



Fifth Session — Thirty-First Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

30 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty - First Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, A. R. (Pete)	Ste. Rose	NDP
ANDERSON, Bob	Springfield	PC
BANMAN, Hon. Robert (Bob)	La Verendrye	PC
BARROW, Tom	Flin Flon	NDP
BLAKE, David	Minnedosa	PC
BOSTROM, Harvey	Rupertsland	NDP
BOYCE, J. R. (Bud)	Winnipeg Centre	Prog.
BROWN, Arnold	Rhineland	PC
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CORRIN, Brian	Wellington	NDP
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COWAN, Jay	Churchill	NDP
CRAIK, Hon. Donald W.	Riel	PC
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DOERN, Russell	Elmwood	NDP
DOMINO, Len	St. Matthews	PC
DOWNEY, Hon. Jim	Arthur	PC
DRIEDGER, Albert	Emerson	PC
EINARSON, Henry J.	Rock Lake	PC
ENNS, Hon. Harry J.	Lakeside	PC
EVANS, Leonard S.	Brandon East	NDP
FERGUSON, James R.	Gladstone	PC
FILMON, Hon. Gary	River Heights	PC
FOX, Peter	Kildonan	NDP
GALBRAITH, Jim	Dauphin	PC
GOURLAY, Hon. Doug	Swan River	PC
GRAHAM, Hon. Harry E.	Birtle-Russell	PC
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HYDE, Lloyd G.	Portage la Prairie	PC
JENKINS, William	Logan	NDP
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McBRYDE, Ronald	The Pas	NDP
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STEEN, Warren	Crescentwood	PC
URUSKI, Billie	St. George	NDP
USKIW, Samuel	Lac du Bonnet	NDP
WALDING, D. James	St. Vital	NDP
WESTBURY, June	Fort Rouge	Lib
WILSON, Robert G.	Wolseley	Ind

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, 30 April, 1981

Time — 8:00 p.m.

CONCURRENT COMMITTEES OF SUPPLY SUPPLY — NORTHERN AFFAIRS

MR. CHAIRMAN, Morris McGregor (Virden): Call the Committee to order of Northern Affairs — 1(b) — the Member for Churchill.

MR. JAY COWAN: Yes, when we broke earlier in the afternoon for the purpose of going to Private Members' Hour, we were discussing South Indian Lake and I'd asked the Minister just previously if he would care to relate some background in respect to the preparation of the site for the detention centre in the community and we had been sidetracked, very briefly at that time onto a different subject, but I would appreciate now if the Minister would take an opportunity to explain exactly how that site was chosen and developed.

MR. CHAIRMAN: The Honourable Minister.

HON. DOUG GOURLAY (Swan River): Well, Mr. Chairman, as far as I can recall on information that's been provided to me, the detention centre which was an Atco trailer-type facility, was brought in last summer and placed on a lot that had been chosen by the community. Materials had been ordered for the water and sewage hookup and the material did not arrive to South Indian Lake until late in the summer or perhaps early fall.

The work was going to be undertaken by the department, however it became quite late, the frost was already in the ground and it was decided to postpone the work until this summer and part of the money that was budgeted for that work was then transferred to speedup the purchase of the sewage pump-out truck, so that it could be delivered over the winter roads this past season.

The work for the hookup of the detention unit has now been scheduled to take place this summer with the local community doing the actual installation and hookup to the unit; that's where the detention centre is at the present time.

MR. COWAN: Has the community been notified that they will be getting the contract as a community council for the hookup of the sewage and water facilities at the detention centre.

MR. GOURLAY: The community is aware that the work will be done locally.

MR. COWAN: They are aware that they will be doing the work themselves?

MR. GOURLAY: Right.

MR. COWAN: Because the last time we were in the community there was some concern and some frustration in that the department, as the Minister says, was going to be undertaking work and the community itself had wanted to undertake the work. I'm pleased to hear that the Minister has conceded to their wishes.

I think their concerns were well voiced; I think they were legitimate concerns. They indicate at the same time, when they were trying to convince the government of the legitimacy of their request to do hookups themselves that the RCMP brought in a trailer, and that the Federal Government or the RCMP gave that contract to the community and that that trailer was hooked up very rapidly and very quickly and in fact much faster than was the other trailer and they used that as an example of how the community, in many cases, could perform the work better and faster than could outside individuals.

I would ask the Minister for some comment on that, because I think notwithstanding the fact that the community does now have the contract, that there will be other instances of a similar nature in the future; is the Minister indicating that it will be the policy of the department now to allow the community to undertake that sort of work right from the beginning rather than go through the difficult situation that the community of South Indian Lake had to go through?

MR. GOURLAY: Well, the community has been involved in many work activity projects for the community such as gravel hauling and that type of work. The situation with respect to the RCMP hookup, I understand, that's true, the community there did the actual hookup, the RCMP had the necessary pipes available so the work could proceed and the community have indicated that they could also do the detention centre and I think this is one of the items that was discussed at the time of my visit into the community last fall.

It was agreed that it was a wise move to shut down the installation of the sewer and water at that time because of the advancement of the winter season and that it would cause some problems this spring to tear up the ground after it was frozen so it was a joint decision with the community council to defer the work and to have them perform the necessary installation this summer.

Of course we try to involve the community locally to do as much work as they feel they can handle and are interested in doing. And personally I would like to encourage more of this and hope that we can see more of this being done with the local input.

MR. COWAN: That's not the reading we are getting from the community itself. By that I mean they are not convinced that the Minister or the government or the department is actively seeking to involve the community more in the work which is done in the community and the Minister tells me that he has taken a different tract since his meeting with the community council in South Indian Lake and he tells me that they convinced him at that time of the legitimacy and the appropriateness of their request, and for that reason they were provided with the contract.

However at this time we still see the resignation, and that resignation is illustrated. I'm not so certain that they would agree with the Minister that the picture is as rosy as he would like to paint this evening, but I say that only in passing. I do hope that

the Minister is going to follow through with his stated intention of involving more and more communities in work of that kind which is done in the community but the final test will be the record and the record will be how many communities in fact believe that they are being involved to a significant extent, and only time will tell as to what will happen in the future, but I can assure the Minister at present that most communities, or a lot of communities, let me phrase it differently, do not feel that they are being adequately involved in that type of work in their own community.

Earlier the Minister ran down a list of items which were provided to the community of South Indian Lake and work which was undertaken; he mentioned the new school and the new store. He also mentioned major road upgrading and landscaping in the community and water and sewer system. He said it was a sophisticated water and sewer system, perhaps one of the most sophisticated in the north. I would ask him, were not all of those items part of the agreement, the townsite agreement, when it was decided to move the town because of hydro development in the area; is that not true?

MR. GOURLAY: Mr. Chairman, as I mentioned earlier, we are endeavouring to use local communities to do the work wherever possible, in many instances the communities do not have the expertise or the equipment to perform, but as I mentioned, wherever they do have this equipment, we try and involve them. And in the case of South Indian Lake I understand as well as hooking up the detention centre they will also be doing the water and sewer hookup to the hall there. Of course, this is under supervision of Northern Affairs personnel, but the work will be done by the local community.

With respect to the question of the school and other facilities, yes, this was part of the original agreement when the new location was being established.

MR. COWAN: So the Minister read off a long list to which the members of his government took great delight, and as an example on how much his government was doing in the community of South Indian Lake. Now we find that all of those were in fact committed before his government took office, or were part of a general commitment to improve the townsite. The school was built, the store was built and in operation, the laundromat is a negotiated settlement for the loss of a laundromat that was already in use, the landscaping was in fact part of a program that had been initiated as part of the agreement. I'm not certain that the major road upgrading was part of the agreement, which was the one item that I didn't mention, but I would suggest that in fact most of the items that the Minister mentioned, and most of the money that was spent were items that were already in the planning stage and the money was committed money.

MR. GOURLAY: Well, the main features that were part of the agreement were the store, and water and sewer facilities, and the school, nursing station, but many of the other items that I mentioned, the remedial work and road upgrading, the water delivery truck, the new fire truck, the new sewage pickup truck, they were not part of the original deal.

MR. COWAN: If the Minister will refer back to Hansard when it is available, he will find that those items which he mentioned as part of the original negotiations were the items that I had mentioned. I in fact had not mentioned the fire truck, the sewage pickup truck or the water delivery truck as being part of the original program, or the major road upgrading. Perhaps, the major road upgrading, I am not certain, Hansard will tell. But the fire truck is part of that program which the government is implementing throughout the north, I would imagine, in respect to upgrading fire protection, and the Member for Emerson, says that's a good program, and I am certain the Member for Emerson sat through the labour estimates both this year and last year and sat through northern affairs estimates last year where we agreed — when I say we, the New Democratic party agreed that this was an excellent program; that the fire protection program in the north is a program that is being, according to our sources, fairly implemented, adequately implemented. I'll go even beyond that; that it is indeed an excellent program that is serving its function and a very important function for northerners, and we have always been extremely supportive of the government in their actions in respect to that particular program. — (Interjection)— Well the Member for Emerson says, when was that? If he would listen more than echo, perhaps he would be able to remember more than forget, but the fact is . . . Well now the Member for Rock Lake . . .

MR. CHAIRMAN: Committee, one member at a time; one speaker at one time. The Member for Churchill.

MR. COWAN: The Member for Rock Lake says that we were singing a different tune yesterday, and we were in fact criticizing the government yesterday, as we will be criticizing them tonight, but on the issue of fire protection we have always been extremely supportive of the government. I think the Minister will come to my defence here and say, if I'd ask him point blank, were we not supportive of your efforts last year under the item of fire protection when we discussed your estimates?

MR. GOURLAY: That's true, Mr. Chairman, and we do appreciate the comments from the members opposite giving us credit for this program because it has worked out very well. The communities themselves are to be congratulated for the effort that they have put into the fire program; it is most encouraging to say the least; and also the emergency planning that is tied in similar to the fire program. Indeed the comments from the members opposite are appreciated; I think that it's definitely been a real boost to those northern communities that have been able to participate in this program.

MR. COWAN: Of course, we don't provide them haphazardly, we hope to see that program accelerated, but at least for certain we hope to see that program take even more and more communities in as time goes on so they all are provided with the type of fire protection service which is necessary, but that is in no way intended to take away from the effort of the government, the department, nor the residents of the communities over the past number

of years in putting together what I believe is a growing and an efficient fire protection system.

Now having said that, let's get back to South Indian Lake. The fire truck in South Indian Lake then was not something that was provided to South Indian Lake on its own, it was something that was part of a general thrust of the government in order to ensure better fire protection capabilities for northern communities. So what we find when we go down the list is a number of items that were previously committed, a number of items which are part of other negotiations; a number of items which were fought tooth and nail for, such as a sewage pickup truck, or excuse me, the water delivery truck, I believe it was, two years ago, three years ago. There was quite a controversy about that. I'm not certain whether the then Minister of Northern Affairs went in the community to settle that one. But I'll tell you that the residents of South Indian Lake had to scream pretty loud in order to get that water delivery truck and there was quite a bit of frustration and there was quite a bit of negotiations in respect to getting that truck, so I don't think it was a gift on the part of the government; if anything, I think that they were begrudgingly forced into providing that service. I don't think the Minister can deny that.

So the picture that the Minister wants to paint as being as rosy as he did earlier, is not really all that credible a picture for the government.

MR. GOURLAY: Mr. Chairman, the community of South Indian Lake is not treated as a special community of the north; it's treated as a community of the north, and in the case of the water truck, the community proceeded on their own and ordered it which ended up costing some \$2,500 more than if the department had proceeded under the proper order of priority.

MR. COWAN: Perhaps it would be an appropriate time to ask for the staff breakdown on this particular section, as to how it compares with last year.

MR. GOURLAY: No change.

MR. COWAN: So the increase that we see of \$15,600 is inflationary; it's an inflationary increase for general increases then.

MR. GOURLAY: Under the MGA agreement.

MR. COWAN: The Minister had indicated in the media, that the Northern Affairs Department would be conducting a survey of northern communities. I'm wondering if the Minister believes this would be the appropriate area to discuss that survey in more detail, or if there's an item in the line by line.

MR. GOURLAY: Under 3(b) that would be a proper place to discuss it.

MR. COWAN: 3(b) being Local Government Services?

MR. GOURLAY: Right.

MR. COWAN: I bring these items up at this time and seek some direction on the part of the Chair in respect to where they would be most adequately

addressed in the line by line, but last year the Minister indicated that he would try to obtain for us a list of permanent full-time jobs that had been created as a result of Northlands activity and that he would break that list down in the following way; those jobs which were taken by southerners and those jobs which were taken by long-term residents of northern Manitoba. I would ask him at this juncture whether he has that list and is prepared to provide it to us; or if not, what area he would like to discuss that item on under the line by line.

MR. GOURLAY: That would be discussed under 4(a) Agreements Management. I'm not sure that we have all the detail information that you refer to; if you could just run that by us again?

MR. COWAN: Perhaps what I will do is find the appropriate section of the Hansards last year, detail it out as to exactly what was promised and get back to the Minister on it, and by the time we get to 4(a) which would be, I believe, the general Northlands Development Agreement discussion, we can proceed with the general discussion and the specific discussion at that time, if that's agreeable to the Minister.

MR. CHAIRMAN: The Member for Emerson.

MR. ALBERT DRIEDGER: Thank you, Mr. Chairman, I firstly want to compliment you on being very fair, because it's very hard to get on in this committee in terms of speaking order. But be that as it may . . .

MR. CHAIRMAN: I think the Chair has been very fair. I try to stay with a member until he's finished a sequence of questions without interference. I think we had this out last year. —(Interjection)— All right. Well then understand the Chair is trying to be fair.

The Member for Emerson.

MR. DRIEDGER: I've got a little story, Mr. Chairman, I have a senior citizen back home that says if you want to really hurt somebody, get somebody upset, what you do, when you meet him in the morning, every day, you tell him, boy, are you looking poorly, are you looking sick, even if the man is totally healthy. And you meet him next morning, you do that again, and you get a few of your friends to do the same thing. Eventually this fellow is going to start getting very concerned about how sick and how poorly he's looking, and if enough people do that, eventually he will be sick.

What I'm trying to say, Mr. Chairman, is the fact that the members that have been speaking from the Opposition, the critics of the Northern Affairs, have been using this kind of approach, and when I listened to the Member for Churchill yesterday, he indicated, he says, go out and listen to the people. Well, Mr. Chairman, they have the impression that none of us have ever been up north. I've spent a fair amount of time up north. I've had the occasion to spend holidays up north, I've also had occasion to go up there for the Resources Minister, for the Co-Operative Minister, to visit the various reserves, and the doom and gloom that they're spouting is not as dramatic as they indicate.

What bothers me is that they go out and say, are you feeling well, you look poorly today. They go into

the community and say, there must be something wrong, certainly there must be some problem that you have. This is exactly what the Member for Churchill was indicating yesterday. Why, Mr. Minister, don't you go and listen? Well, he doesn't go and listen, he goes and promotes. Are you feeling well, you look poorly. That type of an approach.

I'm a little concerned about that, because like I say, I've spent time up there, I've visited the various reserves, it is not half as dramatic as you put it on to be.

The other thing, for example, the Minister indicated he wanted to go after permanent type jobs. What has happened in the last little while, especially with the mining exploration, fishing and trapping has been one of the major financial supports in the north, they've never done better than they've done in the last years. Not because necessarily of government, but because of economic times. They've done well. And what we have here today, and the last few days, we've spent over a day on South Indian Lake. Mr. Chairman, I have 33 small communities, most of them that have problems with firefighting, most of them have problems with garbage, with sewer and water, these kind of things, we've spent almost a day talking about South Indian Lake, and today the Minister indicated all the programs of things that they have got, and it's nothing. The Member for Churchill gets the mike and he speaks for another two hours and says, you know, that is not half the thing yet.

I'll tell you, some of my communities get a portion of these things that they're getting in some of these communities up north. I just want to try and get it in the right perspective. We're always saying, oh, the north is desolate and nothing's happening up there. A lot of things are happening up there; positive things, and if we look back ten, twenty years, what happened up north, and what happened in my area, I'll tell you something, I think we have to get it in the right perspective. Really we do.

For example, I had the occasion to travel by train all the way up to Churchill, and I looked at the big white elephant monstrosity out there, serving a small amount of people. I have 50,000 people in my constituency, every community is fighting for certain sports facilities, recreation facilities, certain services that are required; when I drive up to Churchill, I'm astounded. I've had the occasion to visit the various parks, Paint Lake, Wekusko Lake, the camping sites, I'm fighting with my Ministers and my government to try and get some facilities at Birch Point where, on an average fishing weekend you can count over a hundred boats fishing there, and what we have to do to get into the water, we have to take and push our boats by hand. We pull off our pants and we take it with our trunks and we push the boats into the water.

Mr. Chairman, you know the perspective is sort of out of line. The people in the north don't suffer half as much as the members here would like to indicate. The Member from Rupertsland indicates, oh, the doom and gloom type of thing. There's going to be 200 people employed at Bissett, at San Antonio Mines there. I think the name will probably change.

What I'm saying is many things are happening, and here they say, this government has done nothing, everything has gone down the tube. The Member for

Churchill has been promoting, for the last many hours when he has been debating the Estimates, you know, we should have . . . he criticized the Minister for cancelling some of the make-work projects. Even if they cost money, let's do them. I'll tell you something, in my area, we'd appreciate them. I have a poor constituency, possibly as poor or poorer than the Member for Churchill has, or the Member for Rupertsland. I have partially an area that is agriculture, people get up, they work all kinds of hours, what have you. He says the people don't have work. Make work, this type of thing.

