

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Monday, April 1, 1968

MR. CHAIRMAN: Minister of Industry & Commerce -- Mines and Natural Resources.

MR. CRAIK: Mr. Chairman, I have the answer for one of the questions anyway regarding the construction of the building under the trawler project under the ARDA agreement last year - over the last two years I guess - the price on the building was \$11,583.40. I think the Leader of the Opposition had asked me some other questions here but maybe I should wait until he returns.

MR. GUTTORMSON: Is the Minister telling me that they spent \$11,000 on a fish processing plant and they were serious about putting it into effect?

MR. CRAIK: This is for the building. It is a Butler type building on a concrete foundation with some refrigeration equipment.

MR. GUTTORMSON: ...equipment that was put in it, is the equipment purchased for this plant?

MR. CRAIK: Not that I know of.

MR. CHAIRMAN: (a) -- passed, (b) --

MR. GUTTORMSON: Mr. Chairman is the domestic license still going to be available this year for fishing on Lake Manitoba?

MR. CRAIK: I haven't heard of any cancellation of it. Do you mean fishing licence?

MR. GUTTORMSON: You know what I'm talking about don't you?

MR. CRAIK: Fishing licence?

MR. CHAIRMAN: (b) -- passed?

MR. GUTTORMSON: No, Mr. Chairman, I want an answer to my question.

MR. CRAIK: There is no change.

MR. GUTTORMSON: How many licences are you going to issue this summer then for it?

MR. CRAIK: I have no idea.

MR. GUTTORMSON: Pardon?

MR. CRAIK: I said I have no idea.

MR. CHAIRMAN: (Balance of Resolution No. 70 passed.) Resolution No. 71, (a) passed, (b) --

MR. CAMPBELL: Mr. Chairman, once again there is quite a reduction here in the number of people according to the information with which we have been furnished. Can the Minister give us the -- it would appear to be down from 46 a year ago to 30 in this year's estimates.

MR. CRAIK: I think that basically in Forestry there is no --there has been shifts out of what might be called Forestry and probably into planning and programming here, but the numbers in forestry -- when you were asking me about the numbers before, I think maybe we weren't working from the same sheets on the numbers. The number in Forestry, designated now under Forestry, is 29 in that designation compared last year to - well the same number; 31 was the vote last year and the revised estimate is 29 and this year it is 29. So I think the discrepancy there is probably the fact that they have been shifted over into another category here. The total numbers in the department last year, the total vote as I have it, was 531 and the total vote in the department this year is 517. Is that the same number that you have?

MR. CAMPBELL: No, the only information I have is contained in the records of the personnel that were handed us the other day by the Honourable the Provincial Secretary. I have the one that was given to us last year and Forestry shows under two items. This is the last year that I am speaking about. Forestry - Forest Management, 37; Forestry - Forest Protection, 9; that seems to me to be 46 total in Forestry. Then we have this year in a different form, but again it's shown in two different items. Forestry, Research and Planning, 1; and Forestry, 29; which seems to me to add up to 30, and I therefore reported that it seemed to be a reduction from 46 to 30.

Now as far as the totals are concerned - again I'm going by the sheets that have been furnished us - it was 496 last year, the total; the total is 516 this year, which seems to me to be 20. Now if there is something wrong with these sheets, Mr. Minister, I can't help that, but if we could once again renew the plea that you put the figures in the estimates, then we would all have the same figures and I think that would be advantageous. Incidentally, it used to be done when the --(Interjection)-- back in the good old days. Yes, in the good old days.

(MR. CAMPBELL cont'd) . . . It used to be done that way, and for goodness sakes it must be simpler to do it that way than to furnish these sheets.

Now I don't know where the discrepancy lies but we not so far out on the totals. But I wondered at the reduction in this item, because I would gather that the Forestry Service has not been reduced at all.

MR. CHAIRMAN: (b) -- passed, (c) --

MR. PAULLEY: Mr. Chairman on (c), I'm very intrigued with the annual report for the year ending March 31, 1967, and I appreciate that the new Minister might not know all of the details of everything that his department was doing, but I'm intrigued with Page 38 where reference is made to the blueberry patches that we have in Manitoba. I don't know whether the Minister knows that "we are deeply concerned in the Department of Mines and Natural Resources by the development of blueberry patches" - and I note that according to the report of the last paragraph of the section dealing with Manitoba, ARDA Blueberry Project, it states, "that in conjunction with the development work being carried on, plot studies are being conducted on sprouting, fallowing, burning, flowering, pollinators, fruit sets, fruit yield and weed control. Now I would like to know from my honourable friend what is the total cost in respect of blueberry projects or patches in Manitoba and what is the return to the province insofar as the blueberry crops are concerned?"

A MEMBER: Urban or rural?

MR. PAULLEY: Well, I don't know now, wait a minute. The report refers, Mr. Chairman, to three areas north of Whitemouth Lake which were developed, so of course I guess this doesn't include the great constituency of Gimli.

MR. JOHNSON: That's as specific as you've been for three years.

MR. PAULLEY: And I understand my honourable friend he may not be concerned with blueberry development, he may be concerned with other developments. However, this is a matter that is of concern to the Department of Mines and Natural Resources: they printed it in their grey book. I would like to know from the Minister the cost, how much production, and where are we going from here in the development of this very delectable berry?

MR. CRAIK: I'll have to wait to get some figures for you on that.

A MEMBER: From above?

MR. PAULLEY: When the Heavens tell us whether we are going to have blueberries or not, Mr. Chairman, we'll be satisfied with the reply.

MR. CHAIRMAN (f) passed?

MR. PAULLEY: Mr. Chairman, in connection with forest fire protection and detection, can the Minister indicate to us what the cost was for forest protection for fire purposes in the 40,000 square miles that is under option to Churchill Forest Industries? I realize that in that vast expanse of territory for fire protection, unlike most other areas in Manitoba, the taxpayer of Manitoba is having to pay directly for fire protection services without contribution from Churchill Forest Industries. I am sure my honourable friend realizes that Abitibi and others in the Pine Falls area pay a certain amount for fire protection expenses. I wonder if he can tell us what is the cost now that this large part of Manitoba is under the control of Churchill Forest Industries?

MR. CRAIK: Well, there is no substantial change here in the estimates from last year versus this year in the cost, and I think probably you would find if you went back to the year before that it's still probably essentially the same up to this point. Last year was an expensive year because of the high incidence of forest fires. There were somewhere like 600 fires, which comparatively speaking was many times higher than they have been in the two or three years preceding that. The total acreage burnt last year though was not nearly as high, or comparatively wasn't nearly as high as it was for fire on other occasions, and the techniques at least through the Government Air Service facilities and so on are more effective now in controlling the forest fires. As far as delineating between the specified area for Churchill and any other area, I don't think any breakdown of this point could be made.

MR. PAULLEY: I am sure, Mr. Chairman, my honourable friend doesn't appreciate the point that I am trying to make at this particular time and I will pass for the time being, but I want to assure him that I will be interested in this particular matter, because while the overall estimate may not be up over what it was a year ago, on the revenue side of the balance sheet - revenues do accrue to the province as a return for the provision of fire protection services in other areas in the province, with the exception, as I understand, the agreement

(MR. PAULLEY cont'd)...with Churchill Forest Industries who make no contribution for fire protection services. I would like the Minister - I'm not asking for it now - to try and ascertain what is the cost of fire protection services for which there is no return for the services provided in the 40,000 square miles of territory that has been awarded to Churchill Forest Industries. I think it is a very important feature and an important fact as to the worthwhileness or otherwise of the agreement that we have entered into.

MR. CAMPBELL: Mr. Chairman, when the Honourable the Minister mentions last year, is he meaning the year that just closed yesterday or is he meaning the year before that?

MR. CRAIK: The summer of 1967 --(Interjection)-- The summer of 1967.

MR. CAMPBELL: The summer of 1967.

MR. CRAIK: Yes.

MR. CAMPBELL: Because the year before that again, the one for which we have Public Accounts, that one was an expensive year, more than \$700,000 was spent on these two items in that year, much more than has been appropriated either last year or this year. Would the Minister be able to tell us, Mr. Chairman, what the expenditures were in this year that's just closed, that is the summer of 1967?

