

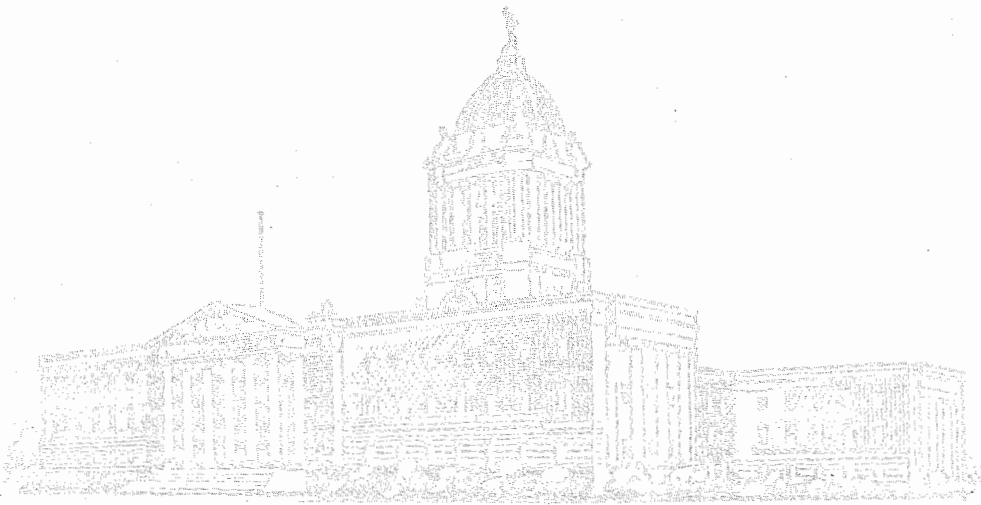


Legislative Assembly Of Manitoba

DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA  
8:00 o'clock, Monday, April 9th, 1962.

MR. SPEAKER: Second reading of Bill No. 100, An Act to amend The Metropolitan Winnipeg Act.

MR. ROBERTS: Mr. Speaker, I think it's unfortunate that the Honourable First Minister, who introduced what I believe will be a rather controversial amendment into the House just before 5:30, isn't here at the present time to review the remarks that others might wish to make on the amendment.

It's most fascinating to watch the Honourable the First Minister in action, particularly when he has a problem. When things are going well he appears to have a great deal of confidence; when he has a problem, one as controversial and hectic as the Metro problem appears to be, he turns on his best oratory and sometimes doesn't make too good logic. He uses the philosophy of WCSLH. He says things that we would otherwise perhaps not hear him say. For instance, he is on the defensive -- he was this evening on the defensive. Because he spoke for some 40 minutes on Metro; told us all the things we had heard before, and many things we had never heard him say before. For instance he told us a lot of things about Metro we didn't expect to hear from him. He told us that they were going too fast. He told us that they were refusing to co-operate with the municipalities. At the same time he congratulated the Chairman of Metro. He seemed to be not sure whether he was for or against, or in between. And I suppose this is exactly what the amendment means. He is not sure whether he is for, against or in between.

He said with problems such as Metro and Metropolitan Government, we learn as we go, we solicit advice. Well, I ask him now, have we learned nothing in the 15 months of Metro Government? I think the First Minister will agree -- if he's being honest with the House and himself -- that the faults that he pointed out with Metro are faults which he created as the First Minister of the province with his Act. I think that the faults that do exist, and some of those which don't exist, but exist in people's minds with Metro, are faults that can be cured -- but they can't be cured by sluffing them off onto another commission, or board, or group, or somebody else to think it out for us. How many times have we heard this government, members of the front bench, talk about the great leadership that we were now going to get in Manitoba. How many times have we heard them tell us about the former government who passed the buck and how this government would stand up, face things, straighten them out, do what needs to be done. And what do they do the first time an opportunity to amend the Metropolitan Government Act, the first time to, as the First Minister himself said, put Metro in its proper perspective -- he passes the buck.

According to the First Minister he referred to quite a few of the problems which he pointed out, at least in his view, that existed within Metro. First of all he pointed out that the lack of co-operation between Metropolitan Government and the municipalities of the area. In my opinion whatever lack of co-operation exists between these two groups is a natural lack of co-operation, following on the type of legislation which was introduced where one body has to raise its money through the facilities of the other. Because of the very Act which was passed by this government this lack of co-operation appears to exist.

The government referred, the First Minister referred to the too fast a take-over by the Metropolitan Government of Greater Winnipeg. I say, "What rubbish" -- he can't accuse them of too fast a take-over because the very things they have taken over are the things that he put in the Act that they should take over; which he spoke to us saying they should take over; which were the things that he said needed to be taken over, and this is why we're implementing Metropolitan Government in Winnipeg. And then Metropolitan Government takes them over and he says, "Too fast a take-over, this is what's wrong with Metro -- too fast." And yet he was the one who implemented this Act. He was the one who said, "These are the things that you, as Metropolitan Government, must take over." And now he accuses them of taking over too quickly. And he says part of the problem that exists with Metropolitan Government in Greater Winnipeg is a natural problem of human nature and differences of personalities. But of course -- we knew this all the time -- this always is the case. And so you set up your legislation so

(Mr. Roberts, cont'd.) . . . . that two levels of government don't have to operate in the same field and conflict with one another. And this is why when they appear to be conflicting with one another, you change your legislation so that they can both operate in the manner with which they wish to operate and need to operate -- you don't set up another commission to investigate and report back in a couple of years.

This government created Metro, Mr. Speaker. It set it up with insufficient support. Its weaknesses, the weakness in that legislation are obvious. So what do we hear from this government that shows leadership; from this government that accepts all its responsibilities? We hear we're setting up another commission to investigate Metro -- we're passing the buck again. I suggest that this government should show some strength; should look seriously at the legislation which covers Metro; should look seriously at the problems which Metro is undergoing and should act upon these problems; should be prepared to deal with its first-born, not to shunt it off; prepared to accept the responsibility of the level of government which it created for a good purpose; accept that responsibility; make whatever changes in the Act are necessary. Learn as we go along, as he said; solicit advice as he said; but do not procrastinate; do not pass the buck; do not shove it off onto another commission; accept that responsibility and accept it now. Because this Metropolitan Government has been in operation only 15 months -- 15 months since it first took over its duties in the City of Greater Winnipeg. And during that 15 months already, at the end of that 15 months, this government is going to emasculate it, or what? Who knows? But obviously it is not accepting the responsibility of the level of government it created. So I say to the First Minister in these brief words -- "Put your house in order; accept the responsibility of the level of government which you created; change the Act where necessary, but do not pass it off on another commission as you intend to do with this." And I for one, Mr. Speaker, propose to vote against this bill when it comes up.

MR. E. I. DOW (Turtle Mountain): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gladstone, that the debate be adjourned.

MR. PAULLEY: Mr. Speaker, I wonder if the honourable gentleman would mind if we delay, if the adjournment was delayed for a moment or two. I would like to speak if it's in order, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, I did want to say a word or two in connection with this Bill No. 100. I followed with a great deal of interest the remarks of our Premier this afternoon, and I am sorry that he is not with us at the present time in order that he may hear what I hope might be some constructive criticism in respect of the situation of Metro and the area municipalities. And also to hear some criticisms, which I also trust are constructive in respect of the position of the Government of Manitoba in respect to Metro.

I was somewhat amused to hear my honourable friend the Member for La Verendrye, who has led off for the Liberal Party in this debate, when he was criticizing at some length that government because of the fact that they had introduced this legislation into this Assembly. I thought, at the time that he was speaking, that he was one of those who had supported the government, but I wasn't sure. However, I have since had an opportunity of reading the Journals of March 31st, 1960, and find that my honourable friend, the Member for La Verendrye, was not one of those that opposed, but one of those that supported the bill for the introduction of Metropolitan Government in the Greater Winnipeg area. Possibly my honourable friend has forgotten that.

MR. ROBERTS: Mr. Speaker, did I leave with you, Sir, if I could just clear this point. Did I leave with you the impression that given the opportunity again, I would vote otherwise?

MR. PAULLEY: Mr. Speaker, may I answer my honourable friend this way, he left no impressions with me at all, either for or against. The fact of the matter remains, however, that he did vote for it, as I did, and as all but six out of 53 members present at the time of the voting, voted for Metro Government.

Now when the Honourable the First Minister was speaking this afternoon he opened his remarks in respect of Metro Government by saying this is something new and that it calls for co-operation in order to function properly; that we should learn as we go; and that we should keep an open mind. Well, Mr. Speaker, as far as I am concerned, all of the members of my

(Mr. Paulley, cont'd.) . . . . group, at the time of the introduction and the passing of the bill for Metro, voted for it. But I want to say in all fairness at the time it was not a purely party matter, as far as we were concerned, but we all came to the same conclusion in respect to Metro. I do not know because I have not caucused my members in respect of Metro today, but as far as I am concerned, Metro is still a good thing for the Greater Winnipeg area and I leave my colleagues in the same position as they were two years ago, that if they think otherwise, they're entitled to their opinions.

I agree with the Honourable the First Minister in some respects. He says that the three leaders of the respective parties in the House at that time, on at least the two basic principles, agreed, that is that we should have centralized planning and centralized services. I think I should say in all fairness of the Honourable Member for Lakeside that at the final reading of the bill he had reservations in respect of taking a referendum before the passage of the bill. I think I would be correct in saying that in general that was his main reservation to the bill, that the people in the Greater Winnipeg area should have had the opportunity of voting for this new type of government or administration before the final passage of the Act. I respect my honourable friend for Lakeside for that opinion and I realize that at the present time throughout Metro there is considerable agitation for a referendum. It is my considered opinion, Mr. Speaker, that a referendum at this time would be most disastrous. Why do I say that it would be most disastrous at this time? I opposed the referendum when the bill was before us two years ago because I did not think that the average or general citizen within the area would be conversant enough with the proposition that was being placed before them to properly judge the implications of Metro and, further to that, that I thought that it was my responsibility, as a member of this Legislature, to make the decision, and not to procrastinate on that decision. And why do I say now, Mr. Speaker, that in my opinion it would be most unfortunate to have a referendum today? In all due respect to many citizens who feel that there should be, I say, Sir, that we should not because of the unsettled atmosphere, because of the charges which are being made pro and con at the present time through the media of our press and meetings in respect of the way in which Metro is operating. I am convinced in my own mind that the air requires a clearing in respect of Metro. I'm prepared to accept the proposition of the government for the advancement of a date of review from 1965 to this year, and in agreeing with that, Mr. Speaker, I think it's most unfortunate, because I'm of the opinion that had different circumstances or actions prevailed the present confusion would not have existed. I know that there are people who will argue with me when I say that in my opinion Metro did travel too quickly. We did give them authority to take over jurisdictions of our major roads and many of our others, of the functions that were formerly done by the individual municipalities. But I suggest that we did not suggest to Metro at the time of the passing of the bill that they had to take them over to the degree that they have at the present time. I'm sure in my own opinion that had Metro travelled just a little bit slower, had they taken matters step by step that the people in the areas would have appreciated far greater than they do -- or at least some of them -- the objectives and the work of Metro.

You know, Mr. Speaker, I sometimes wonder whether some of those who are at the present time speaking loudest in opposition to Metro are disappointed because they didn't get the "plum" of being Chairman of Metro. I sometimes wonder, Mr. Speaker -- and one should not, I suppose, criticize the choice of the electorate in respect of any of their representatives -- but I sometimes wonder whether it wouldn't have been better and we wouldn't have had the situation that we have today had all of those who sit on Metro today as councillors hadn't had municipal experience before.