I'll tell you something, there's people from my area, if there is not work, they move up north, try and get on with the mines; there's people that have, Mr. Chairman, they've gone to Alberta, they've come back because things didn't look that rosy there any more in terms of work. All I'm trying to tell you, Mr. Chairman, and Mr. Minister, is the fact that, don't get despondent because a few members here talk doom and gloom up north all the time. That's out of perspective.

When we talk of make-work projects up north, who's paying for it? Some of my poor people out there that dig in the dirt, work hard, have very little income, there's nobody in this country or in this province that is starving. When we compare it to the rest of the world, we've living very affluently; I think governments of the day, irregardless of party, are working very seriously in terms of trying to provide better conditions all the time. But I get a little upset when they sit here hour for hour listening about, South Indian Lake, they got, all the various things that the Minister listed, and he says, but that is not enough. Well, give it to one of my communities because I have 33 of them, and the biggest one is smaller than South Indian Lake possibly. Let's put it on the right scale.

Mr. Chairman, if the members want to keep on talking doom and gloom, I intend to get up here and give my side of the story as well.

Thank you very much.

MR. CHAIRMAN: Realize, committee, that the Chairman is at the mercy of this committee; he doesn't really rule. With that, I'll call on the Member for Rupertsland.

MR. HARVEY BOSTROM: Mr. Chairman, I can understand the member's concern for his 33 communities in his constituency which are having problems, because they are part of the problem in Manitoba; I think it's an example of this government's failure to do things for small communities, whether they be north or south. I can understand the member's concern for those particular communities because I think they're just as unhappy with this government as the communities up north are . . .

MR. DRIEDGER: Is Bissett unhappy?

MR. BOSTROM: . . . and there's quite good reason for that.

To get down to some specifics, Mr. Chairman, and since the member seems to be interested in Bissett, I'd like to know from the Minister, because I did raise that the first day, I'd like to know what the department is doing with respect to that mining

development and what, if anything, they are planning to do in terms of assisting that community to cope with that development; that is to plan for it, to incorporate in their municipal services the necessary services for the incoming workers and industry, and also, Mr. Chairman, what the Minister's department or any department that he is aware of will be doing, since I think Northern Affairs has the responsibility to co-ordinate these things; what the planners are doing in terms of Northern Affairs people and working with other departments to plan for the incorporation into this project to the fullest extent possible the employment of people who live in the area.

I'd like to hear from the Minister before I comment further on it.

MR. GOURLAY: Mr. Chairman, I take this opportunity to thank the Member for Emerson for his words and also bringing up the community of Bissett. I know the Member for Rupertsland also made reference to Bissett yesterday, and I can just bring the committee up to date on what's happened. A government agency committee has been formed, including representation from the Department of Northern Affairs, Natural Resources, Mines, Economic Development and other agencies. Other agencies include Frontier School Division and Hydro and possibly one or two other, Environmental Protection and the like.

The purpose of the committee is at least threefold, to co-ordinate the government community and company concerns, prioritize courses of action and to examine implications and make recommendations to the Minister on alternatives.

The committee has had three meetings to date, one of which was after the announcement in the House. Actions taken to date include draft land policy to protect the rights of the existing residents and to establish terms of reference for dealing with pressure of new applications as a result of the mine development, and a draft Ministerial order for interim development control for the community of Bissett.

Identification of immediate concerns to be dealt with, water supply, lack of information on alternatives, and the need for new subdivisions locations and the lack of geotechnical data in the area. A need for budget presentation to treasury board and data to be gathered in time for the next meeting, which will be . . . I'm not sure when that is but I think they're being held fairly regularly now.

Northern Affairs staff have also met with the community and the company to resolve immediate problems such as the location of temporary single quarters camp. A meeting of government committee is scheduled for — one of the meetings was held yesterday but I know that the company is interested in hiring as many of the people in the area as they possibly can apart from the specialized types of trades that would have to be brought into the area, but I know they're planning on drawing people from not only the communities of Bissett but I believe Hole River, Seymourville, Manigotagan, and there may be other communities in that immediate area, but those ones I know for sure, they'll be drawing labour force from. I believe that it's anticipated that there'll be something like 197 or to round it off, about 200 jobs in that area and it's anticipated that that program will run for a period of at least five years. Hopefully that will stretch out into longer than that, but it does look very encouraging.

The company are particularly interested in using all the local people that they can possibly get from those surrounding communities that I have mentioned and I think the meetings that have been held to date have been very useful and I think we've been pretty well right on schedule in order to try and keep abreast of the developments, because I understand the plant will be back in production later on in 1981.

MR. CHAIRMAN: The Member for Rupertsland.

MR. BOSTROM: Well, Mr. Chairman, could the Minister indicate when this committee was set up and who are the members of the committee, because I think there's some lack of information about that? I was talking to someone from the government, one of the officials in government just this week and he seemed to indicate to me that there wasn't anything happening in terms of any co-ordinated planning effort, relating to the Bissett mine.

MR. GOURLAY: Well, Mr. Chairman, I'm not sure who you were speaking to, but this is certainly not correct information. The first meeting involving the different government departments and agencies, I would say would be held early in the new year.

MR. BOSTROM: Was held.

MR. GOURLAY: Was held, yes, and involving the community as well.

MR. BOSTROM: Well, to be more specific then, Mr. Chairman, so that we may know exactly who makes up the committee, could the Minister indicate who are the members of the committee, who are specified from the various departments as having the responsibility to co-ordinate this thing and also, who would be the chairman, who would be the chief contact person for the communities to contact in case they have any concerns, which they'd like to communicate and have resolved?

MR. GOURLAY: Mr. Chairman, I wouldn't have all the names of the people from the various departments available tonight; this can be provided to you. The Area Manager from the Selkirk Office, Department of Northern Affairs, is the Chairman and there will be a co-ordinator from the department who will be moving into Bissett on a full-time basis. He'll be working there, not living there, but he'll be there as a full-time administrator, co-ordinator type of person until things get into place and working on their own.

MR. BOSTROM: What will the qualifications of this person be and in the event that this person does not have the qualifications of a community planner, someone who can assist the community in the very rapid planning process that they have to move through, to ready themselves for this massive development? Would the Minister be able to give that kind of service to the community? Is it available within his Department of Northern Affairs and are the planning people in the department at the present time been given the directive to gear up to assist the community of Bissett in preparing for this industrial development?

MR. GOURLAY: Yes, Mr. Chairman, Municipal Affairs in the Planning Branch, will be working in that area to provide assistance and have been in there — I'm not sure just how long they've been in there but they have been doing some work in the Bissett community already.

I understand the — I'm not sure if it's the Mayor or is he referred to as the Mayor in Bissett or community leader at least — the community is aware of these things happening and of what's taken place this day.

MR. BOSTROM: Mr. Chairman, I am informed that the Northern Affairs planning people, the planners, planning section, have not been in contact with Bissett and the communication that has gone back and forth indicates that the planners have not been given the directive to use their facilities and expertise in a priority way to assist this community and I would think, since this is the one Northern Affairs community that I know of, in fact it's probably the only one, that has this kind of massive development right on their doorstep, I would think that it would be incumbent on the Department of Northern Affairs to communicate to their Planning Branch that this should be a priority and that they should be assisting the community in every way they can to prepare for this development, rather than having the mining company do the development and do it in such a way that may not be to the lasting benefit of the community.

After all, the community has been there after the mine closed down before and it will probably be there after this mining company moves out, in the event that the ore is depleted, so I would think that any kind of infrastructure that's put in should be put in in such a way that it will be to the long-term benefit of the community and therefore the community should be the one that's involved in doing the planning, that would be incorporated into any changes in the community, because these very quick trailer camp-type setups that are put in place and then abandoned after a mine happens to pull out, do not provide for any long-term lasting benefit to the community.

There may be a water system, a sewer system, that's put in place to service a very specific group of people that are moving in for purposes of the mining venture and 10 years down the road they will move out and the facilities will be in a place which is inaccessible to the general community and maybe doesn't fit in with the desires of the community, in terms of their development.

So I'm asking the Minister if he can be more specific and if he can tell me today or tomorrow, who will he have as a planner, or planners, involved in assisting the Bissett community in dealing with the municipal services which will be put in place? I would think that in the event that the mining company is prepared to invest a substantial sum of money, \$15 million I'm told, and some of that would be for infrastructure, I would think that it wouldn't matter one way or the other to them which way that money is spent as long as they receive the benefits that they require in terms of services, so that they would certainly be prepared to work with the community and develop services that would be incorporated into those general services that serve the rest of the residents of the community, not only the incoming mining population.

MR. GOURLAY: Well, Mr. Chairman, my Deputy Minister advises me that he has personally been in contact with the Northern Planning Section of the Department of Municipal Affairs and that work is under way and the name of the persons in the Planning Office, Brian Kelner and Neil Carroll, and I'd be pleased to supply you with more details of other names of people involved from other departments and be more specific on the types of things that have been looked at and are under way at the present time.

MR. BOSTROM: Is the Minister telling me then that these people will be at the disposal of the community of Bissett in terms of their being available to assist the community on ongoing basis immediately, to work out the details of the planning that must be done in a very short period of time? I understand they want to have the mine fully operational by the end of 1981, so really they're going to be putting in some infrastructure, I would think, this summer in order to be able to handle the influx of people.

MR. GOURLAY: Mr. Chairman, we are well aware of the advancement of the development there and also I think that we acted I thought maybe a little bit in haste in getting meetings going, even at a time when it wasn't sure that the development would proceed, and I am informed that the planners are available now and are in the area and will be working very closely with the community of Bissett.

MR. BOSTROM: We will be watching very carefully then to see that is actually taking place and that the people in the community, through their elected mayor and council are having the opportunity to have a say in how the services are put into place and where they are located in relationship to the community. I have the impression already from discussions with people that the mining company is doing such and such, and the mining company, "they are putting in a trailer camp or whatever in a certain area."

Mr. Chairman, I am not so sure that is being co-ordinated through the community council and being approved through the community planning process, and I would ask the Minister to ensure through his department that actually is taking place and that the mining company, I'm sure, as I said earlier, I can't see why it would make any difference to them since all they would be really interested in is having the services in place and they would want to work with the community. So I am asking the Minister if he would ensure that the Northern Affairs co-ordinators are working with the mining company and with the community to ensure that the development that takes place in terms of infrastructure development is taking place according to the desires and wishes and priorities of the community?

MR. GOURLAY: Mr. Chairman, I thank the member for his comments, but I can assure you that in my opinion, we have been on top of this situation, and we realize the importance and the urgency of the development and the requirements that have to be put in place in order to meet the start-up of this mine later on in 1981. It involves more than Northern Affairs co-ordinators; there's many of the other departments involved. I would say there is a lot of

enthusiasm by the people involved in the different departments, community, and other agencies, and certainly do appreciate the comments from time to time of the member from that constituency if he feels that there are some areas that need attention. I don't mind that being brought forward if he thinks that there are some weaknesses that are not being addressed. But from the information I get and the enthusiasm of staff that are working on this, I am pleased to say now that we feel that we can give you these assurances that you've raised and are in place.

MR. BOSTROM: Mr. Chairman, I am glad to hear that the Minister is taking that action. It was my information, as I indicated, that the Planning Branch wasn't fully involved in this process yet, and I am not sure that the Minister answered that question directly, if he is making available to the community a planner or planners to work with them on site to assist them in the planning process that's taking place. I think it would be a good move on the part of the government to have someone there, not just a co-ordinator, who I understand the function of a co-ordinator, but somebody with some land planning and community planning capability to assist the community, because really they are not qualified land planners. They have a sense of what the community priorities are, but they would not have the expertise to put that into a community plan. I am sure they would appreciate and need that kind of a service.

MR. GOURLAY: I think I mentioned that these problems are being addressed and that the northern planning services are being provided in the normal manner that they would be in any community with respect to this type of development.

MR. BOSTROM: That's one side of the equation, Mr. Chairman. The other side is the hiring strategy which would be utilized by the company and the training strategy, if any, utilized by both the company and the government, and I would ask the Minister what can he tell us right now of the specifics of that? What kind of discussions has his department had with the company? He said they are anxious to do these things and we have heard that kind of thing before, and if the Minister will pardon me if I'm a bit cynical at times of that particular promise. I would rather have something more specific and particularly something in action by both the government and the company in terms of their definite intention to bring people on stream at the time that the operation begins.

Now I mentioned to the Minister in general comments the other day regarding the AMOC Development in Saskatchewan, where the government there was very specific. They told the company they had to have a certain quota of people from the northern area as part of their workforce. The company had no choice. Now, I don't expect the government here has laid down the restrictions that precisely. However, I would still think that the Minister, as Minister of Northern Affairs, should be co-ordinating this and ensuring, number one, that the company is doing more than saying that they are going to hire local people; that they are actually contacting the local communities to let people know what's happening with the project and to recruit people; number one, people who already have

experience in the mining business who perhaps worked in mines before and they're drillers and muckers and tram workers, etc., but in addition to that, Mr. Chairman, to identify potential workers for both the mill and the mine and to begin a training process as far in advance of the project that the workers will be ready to come on when the project begins.

In other words, like the project in northern Saskatchewan, in AMOC, where they train people in advance, well enough in advance so that when the mill opened they had a trained staff there ready to walk in and start operation. That's the kind of thing that we would like to see happen there and I would hope that the Minister would want to see that happen and is taking some steps to ensure that it does happen. If he doesn't have the clout of a clause in a lease like the northern Saskatchewan Minister has to compel the company to do that, then at least he has to have somebody senior on staff on location, or at least available to the communities in order that they can, working through the government, ensure that the company is living up to that statement of intent. I would ask the Minister to precisely outline what is happening in that regard.

MR. GOURLAY: The most recent meeting was held yesterday, I believe; I know that the Department of Labour are on the committee and are dealing with the company on living and training and this sort of thing. I have been enquiring as to the company's intentions with respect to hiring local people, because I understand there are a number of people that live in that Bissett community that have worked in the mines previously; no doubt there's some expertise available there that have had some background in this line of work.

However I can get more information with respect to what's taken place and the intentions, what really is going to be the format of hiring and involving the local people because we are interested, and this is the indication that the company is interested in doing this and that I can get more specific details from the Labour Department and bring that back to Committee.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. A.R. (Pete) ADAM: Thank you, Mr. Chairman.

It seems to me that what the Minister is telling us now should have been in place a long time ago. The Minister has taken away all the programs that were in place, most of them, and because of having taken all these programs that were in place, that there would be other programs to replace them, and it seem to me that it's time, Mr. Chairman, that we either have to have some kind of training programs to have northerners acquire the necessary skills to be able to avail themselves to those opportunities that do present themselves in the north. We either have to have that or else we have to have an apprenticeship type of a program so that they will acquire the skills, either in a training program or else an apprenticeship program with the company's themselves, which you see in very many other countries — not so much in western countries, but certainly overseas they have those programs and I think they're working well.

I seem to feel that there's a lack of rapport at the community level with the government now, and I'm

not sure what is the cause of it, whether it's just a suspicion on the part of the communities because of what has happened with the protracted restraint. Maybe what they've seen happen in their local communities came too much as a shock and maybe they have become suspicious of the government, I'm not sure, but it seems to me that you look around, I notice for instance, what's happened at South Indian Lake and the Minister tells us he has a hard time to understand why that took place. But we do know that at Crane River, that's in my area, when we had a program there that was MANWOP, which is the Manitoba Training Program at Crane River and that was pulled back and I think still ongoing now, but it's been moved to Dauphin and I think I read some item on it not very long ago that they were doing some work for the Town of Dauphin.

I don't think that was the intent of the program when it was introduced. What they were doing in Crane River was a variety of things. Most of the programs that they attempted at Crane River was to try and teach the local population the occupation of carpentry. They rehabilitated homes in the area; they fixed up doors; they put siding on; they put flooring in; they re-roofed; they did all kinds of types of work that would give some people some experience in carpentry and then they could go out later and find themselves occupation as carpenters in other areas of the province.

Those are the kinds of programs that I think were in place then that are not now. For instance, when they closed down the MANWOP operation at Crane River there was a building there that they had used for automotive servicing; there was another area of training skills; the fellows were hired at the minimal wage, but slightly better than welfare, I presume, and they were acquiring the skills of repairing automotive equipment, overhauling motors and automobiles and trucks and tractors and that was closed down; that is no longer in operation. There is a building there that was deteriorating, vacant for the last couple of years or three years since this government came into office, and the local community, last fall I believe it was, they tried to get something going again of a similar nature or trying to create employment in their own community; they got a Federal grant through the LEAP grant or something and they spent \$6,000 rehabilitating this building, changing the windows and modifying it to have people sewing in there, and the Department of Northern Affairs apparently came in and called a halt to the whole issue. The only thing that they had to complete, I believe, was wiring the building to bring it up to suitability for what they wanted to use the building for and the Department of Northern Affairs came in and shut everything down. They said you have no right using this building, this is our building, it's not yours.

The community, the Mayor, the local Council felt that they could use this building to create some activity in their areas and create jobs and then we have the big hand of government coming in and saying, no this our building, if you want it you have to sign a lease and sign over all the improvements, the \$6,000 and whatever they put into it — the \$8,000 that they had to put in it.

This is the information that was given to me and I believe that that operation hasn't restarted again, as far as I know. They're still hoping to get it going. I

don't know. I think that they eventually were able to come to some agreement with Northern Affairs as far as the use of the building is concerned and I think they finally got permission to use the building, but only after lengthy discussions, as far as I can understand, but the last information I have is that that thing is still closed down and they're still trying to get it going.

So this is the kind of a situation that you see happening. This is only one area; this one community in my constituency. But I believe some of things that were mentioned by my colleague such as health, and he only mentioned it in passing but the situation of health, the delivery of health and services in the North, I think is lacking. And I think —(Interjection)— well, somebody says, "now, now."