MR. CRAIK: Well, it shows \$400,000 and I think probably that that's pretty well correct. That's what we had -- well, I'm sure we used up our limit. We have \$400,000 in forests, the same as we had this year. I think we probably exceeded it, but I don't have the exact figure here. Perhaps we can determine what it is.

MR. CHAIRMAN: (Balance of Resolution 71 was passed.) Resolution No. 72 --

MR. GUTTORMSON: Mr. Chairman, earlier this year the Minister announced that they were going to release land for sale in the western part of the province. When is he going to consider releasing other Crown lands up for sale, for example in the Interlake where the present policy calls for the lands having to be good for cultivation. This seems to be a short-sighted attitude, particularly for the farmer who doesn't want the land for cultivation; he wants to use the land for ranching, for grazing. It seems to me that when a farmer who's lived in the area all his life is anxious to purchase a piece of land, Crown land adjacent to his property, he should be allowed to buy it, particularly when he knows what the land is worth and what it can be used for. I can understand the government not wanting to sell this land to farmers or people coming from the outside who are not familiar with the land, but surely when a farmer has the land adjacent to it and he knows the value of it, the government should consider letting him have it so he can expand his operations.

MR. CRAIK: Well, two or three points there. First of all, preference is given to the farmer who is trying to expand the size of his unit to reach a more economic size, and he always does receive preference when Crown lands are disposed of. The other major point though is that in the Interlake region there is a freeze on the sale of Crown lands and this of course is because of the studies that are underway to assess the quality of the land and the type of use to which it should be put, whether it's cultivation or whether it's hay or grazing or whether it's wildlife, and until this study is completed there won't be any disposition made, any major dispositions made of the land.

There have been I think a few cases where somebody has been very hard pressed to actually graze some cattle and some provision has been made in the interim period. There's not a very easy solution though to it because there are tremendous pressures in all directions and tremendous number of people that have no question in their minds of what they know the lands' use is, and as a result of this we have been holding meetings even now in the area - we were holding them all last week, I think there were meetings every night last week up in that area - to meet with the people and discuss some of the uses to which they were talking about placing these lands. And where you find some places there was tremendous pressure to put them into agriculture, there were also pressures to put them into wildlife, so no decision is being made until the land evaluation, the carrying capacity of it and the use to which it will finally be put is determined.

MR. CHAIRMAN: (a) --

MR. CAMPBELL: Mr. Chairman, in this one I think likely the Minister and I can agree. There really has been a reduction here, has there, in personnel? Maybe I can help the Minister out here. There just must have been one even if the sheets with which we're furnished are in error. What they say is that there has been a reduction from 37 to 25, but the Minister has convinced me, at least, that they're not very accurate, these sheets, and I have a better source

(MR. CAMPBELL cont'd)...of information though, because in the Public Accounts the salary item alone is just over \$195,000.00. That of course is for the year before last, and now the salary item, with an estimate for what is actually two years later, is only \$140,000, so with the escalation of salaries which has no doubt gone on, with a considerable reduction there simply must be a drop here. So maybe for once this information that is furnished by the Honourable the Provincial Treasurer may happen - or rather the Provincial Secretary - may happen to be right, eh? Think it might?

MR. CRAIK: No, I don't think so. Going back to your previous one, the discrepancy in the Forestry was that we've classified 12 out of that group into administration and four have gone as foresters in the regions. So that's where the discrepancy of 16 is Forestry.

Now in Lands my entry, the way I have it entered shows 25 this year and 25 last year under the same category, so till I figure out exactly here where the differences are, I imagine they're probably classified as administration here too.

MR. CAMPBELL: Did the Honourable the Provincial Secretary not furnish my honourable friend with one of these sheets? Oh, he wouldn't give you the last year one I guess, because that's all I've got to go on. Now if my honourable friend can just convince the House Leader, who is now in his place here and who is a reasonable gentlemen, to see that next year these figures are put in the estimates, then from then on - not that my honourable friends will have responsibility for them for very long - but we will continue the trend that they will start, even though they were unkind enough to discontinue the trend that we had started, and then my honourable friend and I won't have so many disagreements on the figures.

MR. CHAIRMAN: (Resolution No. 72 was passed.) Resolution 73, (a) --

MR. GUTTORMSON: Mr. Chairman, is the Minister going to give us a statement with regard to the government policy on Wildlife Management Areas and wetlands areas?

MR. CAMPBELL: Mr. Chairman, while he's at it, will he declare to us the policy of the government with regard to the compensation for damages by wildlife to farm crops and supply.

MR. CRAIK: Well, first of all on the compensation, there is no financial compensation made for deer predation, and in the area of waterfowl problems, as I mentioned earlier, there are cases where there's been feeding done to lure off the ducks or geese where there's significant problems. Again, there's no direct compensation made. There's no method of payment for losses as far as I know. This is certainly not true, particularly with large animal problems.

Now I don't think there's anything further I can say here. The policy of the department is to offer assistance where they can and to encourage the farmer, where it's a case of haystacks, problems with deer and so on where they're close to a wooded area, to go out and at least advise him on how he might spread - what do you call it - blood meal around the haystack, or to other techniques that they might use to keep the deer away; and with the waterfowl there is encouragement for them to use these zon bangers and to use the cracker shells and so on for their shot-guns to frighten them away, but this is the extent. To my knowledge there's no policy of direct compensation that has ever been embraced except in cases where some fields have been I think maybe planted to lure off the waterfowl, and probably in some cases maybe purchased for that purpose.

MR. CAMPBELL: Mr. Chairman, would the Honourable Minister agree to at least consider the question of doing what has been recommended by two or three of the members who spoke earlier, to consider adding a small sum to the licences, both big game and duck licences and others, in order to set up a system of actual compensation. I know of these methods that my honourable friend mentioned. I have seen the bangers in action; I have seen the cracker shells. I have had the opportunity of servicing the bangers in my time and they're not very effective. The farmers are certainly encouraged instead, because of the ineffectiveness of these methods, to get out with shotgun shells and they are apt at times to scare a few of the ducks to death and then they're breaking the law when they do that. It's a troublesome situation and the same with the deer. They can make a sad wreck of either stack or baled stack hay or of a pile of grain, or even they can open up a granary pretty quickly; they've got sharp, strong little feet.

I think it's getting to where the most people recognize the fact that the game is a natural resource; we want to keep it; we want to see it increase. In the area that I come from, there were literally practically no jumping deer at the time that I was a youngster out around there; now there are lots of them and we're glad to have them, really glad to have them. It's nice to

(MR. CAMPBELL cont'd)...to see them around, but it's not nice to see them pile up on a hay-stack or a pile of grain, if sometimes grain has to be left out in piles for awhile. It's not nice to see them open up a granary either, and the same with the ducks. There's a real problem here and it seems to me that just a small addition to the game licences would provide adequate compensation, and the feeling of the farmers would be so much better, and you've got to count on the co-operation of the farmers if you're going to get the preservation of this resource in the way that all of us would like to see it.

This has been covered well by other members before this. I don't need to argue it over again, but would the Minister agree to take a look at it? His distinguished predecessors have considered it but they're pretty slow fellows to act. I have more hope of my honourable friend.

MR. PAULLEY: Mr. Chairman, this is rather intriguing to me to hear the Honourable Member for Lakeside advocating an increase in taxes and fees and what have you for this particular purpose. It seems to me that there should be some other methodology used to compensate farmers. On one hand, my honourable friend the Member for Lakeside said he was pleased to see that there were more jumping deers now than there were some considerable period of time ago, and yet we hear from time to time that there should be barriers for hunters going in to shoot deer in various areas without permission of course, and there's some validity in this, but it seems to me that there should be a different approach to compensation.

I'm not suggesting that there shouldn't be some compensation but it does seem to me to directly add this on to the fee of those who partake in hunting. For instance, I haven't had a licence to go hunting deer, and if as the result of our animal protection or wildlife protection on contributing to the growth of the herds of deer and the likes of that, I don't think that those that just simply take out the licence should be the ones that have to pay the penalty because of wildlife eating crops or haystacks or grain stacks that my honourable friend referred to. I should say that while I don't go out hunting as such, I do love to see the deer and the wildlife roaming the countryside, but to simply advocate increases in fees for those who participate in game life, I question whether or not this is the proper approach.

