



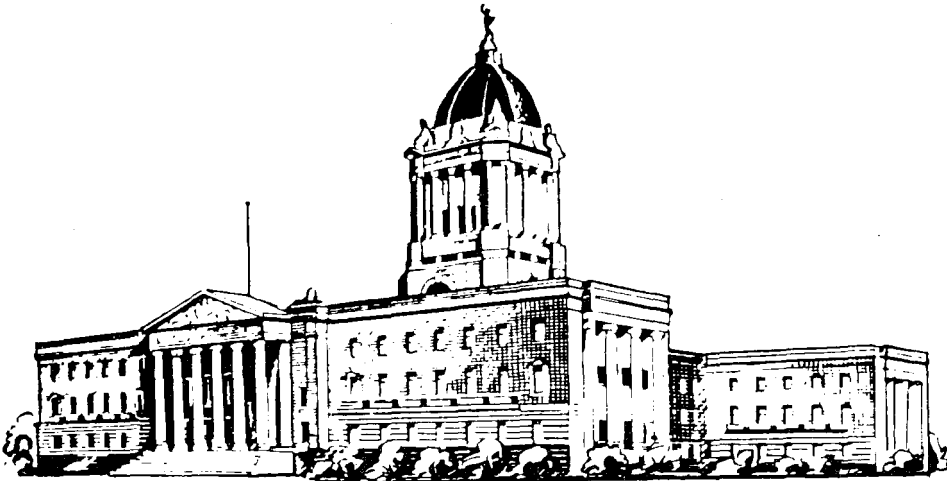
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Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XXIII No. 115 8:00 p.m., Monday, May 17th, 1976.

Third Session, 30th Legislature.

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THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 p.m., Monday, May 17, 1976

COMMITTEE OF SUPPLY - TOURISM

MR. CHAIRMAN: Resolution 110, Page 56, 110 (e) Tourist Marketing Services, Salaries. The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. TOUPIN: Mr. Chairman, I would only like to make a brief comment pertaining to the remarks made by the Honourable Member for Morris before we adjourned at 4:30. He indicated a possibility of all those concerned, Renewable Resources, the Department of Tourism, Recreation and Cultural Affairs, and I would assume all lodge operators that intend to incite tourists to come to our province to not oversell in the sense that if we're attempting to indicate that there is fish in some given lakes, that we either see that there is or refer people to areas where they will not be disappointed, and I have to take that for what it's worth. I believe that we should make an effort to give good reference and not oversell, in a sense only sell what we do have and try to be conscientious in our referrals, so I certainly accept the remarks made.

MR. CHAIRMAN: (e)1--pass; (e)2 Other Expenditures--pass, (e)3--pass. Resolution 110; Resolved that there be granted to Her Majesty a sum not exceeding \$14,233,400 for Tourism, Recreation, and Cultural Affairs--pass. Resolution 111, Cultural and Recreational Services Division (a) Divisional Administration (1). Salaries \$40,100 - the Honourable Member for Rock Lake.

MR. EINARSON: Mr. Chairman, I'd like to ask the Minister, it says Divisional Administration, does that mean the province is divided into so many areas? I wonder if he could explain that title.

MR. CHAIRMAN: The Honourable Minister of Tourism, Recreation, and Cultural Affairs.

MR. TOUPIN: Mr. Chairman, the objective of this section of the department is the provision to develop policy and the program of the department, and to ensure their effective achievement in relation to government policy and consumer population needs. This includes salary of two permanent staff man years, Assistant Deputy Minister and one support staff. There's a total of 5,600 increase that is due to general salary increase and annual merit increments.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. McKENZIE: I'll ask the Honourable Minister, how many Assistant-Deputy Ministers do you have?

MR. TOUPIN: Three, Mr. Chairman.

MR. CHAIRMAN: Resolution 111(a)1--pass (a)(2) Other Expenditures, \$5,300--pass; (b) Community Recreation Services (1) Salaries, \$454,100--pass. The Honourable Minister.

MR. TOUPIN: Mr. Chairman, this includes salaries for 21 permanent staff man years, a Director Cultural Development Officer, two supervisors, 11 recreation specialists, 6 support staff and 19.26 term assistants, project supervisors, service workers, cooks, and support staff. There's a total increase here of 8,400, due again to salary increase and annual increments. It includes general office costs of the community recreation function and it includes the following major items: Other fees for leaders for local regional and provincial workshops, clinics, and institutes in all areas of recreation for community performing groups for Outreach Program, automobiles 54.8, transportation 46.9, transportation of citizens to various training and exposure programs, travel, 37.7; contract services 32.4; 3 staff man year regional recreation of specialists assistants, operation of the kitchen at Gimli, leadership training centre, the costs are offset by course revenue; office supplies printing and stationery 27.3; there's a total increase in that appropriation of 47.3 and that is due to price increases, 26.3, full year costs 11,000 and workload increase for automobiles 10,000 both of these are related to the hiring of three regional recreational specialists assistants in 1975-76.

MR. McKENZIE: Where are these three regional specialists located, and what's their salaries?

MR. TOUPIN: Mr. Chairman, there are regional directors in Thompson,

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(MR. TOUPIN cont'd) The Pas, Dauphin, Morden, Brandon, Portage, Beausejour, Selkirk, and there could be some that we've missed that we'll bring back later.

MR. McKENZIE: Mr. Chairman, I was referring to the specialists, he mentioned three regional specialists.

MR. TOUPIN: Mr. Chairman, these are the regional specialists, they're specialists in their area of function pertaining to recreation.

MR. McKENZIE: Mr. Chairman, I wonder if the Minister could explain this. You have a regional office in The Pas? Is there any other regional office other than The Pas?

MR. TOUPIN: Yes, 11 of them.

MR. McKENZIE: There is only one listed in the telephone directory, just the one at The Pas.

MR. TOUPIN: I believe, Mr. Speaker, that they should be listed in the directory that we have as members here, they should be equally listed in the rural directory.

MR. CHAIRMAN: The Honourable Member for Rock Lake.

MR. EINARSON: Mr. Chairman, just for clarification purposes when the Minister talks about the three regional specialists, I'm wondering if any of the duties are for the purpose of inspecting parks and areas along the shoreline, government supervised parks

MR. TOUPIN: No, Mr. Speaker, their responsibilities are not related to parks, they're related to recreation, excluding parks.

MR. SPEAKER: Resolution 111(b)1--pass. The Honourable Minister.

MR. TOUPIN: Mr. Chairman, possibly it would be of assistance to members if I read the objective that we have in this section here. The objective is the provision to assist Manitoba communities and provincial agencies in developing recreational opportunities for all Manitobans and to equalize opportunities for disadvantaged groups and individuals to participate in recreational activities. So actually those specialists are to work with different associations that do relate with recreation with municipalities, local government districts, Indian bands and so on, to attempt to be of some usefulness in organizing recreational activities.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: I wonder can the Minister advise, why is the sports split up into two parts? I know the Minister of Health said, well, he's in charge of, was it organized sports? And this department's unorganized sports. I defy most experts to tell me the difference between unorganized and organized sports, and I just can't understand why we can't have them in one department?

MR. TOUPIN: Mr. Chairman, first of all I have to indicate to the honourable member that this is a question of policy. When you talk of community sports, you talk of sports that relate to a given community, that relate to a district, and you don't necessarily talk of organized sports on a provincial basis, so you can split the two responsibilities quite easily. The department here is responsible for community recreation, the Minister of Health and Social Development is responsible for those sports on a organized provincial basis, so when we do get requests that deal with organized sports on a provincial basis they're dealt with by the Minister of Health and Social Development through the Sports Directorate, not by the recreational branch of my department.

MR. McKENZIE: It just doesn't add up though. Your staff and the other Ministers' staff must be running back and forth chasing one another's shadows all the time trying to figure out who's going to do what, because certainly these communities have organized sports; they have their organized baseball clubs, their organized hockey clubs, they're organized in many sports. And sure, the Minister of Health says he's in charge of that, but this is where it is so difficult and maybe this is the intent, to keep us confused so that we can't break it down and find out what is taking place. If that is the intent, you're doing an excellent job.

MR. TOUPIN: Mr. Chairman, I don't believe the Honourable Minister of Health or myself are confused, in the sense that if requests come of me that deal with organized sports on a provincial basis, it's automatic and my staff know this; they don't trip over one another, they do talk to one another, they work very closely together. Not only

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(MR. TOUPIN cont'd)between those two departments, but equally in Education because there are so many programs in Education, Colleges and Universities that deal with recreation, that deal with culture, that deal with programs that we have in part in cultural development, that we have to talk to one another, so it's quite easy to understand the policy and deliver without duplication.

MR. MCKENZIE: My only concern is that it seems to me that it's a duplication of services and the government could save the taxpayers quite a sum of money if the whole sports' aspect of this province was handled by one Minister.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Chairman, it may be confusing the honourable member, but it's not confusing at all. The matter of recreation and amateur sport runs a continuum it's not as though there is any clear line of demarcation but rather a graduated continuum, and accordingly it doesn't matter much where the organizational structural line is drawn as long as there is a good means of referral from one department to the other. So the Honourable Member for Roblin I'm sure would agree, for example, that in the area of arts and crafts and handicrafts, that viewed in one sense this is regarded as coming properly under the purview of Cultural Affairs and activity and it is also possible to view it as having to do with community recreation, but certainly handicrafts would not be regarded as amateur sport. Now then physical fitness, physical fitness and amateur sport is a directorate of the National Department of Health and Welfare, so there is symmetrical in that regard. So as long as there is a good system of referral as between the Departments of Cultural Affairs and the Department of Health and Social Development, then there is no tripping back and forth as he puts it; on the other hand, if there is no good system of referral there can be duplication of effort, and that is why the two departments in that context are under a degree of onus to ensure that there is the maximum of efficient referral back and forth.

MR. SPEAKER: The Honourable Minister of Tourism, Recreation, and Cultural Affairs.

MR. TOUPIN: Mr. Chairman, I believe it would be wise to make a precision pertaining to the staff complement of the Sports Directorate, whose responsibility lies with Health and Social Development. They don't have regional staff, our recreation branch does, and when there is a request dealing with community recreation, that's done by the Department of Tourism, Recreation and Cultural Affairs, and there is on-going discussion between the Sports Directorate and the branch that we are dealing with now. So I don't believe that we're causing that much duplication. There could be some grey zone in the sense that individuals don't always know who to go to pertaining to information, but when it comes to I, as an example, and it deals with provincial organized sports, it is referred automatically and vice versa.

MR. CHAIRMAN: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Chairman, I'm familiar with some cross country ski trails that have been provided in the Brandon area and I'm wondering, does this program of providing this kind of facility come under physical fitness or is this recreation?

MR. TOUPIN: Mr. Chairman, in most cases it's through municipalities where we share - you do have such trails, as an example, in provincial parks and that's within the provincial park structure, so it's a combination of things. There's no duplication, but like I indicated, in most cases it's organized by the municipal authority.

MR. CHAIRMAN: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Chairman, specifically in the Brandon hills, south of Brandon, there is a fairly good facility for cross country skiing, was that money provided by the Department of Tourism or did it come from the Department of Health?

MR. TOUPIN: Mr. Chairman, it wasn't provided through Health according to my knowledge, and it wasn't provided through this branch, according to the information that I get; it could have been provided through the section of the department that we just left, and I'm not quite sure, so I'll take the question as notice. It could have been provided in part through our Parks Branch.

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MR. MCGILL: Mr. Chairman, I'm surprised that both departments are denying responsibility, because it's a very popular and a very useful kind of facility, at a minimum of expense I would imagine, and being used by an increasing number of people, I'm sure that it provides recreation and physical fitness, so I'm surprised that you're not jumping up to take full responsibility for this.

MR. TOUPIN: Mr. Chairman, instead of wanting to take all or part responsibility without knowing, I'd rather plead ignorance.

MR. CHAIRMAN: 111 - the Honourable Member for Rock Lake.

MR. EINARSON: Well, Mr. Chairman, under Community Recreation Services, I think it's a private operation, the Bambi Gardens, there's been some correspondence I believe sent to the Minister of this Department and I'm wondering what the situation is there; it's the eroding of the banks of the Assiniboine River, and this is a community recreation area. I'm wondering can the Minister enlighten me on this particular community recreation area that people have provided for the public?

MR. TOUPIN: No, Mr. Speaker, according to the information that I'm given this is not part of our responsibility.

MR. EINARSON: Mr. Chairman, I'd like to ask the Minister, would the question then be in order to go to the Minister of Mines and Resources rather than your department?

MR. TOUPIN: No, Mr. Chairman, I would believe that the onus there and the responsibility would lie with the municipal authority, with permission to the Department of Mines and Natural Resources, but it would not be a service offered by the Department of Mines and Natural Resources.

MR. EINARSON: Do I understand the Minister then, that that party concerned would have to apply through their local municipality to the Department of Mines and Resources.

MR. CHAIRMAN: Resolution 111(b)1--pass, (b)2 Other Expenditures--pass, Grant Assistance--pass - the Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, a breakdown of this item please.

MR. TOUPIN: Mr. Chairman, on this item we're dealing with full-time recreation directors, and the formula is (a) 2,000 base grant, (b) 1,000 for each participating municipality, and a percentage of grant is awarded when part of a municipality - I'm sorry 2,000 base, 1,000 for each participating municipality, (c) 1,000 for district when more than 10,000 population, (d) 1,000 for district when average density of less than 10 population square mile, (e) 3,000 if total assessment is zero to 10 million, 2,000 if total assessment is 10 to 20 million, and 1,000 if total assessment is 20 million plus, 1,000 for an agreement with a school division; it is expected that 12 areas will receive base grants of 2,000 each and that 12 districts will be formed receiving grants of between 9 and 11,000 each. The recreational agencies, wheel chair sports, retarded children association 20,000 communities for adults for arts education 60 percent community, 40 percent province cost-sharing, for the purpose of none expendable equipment, 5,000 and that's for a total of \$171,000 in 1976-77. That's a total increase of 2,500, due to workload increase.

MR. MCKENZIE: I wonder if the Honourable Minister could indicate, are those figures in the back of his Annual Report?

MR. TOUPIN: Mr. Chairman, for those districts formed in 1975-76 they would be, but in the figures that I'm giving you here for 1976-77 includes for new districts that you will find only in the report for next year. That is the report that will be tabled next year for this year's activity. The report I believe, Mr. Chairman, that the member has ends March 31, 1975.

MR. CHAIRMAN: Grant Assistance--pass, (4) Canada - Manitoba Northlands Agreement (a) Salaries 44,800--pass; Other Expenditures, 187,100 - the Honourable Member for Rock Lake.

MR. EINARSON: Mr. Chairman, I wonder if the Minister would give us a break on Other Expenditures on 4(b).

MR. TOUPIN: I'll clarify. Does the Honourable Member want a breakdown of the 171?

MR. EINARSON: I would like the breakdown, Mr. Chairman, if possible on the 187,100 dollars, that's where we are now I think.

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MR. CHAIRMAN: (b)4(b).

MR. TOUPIN: This is pertaining to Other Expenditures. There's fees here of 43,000, office supplies 4,900, posters, telephone, telegraph 5,000, equipment 5,600, Automobile 4,500, advertising exhibits 500, freight and express charges 900, travelling 14,800, miscellaneous 6,000, transportation 39,400; and there's purchase services of 22,000, contract services 40,500, for a total of 187,100. That's the amount, yes, 187,100, and that's claimable through the Northlands Agreement, for a 50-50 sharing.

MR. ENARSON: Mr. Chairman, the Minister mentioned fees, I wonder if he could explain the nature of those fees.

MR. TOUPIN: The fees I'm informed Mr. Chairman, are for the paying of instructors, leaders, workshop, teachers and so on, for the amount that I indicated there, of 43,000.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. McKENZIE: I wonder if the Minister could give us breakdown on the agreement that he has with Canada under the Northlands Agreement regarding these items and the amount that is recoverable from Canada, what contract do you draw up?

MR. CHAIRMAN: The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. TOUPIN: Mr. Chairman, we're dealing with a master agreement between the province as such and the Federal Government, we only fall within a section of this master agreement. I don't have the master agreement with me. All I can say is that we've attempted to bring in services that are rendered through this branch under the master agreement, and those items that we have here qualified. We're now dealing with last year within the agreement, as I indicated Friday.

MR. CHAIRMAN: 111(b)4(b) Other Expenditures--pass; (b)4(c) Grant Assistance the Honourable Member for Roblin.

MR. McKENZIE: I wonder if the Minister could spell that item out for us please.

MR. TOUPIN: The 21,500, Mr. Speaker, is for a full time recreational director at 14,000, two recreation agencies of 5,000 and two communities for art education programs at 2,500 for an amount of 21,500. There's no increase over last year and this is recoverable 60 percent from Ottawa.

MR. McKENZIE: Where is that director located, Mr. Chairman?

MR. TOUPIN: This involves, Mr. Chairman, all of our recreation directors in the north, who receive 2,000 each.

MR. CHAIRMAN: (b)4(c)--pass; (c) Cultural Grants \$3,249,100 - the Honourable Member for Roblin.

MR. McKENZIE: I wonder can the Minister give us a breakdown of this item, please.

MR. CHAIRMAN: The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. TOUPIN: Mr. Speaker, the breakdown for 1976-77, the Museum of Man and Nature, 1,230,000, Manitoba Centennial Centre Corporation 771,300, the Manitoba Arts Council 535,000, Winnipeg Art Gallery 385,000, The Western Manitoba Centennial Auditorium, 55,000, Le Centre Culturel Franco-Manitobain 82,500, The Manitoba Centennial Centre Corporation 771,300, the Multi-Cultural Projects 190,300, for a total of 3,249,100.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. McKENZIE: I wonder, do those figures show in the Annual Report, or at least the year ending. . . This Estimate Book is for the year 1975, so it's actually no value to us at all --(Interjection)-- Yes it is, but it's no good on these estimates.

MR. CHAIRMAN: 111(c)--pass - the Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I wonder if the Minister could come back to the issue of the support and assistance that we're giving to the arts groups that the province is now supporting. I was doing a quick rule of thumb that would indicate to me that we're increasing the expenditure by about 10 percent, I think, which is kind of a hold the

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(MR. AXWORTHY cont'd)line budget. I was wondering if the Minister is planning any basic review of the policies related to funding of the arts, either in terms of developing matching grant formulas more specifically or trying to reorganize or redirect the programs into alternative areas of support, particularly the large art organizations, cultural organizations, indicated I guess in a study that came out last year that they have an economic benefit to the community, that they bring more money in than in fact goes out. I believe that was a study that the Canada Council supported. It would seem to indicate that there is in fact a net gain to the community for large organizations like the ballet and symphony and arts. And yet I think at the same time, Mr. Speaker, it's I don't think any mystery to recognize that, particularly groups like the ballet and the symphony are in very serious trouble on operating grants, ringing up heavier deficits every year, unable to recoup that through increased ticket sales, and I'm wondering to what degree there is some danger that some of these larger organizations themselves might be in danger of falling by the wayside and if there is any assessment being done of their longer term financial needs - by longer term, I probably mean three to five-year position - to determine how the Provincial Government might help to sustain it or put in on a more solid fiscal basis so that they can get away from this kind of ad hoc crisis financing that seems to occur every year.

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Chairman, I gave the breakdown of funds payable to the majors, I have not given the breakdown of the multi-culturism projects which amounted to 190.3, I can do so later. It's not a very good year, to answer the Member for Fort Rouge, to be of some assistance to cultural groups, to plan effectively their budgeting in the future, in the sense that we could only allow for a 10 percent increase across the board. A lot of them were suffering from three or four or even beyond four years pertaining to ongoing deficits. The government has decided to support as many as we possibly could to date pertaining to a sharing of covering the deficits. The Royal Winnipeg Ballet is an example where we accepted to share on a dollar for dollar basis to a maximum of - there was two methods that we used there. We gave them an outright sharing grant of \$150,000.00, I'm sorry, of \$100,000, and a commitment over the next 10 years for \$15,000 a year through the Arts Council. That was a method that we utilized to attempt to do away with their deficit. They in turn took measures to rectify the budgeting problem that they had pertaining to the running of the Royal Winnipeg Ballet and we seem to be quite assured now that the deficit will not re-occur in the future.

We've done the same thing with the Contemporary Dancers. We agreed to share on their deficit of \$78,000, where we shared \$37,500 on a dollar for dollar basis. We're doing the same thing for the Centre Culturel in regards to their deficit. But when we accept to do that, we always make sure that the budget itself for future years is really banked on funds that are promised by different levels of government and private individuals. It cannot be presented to us in a fashion that will be on promises made by different levels of government or private donors because we can't go on this way sharing and picking up deficits for current years. And that is certainly the case with the Contemporary Dancers, the Centre Culturel, and the Winnipeg Ballet. The Art Gallery is another example where we accepted to share 50 percent of the half a million deficit that they had, to a maximum of \$250,000 and they raise \$250,000. We accepted to share a percentage of their budget for 1976-77 but not beyond. And yet I must say that the amounts that we voted here for the Arts Council, as an example, the Arts Council is more than hopeful of earning lottery revenue which will be over and beyond the amount that they're voted here. That will certainly allow the Arts Council, Mr. Chairman, some flexibility pertaining to new groups in society that we would like to fund partially.

So to answer specifically the Honourable Member for Fort Rouge, I can only say that the officials of my Cultural Development section and the Arts Council can only be of assistance pertaining to existing budgets, deficits that groups may have, and helping them plan more effectively for the future, but not being able to bank on a large increase, especially for 1976-77.

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MR. AXWORTHY: Mr. Chairman, I understand the dilemma that the Minister faces in the funding. I guess what I was trying to discover is whether we have done a proper accounting, and really I guess the benefits that accrue from the kind of cultural activities that the Provincial Government is prepared to support. I'm mindful of the estimate made for example of the Ontario Arts Council. I guess that study that was done for the Canadian Council estimated that the province recovered in taxation 120 percent of the amount that it actually gave to the Toronto Symphony. In other words it was a money-maker rather than a money-loser over and above it. And it seems to me that one of the situations we're heading to, particularly in tight money, when everyone is concerned about budgets, that it would seem to me the arts are one of the most vulnerable and easiest areas to cut back on because they don't seem to have kind of hard practicalities to it as we normally like to consider those things.

The question I'm really raising is: first, have we done an assessment about the economic costs and benefits that could legitimately be assessed against the performing arts in the city and the province in relation to the kind of benefits that they bring, and on that basis come up with some formulas for funding and finance to give them a little bit more autonomy so that they're not constantly, as the Minister said, in an emergency crisis situation, where they're always having to run to the province to bail out deficits which I think interferes pretty substantially with the funding. I guess what I would like to determine is to what degree - for example, couldn't we rationalize the division of granting between what is given to the department itself as grants and what is given to the Arts Council, should it not all come under the one body? And therefore that Arts Council, that would be the agency doing it, would therefore be able to plan on some comprehensive way and develop programs with a fair degree of autonomy, because as it now stands it's kind of a number of split jurisdictions as to who gives money and where and how, and there doesn't seem to be any capacity for planning on that basis so we're always in that catch-up kind of game. I'm just wondering if there shouldn't be some efforts in a time of constraint to make the most effective use of the resources to better planning of it, and also by consolidating the direction in one agency by giving it the kind of resources that it needs in a total way to do the job.