Mr. Chairman, I spoke to the Administrator of the Ste. Rose Hospital and, Mr. Chairman, I was advised by the Administrator of the Ste. Rose Hospital that 80 percent of the patients who come from the reserves, 80 percent of them come in with stomach ailments and respiratory ailments. I know that the fat cat Conservatives like to laugh about peoples' health in the North and in remote areas but, Mr. Chairman, there's only two reasons why that many people would come in with respiratory diseases and stomach ailments, diarrhea and that, and that is housing, clothing, and food; there's nothing else. And that is what we see as far as the situation on the reserves. It's got to be poor housing when everybody is coming in with chest colds and pneumonia and so on, and the stomach ailment has to do with poor supplies of water that are not suitable for human consumption. That is one area.

So when the Minister says that everything is nice and fine and he's proud to present his program to us, I'm telling you that he has a long way to go as far as —(Interjection)— Well, he talks about mess, but he's created, you know, you're creating a bigger mess. Sure there is going to a lot of problems before we resolve the situation of putting those people into the mainstream of things and I hear the Minister of Agriculture say, you know, cleaning up a mess. When we suggest putting in a training program for natives so that they could acquire skills to go in field workers, he says, "they don't want to work." And not only that but his colleague, the Member for Gladstone, echoed those sentiments as well, "they don't want to stoop down at stoop labour. You've got to work if you want to go into the fields. So, you know, we're not interested." So this is the attitude that I think people are disappointed with. You look at your Budget, Mr. Chairman, and what do you see? You see a \$4 million cut. You see a \$4 million cut in your Budget. If I look on one side of your . . . unless you've got some money hidden some place but I see \$27 million. (Interjection)— Well, he did mention that he had some slush fund a while ago. I see on one side here \$27.6 million and on the other side here we see \$31.55 million. So, Mr. Chairman, this Minister is not able to get into Cabinet and fight for his share of the budgetary pie, so to speak. Now either he's a weak Minister and can't stand up to the other Ministers or else he's not trying to — (Interjection)

MR. CHAIRMAN: One speaker at a time.

MR. ADAM: There's going to be a lot of trial and error even by this Minister and I'm sure by our

government as well when we were in. As my colleague from Rupertsland said, "it's better to make some errors then to sit down and do nothing," and that is what is happening.

Mr. Chairman, the approach of this government is far too simplistic for the problems that are in the north. Every project that has to be in has to show a profit. That is the idea of this Government. They do not take into consideration the social costs, the other costs that it costs the government, the same government that's trying to balance the book on one particular project. The Budget has to balance. Well, your Budget doesn't balance, Mr. Chairman. The government's Budget doesn't balance, so I use that analogy because when you start up a project in the north and I don't care what business you start. Every business that starts in Manitoba, they usually project for a five-year loss before they start breaking even. Even private industry that starts, they usually figure out that there's going to be so many years of a loss. I don't care what kind of company that you start. Mr. Chairman, when you start on a small scale with all the odds against you, all the odds that are against you in the north, the remote communities, you're bound to have problems. There is going to be trial and error but you have to try because the alternative is too costly, in my opinion, the alternative is just too costly to accept.

Now the Minister was talking about a tendering process and he was upset with some of the tendering and I'm not sure where the tendering was. And I believe he gave his figures of \$9,500, \$14,200 and \$16,000, I think that's what he . . . if I marked that down correctly. And he was upset because they accepted the \$14,000 instead of the \$9,000.00. There was some bids here. There was a bid of \$16,000, there was a bid of \$9,500, and there was a bid of \$14,200, I believe and the Budget that was presented by the Department was \$13,500.00. That was the Estimate of the Northern Affairs, and those people took the \$14,200.00.

Mr. Speaker, it seems to me that the \$9,500 was unrealistic in relation to the other Budgets and in relation to the Budget as presented by Northern Affairs. It seems —(Interjection)— I said there's four bids. There's four bids. (Interjection)— Well the Minister put in a bid for 13.5. He said —(Interjection)— that's what they said, the estimate was 13.5.

Here's Mr. Chairman.

MR. CHAIRMAN: Again I need a little guidance. It seems as though on 1(b) we're going around the entire mulberry bush of the whole department. The Chairman has been rather lax, in other departments it's worked out rather well but the Chairman right now doesn't really follow where we're going and if that's the whole thing here, probably it could be considered. We are on 1(b) and really should we not go line in line and rather get it organized; there are other members that want to speak and the Chair is a little confused as to which route we want to go.

I need advisement from the committee. It's not in the rule book we can really go this way but the Chairman has been flexible and will be flexible if we have some understanding.

The Member for Ste. Rose.

MR. ADAM: I just point that out, Mr. Chairman, because we are on the administration here and we

had wide latitude; I heard the Minister criticize the acceptance of tenders by a certain community and I look at the figures. It seems to me that that committee were not far out when they accepted the second bid. It was very close to the estimate as presented by the department. They were \$700 out; I don't think that that was unrealistic, and that's the only reason why I mention it, because the Minister was critical of those people accepting that bid.

I know that members opposite are not interested but if they are not interested they don't have to be here.

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

MR. DAVID BLAKE: The Member for Ste. Rose is great to throw that out that we're not interested. We are interested in examining these Estimates and we want to see them move along and let the Opposition have an ample opportunity to examine them, which they've done very, very thoroughly.

If the Member for Ste. Rose had listened to the Member for Churchill and the Minister when they went over these Estimates, he would have understood what had happened there, but he rambles on and rambles on about something he knows absolutely nothing about and is wasting the committee's time. That thing was covered this afternoon adequately. I say, let's move along and let the Opposition members examine some other parts of the Estimates.

MR. CHAIRMAN: I think the Member for Minnedosa has a point. I think I expressed a little bit earlier that if we would try to get line by line, there's some sequence of what we're trying to accomplish.

The Member for Ste. Rose.

MR. ADAM: Mr. Chairman, I have covered pretty well the points that I wanted to bring to the Minister's attention, that I would like to know just what has happened on the Crane River outfit. There's been some problems there with the community. I have suggested to him that we should be looking at a different way of approaching those problems in those remote communities because it's not the same as dealing with southern Manitoba, I can tell you that, a long ways from it. If you think you're just going to build a bunch of roads up there and everything's going to be nice and rosy, no, it isn't, it's not going to work. And we tell you now.

MR. GOURLAY: Mr. Chairman, I am flabbergasted at the lack of knowledge that the Member for Ste. Rose has in his own constituency. He says that Crane River is in his area.

I notice the Minister of Labour is here now, and some years ago, when he was also Minister of Northern Affairs, he initiated a study into the garment possibilities in the north, and that developed into a feasibility study looking at Crane River — it involved the Department of Northern Affairs, it involved the Federal people, it involved Communities Economic Development Fund — and the report came back to me, as I became Minister in the interim, that this project would not be feasible in the Crane River area, so the province pulled out but the community decided they still wanted to go ahead and

they convinced the Federal people that they should put money into Crane River. The Department of Northern Affairs had a building available in the community, the community council proceeded to give the local incorporated group that had attained the Federal funding, gave them permission to go in and use the building, but local communities are not able to hold tenure of a building because they don't have that authority. The Department of Northern Affairs was more than willing to lease that building to the group but no, they went ahead on their own and they spent a lot of money in the building, fixing it up, without having a proper lease.

It involved the building inspection, there was no building inspection for what they were planning on doing, there was no fire inspection, there was no insurance for fire or liability, so that's why the Department of Northern Affairs had to step in when they found out that all this had proceeded without a proper lease in place.

Then the group in Crane River who was promoting this garment project raised hell because Northern Affairs were shutting them down. We weren't shutting them down, we wanted them to use the building, but we had to have a proper lease in place so that they could proceed on a reasonable basis so that there was no problem with liability and fire and all those things that I mentioned earlier.

I'm surprised that the Member for Ste. Rose would throw all this gobbledygook out about this project in Crane River. He didn't know a darn thing of what was happening there. The lease has been subsequently signed, it's a dollar a year lease; the garment factory project has not got into operation yet, but I understand they're proceeding with the building, almost ready to get into operation. That's the story with the project at Crane River and I'm really surprised that the member would make the statements he did here tonight. He didn't have a clue what was going on there.

MR. CHAIRMAN: The Member for Ste. Rose.

MR. ADAM: Mr. Chairman, I was aware of what the Minister has told me. I had received some information from some of the people involved and I did mention that the problems between Northern Affairs and the community had been resolved. But doesn't that indicate that there's a lack of rapport and communication between the department and the council, that the council didn't know where they stood on this building?

Here's a vacant building that they had used for a number of years to train people how to fix motors and so on, that the community had constructed themselves, I suppose, in the original instance, and they went in there — isn't that a lack of training, if you will, or people to go in there and communicate with these people on how to operate in a community and how to discharge their responsibilities? Perhaps we need more of that; more people and more assistance going in such as you have with the LGDs. You know, you have people going into the LGDs all the time assisting them and so on. As far as Northern Affairs, maybe you'd have better rapport with them if there was more communication.

MR. GOURLAY: Mr. Chairman, the Member for Ste. Rose should be aware that the co-ordinator meets

regularly with the community council in Crane River, and as soon as the department was aware of what was happening in the old school, then this was brought to the community's attention. Here are the problems you are going to run into, you can't just move in and do this to a public building. We have to have a lease in place and that's where the problem — the group that had got permission from the community council felt that we were becoming too much involved in the community and creating havoc with this garment factory, but that wasn't the case at all. We were happy to see the building being used even though the department felt that the project was not viable, that was beside the point. They had been able to obtain funding from the Federal people and were proceeding but all we wanted was to clear the way, to have a lease in place, so that these liability items would be covered in the event of some disaster, whether it be fire or somebody being injured in the building, and that was all that we were involved in and wanted to get accomplished, getting the lease signed.

MR. ADAM: I am not sure whether they are going to continue or not but when this happened, when the problem arose with the Department of Northern Affairs and the community, it was my understanding that the Federal LEAP program immediately backed off. So I am not sure where it is at the present time, they may have come back in, but it is my understanding that they were not even going to put up the — they were pulling out of it entirely because of the problems that had to do with the building. But as I say, I haven't heard the latest on it.

MR. CHAIRMAN: The Honourable Minister of Agriculture.

HON. JAMES E. DOWNEY (Arthur): Thank you, Mr. Chairman. I don't want to prolong the debate, I just want to set the record straight and I do think it is important that we do so — that the Member for Ste. Rose made comment about certain things that I was supposed to have said during my Estimates. I don't believe it's correct what he put on the record, that we were not supportive of the native workers in the Portage vegetable industry, in fact the figures we put on the record at that time show that we have in fact increased the number of employment opportunities from 170 to well over 300 and some, in that particular industry and not all, Mr. Chairman, of those particularly in the vegetable fields. There are training programs going on continually to have them work within the actual processing of the foods in the processing plants, so it all isn't stook labour and there are in fact some very good and capable management-type people and workers in the total vegetable industry. I think he should check the Hansard because it was not said by me that the people weren't willing to work in that particular community.

I would also like to make a very brief comment, Mr. Chairman, about the fact that he is a fine individual to sit there and try and say that he is the total answer to the people in northern Manitoba, calling us fat cat Conservatives, and I don't even think it is parliamentary word, Mr. Chairman, and it's a pretty cheap kind of a comment when you look at what the Minister has indicated he has done since he

has come into office as being the Northern Affairs Minister. The correcting of the programs and the hard work he has done to make the — even though they might have been programs that were put in place or started by the last government, he has cleaned up a lot of the difficulties and the problems that were there and he has proceeded to develop some strategies jointly, particularly in some of the agricultural programs. We have a study taking place on agriculture in the north. We have a program, Mr. Chairman, where there was a good support from the Minister of Northern Affairs; the Minister of Economic Development and the Department of Agriculture on a north feeding the north program, there was tremendous involvement by all the people up there; a directive from the Minister of Northern Affairs to help the people help themselves.

I would say those are positive actions that the Minister of Northern Affairs is directly involved in, as well as, Mr. Chairman, the helping of the delivery of the 4-H Programs in northern Manitoba, something that is a personal and a social assistance to the people, whether they be native or any other type of people; strong support from that Minister.

So when he makes, what I would consider, a cheap shot at my colleague, the Minister of Municipal and Northern Affairs, I think he should retract that statement and take it off the record because there has been some strong work done and good direction given by the Minister.

MR. CHAIRMAN: 1.(b)(1) — pass; 1.(c)(1) — pass; 2.(a) — the Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, before we pass this section perhaps the Minister could give us a breakdown of his administrative structure for his department. I don't believe he has put out an annual report for his department, so perhaps he could indicate to us the organizational structure for our information.

MR. GOURLAY: Mr. Chairman, in this section there is no increase in SMYs. The increase in the money allocated to this section covers the general salary increase.

MR. CHAIRMAN: 2.(a) — pass — the Member for Churchill — the Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, did we pass 1.(c)? I don't recall you calling out . . .

MR. CHAIRMAN: Yes, I did, we're on 2.(a). I am capable of backing up, if it is for a reason . . . stuck on it a long time. I didn't slip over it.

MR. BOSTROM: I didn't hear you call the vote on the item.

MR. CHAIRMAN: We don't return that resolution until 1.(a). 2.(a) — the Member for Churchill.

MR. COWAN: Mr. Chairperson, on 1.(c), just one quick question as there appears to be a \$900 decrease in the item entitled, Other Expenditures for the year 1982 over the year ending March 31st, 1981. Can the Minister explain why that decrease is there and what effect it is anticipated to have on the

functioning of that particular section of his department?

MR. GOURLAY: Mr. Chairman, last year we agreed to participate in the funding of the North Feeding the North Conference and that was included in that area last year, and of course that expenditure was not budgeted for in the current year.

MR. COWAN: How much was that expenditure for last year?

MR. GOURLAY: \$2,000.00.

MR. COWAN: So there is in fact an inflationary increase built into that of \$1,100.00. Is that correct?

MR. GOURLAY: Yes, that's correct.

MR. CHAIRMAN: 2.(a) — the Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, in this section I understand it relates to the Channel Area Loggers and Moose Lake Loggers, and earlier this year we went through the reports for Channel Area Loggers and the Minister indicated at that time that he was going to be taking certain action in terms of . . .

MR. GOURLAY: That would more properly come up under (c)(1) and (c)(2).

MR. CHAIRMAN: 2.(a) — pass — the Member for Churchill.

MR. COWAN: That is a bit confusing now because under the item in the Estimates book it says that this administrative support services area provides administrative support services to the department and northern and remote communities in terms of budget, expenditures, cost-sharing arrangements, and provides support to Channel Area Loggers and Moose Lake Loggers. The Minister is indicating that he would prefer to discuss that under which item in the Estimates?

MR. GOURLAY: Just below that on (c) Canada-Manitoba NORTHERN DEVELOPMENT, (c)(1) and (2).

MR. COWAN: 2.(c)(1) and (2) are the areas that are being indicated now. On the area 2.(a) can the Minister indicate if there is any change in the number of staff person years?

MR. GOURLAY: Mr. Chairman, I had indicated there is no change and the money increase covers the general salary increase.

MR. CHAIRMAN: 2.(a) — pass; 2.(b) — pass; 2.(c)(1) — the Member for Rupertsland.

MR. BOSTROM: Mr. Chairman, that's where I had indicated that I would like to ask the question of the Minister, if he can give us a status report on Channel Area Loggers, what is happening with the company at the present time with respect to the management and their dispute with Abitibi over the access to the resources and also the opportunity for other communities in the area to participate.

If the Minister would recall during the Estimates or the presentation of the report, I had indicated that the community of Bloodvein had indicated a desire to become part of the operation as the operation was originally intended to serve. The reason it was called Channel Area Loggers was because it was intended to provide an employment and logging vehicle for that channel area from Berens River south including the communities on both sides of the lake, and there have been people participating from the other side of the lake, from Peguis and Fisher River, who go over to cut at the camp at Berens River.

There were a number of questions sort of left hanging there at the end of that report and the Minister had indicated he was following it up, so I would like to hear what is happening.

MR. GOURLAY: Yes, I am quite pleased to be able to discuss Channel Area Loggers further at this time. The operations with Channel Area Loggers this past season have not been as encouraging as we thought they were going to be this current year and mainly because of the mild weather conditions that we experienced. That was one of the main problems we had this year.

But also we seemed to be running into problems of production, not being able to get the necessary production up to the level where it would reduce the losses. We had some concerns about the company, Abitibi, really playing ball with us on this operation. We felt that maybe we were being undermined somewhat. Discussions with the company and the Channel Area personnel brought back information to me that we felt that it was time that we sat down with the company executives from their head office and a meeting was arranged with the Vice-President in Toronto, and it was not possible for me to attend that meeting but I had representatives from my department meet with the Vice-President in Toronto and he assured us that the company was definitely interested in the well-being of Channel Area Loggers. They wanted to co-operate in every way they could, but it was brought to our attention that perhaps there had been a breakdown of communication between the company and Channel Area Loggers. From the information that was provided to us and in discussing it further with the manager, Reno Kivisto and other people involved in the logging company, that perhaps we were at fault to some degree as well and the Abitibi have indicated to us that they will be supplying us with a five-year cutting plan and the Vice-President will be coming to Winnipeg in the next month or maybe even the next couple of weeks, to discuss this project further with us and their willingness to participate in contracting with various people in the area and certainly we want to follow up on this, to get more contracts into the hands of — whether it be local bands that might be interested or other local people in that area that can get the production up to where it should be. I think with the negotiations and discussions that have taken place thus far, that we will be making some improvement in the overall production levels of Channel Area Loggers.