MR. SHOEMAKER: Mr. Chairman, I would like to ask my honourable friend this question, and his predecessor. If a neighbour's herd of cows or herd of cattle got out into a crop and damaged it to the extent of a thousand dollars, could you not take legal action against the owner of the cattle for compensation? And if that is so, then what is the difference between taking legal action against the government for the damage done by wildlife? What would happen in the event of a farmer taking legal action against the government for damages done by wildlife? I think that it's high time, whether they get the money from Russ Paulley or whether they get the money from an extra tax on the hunters, it's high time that the farmers got paid for the damage done to their crops.

Now, Mr. Chairman, I have been looking forward to a report from my honourable friend, or a more complete report than that shown on Page 60 in regard to that new industry that Manitoba has that I referred to awhile ago, exporting bears south, because this announcement came from my honourable friend's department that Manitoba has a new industry. Well how many bears did we export last year? That's what I'd like to know. And what was the total value of them? We're entitled to know. If it's a new industry, let's find out how it's progressing.

And then according to this little heading under "Bear" - and that's a pretty sickly looking bear that you have there --(Interjection)-- That's right, but it suggests here that they may have shipped one bear to Arkansas. Well, surely you don't call that an industry, a brand new industry, if you got rid of one bear. However, let's hear what the true figure is.

Another thing I would like to know, Mr. Chairman, is whether or not the Manitoba Regulation 81 /55 is still in effect - and my honourable friend will know that off by heart I think - but it's the regulation that has to do to compensate for livestock killed by a person hunting during an open season. And if it is still in effect, how many animals did the province have to pay for last year? I note in an article here from Saskatchewan, the Saskatchewan farmers have filed claims for 39 head of cattle and so many pigs that were shot.

Now, as a point of interest to my honourable friend here, they do add a dollar onto their licence in Saskatchewan. They did that back in the good old days, to pay farmers for cattle that were mistaken for deer, etc. --(Interjection)-- Well, it's a different thing. --(Interjection) --Well all I want to know is how many farmers in Manitoba applied for compensation under regulation 81/55 last year, and how much money was involved. So now if we get the answer to that one and then the number of bears that were exported - - maybe this is a new industry that

(MR. SHOEMAKER cont'd)...needs - a shot in the arm? Is that the right word to use? -- (Interjection) -- A new Minister?

MR. FROESE: Mr. Chairman, before the Minister gets up to reply, I have a question on my mind as well. It was referred to me by one of the Game and Fish Associations. Apparently they are quite perturbed and up in arms about the Federal Bill No. C195. Most likely the Minister is familiar with the Bill, apparently it received first reading on December 7, 1967, and this has to do with the carrying of arms. Could he enlighten us whether the government is going along with this or whether any protest is being made on behalf of the Provincial Government or not?

MR. CRAIK: With regard to this Federal Bill, we haven't taken any strong action on it. I know that the Game and Fish people are concerned about it all over the province; we've been listening to their opinions on it. There's another Bill regarding hunting that we're also concerned about and have asked the Federal Government to give a little more thought to, which allows the Indian people to shoot year round on or off preserves. It's a Private Member's Bill that was presented to the Federal House from the Northwest Territories where it's probably of great interest, but it is of some concern to us here in the more populated areas.

Regarding the one you're referring to, I think it's commonly referred to as the Fire-Arms Bill which is under consideration. I don't think that we've taken any official position on it with the Federal Government.

As far as the number of bears are concerned that are exported, I don't have any realistic figures on it. One figure I do have is that somebody has written down 3,542 1/2. I have an idea that that answer might not be correct though.

With regards to the wetlands program, the programs that have just been completed have referred primarily -- our studies that are just at completion refer to the Delta Marsh and West Shoal Lake. Now in all of these cases there is an active program and continuous study goes on to maintain the wetlands area for the purposes of wildlife propagation.

There was a question earlier with regards to the Fairford Dam. The Fairford Dam is actually set to govern the lake within, I understand, about two feet, and the purpose of it is primarily for the purposes of wildlife and fish. There's also, as has been mentioned I think here, problems with regards to the flooding of land that occurs on the other end of the scale, and this of course is the problem we run into on pretty nearly all the projects that are undertaken for wildlife purposes. There's only a limit to which you can go before you run into an agricultural problem.

The blueberry project referred to in the estimates, if I can refer back here, the amount in wages is \$10,300; operational maintenance and supply, \$3,200; travelling expenses, \$1,500; for a total of \$15,000; and that's shared 50-50 with ARDA on that project.

MR. PAULLEY: What is the return?

MR. CRAIK: Well I haven't got any date on return yet. I think this is still experimental.

MR. GUTTORMSON: Mr. Chairman, I have before me -- it says, "Terms of Reference: Wildlife Management Areas in the Interlake." This is a brochure that has been put out by your department, and one of the points says that artificial manipulation of water levels other than that authorized by the Director of Wildlife will not be allowed, but at the present time the water levels are being controlled by a policy which is operated by the Director of Water Control and Conservation. Now has this been changed, or what?

MR. CRAIK: What's been changed - the control of it?

MR. GUTTORMSON: At the present time, the Director of Water Control and Conservation is in charge of looking after the levels of Lake Manitoba. They have a policy set down whereby they keep the level fluctuating within a range of two feet. Now in this terms of reference for Wildlife Management Areas, it says here: "Artificial manipulation of water levels other than that authorized by the Director of Wildlife will not be allowed." Now is the Director of Water Control going to look after the water levels or is the Director of Wildlife going to do it, because at the present time it's the Director of Water Control and Conservation, Mr. Weber.

MR. CRAIK: Well, I presume that the Director of Water Conservation has the final say on it. I imagine it doesn't really probably come down to a fight over jurisdiction; it's likely done one in conjunction with the other.

MR. GUTTORMSON: What compensation will be paid to the privately-owned land which may be flooded by this policy or from the wetlands area?

MR. CRAIK: Can't give you an answer.

MR. GUTTORMSON: But, Mr. Chairman, the people whose land is involved are very concerned about this. If you can't give me an answer, who can? It's government policy.

MR. CRAIK: Can't give you one offhand.

MR. HILLHOUSE: Is there any restriction on the amount of damage that could be awarded?

MR. CHAIRMAN: ...until the Department of Water Conservation and Control comes up?

MR. GUTTORMSON: But I have a number of questions to ask him. This is causing a lot of concern to the farmers of the Interlake and I'm anxious to get these answers, because it's affecting the privately-owned land and a lot of farmers fear they're going to be driven right off their farms if they don't have some clarification on this policy.

MR. CRAIK: I'll be very happy to give you the answers; it's just that I don't have them at my fingertips. If you want to give them to me, I'll be sure to see that you get the answers.

MR. GUTTORMSON: Mr. Chairman, what is meant by "full supply level" of these wetlands areas? -- (Interjection) -- Well, any of the wetlands areas. They are referred in this brochure as all wetlands indicated on a map of Class 1, 2 and 3, exceed 200 acres in size, full supply level. Now the people are concerned; they don't know what this "full supply" means.

MR. CRAIK: I think perhaps there's some interpretation to be made of this terminology here. If I had a copy of it, I could see that you get the answers. Does it come from our department or does it come from the Water Conservation?

MR. GUTTORMSON: Well, Mr. Chairman, I don't know where it was issued. I was given it by the people who are concerned. I presume they got it from one of the speakers at these meetings. It's headed: "Terms of Reference, Wildlife Management Areas, Interlake". It suggests in here that they're not going to give grazing leases on upland areas. It says: "Casual or special hay permits will be allowed". It says: "Limited cropping permits will be allowed for specific types of production". It says: "No long-term leases of any kind will be made". The farmers that are now using this land are quite concerned because they depend on it for their farming operations. I suggest, Mr. Chairman, if the Minister hasn't got this information at his fingertips, may we leave this item open because we have to get some answers on it.

MR. CRAIK: Well, I also informed the member earlier that we have people in the Interlake and we've had meetings scheduled up and down the Interlake and we had meetings every night last week in there to explain this very aspect of it to the people in the Interlake. Now, I don't know whether that letter he's referring to came specifically from this department or whether it came from the FRED people.

