about the criteria in which they selected the people and the methods and if, in fact, there was a real agreement to those particular names that were submitted.

MR. COWAN: Mr. Chairperson, I was out of the room for a bit and I do apologize.

But it seems to me that in the normal procedure of choosing an arbitrator that management and labour sit down and choose a person that is of mutual acceptance to both parties. I know I don't have to tell the Minister that, having been involved in that process personally on a number of occasions, but just for the edification of the members in the Chambers here, usually when you have a list of a number of arbitrators what happens is that union and management sit down and choose a number of people - four or five, three, seven, ten, whichever number they determine they are going to choose at the onset of the whole process - and then you rotate your way through it. Sometimes you can rotate your way through it, there are different ways of using a list. But very seldom does a third party come in and try to affect or even question why those particular names were chosen.

Those names were chosen usually under very standard procedures. It's a compromised position. You say, well, that person's not too good and that person's not too bad and the person over here says, well, that person's not too awful and that person's not too great, and you then develop names that both people can agree to, or both parties can agree to, not names that are specifically agreeable in all instances to all people, but it's a compromising position.

And I would assume - and I don't have my facts right before me, I have to apologize - but I would assume that the selection of this list of arbitrators has been ongoing for some time. I know we discussed it last time during the Estimates in the Chambers. I'm not certain whether we discussed it in the first year of this government, but I am certain that we did discuss it last year. So it seems to me as if it's been a long process - one would expect it to be a long process because you have to go through a large number of people and then pick and choose and you have to agree - that's the very important part of the process, agreement, you agree on names.

I am concerned that if the Minister now has a list of names before him and he is going to go back to the committee to determine what sort of criteria they used in choosing them, of they were mutually acceptable to both parties, those sort of comments leads one to make the assumption that he is concerned that the list is not a good list; and that he is trying in some way to influence who those arbitrators shall be.

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I don't believe that the Minister should be that deeply involved in the process. I think he should accept, on good faith, the fact that this list has been negotiated for quite some time, it's a very long list, it is probably a very complete list and that it was presented to him jointly, by this committee, which would imply that it came with recommendations - perhaps it did not come with recommendations in which case the Minister's intercessions in this regard are completely legitimate - but I would assume that it did come with recommendations.

So I would just like the Minister to be a bit more specific as to why he, in particular now, is concerned that that list may not be the best of all possible lists given the normal context of choosing arbitrators.

MR. MacMASTER: Well, Mr. Chairman, this is far from a normal situation. I don't know how many years there's been a Department of Labour in Manitoba but there's never been such a list. So this certainly isn't normal.

And the member has pointed out to a degree the correct procedure between a union and a company, how they establish an arbitration list. This is certainly not normal in this particular set of circumstances.

Here is a committee of several types from management, several types from unions, who are attempting to establish a provincial list. It certainly is not the normal procedure that's ever followed or ever has been followed in the history of this province.

The member is just going to have to bear with me while I review that list and while I, in fact, sit down with the Cam Committee and talk to them. I have no intention of just openly accepting that particular list. I have full intentions of sitting down and talking to the committee about the makeup of the list and what their thoughts went into in establishing it.

Again, Mr. Chairman, this is a new venture. Again it's one that I asked the Cam MacLean Committee to work on; and again it's one that I reserve the right to sit down and talk to them about it, as I have on other occasions on other situations.

MR. COWAN: But I still, Mr. Chairperson, do not understand for what purpose, what legitimate purpose, the Minister could have in sitting down with the committee and trying to review - and I can only assume - with the intent of changing a list that was given to him by that committee for the purpose of arbitration. And I am concerned that that sort of interference in what has generally been an area that has operated without third party interference, is going to add to the detriment of the efforts of the committee members who have worked very hard on this list and is going to eventually lessen the effectiveness of the arbitrators because there will always be that cloud hanging over their head.

What influence did the Minister of Labour have in the choice of this specific arbitrator? And it should not be. So he's putting them in an unfair position like that.

I should have known that there would have been this sort of review because I've just turned back to the Estimates of last year when we talked about the list and the Minister said at that time, "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 specialize in certain areas or it might be a list of 15 of 20, who both parties felt were competent to deal with labour-management problems."

And then he says, Mr. Chairperson, "I haven't received that; I'll be getting it, I understand, shortly and will be viewing it with great interest to see how they came to their conclusions", so had I looked more carefully or listened more carefully perhaps at the Estimates last year, I would have been able to at least foresee a bit of the problem here. And I do believe it's a problem and I can only suggest to the Minister, and that's all I can do is suggest, that he not interfere with that process; that if that is a list - and I am not aware myself of all the circumstances - but if that is a list that came to him with recommendations from the committee, that it is the best of all possible lists, and that means it has faults but that means that those faults were honestly come by, that it was a process of choosing an arbitrator which is a difficult process at the best of times.

So I can only encourage the Minister, suggest to the Minister as I said previous, to accept that list as is and not interfere because it would be interference of the most blatant kind. I am certain that the Minister, if he were sitting as a union, or as a management negotiator or grievance person, and then went through the whole process of dealing with his counterpart, either union or management, depending which side the Minister was on, and had chosen an arbitrator, and then a third party, as impartial as that third party might be, as impartial as that third party might seem to be, came along and said, no, we can't accept that, you're going

to have to go back and do it all over again, it wouldn't be right in that context and it's not right in this context. So I was can offer some suggestions and advice. I do so in a most constructive manner possible, Mr. Chairperson.

I would like to continue, if the Member for Kildonan has no more questions on that. He indicates he does not. I would like to just ask the Minister, because there is substantial difference in this year's Annual Report as compared to the annual reports of the past, well since 1966, and I am not one to ever stand in the way of good progress, nor am I one to discount change for change sake. But it has made my life a little bit more difficult, Mr. Chairperson. Now I am certain that's not why it was changed; I'm not egocentric enough to think that the Minister went out and went through this whole revamping of his report to make my life more difficult, but indeed it has, so I feel, in attempting to make my life as easy as possible, that I might point out to him some of the changes that are causing me some considerable difficulty.

Earlier this morning I was trying to foist some of my confusion onto the Minister, unsuccessfully so, I am glad to say that he rejected my notions, which at the time were incorrect. I was saying, according to my list here - and I do keep very detailed lists if I can point to them for a minute - of events that have happened in the Department of Labour going back quite some time, going back as a matter of fact, to the year 1966. And I followed the progression of employment, how many people were employed and so, in the administration division in 1968 say, there were 19.5 people employed. In 1974 there were 22, in 1978 there were 24. I got those figures I thought from the Minister's Estimates, but when I reviewed the Estimates just over the supper break, I determined that no, I had not, that I was wrong in attempting to intimate that the Minister had given those numbers to me last year. I had gotten those from the Annual Report.

In the old Annual Reports, as I went through the divisions, at the end of a division or at the end of a particular section, which say - if I can just grab one for one minute, I can point it out more graphically - which say, and I am looking at the section now in the 1978 Annual Report under Labour Relations Division, and at the end it said, "This section of the division is staffed by a director, four conciliation officers, and a clerical staff of two", so I merely went to my book and marked down a director, a conciliation officer, etc., etc., into this book, so that I had it by divisions that are outlined in the Annual Report and I could keep a running track. And that's where I got the number 24; the number 24 came from the 1978 Annual Report. That same type of number, although not the same specific number, came from every annual report back to 1966.