Now, Reno Kivisto is the manager on site who works between Moose Lake and Channel Area Loggers at Berens River. He feels that the work load is becoming too much for him and he would prefer to remain at Moose Lake and concentrate on that

operation and at the present time we're endeavouring to get a person into the Berens River area to be on site and take over that operation there. But we will be having further discussions with Abitibi, as they have assured us that they are more than willing to sit down with us and to discuss the five-year plan, to make sure that Channel Area Loggers can become more successful and perhaps reduce the losses that they have sustained, in the last two years.

Now perhaps, if you have more specific questions, I may be able to give you more information.

MR. DEPUTY CHAIRMAN, Henry J. Einarson, (Rock Lake): The Member for Rupertsland.

MR. BOSTROM: Well, Mr. Chairman, I'd be interested to know more specifics on what the government is proposing to Abitibi, rather than the other way around. I mean who's in the driver's seat here? I can't see why the government should have to go hat in hand to Toronto, to ask them whether we can use the resources on the east side of Lake Winnipeg for social and economic objectives.

So I object to that procedure entirely. I would hope that the Minister would be more forceful in his negotiations or discussions with Abitibi and tell the company that there are certain objectives that the government and the people of Manitoba want to achieve, in terms of economic development and employment opportunities and resource development in that area. The only thing that should be of concern I would think, to the company, is whether or not the timber is produced efficiently and in sufficient quantities to supply the mill at Pine Falls.

Now as far as the Minister and his department are concerned, I would think they should be in the driver's seat here and in their negotiations and discussions, they should be indicating what are the areas that should be set aside, in that area, for the company to give them the base they need to be successful and also how they would like to see the company operate with Abitibi; that is how they would like to see Abitibi work with the Channel Area Loggers, in order to make it a viable company.

Now they need to have a relationship there, where Abitibi is co-operating with Channel Area Loggers and not doing things to block them and I brought a couple of examples to the Minister's attention, when the report was presented, because I was informed that Abitibi had moved contract people in, to work in an area just south of where Channel Area Loggers were cutting and they were utilizing roads which the Channel Area Company had to pay for, to get the wood out to the landings on the lake and, Mr. Chairman, I understand Channel Area Loggers objected to that. I understand as a result, there was some friction between the company and the manager, Mr. Kivisto, and I'm not surprised now to hear that he is leaving the company, given that it seems that the government here has capitulated to Abitibi and has not seen itself in a position of being able to be forceful enough to indicate to Abitibi what the guidelines and ground rules should be.

Now that's the impression I received from the Minister. I'd be happy to hear him deny it and to indicate that that's not the case, but that's not what I'm hearing, Mr. Chairman.

MR. GOURLAY: Well, Mr. Chairman, as I understand it, the Abitibi have the cutting rights in

that general area and they're prepared to sit down with us and discuss those areas that can be allocated for contracting, in co-operation with the Channel Area Loggers, so that we can get our production up to where it's anticipated that we can maybe reach a break even situation and we've never had that in the past. It's always been a haphazard kind of an arrangement and we've been competing in areas where Abitibi have had other workers involved and so this will be a five year plan, that will be designated where we can operate to supply Channel Area Loggers with contracting and that this is the type of discussions that we've recently had and will continue to have in the near future, so that we can have it better organized than it ever has been in the past.

MR. BOSTROM: Is the Minister telling me then, that the arrangement will be that in that area around Berens River and Bloodvein that the timber there will be allocated to Channel Area Loggers and that Channel Area Loggers will be in the driver's seat, so to speak, in terms of the contract workers or hourly paid workers that they have in that area. That if there are contract workers to come in there, contract cutters, skitters, etc. that they will be working for Channel Area Loggers and not directly for Abitibi, because I think that's the dispute, that was part of the dispute at least.

If they're going to be in competition in that area, if you're only going to give Channel Area Loggers a little chunk of bush there that they can cut in for the next five years and say to Abitibi, okay, you can bring your contract cutters in all the rest of the area, well in very short order, that area will be cut out and it will not be accessible to the company for the period after the five years has expired. And in fact, they will be in competition there for that access to resources and I think that was at least one of the main issues that was involved this spring, when we discussed it in committee.

MR. GOURLAY: Well, Mr. Chairman, I think earlier you were referring to the Bloodvein, Bradbury, that general area. I'm not aware of the five year cutting plan, just the designated areas that it will involve. This is what we want to study with the company, so that we can plan accordingly and have contracts awarded that will be supplying Channel Area Loggers.

Now, Abitibi, of course, will be contracting as well, but not in the designated areas that we want to establish for Channel Area. Now the areas that will be considered would be somewhat north of the areas that you identify. Now just to be more specific, these are some of the areas that we have to, or the total area that we have to establish in our discussions with the company, but we make it very clear to Abitibi that we're not prepared to see Channel Area get pushed around. We want to make this company viable, if we possibly can and it would appear that Reno Kivisto, we expected too much of Reno. He was heavily involved in Moose Lake and travelling back and forth to Channel Area Loggers and his health was not going to last. He was really — you know, he's been uptight this last year or so and so he feels that he should maybe concentrate on the Moose Lake area and under mutual arrangement, we think that that's a good move, because he is a

valuable person to us and we don't want to see his health to the point where he isn't able to function. We will be putting a new man in place in the Channel Area and hopefully we can have a greatly improved production base in the coming year.

MR. BOSTROM: Well, Mr. Chairman, the Minister hasn't been specific enough and I suppose he doesn't have the information here with him, but I just want to indicate that we'll be watching this to see what kind of an arrangement they will be making. I think that just for his information that it would our position that they should be, not only looking at a five year period, but they should be looking at the long range potential for that company and they should be looking at the resource base, in terms of the long range potential and awarding a proper cutting area to them for the long range viability of that company, not only for five years. Because after all, Mr. Chairman, the people in that area will be there long after that five year period is over and hopefully, they'll have some timber left to cut, as part of a long range project.

On the other point, Mr. Chairman, I think it's regrettable and I mean we've gone at this debate before so I'm not going to belabour it, but I really think it's regrettable that the Government of Manitoba has to go to Toronto to meet with a company, to negotiate for timber resources and that to me is really a poor move. I would think if the Minister of Northern Affairs or the Minister of Natural Resources has to meet with company officials, that are relating to a forest resource in Manitoba, they bloody well better come to Manitoba to meet with the Minister, not have the Minister and his officials have to trip down to Toronto to negotiate for resources that are in Manitoba.

MR. DEPUTY CHAIRMAN: 2.(c)(2) — pass — The Honourable Minister.

MR. GOURLAY: Mr. Chairman, just to get this straight on the record, I indicated to the committee that I did not go to Toronto. I was prepared to do it, because I felt it was necessary to maybe get the attention of the company, but we had staff that were going into Toronto anyway. It wasn't a special trip that they made, although I was prepared to make a special trip, but I just forget, now I think it was because Estimates, I expected were maybe coming up at the time, I'm not sure. I think that was the reason, but we found out, or at least the staff advised me that it wasn't altogether the company's fault that there had been some problems with the Channel Area Loggers, that there had been a breakdown of communication on our side as well, and we accept that but we are not prepared to let Channel Area Loggers continuously be in a problem deficit area. We feel that with the assurance of the Vice-President of Abitibi, that they want to see the viability of Channel Area Loggers, they're interested in the welfare of that company and they have been let down somewhat, I mean the company, because we have promised them for years and years now, that we'd have a certain level of production and we've always managed to fail to achieve that production and so this is some concern to the company as well.

I think with the assurances that we have got from the company and the Vice-President will be coming

into Winnipeg shortly, to discuss the cutting and the five-year plan in the next two or three weeks, perhaps.

MR. BOSTROM: Well just to follow up on the Minister's comments. Can he indicate what the specifics were of this breakdown of communication? Was it between the manager and the local officials of Abitibi or was it between the Chairman of the Board of Charitel Area Loggers, or Directors of Channel Area Loggers and Abitibi? What were the specifics of that breakdown?

MR. GOURLAY: Well apparently there's never in the past, there's never been a long term plan or an intermediate term cutting plan established. It's been a haphazard kind of an arrangement and the general manager and the local officials apparently have discussed the cutting contracts and it was always never really finalized as to the contracting arrangements, and it just floated from one year to the next and it was always just a breakdown somewhere that contractors never were contacted or arranged for cutting areas. I think that we have to take some of the responsibility as well for the lack of success in that area.

MR. CHAIRMAN, Morris McGregor: 2.(c)(1) — pass; 2.(c)(2) — pass; 2.(c)(3) — pass.

Be it resolved that there be granted to Her Majesty a sum not exceeding \$444,300 for Northern Affairs — pass.

3.(a)(1) — the Member for Churchill.

MR. COWAN: Perhaps the Minister can begin by giving us a staff person year breakdown for this year as compared to last year on 3. in total if he wishes, and that will take care of it through the whole series under the item 3. in the Estimates.

MR. GOURLAY: Last year we had 24 SMYs, this year it's 26. The increase in funding includes the general salary increase in addition to two additional clerical staff.

MR. COWAN: How many of those positions last year were vacant?

MR. GOURLAY: Last year; at any specific point in time last year?

MR. COWAN: The reason I ask, and perhaps it's my note taking, but I had down that there were 26 SMYs last year, which was an increase of two, now I may have copied the figures down wrong from last year during the Estimates, I'm just checking to make certain that I had it correct.

Maybe I can help. Under 3.(a)(1) last year the Minister indicated, "At the present time," I'm quoting the Minister from Page 4241 of the Hansard of 1980, "At the present time we have 26 SMYs, an increase of two this past year," and when he was questioned further as to where those two were coming on stream, he said "there are two additional co-ordinators in the communities." He's now indicating that they have 24 and are going up to 26 which would be the situation which we would have anticipated occurring in the previous year.

MR. GOURLAY: Mr. Chairman, apparently those two positions were used elsewhere within the

department. Those two positions apparently went into Community wWrks, which is 3.(c) and now we're saying that brought us back to 24 and now we're going back up to 26. Is that confusing you?

MR. COWAN: It's not confusing me but if I understand it correctly what we have is a no increase situation over last year then in reality, even although you're saying there are two increased staff.

MR. GOURLAY: The total staff with this situation increases by two in the department.

MR. COWAN: According to the Minister under this section, there were 26 staff person years last year which was an increase of two. This year he's saying there are 26 staff man years for the upcoming year, which is an increase of two.

MR. GOURLAY: I guess to make it more simple, there's no change in this section but we increase by two staff members in community works.

MR. COWAN: Mr. Chairperson, I assure you when it comes to discussing staff person years that I am perhaps not as quick as one should be because I get confused by the funded and unfunded and the vacancies and the non-vacancies. I'm not certain that any of us, without having staff to assist us, understands very well the mechanics of it but I will take the Minister's word for it that there is no change but an increase of two.

MR. GOURLAY: But there's no change in the total number under this section.

MR. COWAN: The Member for Rock Lake says that's simple, but I will have to take the Minister's word for it that it's the best thing that should be done under the circumstances. That's just on the staffing and I'm only saying that because I really don't have an argument to counter it.

But what I would like to talk about under this item is the self-administering communities. I believe we talked about self-administering communities under this item last year and would ask the Minister to begin with, how many communities that come under Northern Affairs jurisdiction are presently self-administering communities? And while the Minister is getting that information, perhaps I can just put on the record so that we can facilitate a question that I asked him earlier on employment. Last year on June 3rd, I asked the Minister if he could indicate how many of the jobs that were provided for under the Northlands Agreement — and I'm quoting myself from last year, I say, "I would ask the Minister to indicate how many of those jobs in fact went to persons residing in Northern Manitoba previous to their job," and the Minister replied, "We don't have that information available right now and it might take a few weeks to prove that but we can do that for you." So that's a question that I'd asked earlier on in the evening in respect to full-time employment that's been created under the Northlands Agreement. We had a commitment from the Minister last year to provide that information; we would hope we'd have it available to us this year when we reached that particular area of the Estimates.

MR. GOURLAY: Mr. Chairman, could you then ask specifically . . .

MR. COWAN: Mr. Chairperson, I asked the Minister, how many communities have now attained the status of self-administering communities?

MR. GOURLAY: Twenty-two.

MR. COWAN: That is a global figure of communities under the jurisdiction and responsibility of Northern Affairs that are self-administering communities?

MR. GOURLAY: Twenty-two out of fifty.

MR. COWAN: Twenty-two out of fifty. I would ask the Minister then, how many communities have lost the self-administering status over the past year?

MR. GOURLAY: One; Camperville was reduced from self-administering to joint administration.

MR. COWAN: Perhaps the Minister would give some information on when that happened, the reasons behind it, and what action his department is taking in order to alleviate what I understand are some difficulties with the self-administration of that community.

MR. GOURLAY: That community was placed into joint administration on April 6th of this year and basically the reasons for it were, the council had approved mayor and councillor fees, indemnities to the mayor and council, and that is contrary to the regulations where the mayor is paid on the basis of \$500 per year but it's based on \$20 per meeting up to \$500 per year; the councillors are paid \$15 per meeting up to \$300 per year.

There were a number of other irregularities involving the expenditure of money that was not authorized, the communities were not authorized to do, and the mayor and council were — I met with them and discussed this problem and followed up with a letter which they subsequently passed a resolution at one of their meetings to say that they were not prepared to make any changes and I further called the mayor in for a meeting to discuss this further and to relate to him the problems that I faced as Minister of Northern Affairs in not being able to tolerate this kind of situation, and it was agreed that the council would be prepared to go back to a joint administration and that Northern Affairs personnel and the mayor and council would work closely to try and work out this overexpenditure situation. I believe the community was almost \$10,000 in arrears in total because of the way they had operated.

To my knowledge, the situation is working itself out reasonably well. I am not aware that there are any major problems at the present time with respect to the functioning of the community council and the department.

MR. COWAN: The Minister hasn't really pointed out or elaborated upon how he intends to get that community back to a self-administering status; there seems to be an impasse. What action is the department taking to overcome that impasse and when does he expect that community will be back on a self-administering basis?

MR. GOURLAY: We will be viewing the operations there very closely but until such time as the

community council can show to us that they will be more responsible in the carrying out of their functions as a community council, then we're not prepared to move back to self-administering until those issues can be resolved.

MR. COWAN: What does the community have to do to prove to the Minister that they are a responsible council?

MR. GOURLAY: Well, we have certain guidelines and co-operative manuals to follow and that's what we expect the councils to follow under The Northern Affairs Act.

MR. COWAN: My colleague, my leader, the Member for Selkirk, is suggesting that perhaps it would be beneficial if we could have a copy of that manual so that we can take a look at it and understand more directly what violations of the guidelines the Minister is suggesting the council was performing.

MR. GOURLAY: I'm not sure. It seems to me that we discussed this in the House during question period last year, the operating manuals, and I felt, or recall that I tabled one of those at that time. But if I didn't, I'd be prepared to provide that information.

MR. COWAN: I believe perhaps the Minister did, let me just check, it's a black notebook about 2 inches thick that has action required by recommendation by such and such an individual. Have there been any changes to that over the past twelve months?

MR. GOURLAY: There probably would be some housekeeping changes, so . . .

MR. COWAN: Perhaps the best thing to do then is to either provide us with a new document or to provide us with the housekeeping changes and we will update our own document. I still have that document so there's no necessity for a new one, just the housekeeping changes.

MR. GOURLAY: Each community is in possession of these manuals. You know they're quite familiar with them.

MR. CHAIRMAN: 3(a) — The Member for Churchill.

MR. COWAN: On this item, Mr. Chairperson, the Minister, last year, and I and others of my caucus discussed this item and at that time the Minister said that there were 23 self-administering communities, you will note and I think it is quite illustrative that there is one less this year. And, as well, the Minister said that it was his intention and he anticipated and as a matter of fact he made it a categorical statement that there would be 26 by the end of 1980.

We now find that instead of an increase of three, there is a decrease of one, which means that there are fewer self-administering communities today than there were in 1977 when the Government took office — that Minister was not the Minister responsible for this portfolio at that time but his Government took office and there has been a decrease since that time and yet, the Minister throughout the Estimates has said to us that he is encouraging communities to

take more control over their local government; to take more control over their own affairs; to be more active in building their own future and yet we come back a year later being promised an increase of three communities that will in fact become self-administering and we thought that was an admirable goal to take at that time, but instead, we have a situation where one less is self-administering and that is, in absolute terms, a decrease but in illustrative terms it is a symptom of the failure of this Government to live up to their own avowed purpose of making more communities self-administering. I would hope the Minister would be able to provide some insight as to why it is there's been a decrease when, in fact, he himself had categorically stated there would be an increase in self-administering communities over the last twelve months.

MR. GOURLAY: Mr. Chairman, when I quoted the number last year, as 22? 23, there were actually 20 last year. There was 2 added and then, Cross Lake and Norway House. Two more have gone into Joint from Trust, and then Camperville moved back from Self to Trust.

MR. COWAN: Now I'm not really certain what to believe, because let's listen to what the Minister said last year, and I'm reading from the Hansard. I'll start with my own comment, because we're talking about self-administering communities, and I'm quoting from Page 4240 of Hansard, June 2nd, 1980. And I stated to the Minister at that time, "The Minister in his opening remarks indicated, as I said before, that there were 21 self-administering communities and they would hope to add to that number five communities this year. I'd ask the Minister if he can indicate how many self-administering communities there were in 1977, 1978, 1979?" The Minister's reply to me at that time was this, he said, "In 1977 there were 23; in 1978 down to 21; in 1979 there were 21; and 1980, 26." Now the Minister said there were 26 self-administering communities in 1980. That's his statement.

Now, I asked him and we have to go through the whole procedure here to understand the development of the figures last year because it was somewhat confusing last year. I asked the Minister and I quote: "Does that mean that there are 26 now, or they would hope to have 26 by the end of the year? The Minister's reply to me was, "By the end of the current year."