I noted the other day that a proposition is going to be laid before Metro Council by one of the representatives of Metro to at this time call for a meeting between the area municipalities and Metro to present a united front against the government. I think if just as much energies and activities had been used to attempt to get together with the local municipalities with the purpose of making Metro work much more could have been achieved. The Honourable the First Minister I think properly states that there has been less co-operation between Metro and local government than we had hoped, and with that I agree. The First Minister says that we need more public support for Metro and hence the purpose of the review. Then he went on to say that there needs to be a ventilation before an independent body. I think he is right. So he

(Mr. Pauley, cont'd.) . . . . tells us that he is going to set up a commission under The Evidence Act, of qualified persons to hold public hearings, and I presume that following them, to make recommendations as to the necessity, or otherwise, of legislation to attempt to make Metro do what we in this House had hoped that it would do. But, Mr. Speaker, I think the Honourable the First Minister has overlooked the most important body of all when he did not include the provincial government in the jurisdictions that are coming under the review of this commission. I am convinced that this is a three-way deal; that we must have the united co-operation of the government -- the creator of both Metro and the area municipalities in Greater Winnipeg -- as well as the area municipalities and Metro itself, right into the picture itself. The Premier in his remarks this afternoon rejected any additional contributions from the provincial authority to Metro. I think, Mr. Speaker, in this he made a grave error. He has compared the contribution of the provincial authority to the local area of Greater Winnipeg and to Metro with other jurisdictions. I have not had time to study, since his remarks, the accuracy or the base on which my honourable friend made his comparison, but I do know this, Mr. Speaker, that one of the shortcomings in the Greater Winnipeg area in the Province of Manitoba, be it in the local area or in the Metro area, is the shortcomings of financial aid of the provincial authority to this area.

The First Minister, when he was speaking this afternoon, if I remember correctly, said something to the effect that the government would have to consider the contributions, province-wide, and their relationship to the Greater Winnipeg area before additional contributions to Metro or its area were forthcoming. I don't think that we require that. I think that it is very obvious that the real property in the Greater Winnipeg area is paying substantially a larger proportion to its services, particularly for schools, in the Greater Winnipeg area on a percentage basis than anywhere else in the Province of Manitoba. My honourable friend said that the government rejected the Blake-Goldenberg Report and the 100% taking over of the business tax by Metro because this could not be considered in isolation -- meaning of course the business tax. Possibly he is right. Now I know as far as my own City of Transcona is concerned, if I may, Mr. Speaker, just for a moment, in respect of business tax and business tax assessments, have been greatly disturbed because of the assessment that Metro has placed on its business taxes in Transcona, and I believe the same holds true in general with the municipality of St. Vital. I think that possibly Metro has erred in arriving at a comparable business tax assessment in some of the suburbs at least, with that within the City of Winnipeg itself, and this is an area which I sincerely trust and hope that the commission will take under review. But I say again that if the First Minister wants -- and his government -- wants to assure that Metro government will be placed on a firm basis, not only should he call together the area municipalities and Metro government before a commission's set up by the government, but should give assurances even before that that greater contributions will be forthcoming from the provincial treasury.

My honourable friend said that Metro is not entitled to special treatment compared with others. I don't think Metro or its area municipalities are asking for special treatment at all. I think that they are only asking for what is just and what is right. My honourable friend mentioned the fact of greater amounts of business assessment, property assessment and the likes of that, in the Greater Winnipeg area. He did not mention however, Mr. Speaker, of the additional burdens within the area for such matters as social welfare and other costs that are being borne. You may say to me that they receive the same percentage as they do in the other areas, but when you take the total amounts of dollars and cents concerned, you arrive at a different situation entirely. So I say, Mr. Speaker, that I am going to support the second reading of Bill No. 100. I trust and hope that when the bill is in committee we will hear at least a preview of the representations of the area municipality and the municipal authorities -- and the Metro authorities, -- as to what should be desired with this commission. But I do sincerely and earnestly suggest that in the recommendations to this commission that there be one that this commission of experts, or qualified people, be also asked to review the position of the provincial government in respect of Metro and the local area, because if this is not done, if this commission is only going to concern itself between the local areas and Metro, then I suggest, Mr. Speaker, it can only do a quarter of the job that is necessary, and I ask the government, who is charged with the responsibility of giving direction to the commission, to make sure that

(Mr. Paulley, cont'd.) . . . . they, too, are under review in this very important matter, because metropolitan government in my opinion, Mr. Speaker, can be of great benefit to the Greater Winnipeg area. No longer under a metropolitan government can we have slap-happy extensions of our area municipalities; no longer would we have abattoir buildings adjacent to municipal boundaries like we formerly had; no longer have we under Metro area municipalities locking desirable intercommunication roads between one another. These are the things for which Metro was born and made Metro necessary. This government can do a great service to Metro and all of the municipalities by getting behind it and by giving it its whole support, in particular its financial support.

MR. ORLIKOW: Mr. Speaker, I voted for the establishment of the Metropolitan Council. I did so because it was obvious to me, and I think it was obvious to the majority of people in the metropolitan area, that we could no longer continue providing the services which were so necessary with 19 separate governments and that there had to be a great deal of co-ordination. Now there are some people who thought that we would have been better off with an amalgamation of all the municipalities rather than the intermediate form of Metro. I'm inclined to think, however, that this would have been politically impossible to accomplish, and so I think that when we voted for Metro, we voted for something which was a necessity, and I, for one, have no regret. I want to say however, Mr. Speaker, that there is tremendous dissatisfaction with Metro Government in the Greater Winnipeg area. There isn't a day goes by that members of the Legislature aren't asked questions. Usually they're not even asked questions -- they're told what's wrong with this terrible thing which was foisted upon them! I don't think that the people realize quite what Metro's duties are; I don't think they understand what Metro's powers are; I don't think that they have thought through the division of responsibilities between Metro and the area municipalities. I want to say, however, it's not surprising when you see the kind of attacks which are made on Metro by municipal people and when you see this every day of the week, for reasons which I leave to them to explain; when you see the Chairman of Metro making a statement like he did last week, that if the Winnipeg council had wanted to they could have cut the mill rate in the City of Winnipeg by four mills -- I think that the only way that could have been done was by the City of Winnipeg cutting its services and I think it's not the responsibility nor the right of the Chairman of the Metro council to tell the citizens of Winnipeg what services they shall or shall not have, and I don't think he contributes anything to harmonious relationship when he makes that kind of statement, nor do I think that various people in Winnipeg or the other municipalities who are continuously criticizing Metro, help either. Nor, Mr. Speaker, do I think that the First Minister helped anything today when he said he was disappointed that Metro had gone too fast. I want to suggest, Mr. Speaker, that Metro has done no more and no less than they were permitted to do under the charter, and the charter was approved by this Legislature, and the charter of Metro was drafted on the front benches across the way -- I presume by the First Minister more than by anybody else -- and if the First Minister tells us today that he thinks they've moved too fast, I want to suggest, Mr. Speaker, that he must have had in his mind a timetable along which he thought they should have worked, and if he had that timetable it should have been put right into the Metro charter and then Metro Council wouldn't have had to say "Shall we do this in 1960? Shall we do this in 1961? Shall we do something else in '62?" It should have been spelled out right in the provisions of the charter; and for the First Minister to now say that they move too fast, I want to say that it's either sour grapes or he's trying to get off the hook of his own responsibility, because he should have spelled it out if he thought that they should have done the job, the responsibilities which they were given, not one year or in two years, but in the five years before the review commission would need to have a look at what they're doing.

Now, Mr. Speaker, I want to mention just a few of the weird ideas about Metro which are floating around the City of Winnipeg -- and I suppose the suburbs -- because I hear some of them. I have been told, for example, that Metro councillors are getting salaries of \$15,000 or \$18,000 a year. When you tell people that it's only one or two officials of Metro who are getting that, and that their salaries are comparable and not really higher than salaries of the same kind of officials having the same responsibilities working for the city, or working for the province, they not only tell you that you're wrong, they tell you that you're lying. I've had people tell me that every Metro councillor got a car free. That's because the inspectors

(Mr. Orlikow, cont'd.) . . . . who are doing electrical inspections and so on have got cars, just as the inspectors who work for the city have cars, but these are the kind of things which are being said, which are floating around, and these are the kind of things which have made Metro almost a swear word in the metropolitan area. I want to tell the First Minister if he doesn't know it, that if there was a referendum held -- and I certainly don't think that we needed a referendum or that we need a referendum now -- but if there was a referendum held now, I want to tell the First Minister that Metro would be defeated by one of the largest majorities which this area has ever seen. I still think it's a good idea, but these are the facts, and we have to face up to what people are thinking. Anybody who doubts it just has to look at the vote for the Metro by-election just held a few weeks ago. Sixteen percent of the people voted. I want to tell the First Minister, if he doesn't know it, that a large number of people who didn't vote, didn't vote because they wanted to protest the way Metro has been operating. I'm not saying they're correct, Mr. Speaker, -- I think they're wrong. I think they don't understand the issues, but this is the way people are feeling.

Now what is the real issue, Mr. Speaker? I think the real issue is the same issue which has been with us for some years now. The real problem arises because of the rapid growth of the urban population of Greater Winnipeg, which is only one example of the rapid growth across Canada, and local governments, particularly urban local governments have been asked -- not asked, it's been demanded that they provide for the payment of the high cost of welfare services, of education services, of protection services, largely on the basis of the only tax which they have which counts, which is the real estate tax. And this is becoming increasingly difficult for local governments to do. Now, Mr. Speaker, I want to tell the members on the other side that they ought to have a look at what happened just before the 1958 election, or what happened in the 1958 election. Rightly or wrongly, the people of Greater Winnipeg decided that the former government was anti-Greater Winnipeg and the results of the 1958 election were that from Greater Winnipeg there is now only one representative of the Liberal Party. I want to warn the members on the other side that they should learn a lesson from that. I want to warn them that come the next election that there are five or six members on the other side who will not be back here unless the people of Greater Winnipeg feel that they are getting a fair deal from this government. And I can tell the members who they are: the Member from Assiniboia, the Member from St. James, the Member from St. Vital, the Member from St. Matthews, the Member from Wellington. Those are the ones who won't be back, because the people of Greater Winnipeg are dissatisfied today about the deal which they are getting from the provincial government just as they were in 1958. -- (Interjection) -- Well, Fort Garry; I'm not an expert on Fort Garry and maybe the Honourable Attorney-General has power which the others don't have. Mr. Speaker, I've made my estimates and the honourable members from the Liberal Party can make their own estimates.

Mr. Speaker, it is all very well for the First Minister to bring the figures which he did today and, incidentally, I wanted to say that when I have a chance to look at those figures in detail, figures which we were not provided with, I intend to give them the closest scrutiny because when I know that the City of Winnipeg, which is the largest component in the Greater Winnipeg area, when the City of Winnipeg gets for education only 19% of its total educational costs from the provincial government, I must say I'm -- and I'm speaking very mildly -- sceptical about that 21% figure which the First Minister says the Greater Winnipeg area gets from the provincial government for helping to run municipal costs. -- (Interjection) -- Somebody said about figures that figures don't lie but liars can figure; we'll have to wait till we see them before we can arrive at any final conclusions. One thing that's obvious however, Mr. Speaker, and that is that the local governments, whether it be Metropolitan Winnipeg, or the local municipal councils, or the school districts are each year being asked to carry a much larger amount of money and to raise more money in taxes to pay for the services which they have to provide -- education, welfare, recreation, police protection, fire protection. The costs of these are going up every year despite the promises, which in my opinion -- and I think we can document them from the records -- were made by the government that these costs would be held true to the government's program. These services, Mr. Speaker, are no longer, if they ever were, really a local responsibility. After all, why should a local municipality have to pay for welfare? What can a local municipality do to assess the rate of



(Mr. Orlikow, cont'd.) . . . . unemployment? If in the City of West Kildonan the cost of welfare this year is 300% higher than it was last year, does it have anything to do with the City of West Kildonan? Or is it a result of the policies of the federal government which has helped to create one of the largest pools of unemployment which this country has ever had? It was interesting to hear the Honourable Member from Wellington say this afternoon -- I forget the exact terms, but he talked about the fact that we were in some kind of economic recession. I wonder what Party he belongs to? The Prime Minister of Canada's telling us we never had it so good. But this is a fact, and local governments are having to carry responsibilities which are not theirs and about which they can do nothing. The cost of education continues to go up from year to year, and this is something which the local governments can do practically nothing about and which reflects themselves in the tax rate of the local residents because the taxes, to a very large extent, come from the tax on real estate.