My question to the Minister is what rationale was used, because I consider this to be not only of valuable service to myself but a valuable service to the people who receive these reports, in that it gives them a better understanding of where the staffing of the department is, how it is functioning, what is there to serve them. What rationale was used in deleting that information from this year's Annual Report? Perhaps there is a very good reason for it and in which case I will suffer through my inconvenience in silence, but I would like to know exactly why it was that that very major change was made this year.

MR. MACMASTER: Well, I can assure the member there was nothing, no hidden motives meant. We happen to think that that Annual Report is extremely well put together. We've had a lot of compliments on it. I certainly am sorry for the inconvenience that we have caused the member opposite and his suggestion for putting numbers in it will be taken into consideration for next year's report.

MR. CHAIRMAN: (1)—pass. The Honourable Minister for Churchill.

MR. COWAN: These leaves me still somewhat a difficult position. You know, what really bothered me, Mr. Chairperson; I don't know if you were here last year when we were using the Annual Report to discuss the Department of Natural Resources, and the Minister said at one point during the discussion, he said, the members over there are getting too much information from that annual report - and I'm paraphrasing, please, I'm not quoting him exactly - we're going to have to make some changes, and now I'm somewhat concerned about what sort of report from the Department of Natural Resources we're going to get because that was the Minister who first suggested it in the first place and yet here we see some very substantial changes in the report from the Department of Labour.

Perhaps the Minister can help me on it. I won't ask him to take the time of the august body here in giving me the details, but if I sent him over a list of different departments as per

the Annual Report, perhaps if he could give me the breakdown that were in the previous annual reports in written form, then I can fill in my statistical overview here and once again be satisfied that I know as much as one can possibly know about the department, when sitting on this side as compared to sitting on that side. It would be helpful but I don't want to take the time of the House in it. And I do commend the department on the report. It's a very nice report. It's very well put together; it's much better in my opinion than in this report, in that when this report goes out to areas where perhaps there is a shop, the Minister knows as well as I do that stapled together pages very quickly separate, you lose different portions. This is going to be much handier for the people who have to use this report and depend upon it and I just want to see that it has the most complete information possible.

I have perused it very quickly and it has come to my attention that there are some tables that have either been changed or deleted, and I think as we go through the various departments we might be discussing that and trying to make certain that nothing in substance that can be useful to the workers has been deleted in this case.

I would ask the Minister where he would prefer to discuss the subject of the review of carcinogens in provincial industry, whether he would prefer to do it under this section as it is - the staffing requirement is under this section - or if he would prefer to do it in the Workplace, Safety and Health division, which is perfectly acceptable to me in either instance. So perhaps if he could indicate in which area he wants to discuss that specific item in detail.

MR. MacMASTER: Possibly in the Workplace, Safety and Health division, Mr. Chairman.

MR. COWAN: Well, I thank the Minister for that information. I concur with him that it's probably the most logical place to be discussing it and look forward to that discussion because it is an area that again demands attention.

I would then ask the Minister if he would want to discuss the Workers Compensation Review Committee under this particular area or a different area of the Estimates and, if so, where?

MR. MacMASTER: Well, I think, Mr. Chairman, it's a ministerial appointed review committee. I suppose under Administration is as good a time as any if the member wishes to discuss it now.

MR. COWAN: In that case, Mr. Chairperson, I have had the opportunity to talk to several representatives of different groups that are particularly interested in this review committee.

As I had said in my reply to the Minister's opening remarks, it is an area that needs change, that demands change; it's been around in its present form for quite some time now. Other jurisdictions across the country are making changes to it now, Saskatchewan being the most recent example, I believe, or one of the most recent examples.

And the Minister, when he had first discussed the possibility of a Workers Compensation Review Committee being put together and directing its attention to the problem of compensation, had indicated there would be a full review and that is a matter of record. It took place in the Labour Relations Committee room when we were discussing amendments to The Workers Compensation Bill last year, in response to a representation, I believe, by the Injured Workers Association, who are particularly interested in what recommendations that Workers Compensation Review Committee would make.

And then when we finally got the announcement for the Review committee, it had a very limited mandate. Instead of this broad sweeping review it was now going to examine the procedures and, as a matter of fact, the press release was very specific in just what areas that Workers Compensation Review was going to direct its attention, and the mandate was very limiting.

Now I know that the Workers Compensation Review Committee, if they have not yet, will receive representation saying, "Please enlarge the mandate. The Act is in need of revamping," and that the time to do it and the proper way to do it, is to use the abilities of expert people who have been sitting on this committee, to listen to testimony, to listen to discussion, to listen to personal recollections of problems that people are experiencing with the Workers Compensation system now, and then to come back with a broad list of changes that would be acceptable to the government and to the workers, both, and see those implemented. And that is not going to happen now.

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So my question to the Minister, having expressed my disappointment that that is not going to happen and the disappointment on behalf of the members of the many bodies who were looking forward to participating in the historic occasion and now are participating in a less than historic occasion, I would ask the Minister why the mandate, as described in the Industrial Relations Committee, has been so drastically altered as to be a very limited inspection of the procedures, what justification the Minister has for that when he, himself, indicated that there was a need for a larger review?

MR. MacMASTER: Well, Mr. Chairman, I don't remember saying that the entire Act needed review. I remember saying on many many occasions, at the same committee meeting that the member is referring to, that I felt - and there's many others feel - that our Act in Manitoba, with the faults that it may or may not have, is still one of the best in existence in our country. And I say that without too much reservation.

The Injured Workers Association and many others have had some very major problems as they see them, certainly, and a great deal of those problems arise from the procedures and appeal procedures, and who sits where and when they sit and how you get it through and who hears it and who doesn't hear it, and who's biased and who isn't biased, and who's appointed and who isn't appointing, and I would suggest to you, Mr. Chairman, that that is by and large the major complaint of working men and women in this province, without question, that's the major complaint.

And we're looking at what we think to be the major area of concern to working men and women in this province, and that cannot really be challenged because that is the major area.

And for the member to say that I said the whole Act was going to be reviewed, I don't remember saying that. I do remember saying on several occasions, that I feel, as I've said, that we have one of the best Acts in the country, but could be corrected, could be better.

The particular area of concern, without question, is the procedures and appeal procedures and those type of things, and that is what will be reviewed by the Review Committee presentations, I am sure. I have been made aware of many people, many organizations, who are going to make presentations to that particular Review Committee.

MR. COWAN: Yes, Mr. Chairperson. The appeal procedures and the mechanisms by which a claim is determined is a very important part of the Workers Compensation Act and is probably the point at which most workers have direct contact with the bureaucracy and with the mechanism, and with the concept of Workers Compensation. Because the worker who is going to be concerned is the worker that's injured; that's an all too common trait of human kind, that we are most concerned about those items which directly influence us.

So we are going to have that as a major complaint. But that does not presuppose that there are not other major difficulties with the Act; that there are not other major difficulties with the concept.