Then, I asked, "Can the Minister indicate, perhaps, why there was a drop of two from 1977 and 1978 and what were the circumstances behind that reduction in number of self-administered communities?" The Minister at that time said, "I should indicate that at the present time there are actually 23, with the indication this will increase to 26 by the end of 1980."

Now, the Minister is telling us, a few moments ago, that there were 22, but there were actually only 20 and the figures get more and more confusing and the fact is that no matter how you cut the figures, no matter how you put the one column against the other column, you find out that there are fewer self-administering communities in Northern Manitoba today than there were in 1977. I think there are fewer than they are in 1978. Well the members opposite say, "so, what?" Well I'll tell you so what, Mr.

Chairman, and the people in the North will tell you so, what. The fact is that his own Government, their own government, their own Minister has said that they want more communities to be self-administering. They know, in fact, that in order for the North to grow the communities are going to have to be able to take more control over their own destiny and their own future. I would ask the Minister if that is not the objective of his department to get more self-administering communities on stream, point blank?

MR. GOURLAY: When the communities reach that level where they are prepared to take that responsibility, certainly we don't want to hold them back.

MR. COWAN: But I think it goes beyond not wanting to hold them back. Will the Minister not agree that they in fact are actively seeking to increase the number of self-administered communities in Northern Manitoba?

MR. GOURLAY: You're asking if we are? That's true.

MR. COWAN: The Minister says, that's true. We'll not so much for my edification but for the edification of his own members who seem to have difficulty in understanding why bringing communities on stream in respect to administering their own affairs is a positive action.

Can the Minister indicate why it is they want those communities to become self-administering?

MR. GOURLAY: Certainly it reduces our responsibility to have them manage their own affairs. It's as simple as that.

MR. COWAN: I think it goes beyond that, that's a negative way of stating the equation. I think what it is is it increases their ability to manage their own affairs. Would that not be the more appropriate way to say it?

MR. GOURLAY: I would agree that's probably an accurate assumption.

MR. COWAN: I think we're in agreement, the Minister and I, I'm not certain about his colleagues and I, but the Minister and I are in agreement in respect to the positive aspect of self-administering communities. We would like to see communities become more and more self-administering until, I would suggest, that the goal should be all of the communities having achieved a self-administering status.

Would the Minister not agree that that is the optimum goal to which he is directing his department's energies, to have all the communities operating on a self-administering basis to show that they have some control over their own destiny; some influence over their own future and some participation in the day to day activities of community life?

MR. GOURLAY: That's true to a point, but I think that the communities have to want to become self-administering. I don't think that we can prematurely force it upon them.

MR. COWAN: Which communities have indicated to the Minister that they do not want to become self-administering?

MR. CHAIRMAN: 3 (a)(1)(a). The Member for Churchill.

MR. COWAN: I believe the Minister is consulting with his staff. I can ask another question in the meantime, but it might just confuse the issue. If we can be permitted to wait one second for an answer.

MR. GOURLAY: It has been our experience, or observation, that when a community gets into self-administration before they are ready to do so, that they invariably run into problems.

MR. COWAN: I would certainly agree that there is a stage of community development at which a community council can best take over its own affairs. That's not to say there won't be problems when that happens, that just means that there are stages of development for each community. But the question to the Minister was what communities have indicated to him that they do not want to become self-administering? And perhaps the question is too much of an absolute; perhaps the question would be better phrased - which communities have indicated to the Minister that they do not want to work towards self-administering?

MR. GOURLAY: There hasn't been any of the communities that have said that they don't want to work to become self-administering. And councils come and go, they change like they do in other parts of the province and certainly none of the communities have indicated they don't want to achieve this self-administering level, but they have to develop into it. I think the communities themselves appreciate that as well.

MR. CHAIRMAN: I don't know whether it's me and the late hour but there's a real feedback and I agree with the Minister, but, please, one member at a time. The Member for Churchill.

MR. COWAN: Thank you, Mr. Chairperson. It is difficult to hear with the cross chatter.

Continuing on with the discussion with the Minister, we now have come to realization, by the Minister's own words, that the department would like to see every community eventually reach a self-administering status. And, I realize when I say that that's an optimum goal and I'm not placing any time constraints on it, I'm not saying by the end of 1985 or by the end of 1990, but that is the process which the department is working towards; the increase in the number of self-administering communities.

The Minister has also said, according to his observations and his experiences, and I can substantiate them from my observations and my experiences, that communities want to work towards becoming self-administering. So the communities want the status, the government wants them to have the status and yet over the past year notwithstanding the discrepancy in figures, which I think is difficult to understand why that discrepancy exists, but notwithstanding that, there has been an absolute decrease in the number of self-administering

communities. And the Minister has said, last year, that there would be three more self-administering communities.

Now the fact that there is not — as a matter of fact, in another area, under the same Estimates, he says there'll be five more, an increase this year from 21 to 26. So it's hard to pin-down one specific number even from last year's Estimates. But the fact is there is an absolute decrease and this denotes a failure on the part of the Government to attain the goal to which it had directed its energies over the past year. I would ask the Minister why it is his government has failed in respect to obtaining there self-stated objective of having 26 self-administering communities by the year end 1980?

MR. GOURLAY: Mr. Chairman, I apologize for the confusion that perhaps I have created. Certainly it wasn't intentional that these figures not be accurate, but I understand from staff that we've had a few communities moving up, back and forth, from between self-administering and trust; and it does become a bit confusing when at any given time of the year the statistics are provided and we do have some fluctuating statistics with respect to the number that have retained self-administrating status.

Now the advancement of the following communities from joint-administration to self-administering status planned for this year include Nelson House and Easterville. This is planned; we'll have to wait and to see when this is achieved. The last year they were in trust, they've moved up to joint and it looks like they could move ahead to self-administering in this current fiscal year.

MR. COWAN: But the question is, why did the government fail to attain its objective? What went wrong? It said that there were going to be 26. Now I can understand perhaps only having 25, perhaps a difficulty in one community that didn't come on stream, but the fact is there's been an absolute decrease. And yet the Minister, in his opening remarks, and throughout all day yesterday's discussions, said that they were moving towards more self-government, moving towards more self-control. But when you get the statistics in front of you, it shows that they are moving away from self-government and moving away from more local control. I think that's a point that has to be discussed in more detail. Why did they fail to reach that goal for which they had set their sights last year?

MR. GOURLAY: Well, perhaps I've been a little bit overly optimistic on the date that some of these communities would move into self-administering. There are a number that we felt would have moved up this past year such as Ilford, Big Black River, Pine Dock, Princess Harbour and Stevenson Island. Now we think they will soon, I'm a little bit hesitant in view of what I've said in the past that perhaps these — I'm not sure now when they will actually move up to self-administering, but we feel they're very close and it's hard to give any specific reason. Councils may change and they may take a step backward because of the inexperienced council, or reasons of that nature. And so it certainly wasn't my intention to mislead the committee but these are the valid

reasons, I think, that maybe the number hasn't gone as high as was anticipated, but these are identifying the communities that we were anticipating would move up to greater status.

MR. COWAN: No one is accusing the Minister of trying to mislead the committee and I realize that it's difficult sometimes to deal with these numbers because communities do move in and out of a certain status. Those problems are problems that any Minister would have in respect to trying to provide the most accurate picture. However, that does not explain the absolute decrease and I don't want to belabour the point because I don't seem to be getting an answer from the Minister as to why those communities didn't move forward as much as he wanted them to.

But the fact is that the lists that he gave us just a few moments ago of the ones which they had anticipated moving forward last year, does not correspond with the list of the communities which he gave us a few questions before, a few answers before, in respect to which ones they anticipated moving forward this year, which was Nelson House and Easterville, I believe, if I understood the Minister correctly. I may not have and I'll give him an opportunity to correct that statement if he wishes.

MR. GOURLAY: When I mentioned Nelson House and Easterville, that is they would be moving from joint administration to self-administrating status this current year. (Interjection)— It's anticipated they will be.

They were in trust last year so they have moved up one step, we're hoping they'll move . . .

MR. COWAN: Perhaps it would help if I could ask the Minister to provide this information for another sitting; there'll be another opportunity to discuss this particular aspect, I'm certain either under the Minister's Salary or somewhere else, but to provide us with this detail. Can he give us a list of all of the Northern Affairs communities, their current status, and if they have been self-administering in the past, and lost that status, and the dates of their changes from one status to another. Now I know I'm asking for detailed information when I ask for the dates. I'm not suggesting that I should have the absolute date but perhaps the year or the general time of year so that we can see what's happened, and if he would go back a number of years on that so that we can see which way the flow is going.

MR. GOURLAY: We would be pleased to do that and we could go back, I understand, right to 1970.

MR. COWAN: If he could have that for the next sitting that would be excellent for us, I think.

MR. CHAIRMAN: 3.(a)(1)(a)(b)(c)(d) — pass.
Committee rise.

SUPPLY — ATTORNEY-GENERAL

MR. CHAIRMAN, Abe Kovnats (Radisson): This committee will come to order. I would direct the honourable members' attention to page 15 of the Main Estimates, Department of Attorney-General, Resolution No. 17, Clause 2, Legal Services, item (b)

Criminal Prosecutions — pass — the Honourable Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. I wanted to continue with respect to this particular item, only in a small way, some incidentals that I wanted to pick up on that I thought we should have reports on. I guess dealing with one of the things that I find of some importance and I hope others here do as well, the question of unsolved cases. I have often wondered and in years past I had meant to ask, and wish to know before the election — one never knows whether one is coming back or not — what is done by the department with respect to cases that have been unsolved and are under continuing investigation by the police authorities throughout the province. I was thinking particularly when I was considering this earlier in the week about two unsolved murder cases which I think have drawn a great deal of public attention and are, to the best of my knowledge, still unsolved. One of the cases, I don't remember the names of the victims, and it is a sad comment on my memory and I suppose that probably happens, though in retrospect I was thinking that I couldn't remember the names of these two victims, both of whom were killed, I think, in the last 12 months, and then I thought back to earlier times and recollected several other cases and of course the names of those victims, I think, have been generally forgotten by the public and yet to the best of my knowledge their cases still go unsolved.

I can describe the cases because I know they will come immediately to mind, all members will be familiar with them. One of the cases involved a young woman, a lady who was involved in the real estate business. She was killed in a display home, I believe in the northeast part of the city — (Interjection)— In the Maples, yes. She was brutally murdered, I believe it was last summer. It was certainly, as in all these cases, a tragic event. The other case involved . . .

MR. CHAIRMAN: Order please. Wouldn't this be better discussed under unsolved crimes. I would think that the item under discussion is Criminal Prosecution.

MR. CORRIN: Well, that's what we are talking about, it's criminal prosecution of the people involved and the investigation leading to a criminal prosecution of the people involved in the murders.

MR. CHAIRMAN: I think it is very loosely accepted, to the honourable member but . . .

MR. CORRIN: This is actually on the . . .

MR. CHAIRMAN: I guess the preamble is the murders, but I am having a little trouble. I will allow the honourable member to continue if we could get back to Criminal Prosecutions.

The Honourable Member for Wellington.

MR. CORRIN: Well, it could be — (Interjection)— That's right, the Member for Inkster draws my attention to page 18. It could be dealt with more properly perhaps under Law Enforcement. All we want to know is the procedure; we can deal with it then or if we can deal with it now, it doesn't really matter.

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

HON. GERALD W. J. MERCIER (Osborne): On a point of order, Mr. Chairman. I believe the Member for Wellington is also going to refer to the death of a boy in Stonewall. I can assure him that both cases are under continuing investigation.

MR. CORRIN: I know that we can't discuss this in too much detail but what I was wondering, and I appreciate, I hope that the police are maintaining vigilance in their attempts to bring the perpetrator of both these heinous crimes to justice. What sort of ongoing monitoring is there? Does the Attorney-General's Department receive reports indicating the progress of the investigation? We have now, I suppose, the most topical modern day murder case probably in the history of the world and that's the Atlanta child slayings and we know that in that particular situation there are intensive efforts going on involving the government and the law enforcement agencies from both the state, the city, and the Federal Government. I was just wondering with respect to this sort of unsolved murder crime, what sort of ongoing monitoring and evaluation of police work is there? Is there any attempt to do that?

MR. MERCIER: Well, Mr. Chairman, one can only answer such a question generally. I can indicate to the Member for Wellington that the police really never close their books on any of these cases or others which I am sure other members can recall that have occurred in the past that have so far been unsolved. They do report from time to time to our Prosecutions Branch. There may be advice requested from time to time from Crown Attorneys as to some investigative procedures that might be contemplated but the books always remain open on all of these matters and with respect to the two specific ones the Member for Wellington is referring to, they are under a continuing active investigation.

MR. CORRIN: I suppose the obvious question is, is there any realistic hope that these cases will be broken in the next short while?

MR. MERCIER: Mr. Chairman, I think it would be wrong for me to indicate anything other than that these are under active investigation.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Yes, well I would only indicate and I hope it doesn't sound too sanctimonious because I'm sure that it will tend to be that way, that we on this side regard these matters as being important. We know there's a tendency to forget and I'm not suggesting that the Minister or the government is forgetful or wants to forget about these sorts or cases, nor am I inferring that the police authorities wish to forget about them or are less than vigilant in pursuing them, but I would indicate that it seems to me that there should be continual evaluation, continual accounting, ongoing as between the police authorities and the Attorney-General's office, at a fairly senior level, in order that the Attorney-General

be apprised of what is being done and is put in a position to decide whether sufficient efforts are being put forward to break these cases.

It may be a bit of the vengeance in my character, but it just seems to me that it's somehow of fundamental importance that the people who do those sorts of things; the people who commit those sorts of horrible acts, be brought to justice and I think that it requires exceptional effort, but I think it's very important.

There's something about the idea that there are these unsolved murder cases. I don't believe it encourages other people to commit murder, but on the other hand, I think in certain circumstances it may give people with the wrong sort of ideas, that little bit of extra encouragement they need and I don't know what the motives for either of those slayings were. It's difficult, I suppose to even fathom why anybody would want to kill a little boy going home from a hockey game in Stonewall. I can't imagine what sort of mind would work that way, but it seems to me that as long as that person is out there, there's a possibility that he or she will strike again and if not, nevertheless, there is some requirement that that person be made to pay for his or her actions.

The other thing I wanted to deal with under this item, — I will sit down if anybody else wants to deal with this particular matter, Mr. Chairman. I want to deal with the matter of the gay book that was so much debated and so much reported on last year. I understand that the book is again available. I took the liberty of checking with several book stores and I want you know that with respect to one of the shops I was heaped with abuse because they thought that I was a censorship nut; which I am not. I asked whether he was going to sell the book, and I said well, I thought that you couldn't sell the book; and he said, well, that may be your opinion, sir, but I believe in civil liberties and so do the people who operate this store. Anyway, I tried to explain that it wasn't a question of me trying to —(Interjection)— I haven't read the book and I have no idea whether it contains obscene material or pornographic material as that is currently interpreted by the courts.

In any event, he did tell me that it had been sold and they had been selling it for many months and to such an extent that they had sold out. The name of the store was Liberation Books, he told me it was on Spence Street and he told me that they had sold out and that they had done so in defiance of your order, sir. I'm referring, not to you, Mr. Chairman, but the Attorney-General. And that they believed they were not breaking the law and that they had a right to merchandise this particular article.

Well, they tell me that they expect their newest shipment to be in in two weeks — that was about three days ago, so maybe less than two weeks. They told me that they have ordered it and there is a demand for it and they will continue to sell it. They suggested that I drop by if I wished to purchase a copy in two weeks time.

I guess the question is, since they told me that the police were aware of it and had visited them since the celebrated letter from the senior Crown Attorney's office, whether or not a prosecution will be forthcoming when the book is put back on sale. I suppose also we could ask whether they will be

prosecuted for having admitted — and they will candidly admit, I understand — to having sold the book in the past several months. Will the Attorney-General be filing a prosecution as was indicated in the letter of the senior Crown Attorney last year?

MR. MERCIER: Mr. Chairman, I hope perhaps before I complete my response that I'll receive some of the documents that I had accumulated with respect to this matter so I can be sure of the detail. But in response, and to reiterate the position of the department with respect to this matter, there was a complaint from a member of the public; there was a review of the books in question by the department, keeping in mind the provisions of the Criminal Code relating to obscenity; the department concluded that the material was obscene; the vendor of the book, proposed book sellers, were advised of the opinion of the department and advised that if the book were sold they would be prosecuted. The book was taken off the market; there were subsequent reports that the book was for sale; that was investigated by the Police Department. The information was received by the department that the police were not able to find any evidence that the book was for sale and in view of that there have been no prosecutions.

MR. CORRIN: But, as indicated, Mr. Chairman, I'm indicating to the Attorney-General that the book is for sale, has been for sale, the proprietor claims that the police are aware of it, I think they've taken actually some pleasure in thumbing their noses at police authorities and advised them they're selling the book. They had told me that they're selling the book, they told me that if I wish they will take my order and fill it in two weeks when they expect a shipment of several dozen of the books. They say that it is their right to sell the book, that they are retail merchants and it is merchandise in demand and they say that they're more than pleased to facilitate purchase. The law of supply and demand, they say, and they refuse to kowtow to the senior Crown Attorney's opinion of what may constitute obscene material and they told me that they wish a declaration by a court. So they invited a prosecution.

So what I am saying to the Attorney-General is that for the sake of consistency one wonders, and one asks, whether or not the departmental position, the policy of the department with respect to obscene materials, will now be brought into play and whether the law, as perceived by the senior Crown Attorney and I hope the Attorney-General because the senior Crown Attorney shouldn't be making declarations such as that if he doesn't have firm instructions and the support of the Minister responsible for the department. I'm asking whether now the Minister will instruct the senior Crown Attorney, and I think he should be the one who has conduct of the case, whether he will ask him to bring this matter into the courts in order that the subject can be adjudicated.