MR. TOUPIN: Mr. Chairman, we have not made the assessment that the honourable member is making reference to. I can indicate to the honourable member that pertaining to possibly duplication between the resources within the Cultural Development Department itself and the Arts Council, that we do more than talk to one another. The funds that are voted for the Arts Council are voted here. We do have staff sitting on the Arts Council on an advisory capacity. As an ongoing interchange of programs submissions that are made to myself or to the department between one and the other, I think the Arts Council itself not only has the role of assessing grants' applications and paying out same, but has a role of advising the Minister and the department pertaining to possible cultural development in the Province of Manitoba. And even if the Arts Council in my humble opinion had only that responsibility, I believe it would be worthwhile to continue existing, to have individuals that are knowledgeable in the field of arts being able to advise the Minister responsible on ways and means at his disposal to formulate policy as long as the funds are making themselves available by one means or the other.

The amounts of grants that we pay to most organizations in the field of arts were actually in the minority if you look at most groups that we support. We're certainly not contributing to 51 percent of the amount that they seek. And we can use several examples of that, the Art Gallery being one. The amount that we paid to the Art Gallery is 33 percent of their budget. So we can't say that the grants that are being made to these different cultural or art groups, that the department here is contributing the largest amount of their budgeted needs. But that doesn't mean that the department should not be involved jointly with the groups in question and with the Arts Council in helping those organizations formulate policy and being able to at least have a mock budget for a period of four or five years so they know where to actually plan activities in the future. But I can't say that at this time in this area that we have that type of long-range budgeting.

MR. AXWORTHY: Mr. Chairman, I'm leaving that particular discussion for the

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(MR. AXWORTHY cont'd)moment. I'm wondering if the department or the Arts Council, whichever body is responsible for making decisions, has any specific program in relation to supporting community arts or performing activities aside from the large enterprises that we're all familiar with. One of the areas I think of some concern is building support on a smaller scale for localized art groups, theatre groups, music groups, in terms of representing a kind of expression of culture and artistic abilities that would not lend themselves to a large scale presentation which might be very much representative of certain kinds of communities. And I'm thinking in particular for example, movement towards a much wider spread smaller scale feeder groups throughout the city and the province that would provide representation by way of plays that might reflect our own prairie community or would have performing facilities. And again it's come to my attention that many of the smaller theatre groups have a great deal of difficulty getting staging facilities that the Manitoba Theatre Centre and the Workshop, Playhouse and so on are usually filled up with touring groups or with the more professional figures and it's very difficult for many of these smaller groups to get places where they can perform and put on concerts or plays or whatever it may be. I'm wondering if the department has any plans or programs in this area in terms of providing additional assistance either in terms of grants or in the provision of facilities for many of these smaller artistic enterprises.

MR. TOUPIN: Mr. Chairman, apart from citing examples of spending that occurred in the last fiscal year ending March 31, 1976 which the honourable members don't have before them. I can indicate Festival Manitoba is one section of the department where we help community groups organize themselves in the field of arts. Outreach, Capital Facility Grants is another area where we've assigned a certain percentage of lottery revenue that actually falls within that general ambit. We've assisted such groups, and I will cite them as examples because they've been paid out last year: The Winnipeg Film group 5,000; The Jewish Historical Society of Western Canada 15,000; Highland Dancers Association, Societe Franco-Manitobain, Zirka School of Dance, Festival du Voyageur, Ukrainian Free Academy of Science, German Canadian Choir, Ukrainian Folk Ensemble, Polish Youth Ensemble, M.I.B., Icelandic Canadian Foundation, Polish Cultural Association, Melo-Mani, Polish Choir and Dancers, The Pas Friendship Centre (that was for cultural activities), Modern Language Association, Flin Flon Slovak Recreation and Arts Club, Kalyna Dancers, Conseil Jeunesse Provincial, the Ukrainian Cultural and Educational Centre, and the list goes on. And that was an amount of \$135,761. And to indicate the type of assistance that we make available to Festival Manitoba, 102,500, and this is the list: Woman as Viewer, artists and athlete and residents and noon hour concerts, Uncle Harry's Travelling Medicine Show, regional concerts, concerts in the north, Warehouse on Campus, Holiday String Ensemble, Ballet in the Park, Symphony in the Park, Canada Day, Manitoba Day, Senior Citizens Olympics, Old Time Picnics, Wally Byam Caravan publicity and promotion of different activities. So there's a shopping list of community groups that we fund, at least partially.

MR. AXWORTHY: Thank you, Mr. Chairman, it's good to know how the Honourable Member for Lakeside does some moonlighting during the summer months, I gather he takes his medicine show around the province, but I didn't know that he would get a cultural grant for that purpose. But I'm wondering, in the support of these, the sum comes to \$135,000. . .It seems to me Mr. Chairman, that one of the concerns of the theatrical groups and musical groups that have spoken to me have expressed is the lack of facilities, the lack of places actually to perform. I don't know what kind of inventory in fact we have available in the City of Winnipeg for these, but they feel that there is some real difficulty getting the kind of small scale theatres or concert halls that are required in order to put on their performances, in addition to getting a little bit of start-up funds, and I again would like to know from the Minister if the department has done that kind of inventory - if it has, if it kind of goes to bat for these kinds of organizations or provides any service in the procurement of spaces or makes available different kinds of auditoriums for the performing of these arts so that these groups could have some access to them.

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MR. TOUPIN: Yes, definitely. I take under advisement the comments made by the Honourable Member for Fort Rouge.

I've got a note here, I don't know where it comes from, the initial is very difficult to read. But the question asked me: Does Uncle Harry's Travelling Medicine Show sell snake oil? I don't believe so.

I believe that we do find, additional funds to accommodate that type of need which I do believe is very real; that possibly we should do everything within our power to make use of facilities that we now have and are not being utilized fully: Schools, theatres, auditoriums, gyms and so on I believe could be utilized to a greater degree. There's a lot of facilities that we now have that are not acceptable to some of these groups that are trying to find space in Winnipeg or elsewhere and I think, especially in a period of economic restraint, that we have to stretch and do everything in our power to use our resources fully.

MR. AXWORTHY: Mr. Chairman, I just have one final question. I don't know if this is the right Minister to ask it, perhaps the Minister of Labour might be more appropriate. But again perhaps by the kind of constituency that I represent, it's been brought to my attention that one of the serious problems that we're facing in this time of economic restraint is we have a number of unemployed artists who because everyone seems to be cutting back on the things that which are by their terms considered to be peripheral, there just isn't - increasingly - that much work around, and I wonder if the department has really looked at this problem. I mention it because I think these people are an extremely valuable resource in our community, that Winnipeg has been struggling to maintain its position as a regional centre of the performing arts, that we try to get, I suppose increasingly, some work through the CBC and so on for people. But there are a number of people who make their living, not just on the performing side but on the technical side, who provide make-up, lighting and the rest of it, and I gather that this is becoming increasingly difficult to find enough work so that they can maintain a steady occupation and as a result we lose a number of them. And I'm again wondering, going back to this basic question of policy and programming in supporting arts, whether again this is a problem that the Minister and the department are looking at? Is there anything we can do about it? I don't know, maybe it's just inevitable that we lose them all to Toronto or Vancouver, wherever they're all going, but it would seem to me if we do, then this community is going to be much the poorer for it. I would really raise the question, not by way of criticism because I don't know the depth of the problem, I just know that in my riding where a number of people who are in the arts live, and they have talked to me about it, because it is becoming an increasingly serious problem, and I'm really wondering is there anything that we could be doing for it. I suppose some of the more senior gentlemen in the House could recall back to the depression where they used to supply grants to artists to put things on and so on. I don't know if we need to resort to that, but it does seem to me that if it's a problem, then we should be looking at it and determining are there any measures available for trying to retain the artists here that we have.

MR. TOUPIN: Mr. Chairman, the Honourable Member for Fort Rouge is sharing a lot of the concerns that we all have in this department. I said it last year and I'll repeat it again, if we did have the resources available to us, we could have doubled the amount that we have within the Estimates here and I could guarantee to honourable members and the taxpayers of the province that we'd use the same financial guidelines pertaining to strict budget controls in helping artists help themselves.

I think what artists need more - and here we're talking about professional artists - need more than anything else, is a place to work out of in most cases. I can recall with - and this was really unfortunate - but while in Health and Social Development I met so many artists that were on partial assistance and some of them on full assistance and had good talents, able to perform, able to do good work as artists, and yet didn't have the platform to work from, then once their piece of art was completed, no way of being able to make it available to the public here and elsewhere in Canada and the States. And I believe if we ever do play a more major role in this field, that that will be the

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(MR. TOUPIN cont'd)area that I'd like to move in, having a residence where artists can work from. As an example we have buildings now that are becoming available on Assiniboine, the Assiniboine Credit Union, Geurtin Place, and so on, the city is acquiring a lot of property. I believe that we could use some of these facilities for artists that are wanting a residence, to work from. We are attempting within our limited resources to hire professional artists. Concerts in the north as an example is one area where we've hired professional artists, Outreach, Festival Manitoba and so on; STEP where we've hired younger artists that are just training and becoming professionals. So, you know, the field is unlimited, there's a lot of areas that we could employ them in but yet we don't have the resources to be able to meet all demands. But with the limited resources that we do have or will obtain in this fiscal year, I think these are some of the areas that I'd like to move in.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Chairman, I thank the Minister for his comments regarding the Arts Council and the various artists in the area. The Arts Council is a very interesting group that were formed I guess by legislation back in 1965, sort of an independent agency of the government, and they have left their mark not only in this province but in this country. They've, on a voluntary basis, set their standards very very high and we only have to look at the performance of some of our artists here from time to time to see that the work that the Arts Council has done, the opera, the ballet, the symphony, the contemporary dancers, the Rainbow Stage productions and it goes on and on. And like most other members I wish that we did have more tax dollars for the arts, because the talent is certainly around us. It's just a matter of developing, and I'm sure as we grow older and the province grows - we're only 100 years old and we have a lot to be very proud of in this province, and I'm sure it will be developed to the fullest as the years go ahead as long as we have the guidance and the direction of people like the Arts Council.

There's one little item that's been brought to my attention in the same field, and that's the possibility of a youth concert band and a youth choir, which again is an art. And there's one of the staff here in the building at the door who handed me this brochure, Mr. Smeltzer, and it's got a tremendous amount of merit. His introduction of course is the concern of the loss of musical talent in the Province of Manitoba when people leave high school and we just don't seem to have a Manitoba youth concert band or a youth concert choir. And the talent that's going through our school system, it's all there, it's readily trained, it's available, but in most cases it seems when the boy or girl finishes high school they lay down their instrument or sell it - the same with those that have excellent voices, they don't pursue it. So, Mr. Smeltzer of course as an instrumental music band teacher, he along with myself and many others, sees the urgent need for a program to hopefully try and encourage these young people to expand their musical horizons, as he puts it, with the possible, hopeful formation of a youth band and a youth concert choir. There has been some attempts during some of the programs in a small way but I think maybe once this was established in the province, it would certainly move ahead. Maybe the Minister has this brochure but if not I'll be pleased to pass it on to him and he can take a look at it some day and hopefully in next year's Estimates we'll have an item of some nature for this worthwhile project.

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation, Cultural Affairs.

MR. TOUPIN: Well first of all, Mr. Chairman, in regards to the request now being made to the House, it was made of me approximately a week and a half ago. I received the submission from the individual, he had discussed it with Mary Liz Bayer, my Assistant Deputy Minister, it's being reviewed like many other requests that we get. There's quite a few youth choirs in the Province of Manitoba. I belonged to quite a few of them in my time, I'm having more difficulty in being able to participate now, but there are quite a few in the province and I'm informed here of quite a few names that we have supported either directly or through the Arts Council. I think the main thing that we can do for a lot of these groups is to help them find audiences where they can

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(MR. TOUPIN cont'd)perform. Grants are temporary, they help them start. The submission that we now have from that gentleman working here, it's an organized choir, and according to what I hear from Miss Bayer, it's a good choir but yet it needs more momentum pertaining to reaching out to people and that seems to be the lack. But it's being pursued. I can't give the honourable gentleman a commitment in the House this year for this year or next year, I'll only say they'll be reviewed.

MR. CHAIRMAN: 111(c)--pass; 111(d) Dominion-Provincial Cultural Relations Secretariat, (1) Salaries \$38,000--pass; Other Expenditures \$56,800 - the Honourable Member for Roblin.

MR. MCKENZIE: Could I have a breakdown of that one and (3) too. Mr. Chairman, please?

MR. TOUPIN: Mr. Chairman, pertaining to 56,800, this includes general office costs for the Dominion-Provincial Cultural Relations function. It includes the following major items; transportation \$23,000, this is a student exchange program within Manitoba, there's professional fees to carry out major studies including demand use of minority languages in administrative support roles, demand use of minority languages in municipal government, evaluation of language policy programs and grant support, \$14,000; there's travel in connection with foreign cultural agreement 6,200; this represents an increase of 8.7 over last year and this is mainly due to price increase of 3,500 increased promotional activities throughout the province 1,000 and an additional cost related to the new Assistant Director position, 4,200.

Now under No. 3, this is grants to be distributed as follows: Linguistic Support Program for language programs outside the public school system \$50,000; Language Camp Program \$12,000, that's an increase of a thousand over last year; bursaries for students to complete Master degrees in Manitoba universities, for a total of \$72,000.00. So that's the explanation for the 56,800 and the \$72,000.00.

I'm sorry, Mr. Chairman, I'd like to indicate that last year in regard to the Linguistic Support Program there was \$50,000 but it came out of lotteries. This year we have \$50,000 coming out of the budget.

MR. CHAIRMAN: (d)(1)--pass; (d)(2)--pass; (d)(3) Grant Assistance--pass; (e) Provincial Archives, Salaries \$139,900--pass; Other Expenditures \$33,100--pass; Legislative Library \$206,500--pass - the Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, I'd just really like to raise the issue about the position of the Legislative Library since the recent move. Frankly it hasn't been a particularly useful move from the point of view of members of this House, at least I've found it to be. I by no means want to make it by way of criticism of the staff there who certainly do their best to provide the same services they have in the past. But as a research centre from which one should try to obtain information, we don't always have the leisure of being able to plan our day so that we have a lot of time in which to obtain the material and yet by having. . . when you go across the hall and try and find a journal or a book or some other document, then it has to go through the courier system and come back by way of shutes or telegraphs or however it arrives here, and in general it arrives too late. I guess there's not much you could do about it, Mr. Chairman, frankly, but it's a very unsatisfactory situation and I really think the government made a serious mistake in moving it. I don't think it was the right move at all, I think the proper place for the library was in this building where members could use it, as well as the public in general. I think it's simply a matter of physical location, it has nothing to do at all with the calibre or performance of the staff, because I think they labour under very severe handicaps. I expect that whatever savings one expected to gain by moving it in the way of more space, I think you're going to lose in the way of increased labour and time and extras, to simply try and move the stuff back and forth and finding it. So we certainly lost a great deal of convenience, and I expect we've lost a good deal in the way of extra hours just trying to procure the stuff, and while I know the Minister is not prepared to move it back, I just simply wanted to register my own complaint that it really wasn't a very smart move.

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

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MR. TOUPIN: Mr. Chairman, I appreciate the constructive criticism of the Honourable Member for Fort Rouge. It would be sort of difficult to now move it back. What we could possibly do is get a faster runner or a faster shute or something. But the service according to what I hear is far from being as good as it used to be. We can only try and perfect on the service as it now stands.

MR. CHAIRMAN: The Honourable Member for Roblin,

MR. McKENZIE: Mr. Chairman, is the microfilming all been completed that was started, of all the papers and documents?

MR. CHAIRMAN: The Honourable Minister of Tourism.

MR. TOUPIN: Yes, we're updating our service, we're close to the end of 1975 now.

MR. McKENZIE: What office space is your department occupying over in that building, the Legislative Archives Building?

MR. TOUPIN: The entire Department of Tourism, Recreation and Cultural Affairs would take approximately 80 percent of the Manitoba Archives Building.

MR. CHAIRMAN: (f)(1)—pass; (f)(2) Other Expenditures \$88,100—pass; Public Library Services, Salaries \$167,800 - the Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman, if the Minister will recall, we brought the serious parlous pay to the libraries to his attention last year. Since that time there has been a provincial new per capita grant program. The assessment has, I think when you look at the end result or impact of that change to a revised grant system really hasn't made things much better and that we're still suffering from a number of deficiencies in the provincial library system that I would propose to go over with the Minister and see if he can answer. I think the first thing that we would have to raise with him is that the new grant system available to libraries only which serve on a regional basis, or a list of three municipalities, could end up only really coming to the assistance of six additional library systems. In other words by predicating the increased grant upon a library system that serves three municipalities we really only end up helping an additional four library systems over and above what we were doing before, and another 16 are still being avoided or evaded. So as a result most libraries we didn't end up helping at all, they're still exactly where they were a year ago. And the fact of the matter is, Mr. Chairman when you look at the figures, that's not a very good circumstance, because the per capita figures on library grants put Manitoba almost the lowest in the country at this stage; that compared to places like Nova Scotia which is \$1.92 per capita, we have 96 percent; British Columbia \$1.07, we're 96 cents; Ontario \$2.36 per capita, we're 96 cents; Saskatchewan, our neighbour province to which we always like to compare ourselves in most cases, \$2.63 per capita, ours is 96 cents. So what it really works down to, Mr. Chairman, is that the proposed reorganization of the library system that was heralded with some celebrity last year has really been a little bit of puffery, that it really hasn't ended up helping very many, because there are only six libraries eligible for that new grant and aid. And it really means, again as I say, about 20 libraries will stand to gain absolutely nothing at all under the revised program. To give some further example of the present state of mind, there is only one professional librarian serving all of rural Manitoba, so there is almost virtually nothing in the way of assistance or technical help in improving the system.

There has certainly been almost virtually no development in the way of a comprehensive library service in Manitoba that can be integrated so there can be a sharing of resources. That the idea of a library network that was proposed in the Newsom report in 1974-75 hasn't really been introduced at all. And that we still have made very little progress in supplying any kind of special library services to physically handicapped people, to northern residents, to native people in their communities. So that I think the extension service, which is the major supplier of library resources in the province has something like 55,000 books. Now supposing you started ranging out on the per capita basis, it wouldn't leave you with very much. Probably at that basis less than one book for every ten people outside of Greater Winnipeg, which is not exactly a rewarding situation to find yourself in.

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(MR. AXWORTHY cont'd)

So I think what we're really faced with, Mr. Chairman, is that I know that the government can plead restraint but it comes back to whether you really do more damage to yourself by continually cutting back or restricting on resources which may not have any immediate economic impact but probably in a longer run have far more value than many others, much more wasteful expenditures that we make in the so-called economic sphere or in the hardware sphere.

So I think, Mr. Chairman, that in terms of bringing things up-to-date that the grant program has not worked to the benefit of most libraries in the Province of Manitoba. We have made no progress in the developing of library network services as the Newsom report proclaimed. Manitoba's still one of the lowest per capita granting province in the whole Dominion of Canada, to the point where we're close to a dollar and a half below what our neighbouring provinces, Saskatchewan and Ontario offer.

The rural areas in particular have not received almost any improvement. In fact, they might even have lost services because of the closing down of the Parklands Regional Library System. We have made nothing in the way of extra efforts for special groups in the community that need extra assistance in the way of physical facilities. In fact, Mr. Chairman, it's still my understanding that even the new City of Winnipeg Library which was supposed to be the showcase library, is still waiting for some of its provincial assistance to come along the way in the kind of special programs that should be introduced in that program. So I would really like to know whether the Minister has had any further thoughts about his program, whether he would be prepared to share with us, whether the Provincial Government is planning to take some major steps in the near future to upgrade what is really a very poor service right now in the province.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: In spite of the interesting opinion we have received, I rise to pay tribute to our library service in Swan River. The schools have extensive libraries to begin with, and we have a centrally new building. It's just a treat to see the people making use of the books, they're interchanged with the various libraries around the province. I have nothing but praise and admiration for the effort that's being made, and our community to say the least is very grateful for the service we are getting. The books are up-to-date, and I think the records will prove that the people generally speaking, not only in the community itself but in the rural areas of Swan River throughout the valley, are making abundant use of that library.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: It's very seldom that I disagree with the Honourable Member for Swan River but I must disagree with him on this occasion. Of course he luckily lives in one of the larger growth centres of this province who basically don't have the problems that the Parklands Library as an example looked after.

Now I'll just read to the Minister into the record for the committee: This is by M. McConnell, who is the correspondent from Ochre River --(Interjection)-- Dauphin Herald, right. The February 11th, 1976 issue. And she says, "Parkland Library removed from our district is proving a sad loss to a large number of residents in our municipality. Not everyone wishes to curl, skate, play hockey, dance or ski-doo ride. Some are quite unable to participate in such robust recreation, but they all find enjoyment in reading. To establish a program of recreation without consideration for a library seems a backward step indeed." And that is the general tenor of the voices that I'm getting from the smaller centres. There's no problem in Dauphin, or there's no problem in Swan River, these larger growth centres, but there sure are problems in the smaller centres across the province, and for the Honourable Member for Swan River to say all is well is hardly fair to people like our friend from Ochre River.

MR. CHAIRMAN: The Honourable Member for Rock Lake.

MR. EINARSON: Mr. Chairman. I'm glad to hear that somebody is getting good library service. But I think the Minister has received resolutions from municipalities in the province where unfortunately, as I understand it, it is based on the population insofar as the grants are concerned when you talk about library services. But I must register the complaints from municipalities, I know from my area, that are very unhappy

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(MR. EDWARDS cont'd)with the way in which the funds are being allocated in the Province of Manitoba. I don't know what more I can say, Mr. Chairman, other than to register my protest, hopefully that the Minister will give some recognition to improve and make the funds that are being allocated to the Province of Manitoba on a more equitable basis. We'll look forward probably when we deal with the grant assistance on that, maybe the Minister could explain at that point, unless he wants to make some comments now.

MR. CHAIRMAN: The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. TOUPIN: Mr. Chairman, I'd like to revert back to some of the comments made by the Member for Fort Rouge. I came into the Department of Tourism, Recreation and Cultural Affairs when Newsom was making his report known to us. I must say that the majority of his recommendations I endorsed, and so indicated publicly at the time. I've indicated equally in regard to some of the recommendations that I made, and some of the policies that we're now operating under were actually included in the Newsom recommendations. We did not accept all of his recommendations because we didn't have the fiscal power to do that. That is, we didn't have the financial resources available within the department to respond to the regional concepts as he indicated in his report. And we didn't have the financial resources to enlarge the Provincial Extension Library Service to the extent that I believe would have been much better, especially pertaining to our rural areas and the north. We went from approximately a half a million dollars in financial resources within this section in 1974-75 to \$1,572,000 in 1975-76, and now \$1,795,800 in 1976-77. Some people would say, well that's not a very hefty increase for a population of approximately a million people. I believe it's a million, fifty-six thousand in the province now, but it's still well over a dollar per capita. It's not enough, I agree with the honourable member. I for one would tend to agree that I'd go further eventually, in the future, when funds do become available in regards to sharing on an equal basis with municipalities, local government districts and Indian bands, with some understanding with Indian Affairs in regards to bettering their library service. I would certainly put the onus on the municipal authorities to push a better library service, and at the same time having a larger and more complete bank on the provincial level pertaining to the provincial expense on library service.