MR. GUTTORMSON: Well, Mr. Chairman, I have a letter dated March 4th signed by you which outlines a number of these programs. -- (Interjection) -- Well certainly, I don't have any objections. It says: "It has been brought to my attention that you have made enquiries as to the terms of reference for management and administration of proposed Wildlife Management Areas within the FRED boundary. The areas proposed are of two types; upland and wetland. They are designed to function as habitat preserves for the maintenance and preservation of current and future recreation of wildlife populations. Upland areas consist of unencumbered Crown land which has been evaluated by professional biologists and deemed essential for preserving food and cover sufficient to winter deer and native grouse populations.

In view of this primary usage, the terms of reference are as follows: No grazing leases will be issued on upland areas permanently set aside for wildlife. (2.) Casual or special hay permits will be given on request. (3.) Limited cropping permits will be allowed for specific types of production, for example, alfalfa seed, sweet clover, etc. (4.) No long-term leases will be issued. (5.) Hunting in season is permitted.

It says: "Wetland areas designated are for the maintenance of waterfowl and fur-bearing populations. In addition, these wetlands are classed 1, 2 or 3, marshes which exceed 200 acres in size. Lands within these areas are both Crown and privately-owned. On Crown lands located within the designated wetland boundaries, the terms of reference are as follows: Artificial drainage is not permissible. (2.) Grazing leases will be allowed. Hay permits or leases will be issued after July 15th of any year. (3.) Burning is not permissible except by authorization from the Director of Wildlife. (4.) Limited crop permits will be allowed."

(MR. GUTTORMSON cont'd)...Signed, "Yours sincerely, Don Craik, Minister". Now -- (Interjection) -- The Minister says he doesn't know anything about it, but he sent this letter.

MR. CRAIK: ...talking here about terminology in your other brochure you have there.

MR. GUTTORMSON: Mr. Chairman, the Minister says they're holding meetings. It's the people that are concerned have come to me with these questions because they're not getting them answered. That's why I'm raising them here. They've asked me and I was unable to give them an explanation. The meetings they attended were not giving them the answers so they've asked me to find out from you during these estimates.

MR. CRAIK: Were you at the meetings last week up there?

MR. GUTTORMSON: No, I wasn't aware there were meetings last week. Where were they held?

MR. CRAIK: If you want the list we can get it for you.

MR. PAULLEY: Mr. Chairman, just on a question of wildlife, I have one request I'd like to make of the Minister, and it deals with the area boundaries of hunting areas. I had a case I had up with the present Provincial Treasurer respecting this. It deals with the boundary line in the particular case that I'm referring to between Hunting Area 17 and 26. The Minister may not be conversant with it offhand, but it's up in the area of Bissett and Manigatogan. I had a party complain to me because they had been arrested and a moose confiscated, and their equipment, because they were hunting in an area that was closed. In this particular area the hunter thought that the boundary line between the two areas was in fact the provincial trunk highway, where actually it is the river which flows alongside within half a mile of the highway.

Now the man who was charged sincerely thought that the boundary line was, in effect, the highway as it is in a number of cases within the province; other cases, rivers are used. My request to the Minister would be that, where possible, the highway be delineated as the boundary of a hunting area if it's within close proximity. I did have this - and the Honourable Mr. Evans I am sure is aware of the case that I am referring to - the man openly and honestly thought that the north side of - I forget the highway number - the north side of the highway he was entitled to kill his moose which he was doing quite openly. The Conservation Officer came along and spoke to him and informed him that he was breaking the law, because of the fact that he was on the wrong side. So I ask the Minister if he would take under consideration in the marking of the areas, the boundaries in the hunting areas, to take this point into consideration.

I don't know what exactly happened as far as the final disposition of the case was concerned, whether the man in effect was fined or not. I haven't pursued it, but I do think that here was a case where a person honestly thought that the highway was the boundary area within half a mile of the river, and when one looks at the map put out by the department as to the different hunting areas, in some instances highways are the boundaries; others are the rivers. My suggestion and request of the Minister is that, where possible, the mark of delineation be the highway which of course would then be readily obvious to persons who are hunting. The individual concerned has no desire to break any of the hunting laws of the province. He's been a hunter for about 20 years, has never been in difficulty, and was chagrined to say the least as the result of his misdemeanor in the law. So I ask the Minister if he would take this into consideration.

MR. CHAIRMAN: (a) --

MR. GUTTORMSON: Mr. Chairman, when could the Minister give us the answers for these questions with respect to this policy of the Wildlife Management Areas and the wetland areas?

MR. CRAIK: I think this brochure that you have is one that was developed for the purposes of discussion in the Interlake. I think that probably this is not a matter of policy as much as it is a working paper, so that they can have it for discussion purposes, and I think that they're using this same one in these meetings that are being held up there right now.

MR. GUTTORMSON: Is the Minister telling me then that this is not necessarily policy at the present time, that this is a working paper?

MR. CRAIK: ... before, the whole area is still under study and none of the lands are being designated as yet.

MR. GUTTORMSON: Mr. Chairman, the Minister has written me a letter to say that this is going into effect. You didn't say this is being studied, you say this is what's happening.

MR. FROESE: Mr. Chairman, on a previous occasion I think I mentioned the matter about the FRED agreement. Can we get the particulars of this agreement and will the Minister be able to provide us with some information on this?

MR. CRAIK: ...involvement in it is not the major involvement in it. I think probably it would be better if the -- you probably would get a better explanation from the Minister of Agriculture because the ARDA program and the ARDA co-ordinator for all aspects of it are actually in his department. We're on one aspect of it which involves directly one branch of our department. I would prefer that you actually got it from him on the overall aims of the FRED program.

MR. GUTTORMSON: Mr. Chairman, with respect to the matter of damage to crops by deer and ducks, does the Minister really think it's fair that a game preserve or a sanctuary which includes privately-owned land where grain is grown, that the farmers shouldn't be compensated for the losses he suffers through the depredation from ducks? I know for example in the Clarkleigh area near the marshes there's privately-owned land and they grow grain in this sanctuary. The geese come in there by the thousands into the fields and he gets no compensation at all for it, and he can't even shoot the birds there because it's a protected area.

MR. CRAIK: I don't think it's been done here before. I think it is done in some other provinces. I think attempts have been made to provide some restitution for people suffering financial losses - farmers suffering financial losses. I think Alberta has a program that has had a --from what is reported to be a limited degree of success. It's a fairly expensive one as well. I think it's one that's had serious discussion in this House before too. I don't think at this point I'm prepared to say whether I think it's a good idea or not.

MR. GUTTORMSON: I had a fellow in today who counted 58 deer on a 20-acre field. He was unable to get the grain off last fall and he tells me the damages were tremendous. He can't shoot the deer to get rid of them and yet he's got to absorb this loss. Now, something surely should be done for him.

MR. CAMPBELL: I'm afraid, Mr. Chairman, that we've lost a little ground in the last little while. I understood that I had an undertaking from the Honourable the Minister that he would look at this deal and he would consider it, and then whether he was a little bit concerned over the remarks of my honourable friend the Leader of the New Democratic Party or whatever got him off on a different tack, he doesn't seem so sure now.

Let me put it another way, Mr. Chairman. There's something in the neighbourhood of 80,000 licences issued, I believe, taking the small bird licences and the deer, moose, non-resident and all the rest, something in the neighbourhood of 80 or 81 thousand, and according to the revenue they figure out an average of \$4.75 or thereabouts. Now surely - and here I'm disagreeing with my honourable friend the Leader of the New Democratic Party - surely there wouldn't be any great objection by the people who buy these licences to a percentage increase on them in order to carry some of this damage.

The Honourable Member for Turtle Mountain mentioned earlier today the purchasing of the licence is a small part of the cost of those folks who go hunting, and just a little bit on the licences would mean so much in providing a fund. Well now I don't want to talk my honourable friend out of it again. Would he come back to his original position and say that he's willing at least to consider it, but in addition to that, I want to ask the honourable the Minister, Mr. Chairman, under (c) I believe of this - maybe we haven't arrived at it yet - but under (c) I would like to ask about the grants. I notice that there are some grants that show under this item. Would the honourable the Minister tell us to whom the grants are given?