In Workers Compensation - and I don't want to go into the entire history of Workers Compensation now because I don't believe there's time nor do I believe this is the appropriate place to discuss it at the moment, but The Workers Compensation Act, to be brief, the concept was brought about to deal with some very specific needs at a very specific time. The whole industrial sector has evolved. The whole concept has come under sort of an evolutionary change from time to time but has stayed somewhat much the same.

An area that is not evolved, that has not kept pace with the changes in society, the changes in remuneration that is paid workers for their work, is the area of pensions. That is a very major area also and I'm certain the Minister is aware that the people who are out in the labour force now, and not in the labour force because of injuries, who are collecting pensions, are experiencing difficulties.

The Minister is aware because the Minister had to bring amendments forward last year to try to equalize the situation a bit, to make it more equitable for people who received pensions from injuries that occurred in 1940, to people who received pensions that occurred in 1965, and people who received pensions in 1977.

I was approached by a member of the steel workers of my constituency last year in regard to a pension problem that he had. He had his leg removed, injured, cut off, destroyed in an industrial accident. And at the time he was making a wage - let us call it "X", okay? - he was making "X" number of dollars, and his pension which was a certain percentage of his wage. And I'm not certain what the percentage disability was on that particular instance but was a percentage of "X".

Now, there is another gentleman in that town, a younger man, and this man was close to 50-55, there was another gentleman in the town, a younger man of 25, who had also lost his leg in much a similar accident and at the time, because this occurs 20 years after the first one. at the time he was making X plus 20 years inflation on his wages. In other words, he was making a substantial amount more than the person who was injured 20 years before. As a result of the way the pension scheme is set up now and the disability ratings are set up, these persons, both of them suffered a loss of leg, both of them have to survive in today's society at today's cost of living, both of them are still working, are still working, but they are not earning as much as they could if they were still with both their legs, in other words, had they been injured they would be making more. Yet the one person - they were both receiving the same percentage disability - but the one person was receiving \$200 or \$300 a month more and that may be an exaggeration, maybe \$150, I could check the facts, I don't have them before me - was receiving that much more because he happened to have been injured at a much later date when the wages were much higher and, therefore, the percentage of his X plus 20 wages was much higher than before. That is an inequity that does not need exist.

Now there are ways of dealing with it or not fully dealing with it. Every once in a while the Minister of Labour, as the Minister of Labour did last year, brings forth an amendment to try to balance that out a bit better but never does, but never does and that is the problem. That that person who was injured 20 years ago will always be behind, and yet the cost of living goes up and the person falls farther and farther behind, even though we try to make it a more equitable situation for him we don't succeed. That's an area that needs major review. Can the Minister indicate if it is within his plans to review the area of pensions in respect to compensation pay-outs, either as an extension of this committee's work or as a mandate of another committee?

MR. MacMASTER: Mr. Chairman, I do not intend to extend the mandate that was given that particular committee. The pension situation is of concern to people and it's adjusted to the best of our abilities periodically as we so do it, but that particular committee has a mandate. They have worked hard to get themselves in a position to carry on with their study, and I intend to let them do it.

MR. CHAIRMAN: (1)--pass. The Honourable Member for Churchill.

MR. COWAN: While we're discussing the general item, Mr. Chairperson, can the Minister inform this committee as to his opinion, or his department's opinion, on the pension procedures that are being used in Saskatchewan that were just newly implemented in the past couple of years in Saskatchewan, whereby a person is paid a catch-up - and I may be using the wrong terminology here - but the intent is that the person does not suffer a loss of income because of an injury. In other words, if I understand their Act correctly, that if a person is a pianist and loses a finger, and makes \$20,000 a year playing piano in a nightclub or lounge, and can no longer play piano and loses that job, and now has to go to work washing dishes where they're making \$8,000 a year, the difference is \$12,000 and Compensation will pay 75 percent of that tax-free which will be - correct me if I'm wrong - \$8,000, would pay \$8,000. The intent being, notwithstanding the specific dollar amounts, the intent being that that person would not suffer in their ability to earn an income because of that injury.

Let us take the example a bit further. Say that individual was a hard rock miner and lost a finger, and that that did not have any appreciable impact on that person's ability to continue earning the wage which they were earning at the time of the injury, will they, like the pianist, get a pain and suffering settlement, you know, a certain amount of money for the loss of the finger? We all know the clauses that you get so much for loss of a finger, so much for the loss of an eye, so much for a loss of an arm. It's sort of a ghoully system but it exists, and we know how that works. But that person, because that person was making \$20,000 as a hard rock miner and can still make \$20,000 as a hard rock miner would not get that pension or a substantial pension because they were suffering no loss of income. It seems to be a much more equitable system. I'm not certain that it works in all instances, and we will have to watch very carefully what happens in Saskatchewan to determine the overall effectiveness of this system. But it is one that is worthy of review.

Is the Minister reviewing that particular system and any other changes that are happening in the other jurisdictions, and if so, can he give us an opinion as to what the recommendations that that body or himself have come forward with in specific reference to the Saskatchewan formula on pensions?

MR. MacMASTER: Mr. Chairman, I haven't reviewed the Saskatchewan system for a period of time, but I do recall an example given to myself last year of a particular situation - I don't remember which member it was that cited it me - where a Saskatchewan employee with a particular company would have done much better under the same circumstances in Manitoba. We had it checked out, Mr. Chairman, and as it turned out the employee, the worker, would have been farther ahead under the system in Manitoba than he was in fact under Saskatchewan. So there is such a very sets of degrees you can possibly pick and choose here under one system and one Act where a person may do better if it happened in Ontario, or Quebec, or Saskatchewan or Manitoba. But not only was that the particular case but the member mentions that, you know, there's only way that you can get compensated for the loss of a finger or God forbid, a hand. But what he has omitted to say is that there's also retraining programs established by the Compensation Board. And take the same gentleman who may have been making \$20,000 a year, he might not be making \$8,000 as a dishwasher and \$8,000 in compensation; after a proper type of retraining, he may be making instead of \$20,000, he may be making \$24,000, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Logan.

MR. WILLIAM JENKINS: Thank you, Mr. Chairman. Just to follow on the train of thought that the Minister is now engaged on, I understand that the committee that he promised to review the Workers Compensation Act last year in Industrial Relations Committee dealing with the Workers Compensation amendments that were before the House at that time in Room 253, that there was some commitment on the Minister at that time that there would be a review of the Act. I think in response to questioning from members of the then, and they're still in existence, Injured Workers Compensation. Is the Minister telling us that this committee, or commission or whatever it is - I apologize because I've been in and out of this committee and the other committee, the Minister may be repeating something that I have missed, but has this committee met, or is it proposed to meet in the near future at this time, or has a report come to the Minister on the findings of this committee that is reviewing the workers compensation, and if not, when does he anticipate that this committee will be meeting?