And so, Mr. Speaker, I want to say that while I'm going to vote for this bill which was proposed today, that I don't think that this commission will be able to accomplish very much. And when the work is finished, and when it makes its report, the people of the metropolitan area will still be faced with the same problems which they are faced with today because the responsibility for this difficulty which we are in must rest on the government which has refused -- and the First Minister made it very clear today that he still believes that the provincial government is paying a fair share of the cost of local governments. I want to say, Mr. Speaker, that the people of Greater Winnipeg do not expect any special favours. I didn't expect to hear that from the First Minister. We used to hear that from the former government but I thought that the First Minister knew better than that. The people of Greater Winnipeg don't want any special favours. They never asked for any special favours, but they do want the same kind of consideration which other areas are getting. A simple mathematical formula doesn't give the answer because the urban areas have costs which cannot be duplicated in any other area. Old people tend to retire to the city; people who have very little money come to the city, and it's not too long before they wind up on the welfare rolls. I don't complain about that. Certainly they need to be kept and they need to be kept at a standard even better than we have been keeping them. But to expect a local municipality, whether it be the local council or the Metro Council, to be able to pay for this is expecting too much. So Mr. Speaker, I think that the people of Greater Winnipeg are going to be disappointed by this bill, because I do not believe that anything which this commission can do can change the basic problems which confront the people of Greater Winnipeg.

MR. CAMPBELL: Why are you going to vote for it then?

MR. ORLIKOW: Because I want to give the First Minister all the rope he needs to hang himself, that's why. -- (Interjection) -- He's not; he's a pretty smart politician. Maybe when this commission report comes through he'll think of some other excuse. Maybe he can keep the excuses going until after 1963 when the next provincial election will probably be held. -- (Interjection) -- Oh, we're not swallowing anything and I can assure the Honourable Member from Lakeside that we will be explaining to the people of Greater Winnipeg exactly what the situation is just as we were doing it when he was in the benches across the way, and we'll keep on doing it. Because, Mr. Speaker, the people of Greater Winnipeg are entitled to the same consideration as the people in any other area. I was interested to hear the Honourable the Minister of Education talk the other day about how some school districts get 70% or more of their school costs from the provincial government. And, of course, he thinks it's quite proper that that wealthy area of Winnipeg should only get 19 percent. I don't know which members represent the wealthy areas of Greater Winnipeg. I know that my constituents are on the whole pretty low-income people, and that when they have to pay the municipal taxes they feel it, and they feel it a great deal. And I want to tell the First Minister again, and on this note I'm going to close, Mr. Speaker, that unless there is a real change, a change which he has in announcing the appointment of this commission warned that he is opposed to, that the people of Greater Winnipeg are not going to accept this and that they're going to express their dissatisfaction in a democratic way by defeating a very large number of government supporters from Greater Winnipeg.

MR. GEORGE WM. JOHNSON (Assiniboia): Mr. Speaker, since I am one of the ones that the prophet from St. John's, the honourable prophet from St. John's, predicts as being

(Mr. Johnson, (Assiniboia), cont'd.) . . . . defeated, why, I think I should have a few words to say. You know, he reminds me of the politician with two hats. One he throws into the ring, which he just has recently, federal-wise, then the other he uses to talk through. All right. Now, I think it's rather ridiculous that we have over here men who in all good faith stood on their two feet and voted for these things, and now -- and also in the Act for to review Metro within five years -- now I wonder what the Honourable Member for St. John's really means when he criticizes the commission that's going to be formed and yet he says the people wouldn't vote for it. Well I want to tell him something -- that he hasn't got his ear as near to the ground as what he thinks he has. -- (Interjection) -- Well that's for you. Because there are many people today, there are many people today who are changing considerably with regard to Metro; not fully satisfied with Metro but feeling this, that the formation of Metro, the justification of Metro at the time it was formed, was so justified by practically all the mayors, the reeves and the aldermen of which I, at that time, had some little to do.

MR. ORLIKOW: What happened to Mayor Findlay?

MR. JOHNSON (Assiniboia): You know what happened but it wasn't Metro. You may think so but let me tell you something, it wasn't Metro, Sir, at all. You may think so and if it pleases you why you keep right on, but it wasn't Metro. And even today, Sir, even today the idea of men who supported Metro, who supported the bill, who now criticize the government for moving up a few months the idea of reviewing, is really hard to understand. Now I'll agree this. I believe, and I've so stated in this House, that Metro has gone too far too fast, and I think that it could apply to the good reasoning of any of the members. They know that also. There perhaps may be some justification for the members of Metro, but the actions of some has justified the thinking of any reasonable man, that they have gone ahead a little too fast and too far, and for one reason I'll say this to any of the men on this side who have had the privilege through election of serving on councils. Now in any form of government that is formed the Metro is formed senior to the municipal, and I believe that in the hearts of all of us was the feeling that with the formation of Metro and the election of Metro, that those men, knowing their powers -- we all knew their powers; you were all a party to giving them their powers -- that they would at least step with caution, making sure that they, as they go along, that they have the complete co-operation of the municipal councils with which they had to deal with and from whom they were taking powers. Now, one of the great troubles with the municipal councils -- and I must say that I agree with them, that they were not given proper notice in the taking over of the different things that Metro did take over -- the councillors and mayors were not given sufficient time to adjust themselves. We may have had duplications -- its not the fault of the mayors and the reeves or the councils because Metro did not, in their wisdom and their eagerness to, in their idea or their thinking, justify their very existence, proceed in haste and by so doing they -- which was to be expected, from any elected person, municipal council, to antagonize these men, and through that and through the discussions that took place, it was only natural then that a few or some of the ratepayers also took exception. But I'm going to . . . . .

MR. GUTTORMSON: Will the honourable gentleman permit a question?

MR. JOHNSON (Assiniboia): After I'm finished, thank you. -- (Interjection) -- No, and you know it's rather comical to me to hear a man, honourable members, trying, endeavouring, to now tear down that which they were part and parcel in building and which all credit should go to the First Minister in advancing -- in advancing the time of the inspection of Metro up -- who would say there is no necessity for it? I don't care whether it's politics or not, whatever you're playing, but it's very necessary and it's necessary for the very good of Metro. Now no one will argue against the necessity of co-ordination of those services that are essential to the Metro area and of particular -- and if necessary I could give some evidence of this but I refrain from it now -- of co-ordination in town planning and in the planning of our roads and other matters, and in this perhaps Metro went a little too fast also, but I make no appeal in this other than to that of common sense, because anyone that's had anything to do with municipal affairs, particularly in the Metro area, knows that the co-ordination of planning and other works is absolutely necessary for the future well-being of every Metro resident, and we're not criticizing Metro -- we're criticizing to some extent the action of those who were given the responsibility and who, in our opinion, have proceeded a little too fast and by so doing have placed

(Mr. Johnson (Assiniboia), cont'd.) . . . . . in jeopardy the very well-being of Metro, which we absolutely must have; that is so necessary; so I think that honourable members who have had anything to do with municipal affairs and whose responsibility it still is, even though they might try to get away from it, whose responsibility it still is, to welcome, indeed be very thankful that we are moving up this commission to take a look at Metro, because it wouldn't make any difference of planning than any one of us did in effect, did . . . . . individually. In a small business we might go out and lay plans but brother, are we going to wait two or three years before we correct them or should we step in and try to correct them now? I think that's only common sense. Surely -- surely we're not going to criticize the First Minister for in view of justified criticism on the part of ratepayers, "So well, we'll have to wait five years, just let them go five years" -- why, I think he's to be given credit, and I'm quite sure by all those thinking people he will be.

MR. GUTTORMSON: Mr. Speaker, will the member permit a question?

MR. JOHNSON (Assiniboia): Yes.

MR. GUTTORMSON: You stated in the course of the remarks that Metro went too far too fast. Could you tell us in what services they went too far too fast?

MR. JOHNSON (Assiniboia): Why, I could say all of them. Yes, if you want to put it that way, that's just what I finished saying, that instead of keeping pace and organizing the government they were going to take over and say, "Now look, boys, in six months' time, or one year's time, you adjust yourselves. You get adjusted, because we'll be taking over then." The big trouble with Metro, they didn't give the municipalities any opportunity to adjust themselves to the change, and that's been one of the big troubles. Perhaps we may have had a little over-lapping and whose fault would that be? Was it fair to go to the municipalities and say, "In a matter of days we're taking over this, and we're taking over that." As a mayor or a reeve or an alderman I would want time -- I would want notice. You make your adjustment, and that's what I mean. After all, the world wasn't built in a day.

MR. SPEAKER: Are you ready for the question?

MR. DOW: I move, Mr. Speaker, seconded by the Honourable Member for Gladstone, that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. CARROLL presented Bill No. 103, An Act to amend The Employment Standards Act and to repeal Part II of The Shops Regulation Act, for second reading.

Mr. Speaker presented the motion.

MR. CARROLL: Mr. Speaker, this is one of a series of bills by which we tend to upgrade, to bring up-to-date some of our labour legislation. This particular bill deals with two main items -- safety in employment, wages, and also a short item dealing with notice provisions and with the weekly day of rest. Now with respect to safety, we have in The Employment Standards Act now a section that deals with the storage, transportation and sale of flammable fluids and explosives. We're now applying this section to the use of these fluids in industrial and commercial processes. We're prohibiting employment in areas which are dangerous as a result of over-loading unless the employment is to remove the over-load -- remove the danger or to improve or to strengthen the structure in order to make it safe for employment. We also prohibit the installation of machinery if the operation of that machinery in the place of employment is likely to affect the stability of the building itself. We're spelling out and clarifying the responsibilities of the employer with respect to fire safety -- fire exits, fire equipment and things of that kind. We're having the employer responsible for guarding openings in floors and walls to make it safe for employees; making provisions for inspectors to issue orders to eliminate hazardous health conditions. We're spelling out that buildings either old, or buildings being renovated, or new buildings must conform to the standards established by the Department.

With respect to notice provisions we're relieving both employees and employers of the obligation with respect to notice during the first two weeks of employment. Now this is a provision which does cut both ways because an employee can take a job, find out that he doesn't like it, decide to leave on short notice, not realizing that he has a responsibility to the employer to give him notice with respect to the termination of his employment, and this, of course, will remove a lot of the areas of difficulty with respect to the administration of this

(Mr. Carroll, cont'd.) . . . . section.

We're also making the weekly day of rest apply to the whole of the province but in so doing we're spelling out the conditions and the situations which might justify exemptions from this provision of one day's rest in seven.

Now with respect to wages, the court at the present time can levy fines or penalties against an employer who fails to pay minimum wages or overtime rates. We're now saying that the court, in addition to levying a fine, may order that the employer pay the arrears that are owing to the employee as well; spelling out that it's an offence to pay wages less than the minimum required to be paid under the Act. We're also clarifying the situation and saying that an employee can collect overtime rates through the courts. Another section deals with money which is collected by the Department for employees who subsequently move away and who can't be found. We are saying in the statute that these monies, after six years, can be transferred to the Provincial Treasurer, but the employee, if he shows up at any time in the future, can lay claim to those monies and have them recovered. The final section deals with an employer who fails to pay minimum wages or who pays at a rate below that which is required under The Fair Wage Act. Such an employer, if he is convicted, then he may be required by the Minister of Labour to post a bond with the Provincial Treasurer of not over a thousand dollars. Now the area in which we're having trouble here has to do largely with small contractors, people who don't really have much in the way of permanent equipment -- they may only have a half-ton truck and be a plastering contractor or some other small employer, without really much in the way of assets -- who have persistently avoided paying wages, been persistently taken into the courts and been fined. They've scraped up enough money for the fine but don't seem to manage to ever get around to paying their employees. This is the provision that we think will be of some assistance in keeping control of employers who are persistently negligent in paying their employees.

These are the general provisions. We think that they will be helpful in the administration of the Act and will also provide additional protection to employees with respect to wages and safe working conditions.

MR. MOLGAT: Mr. Speaker, as the Minister's hesitation indicates, it's rather difficult to discuss the basic principle in this bill. It's a series of amendments, most of them not directly related one to the other. At this time I would limit my own comments to the way in which I think this bill should be handled. I hope that both employee and employer groups will be advised of the time when the bill will appear in committee so that they can come forward and make presentations. A number of changes here will certainly affect both of them, and I think it would be useful to the committee if we do give them a chance to come forward and make representations to us so that we can then decide, in the light of their statements, what may be the best in the interests of the province as a whole. The changes here, it seems to me, in many cases are certainly to be recommended, but there are some special circumstances in so many of these fields where the members of the House can't be sure of all the details and I think this will be very useful, so I commend this to the Minister so that there can be good discussion at the committee stage.