I can understand the comments made by the Member for Swan River, because in his given area we had a pilot project that went for three, four, eventually five years, and Parklands is established as a regional library. I do believe that it's not offering the best service in Canada, but it is offering a service that the people have gotten to expect and for that reason, I think it can become available in, not all of the regions in the province, but in most regions of the province, especially if we make a greater effort to utilize the school library systems that we have in different parts of the province. And that again is not feasible in all areas. If we take Leaf Rapids as an example where we have a public and school library service working together, I believe it's working very well, that may be possible in other areas without such a large increase of provincial funding. But necessarily, I restate what I said a while ago pertaining to recreational or support to the artists in our province, if we get additional funds, I do believe that we'll be able to cost share to the level that people consider to be more suitable. But at this time we can only respond with the funds that we have available, I can't go beyond that.

Again I take with some degree of sadness the remarks made by the Member for Roblin, and yet I can't go beyond the financial resources that I have here. So this is why we've established a formula that meets with the funds that we have available. The only other way that we could go beyond the \$2.00 per capita or the municipal allotment, whether it be for three or ten municipalities, would be with a larger pot of funds available here.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, just further on the subject. The concerns that are being expressed from me are the municipalities that have a reasonably low tax base to operate from, and I happen to have some of those municipalities in my constituency

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(MR. MCKENZIE cont'd)who are now asked to contribute \$2 per capita for the first year of the operation. And the question they keep reflecting back on me and which I reflect to your director in Dauphin, what's going to happen next year, and what's going to happen the year after? They don't want to get locked into something that they find out next year it's going to be five bucks, and the following year ten dollars per capita, they like something firm and have some idea where we're going, because municipalities such as Hillsburg and Fulton don't have the tax resources to spare. They certainly could afford the \$2.00 maybe, but if it's 4 or 5 next year, they don't want to get locked in at the start and find out that they have to phase-out in two or three years' time.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Chairman. I wonder if the Minister could be a little bit more specific along what the province is doing other than putting more money into it. Let's assume for a moment - and we say OK, we're in tight times and you don't want to put any more money into it, which I'm not prepared fully to accept, but let's put that aside for a moment. The Newsom report made a number of recommendations, first about establishing a provincial-wide plan based upon consultation of a planning committee that would be set up inter-governmentally, as well as including the library services. Secondly, to set up the organizational development of a provincial-wide cataloguing service. Thirdly, to begin establishing the area of resource centres, and of a minimum set up some decentralization of library services on a consultative basis to help each library do its own planning. All of which are not dollar items. These are simply organizational items, planning items. In fact I think that the Newsom report indicated that that should be the first phase.

Secondly, Mr. Chairman, I believe that they recommended some substantial changes in the Public Libraries Act. And it would seem to me that if we were anticipating some major improvements in the Public Library System, it takes them lead time to get that planning done, to get those organizational structures into place, and that may take a two or three-year basis. So it would seem to me that if we're in tight times at the present moment, this would be the time to do your planning, do your reorganizing, so that you've got all the systems ready for go when some more money starts coming through the shute. And I again would like to raise with the Minister whether that kind of planning and reorganizing have gone on, particularly from the point of view of developing a provincial plan and a cataloguing service and setting up technical consultants on an area basis so that those foundation roots can be planted for the development for a more improved system when money becomes available.

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Chairman, I can inform the honourable member that we're quite ready in regards to receiving and administering wisely additional funds pertaining to library services in the province, whether it be directly or in co-operation with the Department of Education, College and Universities. We do have some Newsom recommendations that we've contemplated. We've read them, we've costed them out. It would cost us by the end of five years approximately an additional \$2 million, that's over and beyond the grants that we've had to make available on a cost-shared basis with municipalities, local government districts and so on. We are nevertheless participating in a plan pertaining to library services in the north, that we're doing under our own financial resources. We are looking for film science research as such. We're looking at a library service for the handicapped. That's under our planning and research capabilities within the department and hopefully we can have some inroads in 1976-77 with the limited resources that we have.

I indicated a few minutes ago when I talked about some of the Newsom recommendations, especially pertaining to the larger provincial extension library service that he was recommending, and pertaining to the regional information centres that he was recommending, that in concept I believe it's good. In regards to financial capability of the department to respond to that type of recommendation it's completely impossible with the resources that we now have, and I have to live with that.

MR. AXWORTHY: Mr. Chairman, I just have a couple more questions. I would still say, that while I wouldn't be critical of the Minister's proposition that if there

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(MR. AXWORTHY cont'd)were more resources they would spend them wisely, he still hasn't said how, to the point, well, there were a couple of areas that were indicated. Now I wasn't really clear whether he was saying that they in fact are going to initiate a provincial-wide plan, whether it would be a library network, an inter-library system, a cataloguing system on a provincial-wide basis. If in fact he is saying, yes, we agree with those and we are just waiting for the money, then I think that takes half the point.

I was just also wanting to comment, Mr. Chairman, we're all standing here pleading poverty and I guess it's a good way of coping out these days, but one of the things I just recall reading is that - one thing I would suggest that the Minister, first, is badly treated by his colleagues. I would say this, that I've never heard a Minister in any department having to plead more negligence on the part of his Cabinet colleagues than the present Minister, so all sympathy goes out to him. I realize what a difficult row he must hoe, as it were, where all the big spenders are in there, sort of old Industry and Commerce clunking away with all their cash, this Minister providing these areas - I guess he just isn't able to find the wherewithall, the persuasive powers to convince his colleagues that perhaps in the more non-tangible areas of human development, the Province of Manitoba can afford to stay in the bottom rank. I'm always intrigued that the First Minister is always very proud to pull out comparative provincial figures on energy costs from province to province and tax costs from province to province that it may be that he should be taking a look at those library figures per province and that really turns those comparisons on their head pretty badly.

I would say, Mr. Chairman, first that I would really offer my full sympathy for the Minister. He obviously has a difficult role to handle. I think it may be an unwise kind of position to find himself in because I just recall reading an article in the United States where they pointed out that in these times of recession and economic restraint the public libraries down there are doing a booming business because it seems that if people can't afford to eat an expensive restaurant meal they're going to be prepared to go home and read a book which may be an awful lot better for society and our cholesterol count on the long run anyway. Again I would suggest that maybe we're making wrong priorities.

I have one specific question related to the grants that were given to the City of Winnipeg. The issue was raised and it may be resolved. There was a major complaint by the librarians in the Winnipeg Public Library system that the provincial grant did not go in fact to the library boards but went to the City of Winnipeg coffers. They weren't sure they were going to see it again. That was an issue of some dispute. I would like to know whether that particular anomaly has been followed through because I would assume that if the grant was specified directly for library purposes it should go to the library boards and not to the City of Winnipeg Treasury. They have a way of kind of having sticky fingers along the way and I don't know if any of it got stuck in the transference. But I'd like to know if the province has resolved that problem.

MR. TOUPIN: First of all, Mr. Chairman, we did not make those per capita grants available conditional. The City of Winnipeg was using a lot of its own funds pertaining to public library service and they decided to sign the additional, approximately close to a million dollars offered by the province, for the purpose of adding facilities and that was within their powers. So I can't challenge that.

I can indicate to the honourable member that although we did not get as much funds here as we'd like to pertaining to public libraries, the overall increase for the department as such is not too bad considering the overall increase that we sought in Estimates. We got approximately 12 percent overall for the Department of Tourism, Recreation and Cultural Affairs and 14 percent was allotted for Public Library Service. So we tried to spread out quite evenly.

MR. CHAIRMAN: (g) (1) - the Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Chairman. With regards to grants to libraries, a particular problem in my constituency and I'm sure the Minister is aware of it, and I'd just like to ask him several questions with regards to that. In Steinbach and surrounding area, Steinbach has not been able to get one of the municipalities to join

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(MR. BANMAN cont'd)them in a regional library. As a result of course they haven't been able to qualify for the grant.

We've had a good group of people who've managed to start a library. There was a group called "the Friends of the Library" who started work on this, asked for donations from different people in the private sector of books, moneys or anything they were willing to donate. Now my question to the Minister would be: at what population level - for instance, we're approaching about 7,000 people in Steinbach now - at what population level will they be able to receive additional funds and is there any other way that these people possibly could qualify for the type of regional library grants. Are we looking at a population of another municipality joining us? Is that an absolute criteria for getting that particular amount of money? What are the allowances as far as further grants to this particular library, which I might add is now a municipal library, what they could expect to receive.

MR. TOUPIN: Mr. Chairman, Steinbach, as possibly a few other towns in the Province of Manitoba, are having a type of problem that we're reviewing right now. It does take two or more municipalities to form a district and because of the case in Steinbach they don't qualify under the 10,000 population. They're certainly not receiving a similar amount on the per capita basis as would say Winnipeg or Thompson or Flin Flon or other areas, or say the Parkland Regional Library Service. So I can't really give an answer to the Honourable Member for La Verendrye unless the policy is changed or the Town of Steinbach is able to muster the support of another municipality.

MR. BANMAN: I thank the Honourable Minister for that answer. So the way it looks right now the town will have to go to an additional 3,000 people before they qualify at all. As the Minister is probably aware, they did have a referendum I think with the R.M. of Hanover which happened to turn it down and the town's hands are more or less tied right now because there is no other municipality that would possibly go in with that particular library. I just want to draw it to the Minister's attention. It is a problem. We do have a good group of people working out there right now trying to better that library and maybe some day when the criteria changes, if there's changes in the granting procedure, then maybe there'll be a good base to build from and we hope that this could happen sooner than later.

MR. CHAIRMAN: Resolution 111(g)(1)--pass; (g)(2) Other Expenditures--pass; (g) (3) Grant Assistance--pass. Resolution 111: Resolved that there be granted to Her Majesty a sum not exceeding \$7,012,600 for Tourism, Recreation and Cultural Affairs--pass.

I would refer honourable members back to Page 55. Resolution 109(a) Minister's Compensation. Salary and Representation Allowance. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I just have a few comments just to sum up the Estimates. I do thank the Minister for his answers and for providing us the information that we requested to the best of his ability. I think we must take a close look at Tourism and where it's going in this province and recognize the importance of the industry and not burden down those that are in the tourist industry in this province with an overload of taxation. The service people are one of the few groups in this province today that are feeling the pinch of this province's tax load and they don't like it and I associate myself with them and the concerns that they are expressing at this time. If we are to go forward in Manitoba and enjoy our rightful place, then we must take another very close look at the tax load that those that are in the industry are facing today rather than looking at resolutions that let the municipalities put another tax on hotel rooms and other services such as that. I don't think it's timely; I think it's wrong and I think that they should stand on their own two feet if we give them a chance and not overburden them with taxes.

The other thing I think that came out of the Minister's Estimates is the fact that I think we have come to a time in our history, Mr. Chairman, when we have to seriously try and rescue as much of our culture, of our 100 years' history, as we possibly can. The Federal Government, Mr. Faulkner, over the last week in one of his statements came out and said that he has a plan as well. I hope that we can work jointly

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(MR. MCKENZIE cont'd)with the Federal Government to mark our culture, to mark these historic sites, to treasure them and hopefully keep them in their present state for decades and decades to come.

Of course we have looked at the Empire Hotel and many other buildings in the city but I think the remarks of Pierre Berton on the weekend were very timely and very important at this time. He spelled out how careless we maybe have been over the last few years, and maybe over the last 20 years, in not recognizing some of this culture that's all around us and the fact that we should pay more heed and more attention to it because this country has a great future and the culture and some of these old structures and buildings go with it hand in hand. I think it's our duty as legislators and the government's duty to assist in every way possible to preserve that heritage.

I again would like to express my concerns regarding the matter in which the Department of Recreation or Sports whatever, is split up into two departments. I think it should be one. Maybe one Minister with some other small portfolios. But sports, recreation and culture, it's a big issue in the province and we're heading in two different directions. Like the lottery funds now that we use. One Minister is in charge of the lottery and how the money infiltrates back and forth, it's a mystery to me. I think it's becoming more and more confusing to especially us in the opposition as to what the direction this government is taking. So just as a suggestion, I see many problems ahead for the sports groups in this province with the Olympic lottery, now the Feds are getting into the lottery business. They've spelled out they're moving into it whether we like it or not and I don't know what we can do about it. It was my understanding there was an agreement with Parliament some three years ago that the Federal Government would not be in the lottery business at all. But apparently they are in and as I understand the Minister, we are in the lottery business.

Mr. Chairman, the other one of course is in the permissiveness of our society today. I wonder if in fact we can do anything about it. I saw in an article not so terribly long ago that the new permissiveness which we have on television or the movie screen today basically has taken a stag party and put it into the living rooms of our people. That was a statement that came out a couple of weeks ago.

The other one that we didn't deal with of course, and that's because it's been well ventilated and well screened, is the violence in sports. I think that's been well taken care of. The hockey season is over and we're into the more milder forms of sports which is football in comparison to hockey.

The other thing, I wonder if the Minister has some plans for these young Manitoba athletes that's going to compete in the Olympic Games and no doubt some of them are going to come back with honours of various kinds. I would hope the Minister will - the House will not be sitting at the time - make sure that these athletes are recognized for what they have brought back, honour to the province for the fact that they gave their time and their talents and their skills to make the Olympic Games what we hope it will be, a very important day in our history.

The other one concern and a main concern that I have when going through the Minister's Estimates of course, goes back to the Hecla Island Hotel resort. We debated that, Mr. Chairman and committee members, in some depth the other day. The answers that I get from the Minister and the people that are advising him and those that I'm getting from the contractor differ in many fields. I still don't understand, Mr. Chairman, the tender of May 27, 1975, which was submitted by W. W. Construction Ltd. who was the low bidder of the three bids that were submitted at that time.

If you read Article 1, subsection 14 of the tender in the (d) section it states: "proposals received after the specified closing time and date will not be considered." That was in the terms of the tender. If you go on and read article (f) of the tender, Mr. Chairman, it also states and it says: "in submitting this tender, we recognize the right of the owner to accept any tender at the price submitted or to reject all tenders, it being understood the tender is submitted on the express condition that revised tenders shall not be called, for minor changes only are contemplated." That's where the argument comes up, whether this was a minor change or a major change because the dollar value was \$800,000.

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(MR. McKENZIE cont'd)

A substantial change, Mr. Chairman, to the original plans and the specifications was tendered on May 27th, 1975, has been confirmed by documents that I have looked at which were the plans and specifications dated January 21st, 1976.--(Interjections)--Yes, that's right. But this was Poole Construction's contract. Also the Minister, Mr. Chairman, confirmed that \$1.9 million contract, Poole's contract, as of January 21, 1976, and not the \$2,688,400 as was submitted by W. W. Construction on the 27th of May, 1975.

Mr. Chairman, the plans and the specifications confirm a drastic reduction in size of the total project, which is further supported by the price which was \$2,688,400 tendered by W. W. Construction in May, 1975, and the present contract which is awarded to Poole Construction for \$1,900,000 confirms again not a minor change but a major change to the project. Mr. Chairman, with the project substantially reduced in size of approximately \$700,000, the award has been made without going for these particular three things.

The award has been made without going for public tender; it has been made without having competitive prices to the original bidders; and has been made without the Provincial Government being able to substantiate to the Manitoba taxpayer that the price paid was justified.

Mr. Chairman, I would suggest that the Minister confirm to me and to the committee that both Poole and W. W. Construction were given plans and specifications to retender, date unknown. But, Mr. Speaker, the Minister confirmed that Poole Construction submitted their price in writing on June 5th, 1975, and that W. W. Construction had telephoned in and the Minister confirmed that W. W. Construction did not submit their price in writing by the closing date.

Well, Mr. Speaker, W. W. Construction again denies having received any plans, any specifications from which he could resubmit a written tender. W. W. Construction, Mr. Chairman, only asked to phone in ball park figures which was requested and which was complied with. So the Minister has challenged that construction company to prove that they were not asked to submit a bid in writing on or about June 5th, 1975, for the above named project.

Mr. Chairman, I would say to the Minister that W. W. Construction accepts the challenge and points out to the Minister on the photocopies that were made from plans and specifications date January 21st, 1976 - and that's the drawing titles (a)(1) for tender January 21st, 1976. These drawings, Mr. Chairman and members of the committee, and specifications were never received by W. W. Construction. May I repeat, these drawings and these specifications were never received by W. W. Construction.

So, Mr. Chairman, I would point out that neither the plans nor the specifications were given to the firm prior to the subsequent June 5th, 1975 date, nor to this date have they been submitted to him for re-tendering. So, Mr. Chairman, the Manitoba contractors as well as the Manitoba taxpayers are hard done by this procedure which I'm reading into the record at this time.

A MEMBER: Must be a new policy of the government, Wally.

MR. McKENZIE: Mr. Chairman, the contractor when there's very little work going around and prices are coming higher in 1975 than they did in the first few months, as it was in housing and other matters, I can't understand why W. W. Construction was not considered in this matter.

MR. CHAIRMAN: The Honourable Member for Fort Rouge;

MR. AXWORTHY: Mr. Chairman, there are a couple of matters that I wanted to bring up in the discussion on the Minister's Salary and I apologize for not having had the opportunity to bring them up perhaps under their specific items, but I wasn't in committee at that particular point. One of them is of real concern to me and that is the continuing discrimination against the Inner City of Winnipeg when it comes to community recreation parks and open spaces. The Minister will recall that we had kind of a long-standing debate last year about the way in which the provincial grants worked to the disfavour or disadvantage of the inner city. If the Minister recalls, at that time he admitted - I believe it's on the record in Hansard - that in fact the \$15,000 community

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(MR. AXWORTHY cont'd)recreation grant and other forms of distribution to the City of Winnipeg in fact did not end up servicing some 70,000 or 80,000 people who live in the downtown oldest portions simply because they didn't have the political muscle or political power in council to achieve that. I believe at that time the Minister indicated he was going to take a look at how we could get around that and if there were special projects that could be specifically designed for the recreational interest of people who live in the downtown, then the province might be prepared to give it some special consideration.

Mr. Chairman, in between last year's Estimates and this year's Estimates, I had occasion to test that particular problem out because last summer an older resident who lived in the Broadway-Assiniboine area drew to my attention how back in the old days the Assiniboine River became an area for winter recreation purposes. The river was very useful for skating purposes and you could have toboggan runs and snow slides and generally for very little money the river became the focal point of recreation for many periods during the Second World War and for years after. He asked me the question, why we don't do it again? Because the population now in this area on both sides of the Red and Assiniboine are composed mainly of young adults who really don't have many recreational outlets or older people who also like to have some place in the wintertime, summertime where they can go.

Following up on that, Mr. Chairman, we were able to develop a proposal for, in a pilot way, turning the Assiniboine River into a skating rink similar to what they do in the Ottawa national capital. We had some engineers test it out and they came up with a very modest sum, I think it was \$18,000, to provide two large skating rink areas, plus lighting, plus refreshment booths and changing rooms. The engineers looked at it, they said it was totally safe to do it, that the protection and safety of people would be registered. The community committees on both sides of the river, on Fort Rouge side, the Centennial Community Committee, all agreed to it so it was agreed to by the councillors, by the residents of both those areas, by the official bodies that speak for the areas. The thing went to Public Works Committee on which there is not one councillor from the inner city and it was turned down even though at the same time they were approving \$400,000 arenas for suburban areas. So if there was ever a clear indication, Mr. Chairman, for a need to change the funding formula it was that.

Here was an area in which there is close to, I would estimate 70,000 or 80,000 people, if you take in both sides of the river, many of whom are in the young adult and senior citizen category. There's virtually no facilities at all of any kind and at the same time we're ignoring many of the interesting possibilities to use our natural landscape like our rivers simply because this area doesn't have that kind of leverage that it should have on council. It just isn't able to get anything. So it really comes back to a fundamental point, Mr. Chairman. I think that the province needs to change the basis upon which it helps this particular community. You know 70,000 to 80,000 people represent close to 10 percent of the Province of Manitoba when you really look at those numbers, who really don't get any assistance at all.

I recognize the problem the Minister has in terms of municipal control and I'm cognizant of that. I do think there are ways of getting around it. I think first there are certainly ways by setting some conditional grants so that they're simply not used according to the overall council priorities but that there can be some specific purposes assigned. There could be a special grant category for uses such as that or the province could do as I have recommended in the past. That is, because the Provincial Legislative Building occupies this area, it could take on special responsibility almost as a capital region. Because of the importance of ensuring that this area in the proximity of the Legislative Buildings has a proper environment and a proper ambience, it really is important that the province help the City of Winnipeg to provide effective recreational open space, park facilities, in this downtown area, which it doesn't have at the present time.

Mr. Chairman, I would suggest that there are ways of getting around that problem of municipal control. I think we could probably say that we would like to have a special capital region or capital area district fund that would be available for things that we wanted to use, the rivers in the winter time, set up special recreation programs

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(MR. AXWORTHY cont'd) in the summertime, open up some spaces even to the point where in many of our large apartment blocks that occupy the downtown area, they have open spaces on the roofs and some of their playrooms that could be turned into community recreation areas.

I can give you another example, Mr. Chairman. I guess one of the primary requirements for young adults is a place where they can do some individualized activities like tennis or badminton or squash, some of the racquet games, where they get some exercise, where they get some enjoyment. There's virtually nothing available other than the private clubs in the area. So you have literally thousands upon thousands of young adults, young working people in this area who have nowhere to go, no place to play tennis in the summer, no place to play squash or handball or racquet ball in the wintertime and as a result they are simply deprived of any opportunity for physical exercise, for recreation or for community activity. We haven't really undertaken any kind of imaginative use of the buildings in the downtown area. There are some churches in the area; there's Provincial Government buildings themselves; there is some open spaces. With a little bit of imagination supplied with some money, we could make sure that these 60,000, 70,000 people got proper opportunities. I would say that we have far less recreation opportunities than many small towns in the province, of less than 10 percent of the population of this area. I think that by any recreational study we are simply poor cousins. We always like to talk about the city-rural, sort of city slicker versus the poorer country cousins. Well, in this case, let me tell you it's the people in the downtown area of the city who are really suffering because they don't have any recreation opportunities.

So while there is a certain jurisdictional handicap, I think with some imagination that handicap could be overcome. I would really like to see that the admission that the Minister made in the last Estimates, maybe we could put some flesh on it and try and see if we could work up a program in this area. Frankly I think the longer we leave it go I think the problem is going to get worse as the population grows in this area. So I am disturbed by it, Mr. Chairman. The fact that it also happens to be in my constituency just adds to my concern because I think it is something that I can daily sort of see the problems that exist.