Also, while I'm on my feet, again I make the annual plug that I make every year, and I made it, I can assure the Minister, when we sat on that side of the House, that I think that one of the major problems with the Workers Compensation and the implementation of the Act is the fact that their lack of information, the lack of information, the lack of specifics for workers to file a claim, how to make that claim, and industrial safety which we had started a few years ago and unfortunately stopped. And again I say the most ideal media for transmitting this message to the workers of Manitoba, be they male or female, is through the electronic media that we have in this Chamber. I threw this suggestion out - I guess this is maybe the fifth or sixth year I am going to throw it out - and fortunately there is none of the people here in the gallery this evening from the electronic media, but they have at times, and I am sure that the Minister should take it under advisement and under consideration, to approach the radio stations and also the television stations, that there is at the end of various programs a two or three minute break where they show nice scenes of the woodlands and the snow scenes of Manitoba. This is all ideal.

And I am sure as a public service to the people of Manitoba, that the Minister could - and since this government is one of restraint I am sure that they could work out a very low cost program to put before the people of Manitoba - so that people really know what they should be doing when they are injured on the job, how to make a claim, how to process and how to go about if their claims are rejected. And I think that this is something, as I said before, I never seem to be able to get that message through to the electronic media and I don't seem to have been able to get that message through to this Minister of Labour, the previous one and the one that we had under our government, but I think it is something, and it is something that we're missing. Many of the people that have approached me who have had problems with workers' compensation is the fact that it's not too bad in a plant that is organized, as the Minister and I know working in an organized plant you have shop stewards, grievance people, grievors as they call them on the railways, where people are familiar with the ins and outs of the workings of Workers' Compensation.

But the majority of our workers in Manitoba work in small plants, unorganized plants, they have no one there to give them advice, what they should be doing and in many cases the employer doesn't want them to report for Workers' Compensation. The Minister knows that, I

know that, we all know that that happens because if there is a chronic situation where people are becoming injured in a plant then the insurance rates for the employers, their rates go up. So it behooves them to keep the people off Workers' Compensation with rankling injuries where they will draw money. And with respect to many cases, people are working when they should not be working. And so, with the result, claims are not made, years later, sometimes not even that long, people find out that they have, from a very minor injury, something that becomes of a chronic nature. And I would say that the main cause of that is the fact that people don't know.

And you can send out your little booklets, I said that to the Minister of Labour, Russ Pawley, when he was here, What I Should Do If I Am Injured in the Workplace, and I know where most of them wind up, in garbage cans, because people are not prepared to sit and read. I'm not going to be injured, I'm one of those wonderful people who work in the workplace who will never be injured, but it can happen to anyone. And the unfortunate part is that when these injuries do take place some employers put pressure upon their employees to make sure that they do not report these accidents, they'll have them sit around in the workplace and do nothing rather than have them report that as an accident.

And in many cases, like I say, they are in unorganized plants, where these people have no one to advise them; and I think it behooves the Minister, and it behooves the Workers' Compensation Department, certainly, somewhere within their budget they have something to be able to get this message across to people. Because those who are coming here time after time from the Injured Workers' Association, are people who have been involved in those types of accidents and I hope that the Minister will at least give me one slight glimmer of hope that he is going to pursue this and pursue this actively with the electronic and the radio media in this province to get something, get his message across. After all, I think, as I have said before, I don't think any worker really wants to go out and injure himself, to lose an arm or a leg or cut his earning ability. But if that misfortune does befall him, then I think it is incumbent upon the Minister and the Workers' Compensation Board, for which he is responsible, to make sure that the message of what you should do is clear and that the people and the workers of Manitoba understand it.

MR. MacMASTER: Mr. Chairman, some of the things that the member has raised are very authentic and of very real concern. And part of the things that he is talking about, part of the problems that he is talking about is the very reason, the very reason that we have this particular review committee in place. The gentleman that's just finished really comes from the same place I come from. He comes from out of the plants, he understands exactly, and his language is well understood by myself. He knows the problems of working men and women because of the many years and experience he has had dealing with them, as have I. He understands I think the real need for the particular review committee that I have put in place. He makes mention of people who are not aware that in fact they damn well should be filing compensation forms. God, I've been preaching that for twenty years when I was involved with the unions, for the very reasons that he mentions, because of the loss of a tip of a finger or the injury that may come back on you six months or a year later.

And that's part of the whole process and that's part of my major concern. There is an awful lot of people in Manitoba who are not aware, first, of their right to file a claim; and secondly, of the real ongoing insurance, if you will, of establishing the fact that there was an injury. And part of the recommendation of this committee, if I can be so bold as to guess, will be that we develop some mechanism in which working men and women in this province are aware, not only of their rights, but of the insurance value in future years of establishing in fact that there was an accident. And I know that I've told probably a hundred or two hundred, I don't know, maybe three or four hundred people who have a little bit of a twist in their back and they carry on working. "Hell, it didn't really bother me." But the fact of the matter is I've insisted that they file a claim, to register the fact that they did in fact have an accident, because the backache may come back six months or a year later.

So I appreciate very much the comments of the Member for Logan. I know from whence he comes and I know really that he understands what he is talking about and that is really what we're getting at with this review committee. The committee has been established, they have been familiarizing themselves with the total compensation procedure, which I think is terribly important before a committee goes out into the field. I suspect now that they are now aware, well aware, well versed, by statute, how it is supposed to work. And the Member for Logan knows as well as I know that you can write the greatest set of documents and the greatest set of procedures in the world, and it looks good on paper, Mr. Chairman, but in

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practice out in the field to the citizens of this province, it's not always understood, they're not always aware of it. And the procedures do not work in real life as well as they do on paper. Very seldom do you have a set of procedures to resolve a particular issue that work as well in real life, in the plants, in the fields, in the walkways of life in Manitoba. The practical end of it, the application of a procedure in real life is often far different than it is on paper. And I suspect that that is what the Member for Logan is really saying and that's what this committee is going to review and that's part of the thing that it's going to review and I have a lot of thoughts in mind that I think the committee may come in with.

I really have a lot of hope, a lot of optimism, about the findings of this committee. And I think the members opposite should, in all respect, wish that committee well, because there is no doubt in my mind that they're going to come in with some very meaningful recommendations to make it easier, make it more understood and more proper for people in this province, as it relates to getting their rights established and their insurance in their future years established, under The Workmens Compensation Act.

MR. JENKINS: I thank the Minister for the very fine things he said about me. I don't pretend to be an expert in the field of Workers Compensation and never have held myself out to be one. But it is one of the problems that I think most MLAs find most vexatious because people come to you in many cases, after the fact, and the Minister is quite right that people should report even the most minor of injuries, even if it's a sliver in your finger, you should report it. Because if you don't and something transpires after that you simply have no claim, you have no establishment of that claim.

But the Minister didn't answer the question that I put to him, the annual question that I'll put to him as long as I am a member of this Chamber and as long as he's occupying that Chair - and if it's someone else occupying that Chair and I happen to be sitting on that side of the House - I'll put that same question.

I realize that the Minister has his committee looking at the aspects of Workers Compensation and it is my hope that they, somewhere within that committee report, that they will come up with something of getting this message across. Because the message that we're trying to get across to the people today is not getting across, otherwise we wouldn't have injured workers groups.

I think that there are many aspects of our Workers Compensation that need looking at. I hope this committee will be looking at the Medical Review Panel, because if there's one thing that has come across loud and clear, not only to myself but I'm sure to the Minister, that not only the Injured Workers Association but organized labour, other people, who have had to use the Medical Review Panel are not happy with the way that it's working.