MR. J. M. HAWRYLUK (Burrows): Mr. Speaker, I think one cannot help but commend the government for making some improvements as far as the changes that I think were long needed, particularly in the field of some of the conditions that have existed under which some of the employees have worked, but regarding the recommendations about some of the changes that have to be made in some of the factories or buildings, how much latitude, how much time or how many weeks of grace is given after a first inspection is made by your inspector in regard to changes that have to be made for safety precautions in any factory or any building -- how much latitude of time is given?

MR. PAULLEY: Mr. Speaker, as far as we're concerned, we have no opposition to the bill going to committee. I presume it will be the Industrial Relations Committee. We may have some comment on details contained within the bill, but in general our observations indicate that it is a step forward. I do wish the Minister would tell us which committee he intends to have deal with this bill.

MR. CARROLL: If there are no further questions, Mr. Speaker, I would like to say that insofar as it has been possible we have consulted with employees and employers that we

(Mr. Carroll, cont'd.) . . . . have felt might be directly interested in some of the provisions of this bill, and I think that we can rest assured that there will be some considerable interest among these groups in general, particularly with respect to other pieces of legislation, and I'm quite sure they will have an opportunity when they are there for this other purpose to consider these at the same time perhaps.

Now with respect to any changes which may be ordered by the department for safety reasons, I would think that if it were an emergent situation where there was immediate danger, they would order the employees out immediately and would not allow them to carry on any further employment in there if there was immediate danger -- immediate hazard to the employees. But I think, generally speaking, the department tries to be pretty fair to the employer and to give him sufficient time, and to not make demands on him which are beyond his ability to cope with. We try to be reasonable and make the changes slowly as he can do it within his means, without trying to push him too hard. I think, generally speaking, the amendments here will meet with the approval of both parties.

Mr. Speaker put the question and after a voice vote declared the motion carried.

MR. SPEAKER: Committee of Supply.

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

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty, with the Honourable Member for St. Matthews in the Chair.

MR. CHAIRMAN: Department VII, Resolution 38 - 1, Administration, passed?

MR. PAULLEY: Mr. Chairman, I wonder if the Honourable the Attorney-General has any more comments to make other than the short statement that he made the other night in reply to some of the comments on this side. I would like to particularly hear from my honourable friend his reaction to the suggestion of the Honourable Member for St. John's in connection with the question of some of the branches in the field of correction coming under the department of the Minister of Welfare rather than that of the Attorney-General. Now I have followed to a considerable degree a number of cases particularly dealing with the Indian and the Metis, and it appears to me that there would be a -- (Interjection) -- no he's not, no he's not -- (Interjection) -- Oh well, I'll go ahead anyway, but I wasn't doing what you thought I was doing -- (Interjection) -- oh no, I assure you that this matter is of personal concern to me from observations and -- (Interjection) -- okay. Well it's a good way to start off this evening anyway. I hope we'll end up in the same spirit. But what I was going to say, Mr. Chairman, I have followed with considerable interest a number of cases dealing with the Indian and the Metis in particular, where they are sentenced -- and I presume properly so -- by our courts and our magistrates to institutes of penal reform, and they may be in there for a period of time anywhere from a month to six months or possibly a year, and then at the expiration of that time they simply go back to the same sort of family and living conditions from whence they come. This is particularly so in respect of young offenders, and my honourable friend from St. John's the other day raised the question as to whether or not it might be better in some phases of our corrections legislation, that rather than the young offenders, the juveniles, be handled under the Department of the Attorney-General, it might be better that these be under the general purview of the Minister of Welfare. Now I cite as illustration the many of the Indian and Metis cases that I have followed -- I think my honourable colleague had other young offenders in mind as well -- and I would like to hear from the Honourable the Attorney-General whether or not he has any observations to make in respect of this aspect of correctional treatment.

MR. LYON: Mr. Chairman, I'm not one who is known, either in this House or outside of the House, for wanting to take on or to maintain or to aggrandize unto myself new areas of work, and so from a personal standpoint I could hardly be heard to object to any suggestion that would relieve me of certain of the responsibilities that I have at the present time. But dealing with it on a factual basis, I think there is -- one must admit that there is some merit to the idea when one looks at other jurisdictions, because of course, in other jurisdictions -- in some of them at least -- the responsibility for corrections has, in recent years, been

(Mr. Lyon, cont'd.) . . . . transferred from the Department of the Attorney-General either to a separate Department of Corrections and Rehabilitation or to the Department of Welfare or its counterpart in the province referred to. This is not to suggest for a moment that there is any philosophical block in the Attorney-General's Department in dealing with these matters, but I think that one must admit that in the over-all concept, the over-all modern day concept -- let me put it that way -- of corrections, that we really, in essence, are dealing with a welfare and a rehabilitation program, and to the extent that that is the case, then I can certainly see room for arguing the point that is made by the Honourable Member for St. John's without necessarily admitting that one department could handle a branch such as this any better than another department, but from the standpoint of consolidating the responsibilities for rehabilitation and welfare, I think a case might be made out along those lines.

Mr. Chairman, while I'm on my feet, I had intended to speak first when you called the item tonight and my only purpose in rising at this present time is to call to the attention of the House, and I would hope to the attention of the press gallery, a report which appeared in The Winnipeg Tribune of Saturday, April 7, on the city page under the heading, "Province Wants Jail for Youths. May cut juvenile age to 16." And the first paragraph of that report read as follows: "Attorney-General Sterling Lyon told the Manitoba Legislature, Friday, the province had concluded talks with the federal government last week about construction here of a jail for young offenders." And I merely wanted to set the record straight in that regard, Mr. Chairman, and to assure the House, as I'm sure it was clear on Friday night when I spoke, that the discussions with the federal government are merely under way. They are a long way from being concluded. I only wish that they were concluded and that I could give this undertaking to the House, and while I appreciate the optimism of the report that was contained in the Winnipeg Tribune, I would hope that those within my hearing would perhaps amend the statement that was contained in the Saturday edition of the Tribune to conform with what was said on Friday evening because, in fact, the negotiations are still proceeding and have not been concluded by any means at all. If and when they are concluded, and I hope concluded successfully, then I'll be more than happy to announce that fact to the House.

MR. REID: Mr. Chairman, I believe more citizens become involved with the violation of The Highway Traffic Act than any other aspect of the law, and last session when I brought numerous subjects up the Attorney-General thought they were of a private nature. Well possibly yes, Sir, but I believe the committee should hear how so-called justice is dispensed by police departments throughout Manitoba, and the case I have before me, Sir, is of an ordinary citizen being apprehended for excessive speeding on the highway. When the citizen stopped, in this case, and the cruiser flagged him over, he got out and walked over to the policeman's car. The first thing the policeman said to him, he said, "You're under the influence of liquor," and this gentleman said, "Well, no, I don't think so." He denied it -- well, naturally you know -- and he says to him -- "Well," -- actually about that time, it was about 9:00 o'clock at night; it was dusk; he said, "Well, walk over to the other side of the car. I want to see your registration and this and that," he says. "Get in the car and sit down." So this gentleman got in the car and sat down, and as soon as he sat in the car the policeman says, "I thoroughly detect a strong odor of liquor." Well, the gentleman says, "It's not on me. It's not in me." He says, "If there's any odor of liquor it must be in the police car," and the policeman says, "No it isn't." So then, Mr. Chairman, this gentleman, he demanded of the policeman he wanted to be driven to the police station. He says, "I want to get a doctor to test me." He says, "I want to get a lawyer to witness that I've been tested -- that I'm not under the influence of liquor." Well immediately that policeman seen he couldn't bluff this fellow he changed his story and retaliated, Mr. Chairman, by asking this gentleman personal questions. First he asked him if he had any criminal record and had he had any charges against him. Well, Mr. Chairman, if any gentleman had any charges on a driver's licence all he had to do was flip it over and he could see it.

A MEMBER: Maybe he couldn't see the other side.

MR. REID: Well possibly he couldn't see the other side. All these accusations, Mr. Chairman, before he finally wrote the ticket out, and all I can say, Sir, it's very fortunate this gentleman wasn't of a timid nature and also that he hadn't had one drink that day because goodness knows what charges that policeman would have thrown against him. --(Interjection) --

(Mr. Reid, cont'd.) . . . . Could be, Bert -- could be. And I'm positive, Sir, that no average citizen just for the violation of The Highway Traffic Act should be subjected to such humiliation and insults from any police officer, and I'll be glad to give the Attorney-General a signed statement by this gentleman if he desires it. I also have, Sir, a piece of good advice given by an American judge in his traffic court if any citizen in Manitoba should be caught with similar circumstances. This is the Winnipeg Tribune, January 22nd, and the headline says, "If in Doubt Don't Get Out," and by golly that's good information. Never get out and walk over to the cruiser car -- sit there 'till he comes over to you. And here's what this gentleman says, "A man's car is his castle, Judge Joseph Marchetti ruled Friday. A policeman suspecting a drunken motorist can't order a man to leave his car simply because a man's face is flushed or because he's driving somewhat erratically, the Judge held. The Judge, it turned out, had been through the mill himself. Marchetti dismissed the drunken charge against Walter J. Vandepas. Motorcycle officer Eugene Long said he suspected Vandepas was drunk because the motorist weaved over the double line and hesitated ten seconds at a green traffic light. Marchetti ruled that was not sufficient probable cause to order Vandepas out of his car. He held that Long had violated a constitutional safeguard against illegal search and seizure. Off the bench Marchetti recalled that several years ago officer Long stopped a motorist, demanded that he get out of his car, yanked open the door when the driver asked why. The Judge said Long was pretty rough and the motorist feared he might be torn apart if he didn't obey, so he did. The motorist was Judge Marchetti. He said Long smelled his breath and without apology allowed him to proceed." So, Mr. Chairman, that's a very good piece of advice for any motorist being stopped in Manitoba or any Greater Winnipeg area -- if you're in doubt don't get out.

A MEMBER: Don't try it, that's all.

MR. REID: And I have the information here -- the Attorney-General, I'll give it to him -- a signed statement by the gentleman, where it occurred, what police department -- everything.

Another very important point, Mr. Chairman, is that which involves thousands of citizens -- that's minor accidents and who pays for them after. I have here, Sir, an example of a motorist parking his car on the street and a truck driver backing into it. Fortunately it was observed by a witness who stayed on the scene and gave the citizen all the information. The truck had just moved down the street so he went over and spoke to the truck driver and the truck driver said, "Don't bother me -- phone your insurance company." The motorist suspected that the driver was under the influence, which was his privilege. He immediately phoned the police and they were slow in getting there, but the citizen waited there, and the police arrived and he gave them the number, description of the truck. This truck later, Sir, was located in front of the truck driver's residence and impounded and locked up for reasons unknown to the citizen at that time, but later the citizen was subpoenaed to testify against this driver in court where he learned that this driver in particular was driving under suspension, yet when it came to court he was charged with driving with suspension, yet the magistrate dismissed damages charges against this citizen. Well, Sir, if we call this justice when a citizen can drive around in Manitoba on a suspended licence and drive into any citizen's car, then they get into court and this fellow is subpoenaed to appear in court to testify as witness and the judge dismissed the case. I don't think this is justice either, Sir, and I'll give the Minister this case also, and I have the subpoena here that he can testify and check on the court -- it's right here. And one of the reasons, Sir, I questioned this gentleman -- I said, "Well when they asked you to appear in court," I says, "why didn't you get a lawyer?" He says, "Well, I just thought I was just going there as a witness," he says. "Why should I hire a lawyer to go and just testify this fellow backed in the car." But this other gentleman, Sir, he's got a list of suspensions listing back from 1959 of suspended driving licence about that long. He was a smart operator -- he hires a lawyer, and the lawyer got him off from these charges of backing into the gentleman's car, and he don't have to pay for it.

MR. HILLHOUSE: Who was the lawyer?

MR. REID: Pardon? Well, I mean it's a credit to the legal profession -- they're a smart profession -- but it's just saying the ordinary citizen can't always afford to hire a lawyer and he doesn't know -- in fact this gentleman, he's a newcomer to this country, this gentleman, and it's the first time he ever appeared in court, and he didn't even know what was

(Mr. Reid, cont'd) . . . . happening until he just heard the case was dismissed against his car and he says, "Now I've got to pay for my car myself."