MR. CRAIK: The answer to the first statement was -- I don't think I said I wasn't prepared to consider it; I just said that I wasn't prepared to pass judgment on it at this point.

With regards to the grants, the major grant is to the University of Manitoba. I can look it up here in a minute, I have it here.

MR. CAMPBELL: That would be the one out at Delta, and then do they have another one in addition to that?

MR. CRAIK: I don't have it right here. No, I think it's directly to the University.

MR. CHAIRMAN: (Resolutions 73 and 74 were passed.) That completes the Department of Mines and Natural Resources.

MR. CHAIRMAN: Department IV - the Attorney-General.

MR. LYON: Mr. Chairman, before embarking on some brief remarks at the opening, perhaps I could revert into my other role and observe, in not an unkindly fashion at all, observe that we have just passed the 12 hour and 15 minutes of our 80 hours on estimates, and say no more at this stage except to observe that we have only passed 2 departments in that time and I know that we'll have continuing co-operation from my honourable friends opposite, and here - especially if I'm short - to get all of the departments before this committee before the House rises. Now, I'll revert back to my regular role.

Mr. Chairman, I would like to make a few brief comments in introducing the estimates tonight. This year we will be distributing, and this will happen very shortly, a more extended report on corrections. Although there is no statutory requirement for such a report, we feel that it is of some assistance to honourable members in their efforts to understand the progress that is being made in this very important field. In this report you will be provided with detailed information on the operations of the probation services. This service was started in its present form in 1962, has made considerable progress in the development of rehabilitation programs, and with the proclamation of the new Corrections Act on February 1, 1967, we have been better able to integrate and employ this service in the correction field generally. And I'm sure that many of the questions which members of the committee will have will be answered by consulting this report.

In addition to the expansion of the probation service, Mr. Chairman, I should like to draw the attention of members of the committee to our staff training program for the staff of our correctional institutions. This program was initiated in September of 1966 and the course is designed to better equip our correctional officers to work in a field where the emphasis is rapidly shifting from custody to more emphasis - much more emphasis - on rehabilitation. This is a new kind of course, not only here but all over the world, as correctional practice and theory changes. Our course here has been designed by the Reverend Eric Cox, who was formerly the Chaplain at Headingley Jail and presently is now the Director of Staff Training within the department. To date, 196 of our correctional officers have passed the first year course. Participation in the course demands considerable effort and sacrifice of free time from the officers who are involved in it, and the department recognizes this and their increased competence as a result of the training by giving salary increments to all those officers who have successfully completed the course.

The first year's course covered a review of security procedures and, as such, was a restatement of the material taught in the two-week orientation course offered to new officers when they enter the service. A survey was given of the philosophy and trends in present day correctional work, comparative theories of punishment and treatment, historical trends in criminology, and the history of treatment in Canadian penitentiaries. The main part of the year's work was concerned with an introduction to correctional psychology, personality development, and a study of such personality disorders as the alcoholic, the drug addict, the sexual deviate and comparison of symptoms of neurosis and psychosis and psychopathy.

The second year's course concentrates on a study of group techniques which will have obvious application in the context of a correctional institution. Extensive use is made of films and other teaching aids in the course as well as informal discussion sessions.

In all, Mr. Chairman, we are quite encouraged by the results of this training upon the level of performance of our correctional officers. And may I add, as well, that we are exceedingly pleased with their interest in the course and with their adaptability to the course and with the response that we have been obtaining from the staff. It has opened new doors for them and is certainly opening new doors for the senior members of the department as well, to plumb the depths of the experience and knowledge of the staff members and to give them some of the new trends in thinking in penology which they are quite anxious to be aware of and quite anxious to proceed with in the course of their day-to-day work. So, all in all, we think it has been thus far a most worthwhile program and we're quite hopeful that it will continue to be as successful as indications have been thus far.

I can only emphasize the crucial importance of this course in our continuing reform of corrections. All the philosophical awakening in the world about rehabilitation, about penology and all of the other matters that we hear so much about, all of this is of no help to us unless our correctional staff, who are the ones on the front line, so to speak, at all levels, have the skills and the attitudes that are necessary in a correctional institution.

(MR. LYON cont'd.)

I should mention in passing, Mr. Chairman, that this year saw the retirement of Mr. Bruce Jones, who for almost 20 years has served the department and the public of Manitoba exceedingly well as Superintendent of our Home for Boys at Portage la Prairie. Mr. Ray Atkinson has been appointed to take Mr. Jones' place and to carry on the fine work that was done by Mr. Jones at the Home for Boys. We are presently making some minor structural changes to the Home for Boys to provide medium security areas in one of the dormitories, but basically it remains a cottage-style minimum security Home for Delinquent Boys.

I should mention as well, Mr. Chairman, that discussions are under way at the present time between the Department of Health, the Alcoholism Foundation and the Department of the Attorney-General, looking toward the eventual establishment in Manitoba of a detoxification centre for the treatment of persons arrested on liquor charges, particularly drunkenness. This is a field of endeavour where I think most honourable members will agree that the time-honoured practice of sending a person found to be drunk and disorderly in the street, sending him to jail, is fast being realized as being rather a useless type of penalty. There is very little treatment involved in the matter at all. Some of the provinces of Canada, and particularly one province that I am informed of, has, without providing alternative institutions, has already given instructions that persons arrested for drunkenness are to be either taken home or not, but in any case not lodged in a cell. This has not proved to be too satisfactory and there's some criticism of this practice in other provinces. We don't intend to follow that practice. While we hold the view that we do with respect to the need for change with respect to penalties for drunkenness, we think that we are better advised to work with the Alcoholism Foundation and the Department of Health, looking toward the eventual establishment of this type of detoxification facility, and the present planning would be - and this is subject of course to change - the present planning would be that when such a facility is made available that a person arrested for drunkenness could be taken there; he could be given then the option as to whether or not he wished to stay there and accept treatment for a four or five day period; or alternatively, if he did not wish to do so, that he could be taken to the Court and dealt with in the usual way. It has been suggested to us that there would be merit in the voluntary system of saying to the accused person himself, this is up to you what you wish to do.

But I mention this not as an item that we have money for but as an item upon which discussions are taking place at the present time. I have no hesitation in saying to the House, however, that I regard the present practice that is followed here and in practically every province in Canada and practically all of the States of the United States, as becoming as one, I should say, that brings very little by way of treatment to persons who are suffering from alcoholism or from persistent drunkenness, and I think that the sooner we can take steps to alter this approach the better off will be the whole system of penology, and certainly the better off will be the persons, the unfortunate ones who are afflicted with this problem.

The department is presently involved, Mr. Chairman, in an extensive reorganization of the Provincial Magistrates Courts. Members of the committee will know that Mr. Harold Gyles has been appointed the Chief Magistrate for the province. His first responsibilities are to review the practice and the administration of all of our Magistrates Courts and our J.P. Courts. We are also moving toward more full-time magistrates throughout the province as witnessed recently by the announcement of the appointment of Mr. F. M. Manwaring as a full-time magistrate for the Dauphin Judicial District effective the 1st of May of this year. I should like to take this brief opportunity to thank Magistrates Lauman and Walker, who have been carrying on on a part-time basis in that area for some considerable time, to thank them for their service to the province. These gentlemen of course will no longer be carrying on now that the full-time magistrate has been appointed for that area.

The reorganization and the expansion of the Magistrates Court has become necessary since the volume of work in these courts, particularly in the Metropolitan Winnipeg area, has increased greatly in the last four years.

I would like to advise the committee as well, Mr. Chairman, that the department is also embarking on a pilot study of the feasibility of employing computers in a complete information retrieval service of material contained in our statutes of Manitoba. Honourable members who are members of the legal profession will appreciate the great potential of such a service. If the results of the pilot study are satisfactory, the next step will of course be to consider the full computerization of the revised statutes of this province. This would considerably assist

(MR. LYON cont;d.) in preparing indexes and continuing consolidations of statutes here. It would also provide an information retrieval service to the public and to the members of the profession.