We thought when we changed the Act a number of years back that the Medical Review Panel would hopefully make some alleviation of the problems that were existing for people making presentations before the board, but evidently that doesn't seem to have happened. I hope that the committee, while it is making its study of this, comes up with something and I'd like to just throw out maybe a thought for the Minister, and to the committee - I know that a number of years back we established a position. I think that there was a position established within the Minister's department that there would be a Workers Advocate, or something of that nature. I want to know if that person is still on the job, if it's still within the purview of the Minister's office.

I would say that perhaps we should be looking at enlarging the responsibility to this person. Maybe even setting up this office to be almost like an Ombudsman for workers, because people are having difficulties, and especially those people who are coming from unorganized plants who are injured. They don't have access to consultation and advice from their unions. Many unions have people who are set on staff in their organization mainly to deal with Workers Compensation.

But there are, I think, at least about 60 percent of the workforce in Manitoba that are unorganized and for these people there is really no one, except this Workers Advocate and I haven't heard such glowing reports about the work of this department, of this person who is the Workers Advocate.

I would suggest that perhaps the Minister look seriously at - I know he won't be able to make the decision himself, it will be one that will probably have to be made by the Cabinet - but I would suggest that you look seriously at the idea of setting up someone who will be able to advise these people of their legal rights, maybe even prepare claims for them. Because I would say that the majority of the people who are the claimants under Workers Compensation, if the same ratio holds true between unorganized plants and organized plants, the largest bulk will be coming from unorganized plants.

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So the Minister, while he said he's not going to tell this committee what to do, perhaps he can put the bug in their ear or he can even seriously think about it himself when the committee reports, that there should be I think within the department, someone who can fulfill this function and I'm sure that it will be appreciated by the workers of this province.

MR. CHAIRMAN: (1)—pass. The Honourable Minister.

MR. MacMASTER: Just a couple of points, Mr. Chairman. The schedule of meetings have been very well advertised throughout the province if the Member for Logan would just nod his head, and if he wants for me to send him over a copy of the schedule that's been well advertised, I will certainly do that. Good.

The Medical Review Panel portion that the member made reference to is certainly part of the review and the member should feel free if he wishes to make presentation himself to that particular committee. There is certainly nothing barring MLAs from making individual presentations, if the so desire.

And let's all hope that, with reference to the Injured Workers Association, that once a committee comes in with its findings and that we have a good look at and implement as quickly as possible what is possible to implement, that the Injured Workers Association may never have a new member added to their association.

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

MR. COWAN: Very briefly, Mr. Chairperson. I just want the record to be clear that in the Industrial Relations Committee on Wednesday, June 13, 1979, the Minister in speaking said addressing Mr. Art Coulter from the MFL: "And the last thing when you're talking about the review is in fact a fact that I intend to review the Act, the procedure, and the entire, the whole procedure, of the Compensation Act and the board and the appeal procedure, in the next few months. And you individually and your organization, will be not just welcome, you'll be invited along with the Injured Workers Association, and I told them," and he goes on to talk about it.

At that time the entire Act needed reviewing. Today the entire Act needs reviewing. And as I pointed out to the Minister earlier, what we don't have is the review that he promised on June 13, 1979.

And I was talking a bit before about pensions. Let me just quote back to the Minister another statement he made at that same committee meeting. The Minister said a few minutes later, this time addressing himself to remarks from the Member for Kildonan. He said: "Mr. Chairman, it was my intention to review the Act and the procedures in the Appeal Procedures in the next few months. If conclusions cannot be reached then the year 1980, instead of going for two years, will go one year this time and next year we'll review and bring it up; and I would hope that whoever is reviewing the entire procedure, the entire Act, may have other ideas that could be favourably considered, even before we get into 1980," and here we're talking about the pensions.

And I said there is a problem with pensions and I said that the Compensation Review Committee as organized and as put forward by the Minister and is now into its review, does not have the mandate that the Minister thought was necessary in 1979, that we thought was necessary in 1979, that the working people and the unions knew was necessary in 1979.

So we haven't got what the Minister had promised us a year earlier, and he was very specific. There can be no doubt, when the Minister said "the entire Act, the entire procedures", as to what he was thinking. There can be no misinterpretation of that fact. So we can only suggest that the Minister has not come through with that entire review. That is why I stood here a few moments before and asked him why he did not come through, what has transpired in the past year that would negate the need to have the entire Act, the entire review, the entire compensation board and its review procedures reviewed by a committee?

So we are not satisfied. I will tell the Minister right now that we are not satisfied with the review that is going on right at the moment and that organizations that are making presentations to that committee will be telling the Minister, through that committee, that they are not satisfied and that they want the entire Act reviewed because a review is necessary, a review, as I said before, the Minister concurred with last year, but in the meanwhile has decided not to proceed with.

So he has sold the entire review procedures short. He has given us less than the bill of goods that he had promised us last year. And for that, Mr. Chairperson, I think we can be

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justifiably critical. For that we can try to encourage the Minister to go back and live up to his promise to the individuals that were before him last year in the Industrial Relations Committee and the members of the NDP caucus and opposition, who were at that time pushing for and thought they had gotten a commitment for the entire review of the entire Act.

And so having said that, I know it is a bit late now to change the mandate of the committee as it exists now because the members of that committee have taken on responsibilities that were specified to them and have done so in relationship to the limited review that we do have.

But I can only encourage, I can only suggest that the Minister live up to his original promise of an entire review of The Compensations Act, because an entire review is long overdue and is very necessary.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, before we leave this item I would like to know whether my confidence is misplaced or whether it is properly placed. I would like to know whether the Minister is considering at this session of the Legislature, to introduce any changes to The Labour Relations Act and in particular whether he intends to introduce the type of reactionary changes that have been talked about by the sub-committee of the Bar Association, the Builders' Exchange and the Winnipeg Chamber of Commerce.

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: Well, Mr. Chairman, I'd like to answer both questions.

I am somewhat apologetic to an extent to the members opposite if it was perceived by them that I would establish a committee to review the entire Act and everything in relationship to it.

I think I made it pretty clear in my comments tonight, that it happens to be my opinion and the opinion of many people in Manitoba, that the Act itself is one of the best in the country, and that is pretty difficult to challenge.

If the Member for Churchill wants to dig into other Acts and give me some comparables, either by letter, verbally in the hall, whichever way he wants to, he'll find that our Act, in general, is as good as any other Act in the country.

The procedures, Mr. Chairman, were certainly found wanting and that's why the Review Committee has been established, to look at the appeal procedures and the panel and the rest of that type of thing. That's what has happened. I don't think that the members opposite or anybody else can appeal that short. Every time that something is established by a government of any particular party, it doesn't matter, there are those who wish that it was more, greater, larger, more encompassing, and that's fine, that's part of the system, but I'm satisfied. In talking to men and women, unions and others across this province, that they are very pleased with the fact that our government has established this review committee.

They're also very pleased, Mr. Chairman, that we initiated the review. I was the one that suggested that we were going to have it, we are having it and taking no credit away from those opposite or anybody else. There were those who concurred with my desire to have it reviewed. The only difference of opinion tonight is the scope of the review, and that's fine. That's what this is all about.