There's one other question or concern to raise with the Minister and that has to do with this question of historical designation. Mr. Chairman, again it comes out as a consequence of the fact that my own constituency straddles both sides of the river but also contains within it some of the primary historical spots of the City of Winnipeg. Not one or two houses but large numbers of older homes, churches and so on which are historically very important and yet receive almost no assistance in their preservation. I'm wondering, Mr. Chairman, and perhaps the Minister could give me some information about what in God's name is the Heritage Foundation doing with itself? How much money has it had? We passed a bill in this House last year; I asked a question about how much money it was going to get, the Minister said he wasn't too sure how much it was going to get and I don't think it's enough to preserve your heritage by taking one house or something that a former Premier or Minister of Tourism happened to occupy 50 years ago, if there was such Ministers. I think what should happen is we should be designating areas in the city as historical areas, that the whole area itself became designated and that therefore a number of improvements could be made. I could think of the area in the Roslyn Road-Osborne Street area where you have a number of very fine old churches and community buildings which need to be turned towards some kind of community use. Otherwise they're going to be torn down and their only future is the jackhammer. I think, Mr. Chairman, to allow that to happen, not only would we lose a heritage, we'd lose very important parts of our community resources in terms of having interesting neighbourhoods that supply a kind of opportunity for variety in our city that would otherwise be denied.

I don't agree with the historical sort of monument idea that you pick one place and you get it all fixed up. That's useful to have but I really think that we should get into the area of designating larger communities and neighbourhoods as historical areas and therefore being able to supply some money even for basic servicing in those areas

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(MR. AXWORTHY cont'd)and helping, for example, a number of the churches. I can think of three or four churches which are over 60 years old, have some of the finest architecture in western Canada and yet they are probably destined for being pulled down unless something is done right away. In examining the sources of the funds, Central Mortgage and Housing doesn't pay for things like that, the Federal Government doesn't have money for that, the province doesn't have money, the city doesn't have money - so what happens? You're kind of left with these things being torn down. The same is true with many of our fine older apartment blocks. I don't know if the Minister has had an opportunity to visit some of the apartments across the river or on this side of the river. If he has he might not want to admit it. The fact of the matter is that many of them again are sterling examples of unique architecture in this area. They also provide an awful lot of valuable housing and also do an awful lot to provide a kind of a character to the community that will be lost.

So I would again suggest, Mr. Chairman, that when it comes time to making some use of this increasing awareness of historical things that we just don't deal with little artifacts or gimmickries or so on, that we really look at the full area of containing full historical communities and try to preserve them and maybe the Minister of Tourism and Recreation should get together with the Minister of Urban Affairs and start working out joint programs to help the city in preserving these very valuable communities.

Mr. Chairman, those are the two concerns I had. Again I apologize to the Minister for not being available when these were raised in his specific items but I hope he'll be able to provide some answers to these two items at this point.

MR. CHAIRMAN: The Honourable Minister of Health and Social Development.

MR. DESJARDINS: Mr. Chairman, I just want to take a few minutes to discuss the lottery with my honourable friend. I don't want to cover anything else. I know that the Minister is very capable of answering for his department. On the question of the lottery, because I am involved, I'd like to speak for a couple of minutes.

I want to say to my honourable friend that he is absolutely right. Three years ago when the national lottery was started the statement was very clear that it would be only until the end of the Olympic Games and that no province need participate if they didn't wish and it took an Order-in-Council for each and every province that wanted to participate. It was understood that the funds, the revenue from that would not go to capital investment for facilities and so on. That was well understood. That was one of the reasons why they were asking the other provinces to participate was to help the athletes and to host the games. They had to take care of the athletes when they come here and there's quite a few expenses but not for capital.

Now certainly with the knowledge, the Federal Government was aware of this, there was a task force set a few months ago - a year ago I guess they started talking about it - where the ten provinces participated. Nine provinces were in agreement and the tenth province - but I must explain the Province of Quebec, the people that were there went along with it and there's no doubt that they were going to try to retain if at all possible the lottery to pay for the deficit or at least try to extend it for one more or two more lotteries with the consent of the provinces. We were practically ready to start because it was felt that there should not be any period between the lottery as we know it now, the Olympic lottery, and then the change. It should replace the other one and be ready to get started as soon as the other one terminated. The intention was that there'd be four partners: there would be the Western Canada Lottery Foundation representing the four provinces from the west; the Wintario, the Ontario lottery; the Quebec lottery and the Atlantic lottery because Newfoundland was involved with the Maritimes. That corporation at the top, the umbrella type of corporation, would run the lottery but the marketing would be left to each partner. If they wanted to push that was their business. The division of funds also would be left to the partners. Now at present each province receives 50 - well, this is what we're told, what I'm told. There may be some provinces had a little better deal but it wouldn't be very much more. It wouldn't vary too much. There was 50 cents for each ticket sold that was returned to the province where the ticket was purchased. Then there's 45 cents that would go to the retailer and 45 cents to the wholesaler or distributor.

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(MR. DESJARDINS cont'd)

If you recall it took a little while before the western provinces were involved because the Loto, the Olympic lottery wanted to deal only with the banks and that is a point that hasn't been covered and this is very important. The bank was taking the full 90 cents. That's nine percent but not nine percent a year. There's four draws so they would get nine percent four times a year and then besides that, as soon as the tickets come in, they get rid of many of them. So that money was used constantly and it meant that it was making a lot more money and of course all this was sent back east. They said that that was the only way it could happen. We held strong on that and so they said okay, market it and do whatever you want with it and this is where we have the distributors receive 45 cents and the retailer receives 45 cents.

So we were very surprised last week. Although a few days before, as you remember I mentioned in this House, that there had been rumours that maybe they would do something like that. Now I was asked this question: is there anything that we can do about it? First of all they didn't discuss this with the other provinces at all, including Alberta. I think they're trying to buy Alberta, somebody from the west. It might be that Alberta will decide to go along with this lottery - well not go along, everybody will have to go along but they will support it if they get a larger share. But they hadn't been consulted at all. Now it seems quite obvious that there had been some discussion between the Federal Government and the Government of the Province of Quebec because they were all set to go and tentatively I think they were going to make an announcement on the same day when Bourassa would bring in his budget and the announcement in the House of Commons.

So now the situation is this. I don't think they even need legislation except that they will form a corporation. It will be a Federal company. They can come in and they don't have to use our system or our retailers or anybody. They don't need to have the okay from any provinces and they can start their lottery.

Now my honourable friend says, what can we do about it. We can't stop that. But the intention is now - I think there'll be an invitation to the provinces, those that are seriously wanting to do something about it anyway, to meet maybe next week and there are three provinces at least in western Canada and possibly Alberta will come in also. Ontario I understand is certainly setting up something and they will start the lottery, where they would be ready to help us set up again an umbrella corporation of some kind and to compete, if that is the word, with the government lottery, the Federal Government lottery and we would have pretty well what we intended to have in the first place without Quebec, and if Alberta participates in the other lottery, without Alberta and one or two of the Maritimes are not interested, I think that we can compete. You can have a situation where the national lottery, that is the Federal Government lottery, would be sold, could be sold, without seeking permission from the provinces all across Canada. Then you would have the other participating provinces and you can have one - I think Ontario is ready to go and they've been selling about 40 percent of the lotteries, but probably anywhere from four to eight provinces who would have their own lottery. An Order-in-Council would have to be passed for the provinces that would want to participate. Then you would have, let's say, a competition between the two. If this goes on I can tell you that in Manitoba as far as I'm concerned the advertising will be: keep your money in Manitoba or in the west and still get a chance at a million. So that, in a few words, gives you an indication of where we're at at this time.

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MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Chairman, I would like to thank the Minister of Health and Social Development for giving those explanatory notes pertaining to lotteries and where we stand as a province in regards to the Federal plan and the participation with other provinces in Canada.

The honourable members are aware that we're now dealing with at least half of my salary, there's half on Co-operative Development. So if there's any desire on the part of members to discuss related matters that I have, not co-operative development, but liquor control they can do so now. I would prefer that they do it now instead of doing it under Co-operative Development because the Order-in-Council appointing me Minister responsible for The Liquor Control Act was as Minister of Tourism, Recreation and Cultural Affairs.

I take, with some understanding, the desire of the Honourable Member for Roblin not wanting us to impose an overload in taxation to the industry. We haven't really done that in 1976-77. We haven't increased drastically the amount that we expect from them pertaining to concessions that they operate in provincial parks and that's only citing one example. We haven't increased fees in parks, again to cite them as an example, over and beyond what we consider to be reasonable. We've authorized an increase in fees of 10 percent in most areas and we felt that we needed this additional revenue to meet at least a bit more of the cost of operating facilities.

Last year we picked up only about 18 percent of the operating costs of facilities and the additional 10 percent in fees will not take that much more. I'm quite aware of the Faulkner cultural plan. We are to some degree discussing not only with the Honourable Minister, Secretary of State, but in most cases discussing with quite a few Ministers in Ottawa or their officials pertaining to programs that we can offer on a joint basis: Parks Canada, Indian Affairs and so on. I believe there's more to be had through good communication with other levels of government and to have a continuous confrontation. We're having, I believe to be, pretty good discussions in the last week or so with the officials of the Minister responsible for Parks Canada pertaining to programs that we intend to initiate on the joint basis in the upcoming year.

The split responsibility between recreation and sports is something the honourable member felt advisable to bring again on my salary which I take with a grain of salt in the sense that I don't see the conflict that he sees in there, at least not to the same degree. I think that we can co-operate, co-ordinate our activities without causing conflict and duplication.

Hecla Island resort. Well again the honourable member in all justice brought the points that he had in his file. I indicated last Friday that the information that I received from my officials I related to the House as I got it. The correspondence that I had with the individual in question is equally available for the record. I've invited comments directly from the contractor in question pertaining to the last communication, written communication that I sent him. He has certain recourse that I would certainly ask him to avail himself of if he feels he was ill treated. I don't intend to play favouritism with anyone in society unless it's for a just cause. Here I'm talking about people that are considered to be handicapped or not able to provide all services for themselves. But if it's for a question of dealing with the marketplace and the competitive aspect of the marketplace, I want to be as fair as possible.

The Honourable Member for Fort Rouge brings again the point of discrimination between the citizens of Winnipeg and other citizens of the province. There's really only one way I believe to deal effectively with the point that the honourable member brings forward again this year. The first option that we have available at our disposal is to suggest on stronger terms where funds should be made applicable. Failing the possibility of the City of Winnipeg responding to that strong suggestion of where we believe the need is, within the City of Winnipeg on a district basis, is to make the grants conditional. We haven't seen fit to indicate, as an example, that the \$500,000 that we paid to the City of Winnipeg last year under the Facility Grants Program that that be made applicable in the Osborne area or the Winnipeg north area where we felt there was a great desire

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(MR. TOUPIN cont'd) for the construction of facilities that would identify with the people in that given area. The same for the \$285,000 Facility Grants that we made available to them last year. We only made suggestions to them pertaining to the allocation for community committees. It was really up to them to either make it applicable on a community basis or to have it all applied in two or three or six areas in the City of Winnipeg. I still believe that it would be wise for the City of Winnipeg and its councillors to attempt to answer needs where they are more or most apparent. I believe that we happen to realize where some of these areas are and others don't seem to realize. We can either, like I said a while ago, make those grants very conditional or do it ourselves through Provincial and Federal programs. I think all three options are available to us.

The designation of areas and sites of historical value within the City of Winnipeg is certainly well taken. I for one would not want to duplicate studies that are being conducted now. Parks Canada is completing a study that I should have on my desk within a very few weeks of sites within the City of Winnipeg that can be considered, sites dating before 1916. The City of Winnipeg is completing a study that once they're able to make it available to us we can possibly help in construction or refurbishing of certain facilities directly or indirectly through the Heritage Foundation Board that is being set up now. This is a quasi government body and will be supported by government funds and will hopefully receive private donations from individuals. As the honourable member is aware, about two years ago we passed an Act that makes these donations to some degree tax deductible and it's certainly an incentive for individuals to participate financially. The lottery revenue. Hopefully that will bring additional funds and we can make funds available to this new board being set up now. So all in all, although we do have restraints, I feel that we do have some flexibility in doing things or at least making use of studies that are being had through different levels of government without doing our own. In regards to historical sites and areas within the City of Winnipeg I am not wanting to pursue that through the department but await what is now being had.

Pertaining to the other point that the Honourable Member for Fort Rouge makes, I would rather have a full discussion with especially my colleague responsible for Urban Affairs and city politicians before we strike a firmer policy pertaining to conditional grants.

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

MR. GEORGE MINAKER (St. James): Thank you, Mr. Chairman. I would like to make a few comments at this time. I hadn't really planned on speaking on the Minister's Salary but after hearing the Minister reply to what I consider serious charges by the Honourable Member from Roblin relating to the Gull Harbour Resort Hotel, I do feel that I have to make some comments at this time and to raise some questions to the Honourable Minister.

In my opinion it is a serious charge that we have heard the Minister state in the House the other night that he went for public tenders back in 1975, got the tenders, the public tender system, it was reviewed and then got verbal prices from one tender in June and got a written proposal from another in June. But I think the seriousness of the charge, Mr. Chairman, is the fact that there was some seven to eight months delay before a contract was signed. Not only that but I too have seen the photostat copy of part of the plans that made up this contract and there obviously is a considerable change in the configuration of the resort in size. Yet the two low bidders or even the lowest bidder did not have an opportunity to bid on this revised set of plans. That is a very serious change in government policy.

Mr. Chairman, I would like to ask through you to the Honourable Minister, is this the new government policy that they have? They go out for tender on a project, receive the tenders, review them, decide between maybe one or two of the low bidders to give revised prices, delay for a period of time and then go and select one of those particular bidders and change the plans and specs, and say: how much is it going to cost us to build? Then not ask the other low bidder to have an opportunity to bid.

Because, Mr. Chairman, in governments, tendering systems are important, they're very important. In the private industry it's a different matter. If a private industry decides that they will go out and ask for a price from one or two people it's their business, it's their money. If they wish to pay more for a project then that's their business. But

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(MR. MINAKER cont'd) it's always been a common practice in governments both municipal, provincial and federal, that the tendering policy is a principle when we're dealing with large projects or large objects that you're purchasing above a certain level. To me, Mr. Chairman, \$2 million is a lot of money. It might not be to the government but to me it's a lot of money and it is to any contractor or any private industry. Mr. Chairman, what we are looking at here is a set of circumstances where now this government has decided to issue a contract for \$2 million without going to tender on it. That's basically what they have done.

The Honourable Member from Roblin laid the charge; the Honourable Minister has not denied it, so one has to assume that it's correct. I have to now ask the Minister: Is this the new government policy on tendering for projects? I suggest, Mr. Chairman, that it's important to know if this is what's happening because 1) it costs people a lot of money to tender. It's not something that you just go out and throw a dart at a dart board and come up with a price. It costs money to tender and if the government is now taking this policy that they're only going out for check prices, the word will get around the industry and what you will find happen is that they will not bid because they cannot afford to spend thousands of dollars to tender on something that they know in the end will not be given to the lowest bidder, So what'll happen is --(Interjection)-- That's right, Mr. Chairman. They don't necessarily have to give it to the lowest bidder, but the key of the issue here is they not only didn't give it to the lowest bidder, when they retendered or when they decided to go out with new specifications and plans, they didn't even ask the lowest bidder to have an opportunity to bid on the same set of specs. They just went to a contractor and said: How much?

I suggest, Mr. Chairman, that it's very important that we keep the tendering system in Manitoba because it means saving money for the taxpayers. I think we can cite an example in the elderly persons housing on Stella and McGregor. Manitoba Housing and Renewal Corporation - the original tender went out I think in November of 1975 for some 105 units. They ended up getting a total price of something like \$2,370,923. It worked out to around roughly \$22,500 per unit. They retendered in April of this year and as a result of retendering they decided it was over budget, they couldn't afford. They retendered but they publicly retendered, Mr. Chairman. The new prices came in at \$18,500 a unit. They saved 18 percent. Why didn't they do the same thing on this particular project, Mr. Chairman, and show a saving even maybe greater than what they have? Because we don't know whether it's a saving, Mr. Chairman, when the plans and specs have been changed. You're not bidding on apples to apples, you're bidding on apples and oranges. But they only asked for one price from one contractor on the new change, Mr. Chairman.

I suggest, Mr. Chairman, and I hope the Honourable Minister will advise us: is this a new policy of the government? Is this the new technique of going out for prices, looking at the prices, deciding they're too much, then selecting one person and going to him, one of the tenderers and say: How much for this change? But not going back to the other low tenderers.

Mr. Chairman, we'll be watching this project very closely because it's not like building a dam or building a hydro project. I'd like to advise the Honourable Minister through you, Mr. Chairman, that we'll be watching this project very closely because you can control the extras on a project like this because basically they're building a house or a building. There's not unknowns when you're building a building. It's usually a firm price. We'll be watching very closely, Mr. Chairman, to make sure that this price is what the Honourable Minister advised us the other night, some \$1.9 million. We'll be asking for an Order for Return to find out exactly what the final price is when this project is completed.

MR. CHAIRMAN: Resolution 109(a) - the Honourable Member for Sturgeon Creek.

MR. J. FRANK JOHNSTON (Sturgeon Creek): Mr. Chairman, I have just one thing to ask the Minister. I've asked the Minister this I believe for three years and I really think it's time that there was something done in the request I'm about to make of the Minister. I think all members of the House will be very happy if we can do something.

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(MR. JOHNSTON cont'd) .

I have asked the Minister on many occasions to investigate having some patch, a little crest of some kind that says the Province of Manitoba on it that can be supplied to hockey teams - not just hockey teams, any type of a group going down to compete in another province. We all get requests from time to time, what can I take? I use the hockey team as an example. They meet at the centre ice and they exchange crests or patches that can be sewn on windbreakers; they love to have them to a very large extent.

The only thing that seems to be available from the province at the present time in this regard is that, I must say very cheap looking, little plastic buffalo that we have at the present time. I would say that many of the young people or competitors going from Manitoba presenting that to somebody that gives them a nice little crest from their province or state or country can be just a little bit embarrassed when they present this little plastic buffalo.

Mr. Chairman, I'm going to ask the Minister again to please investigate or come up with something that would help all the members of this House and mostly the young people who are competing. I don't care if they're competing in a band concert, something that they can present to their counterparts in other areas at the competition from Manitoba. We just don't have anything to give to these people when they leave our province.

I know it's an expense, I know it's an expense but I can't think of something that would do us more good than having just that little something that could be taken by competitors from Manitoba to other provinces to present to their counterparts.

MR. CHAIRMAN: Resolution 109(a)--pass. Resolution 109: Resolved that there be granted to Her Majesty a sum not exceeding \$1,797,500 for Tourism, Recreation and Cultural Affairs--pass. The Honourable Member for Roblin.

MR. MCKENZIE: . . . wants us to deal with the Liquor Commission on the Annual Report or . . .

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Chairman, I would suggest that the honourable members pose questions pertaining to policies in regards to liquor control in the Province of Manitoba. If it's pertaining to figures or details in regards to the report that was tabled in the House I can supply answers to that to the honourable members either verbally or in writing. If it's in regards to policies that have been implemented since the opening of the session and figures for the current fiscal year I would like to be able to supply those in writing to the honourable members. I would prefer that questions pertaining to policies be posed of me now.

I'm not in a position to go through the report as you have it now because the report that was tabled in the House is the report for the last fiscal year. It's for the end of 1975 I believe.

MR. CHAIRMAN: Resolution 109 - the Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, what is a dance permit from the Liquor Commission, would by my first question. Can the Minister give me some idea of how many occasional banquet permits are issued in an average day or in an average month.

The other one of course, Mr. Chairman, is the concern of the increased consumption of alcoholic beverages and I'm quite familiar with the recent meeting that the Health Ministers had. The Minister of Health and Social Development was at that meeting, not the Minister in charge of the Liquor Commission where the Honourable Marc Lalonde drew up certain guidelines on tightening the liquor laws across Canada. Maybe this Minister is not familiar with that particular meeting and some of the things that were discussed such as closer screening of alcohol advertising which links drinking and the good life.

We certainly have our full share of advertising in this province, Mr. Chairman, whether it's to tell people to not drink or drink sparingly or what. It sometimes seems to me that once the Liquor Commission's name appears on that it makes you wonder why is the Liquor Commission advertising in fact at all. In fact it looks to me like false

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(MR. McKENZIE cont'd) advertising for a company that's in the business of selling and distributing goods to tell people not to use it, don't consume it. If I was in the retail business I would think that would be one of the **first** things I would tell my staff, to avoid that type of nonsense in the advertising field. Yet we find that the Chairman of the Board is pursuing that type of a policy.

There was other things that were discussed there such as the lowering of the speed limits in congested areas on a density of population. More use of the breathalizer to screen so that the police enforcing officer had the instrument right with him. Mandatory seat belt laws I think was another one. I don't know whether there was agreement between the Federal Minister and the Provincial Ministers or not.

The other thing, Mr. Chairman, and I still don't understand how we got into the business of the double pricing of liquor here a while ago and if in fact the charges have already been laid by the combines investigation people or the Consumer Branch for the double pricing or the double labelling on that particular occasion.

Mr. Chairman, I'm wondering in dealing with the Liquor Commission who has the authority? Does the Legislature have any authority over the Chairman or is he responsible to the Minister, or is he responsible to the government, or just how do you deal with him and the board?

Mr. Chairman, there are other questions that were drawn to my attention that I was wanting to raise with the Minister. One that I was wanting to raise, there has been some concerns expressed that the licensing and inspection of licensed premises across the province have in some cases caused considerable anxiety to the licensee. It's been left with me that for many many years the inspection staff of the licensing board gave fully of their time and their talents to hopefully help the industry improve its facilities and upgrade their facilities and improve the operations of the licensee. But I hear complaints, Mr. Chairman, that the inspection staff are in some cases now are making it very very difficult for the licensee to operate. I don't know whether they deserve that type of reprimanding or not. I agree that certain standards must be established and maintained by the Liquor Control Commission but then on the other hand I wonder if the Liquor Commission are regulating themselves. A hotel has to have refrigeration as an example; liquor stores don't have no refrigeration. A hotel has to take the empty beer bottles back; the liquor store doesn't have to take them back. So while on one hand it seems fair, on the other hand it doesn't.

Another concern that was directed to my attention, Mr. Chairman, was the fishing lodges. I think it was God's Lake and Caribou Lake. Their food sales have to equal their liquor sales and I don't think it's reasonable or rational to expect them on a seasonal basis, when they bring in the tourist to their lodges that they can hopefully have the one meet the other. They're isolated areas and I don't see how they can be regulated or compared to some of the more congested areas of the southern part of the province.

Another concern that has been directed to my attention, Mr. Chairman, I wonder why the Liquor Commission doesn't have to have public washrooms in their buildings.

I'm wondering too regarding the policy of the government with the South African wines, are we still following that policy? Some tell me that they can go in back rooms of the liquor stores and in fact find those South African wines all in the back room there and if you know the man that's operating the store, he'll say, "Yes, I have some out in the back but I'm too busy right now to go back in the back of the store and get them. If you'll come back later I can get you that brand." I would think that policy would be one that should be reviewed, Mr. Chairman. Those few questions I think, would be all that I had for the moment, Mr. Chairman.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Mr. Chairman, I have been diligently working on a 40 minute speech here for the last little while which I would like to relieve myself of on this occasion. I was just going to suggest, looking for an acting House Leader from the government, whether or not there'd be a disposition on the part of the government to call an adjournment seeing as how we are broaching a new subject, the Liquor Commission,

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(MR. ENNS cont'd) at this time. I know individual members have some thoughts about the operation of the Commission and I know the Minister will take some time, certainly will want to sleep over the answers that he has to give to my colleague, the Member from Roblin. Those in-depth questions that he placed before the Minister, should have an opportunity to at least consider them.