I can also report in this connection, Mr. Chairman, on the progress that we are making in the revision of statutes. We are presently involved in the preparation of an index of the statutes and hope to begin printing the revised consolidation early next year, although the printing and the proof reading and so on will probably require a good year for completion. There will be a resolution placed on the Order Paper before too long, at this session, to strike a committee of the House to sit between sessions to begin the consideration of the revised statutes prior to publication. This revision of statutes is to be published, as members will recall, as a continuing consolidation in a loose leaf form. The decision arises out of a study which was commenced in October of 1965 and is based very largely on the experience in British Columbia, where a continuing consolidation is now in operation. There are several benefits to a continuing consolidation. There will be a considerably greater ease in the use of the statutes, not only by the profession but also by administrative people in government. In addition, the general public most of whom sometimes find the present method of amendment a little bit involved, will be able to obtain up-to-date Acts which they will be able to follow, we hope, with much more facility than is the case at the present time. It would also make it unnecessary for departments to prepare separate office consolidations of Acts under their administration and would make the annotation of statutes unnecessary. The continuing consolidation will operate so that where an Act comes into force the statutory changes could be prepared in a consolidated loose leaf form for distribution within a relatively short time after the change became effective. The annual publication of Acts would still be necessary but only in limited numbers. It is anticipated that most people will use the continuing consolidation rather than the revised addition with the annual unconsolidated amendments.

Mr. Chairman, on the 1st of April of 1966, the Government of Manitoba entered into a new 10-year policing contract with the Government of Canada. Under the new contract the Royal Canadian Mounted Police services will be made available to communities of from 500 to 1,500 in population by contrast with the province. That is, the provincial contract will continue but this is a new area in which the RCMP are prepared to offer service. The honourable members will know, Mr. Chairman, the provision of adequate law enforcement has been a very real problem for many of the smaller communities throughout our province and it is hoped that with this new arrangement they will take advantage of the availability of trained officers as and when they become available to us. While the cost of this policing will remain with the local communities, that is with the municipalities, the presence of the RCMP Police will allow our department more effectively to oversee general law enforcement within the province.

Now that concludes by and large the -- and very briefly, some of the matters of import that I wish to bring to the attention of the committee. I do not suggest for a moment that my brief review has been exhausted in any way, and there are many other topics that honourable members will wish to raise or that perhaps I will wish to make some brief mention upon as we come to them in the estimates.

I would however, before sitting down wish to take the opportunity to pay tribute to the Deputy Minister, Gordon Pilkey, Q. C. and to the various directors of the department, the Director of Administration, Mr. Graham, the Director of Corrections Mr. Slough, the Director of Criminal Prosecutions Mr. Sarchuk, the Director of Civil Litigation Mr. Hallgrimson, the Registrar General Harold McKay, all of the Crown attorneys, all of the staff who support them on the criminal and civil side, and as well to that large and mostly unsung group that we, I suppose are prone to criticize more than we are to pay any attention to and that is to these body of correctional officers and probation officers and those who come into direct day to day contact with the criminal element in our community, and through them as well, although they are not directly employed by our department, to the various police forces of this province who do such an outstanding role in maintaining law and order in Manitoba. I think it is incumbent upon us from time to time to let them know that the members of this House regardless of the fact that we -- we, and I say that in an all inclusive sense, including myself -- from time to time have occasion to criticize some of their actions, we do wish them to know that they do bear the good will and the support of the members of this Legislature for the very important work that they carry on in permitting us in this province to have the kind of ordered and decent kind of life that we do.

(MR. LYON cont'd.)

So I pay them that small tribute tonight and close by suggesting that if there are questions, as I'm sure there will be from honourable members, I will do my best to answer them and with the help of those on high and those in other places but still within sound of my voice, we'll do our best to give the members of the committee all of the information that we can.

MR. HILLHOUSE: Mr. Chairman, I'd like to join with the Honourable Minister in paying tribute to the various officers and officials of his department whom he has mentioned. I have come into very close contact with most of them; I've always found them to be exceedingly conscientious in the performance of their duties and very fair, and it is a pleasure and a privilege for me to join in paying my respects to them.

I was glad to hear tonight that one of the main projects of the Chief Magistrate who has been appointed is the reorganization of the Provincial Police Courts. That is something which I have advocated in this House for a number of years. I've always felt that the police magistrate in our judicial system played perhaps the most important role of all judicial officials and officers; and I have always felt too, that in the eyes of most citizens, a magistrate represented the judicial process.

Over the last years I have made recommendations or suggestions to the government regarding reforms in the appointment tenure of office and other matters respecting police magistrates. And it is unfortunate that to-date only one of these recommendations I have made has been implemented and that is the recommendation that a chief magistrate be appointed. I'm glad that such an appointment has been made.

As to the other matters, all that I can say is that there has been a slight increase in the stipend paid to magistrates in Manitoba but I still feel that the stipend is not commensurate with the importance of the work that they are doing in this province. Now I believe that the man who has been appointed Chief Magistrate is a man of ability, of purpose and discernment, and that there is a possibility that he will find merit in what I have to say. And in the hope that repetition will be of assistance I again recommend to this committee that the following reforms be instituted. Now all of the reforms which I am mentioning here were reforms that were recommended by the Canadian Bar Association in 1960 and in 1961, and these reforms were enumerated by me on February 24, 1966 and are to be found on pages 482 and 483 of Hansard of that date. What I recommended then was the resolution that was passed by the Canadian Bar Association dealing with magistrates and that resolution read as follows: 1. That wherever possible no person be appointed a Magistrate who has not been in active legal practice for at least five years; 2. The salaries approximating those paid to district or county court judges be paid to full-time Magistrates. In Manitoba I stated at that time that we had no district courts but I did recommend then that the salaries paid to our magistrates in Manitoba should be commensurate with the importance of their work and that they should be paid the same salaries as County court judges. 3. That magistrates be compulsory retired at the age of 75 on a pension basis comparable to that applicable to a county court judge. 4. That the power to dismiss a magistrate excepting one appointed for a fixed period be taken from the Lieutenant-Governor-in-Council and vested in the Superior Court or the Court of Appeal. 5. Increase the number of magistrates so that the number of cases brought before each, each of them may be reduced and so that they need not work under constant pressure as they must do now, having regard to the heavy dockets constantly presented before them. I think the Honourable the Attorney-General would agree with me that the dockets that are presented before a police magistrate today, particularly in rural Manitoba are far too much for one man to handle. 6. That suitable and dignified places be provided for the holding of trials by magistrates; that they be supplied with stenographic help; that every magistrate have a clerk and a court reporter, who may be one and the same person, to do the clerical work associated with the office, collect and remit fines.

I might say, Mr. Chairman, that I was a magistrate for two years and that I figured the amount of clerical work that had to be done for every plea of guilty that was taken, took up about 15 minutes of my time. And when you consider that some of these local dockets in the country may have anywhere from 60 to 80 cases on them on Friday you have some idea as to the amount of work that a magistrate has to do. 7. That Justices of the Peace be empowered to swear informations and complaints and issue summons or warrants and grant bail and adjournments in criminal cases, but that they be deprived of jurisdiction to try any criminal case. 8. That the accused have the right to waive the preliminary hearing in case he elects to be

(MR. HILLHOUSE cont'd.) tried by a judge without a jury. At the present moment where an accused is charged with an indictable offence he can elect in some instance to be tried by the Magistrate. In other instances, he can elect to be tried by a judge and jury or he can elect to be tried by a County Court Judge; but if he elects for a trial by jury, there would be a preliminary hearing. Now this amendment would permit that step to be avoided. 9. That the word 'police' be eliminated from the title of magistrate wherever it is still used. In Manitoba we have deleted the word 'police' from the name of magistrate. 10. That the office of magistrate be regarded as an office of dignity and the holders of that office as a member of the judiciary be treated accordingly.

Now that resolution was passed as I say by the Canadian Bar Association in 1960 and a similar resolution was passed at subsequent meetings of that association.