I have here a press release, Sir. I think it would be quite interesting to the committee. It's a quotation . . . . . by the Attorney-General. The Tribune, March, '62. The headline, "Lyon Suggests Civil Suit Changes. A suggestion that procedures in civil actions before the court should be simplified to attract more lawyers to the court-room was made by Attorney Sterling Lyon Saturday. Addressing a central judicial district of the Manitoba Bar Association annual meeting at Portage la Prairie, he said the present mechanics of bringing a civil action before the court was cumbersome." And here's the part I think, Mr. Chairman, will interest the motoring public. "He said he also thought the profession would be better off if there was a change involving motor vehicle damage action. Mr. Lyon emphasized he would not suggest that court and the legal profession were not . . . . . on a judicial process as it was at present, but he did feel that the public looked to the profession to make those changes which were necessary to bring things into line with modern thinking. In this way the profession could best serve our way of life and preserve the rule of the law, he said." Well, Sir, I think that's possibly right, because in the average case of a small accident the citizen does not wish to hire a lawyer because usually the lawyer's fee exceeds the amount of the damages. True, he may win the case, but in the long run it will cost him money.

Another point I would like to bring up here, Sir, is that coroners -- which is the responsibility of the Attorney-General -- are directly responsible for appointing coroners juries, which they usually do through the chief police officer in the area in which the accident or so forth occurred, but I believe, Sir, that especially in industrial accidents, that at least one member of the coroner's jury should be familiar, or work in the type of industry that the accident occurred, because I'm sure then, Sir, we'd get more authentic reports on coroner's juries' recommendations on how to avert these fatal accidents, and I suggest to try this practice, Sir, because even if we averted one accidental death a year it would be a worthwhile practice.

I have another point here, Sir. I understand the Law Society is building up a fund to protect the public from the legal profession. And here's an article in the Winnipeg Tribune by Les Rutherford, Tribune staff writer: "Lawyers build up \$100,000 fund. The Law Society of Manitoba will have a fund in excess of \$100,000 to cope with any possible defalcation by its members, the Society's secretary, Harold Stubbs said Wednesday. In addition, the Society has engaged the services of a full-time auditor inspector to regularly inspect and check the trust accounts of all lawyers in the province. Mr. Stubbs said these steps have been taken following the prosecution of a lawyer in September 1960 when some 80 charges were laid involving amounts in excess of \$100,000.00. Following the prosecution and the sentence of the lawyer, Mr. Stubbs said, the Society was faced with claims from members of the public who had given money into the hands of lawyers. To settle these claims and to build up a reimbursement fund, as it's called, all practicing lawyers in the province have to pay \$100.00 in addition to their fee for practicing in 1961; for '62 the Society has made a levy of \$25.00 on each lawyer, and it is hoped that providing there are no claims in 1963 that it will be further reduced. Mr. Stubbs pointed out that in addition every lawyer applying for his annual certificate to practice had to complete a form prepared by an authorized agent stating his trust account was in proper order. The number of minor complaints were also looked into by the Society during the year. Mr. Stubbs said the fees had been quickly disposed of without any formal investigation being necessary.

Well, Sir, it shows this fund being built up to protect the public against the legal profession but I think it's time the legal profession did its share to protect the public. And we have here, Sir, on March 12th -- I guess all you gentlemen have seen it -- "Free legal aid gateway to prison, says ex-convict." Well how true that is, Sir, I don't know, but in reading an earlier report, last February 1962, I came across one which indicates what the Law Society intends to do for the public. It's February 12th, Mr. Chairman, of the Tribune, "Law Society Seeks More Help." The headline, "Only Six Lawyers Aid Indigents. The Law Society of Manitoba is taking steps to inject new enthusiasm for criminal indigent cases in the ranks of the province's 650 lawyers. A new system of checking indigency of persons asking for free legal aid and a new method of distributing the case of lawyers are two of the steps. The third was taken this week-end when a letter was circulated to all members of the Society asking for volunteers to rebuild their depleted roster of the lawyers willing to give free legal aid to indigents charged



(Mr. Reid, cont'd) . . . . . with indictable offences. Over 250 names are on the roster. However, the vast majority of indigent aid cases are being handled by about six lawyers, and most of these by one man." So it shows you, Sir, that the law profession is not doing much to help the average citizen, especially citizens that can't afford to help themselves. And I hope that after I've read this thing and I guess it's gone to every legal man in the Province of Manitoba, that the lawyers will answer this volunteer plea and volunteer to see that justice is upheld wherever it's possible and had not been done before, Sir, and also to maintain our sense of justice for all citizens concerned.

Well, Mr. Chairman, in concluding, I'd like to make these three points. The Minister's department should issue instructions to all police departments on proper behaviour and conduct in their line of duty, especially in violations of highway and traffic acts. It's different when it comes to a criminal case, the criminal code, and there's different methods and modes of handling it. But ordinary citizens just by a violation of the Highway Act they should not be subjected to any criminal code or offence from the police department. The second, Sir, all judges and magistrates in Manitoba should be empowered to award damages up to \$100.00 especially in impaired and drunken driving charges, and that Sir, if a fellow appears before a judge or a magistrate on a drunken driving charge, the magistrate should ascertain if there's been any damages done, and up to \$100.00, I think our judge should be empowered to say, "Well here, you have to pay this and that," it would protect the ordinary citizen and save a lot of inconvenience for the average citizen who has to hire a lawyer to fight the case, like the individuals -- oh yes, I see a gentleman over there shaking his head -- this individual I'm speaking about he's paid a bill of \$50.00 out of his own pocket because it costs him more than \$50.00 to hire a lawyer. Now when that judge -- this man that was on the suspended driving charges, he was charged on that again, but he suspended him on the other charges. The judge in his wisdom should ascertain that the man -- the circumstances, and if he's had a list of drivings against him, he should have empowered and given damages to this gentleman. And last but not least, Mr. Chairman, the legal profession should always be assured that they have proficient student lawyers and the Bar Association should try and adjust their fees in proportion to the amount involved in cases that the public would avail themselves more readily of their services.

MR. M. GRAY (Inkster): Mr. Chairman, my few remarks will be on the Headingley gaol only. I have no intention of going over all the estimates. I think, perhaps, if the honourable members would do the same thing and try to divide the criticism which is necessary, I think perhaps the Attorney-General even at \$1.00 a year would probably digest it better.

My worry, and it has been all the time, is that section of the inmates in the Headingley gaol. My first worry is the big business they do and the large crowd they get. I think it's the first time that I noticed in the last report of the gaol that in the winter the average population was 500, and in the summer 450. I think that a remedy like better living conditions, employment, health protection, would probably cut down the population considerably. What worries me more is, first of all, there's about 160 inmates during the year have been sent to gaol for seven days, likely for driving wrong, I don't know, but for seven days. And this seven days' gaol kills and takes away every bit of prospect from them to rehabilitate themselves and get employment. I've already mentioned that most of the applications for employment accept labour work which is not available now due to the machinery, automation and so on, and they're stopped from making a livelihood for the sake of seven days. I was just wondering whether the Honourable the Attorney-General can perhaps discuss it with judiciaries, magistrates of experience, to find out whether there could be a way other than sending them to gaol, period; never mind what it's for but sending them to gaol and ruining their entire future life, that's what my worry is. And this probably is the reason why we have so many repeaters, so many going back. What can they do? Some of them are sent back three days after they are released. They can't get a job; they cannot go on the street and beg for a dime. And I don't know whether they could get unemployment relief or not but this is extremely, in my opinion, tragic -- not only serious but a tragic matter.

Another point the report shows, which we should take note of, careful note, and this is, that 1,900 guests at Headingley Gaol are under 30 years of age, under 30 years of age, which, in my opinion, is a tragedy. Here is 1,900 out of 4,000, almost 40% -- 45% -- at the age between 17 and 30, right in the prime of life. And many of them are married, and while they're

(Mr. Gray, cont'd) . . . . . young their families are ruined, the man himself his life is broken up forever, and many of them move out from the neighbourhood -- not a very fine thing when the children hear the other children say that your father is in gaol -- not a very pleasant thing. And I think the number is much, much too large for being there under age. I'm not defending crime, but I'm trying to find out how to prevent it, how to prevent crime and have the punishment meet the crime. Because some people may steal \$300,000 and some people may steal a couple of apples and still get the same sentence, otherwise so many young people who realize the tragedy would not have committed the offence which they have. Then we have, the half of them in gaol now are common labourers, common labourers, which indicates that -- although they're not to be forgiven for a crime -- is committed by unemployed and hardship and most of the offences are not too serious, but some of them are compelled -- although I don't want to justify their crime -- but these are a few items which we read in the report of the gaol which I think should be carefully considered, remedied wherever it is possible, and even a change of tactics, a change of rules, carry on the Attorney-General's work to be combined with the Minister of Health or the Minister of Education, the Minister of Welfare, and if you could save one person -- to send one person less to gaol and save one family -- as the Bible says, saving one human being is the same as saving a nation.

For the moment, Mr. Chairman, this is all I'm going to say. I'll probably ask a few questions under the different items of the estimates, but the Headingley Gaol problem worries me every time -- worries me, and I look forward to seeing the report because I try to find improvement, and outside of some physical improvement in the Headingley Gaol, I don't think there is anything being done more than the department has done a year ago; two years ago or five years ago, at least if there is, I cannot find it. At the end I want to commend the Superintendent for his detailed statement which gave us an opportunity to peruse it and study it and above all worry about it, because they're all human beings and we've got to protect. It's our duty to protect the other fellow who is unfortunate. As far as the Attorney General personally is concerned, if the House decides to give you one dollar, I'll endorse a note for you at a bank for ten dollars.

MR. JOHN P. TANCHAK (Emerson): Mr. Chairman, as usual, the more vociferous members of this House have had their say, and I must say that I have profited by the answers that they received. Now I had the privilege of sitting in this House in 1958 early in the spring with the government. I was sitting on the opposite side. Now I'm sitting on this side and I have the privilege of sitting with the boys who are criticizing. I heard the former Attorney General being severely criticized; now I hear the present Attorney General being criticized by my colleagues and the rest of the members on this side, and I know the Attorney General has a difficult department at present as it was difficult before. The former Attorney General, in the opinion of some of the members who are presently sitting across the way, in their opinion, judging from what I have heard when they criticized, didn't do justice to this department. Now the present Attorney General, when he took office, he seemed to regret that the office was left in such a mess, and he was going to do wonders; he was going to soar into heights before unexplored, but in 1962, sitting here and listening, I have to say that his ideas seem to have fizzled out on the launching pad. All he can give us now is excuses. Not enough money; not enough personnel. But for us sitting here, for me especially, it seems very difficult to justify this, that there was progress made, when we notice an ever increasing demand for more gaols, more penal institutions, and at the same time we know that -- we can see that the criminal element in this province is not decreasing any. A new building was built for the girls -- and the Minister likes to take credit for what he did in this department, and I think that he should also assume responsibility for the loss of one life of the girls, inmate of this institution. It was quite disturbing to me, at a small garage, this last Saturday -- one of the men who were in that garage, come out with a statement like this -- and that's really why I got up to say a few words today. He says to me: "You fellows are crying about a girl who was drowned, an inmate of this home, and I say that the Minister should have drowned all those useless girls. He would have done better if he'd drowned them all." I shuddered to hear this and I'm sure the Honourable Minister, if he did, he'd shudder too. We like to talk about caring for our cripples, caring for the mentally disturbed, caring for our old age, and we should; and I don't think that these girls should be spurned. I think they should be pitied because they are sick. Now, come back to this, the

(Mr. Tanchak, cont'd)..... Honourable Member for Ethelbert accused the Minister of irresponsibility in this matter -- this girl that was drowned -- and I was really surprised when I heard the Attorney General answer this. He seemed to have brushed it away so lightly. There seems to have been a supervisor in the building. Maybe there was, and I'm not blaming the supervisor. Maybe there's not enough of them. I wasn't there. But just to brush it aside and say that there was a supervisor there, I do not think is enough. No doubt there was one. But in my opinion, I think there was negligence there. According to the reports, it seems to me that one of the girls came and reported the accident before it was discovered. The Minister is responsible for his department and should take that responsibility. The girl was drowned. Supervision must have been very lax there, and I would like to state that this is akin to criminal negligence and the Minister is responsible for this department, and he should not have brushed it away as lightly as he did. That's what was disturbing to me.

..... continued on next page.

MR. CHAIRMAN: Resolution 38 -- passed. Resolution 39, (2). Land Titles Offices.