MR. CHAIRMAN: Resolution 109 . . .

MR. ENNS: Mr. Chairman, in that case then I will of course have to speak for forty minutes plus.

MR. CHAIRMAN: Thirty minutes.

MR. ENNS: Mr. Chairman, can I not appeal to the Honourable, the Acting House Leader, the Member from Flin Flon or the Minister of Agriculture for consideration whether or not we would consider an adjournment at this time.

MR. CHAIRMAN: The Honourable Minister of Tourism and Recreation.

MR. TOUPIN: Mr. Chairman, can I deal with some of the questions posed of me and then we could leave the disposition of the House after that.

The Honourable Member for St. James was posing questions pertaining to the same subject matter as brought forward by the Member for Roblin. I guess I have to go back to the few comments that I made when it was first raised under the Estimates of the Department of Tourism, Recreation and Cultural Affairs. When we go back to the initial tendering stage, this was a joint facility to be paid for by at least three groups: one being the Federal Government, the Province of Manitoba, the MDC through Venture Tours, Venture Tours being a private corporation and having been given the responsibility for tendering. The tenders went out. All tenders were considered to be too high and the two lowest tenderers were asked to resubmit. W.W. Construction resubmitted tenders verbally. He was asked to confirm those figures in writing and he refused. Poole Construction tendered and if you compare the two figures on the retendering, Poole Construction came in at \$22,000 less than W.W. Construction. W.W. Construction wrote me a letter which I answered and in turn which they've never answered since. They were asked to confirm in writing their verbal retendering which they did not accept.

Following the acceptance in principle of the lowest tender that was submitted, one verbally and the other one in writing, we asked Poole Construction to again lower if possible their estimate which was lower than W. W. Construction. Again they brought down their figures to \$1,920,000 and that's the amount of the contract that was signed. But in the interim - and this is the reason why we had a lapse of time - we were quite concerned with the total amount as initially tendered as being too high and would eventually exceed the maximum \$3.4 million that had been accepted as a maximum amount shareable between the Federal and the Provincial Governments.

In the interim equally the participation, the financial participation of Venture Tours and MDC was dropped. So the total responsibility lay solely with the Department of Tourism, Recreation and Cultural Affairs and the Federal Government. But the services of the architect of Venture Tours was kept and he was the individual that we reserved to continue negotiations pertaining to reduction of cost of the complex itself.

The complex itself was not reduced in size. We still kept the same amount of rooms, 60 rooms involved, and other related facilities. We did ask that other reductions take place pertaining to the complex and that's the reason why the retendering was brought down from the amount that I stated on the record on Friday to \$1,920,000.

I indicated on Friday, Mr. Chairman, that if Mr. Warkentin feels justified in answering my letter and appealing to sources that he has available to him, I would so welcome. The Honourable Member for St. James is still pursuing the point. If he or W.W. Construction would like to meet with me and my staff, the architect, representatives from the Federal Government, we'd certainly be pleased to pursue that point. I personally have nothing to hide in the method that was used pertaining to the initial tendering and retendering with the two lowest tenders that had been received. There's absolutely nothing on my conscience in regards to the figures that I related to the House as given to me by my officials.

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(MR. TOUPIN cont'd)

The Honourable Member for Sturgeon Creek - he's in the House, in the first row - talked about one of the same subjects that he brought forward last year pertaining to crests that could be made available in exchange at different functions, hockey meets or curling meets or different types of competitive sports or art functions in the Province of Manitoba. I've just had a brief discussion with my colleague, the Minister of Health and Social Development, and as the honourable member is aware organized sport falls within the responsibility of the Minister of Health and Social Development. He is telling me that the subject matter had been initially sought out of me through the Sports Directorate and is being pursued by them. So his suggestion of last year hasn't been forgotten. Obviously we have no crests to offer him and those desirous of making that type of exchange. The only thing that we do offer in some cases is assistance through the Sports Directorate or through my department, through Community Recreation, in regards to sharing of purchase of items that they'd like to exchange and we've done that on several occasions. We do make buffaloes available to them, provincial flags and in some cases coat of arms and so on depending on where the occasion and for what purpose.

The Honourable Member for Roblin, Mr. Chairman, asked me how many occasional permits were issued last year. The indication that I get is approximately 25,000 occasional permits were issued and that's for different functions in the Province of Manitoba. We've had some problems with occasional permits in the sense that the inspection of same is not happening to the same degree as we see in other licensed premises like beverage rooms, dining rooms and so on. So we're tramping down in 1976 pertaining to occasional permits. Not necessarily in regards to the reduction of the amount being issued, but in regards to the Act being followed pertaining to occasional permits.

The increased consumption of alcoholic beverages in the Province of Manitoba is certainly not because of advertising by the Liquor Control Commission itself because the type of advertising that we do have is not necessarily to encourage people to drink more but to indicate to them the problems of excessive drinking.

Double pricing or double labelling has not resulted in a charge as yet. It has been pursued by staff with officials of the respective departments in Ottawa.

The authority of the Liquor Commission comes from the Lieutenant-Governor-in-Council who appoints all members on the Liquor Control Commission Board and the Chairman is equally appointed by the Lieutenant-Governor-in-Council. The Liquor Control Commission has responsibility for the ongoing function of the Liquor Control Commission under the Minister responsible for The Liquor Control Act and equally for discussions with the Liquor Control Commission pertaining to regulations and policies of the Commission. The Chairman is acting on behalf of the Liquor Control Commission and staff, in turn, on directives of the Liquor Control Commission Chairman. There is an amendment before the House now on second reading that would cause a split of responsibility between the Chairman of the Liquor Control Commission and adding a Chairman of the Licensing Board that would have responsibility pertaining to inspection and pertaining to licensing. That explanation will come on the bill itself.

The fishing lodges in the Province of Manitoba having a problem in reporting a 50-50 split on food and beverage, could avail themselves of possibly another type of licence where they wouldn't have to have a 50 percent sale of food as compared to a 50 percent consumption of beverages. That's under a cocktail licence or it could be under another provision of the Act.

The Liquor Control stores without public washrooms is considered to be the same as a grocery store where we don't require a public washroom. That doesn't mean that in the future provisions could not be made to accommodate that type of need.

South African wines I indicated to the House are available on demand. They're delisted but they are to be stocked by our liquor stores, meaning if they are available, if we can purchase South African products, they're to be available on demand but not listed. That still remains the policy. That's the reason why, when it is available from South Africa, that we have our liquor stores stock them and give them to individuals on demand.

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

MR. MINAKER: Mr. Chairman, I wonder if the Honourable Minister would answer one question before - I saw the Acting House Leader standing up - before possible adjournment. I wonder if the Honourable Minister would advise, did W. W. Construction, were they requested to tender on the specifications and plans dated January 21st, 1976, the same set of plans and specifications as now forms a contract with Poole Construction.

MR. CHAIRMAN: The Honourable Minister.

MR. TOUPIN: Mr. Chairman, I'm at a disadvantage as compared to the honourable member. I don't have my file before me; I can't make reference to dates. I can only indicate that W.W. Construction, being one of the two lowest tenders, were asked to retender which they did verbally as did Poole in writing. W.W. Construction at the date that I stated on the record on Friday, phoned in their retendered price, were asked to submit it in writing and refused. I can't put back on the record the dates that I cited on Friday because I don't have my file with me.

MR. MINAKER: Maybe I could make it simpler then. Was anybody else asked besides Poole Construction to give a price on the new set of specifications and plans that formed the final contract?

MR. TOUPIN: On the retendering, Mr. Chairman, I indicated last Friday that we asked the two lowest tenders on the retendering to resubmit, being W.W. Construction and Poole Construction. One did so in writing, the other one verbally.

MR. CHAIRMAN: The Honourable Acting House Leader.

MR. USKIW: Mr. Chairman, I believe the members, the majority at least, wish to adjourn for the day, so I would suggest that we call it a day.

MR. CHAIRMAN: Committee rise.

COMMITTEE OF SUPPLY - DEPARTMENT OF THE ATTORNEY-GENERAL

MR. CHAIRMAN: Gentlemen, the Committee will come to order. Order please. I would direct the attention of honourable members to Page 12 in their Estimates book, the Department of the Attorney-General. Resolution 28, Legal Aid (a) Salaries. The Honourable Member for Wolseley.

MR. WILSON: Mr. Chairman, I was attempting earlier to try to convince the Minister and of course the Crown into slowing down what I feel is a very fast moving program and I felt that when talking about the 47,000 cases . . . and I was suggesting that possibly a greater examination certainly might reduce that number. There seems to be a lot of confusion and it's been suggested because of Legal Aid that the jail doors are open and it's very easy to get bail and what have you, and I couldn't help but refer to the pamphlet put out by Legal Aid (Manitoba) in which I felt that a number of cases could be cut down and I was going to offer some suggestions, which I think is only fair, and it says that "financial qualification for Legal Aid is based on the need, there is no set means test and this will help determine whether or not the applicant can afford to contribute towards the cost of legal aid."

Now the Director is here this evening but a gentleman was here before, Mr. Meyers, and had mentioned to the reporters that it was three times as cheap, the fee schedule of Legal Aid compared to the private sector. Well I would suggest if we were a little firm then possibly so many people wouldn't be seeking out legal aid, because we do have a provision that under the Canada Evidence Act these people could be taken to trial for misrepresentation, but it seems to me that what we are doing is making it morally acceptable for people to apply for legal aid and there doesn't seem to be any penalty or any deterrent for people to fit the application to serve their needs. In other words, if they want legal aid they'll get it. It also said that, and I've read this in the paper, that a person could get a lawyer of their choice; but it seems to be that that statement is not correct, Mr. Minister, and Mr. Chairman, because it says, "any lawyer participating in the plan", and I had asked a question earlier, "Does this program have the support of all the lawyers in the province?" and I did not receive an answer to that question and I wouldn't mind getting one.

I also felt that there should be some openness and I really couldn't see - well one of the things I was concerned about is that in the private sector you have a tendency to settle with your lawyers and there seems to be sort of - if I can use the street term - a saw-off in disputes and there's a settlement out of court. But it seems with the fee generating legal aid system unless we develop a new set of guidelines for it, that what we are doing is really prolonging, not only the not guilty pleas by offenders, but also in civil actions taking the cases to the maximum.

I felt a new criteria should be developed towards domestic in which the Minister said at least 90 percent of the cases which were domestic, out of the 55 percent I referred to, I felt that in a divorce it discriminates against a husband who may only be making \$10,000 a year. The wife gets Legal Aid, she has the full power of the state behind her and this gentlemen cannot afford to fight the state and his estranged wife. He could be dragged through the court, there could be an appeal on the ruling and he's really at a very disadvantage. I think that some provision should be made that, as I alluded to before, that we treat each case on its own merit and an examination by a board.

I mentioned before that I wanted to know why everything is so secretive, they say Legal Aid is a private affair between you, your lawyer and the area director and all information is treated as confidential. I don't know of any other place where you're spending taxpayers dollars where a member of the opposition or a member of government cannot find out information. I always suspect when the books are not open that people should have some confidence in their elected representative. I think if the people have put a good number of us here and there's taxpayers dollars involved we should be trusted with the confidentiality of being able to go in there and find out if there are people abusing the system, because right now unless somebody comes to us on a complaint basis we have no way of knowing, we just have to take the director's word that they are giving everyone a proper means test and that those that are trying to abuse the system are quickly detected. I alluded to a number of them myself.

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(MR. WILSON cont'd)

I also want to say, what case does Legal Aid cover? It says, "Legal Aid (Manitoba) does give advice and representation in", and I underline "all serious criminal cases and important civil proceedings," and I underline the word "important", civil proceedings because I alluded to, in my opinion frivolous cases which I intend to, at the Minister's request, table a couple of them with him which I think are not important civil proceedings. So in that area I'm very concerned.

It also says here that, "they will assist you in applying for bail as well as helping you to apply for legal aid." And I have said this all along, that Legal Aid should be paying their men a salesman's salary as well as a lawyer's salary because so many of them are going out looking for business.

I particularly allude to the fact, and I had a case in point which I can't locate my file now but I will from memory talk to what I consider are "ambulance chasers", and by that I mean certain lawyers that have been able to use the Legal Aid system to go out and find class actions which I think at this point in time have not been given a thorough enough study, and they go out and find out where the city and the province are expropriating property and because of a class action situation and because many of them may be low income they go out and are able to get involved in the road blocks that they've set up in the government acquiring property and we've seen a fight take place between the Public Works Minister and one of them just in the last while.

I also am very concerned, and I'm sorry that I'm going so fast but I have a lot to cover, I think it's improper, I think if you've got 25 full-time lawyers and 34 full-time Crown prosecutors, I think that it's really tough on the businessmen but it's also tough when we find out that some of the lawyers are holding down several positions and I question as to whether this moonlighting should be allowed to continue in the best interests, because I couldn't help but refer to this case that happened in my district where the Crown failed to appear and the man was acquitted. These are the kind of things that happen when you're involved in so many things.

I'm very concerned because I talked about in the . . .

A MEMBER: Would the honourable member read . . . you're making charges

. . .

MR. CHAIRMAN: Order please. Order please.

MR. WILSON: Mr. Chairman, if it doesn't take out of my time I'd be glad to explain.

Under the Minister's Salary I'll read it out. I think that some of the things I alluded to, because of availability of Legal Aid and this expanding program I think any small businessman today is like a fish between two cats - on one side he has the Crown and on the other side he has a battery of Legal Aid lawyers. That's one of the things that I'm concerned about. But on the positive side and I think that regardless of what area of Canada, I think the Minister has a new view ~~to~~ beginning. . . because obviously they may slow down Legal Aid because of the period of time we're in, but the 105,000 cases that they seem to be very proud of having handled is the type of thing that I'm concerned about. Sometimes, as I say, it's too bad it's so secretive, but I'd like to get a list. I referred to an article here on March 23 where Quebec has a list of lawyers that they use, not so much on their legal skills but on whatever, and I wondered if the Minister has a list of who receives the portion of the 1.5 million he alluded to in lawyer's fees that are paid out. It would be interesting to see who gets the lion's share of that particular amount of money.

Again I would like Legal Aid to continue, because they have all this money, and also I'm disturbed because most of this money is derived out of lawyer's trust accounts, and I think the public is being misled and has sort of a false impression that this is NDP aid. If it's true what Public Accounts say, that 1.3 million comes from lawyer's trust accounts and in this, March 31, 1974 it says that the grants from the Province of Manitoba only equal 1.4 million, then really this isn't NDP Legal Aid program, only \$100,000 of it is.

I also was trying to find out, and some time I'd like to find out the true, and I

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(MR. WILSON cont'd) say the true, donation from the Federal Government, because here it says "\$18,600 grant to Legal Aid from Defense Minister James Richardson." I'd like, rather than just an indication that we only get a per capita grant, how many more of these Legal Aid grants do we get to different . . .

MR. PAWLEY: How much did you say?

MR. WILSON: It says here, 18,600 Grant to Legal Aid, to the University Legal Aid Winnipeg Centre. James Richardson made the presentation.

A MEMBER: Eighteen Million?

MR. WILSON: No, 18,600. So we must then also offer some alternative. I got hold of this report, it says Law Society of Manitoba, and I think, because we all should have open government and certainly open societies or at least a window into the societies, I think that the Law Society and Legal Aid, if Legal Aid is truly the consumer-oriented type of thing where they're going to protect the citizens of this province then I think you have to ensure us that the Law Society gives us a full report of why. We need a full report of all the disbarred lawyers, we need a full report of some of these things that seem to be washed over in a number of these sections here - considered several complaints of failure to comply with trust conditions, no names mentioned just a broad brush approach, considered several complaints from clients against members that fees that were charged were exorbitant. You know, in politics if we make too much or do something it's very wide open and I think if these people are the leaders of our community then certainly the Law Society should be looking, in co-operation, to see that these reports are not so vague that you read them and you wonder is there any self-policing going on.

Well basically I wanted to talk about the certificates, the difference between the 1,200 certificates and the 5,100 today that the Minister alluded to, and I'm very concerned because I wondered if the Minister could explain from a point of view, maybe it would be better in an Order for Return, but some of these things amaze me because the original intention of Legal Aid was that every man should have his day in court.

Labour relations problems; Financial problems 13; Landlord and Tenant problems; Immigration Hearings, obviously Federal; Appeals to the Welfare Board and Welfare problems; Reinstatement of driving privileges; Divorces, a great deal of them. Now in some of these areas I'm really concerned because I think that the state is treading on a very interesting area, because I thought it was mainly in the criminal area and I'd like the Minister some time to explain why it becomes necessary for so many legal aid certificates to be issued in the area of Landlord and Tenant relations when we are supposed to have a Landlord and Tenant Rentalsman.

So I'll basically close with those comments but I do think that the government should slow down, and I do think that there is a false picture being presented that with all this federal money being given. 25 percent increase this year, and all that money in the lawyer's trust accounts which I wonder whose mother's estate was left there for a year gathering interest, who should have been entitled to the interest, but instead it ended up in the government coffers in the Consolidated Fund. And I'm also very unhappy that when the former Mr. Mackling indicated that the interest from the lawyer's trust account would pay for Legal Aid and at the same time the Law Society was sending out a directive telling all the lawyers to put their money in non-interest bearing accounts. So these are the things that I'm concerned about. I think that the lawyers who have money should have it in accounts that are trust accounts but at the same time interest bearing so that that interest accrues to all the consolidated funds so that . . . I haven't got no uptight feeling that if, as according to this 1974 thing, most of the money is coming from the lawyers trust accounts, and in fact you add that together with the Federal Grant, the Province of Manitoba really isn't paying any money towards Legal Aid and so therefore shouldn't be going around telling the citizens of Manitoba how wonderful of an NDP program this is, because in truth we're all partners in Legal Aid.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, I think several of the comments certainly require comment. Two, particularly, worry me a great deal, comments by the honourable member

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(MR. PAWLEY cont'd) because I was somewhat surprised, if the honourable member is reflecting a Conservative party position, that he would suggest first that we throw confidentiality out the window and secondly, that he would hint, hint by his very question, that the state intervene insofar as freedom of choice of lawyer, and I want to refer to two items that the honourable member referred to. One, he felt that too much information was being treated as confidential, felt that members of the Legislature should have the right to go in and to delve into information within the custody of Legal Aid in order to ascertain whether or not there was any abuse.

Mr. Chairman, one of the long heralded principles is that a client ought to anticipate and to expect from his lawyer confidentiality in all things of a personal nature, and for the state through the Members of the Legislature to commence to delve into personal files, most of them which would be of a family or juvenile nature, very personal matters, in order to snoop into those files to ascertain whether or not there has been abuse would be the most flagrant intervention in the affairs of confidentiality as between families and clients and their solicitors. --(Interjection)--

MR. CHAIRMAN: Order please. What is the matter of privilege?

MR. WILSON: The matter of privilege is that I said that I wanted to know who the recipients of Legal Aid are, I did not suggest that I plough through the files.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, I can only interpret that. First, I think that in itself is a breach of confidentiality, but certainly the honourable member is not going to be able to determine, as he suggested, where there was abuse by simply obtaining the names and addresses. So that I think at this point he is watering down his earlier position because names and addresses won't give him that type of information. All that that will indicate to the honourable member which citizens in his view are first-rate citizens and which citizens in Manitoba are second-rate citizens, and I for one would never for a moment encourage the development of a system by which individuals are identified in court as to whether they're recipients of Legal Aid or whether they're fortunate enough financially that they don't require Legal Aid. There is no system of Legal Aid in Canada and I daresay in the whole of North America that imposes such a requirement on the applicant for Legal Aid.

Secondly, the honourable member raised the question that it would, "I would be curious to know who received the lion's share of Legal Aid in Manitoba." His reference was, obviously, to suggest that certain lawyers were receiving more than their share from the funds of Legal Aid in the Province of Manitoba. I don't know why the honourable member raised that question, I can only contemplate that he raised the question to suggest that some lawyers were obviously getting more than what they should be getting from the funds of Legal Aid and thus there was some sort of need for some sort of remedial action if this information was obtained as to who is receiving Legal Aid, what firm was receiving Legal Aid.

The fact is, Mr. Chairman, that the lawyers that are on the Legal Aid panel are on that panel because they request to be on that panel, they do legal work for clients at about half the regular fee rate, about half the regular fee rate, it's not a lucrative business as the honourable member may attempt to imply, because if working for a non-Legal Aid client realizes a fee of approximately double what the Legal Aid client pays through the Legal Aid Fund, then certainly it isn't the most lucrative field. And if the honourable member is suggesting that there may be some disproportionate funding to certain lawyers as against other lawyers then I think what he is suggesting, and certainly is something that we could discuss, but it is implying that we ought to examine the freedom of choice principle that each and every applicant for legal aid has the choice in all serious criminal matters of choosing his or her own lawyer, and indicating to Legal Aid who he or she wishes to have act as his or her lawyer. And if there are some lawyers that are receiving more than other lawyers it's because of the indication, the preference indicated by clients themselves to Legal Aid that they want (a) rather than (b) as their lawyer. And if the honourable member is therefore suggesting that in some way or other we should be levelling out the sums as against certain lawyers then that could only be

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(MR. PAWLEY cont'd) done if we eliminate the freedom of choice principle insofar as the provision of legal aid, and I say we can discuss that, but certainly that is a new twist on the part of the Conservative party, philosophically, if they are suggesting that we should now re-examine the freedom of choice principle insofar as the providing of legal aid by private lawyers in Manitoba.

Some other areas that I wanted to mention. The honourable member asked if Legal Aid has the support of all lawyers in Manitoba? No, of course not, no plan, no proposal has the support of all. On the panel, though, of lawyers that are doing Legal Aid work in Manitoba is a substantial percentage, the majority, about 60 percent of the lawyers in Manitoba are handling Legal Aid. A lot of lawyers, of course, because of the very nature of their practice at minimizing family and criminal work would not suggest their names for the panel conducting Legal Aid in Manitoba, and there are others that just do not feel - and they have indicated to us, openly and publicly in the new media, that they don't feel Legal Aid is a lucrative enough field, they don't feel the fee structure pays adequately and they have exempted themselves from Legal Aid. And certainly we had an article and interviews by - I can recall, as an example, Mr. David Bowman who is a noted criminal lawyer in Manitoba, that has indicated that he feels Legal Aid does not pay sufficient to pay his time to handle Legal Aid cases and therefore he doesn't handle Legal Aid in Manitoba.

So I say to the honourable member that insofar as the providing of legal aid is concerned that it's important to be kept confidential, that certainly the applicant ought to have freedom of choice as to his lawyer when it comes to serious criminal matters. If we're dealing with non-serious areas then that is a different story, but certainly in serious indictable matters I think the freedom of choice of a lawyer is a very important thing. If one is charged with a serious crime one must have confidence and trust in who represents him within a democratic society with our present judicial system. And also I understand that we are required to do so by the Federal-Provincial Agreement.