From my standpoint, Mr. Chairman, it's very difficult to establish what may or may not be obscene. I suppose what one individual perceives as being obscenity another may perceive as being quite acceptable and wholesome depending on your point of view and obviously, as I said, these people feel that it's well within the community standard — I suppose it depends which segment of the community you're dealing with — but they seem to feel from the

point of view of their clientele that it is well within the community standard and is passable and acceptable. As I said, it's the law of supply and demand. They make money selling books and they sell many of these books.

I know in Ontario, Mr. Chairman, they use a different format. I think the government there, perhaps it's private industry I'm not sure, but one or the other has established a so-called advisory board in order to review items which may entertain the sort of prosecution, criminal prosecution, and opinions are rendered, I suppose, presumably objective opinions, as objective as those opinions will ever be, are rendered are on whether or not a given item is within or beyond the bounds of contemporary social propriety.

So, Mr. Chairman, I would ask the Minister whether or not we will now be testing the — (Interjection)—

MR. CHAIRMAN: I was just waiting to hear some questions on Perry Mason or Ellery Queen.

The Honourable Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman.

So from my standpoint, Mr. Chairman, it's preferable of course that we have an action by way of proper information and complaint, as opposed to an implicit form of censorship by way of threatening letters from the so-called opinions but I would interpret as threatening letters from the Attorney-General's Department indicating that some people would perceive those letters as being a form of censorship unto themselves.

I would ask the Minister whether or not he is prepared to show the strength of his purpose because it is he who says that the book in question offends the public mind and public spirit and public morality and whether or not he will file a complaint against them and test the matter in the courts?

MR. CHAIRMAN: The Honourable Leader of the Progressive Party.

MR. SIDNEY GREEN (Inkster): Mr. Chairman, I would like to indicate a difference of opinion in this connection in that in this I wish to be consistent. In 1973 the government of the day, the New Democratic Party Government, prosecuted the film house that was showing "The Last Tango in Paris" and I was very much against that having happened and I sincerely believe that it led to the fact that one of our Cabinet Ministers was defeated at that election. I think that the people in the community were much insulted by the notion that the government could tell them which movies to go to see and which movies to not go and see. The fact is, Mr. Chairman, that the same government was very instrumental in removing the Manitoba censorship laws and reverting to a classification system with the full knowledge that this put the onus for showing of the material on the film house which then subjected itself, if it thought that the matter would be found to be obscene under the Criminal Code, to criminal prosecution. It was my view and it is still my view, Mr. Chairman, that those laws which try to define obscenity are doomed to failure, except that they may satisfy certain people in the community in terms of their own standard of obscenity; but in the last

analysis, Mr. Chairman, if somebody does not wish to read this book or to buy it from the newstand then he is able to censor that book by merely not getting it. I have no sympathy with the newstand demanding that it be prosecuted.

I want you to know, Mr. Chairman, that I told the people involved, that asked me to attend a demonstration, that I am not a demonstrator for the book but I would certainly defend their right to sell it and that I would defend them without charge if they are prosecuted and I hope that's not the reason that they're asking to be prosecuted because I don't need the work that badly. I do not know what great value there is in making an issue out of it if there is no prosecution pending. I said in the House yesterday, Mr. Chairman, that the Attorney-General does have some discretion as to whether, even if there is the ingredients of an offence and in this case, I suggest, that the ingredients are most difficult of definition, that he doesn't have to prosecute and I would not like to see the Province of Manitoba reverting to a procedure whereby we run around trying to prosecute the sale of literature on the basis of obscenity.

I know that we almost had a case very recently where one individual wished to proceed with a private prosecution. It's a former member of this House, the former Member for Churchill, Joe Borowski, wanted to prosecute the National Museum or something, National Art Gallery? Well it was a very well respected institution, Mr. Chairman, who had a display of sculptures that offended the sensitivities of Mr. Borowski and I'm sure the sensitivities of many other people, who could walk quickly by and shut their eyes and thereby engaged in the kind of censorship that they want. I doubt that they should engaged in the kind of censorship that would tell other people that they must close their eyes.

If I had to define obscenity, Mr. Chairman, I might define it as being the type of movie that was displayed to us as youngsters, such as, Andy Hardy Goes to College, or something similar. I certainly think that the films that we saw in our generation were far more damaging in terms of the normal sexual personality of a human being, than the films that are now shown. I'm sure that a whole generation, Mr. Chairman, grew up with the notion that the sexual act is complete with a kiss and music and sort of the moon showing in the background; — (Interjection)— What's changed? Well, Mr. Chairman, I indicate that a whole generation, a whole generation grew up with that notion of human sexual conduct and being in the legal profession I saw some of the horrid results of that and I'm sure that each of us could even give more graphic details of some of the difficulties that people had in adjusting to a normal sex life as a result of that kind of rubbish that we were fed with for a whole generation.

So, Mr. Chairman, I don't want to try to create issues where they don't exist. I know that there are some people who are screaming prosecute. I remember some woman who had some type of shop on Portage Avenue who was continually being complained about by people who felt that she should be prosecuted and frankly, Mr. Chairman, I would try to resist that. Therefore I want the Attorney-General to at least have a difference of opinion and I'm sure

that perhaps the Member for Wellington doesn't disagree with what I'm saying but feels that the issue should be somehow brought into the open more clearly.

I think that the fact that bookstores now, throughout the city, are selling books of different tastes for different people is less damaging than to try to judge which books should be sold and which books should not be sold and inevitably, if we're going to have these prosecutions, we're going to get to that position. The United States Supreme Court which has had to deal with these questions on the basis of the Bill of Rights and the Freedom of Speech, etc. has done all kinds of gyrations, was trying to determine the manner in which this should be done. I think about a year or two ago, and again I'm not sure of my grounds, came to the most unreasonable conclusion, namely, that it would be left up to the local community to decide what standards will govern their community.

So I don't know just how strong the Member for Wellington is pushing but I want to say, in seriousness and without trying to be tricky or subtle in my comments, that I would prefer that the Attorney-General let censorship be the prerogative of the individual and the fact that there is a provision in the code that makes it a crime to display obscene material, etc., still leaves lots of room for the Attorney-General's discretion as to when he thinks something is so obscene that it has to be prosecuted.

MR. MERCIER: Well, Mr. Chairman, with respect to the two members who have spoken on this matter, the fact is that the Criminal Code provides that any publication and dominant characteristic of which is the undue exploitation of sex, or of sex in any one or more of the following subjects, namely, crime, horror, cruelty and violence shall be deemed to be obscene and that is the law, Mr. Chairman.

There's no question, as I indicated yesterday and agree with the Member for Inkster, that in all cases the Crown has the right to exercise prosecutorial discretion, however, I don't think that that means that the law in the Criminal Code can be ignored in every instance.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Yes, Mr. Chairman, that leads us to an interesting impasse. I presume that the Minister, I don't want to impute positions, but I think I can correctly infer that the Minister is saying he would prefer that the law be upheld. He takes I suppose, a different and somewhat stricter approach with respect to the exercise of discretion than the Member for Inkster would recommend to him.

The question then quite simply is whether or not he still agrees with the six Crown Attorneys that last year reviewed the book entitled *The Joy of Gay Sex* and whether on the basis of that consensus — because if he will recollect it was reported at the time that the prevailing community standard or acceptable standard of morality or moral taste in the community was established by virtue of a six departmental member review of the book, of the publication — that was what the senior Crown Attorney indicated to the press when he was

interviewed that there had been consensus reached among six other Crown Attorneys.

I am just looking here at an article by Val Werier and the interview, I'll just quote because I think it is of interest. He was interviewing the Crown Attorney Mr. Myshkowsky and said, "Mr. Myshkowsky did not make the decision alone", he says he circulated copies of the books to about six Crown Attorneys. The consensus was and this is a quote of Mr. Myshkowsky, "The consensus was that the books probably could be successfully prosecuted on the grounds of obscenity", so presumably using the guidelines that I presume are set by the Attorney-General there must be some sort of policy guideline that defines what the staff — I hope it isn't done on the basis of the individual tastes and preferences and predilections of members of the staff — I would hate to think, Mr. Chairman, that the decision as to the litmus test on community standards is based on a book being passed around at morning coffee at the Public Safety Building. I would hope that it would be a more definitive test based on governmental policy.

But in any event, Mr. Chairman, it seems that there is no question that the department has decided in its wisdom that they have grounds for prosecution; they've reviewed the publication. There is indication that publication is for sale. The Attorney-General has indicated to the Member for Inkster, if I correctly interpret the response, that he takes a much stricter view of this sort of matter. He would not discourage the prosecution of a book that his department deemed to be obscene and in contravention of the relevant legislation. All the elements are there. The only thing that is yet to be determined is whether or not the Attorney-General will now direct the department to file a prosecution against Liberation Books.

We know that Liberation Books sells the merchandise; will obtain it for you if you phone and wish to order it. They have indicated they have sold in blatant contravention of the opinion of the Crown Attorney. You indicated earlier, Mr. Chairman, the Minister indicated that Coles and Classic Book stores removed the subject books on demand last year but Liberation Books have decided in their wisdom that they will not do so. Obviously the invitation of free legal assistance by the Member for Inkster encourages them.

Mr. Chairman, I can say that I think if there is any doubt I will take the position I did with respect to child abuse yesterday. If there is a doubt, I think that the place the doubt and discretion should rest is in the court. I do not believe, although I am aware that there is an element of discretion in terms of prosecutorial responsibility. I do not believe in a case where six Crown Attorneys have determined, presumably on the basis of department policy, that a publication is obscene, that there are any grounds for forestalling or withholding prosecution. I think all the elements for a prosecution are there and it's the only way that the community really will find out what the acceptable community standard is with respect to this sort of matter. Presumably that is the role and function of the judiciary.

The judiciary I presume will have to hear evidence on both sides. They will have to hear evidence from people — I don't know whether expert evidence can

be received on community standards — but certainly they will hear evidence about the history of this particular legislation and the types of materials that have from time to time been deemed by the courts to have been obscene; the courts will have to decide as they have from time to time whether or not the standard has changed. So it seems to me that it's now timely for the whole matter to be tested.

I want to go on record and indicate that I have not seen the publication and it is not a matter of any individual member's standard. What I might consider to be obscene the Attorney-General may not, and vice versa. For instance I have a particular aversion to violence in films. I found most of *Last Tango in Paris* from my standpoint to be artistically acceptable. I enjoyed the film and thought it deserved the awards that it did win.

Mr. Chairman, I would ask the Attorney-General whether he can indicate if prosecution will be forthcoming.

MR. MERCIER: Mr. Chairman, just to clarify the record, I did not determine in my opinion that this publication, if there was a prosecution, would be considered to be obscene. This was determined, as the Member for Wellington indicated, and was the opinion of a considerable number of Crown Attorneys including senior members of the Department who came to that opinion, not as a result of departmental policy, Mr. Chairman, as the Member for Wellington indicated, but as a result of reviewing the precedents, the case law, the provisions of the code and their experience in past prosecutions with respect to their involving alleged cases of obscenity.

As I have indicated the police have as I understand it from the senior Crown Attorney at the City of Winnipeg Provincial Judges Court, investigated in the past whether the book was for sale. The advice that he received in the past was that they were not available, were not for sale so there has been no basis to my knowledge for a prosecution. If in fact the police come forward with evidence that these publications in question are for sale, Mr. Chairman, there will be a prosecution involving these publications.

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

MR. SAUL CHERNIACK: Mr. Chairman, we are playing games to some extent here. Apparently the Minister has been informed of a specific place where these books are for sale and now he says if the police tell me there will be a prosecution.

What bothered me last year about this incident was the assumption of the role of censor by the Department of the Attorney-General. As I recall it there was a complaint, I guess, and then there was a consultation with Crown Counsel which said that in his or their opinion the books came under the definition of obscenity in the Code; then I believe the next step was to go to the retailers who were selling the book and they were told that if they don't take the book off their shelves they would be prosecuted. As I understand it these retailers were committing an offence in the opinion of the Crown and rather than lay a charge the threat was made, and I consider that that was a threat, that if they don't remove the books from the shelves they would be prosecuted.

As I recall the newspaper stories the retailers decided that it wasn't worth their while to get involved in an expensive legal action and they therefore withdrew the books from the shelves; which is, to my mind, capsizing to a threat and I don't fault them for it. But it is that decision to lay themselves open for censorship that bothers me, Mr. Chairman, it seems to me that if there's an offence, the Minister said earlier today, it's against the Code, he wants the law to be upheld. But that isn't what happened. He didn't want the law to be upheld he wanted those books to be withdrawn; when I say he, I mean his department wanted the books to be withdrawn from the counter, from the shelves. Now that apparently he is told specifically that they are available he says, well, if I'm told that officially. Well, I don't know how officially he has to be told that if there's a law being broken that he should proceed. I don't think he ought to proceed but I think that's because my interpretation of the definition is different from that of the Attorney-General and I think it's nonsense.

But if he really believes it then why didn't he prosecute last year? He might just as well have gone to a certain bookmaker and said, if you're going to make book we're going to prosecute. But that's not what they did; they investigated it; they charged them, I don't mean any particular one, all the crimes that are being prosecuted are done on the basis that there is an offence and they are being prosecuted. They're not being told, if you do this you will be prosecuted, knowing that they're doing it; if you don't stop doing it you will be prosecuted. I don't know, do they make deals of that kind? And if they do then that's a deal, Mr. Chairman.

It may be if the vendor of a book is in doubt he may want to submit it to the Crown and say to the Crown, do you think this is in accord with the Code and therefore if you tell me that you think it's obscene under the definition then I don't want to deal with it. That isn't what happened as I recall it. What happened was that the police came to them and said: You have it on your shelves; if you don't remove it from your shelves we're going to prosecute. I never did think that was the proper way to handle it.

MR. MERCIER: Mr. Chairman, I want to make a couple of points. In the case involved there was a complaint from a member of the public. The Crown Attorneys reviewed the publication; came to the opinion, in view of their experience, etc., the case law, things we've gone over, they were of the opinion that the publication was obscene. The publication was being sold, I believe, as I recollect by one or two national book stores, reputable book stores with no previous convictions.

I think the Member for St. Johns and the Member for Inkster, at least, perhaps even the Member for Wellington, is coming to the view that there does exist prosecutorial discretion. In this case discretion was exercised. They went to one or two national book stores who had no record, who had a good reputation, indicated we've had a complaint, we've reviewed the publication; in our opinion it's obscene and we will have to prosecute you if it's continued to be sold. Some people may call that a threat, other people may call that prosecutorial discretion. The Member for Inkster calls it prosecutorial discretion; the Member for St. Johns calls it a threat.

The second point I want to make, Mr. Chairman, is that the department had received information before that the Liberation Book Store was selling this book. That was investigated by the police, as I've indicated, and there was no evidence that the book was for sale. I repeat, if there is evidence that's determined by the Police Department that the book is for sale they will be prosecuted in this case.

MR. GREEN: Mr. Chairman, I think that with these particular offences there is a problem and for us to not admit that there is a problem and to suggest that it goes one way or the other is incorrect. I think that the case that is most analogous to me, because I was personally involved in it, is the case of the Winnipeg Film Society. We are an organization that got together and it was as clean as a whistle, Mr. Chairman. We sold memberships in the organization, we had annual meetings, we had an accounting at the annual meeting with the election of officers, we had a treasury, you couldn't come to a film unless you were a member of the Film Society or that person's guest; and we showed films on Sunday. If there was money left over at the end of the year we showed another film.

The Winnipeg Police Department, on complaint from somebody, came to one of our shows and we gave them all of the information and we then received either a letter, I'm not sure it was a letter but it could well have been a letter, that we won't prosecute you for your last show but if you show again we will prosecute you. We wrote a letter to all of our members saying the Winnipeg Police Department regards this organization as selling admissions on a Sunday, which is contrary to The Lord's Day Act, we are going to show a film at the, I believe it was the Playhouse Theatre or the Odeon Theatre, and want you to know that during the course of this film there are going to be policemen coming in and we are going to be investigated. We believe that we are not charging an admission on a Sunday and we are going ahead. I wish Cole's would have gone ahead and I wish the other store would have gone ahead and I would wish that, after they had gone ahead, that you drew in your horns.

But the Police Department did not draw in their horns at that showing, it was either at the Playhouse or the Odeon Theatre, the police came, they took the information and the Winnipeg Film Society was charged with a violation of The Lord's Day Act and they were convicted. Then it went by way of trial de novo to the County Court and they were convicted; then it went by way of appeal to the Court of Appeal, four judges sat, the fifth couldn't sit, he was a member of the Winnipeg Film Society; that's a fact and four judges unanimously held that we were guilty of a violation of The Lord's Day Act and I was the president of the society at that time.

So there are six judges that unanimously convicted the Winnipeg Film Society; leave to appeal to the Supreme Court of Canada was granted. Went to the Supreme Court and the Supreme Court unanimously, five judges — and I don't know whether there's an analogous case — where there wasn't a single dissent in the lower courts and the Supreme Court unanimously reversed every judge in the Province of Manitoba and acquitted the Winnipeg Film Society and found that they were not charging an admission on a Sunday. After that, Mr. Chairman, because the

Winnipeg Film Society could do it, it became available to see films in Winnipeg on a Sunday because we had certain jurisdiction to amend The Lord's Day Act — not the Federal Lord's Day Act — but the Federal Lord's Day Act provides for provincial leeway, and that was done.

Now in that particular case, Mr. Chairman, there was a discretion and it worked out the right way. In the case that my friend the Member for Wellington is referring to, I don't see any value in the prosecution. I frankly think that there's nothing going to be gained from making an issue out of it if it is not being prosecuted. I suppose the Attorney-General having been told, on the record, in open court, that there is a violation or what he says is a violation of the Act, he's going to have to deal with it and maybe it will go to court. But these court cases have never resolved anything on obscenity. They have never resolved it.