Getting down to the Member for Inkster's comments, I don't think he has seen or heard myself in this House, publicly outside or anywhere suggest, or even given 30 seconds worth of thought to any type of reactionary legislation that I would be bringing into this House. His faith, in his own words, in myself, that reactionary legislation will not be brought in, is faith in good stead. There will not be reactionary legislation brought in. I should say to the member, and using his own words the other day, when he talked about the extremes. It's understandable the party that he, well, once belonged to and the party that he still has some faith in, that party has friends who are considered somewhat extreme left. The Member for Inkster made very obvious reference to the reactionary type of legislation that might be brought in, or I might be pressured into from those who are extreme right. He did say that there was a possibility in life, and I don't remember his exact words, of being extreme centre.

I would suggest to you, Mr. Chairman, that being the centre of life as a politician today is probably the most difficult, because it's damn easy to be extreme right and it's pretty easy to be extreme left, but it's very difficult, very difficult, Mr. Chairman, with the pressures that come from both sides, to try and walk down the middle of the road. I think I've been

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reasonably successful in that, and I think I've had the support of my colleagues, in being reasonably successful in that. And to precisely answer the question, the bottom line, to the Member for Inkster, is there is no, to my knowledge, reactionary legislation of any kind coming in from the Labour Relations Act in this particular section.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, there is one dangerous pregnant possibility in my friend's answer, and that is that he and I can have a different view as to the meaning of reactionary. Therefore, we'll have to put the question again, because he and I obviously have a different meaning as to what is extreme left. May I say that the kind of legislation that I hear being pursued by some, and a very small number of his friends and my friends in the labour movement, is anything but extreme left legislation. It is the essence of liberal legislation. It is not left legislation. Legislation defining when people can strike and what happens when a strike takes place, or where they can picket or how they can picket, or what their rights and duties are during the existence of that type of dispute, is not left legislation. And, therefore, the Minister has left me with still an unanswered question, and I really have to ask him, does the Minister intend to bring in any legislation amending the Labour Relations Act during this session?

MR. MacMASTER: I thought really, Mr. Chairman, that I had answered the question. No, there will be no legislation brought in under the Labour Relations Act at this particular session.

MR. CHAIRMAN: 1.--pass. The Honourable Member for Churchill.

MR. COWAN: Because of the quick question to the Minister, we've been discussing Workers Compensation Review Committee, one of my colleagues indicated that he might want to discuss some more general aspects of Workers Compensation, and we would appreciate some clarification if we should continue on that general discussion under this item, or if there is another place in Estimates that the Minister would prefer to discuss that?

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I thank the Minister for what I now consider an unequivocal answer. By the way, I will confess that the previous answer was probably my fault more than his, because I used the phrase "reactionary legislation" which invited an answer. I will not bring in reactionary legislation, which the Minister can see left me with an unclosed question. Maybe he's going to bring legislation which he doesn't consider reactionary which I will. However, you've now answered and I tell the Minister in advance - maybe I shouldn't be this easy but I will be - that I would not consider his commitment which he made quite unequivocally, to be undone by some error or some necessary change in the wording, which doesn't significantly change the legislation. I was talking about the kind of changes that had been pursued by the organizations I request, and I'm satisfied that the Minister says he not going to bring that in.

Now, Mr. Chairman, that would leave the legislation substantially as it is, and I don't wish, Mr. Chairman, to leave the Minister with the impression that there aren't some progressive changes to the legislation that cannot be made. Not of the type that have caused me a problem, I'm talking about legislation which would move further in the direction of preserving the freedom of the parties who are engaged in free collective bargaining. And I don't think, Mr. Chairman, that the New Democratic Party, when it was in government, accomplished everything. I have often said, Mr. Chairman, and I will have the occasion to elaborate on it, that it would be an improvement to the present legislation if the Labour Relations Act was repealed. It would be an improvement, in my view, and I would be able to discourse on that subject for the Minister's solicitation. I don't wish to sound superior on this question, but for the Minister's interest at the proper time, I'm not sure whether - during the course of the Estimates I undoubtedly will do so.

What I'm referring to, Mr. Chairman, is that the Labour Relations Act, which was the brainchild I say in Canada of Mackenzie King, at first was enacted at the federal level, PC1003, provided for three essential ingredients: 1. Certification of trade unions in order to solve the problem of recognition. And the reason the problem of recognition needed solving is

that the Liberals felt that the way in which recognition was achieved by 26 percent of trade unions of the organized labour, before the Labour Relations Act, PC1003, was by negotiation between the employer and the employee, and there were some pretty bitter recognition strikes. Mackenzie King said that that matter can be solved by having a board to whom the employees of an employer applied, paid a dollar, signed a card, went before a government board and the board decided whether they represented the employees or not. And theoretically, when that decision was made, the employer was bound by law, to quote, "to commence collective bargaining and to make every reasonable effort to conclude a collective agreement." But even Mackenzie King was smart enough to know that although you can lead a horse to water, you cannot make him drink; that although you can lead an employer and a union to the bargaining table, you cannot make them agree. And many people misunderstand it. They think that certification implies a collective agreement, and sometimes rudely awakened to the fact that that is not so at all.

The next phase of the legislation was compulsory conciliation or conciliation in any event. We have done away with the compulsory part of it, but in the early '50s, and the late '40s and all of the '60s, conciliation was not voluntary after a collective agreement. If a conciliation officer was appointed, then the parties were prohibited from engaging in either a strike or a walkout during the period of that conciliation or during the period of a conciliation board. And although it sounded equal, Mr. Chairman, it was anything but equal, because prohibiting either a strike or a walkout during that period effectively meant that the employees could not go on strike during that period, because there was no intention of the employer to lock out the employees during a period where the economy was rising, and there were no reductions in wages. It wasn't the lockout that was prevented, it was the strike, and so we had the compulsory conciliation.

And the third feature of the Act was compulsory arbitration of disputes during collective agreements, each of which ingredients, Mr. Chairman, was designed and did effectively remove the employee's right to withdraw his services, which prior to the passing of the Act, Mr. Chairman, was legally possible at any time. And I know that. My honourable friend can that there are judges who tried to prevent this type of activity, but in basic law, it was never illegal until the passing of the Labour Relations Act, for a group of people to say that they were going to stop work for their employer. And, indeed, to walk down the street, as long as they didn't do damage to property, as long as they didn't interfere with people's free movement, as long as they didn't trespass or do any other recognizable, either criminal or tortious act, they were free. And all that freedom, Mr. Chairman, disappeared. How did it disappear? Because there was an Act passed which said that every person was given the right to join a trade union and to participate in its activities, and that no employer could lay a person off for participating in union activities.

Now, Mr. Chairman, does anybody in his right mind believe that since the passing of that Act, employers have not done this? The honourable member, the Minister, knows better. What has been stopped is not the unfair labour practices; what has been stopped is that the traditional free remedy that the employees had of dealing with it. And that is that if the employer fired someone, his fellow workers could get together and say, "We're not going to let him do this, we're going to stay out until he takes you back to work. That is illegal." And, instead, you are entitled a lawyer, make a complaint to the Labour Relations Board, call evidence and witnesses and hope that the Board will find that you are correct, and I will be able to deal. Mr. Chairman says, "I have been in this jungle for a period of 25 years." I can tell you that it is indeed now that we are engaged in the law of the jungle. And it results essentially from all of the restrictions that have been imposed on employees by virtue of the Labour Relations Act.