MR. GUTTORMSON: Mr. Chairman, a very disturbing situation came to light last January when it was revealed that the Wellington Progressive Conservative Association used the name of a worthy organization like the Association for Crippled Children, to obtain funds for their party purposes by exploiting the name of this charitable organization. I've checked with the authorities and this act of this political party has caused this association untold damage because people are now afraid to support this organization because of the way their name was used for the last five years. For five years at least, tickets have been sold under the pretense of supporting and supplying the proceeds to the Association for Retarded Children, and yet every year only a very few dollars of the total receipts were ever sent to this organization. To prove the point how badly the money was being handled, when this thing came to the attention of the public by the news story that appeared in the Winnipeg Tribune on January 27, this organization sent additional funds in the hopes that this organization would remain silent. Mr. Chairman, this action is out and out fraud. If any other citizen attempted to use the name of an association to collect money and then use it for their own purposes, is tantamount to fraud and those people that are connected with it should have been charged. I'd like the Minister when he replies tonight to tell us why he didn't take any action in this matter.

MR. HAWRYLUK: Mr. Chairman, I want to deviate a bit regarding the topics that have been talked about tonight. I just want to get information, and I believe I have to speak on the administration of this department regarding the duties and function of the Liquor Control Commission. I believe that's under the Attorney-General. I can't find it anywhere else. We are all fully aware of the work of the commission under Major-General Elliot Rogers, and I'm just interested in how and when and why the number of liquor applicants or number of liquor licenses that have been issued -- so many of them in the past number of years. It has been brought to my attention by people who are in the business -- who opened up the businesses a few years ago with big investments, that the Liquor Commission Board is indiscriminately giving licenses right, left and forth to anyone who wishes a license. As a result, the Manitoba Hotel Association has come out most forcibly in asking the government to do something about breaking and stopping the amount of licenses that are issued, because they feel that they have a big investment.

We also have heard of several well-known nightclubs in town who have lost their shirts in trying to compete with the hundreds of outlets that are available -- hundreds of outlets in Greater Winnipeg. I'm just wondering how far this commission intends to go in protecting the investments made by the men who have put up businesses for the purpose of getting some small return.

Now I was interested enough to get some information as to the comparisons of two well-known provinces just to show you the difference between two provinces, and the commission in one province issuing of licenses regarding all kinds of outlets. And the comparison is very obvious. Our neighbours to the left here which have a larger population, they have more hotels -- but it's the hotels that have been in business for some time -- but here's the comparisons regarding the other outlets. You have here for example, in the Province of Manitoba, they have 37 dining room licenses -- there are none in Saskatchewan; there are 27 club cocktail outlets -- 16 in Saskatchewan. The restaurants -- we have 116 of them in the Province of Manitoba with liquor outlets; only three in Saskatchewan. Dining rooms -- we have 77 in this province; 25 in Saskatchewan. Cocktail lounges -- 54 in this province; 14 in Saskatchewan; and so on.

Now I think everyone is entitled to a fair return on their investment, and it's becoming a pretty serious business in this town, the fact that people who have invested in restaurants and cocktails and have been in business two or three years are finding things are pretty tough. Yet from time to time we have more motels coming up; we have more hotel outlets; and, as a result, licenses are issued indiscriminately at the expense of those who have invested their money.

Now here is another interesting figure which I think should give the members of this committee some idea as to comparisons of other provinces as to outlets. I have four major cities in the western part of Canada, and here's the comparisons of licenses issued that is permitting the sale of beer only to hotels and clubs in major cities of Western Canada, and this is very interesting. In Vancouver, one per 8,100 people; in Edmonton, one per 7,000 people; in Regina, one per 6,700 people; and in Manitoba or Winnipeg, one for every 3,800 people -- quite a

(Mr. Hawryluk, cont'd.) . . . comparison. In other words, the highest number of public beer outlets per 1,000 population in large cities of the four western provinces are found in Manitoba; and the highest number of restaurant licenses are issued in this province; and the highest number of public cocktail lounges are in this province. I haven't got any axe to grind here because I have no interest in any of these businesses at all, but I think it's a matter of considering the investments of some of these people who have gone into the business and are entitled to a fair share of the return; and yet we have these licenses issued, I think indiscriminately, to the various outlets in the Province of Manitoba.

Here again is another heading which intrigued me very much, and I'm just wondering what the commission is going to do about this. We have a brief here sent to the government to have liquor served on Sunday from four to ten o'clock -- four to ten o'clock on Sunday. Who are going to reap the benefit? The restaurants at the expense of other outlets. I don't think there's any need for that. I think there's enough drinking done during six days a week without having licensed outlets on Sunday. That's my contention, and I think the contention of a lot of people, and yet some consideration is possibly given that permission should be given to serve liquor on Sunday. I can't see it and I don't think a lot of church-minded people want to see that happen in the city. I can't see that at all and I think the commission should think twice before they allow that to happen in our province.

I think the fact that we had a difficult task and time in allowing a certain amount of sports on Sunday, which I felt was needed and I think a lot were even against that. I don't think we want to go beyond that, because once you go beyond that, you'll be finding other interests allowing night-clubbing on Sunday, certain hours after church, at seven o'clock to 12 o'clock and so forth. I think this is a serious matter and I think some answer should be given to a problem which is getting worse and worse as time goes by.

MR. ROBLIN: I wonder, Mr. Chairman, if the committee would allow me to make a statement about the business of the House for the rest of this week at this particular moment. I realize it's an unwarranted interruption, but I hope I may be allowed to make it.

I'm hoping that the House will be able to rise at 11 o'clock tonight and I look for the cooperation of the members in disposing of a reasonable amount of business before we reach that hour. I'm also going to propose that the House will sit until midnight tomorrow, which is Tuesday; then that we shall meet at 10:30 on Thursday morning and sit until one o'clock that forenoon. The meeting on Thursday morning is to be a special or a separate sitting of the House and will be devoted to government business, namely bills if there are any plus the Committee of Supply. The House will rise at 11 o'clock Thursday night. The same procedure will be in effect for Friday, sitting at 10:30 to one o'clock for a separate session which will consist of attention to government bills and to Committee of Supply, and then the regular proceedings in the afternoon and rising at 11 o'clock on Friday. This program has been discussed between the three Party Leaders and I understand that it is acceptable to members of the various caucuses. So if that is the case, and I trust it is, I think that it may help us expedite our business without any undue pressure on anyone's time or stamina.

MR. GUTTORMSON: Mr. Chairman, the members of this group are agreed to go along with the proposition offered by the First Minister.

MR. CAMPBELL: Mr. Chairman, I suppose that there will be a motion put on the Order Paper tomorrow in order to make it possible and within the rules for us to sit.

MR. ROBLIN: It's really anticipating from the result of my discussions that we would do this by unanimous consent, Mr. Chairman. We could do it the other way it is true, but I was given to understand, perhaps it wouldn't be necessary, and that next week we would review the situation and see what we wanted to do on that occasion. It seems to me that if we could proceed by agreement, we'll all feel a lot happier about it.

MR. CAMPBELL: I have no objection to that, Mr. Chairman. As a matter of fact, if it's done by consent, I'd even agree to sit on Saturday.

MR. PAULLEY: Mr. Chairman, I might say that as far as our group is concerned, this proposition is quite satisfactory to us. I may also say, insofar as unanimous consent is concerned, the Honourable Member for Rhineland has been consulted insofar as this arrangement is concerned, he being the only one who isn't under a Whip although he is the Whip, has agreed, as far as his caucus is concerned, with this arrangement for this week. So I don't think it would really be necessary for a motion but it could be done by leave. I think everybody is

(Mr. Paulley, cont'd.) .... agreed now.

MR. CHAIRMAN: Resolution No. 38 - pass?

MR. GUTTORMSON: Mr. Chairman, is the Minister not going to reply to some of the points raised by members on this side?

MR. LYON: Mr. Chairman, I appreciate the Honourable Member from Kildonan passing to me the papers with respect to the items that he raised concerning the alleged incident with the constable and the man whom the constable alleged to be under the influence of liquor, and I can assure him we will have this matter looked into along with the question of the accident of the truck, with the information on which he gave me. I rather enjoyed his quaint way of discussing the reimbursement fund of the Law Society of Manitoba, and I hasten to assure him that it's the hope of the profession and certainly of the Law Society that the public will of course have to have recourse on a very infrequent basis to this fund, which I also hasten to point out to him is supplied out of the pockets of the lawyers of this province to preserve the good name of their reputation and the integrity of their reputation among the public, notwithstanding the fact that one or two out of 600 or 700 practising lawyers may occasionally mix their funds with their clients' funds and sometimes get away with money that does not belong to them. But certainly in a period -- and let me say that this is and has been over the years a most commendable feature of the operations of the Manitoba Law Society, and it's one that I'm sure the public are happy to see as being continued, and that they know that they will always have this protection from the reimbursement fund that is made possible through the contributions of the practising members.

He mentioned a word or two about free legal aid. I don't know if the honourable member was in his seat on Friday night when I spoke about this question on the introduction of the estimates. I think he will realize that the clipping that he quoted from at that time is now somewhat out-of-date, in that according to the information provided to me by the Law Society -- and this is a Law Society as opposed to a government scheme -- according to that information they now have 90-odd lawyers, I believe it is, on their roster to do free indigent work in the criminal field alone; and as the honourable member will appreciate from the reading of Hansard, this service is now extended with the co-operation of this department and the financial assistance of this department to all parts of Manitoba. I'm sure he will concur that this is a very desirable action and one that the Society is to be commended for on behalf of the public of Manitoba.

He mentioned certain instructions that might be given to the police concerning The Highway Traffic Act. I can assure him that, I believe the bulk of the new personnel hired on municipal police departments in Greater Winnipeg do take a course of instruction at the City of Winnipeg Police Department School, and that school of course is one of the most extensive police training schools operated in the Province of Manitoba. In fact, I think it is the outstanding course that is operated in Manitoba aside from any local training that may be given by the RCMP, the bulk of their training taking place in Regina. Members of the department, the Deputy Attorney-General and sometimes Crown attorneys from the department, participate regularly in lecture series at the City of Winnipeg school for police. Insofar as the RCMP are concerned, their basic training for all constables is undertaken at their Manning Depot at Regina, and they receive an intensive course of training before they are ever allowed into the field, under what I'm sure the honourable member would agree is one of the finest courses of tutelage that any police department on this continent could hope to have. And so I find no great difference with the honourable member on the question of instructions to police, because I believe that by and large these instructions are being given, and sometimes that does not necessarily mean that the instructions will always be carried out.

The point that I was making on Friday night was that the police are due, I think, for a great deal of credit for the patience and the understanding and the unwillingness to react to very severe provocation which they witness on very many occasions. It's always the cases -- the cases the public hear about and the cases you and I hear about are those where one policeman has forgotten his training and forgotten his manners for the moment. We never hear about the other tens of thousands -- and I use that figure advisedly -- the other tens of thousands of cases that they handle annually in this province; their massive contacts with the public where there is no cause for complaint at all; where the courtesy is shown as one would expect it to be shown and everything goes smoothly. It's always the bad case you hear of, and I'm not complaining about that because I think the bad in itself serves as a spur to the other police departments and

(Mr. Lyon, cont'd.) . . . to all police departments in the province to maintain the high standards that they do have. But I do believe that if one were to figure out the proportion of publicity that is received by one sour case as opposed to the tens of thousands of good cases, where no one hears anything, one would agree with me that the record of the police in all facets of their operations in Manitoba is one of which we can be proud. That does not mean to say that cases will not occur where the police have made mistakes of judgment in dealing with people, and those cases should be and are handled with a great deal of care. They are looked into and investigated by those having the authority over the police department in question, and that is only as it should be, and that practice I believe should and will continue. But I do render that caveat on behalf of the police departments of Manitoba because I feel that their total record should not be besmirched by the odd case of negligence or the odd case of forgetfulness on the part of one constable, which the news media and others may grab onto as being something typical of police action. This is not typical of police action, as I am sure the honourable member is aware.

He has an interesting suggestion about damages up to \$100 in impaired or drunk cases. There is a provision in the Criminal Code where goods or materials can be refunded up to a certain amount on the hearing of cases.