One of the first ones was Lady Chatterley's Lover in England which I suppose by today's standard would be simultaneous with Harlequin Romance compared to what is now being sold in every bookstore in the Province of Manitoba. So what are we to achieve by this? We will achieve the fact that there may be a certain number of judges who regard it as obscene; then for awhile it goes underground and the price goes up; then gradually it comes out again and some attorney-general has to look the other way — not because he is not enforcing the law — but because he comes to the conclusion that the word obscenity is so impossible of definition that it is not worth the effort to make the prosecution and I say, Mr. Chairman, in my view the Attorney-General need not come to the conclusion that it is obscene even if seven policemen say that it's obscene; that does not mean that the Attorney-General has to come to the conclusion that it is worth prosecuting. I would urge, Mr. Chairman, that they not prosecute.

I would have hoped that the prosecutors would not have done what they did if they knew it wouldn't be prosecuted anyway. In other words, if the prosecutors who read this and felt that the Attorney-General was not going to prosecute, then they had no business writing a letter to Coles, to Classic or whoever it was telling them to take it off the shelf because if it's not going to be prosecuted, they have a right to put it on their shelf. I suppose this is the Member for St. Johns' point, therein lies a move which merely takes the book off the shelves but which is not a conscientious attempt to prosecute the law. I would have hoped that this would not have occurred but because that occurred and probably — and I would further, yes, I would think it was wrong — doesn't mean that it has to be followed up with a prosecution if those books appear on the shelves.

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

MR. CHERNIACK: Mr. Chairman, I've already stated I think it's ludicrous to prosecute these books and I've never seen the book, I have to admit that. But from what I've heard about it, it is apparently an effort to try and show a sense of normality in the sexual relations with the homosexual relation. I am sure as the Member for Inkster has stated that you can go to almost any bookstore or any magazine shop and you can find much greater examples and I deplore the trouble they take in order to do it.

I agree there's discretion in prosecution. I spoke earlier today about the costs involved in the — I used the example of Kasser and Reiser, I used the example of this wiretapping and the costs involved — and I think there has to be a sense of proportion. What bothers me is the way it was handled last year — I'm not critical of the decision not to prosecute and I think I would be critical of the decision to prosecute unless the Minister is so convinced that this is an offence which is clearly within the scope of the Code and therefore it has to be dealt with — because he can't change the Law and therefore it is his duty to see to it that the law is enforced.

But I rose mainly to comment on the Minister's statement that these were national firms reputable and no prior convictions. I can understand the statement as to no prior convictions because the most international firm which has prior convictions of a similar nature may be actually in the business which is considered unacceptable. But the fact that they're national and the fact that they're reputable puts a whole number of other possibilities of sales by firms which are neither national nor in the eyes of somebody, reputable — and I don't know what reputable means in the business sense — does it mean that they don't charge too much; that their mark-up is reasonable; that their premises are clean; that they pay their bills? I'm excluding of course any suggestion that a past record is to be ignored. I challenge the Minister to tell us whether this sales outfit called "Liberation" — I don't know where it is or what it is — and challenge him to tell us, are they not reputable? Then in the eyes of what viewer, are they or are they not reputable? I think it's a dangerous step that one takes when one starts dealing with prosecuting or not prosecuting on the basis of being reputable.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, with all due respect I think the Member for St. Johns misses the point. After the information has been given to the public that in the Crown Attorney's view, or Crown's view, the book is considered obscene, it wouldn't matter who it was sold by; it wouldn't matter to the department whether it was the Liberation Bookstore or Eatons or The Bay or whoever, it would have nothing to do with it.

As I understand the situation, one of the most important factors — probably the most important factor — in making the original determination with respect to the one or two bookstores that were selling it was the fact that there were no prior convictions with respect to this offence.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Mr. Chairman, it seems to me that we've ground this matter down to fine dust. The Attorney-General has indicated, I think quite candidly that prosecution will be forthcoming if it is established that the book is on sale, not only at Liberation Books but presumably anywhere else.

The Member for Inkster has confirmed that it was the intention of this particular bookstore to merchandise the article in question and they even contacted him in order to find out whether free legal

representation could — he says no, and I don't want to misinterpret what he said — but it seemed to me that there was some indication that they were prepared to fight a court battle if they were prosecuted as a result of the sale of this merchandise.

Implicit in that I inferred that there was knowledge on their part that other bookstores had been cautioned about the sale of this particular book; they were aware presumably about the letter from the Crown Attorney to the two reputable national firms, namely, Coles and Classic and, given all that, Mr. Chairman, I really don't know what more there is to be debated or discussed. It's very simple now.

The Member for Inkster has given his opinion; the Member for St. Johns has given his opinion; the Attorney-General has given his opinion and, not only his opinion but the opinion of six members of his staff, which he say assessed the current state of the law. They looked, as he said, I think at the precedents; they examined the material — I presume the Attorney-General himself examined the material — and they determined that it contravened the accepted standard and was obscene merchandise.

So the only question seems to be whether or not the Attorney-General is willing to accept the fact that Liberation Books sells the book in question and, if he is just simply willing to be forthcoming and accept the fact that Liberation Books has indicated that they sell, he can just advise us right now whether or not he will file the prosecution. He suggested he was going to, I think he suggested he would ask the police to investigate and see whether the purportedly offensive material was on sale at Liberation Books. Well I think we're telling him, at least I'm telling him and I don't want to suggest that the Member for Inkster has reinforced my submission, that the book, if it is not for sale at this very moment has been for sale after the injunction against its sale was issued. The book will be on sale, I can tell him that, that I spoke to a young gentleman who told me definitively that the book would be on sale because it had been reordered, it had been completely sold out to customers of the store and it had been reordered and they expected the shipment in two weeks. Now that was two to three days ago he told me that the shipment would be received in two to three weeks from then.

So, Mr. Chairman, it seems to me that what we want and what we're asking is whether or not a prosecution will go forward. The Member for Inkster says he's encouraging the Minister not to do that; he feels that discretion should be exercised; he feels that it would be inappropriate in terms of standards and everything else that a prosecution be lodged. I think that sentiment was reinforced by the Member for St. Johns who indicated that he too would discourage the initiation of action.

I'm going on record as saying that I have never seen the material but censorship in any form is repugnant to me. I would rather have the Attorney-General prosecute the bookstore, just in order that the community standard could be tested in the courts as opposed to the material and the merchant being subject to a form of censorship, through intimidation. I would much prefer that it go before a court and that the merchant could state his case, with a lawyer if necessary, and the courts can

determine whether the Attorney-General's interpretation is correct or that of the Member for St. Johns or that of the Member for Inkster and I don't even know whether those two members saw the book. They may have philosophical values which transcend the individual item. They may not care whether the book is one person's cup of tea or not.

So that there's a very simple question, will the Attorney-General have the courage of his own convictions, because he has stated his position as candidly as the Member for Inkster, or will he stonewall and try and put it off?

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: My involvement should be precise so that there's no misunderstanding. They phoned me, or a representative — it wasn't an owner of the store to my knowledge, but he phoned on behalf of the people involved — asked me to participate in a demonstration. I said that I was not interested in demonstrating for the sale of this book because it was not something that I was advocating but that I defended their right to sell the book. And to show that I meant it, that if they were prosecuted for selling it I would defend them. But I didn't say go ahead and sell it and I will defend you; I didn't encourage it. I said that they have a right to do it in my view and that if they are prosecuted I will defend them. I would not participate in their demonstration.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, what may be happening here is the Member for Wellington wants to make sure there is a prosecution and that the Member for Inkster will have to defend it and that this trial will take place during the election campaign and keep him occupied during that campaign.

Mr. Chairman, I don't dispute the comments of the Member for Wellington if he says it's for sale but I think he would appreciate that the police and the Crown would require proper evidence of a sale. What I will do, Mr. Chairman, through the department we'll do it, is send a copy of Hansard from tonight, as soon as it's available, to the Winnipeg Police Department and they can determine whether in fact the book is being sold and, if it's being sold, there will be a prosecution and the Member for Inkster will be actively engaged I take it in that prosecution.

MR. DEPUTY CHAIRMAN, Bob Anderson (Springfield): The Member for Radisson.

MR. KOVNATS: Thank you, Mr. Chairman.

I thought I would like to get into this discussion also, inasmuch as I hadn't heard any questions asked on Ellery Queen or Perry Mason and we've kind of gone through the whole gambit of everything under criminal prosecutions. I was just wondering whether in fact we were going to get to Perry Mason and whether, in fact, it was the intention of this group to proceed to try and finish off this criminal prosecutions. But I do have one thing and it's concerning censorship. I used to be involved in the film distributing business and many years back I was involved with a picture called *La Dolce Vita*. The picture was condemned, it was rejected, it was all

the bad things that happened over in Italy and we had to go through special procedures to get a group of paid people, people who were being paid as part of their job, who were censoring these movies and I can recall something so vividly and how there is such a difference of opinion concerning movies and censorship so I don't know how you would ever come to a complete agreement.

But I'm going to cite one particular thing that happened in *La Dolce Vita* that shows the difference of opinion. There was one particular scene where there was a statue of Christ being towed through the air by a helicopter and the shadow of the statue was run along the ground and it was over buildings; there were some women sunbathing up on the roof of a building absolutely naked; there was this statue and the shadow was falling on these people as they were sunbathing all over the city. I can recall vividly how these things were discussed about how the producer had brought in this great scene of the statue of Christ being lifted and carried over the city by helicopter and how he worked it in, the religious connotations and how he had just so beautifully worked it into the movie. This was one of the film reports.

Now a little later on they asked the producer — and it was Rossellini — they asked him why and how he had come about. He said well, there was no religious connotations. He says I happened to see a statue like that being towed through the city one day and I worked it into the picture.

So what I'm really trying to say is that these things cause a great deal of difference of opinion and I am also against censorship — I think that's part of the reason I wanted to speak just to make my views told, my views about censorship — and I am against censorship where somebody has to be hired to tell me what pictures or what books I can read. I don't think I could ever accept anything of that nature. (Interjection)— Make me Attorney-General? Well I think my morality is what I pass on to my children and I think that's the type of censorship I want my children to have. I don't think I want somebody being hired to tell my children or myself as to what books and what movies I can go and see.

I don't think I really wanted to get into much more than that but when I was listening to the discussion it came to mind on this *La Dolce Vita* and I just wanted to get it onto the record to show that there is a difference of opinion as to how people feel about censorship, how people feel about morality and different things that happen.

Thank you very much, Mr. Chairman.

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

MR. CORRIN: Yes, before closing I am going to go on to another matter altogether.

I'd just like to say that I will be looking forward to the results of the police investigation. I can assure the Attorney-General that the gentlemen who operate this particular bookstore are enthusiastic in terms of what they perceive as the exercising of their rights. They will be more than forthcoming; a simple phone call will be all that is required. As I understand it and as it seems to be confirmed by the Member for Inkster, they are even willing to demonstrate in favour of their right to sell this book. So, Mr.

Chairman, there's every indication that this particular prosecution will be forthcoming within the next two weeks. So we'll look to the Minister and the department to initiate the action as promised within that time.

The next item I would like to deal with, Mr. Chairman, is one that has been dealt with briefly before in the House during the question period and that is the question of the so-called gun case that was — to be charitable — dropped against the two officers of the City of Winnipeg Police Department.

Members and I'm sure the Attorney-General will remember that his department decided to prosecute two officers on charges of gun theft and ultimately a Judge of the Provincial Court ruled that the informations that had been filed outlining the charges were indeed invalid. As a result the charges were not sustained and the Attorney-General — I believe the case was dropped — it was as a result of a preliminary motion by the defence counsel and the charges were stayed after the ruling.

In any event, it was my understanding that there was some prospect of the two officers in question being retried and I wish to be apprised of whether or not the department has filed new informations in order to bring this matter before the court again. (Interjection)—

I'm sorry. Does the Attorney-General wish me to repeat all that? I wish to know whether the Attorney-General has made a decision as to whether to retry the case, or cases, against the two officers.

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, I thought that was public knowledge some time ago. The decision of the department after reviewing the evidence, the witnesses in court and their testimony, was not to proceed with a new set of charges against the individuals involved. The procedure with respect to the laying of the information has been changed — or is in the process of being changed — to ensure that someone with knowledge of the circumstances lays the information.

Thirdly, there is an internal review ongoing of the regulations to ensure a proper keeping of the inventory of firearms.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Yes. I suppose the obvious question is why are the two officers going to be allowed to get away with this? Since the original deficiency was of a technical nature, I presumed that the matter was not brought to trial without the Crown Attorney's responsible first having reviewed the relevant evidence.

So I presume, Mr. Chairman, there were probable grounds found by the departmental attorneys in order to sustain their belief, that the court would find the accused guilty of the alleged offences and I think that is a fair presumption. I presume they don't frivolously charge two senior police officers who were in a position of trust with respect to public property, in a cavalier fashion. One presumes that is a matter of some import and that any determination with respect as to whether to file or not file a prosecution only comes as a result of serious, long and serious, agonizingly serious consideration.

So the obvious question now is, why are these two officers who are obviously thought to be guilty of the crime, being allowed to walk away scot free? Is there any reason why they're going to be given this amnesty with respect to these offences?

MR. CHAIRMAN: The Honourable Minister.

MR. MERCIER: Mr. Chairman, the Member for Wellington indicates there was an obvious crime. I repeat, Mr. Chairman, the case having been over, the testimony was reviewed of the witnesses in that case. The whole case was reviewed as to whether or not the charges should be relaid. It was the Crown's view, Mr. Chairman, on the basis of the evidence and the testimony that was given there was not sufficient basis to proceed with the charges. What has been referred to the Police Department is whether or not the two officers in question have violated regulations of the Police Department.

MR. CORRIN: Well, Mr. Chairman, I'm willing to respect the fact that the matter has now been reconsidered and that the Department has determined that there was not sufficient evidence with which to warrant a prosecution against the two former accused. I can appreciate that, with the benefit of hindsight, this has now been determined. What I can't understand, I suppose, is why a charge of this seriousness and one that invited a great deal of media attention and which brought the integrity of not only these senior police personnel but I suppose the entire law-enforcement complement of the City of Winnipeg Police Department into question, I can't understand why such a prosecution would be forthcoming in the first place. One has to presume that when you prosecute the police, considering that these are the people that we are told we should respect and these are the people that will protect us from criminals, that when you prosecute them you give grave consideration to all factors and all the possible consequences of such action. One doesn't simply go on a fishing expedition against two senior police officers more or less alleging that the chief law-enforcement agent of the Crown has determined that he can't trust the people that he has entrusted with law-enforcement responsibilities. So, the question is, how did this happen? What were the processes that led to the initiation and institution of proceedings against the two now aggrieved police officers?

MR. MERCIER: Mr. Chairman, obviously the senior Crown Attorneys involved with respect to these matters, because I believe generally it is only senior members of the department who undertake prosecutions against members of the Police Department, determined after review of the material available that there was sufficient basis to proceed with charges against two policemen involved.

The case was heard, I believe the whole case was heard, all of the evidence for the prosecution and the case was thrown out on the basis of an irregularity in the information. The senior Crown Attorneys again, and I believe in fact the Director of Prosecutions was involved, certainly in assessing the matter and certainly the senior Crown Attorney at the Public Safety Building prosecuted the case. The witnesses having been heard, they were then able to review the

evidence that was given by them; review the cross-examination by defense counsel and, on the basis of the results of that evidence, determined that, no, indeed there was not sufficient basis to warrant relaying the charges.

I suppose, Mr. Chairman, it is indeed unfortunate for the two individuals involved or for any person that would be involved in those circumstances to be charged; to be tried; to receive the publicity that they did and then to find that indeed the Crown could not prove the case they had alleged. I don't think anyone, I'm sure no one in the department, is happy that kind of an event occurred. That wouldn't matter, Mr. Chairman, who it was whether they were police officers or they were other individuals in this community. Certainly every effort has to be made to avoid the laying of charges which are not supported by evidence because, certainly, Mr. Chairman, there are many people in society who see the charges laid, who read about it in the newspaper and immediately come to the conclusion that the two individuals having been charged are guilty. They forget the presumption that people are to be treated as innocent until proven guilty and if the Crown does not prove the charges then they are indeed innocent. That unfortunately I think is lost in the minds of most members of the public and many people like to believe that other people are guilty of what is alleged against them.

But I suppose the fact, Mr. Chairman, is that we're all human and that unfortunately in these matters all of the evidence is not available at the beginning. Evidence turns out differently sometimes upon cross-examination of defense counsel. That's what happened in this particular case and the Crown decided there was not sufficient evidence to warrant further charges and that is the action that has been taken in this matter. As I understand it there is a question of whether there's been a breach of internal regulations which has been reviewed by the Police Department.

MR. CORRIN: Yes. I would like to be as charitable as my honourable friend. I too would like to reflect peacefully and in a contemplative way reflect on past mistakes of Crown Attorneys. I suppose that I would like to be as expansive about it as he seems now to be able to be but there is a bottom line. The bottom line is that two persons who were presumably, up to that point in time, accepted as productive and worthy members of society; persons whose integrity had never before been challenged; persons whose lives were, for that matter, based on that integrity, whose professional lives anyway was based on the public perception of integrity, were brought before the courts; their integrity was challenged publicly. Because of the rather flamboyant circumstances, because of the very fact that it is so unusual for the Attorney-General's Department to prosecute agents of a law enforcement agency, the case became exceedingly topical. These people in a very substantial sense have suffered fantastic loss; they have been put to exceptional hardship. I presume they probably have also incurred substantial expense in exonerating themselves from these charges.