So I tell the Minister that I will have certain suggestions to make about that Act, each of which is designed to undo some of the restrictions that have been created in the guise of helping employees. In particular, I think that it is necessary to repeal, and one of the things that I really feel that we did not get around to, which was staring us in the face, is to have employees or unions treated the same way as any other organization. Right now, the Labour Relations Act calls mixing a union suable as entity distinct from its members. It is the only organization that is so treated at law. It is a completely unnecessary section imposed during the later Roblin years, and for the life of me, only perhaps that it wasn't one of the important features, was never done away with.

I would also, Mr. Chairman, suggest that applications for certification should be still available, but as an optional form of obtaining recognition, not as a compulsory form, and that it be perfectly within the rights of employees to be able to say that we're not going to go

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to a labour board, we're not going to do anything unlawful but we're not going to work until the employer agrees that he will bargain with us collectively, and if he chooses not to do so and chooses to fight with us, that's his right. You see, Mr. Chairman, I wouldn't go further and say that while they are doing that, he can't operate or he can try and say that, I am going to hire somebody else if you don't wish to work for me.

But the employees, and it was never intended in the first place, should not be required to go to a board to get recognition. Nobody else says. The employees should be able to say, "we want to give us voluntary recognition which is permissible under the Act; it's still legal, but we intend to use our bargaining strength to obtain that. We intend to say that until you decide to recognize us, we don't intend to perform services for you," which seems to me something that everybody else is entitled to.

So that wouldn't take away the option of going and applying for certification for those who think that this is the end-all of all labour relations. I wouldn't be disturbed if it was removed, and I have said that I would repeal the Act, but it might be of some interest to you, Mr. Chairman, that this Act which is supposed to have formed the basis of trade unionism in Canada, before the passing of this Act by free collective bargaining, by solidarity amongst employees, they were able to achieve 26 percent of the Canadian labour force became organized, before the civil servants got into the act and were called organized labour. Between '43 and the passing of PC1003, and about 1975 or 1976, the figure was somewhere between 31 and 33 percent; 26 percent came, and that's the harder 26 percent, came as a result of employees' solidarity and freedom and the balance of 7 came after the Act was changed.

Not to say it wouldn't have happened anyway, but came after the Act was changed. And the Minister could check my figures. Those were the figures that have been given to me and I would welcome, Mr. Chairman, seeing whether they are verified or not. Because all of the trades were organized long before PC1003 and many of the large industrial unions also had collective agreements before PC1003.

So when I ask the Minister whether he is going to change the Act, when I say to him that I am glad that he is not making changes, it's because I know what kinds of changes have been pushed upon him by both sides, by the way, by both sides. I don't mean to say that there aren't changes in The Labour Relations Act which would be to the benefit of Manitoba society in that they would extend freedom in the Province of Manitoba, and I will, during the course of our discussion, Mr. Chairman, be more explicit as to some of the kinds of changes that I'm talking about.

MR. CHAIRMAN: 1.—pass. The Honourable Minister.

MR. MacMASTER: I appreciate what the Member for Inkster has said, Mr. Chairman. I recall some of the conditions under which he is talking about, having joined the first union I belonged to when I was approximately 17 years old, out in British Columbia, which was the IWA, and that was a few years ago, going through some of the years that the member has mentioned; and I have belonged to a variety of unions since, in a lot of cases in an organizational capacity. I often think when I listen to the problems that people have today getting certified, the words of one of the greatest union leaders in this country who has left us now, who used to tell us that he wasn't interested in the fifty cents or the dollar sort of a ticket; he thought that we should have five dollars; he said, "I'm not a damn bit interested in 50 percent of the people you're organizing, you come in with 75 percent; it bloody well doesn't matter what the laws of the country are, it would be so overwhelming that the automatic certification will be there."

MR. CHAIRMAN: The Honourable Member for Kildonan.

MR. FOX: Mr. Chairman, I would like to again repeat the question in respect to workers' compensation. Where are we going to discuss that; at the present time or under Workplace, Safety? Well, if we're going to do it now, then my first question is, what correlation is there between it and the Workplace, Safety and Health section? Specifically, I would like to know to what extent is co-operation in respect to safety and in respect to direction from one or the other. Which is the one that supercedes?

MR. MacMASTER: Well, Mr. Chairman, I suppose if The Workmens' Compensation Act was so encompassing and their authority was so encompassing, there might not be need

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for the Workplace, Safety Division, but I think their duties and their responsibilities are somewhat different. I can simply tell the Member for Kildonan that these groups are certainly in communication with each other, not on passing, but certainly fairly formalized, and information derived from both sources is of value, I think, to both particular bodies. There isn't, to the best of my knowledge, a particular procedure that ties the two together, but the information derived from both is useful to the advancement of both particular bodies on behalf of working men and women in the plants and in the land of Manitoba.

MR. FOX: Well, Mr. Chairman, the reason I asked what co-operation there was, because one is where the reporting gets done in respect to accidents and of course that one would have the Workers' Compensation Division . . . would have the record of the kind of areas that are becoming hazardous, and of course what kind of procedure should be adopted in respect to safety. And if two different entities are going to look at it, whether there is going to be a duplication or whether there is going to be some effort to make it efficient and to make it more safe in respect to the workplace. So again I say, which one is taking the lead in doing what? Would the Minister give us a definition of what The Workers' Compensation Act does in respect to safety, how it notifies the Workplace, Safety Division, if there is a recurrence of a number of areas where there are accidents for any particular reason and so on?

MR. MacMASTER: Mr. Chairman, if we could have got the entire thoughts of the Member for Kildonan, maybe I could have answered more in the first place. I didn't know what specifically he was talking about. The Workplace, Safety Division, gathers information as it relates to industrial problems and other problems in the workplace from a great number of sources, and certainly it derives information from the Workmen's Compensation Board as to industries who are having increased activity in the accident field. It's one of the sources that they gather that information from. Unions make them aware of it, organizations make them aware of it, and yes, Mr. Chairman, they gather it from management sides too when there are a series of things happening that are of concern.

MR. CHAIRMAN: 1.—pass; 2.—pass. The Honourable Member for Churchill.

MR. COWAN: Excuse me, Mr. Chairman, just two short items, concerns of mine I would like to bring forward under this item in regard to Workers' Compensation. One was mentioned by the Member for Logan, and that is the position of the workers' advocate. Many of my constituents who have had dealings with Workers' Compensation and many people I know here in the city who have had dealings, all come back to me and say, "if we'd only known" - and I am certain they have come to the Minister and said it - "had we only known, had we only had some help in preparing our claim or some help in following the right procedures." And I understand that to be the responsibility of the workers' advocate, and my understanding is that it has been a half-time position to date. My question to the Minister therefore is, is there any intention on the part of his department to bring that position up to a full-time or a full staff man year position, so that that person - as inadequate as that may be - that person will at least be on full-time to deal with the many problems that he or she will be forced to deal with?