As I said at the beginning, I was glad to hear that the Minister had stated that the Chief Magistrate was going to undertake a review and reform of the Provincial Police Court. Now, in 1966, I believe that the then Attorney-General mentioned the fact that it was the intention of the Province of Manitoba to build a new police court in the City of Winnipeg. At that time I spoke on that matter, and I would like to refer to what I said on that occasion, that was February 18th, 1966 quoting from page 322 and page 323 of Hansard: I said, "Respecting the new criminal court or magistrates court which is going to be established or built, I wonder whether the plans for the building have been completed. It was originally my view in the matter that what we should have in the Greater Winnipeg area was something in the nature of a Metropolitan Court, where all cases in the Greater Winnipeg area of a criminal or quasi criminal nature could be tried. By that means we could have all of the officers of the Crown active in crime prevention, crime detention or in any aspect of crime to be present, because I think one of the greatest weaknesses in our system today is this: We have probation officers who are rendering a very valuable service but I think that there is a complete lack of liaison between the probation officer and the magistrate. In other words, a Magistrate will place an accused person on probation but I know of no case where that Magistrate follows up and sees what's happening to that person who has been so placed. I believe in England there are regular meetings between magistrates and probation officers whereat they review the progress that is being made by an accused person who has been placed on probation. And I think that one of the most important aspects of probation is to see not only on the part of the probation officer that the accused person is carrying out the conditions of his probation, but it is of great assistance to the magistrate if he through meeting that accused person from time to time, can appreciate, evaluate and realize the benefits of that system. I think that that is something which we should do in Manitoba but we have never done it, and I hope that steps will be taken to do it shortly.

My thought on that occasion, Mr. Chairman, was that if we had this Metropolitan Court to deal with criminal cases and quasi criminal cases in the City of Winnipeg where all officers and officials connected with the administration of justice could be present, that it would be of great assistance to the magistrate if they could only review those cases of individuals who had been placed on probation and thus fully appreciate the benefits of that system.

Now, I'm still of the same opinion as I was when I delivered those remarks on February 18th, 1966. But today I would even go further and I would make this suggestion which is based on the assumption that we will have a central criminal court, Provincial court in Winnipeg. I would suggest this, that all Magistrates operating in the Eastern Judicial District of Manitoba have their offices and chambers in that central court, that their circuits be rotated by the Chief Magistrate in the same manner as is done by the Chief Justice of the Court of Queen's Bench and by the senior County Court Judge of Winnipeg. The Chief Justice of the Court of Queen's Bench rotates the various judges who will take circuits in different places throughout the Eastern Judicial District and so does the senior County Court Judge do with the County Court Judges who hold court in the various places where courts are held in this district. I think it's most valuable that there should be this rotation and I hope that if we do introduce a central criminal court here, that that is the system which we will follow.

I also suggest, Mr. Chairman, that as and when this central criminal court is established that the jurisdiction of the present City of Winnipeg Court be taken away insofar as criminal or quasi criminal matters are concerned, and that the two Magistrates now operating from that court, operate from the Provincial Court. I further suggest that these two Magistrates have their salaries paid by the Province of Manitoba and not partly by the Province of Manitoba and by the City of Winnipeg.

(MR. HILLHOUSE cont'd.)...

I'll go further and also suggest that the Crown Attorneys that we have in the City Magistrates Court be also taken out of that court and attached to the Central Criminal Court and that their salaries be paid in full by the Province of Manitoba and not partly by the province and partly by the city, because I feel that this system, that is the principle involved in the city paying part of a salary and the province paying the other part is wrong and it should be changed.

Now, in support of my argument that we have a central criminal court I would like to add this, that I think one of the most perplexing matters that a magistrate has to deal with is not finding an accused guilty or innocent, that's comparatively easy. The most perplexing problem that he has, is after he finds an accused guilty to determine what sentence he shall impose. Now on February 21st, 1966, on page 380 and 381 of Hansard, I quoted statements made by Magistrate B. W. Hopkins, Q.C. of Hamilton which he made to an after care agency in Ontario, on February 17th, 1958, wherein he said and I quote: "It is comparatively easy for one to find an accused guilty or not guilty; there are only a few rules of evidence and the law is usually stated simply and plainly. A little experience and a lot of common sense usually result in an acceptable verdict. The real difficulty is the awarding of sentence and the type of sentence reflects the character, personality and zeal of the individual judge or magistrate. The purpose of punishment is the protection of the public and the benefit of society and certainly not mere retribution. And the sentence is the sanction imposed by law. The court is the servant of the public and as such should reflect the opinion of the informed public but of course not the biased or hysterical section of the public."

Going further in respect of the central criminal court, I think that one of the main advantages that would be obtained from such a court would be the fact that all of the judges had their chambers in that one building. That they could meet from time to time to discuss their various cases and to evolve certain principles that they could follow in the matter of the sentences that should be imposed. A lot of people say that there's lack of uniformity in sentences, but, Mr. Chairman, there must be that lack of uniformity in sentences because you're dealing with human beings, and what may be a suitable punishment for one individual is not a suitable punishment for the next individual. I think the whole trend of the law today as far as sentencing is concerned is to let the punishment not fit the crime so much as to fit the individual, and I think that is the proper principle that we should apply. I feel certain that if we did have a central criminal court in Winnipeg to handle all of the cases in the greater Winnipeg area as well as the cases that are today referred to our provincial police courts that we would build up a court which would be second to none in the administration of justice in this province and I do hope that that is one of the thoughts that our chief magistrate has in working out a scheme of reformation of our magistrates' courts in Manitoba.

Mr. Chairman, there are two matters with which I'd like to deal respecting our laws. One deals with the question of evidence and the other deals with the question of pardon for crime. Dealing with the question of evidence, sometimes the law is referred to as an "ass", and if we as lawmakers do not deal with its anomalies and uncertainties, one will not require much imagination to give us a proper designation. On the question of evidence I'd like to take the case of a person who is charged with an offence for which by reason of a previous conviction a greater punishment may be imposed. Now in dealing with this situation, up to a certain point the law is eminently fair, but once it reaches that point an anomaly amounting to a contradiction and absurdity creeps in.

I refer to Section 571 of the Criminal Code of Canada, and this section is in substance the same as you will find on our provincial statutes dealing with previous convictions. Section 571 says: "No indictment in respect of an offence for which by reason of previous convictions a greater punishment may be imposed shall contain any reference to previous convictions." Now that section is eminently fair. Section 572 deals with the procedure, where you are going to ask for a larger penalty by reason of a previous conviction, and agrees where an accused is convicted of an offence for which a greater punishment may be imposed by reason of previous convictions, "No greater punishment shall be imposed upon him by reason thereof unless the prosecutor satisfies the court" -- and that's after the accused has been found guilty and before making the plea that he was notified that a greater punishment would be sought by reason thereof. In other words, he's not in the indictment or the information -- he's only charged with one offence, he is served with a notice but that by reason of a previous conviction, if he is found guilty of the offence with which he's now charged, the court will be asked to impose a greater

(MR. HILLHOUSE cont'd.).. penalty. Now that's very fair up until now.

And here is another section, Section 573. It says: "Where at a trial the accused adduces evidence of his good character the prosecutor may in answer thereto, before a verdict is returned, adduce evidence of the previous conviction of the accused for any offences, including any previous conviction by reason of which a greater punishment may be imposed." Now that section too, Mr. Chairman, is fair, because the accused himself has adduced the evidence of good character, but where the absurdity comes in and where the anomaly arises is this: Even giving those safeguards of only charging the accused with one offence in the indictment or the information, and even the safeguard that he must be notified that a greater penalty is going to be requested by reason of a previous conviction, assuming that that accused does not adduce any evidence as to his good character, the minute that accused goes into the witness box to defend himself in respect of the charge which he is alleged to have committed, his whole life becomes an open book and he can be cross-examined as to previous convictions and everything else. Now the assumption is that that is done to effect his creditability. I have never yet been able to see how that could be considered as going to creditability when it is only done for one purpose and that is to prejudice the court against that accused. I could see if an accused person had been convicted of perjury on several occasions and where it would be hard to believe that that man could be believed on oath to cross-examine as to these convictions for perjury because I think that would effect his creditability, but as to a cross-examination showing previous illegal acts and so on and so forth to effect creditability for the express purpose of inducing the court to believe, well here's a man you can't believe in under any circumstances, I think it's wrong.