Also, I would like to simply mention that of the moneys indicated for Legal Aid in Manitoba some \$750,000 will be paid by the Federal Government this year and I believe about \$750,000 - \$800,000 by the interest from trust funds of lawyers in the Province of Manitoba, so we're looking at about a million dollars from the consolidated revenues of the Province of Manitoba being paid towards Legal Aid in Manitoba. So it is a tri-party relationship, the contribution towards Legal Aid in the Province of Manitoba. I know of no time, and this was referred to Thursday or Friday, of Mr. Mackling ever indicating that Legal Aid would be paid for solely through the provision of interest from lawyers' trust funds. I believe that the honourable member can show me no such statement, that it was always clearly indicated that Legal Aid would be paid for through three sources, federal provincial and interest on lawyers' trust accounts.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. WILSON: Well, very quickly, I'll wrap it up this way. No. 1, I feel that people are taking advantage of taxpayers dollars and the Minister has just indicated that in 1976 the province is paying something. The statements I referred to, of course, were 1974. I think there is nothing wrong with an elected official finding out who these people are, because, No. 1, I feel that anybody that's in \$100,000 a year bracket or anybody that's in a \$50,000 a year bracket who's got a legal aid certificate is not the person whom the Minister is suggesting and I think that under the Canada Evidence Act if this government would take one or two of the abuses to court, if this program would be available to the citizens of Manitoba like the brochure that is sent out says you must be a resident of Manitoba, and I don't know if there's new regulations, but that to me means you must take up residency for at least a year. So I'm just simply saying that if you have to live with a \$2.6 million program this year then some of my suggestions have some merit because obviously you've got all these salesmen out trying to get new business.

I would love the Minister to give me the breakdown of the lawyers who are and I would show you that contrary to his statement that several lawyers in this particular city are doing very well within the system and especially in the area of expropriation and class actions. So I do think that it's a case of you have 2.6 million-plus, spend the

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(MR. WILSON cont'd) money wisely, review the people that are applying, don't give out the legal aid certificates so freely. I concur with your educational and preventative section that you're going under. I think you have some good dedicated administrative people. I think you yourself would, if you knew completely what was going on, you'd probably correct the situation and so therefore I'm inviting the public to write the Minister directly and give him these cases of Legal Aid abuse, I invite everybody to do that, and I am sure that the Minister will correct the situation.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, first, I would certainly like any information the honourable member has indicating that anyone earning \$50,000 to \$100,000 has received legal aid. Secondly, I want to simply indicate to the honourable member that the information which he requested as to sums received by law firms within the Province of Manitoba for legal aid, I understand all that information can be obtained through Public Accounts.

MR. WILSON: Lastly, I wanted to skim over this, that I felt that, it says here in the brochure and if this brochure has to be reprinted, it says that Legal Aid handles all serious criminal cases and important civil proceedings. Now I think that that word "important" civil proceedings indicates to the average man on the street that some of the things that I know that are being given, people that are being given certificates certainly wouldn't fall under the category of important civil proceedings, and I do hope the public responds, I do hope the Minister's department, if this person signs a legal document under the Canada Evidence Act and he's not telling the truth, then I think we as elected officials have a duty to see that this practice stops.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: Thank you, Mr. Chairman. In the beginning may I say it's not my purpose to delay this Committee's deliberations any longer than is entirely necessary, but I would say in the beginning that I support my colleague from Birtle-Russell, I thought he and the Minister talked over some --(Interjection)-- When I want an opinion from you I'll ask for it.

MR. CHAIRMAN: Order please. Would you direct your remarks to the Chair.

MR. BILTON: Well, Mr. Chairman, would you inform the honourable gentleman that when I want an opinion from him I'll ask for it.

MR. SHAFRANSKY: I gave it freely.

MR. CHAIRMAN: Order please. Order please. The Honourable Member for Swan River.

MR. BILTON: This may be a laughing matter to many of the honourable members but in the beginning, as I said a moment ago, the conversation or the discussion this afternoon between the Minister and the Honourable Member for Birtle-Russell, I would hope and trust that the Attorney-General's department will read the transcript with interest and I am sure that growing out of that possibility there will be an improvement, if an improvement is necessary, and that seemed to be in the opinion of the Honourable Member for Birtle-Russell.

And I noticed this afternoon it was said by the Minister in 1972 there was some 12,000 cases, and in 1974, I take it, or was it '75, 47,000 cases. Surely, Mr. Minister, that must be suggesting to you that there are abuses in certain areas, abuses that must be arrested. I remember when we went into Medicare 10 years ago we were a pretty unhealthy bunch and we all hoped that with the passage of time and the money that the people were putting into Medicare that ultimately we would be on the road to a fairly healthy population, but the cost factor suggests to us that we haven't got to that stage yet. However, I would be remiss, Mr. Minister, if I didn't bring to you my feelings with regard to Legal Aid as it affects our area, my particular area anyway, and this may be the sort of thing that's going on in other areas, I hope not, but I have two particular cases in mind.

One has to do with a patient who came to Winnipeg and in her opinion the treatments she received, she's of the opinion that there is grounds for malpractice. I took it up with the Minister of Health and he was good enough to put me in touch with the proper

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(MR. BILTON cont'd) officials of the hospital. I discussed it with them, and of course it had nothing at all to do with the department but rather the patient and the doctors, and she's a widow, and at the moment her right arm is practically useless - and I'm not going to bore you with the details of it other than this, that she placed herself in the hands of Legal Aid because she didn't have any funds, your representatives in Dauphin. And to say the very least, over the months, and I suppose it will soon be years, she's got a runaround and she doesn't seem to be getting anywhere. I interceded on her behalf the other day in the hopes that your official there would communicate with her, and I called him four times in one day and never got a reply, and this is the sort of treatment that she has received. And I would ask you to look into that case.

And the other case that has come to my mind which the Minister of Agriculture is very familiar with - and again I'm not going to debate the merits of the case - but this man dealt with the department, dealt with the Ombudsman and ultimately had to go to court with a view to handing over his land to the department. The judge said that this man needed Legal Aid and he said, "Well I can't afford it." He sent him across the street in Dauphin, gave him the name of the man he should see and he saw him. He was called a month later, the case was completed and the Legal Aid were not present. Here's the file, my file anyway, and here's a letter from your representatives in to Winnipeg, and I'll just read the last paragraph: "In any event we would appreciate full particulars respecting your current position of the unwillingness to lease back the above land to Mr. . . . in order that we may prepare an argument in rebuttal to present to the Executive Council."

So far as I'm concerned, Mr. Chairman, and Mr. Minister, nothing has happened from that date until he received a clearance cheque of a certain amount of money, which was very limited, and he's the type of a man that requires the help, I've done all I could for him and I'm afraid that the Legal Aid in Dauphin or your representatives in Dauphin are unfit, unfit to be there to allow this situation to have developed and come to the aid of that man. It would seem to me, Mr. Minister, that in a case such as his they would have jumped in with both feet right from the very beginning and advised him. He is at fault in many respects, and we're not going to debate that at this point, that's not the thought, but rather that man, he tells me over the weekend that he's sending this insignificant cheque back to the department. I advised him not to do so but he is doing this. Why should the Legal Aid people in Dauphin - I'm not saying they abandoned him but to all intents and purposes they abandoned him, and in my humble opinion they're not doing their job. And in my entire constituency, of those two cases, they are the only ones that have come to my mind, and I think it's absolutely disgraceful that these people should be sitting there drawing pay and not helping out in the two cases that I've attempted to outline to you, and if that's the kind of operation we may as well be rid of them. For \$5 million a year I want better service for my people than that.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Chairman, a few questions I'd like to ask is, is there some cases where both people would be using the Legal Aid lawyers; if there was a case between two people could they both be using a lawyer who was getting his fees paid by Legal Aid?

MR. PAWLEY: That could certainly happen. They would not be from the same office but both parties could certainly be within the criteria for Legal Aid.

MR. HENDERSON: There was quite a bit of talk about fees and I noticed you mention that they didn't get too much. What is their fee and do they get preparation time, travelling time as well as the cost up there and plane fare like, shall we say, to the north, would you mind stating some of those things.

MR. PAWLEY: There's a limit to preparation time that's been imposed in order to restrict the . . .

MR. HENDERSON: Who limits that?

MR. PAWLEY: . . . unreasonable extension of preparation time. Then the fee is \$25.00 an hour.

MR. HENDERSON: \$25.00 an hour?

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MR. PAWLEY: Yes.

MR. HENDERSON: If they had to go up north on a case then they'd get preparation time, then they'd get their plane fare, then they'd get \$25.00 an hour on the plane and the case could be remanded in some cases after they'd be up there, couldn't that happen?

MR. PAWLEY: Oh yes, just if they were doing it for non-Legal Aid they'd probably be receiving \$50.00 an hour plus their plane costs.

MR. HENDERSON: It's one of the things about the legal profession, I know that there's many times it's justified in remanding cases but I know it's a very costly procedure as far as people are concerned and I think in a lot of cases it could be avoided a lot more than it seems to be under our present system.

I was just wondering, who checks these people out to see if their fees are somewhat in order? Now I know \$25.00 an hour mightn't seem like too much for a lawyer but at the same time how do we know about his preparation time on certain cases, every case has got its own merits, and I suppose it's more or less just on his say-so in most cases unless there'd be a report sent in, and then I wonder who'd be the one that would check him, because I've never thought there was any lawyer very good yet at checking another one.

MR. PAWLEY: I want to just say to the Honourable Member for Pembina that I feel sorry for Mr. Meyers here because he's the Chief Taxation Officer and I can assure you that when he started this work he was a very popular young man within the legal profession. His popularity rating has decreased a great deal and his age has climbed because he has to do most of the taxing of the accounts and then there's an appeal from his taxation to the Board, Legal Aid Services Board.

MR. HENDERSON: Well I'm glad to hear that there's some checks and balances in it because I could easily see how that could be very much abused and I could easily see where you could get two lawyers who wouldn't be too conscientious where they could abuse a case, remand a case and have a good thing out of it. Now I'm not saying that this is happening but I can easily see where the abuses could be there.

MR. PAWLEY: Well I'd say to the honourable member that there certainly has been instances where there has been problems and in that area dealing especially with remands that you mention, there's been difficulty in that. Cases sometimes are prolonged beyond what is reasonable and we are trying to establish more and more bulk fees, so as to shave off abnormally long periods for preparation, otherwise appeals can exploit that and can drag out the preparation time to something that's certainly very very unreasonable.

MR. HENDERSON: The other case that I'd like to bring up is something that was brought up here the other day. There was a person came in from the constituency next to mine, the Member for Rock Lake's, where a person who was on welfare had been in a car accident and he had been hurt very badly, there had been some months where he had been unconscious and then when he went to get help, for Legal Aid, they wouldn't help him, and the only reason that they wouldn't help him was because he was trying to bring a case against another person where there'd be a judgment, you know, and a certain fee paid. Now then they wouldn't give this man Legal Aid and maybe some of your lawyers tell them what they could do. I have found out since that maybe Legal Aid could have helped him, but he had to go to another lawyer, and what the other lawyer told him was, "I'll take your case and I'm going to take 20 percent off whatever you get." Well here is a man who was broke up badly in the accident, crippled for life, has a wife and six children and now he's bound to be getting a large settlement, because a man like that has to have a large settlement when he's ruined like this and he wasn't to blame at all. Now this lawyer comes along and takes 20 percent of whatever he gets the judgment for, is really ripping him off. And now if Legal Aid is for the purpose of helping the poor and somebody that needs legal help, why doesn't the lawyer be conscientious enough to figure out some way that he can explain to this man that he can get it paid for at a reasonable amount, because this lawyer's got a sure thing going into this and taking 20 percent off the top.

MR. PAWLEY: The honourable member I think has hit the nail square on the

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(MR. PAWLEY cont'd) head with this last case. There is a problem and I think it relates to the continued existence of contingency agreements by the legal profession in the Province of Manitoba where one of the last jurisdictions in which such agreement still exists by which a lawyer can enter into an agreement with his client that his client will pay him 25, 30, 40 percent whatever it be of whatever proceeds are collected. It is a system that can be very much abused and I think the honourable member is quite correct that Legal Aid should become much more involved in this area. We have asked the Law Society of Manitoba to look at this question of contingency agreements, they have established a committee, I'm not happy with the progress the Law Society is making in this connection because to me, speaking modestly, it seems to me it's long overdue that these type of agreements were eliminated between lawyer and client, and I cannot help but sympathize with the case that the honourable member has raised.

MR. HENDERSON: I want to thank you for your answer on that and I'm very glad that there is something being done because if we're going to have legal aid for people that need it this person really does need it and he shouldn't be ripped off like this.

I think probably that's all that I have now except that I remember when the debate went on on Legal Aid in the first place and the reason . . . as we were debating it it was always that lawyers were keeping the interest off trust funds in their accounts and that this money was to go to Legal Aid. You know, I've been thinking back over it, I can't remember that at that time that it was said that the government would be funding it to anything like the extent that they are now, because I see now you get \$750,000 from the federal and about 800 from interest on trust funds, but there's over a million that's put in by the province. So the province is putting in a million dollars which is other people's money into that. I don't know what's become of all the interest, of course you never really would know the interest that was being collected before, I guess, you'd never really know the interest that lawyers were collecting, and I suppose probably after it went through the lawyers decided they'd put it into trust accounts, it probably didn't bear interest so . . .

MR. PAWLEY: The standard practice was for lawyers to place so much, what would be the average minimum balance they would have in their monthly trust accounts into a separate account and then they would collect the interest from those moneys, and in most cases I would say it would result to their personal use.

MR. HENDERSON: That's all for me, thanks.

MR. CHAIRMAN: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Chairman, I wasn't going to get into this discussion dealing with the Legal Aid but it seems to me that starting last Friday afternoon and continuing this afternoon and this evening the Honourable Member for Wolseley seemed to be carrying on a vendetta against Legal Aid, and I'm just wondering what the honourable member is motivated by. Is it because, the fact that he stated, you know, that the Free Press has maligned him in a case dealing with the contributions by Metropolitan Properties Limited in which he denied having received money, is it a matter of the case of Mr. Ternette, I believe was at that time the plaintiff who brought the matter to the attention of the public, and I understand that the Member for Wolseley is denying receiving any funds from Metropolitan Properties Limited toward the election of 19 . . . Municipal . . .

MR. GRAHAM: Mr. Chairman, on a point of order.

MR. CHAIRMAN: The Honourable Member for Birtle-Russell on a point of order.

MR. GRAHAM: On a point of order. I don't think that it serves the committee any useful purpose for one member to take off on a personal vendetta against another member in this committee. I think we should be dealing with the question of Legal Aid and if the Member for Radisson has any suggestions to improve it we'd be glad to hear them.

MR. CHAIRMAN: Order please. I believe it was not a personal vendetta of one member against another, but a member should not impute motives to another member. The Honourable Member for Radisson.

MR. SHAFRANSKY: I'm just asking the question, Mr. Chairman, the fact that

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(MR. SHAFRANSKY cont'd) the Honourable Member for Wolseley has been attacking the Legal Aid, has stated that it should not be continued, has indicated that he's not satisfied with the operations of the Legal Aid, has been very critical of its operation and I'm wondering what he is motivated by. He's indicated also, I understand this afternoon, that he was maligned by one of the local newspapers in a case dealing with the matter of receiving funds towards his election to City Council from Metropolitan Properties Limited. The member indicated that he did not receive any funds, it is my understanding. If that is so, I would like to hear him indicate that he was not the recipient . . .

MR. GRAHAM: Mr. Chairman, on a point of order.

MR. CHAIRMAN: Order please. The Honourable Member for Birtle-Russell state his point of order.

MR. GRAHAM: Again on a point of order. The affairs of two committee members or two members of the Legislature is no concern of Legal Aid unless the Member for Radisson can't afford to pay his own and applies for it.

MR. CHAIRMAN: That isn't a point of order. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Chairman, I am making this reference because he has been very widespread in attacking the members of the Legal Aid group, he has been critical of the way they operated and I move to ask the question, why is this? Is it because of a personal problem that he has had with the Legal Aid group when they brought the case against the Metropolitan Properties Limited?

MR. PATRICK: Mr. Speaker, . . .

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. F. JOHNSTON: Mr. Chairman, I was going to speak on the point of order. Was there a point of order?

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek state his point of order.

MR. F. JOHNSTON: I thought there was one on the floor, Mr. Chairman, I was going to speak on the point of order.

MR. CHAIRMAN: No, there is no point of order before the committee. You wish to raise one?

MR. F. JOHNSTON: Mr. Chairman, I have never in my life, in fact only one other time, by the same member who just spoke, who last year imputed motives to somebody, a member of this Legislature because they are elected members and have every right to disagree or take the Estimates apart and ask questions, for whatever reason they please. And it would seem that every time we disturb the member's sleeping he gets up and starts to talk about an elected member's motives. And I think, Mr. Chairman, for him to do that is just downright disgusting.

MR. SHAFRANSKY: Well I think it is very disgusting for the Honourable Member for Sturgeon Creek to get up as he did against the people who appeared before us indicating that if you don't shut up I'll knock your block off.

MR. CHAIRMAN: Order please.

MR. F. JOHNSTON: Now we've gone back five years.

MR. CHAIRMAN: Order please. Neither honourable gentlemen had a point of order. The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, I do have a few points to raise with the Minister in respect to Legal Aid.

MR. CHAIRMAN: Order please.

MR. PATRICK: Thank you, Mr. Chairman, I wish to raise some questions in respect to Legal Aid. I've listened to debate for the last couple of days and I believe the Member for Swan River really hit the nail right on head which was really pertinent to the whole discussion of Legal Aid, and I think the whole concern, Mr. Chairman, is the quality of service as far as Legal Aid is concerned. I think that's the way I would like to present my concern in respect to this item and that's the quality of service. I would like to ask some questions of the Minister, because, Mr. Chairman, I believe that Legal Aid has a function, a very important function, it has served some 47,000 people and the

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(MR. PATRICK cont'd) 47,000 people, Mr. Chairman, that it served, you know, there must have been a need for these people, either they were disadvantaged through economics, there were separations or abandonment or something, there had to be a reason and there's a formula. I think if I would be critical I may be critical of the formula that who can apply, and maybe the allowance or the gross income for the people that can get Legal Aid, maybe it's too high. So that could be one argument we can use. But as far as giving legal aid to people my concern is perhaps what's happening, Mr. Chairman, is that we haven't reached far enough into the community to reach the disadvantaged that have problems and have no recourse to legal advice at the present time unless they sell some meagre assets that they have to get lawyers to act for them, or the ones that have no assets at all that we haven't reached because they live in a certain area. So my concern in this whole area would be not that we're serving too many people, I feel that we haven't reached the disadvantaged in this community or in many communities in the Province of Manitoba that really need Legal Aid.

And my question is, and that's on the point the Member for Swan River raised, is the quality of service, and my number one question would be, what is the turnover of lawyers at the present time, or how long does the lawyer stay in Legal Aid at the present time. What is the turnover? Is it three years, five years or what is it?

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, the difficulty that we have is that because it's a new program it's very early to tell what the turnover is. Needless to say because it is a new program nearly all the lawyers now within Legal Aid have very limited experience. I would suppose that outside of Mr. Larson the vast majority would have less than three years' experience, probably less than two years' experience. So there is a problem in that we are still trying to build up a bank of experienced lawyers, and naturally the quality isn't as good as one would want as a result thereof. Very much the same way, if I could add, Mr. Chairman, that we have a turnover - and I shouldn't enter into this field because you can call me out of order - Crown Attorneys, though, of course, Crown Attorneys have been around for a long long time, we have a turnover there, and especially during this period of Anti-Inflation Board regulations when so often the restrictions imposed upon say the Legal Aid lawyers in this case, compress the salaries to make them unattractive when one compares the salaries within the private bar. So the honourable member is correct. There is a problem of turnover, although it's a little early yet insofar as Legal Aid is concerned to identify it accurately.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, the Minister must have some records or statistics. How does the experience compare to the other jurisdictions, the other provinces?

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Apparently approximately the same, because most of the other programs started at about the same time as we did here and 70 percent, just as a further point, 70 percent of the caseload is carried by the private bar so that we are constantly drawing upon the experience within the private bar. Only 30 percent of the caseload is carried by the Legal Aid Clinics.

MR. PATRICK: But what would be the average number of years at the bar of the 30 percent?

MR. PAWLEY: Two years.

MR. PATRICK: Mr. Chairman, can the Minister indicate to the committee what kind of supervision - I understand that Legal Aid is broken down into districts - can the Minister indicate how many districts there is and in each district is there a senior lawyer or a lawyer with say five or six years' experience that gives some supervision to these people?

MR. PAWLEY: We have six districts and each district has a senior attorney, and three of those senior attorneys have more than five years' experience, one has ten years' experience, and they're responsible for giving supervision. And a central backup resource person in the central office, which is Mr. Larsen who is working with them.

MR. PATRICK: Mr. Chairman, the Minister indicated that because of austerity

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(MR. PATRICK cont'd) programs and inflation, you know, the government can only pay the lawyers so much. I understand the government is paying the lawyers, in fact, above what some of the legal offices are paying juniors coming out of college, paying more. If that is the case I would still be concerned why is there such a large turn-over?

MR. PAWLEY: I think that insofar as competition with the private bar as to obtaining legal talent, there has, for instance, just taking the Crown Attorneys for instance, there is no problem getting good talent right out of law school because our salaries paid are very competitive with the private bar. I've, for long, been somewhat critical of the fact that after three or four years we lose our competitive position in government vis-a-vis the private bar. That certainly after five years, for instance, is no longer competitive. This is an area that I have to indicate to members in all frankness that I'm not too happy about, that we do get young lawyers right out of law school, we're competitive there, and after three to five years because of the rapid sharp escalation in salaries at the private bar we no longer are in as good a competitive position as we were when the student first emerged from law school.

MR. PATRICK: Mr. Chairman, the Minister says that in every office in the six areas that there is a supervisor with at least five years' experience in every one? -

MR. PAWLEY: Three of them have at least five years' experience and three have less than five years, somewhere between two and five years, I think, three and four.

MR. PATRICK: Yes. Mr. Chairman, the other question I have for the Minister. I understand that many of the lawyers that are full-time, the 30 percent that do your legal work, they have a lot of work, they are overburdened with work. If that is the case, in your opinion, do you still think that they can give quality of service or would there be a tendency for the lawyer to sort of resolve the cases as quickly as they can instead of really giving their client the type of service that would probably come from a private bar?

MR. PAWLEY: The senior attorney monitors the caseload and then can adjust it according to the workload of the attorneys. So that here you have also where some parceling out of legal work could take place to the private bar, and it does. In the case that the Honourable Member for Swan River mentioned, where he hadn't been able to get an answer, I assume there that there may be a problem with this very large area and a lot of branch offices. For instance, in Swan River - unfortunately the member has left - but there is an office in Swan River now, opened up about a month ago for two days a week, so that it's very likely when he was trying to reach this lawyer in the Dauphin office that he was in some other branch office, of which there are quite a number in the Dauphin area, two or three lawyers trying to serve this entire area with all the travelling and they are very much spread out.

MR. PATRICK: Mr. Chairman, can the Minister indicate what is the legal aid eligibility ceiling, was it not increased last year some time or this year? What is the ceiling?

MR. PAWLEY: It was April this year revised for a single person \$6,600; two in the family \$7,515; this is gross we're speaking about here.