MR. MacMASTER: The answer this year is similar to the answer last year, and I haven't got Hansard, haven't referred to it, but I have a general knowledge of what I must have said last year, and that was that when the work-load became such, when the need became evident, that that would become a full-time job, that that in fact would be the case. That has reached that particular point now where the workers' advocate is in fact working by and large full-time on that type of work and we are hoping to plug in somebody else to pick up his other duties.

MR. COWAN: So we still do not have funding for a full-time workers' advocate, but in the near future the Minister is assuring us by the record, by Hansard, by the record of the proceedings of this committee, that very shortly and in the near future we will have a full-time workers' advocate in the Province of Manitoba.

MR. CHAIRMAN: 1.—pass. The Honourable Minister.

MR. MacMASTER: Well, that's the work that he is doing now and he is being paid today. I have said to the member, and I guess he missed it, that his other duties gradually

have been picked up by others and it appears to us that in fact, all his other duties will be picked up if not now, in the very near future, and of course the funding for him is already there. He's already paid for, so he's in place.

MR. COWAN: Thank you, Mr. Chairperson. That is indeed good news, and it's a start I believe that the Minister will find now that the person is doing the work full-time, that that person will create his or her own workload, in other words, more people will become aware of the services because more work is done and therefore the workers' advocate position will probably grow, and quite justifiably so, because there is a need.

Another need, one of which I would ask the Minister to direct his remarks to very briefly if he will, is that of a compensation officer stationed in northern Manitoba. There are a number of large industrial operations, mines, that do have a significantly high accident rate, and we are all aware, the Minister and myself, and all of us from northern Manitoba, are aware of many of the difficulties that are experienced by northern workers who are forced to deal with the compensation officer coming into Manitoba - coming into northern Manitoba. . . excuse me, my parochialness showed there for a minute; coming into northern Manitoba on a part-time basis and having to juggle schedules to meet with that person. It's a highly inefficient ineffective and unsatisfactory way to do it, to proceed with those claims, so my question to the Minister is, is there any intention on the part of his department to ensure that northern Manitoba does enjoy the services of a full-time compensation claims officer?

MR. MacMASTER: I would answer the first question first and the second one second. The advocate, Mr. Chairman, I have a reverse hope, and obviously the Member for Churchill has. He's saying that now the advocate, there may become more work for him, and the insinuation that there may be in future, need for more than one advocate. My hopes are exactly reversed. I guess our philosophies are somewhat different. That's why we're on a different side of the House. If that review committee establishes a different set of circumstances and gives recommendations that may make people in this province more aware of the values of filing compensation forms and the procedures to file them under. We may end up that the workers' advocate, in the short period of time, we may have to find some other work for him.

So I am sure that when the Member for Churchill has second thoughts about his advocating more work for the advocate, and that there may be others required to do his work, that he may agree with me that he shares my thoughts that the advocate eventually ends up not being required in the Province of Manitoba.

The establishing a compensation officer in northern Manitoba is something that I have talked to a good number of unions with in northern Manitoba, going back some time. In fact in the years when I was President of the Steel Workers in Thompson, we talked about that type of problem. So it goes back a long time, many many years, and that has never been established.

It's interesting that I've been in touch with steel workers of northern Manitoba recently because the Compensation Board has set up a new system in dealing with some of their problems. They're not totally satisfied with the system, but they do in fact say that it is working reasonably well.

I expect to be receiving information from the steel workers in the north as to how they appreciate the present situation and if in fact an additional person up there would be of greater advantage, because I had already talked to them, possibly a year ago, about establishing somebody up there. The Member for Churchill can rest assured that that thought of mine has been mine for many many years, and is certainly being actively pursued.

MR. CHAIRMAN: 1.--pass. The Honourable Member for Kildonan.

MR. FOX: Yes, just one more question, Mr. Chairman. In respect to the payments and the allowances for Workers Compensation, is the Minister contemplating any changes in that regard, in view of the fact that the cost of living and inflation is eroding the standards continually?

MR. CHAIRMAN: The Honourable Minister.

MR. MacMASTER: I appreciate the concern of the Member for Kildonan, but there isn't any changes being contemplated this year, Mr. Chairman.

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MR. CHAIRMAN: 1.—pass. The Honourable Member for Kildonan.

MR. FOX: Just before we leave this, I can realize that the Minister may not want to make changes every year. But just as a suggestion, is he prepared to consider including it on a sliding scale like a cost of living cola-clause, for the future when he does make the decision?

MR. MacMASTER: We'll certainly take that under consideration, Mr. Chairman.

MR. CHAIRMAN: 1.—pass; 2.—pass. The Honourable Member for Churchill.

MR. COWAN: To Mr. Chairperson, I have to apologize. I know the Minister, earlier this afternoon, went through a listing of the different expenditures under this item and both the Member for Kildonan and myself were trying to get them down and didn't quite succeed.

Rather than go through the whole list, I would just ask the Minister if he can indicate which particular expenditures or items in here are going to be applied to the work of the Advisory Council on the Status of Women and also to the work of the individual who will be studying the problem of the Exposure to Carcinogens in Manitoba's workplaces.

MR. MacMASTER: As I outlined this afternoon, that position is a new position for that particular person.

Under Other Expenses, there are funds in professional fees, office furniture, printing and stationery, postage and telephone, automobile expense, publications and travelling, and then another is miscellaneous.

MR. COWAN: Is any of that money then, Mr. Chairperson, specifically directed as support money for the Advisory Council on the Status of Women, or this person who will be coming onstream in three months, I believe, to deal with the carcinogenic problem? Are they going to be provided with other moneys from other sources as support services, for them? Because this item is not substantially different than other years when the inflationary factor is taken into account, yet there are two very broad areas of work that I would think, are going to need that sort of financial support of a supplementary nature, outside of the actual salaries involved.

MR. MacMASTER: Mr. Chairman, I suppose if I'd summarized the amounts it might have been easier. There is \$20,800 in that particular area that I just mentioned.

MR. COWAN: Yes, Mr. Chairperson. That does not answer my question, or perhaps it does and I'm misunderstanding it. That may be the case.

Is there any specific moneys allocated to the Advisory Council for the Status of Woman and for the work on the carcinogens studies, which are both very important initiatives, but without the proper funding it will be difficult to proceed in any sort of a systematic and comprehensive manner?

In other words, there is postage that is out-listed here and there is professional fees. Are those going to be made available to those two particular programs that I talked about, the individuals who will be running the programs?

MR. MacMASTER: The particular funds I talked about was for the Advisory Council on the Status of Woman, and I said to the member, that's the one point.

The second point is that there is funds allocated to hire a person, one of the three new positions, for the carcinogen and the chemical situations in Manitoba. And there are other moneys in the Safety and Workplace division, that if that person requires funds, that they'll be there and available.

MR. CHAIRMAN: --pass; (b)—pass; (c) Women's Bureau (1) Salaries.

MR. JORGENSEN: I think, Mr. Chairman, this may be a good time to have committee rise.

MR. CHAIRMAN: Committee rise.