He talks about the question of the Bar Association adjusting its fees. I'm sure the honourable member is aware that there is a tariff in effect with respect to the fees charged by barristers and solicitors in Manitoba. If anybody feels that he has been unjustly dealt with in terms of fees he is always free to make a complaint. In the case of a matter of fees that may be taxed, he may make complaint to the court -- make application to the court to have his account taxed or, in other circumstances, he may complain directly to the governing body -- to the Law Society -- who can intercede on his behalf and determine whether or not there has been any miscarriage of justice insofar as the charging of fees is concerned.

The Honourable Member for Inkster mentioned the large proportion of men that we have at Headingley Gaol serving terms of seven days. This is very true and I certainly share with him the hope that, as years go by and as new techniques of training and treatment come to hand, that there may be some way of decreasing the numbers in our gaols. I am sure that the honourable member will realize as well that the seven day sentence, for instance in drunk-driving, that's a mandatory sentence passed on by the Parliament of Canada, not by this Legislature; and the court hearing such a charge, if the accused is found guilty, has no alternative but to sentence the accused to seven days in gaol -- (Interjection) -- Pardon?

MR. M. A. GRAY (Inkster): Do all of the drunk drivers get seven days?

MR. LYON: No. I just say in those cases where a man is charged with and found guilty of drunk driving, he gets seven days in gaol minimum -- that's the minimum sentence -- he could get more. In other cases, where vagrants and so on are sent to gaol for periods of one, two or three months, I'm sure the honourable member will appreciate that by and large this is the last recourse of the courts. By and large the courts try to give these people a break unless they're multi-repeaters, and if they are multi-repeaters, very often the vagrant type comes before the court, not looking for mercy but in many cases begging to be sent to gaol so that he'll have a roof over his head through the cold winter months. Again, this is a hard fact of life, but this has been going on for some considerable time.

The question of rehabilitation among this group is extremely difficult. Rehabilitating any alcoholic is an extremely difficult program, and I can say to the honourable member that they have operating in Headingley Gaol an Alcoholics Anonymous group. I was privileged to attend their fall round-up last fall when over -- I would say between three and four hundred persons attended the meeting which was addressed by an American speaker from that group. This group included citizens of Winnipeg and of Manitoba who came in for this weekend round-up of all AA's in Greater Winnipeg and in Manitoba, and they devoted part of their program to a round-up meeting at Headingley Gaol. I must say, for one who has been to only a very few of these meetings, that it was certainly a wonderful thing to see; to see the genuine interest taken by a number of the inmates of Headingley Gaol who are beset with this tragic problem; to see the work that they were able to do; and I suppose most importantly to see that this work was being done entirely by volunteers, by people who themselves were reconstructed alcoholics and who were giving of their own time and of their own energy and in some cases of their own money, to go out to Headingley on a regular basis to counsel and to give guidance to these people

(Mr. Lyon, cont'd.) . . . who are beset with this addiction. Certainly it was a tremendously stimulating experience for me to see this wonderful operation going on within the walls of this institution and to see the interest that had been engendered in this program. While very little is said, while Alcoholics Anonymous are not a group that seek publicity, they are not a group that seek financial assistance from governments; they are a group who like to carry on the work that they do for the sake of helping their fellow man. I pause here tonight, Sir, to pay them due tribute for the splendid program that they carry on within that institution, and it is through such programs I think inevitably that we will see the answer, if there is in fact an answer, to the problem of alcohol addiction.

The Honourable Member from Emerson I'm afraid didn't contribute too much of an original nature to the debate. He talked of the situation where he ran into some undesigned person who suggested that we should have drowned all of the girls at the Home for Girls and, like him, I share the complete abhorrence for that type of suggestion that he does. But I say to the honourable member that that perhaps is a more significant remark than he perhaps realized because in a sense it bespeaks an attitude, not a widespread attitude -- no -- but it bespeaks an attitude of some members of the public toward the whole correctional program. One of the great deterrents to the development of corrections in Canada, as stated in the Fauteux Report and I suppose as stated by anybody in the field, is the fact of public apathy; the fact that the public just sometimes don't care about persons who are committed to juvenile or to adult institutions; and so in a very raw sense he saw exhibited before him the type of attitude that those in the correctional field, not too often, but occasionally do run into even in this day and age among the public. That is why it is necessary to have understanding of what correction can do. It is necessary to keep the public attuned; keep the rest of the province attuned to what one is trying to do in the correctional field in order that there will be that large body of understanding and that large body of support that is always necessary if a provincial, or any government program, is to succeed.

I say nothing more about the incident at the Manitoba Home for Girls. I explained generally on Friday night the circumstances surrounding this incident. I have had the opportunity, which I know the honourable members opposite have not had, of perusing the report into this matter; and I can state categorically that from none of the reports that have come to my attention, police reports investigating this unfortunate drowning, is there even a tittle of evidence to suggest that there was irresponsibility on the part of any of the staff involved in this instance. It's one of those cases where, had the girls chosen to run toward the highway rather than toward the river, there would have been no loss of life. They chose to run toward the river instead of running in the opposite direction, and they tried to cross the river at a point where the ice was rotten and the girls fell in. Now they were under supervision at the time. They skipped out. These were girls who had been given the privilege of having an evening recreation period on the skating rink. The skating rink was surrounded, as I have mentioned, by a . . . . . wire fence, nine feet high, with protective inturning wire on the top of it. In all circumstances, as I can see them, every precaution was taken by the staff to make sure that the girls stayed there. They didn't. They got over the fence and they ran away. It's a most unfortunate thing but certainly not one, from the reports that I have seen, where any tittle of negligence can be attached to those who were in charge of the institution that night.

Now let me say this. You can have it the other way -- you can have it the other way if you want. You can have them behind steel bars and you can have them locked up and never get out and never get recreation. You can have the most secure institution in the world, if that's what you want your correctional program to be among juveniles. If you want to stop them running, all you have to do is put them inside a fortress; lock the door and throw the key away. Anybody can do that. It's been going on for centuries. But if you want to try to lay on a program, and that's what we're trying to do at the Home for Girls, you've got to have a minimum security atmosphere and that's what we have there. We have a large number of runaways from that Home -- a large number of them -- but I say on balance, Mr. Chairman, that you've got to choose between the type of program you want. We've made the choice for the minimum security type of program with the rehabilitative features that flow with that program, with counselling, with the academic training, with the other types of training that go on there, and with a certain amount of faith being placed in the girls. Very often it's not well placed -- not well



(Mr. Lyon, cont'd.) . . . placed -- because a number of them run away. But I can tell my honourable friend if he wants it the other way all we have to do is to put up a stone wall around it. We won't have any people running away but we'll have that place filled all the time, and we'll be adding on to it every year in order to accommodate those who keep repeating and come back, and so I merely say to him that the choice is right there. We've made our choice. We've made our choice to go with the minimum security institution and to try to lay on a program of correction. If that's the wrong choice I'd like to hear my honourable friend tell me.

Now the Honourable Member for St. George raised the question of the Wellington Progressive Conservative organization, and I presume he got this from the newspaper. I wasn't aware of the relevancy of this item to my department. He might have raised it under the Department of Welfare or I don't know what other department he might have raised it under. I'm not wholly familiar with the circumstances of that case at all, Mr. Chairman, because it was not brought to my attention in my official capacity as Attorney-General. From what I do know of it, I know that there was no complaint ever lodged with the police or by anybody so far as I know on behalf of the organization that was concerned -- I believe it was the retarded children -- with anybody at all. This was at most, from what I am told and I am only repeating hearsay, at most from what I am told, there was a misunderstanding that occurred not three or four years ago but apparently only recently because the practice had been obtaining, so I am told, with the consent, either implied or otherwise, of the organization for some number of years past. The difference between the groups was ironed out and the misunderstanding, if in fact it was that, was ironed out, and I know about as much about it, I suppose, as my honourable friend, from reading of the newspapers, but never to my knowledge by anyone other than the Honourable Member for St. George was it suggested that there was any criminal intent or mens rea on the part of the people responsible for the tickets that were sold.

My honourable friend from Burrows raises the question about the Liquor Control Commission and its alleged indiscriminate licensing. Now I always enjoy my honourable friend from Burrows when he speaks. He's one of the, I think one of the most interesting speakers in the House. He speaks out and he speaks well, and he lets you know what he thinks; but I looked in amazement when I heard my honourable friend speak tonight because it is the first time that I have ever heard a socialist making a case on behalf of private monopoly. But be that as it may, the point he raises is certainly one that has arisen from time to time in discussion. I can only refer him to the last Annual Report of the Liquor Control Commission, and if he will look at Schedule I on Page 11 of that report, he will see the actual number of new licenses that were granted by the Liquor Control Commission in the fiscal year ending March 31, 1961. I will just run down the new licenses because they have them classified in that category. There were four new hotel registrations; two new beer parlour licenses; 22 restaurant beer and wine licenses; 21 beverage room licenses -- and the honourable member will appreciate that the beverage room license is a supplementary license to the restaurant beer and wine; there were nine dining room licenses -- new ones; four cocktail rooms; one cabaret; two club dining rooms; two club cocktail rooms; four military canteens; five beer vendors; one brewer's retail; and one distiller. Now that is a complete run-down of all of the new licenses. I would also bring to my honourable friend's attention this fact -- it's referred to on page seven of that report, again for the fiscal year '61 -- during the year, 13 municipalities voted on by-laws to permit the issuing of the new types of licenses. These were areas that formerly were not permitted to have the new licenses. In all but two municipalities the electorates voted in favour of these by-laws, so you have 11 new areas, which formerly did not qualify for new licenses, passing referenda and thus becoming available and, undoubtedly in many cases, although I haven't the material here to document it, I am sure that these votes, these successful votes were then followed up by applications on behalf of persons wanting restaurant, beer and wine or a beverage room license.

I would also point out to my honourable friend that the number of beverage room licenses is increasing and hence the number of beer and wine licenses, because this beer and wine restaurant license is a prerequisite for the beverage room, to an extent because of the conversion process which the commission is recommending to the different outlets in Manitoba. In other words, there is a fair amount of conversion from existing beer licenses to restaurant, beer and wine and beverage room licenses. In some cases the beer parlour license is continuing and the two new licenses are being added on to hotel premises, but you can see from these

(Mr. Lyon, cont'd.) . . . figures that the licensing in 1961, I don't think on the basis of those facts, could be called indiscriminate.

Now he makes comparisons with other provinces to the west, and I think these comparisons would be valid if one did not realize that the licensing in Western Canada, with the exception of British Columbia, the forms of licensing are comparatively new. They are in about the same position vis-a-vis licensing as Manitoba was in 1957 -- the Act, you remember, came into force in 1956 -- and they're just now in the throes of adjusting themselves to the new licensing procedures. That is why perhaps, although I didn't mark all of the figures down, that is why perhaps those figures or those comparison figures would not be quite so valid when one considers the legislative background and the comparative novelty of this type of licensing, particularly in Saskatchewan and Alberta.

MR. CHAIRMAN: Resolution 38 --

MR. M. N. HRYHORCZUK, Q.C. (Ethelbert Plains): Mr. Chairman, after listening to the honourable the Minister answering the question or the statement made by the Honourable Member for Emerson, I come to the conclusion that probably my treatment of the subject received the same tender consideration when he answered in my absence Friday night. I don't think that the Honourable Member from Emerson nor I, nor any member of this House wishes to return to a maximum security prison for any of our inmates. I think insofar as the minimum security institution is concerned, it is the right idea and it is in the right direction, but the Minister is very adept at putting up a smokescreen by bringing out matters that are not pertinent to the question at all. The fact of the matter is that there was one girl that lost her life; another one would have if it wasn't for the courage of one of the staff; and not only that, but it was a third girl that let the staff know that these two girls were in that plight that they were in. Certainly minimum security institution doesn't mean to say that there's to be no supervision. These girls were escaping at the time, and it's only common sense, Mr. Chairman, that in this recreation yard or on the skating rink, there should have been one of the staff there; and had there been one of the staff there, this tragedy would have never occurred. No matter how much mending the Minister does, the fact remains that he is directly responsible for the loss of that life and I don't think that he should take that charge so lightly and then come back with a lot of invectives and statements that are beside the point altogether. I hope that he takes these charges seriously and does everything he can that they don't occur again in the future.