MR. PATRICK: Gross?

MR. PAWLEY: Yes. Three, it's at \$8,250; four in the family it's \$8,995; five it's \$9,710; six it's \$10,930; if there is seven in the family it's \$12,125. Single was \$6,600 and for two in the family it's \$7,515.00.

MR. PATRICK: My question to the Minister is, you know, is there need to go above \$10,000? What did the Minister's department or the Legal Aid offices base their decision to, say, increase it from 10 to 12? There must have been some basis for it, because . . .

MR. PAWLEY: There was a basis established three years ago, then the increase has been indexed since. There has been no increase outside of that brought about because of the Consumer Price Index.

MR. PATRICK: What is it in the other provinces?

MR. PAWLEY: We're about the same except that Ontario is marginally higher

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(MR. PAWLEY cont'd) than we are here. Saskatchewan and Quebec we are the same apparently.

MR. PATRICK: Mr. Chairman, there may be some concern, you know, how high. I know the Minister said that there's been no increase in the last two years and a year from now he may be saying \$15,000, and you've got to realize that a majority of the people in the Province of Manitoba don't make more than \$15,000, probably 80 percent of the wage earners in the Province of Manitoba are in the \$15,000 bracket or below. There's only something like two or three percent over 21 or 22 according to the Minister of Finance. So my concern would be how high do you establish the eligibility formula and maybe we're a little too high at the present time. So then that's one way of the Minister keeping expenses down.

My other concern would be the quality of service and perhaps making the service available into the communities where people need legal aid and really need it bad, the disadvantaged because of economics, because of divorce or desertion or abandonment, there's many reasons that some people have never had the opportunity to have legal aid and some probably had to sell the few assets they had to get some legal advice. So my argument is not with that, my argument is, perhaps we have reached a point where we've had eligibility formula perhaps too high or we're heading in that direction. So I would warn the Minister, you know, you have to put the brakes on somewhere, because if you take the majority of wage earners in the Province of Manitoba it's not much above \$15,000.00.

My other concern would be strictly, Mr. Chairman, the quality of service.

MR. PAWLEY: If I could just briefly in response, just indicate that the original figures were based upon Senator Crowe's poverty figures plus indexing since that time, and I understand that they would be presently under the considered poverty figures. Also it should be stressed that, as I mentioned Friday, there was an independent study made of income levels of those that derive benefit from Legal Aid, and our finding was that 70 percent of those receiving Legal Aid earned \$1,000 or less. --(Interjection)-- Yes. --(Interjection)-- Yes, a year.

MR. PATRICK: Mr. Chairman, then I would say if nothing else the Minister is right on, at least 70 percent definitely needed Legal Aid and perhaps more. My only concern was that if we used the eligibility formula it may get out of line if we keep indexing it, because this may be fine in eastern Canada but in western Canada maybe the industrial weigh scale is not that high.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Chairman, I don't have much to say other than to - now that the Member for Swan River has left - he raised a point during my temporary absence from the committee. I simply wanted to observe, to remind him that he did complain about a situation during the Estimates of my department as I recall it and I did read to him a report, in full, in which case the Ombudsman cleared all government from any wrongdoing or lack of effectiveness on their part and that really the problem was that of the man himself who was complaining. So just to set the records straight, I thought perhaps the Member for Swan River thought that in my absence he could get away with trying to produce another one of those sensations of his . . . and that he should be corrected.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. WILSON: Mr. Chairman, I appreciate the break to allow me to cool down a little bit because really I do have and I rather feel sympathetic towards some of the members that don't listen all that well. But one would be wrong if he was elected to office and didn't apply his learning and his university life degree and his municipal experience to share with the members and put it on the public record. But I can't help but feel that I was certainly - and I did take both Mr. Buckwald and the Free Press to task and they did print a retraction in the paper, but unfortunately it was on Page 35 or 55, in which Mr. Buckwald admitted that I was not his client, that I had never received any money or had the use of any cash from Metropolitan Properties. I was exonerated somewhere in the paper but you had to look for it. But I appreciate Mr. Buckwald at

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(MR. WILSON cont'd) least being the type of gentleman he is, and I'm sure that the Minister if he would remember, did print that thing in the newspaper where I was exonerated. But it certainly took enough time.

The Member for Radisson would be partly correct if he said that these are the kind of things that do slightly annoy me when politically activist people can take a politician to task with public funds and this thing doesn't sit too well with me.

It also disturbed me that the Canadian Steel Workers were put last on the list and the effect on the NDP members of council never was really known, it was never printed, and it seemed - I don't know how that case was disposed of but there was nothing said. And if you go in alphabetical order Canadian comes before Metropolitan.

So I think it's really wrong as I say to start discussing ceilings because this brochure that's put out really makes Legal Aid universal, because it says that anybody can have Legal Aid, they just go down and say, "What will it cost me?" Legal Aid will tell you what it will cost you.

I'll be very quick and I want to defend, as I say, the present administration, I've had nothing but sound and good co-operation from both Mr. Meyers and Mr. Penner and I at no time have ever criticized these two gentlemen. I am criticizing the system, I am criticizing the 2.6 or 7 million dollars and also the closed shop, I call it, where you cannot really have information that you feel because there's taxpayers' dollars involved brought forward.

I also, as I say, have a couple of things I promised the Minister that I would table and I did encourage citizens to write him; but when the pamphlet says important civil proceedings and serious criminal cases then I have to question some of the things that are brought to my knowledge either through business or through political life or whatever, it just seems to me that if, for instance, purchasers have the Consumers Bureau and all these other organizations to turn to, certainly the Legal Aid staff should be examining some of the cases to see if really they might not better be handled out of court because they really, in my opinion, are a low priority.

So with those few remarks I just wanted to clear it up that the Member from Radisson is completely wrong. I have no personal vendetta, I am simply expressing what I feel as a university life degree, with Legal Aid, what I feel personally, I'm concerned that it's going to become a universal Legal Aid program. Mr. Stubbs is with Legal Aid, I've written to him about my concerns, he seems to feel there's nothing we can do to stem the tide of socialized litigation. Mr. Asper has written him.

MR. PAWLEY: Just as a matter of privilege. Mr. Stubbs is not with Legal Aid.

MR. WILSON: Oh, he's with the Law Society, you're correct. Mr. Asper has publicly in the paper backed up my concerns and he is not with my political party. I thank my colleagues for supporting me. I said I'd be brief and I'm just saying that a universal litigation program is wrong and I'm surprised that more lawyers don't stand up and be counted.

MR. CHAIRMAN: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, on a point of order.

MR. CHAIRMAN: What is the point of order? The Honourable Member for Radisson.

MR. SHAFRANSKY: Point of order. I ask the Member for Wolseley whether he denies receiving money . . . Well either he is wrong or the courts are wrong, but I have just a matter of straightening out some points that he has raised.

MR. CHAIRMAN: What is the point of order?

MR. SHAFRANSKY: The point of order is dealing with the truth of the matter pertaining to the case of the Metropolitan Properties Limited.

MR. CHAIRMAN: Order please. A dispute between two members does not constitute a point of order. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you, Mr. Chairman. Mr. Chairman, I would be remiss if I did not at this time personally thank the Attorney-General and Mr. Penner, the Chairman of the Legal Aid Services. I think that it is important that before we do complete this particular section that perhaps we should try and ascertain from the Chairman of the

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(MR. GRAHAM cont'd) Board of Legal Aid Services, just some of the directions that we are going, some of the problems that exist and if there are any plans contemplated in the very near future for changes in the legal aid system. I do note that in the Chairman's report, and I'll read from Page 3, it says: "Active consideration is now being given to establishing a family court duty counsel and conciliation system to supplement our highly successful program in the juvenile court." Again I repeat "our highly successful program in the juvenile court". Now I'll turn to Page 14 of the report where we have the Executive-Director's report and it is stated there: "Owing to the multiplicity of dockets and because of the great volume of juveniles appearing in the court, many on a remand basis only, it was determined that the number of hours spent by duty counsel was not entirely justified and the society's staff could be utilized more successfully through the referral system."

Now I would like to deal at the present time just with the juvenile court because I understand that you're planning to enlarge the system that is presently in operation there and move it into the family court as well. First of all, has the program in the juvenile court realized very substantial cost savings?

MR. PAWLEY: Yes it has, Mr. Chairman. Due to the development of a duty counsel system within the juvenile court it means that one is able to minimize the number of referrals from the juvenile court to the private bar.

MR. GRAHAM: It wasn't too long ago, Mr. Chairman, that the Attorney-General was talking about the freedom of choice that existed. Does the freedom of choice exist when you establish a duty counsel in a juvenile court of this sort? You are in effect denying the freedom of choice by appointing counsel in that respect, are you not?

MR. PAWLEY: Mr. Chairman, the duty counsel system doesn't interfere with freedom of choice but intercedes early in the stage of a judicial proceeding. Generally most matters are resolved at that stage. Now if the matter still continues on to serious litigation thereafter then the juvenile does have the opportunity to have appointed for him legal counsel, if it goes on to serious litigation.

MR. GRAHAM: But in the initial stages the duty counsel appointed more or less acts on his behalf at that point in time.

MR. PAWLEY: Yes. He advises him of his rights, assists in arranging terms of bail for instance, explaining to him the various alternatives that he or she has and assists the court in disposing of the matter. But then if it does proceed on to, as I said, a matter of serious litigation, then the referral system enters into the picture.

MR. GRAHAM: Well in the report I believe the Executive-Director has listed some ten points that the duty counsel does cover including representation at treatment panel hearings, investigation of complaints at the Youth Centre, being present during police questioning and the giving of statements. All of this is being done and there are several others too. All this is being done by an appointed legal counsel so the freedom of choice at that point in time really does not exist for the juvenile.

MR. PAWLEY: Would the honourable member relate back to my earlier comments where I stressed the importance of freedom of choice when we are dealing with serious criminal matters. I underlined and repeated the reference to serious criminal matters. Here we're dealing in all ten points indicated by the executive director, with matters very early, well ahead of any proceeding towards actual litigation within the court itself.

MR. GRAHAM: The reason I raised the issue, Mr. Chairman, is that we have an indication in the report of the Chairman that this service is going to be expanded into the Family Courts as well. I would like to know if that has occurred as yet.

MR. PAWLEY: No. The duty counsel system has not been introduced into the Family Courts yet. We do feel that at some point there would be advantage to its introduction because it might minimize the number of family cases that would end up in litigation in the Family Court.

MR. GRAHAM: Mr. Chairman, I believe that other members at this committee have indicated a wide variety of viewpoints but I believe it has been raised by one or possibly two members that they felt that the appointment of legal advice, if it could effect substantial savings, might be a very worthwhile program.

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(MR. GRAHAM cont'd)

I think it's only fair to point out that while we're dealing with ultimately providing the best possible legal services available, we have to also realize that in most cases the best possible legal advice is not always available, that you have to rely on the financial capability of providing that advice. A man with an unlimited bank roll can quite well provide and hire the best possible legal advice that is available in this jurisdiction or other jurisdictions. But here I don't think that we can afford, at this point in our history anyway, to provide an ultimate. I think we have to weigh very carefully what the public financial commitment can be and how best to utilize the taxpayer's dollar that is being provided. It may very well be that at some point in time we will have to not eliminate, but maybe curtail a certain degree of freedom of choice in the provision of legal services.

I know we've gone into a dental care program today, and the care of teeth before has always been a freedom of choice. You could go to a dentist of your choice. But when the state is providing it you accept the services that are provided and you do not have the choice. I think there's a very good argument that can be put forward for a similar type of service being provided by Legal Aid. If you care to accept that service that is being provided free that you have to give up something in doing so. So quite frankly, Mr. Chairman, I'm not uptight at all over the loss of freedom of choice when you're providing a service that in the first place the rest of the taxpayers in the Province of Manitoba are paying for.

MR. PAWLEY: I wonder whether we really should make this a disagreement. My concern that there be a freedom for each individual to choose their individual legal counsel relates to serious criminal matters in which, in fact at the present time, federal financial assistance is dependent upon the serious indictable offences being given by the freedom of choice. But when we reach the area of minor indictable summary, family matters then there is of course no such condition.

MR. GRAHAM: A further question to the Attorney-General. In those people that are asking for free legal advice are they really knowledgeable in the various qualifications of the legal profession to make a wise choice when that choice is theirs? Would it not be more correct, Mr. Chairman, to say that approximately 75 percent of the people that have asked for Legal Aid really don't even know the names or addresses of competent legal advice that is available to them?

MR. PAWLEY: I'm informed that in criminal matters about 90 percent of the applicants know the name of the lawyer which they wish to have handle their matters. --(Interjection)-- In criminal. In civil you're probably correct. In the civil where a lawyer is not named and yet a referral must be made then the Area Director has the responsibility of appointing somebody.

MR. CHAIRMAN: Pass?

MR. GRAHAM: Mr. Chairman, it's not going to pass quite that easy. Mr. Chairman, I notice also in the report here on Page 13, at the year's end the Board of Directors approved an increase in the duty counsel daily rate to a maximum \$100 from \$75 provided for in the tariff. The Province of Manitoba was requested to effect a change to this section of the tariff. Has that change been made?

MR. PAWLEY: We're still considering that, Mr. Chairman. The recommendation has not yet been approved.

MR. GRAHAM: That change has not been approved?

MR. PAWLEY: No.

MR. GRAHAM: So the duty counsel at the present time is still only receiving \$75.00.

There is another section, Mr. Chairman, dealing with finance. During the past year, at the same time, the Board of Directors voted to pay to the profession the 20 percent holdback on accounts rendered for matters referred prior to the incorporation of the maximum preparation fee tariff.

MR. PAWLEY: Mr. Chairman, that is a 20 percent holdback which was paid out at the end of the year. The money was held back in fear that we might . . . the fund prior to the end of the year and there would be that area in order to draw upon, in the event of running out of funds earlier.

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MR. GRAHAM: So that money has now been paid out.

MR. PAWLEY: Yes.

MR. GRAHAM: Mr. Chairman, when we're dealing with free legal advice we have been told that there is some 9,000 cases been handled by Legal Aid in the past year. Of that number were they all single client cases or were many of the cases more than one case for the same client?

MR. PAWLEY: There would be very few, but there would be some that would be more than one for the same client. Hardly any in civil; in criminal there would be a few.

MR. GRAHAM: Is there any policy established by the Board on the number of cases of free legal advice that can be obtained by any individual?

MR. PAWLEY: No. I gather it would be also contrary to our agreement with the federal people. We do have control when it's considered to be vexatious or frivolous and quite a number are turned down on the basis that they're frivolous.

MR. GRAHAM: Have you any figures dealing with the number of vexatious cases that have been refused?

MR. PAWLEY: Twenty-eight percent of the applicants for one reason or another were refused. As to what portion of that would be because of the action being vexatious and frivolous it would be hard to say, but 28 percent were rejected, of all applications.

MR. GRAHAM: Mr. Chairman, those are some of the concerns I had. I think that we have to review very carefully the program that we presently have. We have to look at the long term objectives and as far as I'm concerned the taxpayer's dollar that is being spent in this particular field is not unlimited. We have to establish a set of priorities and stick with those priorities.

MR. CHAIRMAN: The Honourable Minister of Corrections.

MR. BOYCE: Mr. Chairman, I apologize to the Committee for not having been here this afternoon. I understand there were some questions raised that were perhaps under my jurisdiction. I have instructed the staff to read the transcript and those answers which should be directed to the members will be directed to the members who raised the questions.

I would just like the record to show, Mr. Chairman, through you to the Minister responsible to the people in Legal Aid, that I appreciate the co-operation of the people who have been involved with duty counsel in the juvenile system. This is an evolving service and we haven't made the decision as yet, as a government, that it is a matter of policy that the adversary system will be in place in the juvenile system. Speaking personally I would suggest that we would be well advised to look at this as an evolutionary process and look at it for at least two or three years to see just exactly what can be obtained by having the legal profession involved in the juvenile system.

Speaking personally once again, Mr. Chairman, I regret that in the matter of priorities that the young people in conflict with the law legislation which is circulating in the public and which the Solicitor-General had hoped to address himself to this summer as a matter of priority, because of other legislation before the Federal House it has been side-tracked for the present time.

I appreciate the comments of the Member for Birtle-Russell and also the Member for Swan River and I'm looking forward to their sending in their questions and their responses to the queries that go out vis-a-vis the eventual position which should be taken by Manitoba with reference to young people in conflict with the law.

MR. CHAIRMAN: Resolution 28(a)--pass; Resolution 28(b)--pass. Resolution 28: Resolved that there be granted to Her Majesty a sum not exceeding \$2,687,200 for Attorney-General--pass.

I would refer honourable members now back to Page 10, Resolution 20(a). The Minister's Compensation. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, we're now back to the Minister's Salary . . .

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, if I could just interrupt before the honourable member speaks because we did promise to get some information dealing with estimated total cost of RCMP law enforcement for the 1975-76 year. I would like to just list this -

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(MR. PAWLEY cont'd) this is as close as we can get it. Under the Federal-Provincial Agreement, 539 men; under the Federal-Municipal Agreement, 159 men; Federal duties only, 258 men for a total of 958 RCMP.

A MEMBER: You're reading a little too fast, we can't write . . .

MR. PAWLEY: Maybe I could give this, after I read it into the record, to the member.

Total cost to the province estimated \$8,118,000; total cost to the municipalities, \$2,112,000; total cost to the Federal Government, \$15,562,000; total cost \$25,792,000. This figure includes the Federal contribution to both the provincial policing, which is approximately 8 million, and to the municipal policing, which is approximately \$900,000.

MR. CHAIRMAN: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, I believe that during the course of our scrutiny of the Attorney-General's Estimates that he undertook to give us answers to various questions. I have every confidence in the Minister that those answers will be forthcoming.

First of all I would like to deal with something that the Minister announced in his opening statement when he announced that there would be a new Provincial Judges Building somewhere in Renewal Area No. 2 which would provide an additional 18 court rooms for the Province of Manitoba. Inherent and implicit in that type of announcement is the fact that we would also have to have more judges, more reporters and more ancillary services.

All this is happening, Mr. Chairman, at a point in time when we are reaching rapidly escalating costs and the converse of that is we are, in my opinion anyway, not fully utilizing the existing services that are available to us. That viewpoint has been substantiated by the judges of this province when over a year ago they expressed their concern, I believe, to the Attorney-General. I know in my own visits to the Law Courts Building any evidence that I have been able to personally collect has substantiated those views and we are not getting full utilization of the present machinery that we have in place.

Mr. Chairman, while it is imperative that justice be done in a full and proper manner, we also have to look very carefully at the maximum utilization of services and we also have to be concerned about getting good value for the public dollar that is being spent. If the plans that have been announced by the Minister are not complete as of yet, I would urge the Minister and his department to seriously review the utilization that is presently occurring, to in fact declare a moratorium on the building of any further facilities until we have had a comprehensive assessment of the present practices. I would hope that a way could be found to utilize, fully utilize existing services so that the addition of more court room space at this time could at least be delayed for several years with a consequent saving to the taxpayers of the province.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. ROBERT G. WILSON (Wolseley): Thank you, Mr. Chairman. I first of all want to thank the Minister for rather lengthy Estimates but I was encouraged by the per capita grant and the return to team policing in probably the best situation. I really feel that crime prevention is a service to people and I am pleased that we are in some small way getting towards what I consider a major priority in this city so that it doesn't become like many of the major cities in the United States.

I think that repeaters have to be treated as actors. I say that sincerely because I think that really once a person gets into a pattern of two or three convictions he then becomes an actor. He learns how to be an actor in the penitentiary and is able to have somebody believe him. I would suggest that some priority should be given and possibly a half belief be the policy of the future.

I am very pleased that the Minister has indicated that he's going to roll up his sleeves but I am concerned, as I pointed out earlier, and I think some of the concerns that have been mentioned pertaining to crime certainly in the city core were highlighted by a letter that I received May 13th from Pinawa, Manitoba in which the editor of the Free Press was written to and it says: 'I would like to know why the enclosed story from the Winnipeg Tribune - 'Crime Plagues Wolseley', was not carried in the Free Press as

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(MR. WILSON cont'd) that area was where I was brought up. I am disturbed not only that such conditions do exist but that little is being done to rectify matters. Even more disturbing is the attitude displayed by two Cabinet Ministers and several NDP backbenchers - their names should have been mentioned - who make a mockery of our laws and justice. No wonder people have become apathetic letting crime run wild in the city." I had offered at that time some suggestions in which I blamed the particular problems in my area on a lack of concern it seems by the Liquor Commission.

MR. CHAIRMAN: Order please. Would the honourable member table the letter that he just quoted from. Thank you.

MR. WILSON: Yes, I will. I blamed, in examining my own situation, the revolving door government experiments in my area. A beer parlour that seems to be immune from cancellation of their liquor licence and a very disturbing thing which the Member for Radisson asked me to refer to, where many of these people, and I had suggested in my day on city council, that senior citizens because of these unsavory characters can't go out at night. I was very concerned that somehow or other we couldn't concentrate all the rub parlours, all the adult theatres. I carried on a campaign, at least the citizens did, against the Eve Theatre and I was very pleased to see that finally that blight on our Portage Avenue valuable corner was finally removed.

The naked films, the art photography, in my opinion, and of course many of the things that go on in the St. Charles Hotel and others are to some people the norm. I think that the Attorney-General is keeping his head in the sand when he says he is opposed to some form of action centre or sin strip somewhere in the City of Winnipeg because if this is the norm, if everyone in this city knows it's happening, then this woman's letter has some merit because she says we're closing our eyes to it. I do think the Minister should be realistic and in co-operation with the City Police Department and the zoning people, we could, through licensing and control, have all of these located - I have suggested Kennedy Street but I have no quarrel with Main Street - but somewhere where there already is a concentration and get a lot of these places away from the schools. I'm not suggesting we legislate morals but at least put them in a section of town where the silent majority does not have to be infringed upon in this manner.

I was very concerned under that same area that a gentleman was convicted and fined \$500 by Justice Wallace Darichuk because he was mixing business with pleasure. He was convicted of having relationships rather than just concentrating on the body massage. Somebody decided to appeal this case and through some mysterious means the Crown failed to appear. What are people to think when the Crown doesn't even appear? The man was naturally acquitted. And when our Police Department, at \$16-plus an hour, spends a whole week casing out the St. Charles Hotel only to have the girl being given a conditional release, what are the public to think? The Member from Radisson asked: well what's it all about?

I go back to a letter from a fellow who was yet to enter political life, dated April 20th, 1971, demanding today as he did then that we encourage citizen participation in our fight against crime. This letter is addressed, as I pointed out, in 1971 to the Attorney-General's Department and I am going to table this with the Minister. It says: "In the course of my occupation as a licensed bailiff, I question the manner in which the above firm used an estimated 80 to 150 NSF cheques to obtain moneys from the business community of both Winnipeg and rural business concerns. I enclose several examples but I have saved over two boxes of information which I believe will reveal the seriousness of this and many other industrial frauds. Trusting you will give this concern some consideration."