Now the other thing that I'd like to mention is this. In Canada today, if a man is convicted of a criminal offence, that is a mark which is on the records at Ottawa and remains there, there's no way that you can remove it. The only way that it could be removed would be by an application to the Governor-General-in-Counsel for a full pardon, and the chances of making a successful application in that respect are pretty slim. My suggestion is this, and I have made this suggestion before, that in civil matters we have statutes of limitations, under which statutes for varying type of matters the action must be brought within a certain period of time. Now my suggestion is that as far as criminal convictions are concerned, that if an accused person had become completely rehabilitated, and has led a good life for a certain period of years, depending upon the conviction that you intend to wipe out, that that conviction should be automatically struck off the records at Ottawa and no longer remain a mark against that man's character.

There are other matters, Mr. Chairman, that I'll deal with in the course of the estimates.

MR. CHAIRMAN: The Member for Burrows.

MR. HANUSCHAK: Mr. Chairman, the first point that I wish to make which rather disturbs me is the fact that the Honourable Minister did not see fit or found it unable to provide this House with a report on corrections in Manitoba some time prior to this evening, because no doubt there's considerable information contained in here which we would like to discuss in dealing with the estimates, which we would like to ask the Minister questions about, and there would hardly be adequate time to give justice to this report. No doubt a fair amount of time went into the preparation of it — just quickly thumbing through it I note that there is much more information contained in here, or at least it appears to be more information just at a cursory glance than we were provided previously and it's unfortunate that the members of this House will not have ample opportunity in view of the 80-hour limit in dealing with estimates to give this report proper consideration.

I would also wish to remind the Honourable Minister of a suggestion raised by the Leader of the New Democratic Party and our Deputy Leader two years' ago at a time when he was not the Minister of this department, the Honourable the Provincial Secretary was then the Honourable the Attorney-General, and it was suggested at that time to him that his department do give consideration to presenting a report of a similar type to that presented by other departments at some time prior to dealing with the estimates; and the reply of the Honourable Minister at that time was this, and I quote from a statement which he made on February 18, 1966: "I give no encouragement to the idea; I am one who believes that we produce in our society a lot of useless reports that are never read by anybody except the fellows that want to ask you embarrassing questions about what's in them." Now, in light of the fact that two years have gone by and

(MR. HANUSCHAK cont'd.).... a report has not been produced by the Attorney-General's department it makes one wonder whether this is the reason why the department has not produced a report of this type is for fear of being asked questions which the Minister may find embarrassing or uncomfortable to answer. Now there are a number of matters that I'd like to deal with, but perhaps rather than dealing with them at the present time, I will postpone my comments until a later time when we deal with the estimates resolution by resolution.

At this time I will confine my remarks to something that I do consider to be of extreme importance to the people of Manitoba, if the department of the Attorney-General is to serve that function which it's meant to serve for their benefit.

.....continued on next page

(MR. HANUSCHAK cont'd).

Three years ago, in 1965, we did ask the then Attorney-General for the institution of a plan or of a system of legal assistance to accused persons, and at that time the reply of the Honourable Minister was that this is a problem which has been brought to my attention by some of the magistrates - and I'm aware of it - and understand the advisability of something necessary to be done about. Now it appeared at that time that -- or the Minister of that time he saw a need to deal with this matter, he saw a need to institute some form of legal assistance to accused persons. In fact it was evident from his comment that even the magistrates of our courts themselves must have suggested this to him. But three years have gone by and we see nothing, no progress made in the area of any form of legal aid. My understanding is that at the present time all we have is the legal aid that is offered by the Law Society which is free, true enough, but to qualify for that form of legal assistance one has to make out a case of being absolutely destitute and a pauper or the next thing to it in order to qualify -- anything short of that does not qualify one for that type of assistance. I would like to suggest to the Honourable Minister that as time goes by and particularly if this government does institute some of the legislation that is has been promising us, not only this year but last year, and it's still promising this type of legislation today, there'll be greater need for some form of legal aid to people who haven't the necessary finances and funds to pay for the legal help and advice and assistance that they require.

This government speaks of instituting an office of ombudsman which no doubt may lead to -- or ombudsman or whatever title the government would choose to give that office -- but this no doubt may lead to legal action of some type or another -- it may well be that this individual may advise the person consulting him that his only recourse against the government is to institute legal action. It's been announced that the divorce laws will be relaxed. No doubt this will lead to divorce actions involving parties both of whom may not necessarily be in the Province of Manitoba; one may be in Manitoba, another may be elsewhere and this of course will involve additional legal expense, legal expense that many individuals involved in such a situation may not be able to bear.

We have a reciprocal agreement amongst the various provinces for the enforcement of judgments, of maintenance orders -- and speaking with particular reference to maintenance orders, most of these people are not in a position to enforce a maintenance order against the husband who deserted the wife and may now be resident in another province of this country. Now, it's all well and good to have legislation which simplifies or which enables provinces to give recognition amongst themselves to maintenance orders from an outside province, but when it comes to enforcing that order it becomes quite a different matter entirely, and at that stage there is need for some finances to retain a solicitor to institute the action to enforce that order.

These are just a few examples, Mr. Chairman, for the need to go beyond the present form of legal aid that we have -- the present form which is open to those who are, as I said before, absolutely destitute. There is need, Mr. Chairman, to recognize the fact that there may be individuals who are in receipt of an income and in some cases it may be, what may be considered by some to be a reasonable income, but despite that fact they may still not be in a position to initiate the type of court action that that particular situation may call for. This has been said - this goes back several hundreds of years and maybe there's something we've forgotten with the passage of time, going back to the Magna Carta which stated that to no man will we deny, to no man will we sell or delay justice or right, but the interpretation that appears to have been read into this statement in recent times is that this will not happen to the person who can afford to seek justice or right but to the one who cannot afford to seek justice or right, we simply forget about him.

I suggest to you, Mr. Chairman, that the Honourable Minister should give some consideration to instituting a plan of providing for, what is commonly called a public defender, but this in a sense is a misnomer because I would hope that that type of office would be in a position not only to defend but also to institute court action where need be, and that this be financed out of public funds to whatever extent it may be necessary. This I suggest will not be an abnormal expense or a financial burden on the government -- in fact I would suggest to you that the burden be much less than it is at the present time where many of these people because of inability to seek remedy through the courts find themselves on the welfare rolls and as such they do become a much greater financial burden than they otherwise may be.

(MR. HANUSCHAK cont'd)...

I also wish to suggest to the Honourable Minister that in the operation of such an office and to qualify for financial assistance regardless of whether it be to defend himself in a court of law or to institute such action as may be necessary, that to qualify for assistance all that the individual need show is that he has reasonable grounds for initiating or defending himself in that particular action and that he has a right to legal assistance to pursue the action -- he should have right to legal assistance or pursue the action exactly as if he had the full personal means to do so, and if there should be any doubt as to his financial qualifications or his qualifications by reason of lack of finances, then the doubt should be resolved in favour of granting the individual either free legal aid if that is necessary or assisting him to whatever extent it may be advisable. It is not just a matter of providing an individual with counsel in court. As I have indicated earlier, with the types of lawsuits that we are faced with today, and no doubt maybe more of them as time goes by, there is also the expense of obtaining the necessary evidence to go to court with, and seeking this evidence may require going beyond the boundaries of the Province of Manitoba, in the course of preparation of oneself for trial, that there may be need for commission evidence and what have you which is costly and this department, or whatever we wish to call it, of the Attorney-General's department, should be empowered to make decisions of this type to assess the individual's financial position, to assess the merits of the case that's presented to him, and on that basis determine to what extent financial assistance can be offered this individual to make his presentation in court.

Now, this I suggest to you, Mr. Chairman, is something that's -- it's not new. Variations of this system have been in existence in various parts of this world -- in fact the North American continent for well over 50 years, I think the first -- or the State of California or some of the counties in the State of California pioneered something along these lines away back in 1913 or 1914, and we are now in the second half of the Twentieth Century, and for that reason Mr. Chairman, I suggest that it is high time that this government do come up with a plan which would enable and assure the people of Manitoba the maximum use of the facilities provided by the Department of the Attorney-General.

MR. CHAIRMAN: It's almost 10:00 o'clock.

MR. LYON: Committee rise.

MR. CHAIRMAN. Committee rise and report. Call in the Speaker. Mr. Speaker the Committee of Supply has adopted several resolutions and directed me to report progress and ask leave to sit again.

IN SESSION

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

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Provincial Treasurer that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried, and the House adjourned until 2:30 Tuesday afternoon.