MR. CHAIRMAN: Resolution 38 -- passed. Resolution 39 (2) Land Titles Offices -- passed. Resolution 40 (3) Law Courts --

MR. GUTTORMSON: Mr. Chairman, what steps is the Minister taking in connection with the court reporters over at the Law Courts. There is a drastic shortage over there at the present time as he well knows and, as a result of the shortage of court reporters, a lot of cases are being held up because the transcript of evidence just can't be prepared in time for the judges to go over them. There's another serious possibility that unless some adjustment is made in the salaries being paid to these court reporters that they presently have on staff, that many of them are going to depart for greener fields. It is my understanding that the court reporters at the present time are paid a salary of \$395 a month. Their counterparts in Ontario, I'm told, are receiving in the neighbourhood of \$8,000 a year. It's true that the local court reporters are making more money than the salary paid, but this money is made during their own time in the evenings, on Saturdays and Sundays, and unless something seriously is done in a hurry, the department is going to be in a serious jackpot over court reporters.

MR. LYON: Mr. Chairman, on that point, I can tell my honourable friend that we're approximately a year and a half ahead of his suggestion in that, I believe when Mr. R. G. B. Dickson, Q.C., was the Chairman of the Civil Service Commission, we had a special survey instituted into the court reporters' salary situation; and unless I'm mistaken, I believe that his recommendations at that time, and that was a year and a half or two years ago, were implemented. The salary range that my honourable friend speaks of is approximately true, but what he fails to give proper accentuation to is the fact that the court reporters do sometimes double and sometimes triple their -- (Interjection) -- Yes, I know. My honourable friend mentioned that, but they do that -- not after hours -- they do that in examinations for discovery and so on during regular business hours and nobody is complaining about this at all because this is part and parcel of the whole procedure. You must have an examination for discovery if you're

(Mr. Lyon, cont'd.) . . . going to bring a civil action on to trial. I can tell him that there are in the estimates this year provisions for two new Court Reporters II in each judicial district; one new Court Reporter II for The Pas; and in addition, of course, there is a new secretary to the judges being added to the staff over there to facilitate just the very problem that he speaks of.

Now putting the two court reporters in the estimates is one thing; getting the two court reporters is another thing, as my honourable friend well knows. The situation, for instance at the City of Winnipeg, is perhaps indicative of some of the problems that have been faced, although fortunately not to date faced by the provincial civil service because we still get enquiries from court reporters in other jurisdictions, some of whom wish to come here, and we've been fortunate enough, in the case of two or three that I can think of over the past two years, to bring them from other jurisdictions to Manitoba. Thus while we have these two new reporters in and are hopeful that we can fill the positions soon, the situation that he speaks of is quite a valid one. We want to get as many court reporters on the staff as we can. I can assure him that the situation in Manitoba vis-a-vis court reporters is not a unique situation, and in many ways is a much better situation than in other provincial jurisdictions that we hear about from time to time, so while it's far from being perfect and while we are adding new staff, still I think that the situation is reasonably well in hand if we can get the men that we are seeking.

MR. HILLHOUSE: Mr. Speaker, I think perhaps one thing that could be done to assist the court reporters in their work would be if typists were supplied, because I know from my own experience that the boys who take the proceedings at a trial, they all have their dictaphones there and they can give the evidence into the dictaphone; and if they had a typist there to type it over, all they'd have to do is to check it afterwards and certify it. I'd like to know though from the Attorney-General whether in Ontario the court reporters there also receive any money that they make in respect to examinations for discovery.

MR. LYON: I really couldn't answer my honourable friend. I can just add this word, that the situation regarding stenographers was tried for some time and it did not work out to the satisfaction of the court reporters themselves. Some of them still do utilize court reporters -- or stenographers I should say -- whose services they obtain on their own but those positions which were in the estimates for a number of years were finally struck out, I believe, last year, because they were just not filled and there was no particular interest, as I was led to believe, by the court reporters in having them filled. Another field that hasn't been mentioned but to which we are giving attention is the question of stenotyping, the new little manual machine, and if the Honourable the Minister of Education fulfills the plans that he has, I'm hopeful that there will be a course in stenotyping offered at the new Technical Institute because, at the present time, I believe Minneapolis is the closest place at which this course can be obtained. With his usual Dauphin-like co-operation, I'm sure that he will endeavour to have this course included at the Technical Institute so we can train more stenotype operators right in Manitoba.

MR. CHAIRMAN: Resolution 41, Legislative Counsel - passed?

MR. HILLHOUSE: Mr. Chairman, -- oh, I'm sorry.

MR. PAULLEY: On 41, Mr. Chairman, I'd like to make a remark or two. I understand that our present Legislative Counsel, Mr. Rutherford, will be taking a retirement this year in his official capacity, as I understand it, this Legislative Counsel. And I would like to pay a tribute if this is so, and I understand that it is so, and I would like to pay a tribute to Mr. Rutherford for the invaluable service that he has rendered to those in my group. I understand that Mr. Rutherford has been the Legislative Counsel since the year 1941, which as every member knows, was prior to myself coming into this House. I want to say though, Mr. Chairman, how much since I joined the House that I have appreciated the valuable guidance and service that I have received from Mr. Rutherford. I don't think there is an individual with whom we come in contact who has a better personality and a willingness than Mr. Rutherford. He has rendered, in my opinion, invaluable service, and I could not allow this item to pass at this time if I did not pay a tribute and say through the media of this committee my personal thanks and, I'm sure, the thanks of all members of the House to Mr. Rutherford for the services that he has rendered in his official capacity. Now I hope -- I notice that there are items here for revision of statutes and the likes of that, I feel sure that the government will still make use of the invaluable services of Mr. Rutherford. I had an opportunity of speaking with some of the chaps in other jurisdictions who hold a similar position as Mr. Rutherford and they spoke very, very highly also of

(Mr. Paulley, cont'd.) . . . him. So I trust that in his leaving us officially as our Legislative Counsel that his services will still be utilized by the government, and that his capabilities and his qualities will not be lost to us altogether.

MR. HRYHORCZUK: Mr. Chairman, I'd like to join with the Honourable the Leader of the NDP Party in his commendation of the work that has been done by Mr. Rutherford in the Province of Manitoba. I had occasion to travel with him to other parts of the country and he is, and was, and I guess always will be regarded as one of the best men in the field. I agree wholeheartedly with what has just been said insofar as Mr. Rutherford's services to the province are concerned, and I want to join with the Honourable Leader of the NDP Party in suggesting that Mr. Rutherford's services be retained into the future as long as possible; as long as he is willing to work for the government in any capacity whatsoever, and I hope that it will be in this particular capacity in which he is so adept and so conscientious. I really think that that is one of the -- we have many men in the service of this province that are dedicated, but I think that Mr. Rutherford is among the foremost, and one who should be remembered and one who should understand that we appreciate everything he has done for the government and for the Province of Manitoba as a whole.

MR. CAMPBELL: Mr. Chairman, . . . . until I heard it mentioned in the course of this discussion that Mr. Rutherford was retiring. Is that the . . . . --

MR. LYON: I was going to add a "maybe" to these remarks, but the commendations are due in any case.

MR. CAMPBELL: Whether it's a fact or not, I would like to say that I certainly join most wholeheartedly with the expressions of appreciation of Gerry Rutherford. He's one of the senior civil servants in this area that a great many of us consider as a personal friend in addition to being a valued servant of the Crown. Quite a few of the members have spoken about the fact of his long tenure of office in this position. It's maybe not so generally known that he was with the Civil Service quite a few years before that. He was, if I remember correctly, our original Debt Adjustment Commissioner in Manitoba and there, too, he did a magnificent job in something that was far from easy, as I think that's a pretty controversial kind of a place to be pushed into especially with a completely new Act, in difficult times, when he had to sort of make his own way without any landmarks to guide him at all.

Speaking of him as a Legislative Counsel, I think probably the best evidence that you can give of his capacity is to just check up through the years and see how few of Mr. Rutherford's statutes have ever been called into question by the courts. I used to tease Mr. Rutherford a bit by saying that he certainly used quite a few words to express some of these ideas, but I'll tell you when it came to the courts interpreting them, there weren't very many that were found wanting. He's an exceedingly capable man and one who under a modest exterior certainly has done a very great job for the Province of Manitoba.

Might I ask the Attorney-General at this time, is it proposed to have a general revision of the statutes fairly soon?

MR. LYON: Mr. Chairman, I didn't wish to interrupt the honourable members opposite because all of the statements that they have made with respect to the Legislative Counsel are certainly well deserved by him, and I was not going to cloud the atmosphere by saying that there was even a "maybe" in front of this situation. One fast learns in government there are no secrets in government. It is true that there have been discussions -- may I say initiated by the person in question and not by the government -- with respect to the possibility of his perhaps leaving the formal responsibilities of Legislative Counsel but assuming in turn the full responsibility for the revision of statutes, so even if this comes about -- and this is at the discussion stage at his initiation -- even if this comes about he will still be around in an advisory capacity and doing, we hope, the big job of revision for which an item is provided in the estimates this year. But it is slightly premature at this stage. I couldn't even set a date because this will depend largely on the gentleman in question, and as to his own feeling. He has been heard to say that he thinks he's getting a little older. Well I've been heard to say that this fact, if it is a fact, is not manifested in his work and it depends on how or what attitude he takes with respect to carrying on or whether he wishes to take on the still onerous job of revision of statutes in place of the duty that he presently holds. The estimates do contain items for the revision of statutes. The preliminary work has already been started. There was some money set aside in

(Mr. Lyon, cont'd.) . . . . last year's estimates. I don't believe much of it has been used but preliminary work has started on a revision of statutes. The tentative target date would, of course, be 1964, being ten years beyond the last revision of '54. I don't know if this government will be any more successful than its predecessors in meeting that target date, but we'll try it. -- (Interjection) -- Well, that's a novel suggestion, too, but that's one that I'd be willing to take bets on as opposed to the one about the retirement of the -- (Interjection) But I'm sure that the revision -- as I say, we will aim for a target date of '64. Whether or not we'll hit it, I don't know. But in any case, I'll be quite happy when the revised statutes come out to pass them around as Attorney-General to all members of the House.

MR. CAMPBELL: Mr. Chairman, seeing that several others have made some remarks concerning the fine job that Mr. Rutherford has done in this position, it's probably just as well that this discussion took place. But I would suggest to the Honourable the Attorney-General that after this, if he has any public policy to announce, that he does it himself instead of getting the Leader of the New Democratic Party to do it.

MR. HILLHOUSE: Mr. Chairman, I would like to add my remarks of commendation in respect to Mr. Rutherford, and I do hope that the Honourable the Attorney-General will induce Mr. Rutherford to stay in the service of the province for many years to come.

Regarding the revision of statutes, I wonder if the government has considered the advisability of introducing a looseleaf system of statutes in Manitoba. Most law book companies now that publish legal periodicals, they do have that looseleaf system and you get your amendments through the mail; you just substitute pages. It seems to me that we could introduce that system in Manitoba in connection with our statutes and it would do away with these revisions that take place every ten years or so. Your statutes would be kept up to date. So I would ask the Honourable the Attorney-General to consider that matter. It's true that it would be a little more costly in the initial stages, but speaking as a member of the legal profession who gets these statutes free as long as he sits in this House, I don't think the legal profession would object to the additional cost, because the additional convenience would more than offset the additional cost. And I would ask him to take that matter under advisement.

MR. MOLGAT: . . . . . of my colleague. I think that the original additional cost might also be offset in the work involved in revising constantly. Someone who wants to keep his set of statutes up-to-date if he's in the legal profession has to employ staff to do it. Insofar as the members of the House, we have to be constantly making notations -- or usually what we end up by doing is borrowing the ones that belong here, and ours don't end up by being up-to-date. This would obviate all this because at the end of every session any revised statutes would simply be sent out and be kept up-to-date very easily.

MR. LYON: . . . . . my honourable friend that that question has been looked at. I'm not in a position to announce any definite policy one way or the other but certainly it has been looked at and will not be overlooked when the preparation is under way.

MR. CHAIRMAN: 41, passed. Committee rise and report. Call in the Speaker. Mr. Speaker, the Committee of Supply has adopted certain resolutions and directed me to report the same and asks leave to sit again.

MR. MARTIN: Mr. Speaker, I beg to move, seconded by the Honourable Member for Springfield that the report of the committee be received.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. EVANS: Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that the House do now adjourn and stand adjourned until 2:30 tomorrow afternoon.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Tuesday afternoon.