My following comment was sent out: "Gentlemen, I have uncovered a large commercial fraud. Not one person in the government is interested. On Friday the 21st of May, a Mr. Jack Hunter from the Attorney-General's Department attended my offices and told me that it was illegal for me to seize documents and it was none of my business. Said it was nothing to do with the AG's Department and to see the RCMP. I called the RCMP and Sergeant Bromley stated I had to see Mr. Mackling. If the bailiff is treated with this contempt, then it's high time he conceded defeat and that I left my province.

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(MR. WILSON cont'd) I feel sorry for my father and his two brothers who gave their lives in service to leave me the legacy of this present just Manitoba." So instead of receiving a citizen of the year award, I received a rebuff and I decided to do something about it. I am very pleased to say that five years later I'm now sitting at this table.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, all that I really have to say to the honourable member and I don't want to drag these proceedings out, but I certainly very much question his advocacy of a sin strip in the City of Winnipeg although I know it's been done in Boston where a couple of blocks have been set aside where apparently anything goes. I'm just wondering where he would propose the establishment of such a sin strip, in the downtown part of Winnipeg or out in Wolseley or in the north end part of Winnipeg? I hope he's not proposing it be established out in Selkirk.

MR. CHAIRMAN: Resolution 20(a) - the Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, the other day when we were debating Family Courts I believe the Attorney-General indicated that he would at least take a look at the report and give us some indication of what he's prepared to do with the report and what action he'll be taking. I know there was a paragraph read to him and I just would like to read a couple of lines, Mr. Chairman, right from this report, Page 43. It is quite concerning. Let me quote:

"It has been thought that if judges were trained specifically for the juvenile child welfare bench that additional knowledge of behaviour cause and consequence would give them a better basis for decision-making and thereby might reduce any tendency to rely on folklore and personal biases." Well that's pretty strong words. I hope that the Minister would give us some indication if he's seen the report because he told us the other day, on Friday, I believe, or Thursday that he would make a statement or give us some information what he has done, what is the department doing, to bring some changes about in the Family Court. So I'd like to hear from him.

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: I have to be very embarrassingly honest with the Honourable Member for Assiniboia. We're still trying to get a copy of that report. Mr. Goodman who we thought might have a copy of it was attempting to get it for us today. So I haven't had an opportunity to read it.

MR. PATRICK: It's 300 and some 50 pages. It's quite an impressive document . . .

MR. PAWLEY: If I could be very frank with you, our trouble is that we get too many reports in the department and we just don't get a chance to read them. They come in on an every other day basis. But it sounds as though that is a report that we should be certainly studying and reading.

MR. PATRICK: I believe it came from somebody, that's Joseph P. Ryant. He's got a Ph.D. It's called the Ryant Report.

MR. PAWLEY: I've instructed Mr. Goodman to get a copy of that for me and last thing this afternoon he indicated that he was still trying to track it down. He will be away until Thursday.

MR. PATRICK: The reason I'm raising this point again because the whole report is almost in the same vein. When you have statements that decision making is based on a tendency to rely on folklore and personal biases that's pretty strong language, Mr. Chairman. I hope that the Attorney-General will take a look at it and give us some indication of what he's intending to do. It's dealing with family courts and family law.

MR. PAWLEY: If we can't locate one somewhere else we'll send Mr. Goodman up to your office.

MR. CHAIRMAN: The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, I have a tendency to deal with one subject at a time. I would now like to raise for the Attorney-General a subject which isn't covered in his Estimates as a specific item but has a large impact on the every day community that we live in and that is the operation of the Small Debts Court.

I'm sure the Minister must have had some complaints registered with his

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(MR. GRAHAM cont'd) department dealing with judgments that have been handed down by the Small Debts Court and the relative ineffectiveness of those judgments and the lack of enforcement that appears to be almost an every day occurrence. I say to the Minister, if we do have a Small Debts Court and judgments are made, what is the purpose of the court if the judgments are not enforced or if little attempt is being made to enforce it?

MR. PAWLEY: Mr. Chairman, the judgments of the Small Debts Court can be filed in the County Court and become as if it was a judgment of the County Court. In other words any procedures to enforce such as seizure, garnisheeing, execution, judgment summons, can be used in order to enforce a judgment collected in the Small Debts Court once it is filed as a judgment in the County Court. The problem with judgments - and I think the Honourable Member from Wolseley will very well appreciate this and could speak on this at great lengths, more length than I could - is the difficulty in trying to get, so many times, blood out of a stone. The judgment is obtained and there is just no assets whatsoever on the part of the debtor and no wages, no assets outside of the exempt assets. A very high percentage of judgments are non-collectible, simply because there isn't the assets to collect from. Certainly I know, having been a practising lawyer, the great difficulties one has in collecting judgments. Some you can collect but there's an awfully high percentage of them that are unfortunately obtained through costs and then when they're obtained one finds that they're non-realizable.

MR. GRAHAM: I'm not referring to the type of judgements that the Minister refers to at all. I'm talking about judgments that have been made in Small Debts Court against people that are in business, still in business, still practising and they can quite successfully continue a business practice with 10, 20, 30, 40 even 50 judgments against them which nobody seems to be doing anything about. I suggest that there has to be either a loophole here or a reluctance on the part of either the court or those officers of the court in enforcing judgments that have been handed down by the courts.

MR. PAWLEY: Mr. Chairman, in the type of case referred to by the honourable member, there would also seem to me to be the recourse to placing that businessman into bankruptcy, if all other measures fail, all other normal measures. We recognize that there is a problem here though because so many of those that do obtain judgments through the Small Debts Court, most of them, 99 percent, are not represented by legal counsel. Therefore there is a lack of knowledge as to what to do. Mr. Chairman, I'm preparing a pamphlet which will outline the procedures that are available to those taking action within the Small Debts, outlining to them the various steps that they can undertake in order to collect judgments. This book I understand is in process now of being printed and prepared for distribution.

MR. CHAIRMAN: The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Chairman, I just wish to point out that I always feel that I have a very healthy respect for the integrity of the courts and I'm just questioning the arguments put forth by the Member for Wolseley in which he states that he denies what the courts have adjudicated in the case of Metropolitan Properties Limited. I would like to refer to the court proceedings. He denies having received money. I have the Proceedings in the Provincial Judges Court, Criminal Division, between William Sheard, plaintiff, and Metropolitan Properties Company Limited, defendant, of May 5, 1975, and in part I will read the evidence. This is from Judge Baryluk. "The evidence before me is quite clear that the Company in question did give contribution for election expenses to five councillors named in the various . . .

MR. CHAIRMAN: Order please. The Honourable Member for Pembina. What is the point of privilege?

MR. HENDERSON: Mr. Chairman, I wish that you'd make a judgment on the present remarks. If you feel they're in order I'm willing for him to carry on but I feel that he's out of order myself. We don't want to hear all about this particular case involving a member. I don't think it should be part of the record either.

MR. CHAIRMAN: Does the Honourable Member for Wolseley wish to speak to me?

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MR. WILSON: Point of privilege. I had stated that Mr. Harold Buchwald had vindicated that I did not receive the \$100 that's referred to. No one would buy my vote for \$50 or \$100. I did not receive any money from Metropolitan Properties and Harold Buchwald has vindicated me in the Free Press.

MR. SHAFRANSKY: Well the courts indicate, the evidence is . . . "Properties Ltd. is a company that has gained as one of its objects and therefore pursuant to section 132(a) I find that the company is guilty of making those contributions contrary to the section, to each of the five councillors" and the Honourable Member for Wolseley is mentioned - "Wilson. The company has breached that section and is guilty."

Now the member indicates that this is not so. It's my assumption that the court proceedings are correct. So either the courts are wrong and the Honourable Member for Wolseley is right or the courts are right and the Honourable Member for Wolseley is wrong. Now I'd like to find out whether we can continue to have that confidence in the courts and the proceedings that are . . .

MR. CHAIRMAN: Order please.

MR. SHAFRANSKY: I am using the Court Proceedings.

MR. CHAIRMAN: The Honourable Minister of Corrections.

MR. BOYCE: Mr. Chairman, just as a point of information for the committee. The Member for Assiniboia makes reference to a Ryant Report. I should make it eminently clear that this is not a government report. While Dr. Ryant is an employee of the department and his opinion is well respected in the social science field and I am informed that he will be taking up the chair at the University of Manitoba, nevertheless if you will look, you will see that this is a report of a committee that was established to review the child welfare implications. I find no reason at all that the Attorney-General should not be apprised of it. I'm sorry I didn't know that you were interested at this point in time, I will send you six copies tomorrow morning. It is being actively reviewed by those people who are responsible for the administration of The Child Welfare Act in the Province of Manitoba.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. WILSON: Mr. Chairman, I find as a layman here I am defending the courts. But in the courts someone must decide. In all cases whether they are represented by Legal Aid or by the private sector, someone must make a written judgment and usually based on the information that's before them. Many times the information is not put forward and I would simply say to the Member for Radisson to try again. As I say I seem to be spending my whole life reliving my life all over again. Here we have somebody trying to allude that either the courts are right or the Member from Wolseley is right. I would suggest to the member that based on the evidence before them the court made their decision. I have since been vindicated.

Mr. Buchwald was not my lawyer and I found no reason to hire a lawyer. I had expressed my concerns privately to the Free Press. I had been told by people simply to say nothing. There's nothing for you to be gained. All of a sudden somebody arms himself with a document that his research staff, highly paid research staff, has put in his hands to try to embarrass me. Now this is the kind of - I call it dirty politics - that I have to go through. Because you see it was tried during the by-election, it won't wash. --(Interjection)-- Show me a cancelled cheque, show me somebody that will give you an affidavit that I received cash. You have to take my word, to the Member for Radisson, because my word has been vindicated in the public forum. The courts decided and I'm not here to be compared to the courts. I'm willing to not always accept the judgments of the court but somebody must decide and that's what you have to live with. Until there's a better way, we must live with the decisions of the court.

MR. CHAIRMAN: Resolution 20(a)--pass - the Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, before we can complete the Estimates of the Attorney-General I think that it's only proper that we, in a general overview, look at the activities of the Attorney-General in carrying out his responsibilities of that office. I want to refer, Mr. Chairman, specifically to certain charges, the methods that were

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(MR. GRAHAM cont'd) used in collecting evidence - and I refer to wiretapping - and the general procedure that was carried out by the Attorney-General in what is commonly known as the Pilutik Affair.

Mr. Chairman, it's essential that the conduct of the judges of this province remains of the highest order and that the judges are held in the highest respect by the citizenry of our province. It is my belief, Sir, that the conduct of the Attorney-General in carrying out his investigation into the conduct of one specific judge has, by its very nature, had severe implications with the lives of other members of the judiciary. I do not feel that the Attorney-General acted in a wise manner in this respect.

When we established the provincial judges in this province and we passed the legislation that enabled that to occur, we built into that legislation a means by which the conduct of judges could be investigated. I submit to you, Sir, that that method was not used, unless the Attorney-General can tell us otherwise, and so far he has not indicated that, the initiative in carrying out the investigation was carried out by the Attorney-General himself or through his office. If you check the legislation you'll find that under the establishment of the Judicial Council that complaints can be referred and should be referred to that council. That council has the authority to carry out its own investigation. That course of action was not carried out by the Attorney-General. Sir, I think that it is imperative for the Attorney-General to justify not only to members of the Legislative Assembly, but to the people of the province, his course of action in this respect. It is my belief, Sir, that the matter could have been more prudently handled had it been referred to the Judicial Council for their actions rather than unilaterally taking that action by the Attorney-General himself.

MR. PAWLEY: Mr. Chairman, obviously there must be considerable confusion in the mind of the Honourable Member for Birtle-Russell in regard to the sequence of events pertaining to the Pilutik matter. I would like to just refresh his memory as to what in fact did take place. From the honourable member's comments he suggested 1) that there was an investigation which spilled over and affected other judges' lives, 2) that there was a procedure spelled out and established within legislation which the Attorney-General failed to undertake. The record stands very well for itself here, Mr. Chairman.

First, insofar as the wrongful tapping of other phones. The record of the Attorney-General and/or his agents, officers within the department, is very clear. When the tapping occurred in the Public Safety Building, which did involve others besides the particular judge in question, as soon as it came to the notice of officers within the department, within the shortest time possible - and I daresay within hours - that tapping was discontinued. So insofar as the Attorney-General was concerned there could not have been any more rapid action on his and/or his agents' part than what in fact did occur in reality in this case.

Secondly, there is the highest responsibility on the part of the Attorney-General who is responsible for the administration of justice, if facts do come to his attention or to agents of his that indicate that there is a reasonable basis to suspect that a criminal action has taken place, to permit investigation in connection therewith. In this particular case it was felt vis-a-vis the provisions of the Criminal Code that there was suitable basis to apply for wiretap technique. This authorization was granted by the Judge of a Court of Queen's Bench to permit this tapping to take place. This was done.

Mr. Chairman, in answer to the suggestion or the implication that there may have been an unusual type of investigation here, I assume one that implied too much pressure or too much push, there was a normal course of action undertaken by the police and by the officers in the Department of the Attorney-General no more and no less than what is the normal.

Then there is the procedure spelled out in The Provincial Judges Act which we did, Mr. Chairman, despite what was suggested by the Honourable Member for Birtle-Russell, we did proceed to launch with the Judicial Council complaints pertaining to Judge Pilutik as set out in The Provincial Judges Act. That was the way that was spelled out for us by way of legislation. We were expected to proceed in that way and we did.

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(MR. PAWLEY cont'd) Rather than take any other form of shortcut, we referred the complaints to the Judicial Council under Section 7 subsection 1 of the Act and the Judicial Council did meet to deal with this matter involving Justice Nitikman, Harold Buchwald, Patricia Moses, Mr. Carroll, Mr. Melanchuk on the 9th day of February, 1976. They acknowledge receiving the complaints from the Attorney-General and they considered that they had no jurisdiction to proceed in view of the resignation which had been received only a day or two prior to that, from the then Judge Pilutik.

So all the normal steps were followed in each instance and then to the implication that we may have proceeded in a way that didn't properly respect the judiciary in the Province of Manitoba, that was certainly very much at all times a concern not only of myself but to all members of the staff. At the same time the members of the judiciary have to expect the same treatment as anybody else within the community. In all instances I think that the procedure afforded was what could have been contemplated.

MR. GRAHAM: Mr. Chairman, let's review the facts and the sequence of events that occurred. First of all we have to admit that the attempts at collecting evidence occurred long before the matter was ever referred to the Judicial Council for their actions.

Secondly, the Judge that was involved was removed - or not removed but suspended - from further action.

MR. PAWLEY: No, no.

MR. GRAHAM: Mr. Chairman, I believe and I have reports, the reports of the Attorney-General here, that he was barred from any further actions as a Judge before the matter was ever turned over to the Judicial Council. So again we have to say that the actions that were taken by the Attorney-General did not involve the Judicial Council at any time up to this point. Yet we find that the entire legislation that we passed embodied in it a process for the hearing of a complaint and also empowered that same Judicial Council to carry out investigations by themselves. That course of action was not followed by the Attorney-General and I suggest that the responsibility rests solely with the Attorney-General for following the course of events that he did.

Now the result of that, Mr. Chairman, has been one of confusion, one that by implication has cast shadows on those that are charged with the responsibility of justice in this province and the people of Manitoba deserve far more explanation for the activities that have occurred to date by the Attorney-General than he has been willing to provide to the people.

MR. PAWLEY: It saddens me a little bit to see the Honourable Member for Birtle-Russell attempting at this stage to inject - and I must say this and I don't say it lightly - inject political discussion into a matter which has weighed very heavily upon all of us and that is the procedure. I must say that I am again disappointed at some of the comments that have just been made by the Honourable Member for Birtle-Russell.

He states that attempts were made to collect evidence long before the matter was referred to the Judicial Council. Mr. Chairman, there's just no way that the matter could be referred to the Judicial Council without the collecting of complaints in the investigation process. When in the hell would one refer it to the Judicial Council if it wasn't after one had, as a result of investigation and verifying complaints, that one would not refer a matter such as this to the Judicial Council?

Mr. Chairman, when would one not launch an investigation as against any individual, big or small, criminal investigation if there was reasonable basis to launch such a criminal investigation. So that I make no apology to the Honourable Member for Birtle-Russell, that steps had to be undertaken to launch a criminal investigation in this case. If we had not launched a criminal investigation then we would have been treating Judge Pilutik in a different way than we would any other individual within the Province of Manitoba. There is just no way that justice can be operated in that way. So there was basis to launch a criminal investigation. That was done. The result of that information, in fact, a Judge of the Court of Queen's Bench issued authorization for the issuance of a wiretap in an attempt to obtain evidence and at the same time certainly there was an investigation. But as I said before, how in the hell does one refer complaints to the Judicial Council until after there has been some preliminary enquiry and investigation on the part of somebody?

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(MR. PAWLEY cont'd)

Insofar as the question of suspension the honourable member said 2) that Judge Pilutik was suspended. At no time was Judge Pilutik suspended prior to the Judicial Council hearing. In fact we have no authority, no authority within The Provincial Judges Act to suspend any Judge short of such a finding being made by the Judicial Council, no way, legal way, by which Judge Pilutik could be suspended. I'd be very interested if honourable members could tell me how in the hell Judge Pilutik could have been suspended prior to the Judicial Council hearing. I know of no such way. But he was asked, yes, to take his vacation. But his salary did continue during that period of time.

Third, the honourable member says that there has been confusion. I suppose there has been confusion. I suppose there are those within our community that do try to - also from different sources, and I'm not attributing this to the Honourable Member for Birtle-Russell - but there are those that wish to create confusion on something which ought not to create confusion. But insofar as the resignation is concerned, there is no confusion about that. The resignation referred to in the Judicial Council meeting which I made reference to, Monday, February 9th, at the hour of 10:30 o'clock in the forenoon, resignation submitted and it read: "Effective immediately and pursuant to provisions of Section 5 of the Provincial Judges Act I hereby tender my resignation as one of Her Majesty's Provincial Court Judges. Dated the 6th day of February, 1976, at the City of Winnipeg, Manitoba." Signed by Anthony J. Pilutik, witnessed by one of the counsel for Mr. Pilutik, Mr. J. Prober. So I see no basis for any confusion in that respect. The resignation took place effective immediately.

MR. GRAHAM: Mr. Chairman, again I have to say that there were two courses of action open to the Attorney-General. He chose to take the action himself and as such he has to bear the responsibility for that type of action. I think that only the course of time will show us whether or not the action taken by the Attorney-General was the correct one.

MR. CHAIRMAN: The Honourable Member for Wolseley.

MR. WILSON: I was most disturbed when the Member from Radisson - after I read one of my reasons for being here in the April 20th, 1971 letter - obviously didn't hear a word I said because immediately he got into a mud-slinging politically motivated information that one of the research assistants dug up.

However I did want to say, and I am pleased that the Minister of Corrections is here. There is no 100 percent solution to the problem. If I may direct this to the Minister and of course to the Minister of Corrections as well, speaking from my own experience most of the young people today are on a high of some sort or other and they're easily led. I remember going back a few years when I had the privilege to run against the then Member for Winnipeg Centre and his Saskatchewan army, and I remember the kids, I had four adults and about 40 kids. They were all sort of tough kids but they were really nice and they were just looking for a youth centre or a drop-in centre for something to get them off the streets. There was one gang warfare after another. The 7-Eleven down on Sargent there is still a meeting place for rival gangs and it takes you to the streets of New York. I couldn't help but feel, looking at my own area where All Saints Church has a Wednesday night situation, the tragedy is that we have two American volunteers to do the job of how to correct juvenile delinquency in our area, handling a program in the core area of the city. I'm ashamed to say that we need a better advertising campaign to get volunteer citizens involved to come into the core area of the city from the suburbs and donate their time to give these children the drop-in centre and other things that they require. I hope the Minister will look at that.

The other is I'm becoming very tired but I will still continue with the same enthusiasm. I thought listening to the Minister that I derived a sincerity and I've known him for a number of years so I'd like to table my concern in this matter. I have an investigation started, but I don't think I'm going to be able to muster up the resource people or the time it will take to factually document in my layman's way the information that I think is a very very important area. This is an area that I'm concerned about, the attitude of young people who are on a high.

SUPPLY - ATTORNEY-GENERAL

(MR. WILSON cont'd)

This has to do with student loans. I'm concerned as to whether the Minister's Department would be able to do anything about this growing trend. This has to do with people going through university and getting student loans and charging up everything all over the sun and then just before graduation filing for bankruptcy and coming out of university with a degree, being able to start life with a degree and having socked it to the business community all through that time. I'm wondering if there's any steps that could be taken to tighten up The Bankruptcy Act or to disqualify some people who the business community felt, because they were going to university, had a bright future and they were a good credit risk.

I'd like to read, in the matter of bankruptcy of William Emmett, a student. A law firm was trying to collect his first \$5,400 student loan. The type of things that he charged up were Avis U-Drive . . .

MR. CHAIRMAN: Order please. I understand that The Bankruptcy Act is a matter of Federal jurisdiction and is not under the jurisdiction of the Attorney-General.

MR. WILSON: Well I was led to believe that under the Minister's Salary I could bring up any taxpayer's rip-off, anything to do with money that is being spent by this government that may be going astray. I just wanted to get it on the record that these people who are ripping off the system in student loans are not going to get away with it.

MR. CHAIRMAN: Order please. The honourable member is allowed under the Minister's salary to bring up anything under the Minister's jurisdiction. But that freedom does not extend to other levels of government or other Ministers.

MR. WILSON: Well could the Minister then answer a question? Which department is concerned that student loans are being well spent, properly administered, and there is some enforcement for collection. Can just anybody go bankrupt after they've charged up in this case, \$31,000?

MR. CHAIRMAN: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, it would fall within Colleges and Universities. But in the particular case referred to by the honourable member reference should be made to the bankruptcy people, people that are dealing with bankruptcy matters.

MR. WILSON: Mr. Chairman, as we go along in life we seem to find the same frustrations back in the sixties that I met head-on in this example of 1971, and here I am in 1976 knowing something is wrong with the system, knowing that many tax dollars are not being properly followed and the Member from Churchill says, "That's life." Well that's just one more reason you're going to have a hard time getting rid of me.

MR. CHAIRMAN: Resolution 20(a)--pass. Resolution 20: Resolved that there be granted to Her Majesty a sum not exceeding \$517,700 for Attorney-General--pass.

That concludes the discussion of the Estimates of the Department of the Attorney-General. Committee rise. Call in the Speaker.

Mr. Speaker, your Committee of Supply has considered certain resolutions, request me to report progress and beg leave to sit again.

IN SESSION

MR. DEPUTY SPEAKER: The Honourable Member for St. Vital.

MR. JAMES D. WALDING (St. Vital): Mr. Speaker, I beg to move, seconded by the Honourable Member for Lakeside, that the Report of the Committee be received.

MOTION presented and carried.

COMMITTEE CHANGES

MR. DEPUTY SPEAKER: The Honourable Member for Flin Flon.

MR. THOMAS BARROW (Flin Flon): Mr. Speaker, with leave I'd like to make a replacement on the Law Amendments Committee. I'd like to replace the Minister of Agriculture with the Minister of Corrections. (Agreed.)

MR. SPEAKER: The Honourable Acting House Leader.

MR. USKIW: Mr. Speaker, I move, seconded by the Minister for Tourism, that the House do now adjourn.

MOTION presented and carried and the House adjourned until 2:30 Tuesday afternoon.