I don't think it's enough for the Attorney-General to simply stand up and say well sometimes it happens that way. It's sort of like a ball game, the pitcher being interviewed by Howard Cosell after a

baseball game and saying well my arm just wasn't what it should have been today and so and so seemed to have a very good day at bat and circumstances conspired and I guess I cost us the game. Somebody within the authority of the Attorney-General — he indicates a senior Crown attorney — and I can't believe that a decision to file this prosecution would have been delegated to even a senior attorney. I frankly and personally believe that this matter probably went right to the top of the department before the reputation of the City of Winnipeg Police Department was challenged in the courts. But the Minister says that senior authorities in his department determined that the case should go forward; they reviewed the matter intensively and they made a decision.

It's not good enough in my opinion, in submission, Mr. Chairman, to simply say the matter now rests and let sleeping dogs lie. There is a serious question as to whether the departmental officials in this case should be disciplined themselves. If they have exercised independent discretion and I underscore that ten times; if the Minister has been candid and his advice I presume, I always presume his advice is provided honestly and that's a safe presumption, then he leaves me no alternative but to suggest that people within his department have been responsible or irresponsible with respect to this decision; responsible for a bad decision or irresponsible in the course of making the decision and it's a very bad decision. I wish frankly that more of these cases came to light because I know from my own experience and the experience of colleagues that there are many such cases. It can be reinforced that most of these cases, 99 percent of these cases, will never come to the light of public attention. So it's never known when Joe very-average citizen is able to obtain an acquittal and usually, Mr. Chairman, I can indicate that when that happens it's already after the devastating effect of media publication with respect to that individual and the alleged charges against him.

So in a way, in a sense, in a very real sense, these particular acquitted accused are very fortunated because not only was their original case covered but the acquittals were also covered and because of the importance of this case, because of the topicality of this case it even has drawn the attention of members of the Legislature; at least the message has been sent out that the case was unjustifiably laid against them. So at least they can hold their heads up I suppose and say well there's an admission by even the Attorney-General of the province that this case should never have been lodged.

But it does happen, Mr. Chairman, and it happens with great regularity. I would wager that between a third to a half of all cases that are put before the courts come to similar conclusions and I may be on the low side.

So, Mr. Chairman, I say that the Minister not only owes an apology, which he has tendered I think in his own fashion, to the officers involved in the prosecution but he also owes it to the public of Manitoba to inquire into the circumstances in which the people who made this decision to prosecute came to deliberate and decide in favour of the launching of proceedings. He should make a thorough inquiry. I would like to ask him, because it's

possible he's already done that, has the Minister seen fit to make a thorough inquiry of what went wrong and why the action was initiated in the first place?

MR. MERCIER: Mr. Chairman, let me say, firstly, that in this particular case there was a lengthy investigation and review by the internal investigative group in the police department itself. This matter was reviewed by not only the senior Crown Attorney at the City Court, but by the director of prosecutions, by the Assistant Deputy Minister, by the Deputy Minister, before the charges were brought. Now, Mr. Chairman, I disagree with the Member for Wellington when he says just because the case was lost that means it was unjustifiably commenced in the first place.

Mr. Chairman, it happens that during the course of a trial, during the course of cross examination, questions by defence counsel, perhaps other witnesses called by the defence, perhaps the evidence of the accused himself, other information comes to light that was not available to the investigators and the Crown in the first instance when the charge was laid on the basis of the facts and the investigation that were before them at that time. I believe, Mr. Chairman, that the Member for Wellington has drawn a wrong conclusion that because the case was dismissed and because after review of the evidence that was given at the trial it was determined there was not sufficient evidence to warrant the re-laying of the charges, that meant it was unjustifiably laid in the first place. That is not right and is not a proper or accurate description of what occurred in this instance.

MR. CORRIN: A supplementary then, Mr. Chairman. I can accept this and I know it's true that occasionally evidence comes to light in the course of a trial that was not adduced prior to the trial. I've already said that it's inconceivable to me that any such prosecution would be advanced without the most thorough review and analysis. It's inconceivable that this sort of prosecution would go forward unless it was an ironclad case; it's just not done. It's highly unusual. The chief prosecutor's office doesn't go after the police unless they're darned sure they've got a 100 percent airtight case but I'm willing to accept the fact they were mistaken.

What I want to know is, who did the investigation? The question is, on what authority was this investigation? Was it departmental authorities? Was it the City of Winnipeg Detective Division themselves? Was there assistance rendered by the RCMP? Who did this investigation? Who was responsible for it? I think it's quite important to find that out in order that there not be any reoccurrence of this misadventure.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, I'm wanting to lend some discussion to this debate just so there is at least a difference of opinion registered with respect to some of the remarks that are made.

I happen to have been somewhat involved with the City of Winnipeg Police Force and I think it's a mistake to assume that a policeman is charged only

when there is an airtight case. As a matter of fact the police are sensitive the other way. The policemen are so concerned that their own reputation not be sullied, that when there is a suggestion there is a criminal offence, they are worried that somebody is saying they are not charging it. I know that Chief Stewart was very concerned that anybody would suggest that somebody is being let go because he is a policeman — and there were several charges that I am aware of against policemen where there was acquittals, not convictions — but nevertheless the charge went ahead and it was not the case that the policeman was not prosecuted unless there was a 100 per cent case against him. I don't know whether there is an edge either way but if there is an edge a policeman is not going to get the benefit of that edge because of his being a member of the police force and because the police force is always so sensitive that anybody would suggest they are protecting one of their own.

So I offer that as my opinion, Mr. Chairman, because it has been the suggestion here that a policeman is not charged unless there is an airtight case against him. I do not think that can be substantiated by the cases. There have been many cases where policemen have been charged, there have been acquittals and there have been convictions. I do not think because a man is a policeman he gets a better break. I have seen police subjected to at least actions which I do not think would have applied if the man were not a policeman. People expect more from a policeman and therefore do possibly move in these kinds of cases, a little harder when a policeman is involved rather than vice versa.

The other opinion I'd like to register, not as a matter of great contestation with the Honourable Member for Wellington, but just again to say it has not been my experience that one-third of all the cases which are prosecuted are thrown out. It may be so with the cases that are contested — although I wouldn't even say that is the case — but my experience was there's a long list of cases that are prosecuted; they come before the court; they start reading them and you get guilty, guilty, guilty, guilty. Therefore the large majority of cases that are prosecuted are carried through to conviction. At least that was my experience.

Now when there is a not guilty plea — and that certainly is justifiable and I've indicated that I'm prepared to defend somebody today who would plead not guilty — then I don't know what the breakdown is but if a third of the people who pleaded not guilty were acquitted, it wouldn't disturb me a great deal. I would tend to be more lenient rather than less lenient but that is a personality trait which could change with an Attorney-General.

I think the Honourable Member for Wellington yesterday said if you've got evidence proceed with the case and let the judge decide if they are guilty or not guilty. Surely we cannot expect the Attorney-General's Department to prosecute and find that nobody is acquitted; that's the basis of a trial. With regard to the particular case, I regard those two policemen as being innocent because I am trained to do so and I hope that my training will overcome any emotional suspicion. But it is a fact in our society that people are charged, people regard them as

guilty and then when they're acquitted I would say that maybe half the people say that they beat the rap; that they had a good lawyer.

I don't know how the honourable member is going to change that but with regard to these two policemen, I regard them as being innocent because they were not convicted. I don't know that their particular non-conviction would justify the honourable member putting them in a special category of people who have been persecuted wrongfully, without proper grounds for the prosecution having been commenced. Is this the case where I read in the paper that the information was sworn by somebody who did not have personal knowledge of the events and swore it on information and belief rather than having reasonable grounds? That was the basis upon which the conviction was not registered. Is that right? Well, Mr. Chairman, I still regard it as —(Interjection)— the evidence was then reviewed to see whether you were going to proceed again and re prosecute. The same evidence was reviewed because that particular non-conviction did not make the fellow *autrefois* a *qui* — you could have gone ahead. You looked at it again and decided that it wasn't there.

I think, Mr. Chairman, that the Member for Wellington will have a point. That is an unfortunate occurrence that could happen within a department that is responsible for law enforcement; that the particular acquittal left somewhat of a cloud. The particular acquittal was based on the fact that an information had not been properly sworn and looked like a non-conviction based on technicalities. The Attorney-General now gets up and says that on relooking at it there is not sufficient evidence. I suppose he is doing what the Member for Wellington spoke about yesterday as not being within his province to do because there is some evidence. But the Attorney-General is using a discretion as to whether he thinks that there is — under all the circumstances and since certain things have come out — a necessity to reinstitute the prosecution and he says he is not therefore these two people stand as innocent as the Member for Wellington and myself.

I don't regard that as being terribly unusual. I do regard it as being unfortunate. The fact is that the administration of justice will have that kind of unfortunate case and far more unfortunate that I would hope the Attorney-General would try to avoid it but he is never going to succeed 100 per cent. The fact is that I am aware and members of this House are aware of people who have been hanged who have been innocent, rather than have charges stayed which had left a problem on their reputation. That is one of the frailties with which our system of justice is fraught and which every other system that man sets up does not reach the kind of perfection that we would like it to have.

Probably one of the most striking examples of this, Mr. Chairman, took place during the 1919 strike when Mr. Dickson was charged with conspiring to overthrow the government — as a result of being a participant in that strike — and defended himself. If there ever was a throwing of the lie to the suggestion that he who defends himself has a fool for a lawyer it was demonstrated in Mr. Dickson's defence of himself. Mr. Dickson was not a lawyer — Fred

Dickson. He put on a better defence and made a better speech to the jury than I have ever heard put by any trained counsel, was acquitted by the jury and therefore walked out of the courtroom an innocent man. But Mr. Justice Gault after the jury came in with the verdict said, "Mr. Dickson, you're a very brilliant man. The jury has acquitted you. Don't do it again". So even though he was acquitted, completely innocent, Mr. Justice Gault still wanted to leave some impression that Fred Dickson had done something wrong.

It's certainly regrettable that this type of thing takes place but I think we all have to accept the fact that it is going to take place within our system of justice and unless the Attorney-General can see that there was some misfeasance, malfeasance or negligence in the handling of the case, which I suppose is what the Member for Wellington is asking, I don't know that there is much we can do except concede that it's the way the system operates.

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

MR. CORRIN: Before we move on I want to indicate that if I've left the impression that I thought that there was malfeasance I wish to remove that immediately, I wish to categorically deny that I have made any effort whatsoever to communicate that sort of position to members present this evening, Mr. Chairman. That would be a very serious allegation indeed and one that I would have to defend.

Mr. Chairman, the one thing that the Attorney-General has not yet told us is who did the investigation; he hasn't advised whether the city police investigated themselves and provided the information to the Crown Attorney's office or whether independent police personal, perhaps the RCMP, were called in to do the investigation of the City Police Force. This is of some interest to me because I've often wondered, on a theoretical plane, how one goes about the business of investigating the police or who is responsible for policing the police. In Canada, fortunately, we've had a history that's such that, with notable exceptions, this hasn't been an important or emergent issue. In other countries, I suppose less fortunate countries in that respect, it has been a critical and timely issue and so I would like to know in this case who the Attorney-General turned to investigate and police the police.

MR. MERCIER: Mr. Chairman, it's not who I turn to, this was handled by the Internal Investigation Unit of the Winnipeg Police Department.

MR. CORRIN: I'd just indicate that although I think that what the Member for Inkster has said about the desire of the police force to police itself and their high sense of esteem with respect to the integrity of their personnel is germane and I recognize that and I think that the majority of members in any police force would confirm that. I'm not sure that I can wholly agree with that. It seems to me that whenever the competence or integrity of a police department is brought into question that there are certain people within the department who have a vested interest in suppressing that sort of information and I would think that it would be very naive for us to think that

everybody in the police force wants to expose all the people in the police force who are rotten. I am willing to concede that probably everybody who is honest in the police force, being the commanding majority, would like to see the dishonest members rooted out and expelled. I would believe that they wouldn't want them to be compatriot in the force but I have difficulty believing that they would want the public to be made aware of the presence and existence of the rotten apples within the department. I can't see, for instance, given the highly political nature of being police chief in the context of 1981 Winnipeg, I can't see the Chief of Police saying: Come on boys let's get it all out in the open and, as it were, let it all hang out; let's show the public that we can take it; let's get these two guys put through the courts so that we can see whether or not they were guilty. I think that he would probably, and I'm not going to conjecture on the present police chief, I would think that some people in the hierarchy, not necessarily the chief, there would be some who would say, better for us to deal with these people quietly later, continue our internal investigation and not have to undergo the embarrassment of the public proceeding.

Now, I don't want to be caught in the position of anyone suggesting that I'm suggesting or inferring that the police are wholly unable of policing themselves. It just seems to me that we should have devised policy to deal with situations where it is necessary to investigate a police force and I know that there is now a draft bill that is being circulated which, as I understand it, basically takes this whole subject matter out of the purview of the local police force. I believe that they are now delegating the authority to conduct this investigation. We haven't seen the bill here yet so I'm conjecturing. Apparently the members of the public have seen the bill privately and I'm not going to digress and talk about that. It's one of those unfortunate incidents where you hear about it third hand from people on the street who have received copies in the mail, on a confidential basis, but can't talk about it and this has been confirmed several times in the House over the past session. It was even in the newspaper about 10 days ago and it was mentioned during the course of your Estimates opening, Mr. Chairman, by the Minister that he had a draft bill circulated.

So, not knowing what that bill contains, not being allowed the privilege of first observation as a member and I thought there was something more to the process of first reading and second reading and third reading, I am conjecturing on the basis of hearsay I admit.

I understand that the Attorney-General's department has decided to delegate the responsibility for investigation outside the department effected. Now, I'm not saying that that doesn't make sense. It seems to me that it would probably be better to have the RCMP looking at the City of Winnipeg Police and perhaps the City of Winnipeg Police looking at the RCMP, you know, in terms of the two forces at least being independent of one another and there not being any conflict of interest or forms of control. But I would like to know is the Attorney-General satisfied that this sort of internal investigation will always yield good results? In this case apparently, for some peculiar reason,

perhaps because the investigating officers were, as the member suggested, overzealous, they were wrong. For some peculiar reason they didn't get all the evidence. Now, I don't know, it would seem to me that if you were investigating colleagues you would be as thorough, as thorough could be, that you'd leave no stone unturned and you wouldn't want to press a colleague into that sort of situation. But I'm just saying that that's my gut feeling; that's my una, as my learned friend says, my inarticulate basic premise that it would go against the grain to throw a colleague into the pits of the courts and have him dragged through that mire where even my learned friend will concede that half the public, even after you're acquitted are unaccepting of the verdict. I would prefer for some peculiar perverse reason to believe that you had a good mouth piece, you had a very qualified lawyer who managed to beat the rap.

So, I would like to know, and in the context of this question, we might as well get into the whole question of this draft bill, what is going to be done about abuses of police power and allegations of crime against police because it's all part and parcel of the same subject? When are we going to see the bill and when are we going to be privy to it and are we going to see it at this session at all?

MR. CHAIRMAN: Order please, before I acknowledge the next speaker I have a part score between the Flames and Stars, 2-0 Flames.

The Honourable Minister.

MR. MERCIER: Well, Mr. Chairman, if the Member for Wellington would like a copy of the draft bill I'd be pleased to provide him with a copy of it. I indicated in the introduction of my Estimates that the draft bill was being circulated among a number of groups, individuals, select groups the Member for Wellington indicates. I believe I indicated the Police Department's Police Association, Police Commissions. I believe I indicated where the matter stood in the introduction of my Estimates, Mr. Chairman. There is presently before the Supreme Court of Canada a case from Alberta which dealt with the question of whether or not a province can establish a review body with respect to RCMP and that is being heard, I believe, in the Supreme Court and a decision is expected soon. The Solicitor-General has also indicated he will be introducing legislation which he believes will improve the consideration of complaints by the public against members of the RCMP. Again, if the member wants a copy of the bill, the draft bill as it stands so far, I'm prepared to provide him with a copy of that. I don't expect, Mr. Chairman, that in view of these two outstanding matters that a bill will be ready for consideration at this session of the Legislature.

As I've indicated, Mr. Chairman, the investigation was, in this particular case, handled by the Internal Review Committee of the Police Department who I'm informed, because of the seriousness of the matter, did enlist additional support and skilled investigators in reviewing the matter. I don't know, Mr. Chairman, the Member for Wellington has criticized the senior Crown Attorney, he's explicitly criticized everyone in the department right up to the Deputy Minister who reviewed this matter. I've come to expect criticism on every matter; he's criticized the Police Department; he's criticized the Internal Review Committee. I don't

believe, Mr. Chairman, from my knowledge of police investigations and in discussions with many interested individuals that to have the RCMP review the Winnipeg Police Department or to have the Winnipeg Police Department review the RCMP would work.

At some stage, Mr. Chairman, there has to be some trust in our organizations and institutions. I think the Member for Wellington did at some stage of his comments indicate that by far the majority of the members of the Police Department he believed were truly honest and interested in achieving the proper ends of justice and I believe that to be the case. Mr. Chairman, I sincerely believe from three-and-a-half years of experience in dealing with Crown Attorneys in my department, in the administration of my department, that they accept and are very sensitive to allegations of misconduct on the part of the policemen and on the part of everyone. These cases, like all other cases, are taken extremely carefully and investigated thoroughly. I believe the Police Department themselves are extremely sensitive to these matters and investigate them honestly and fully and to the best of their ability and that is what happened in this case. There is no evidence of anything to the contrary that I've heard from the Member for Wellington or from any other member. To suggest, as the Member for Wellington may have implied, that justice is only served when a conviction is obtained is not correct, Mr. Chairman. The fact is that there will be cases where charges are alleged and laid and the evidence as it comes forward will not be the same as the briefing material that the investigation seemed to reveal; people will be found not guilty and innocent of the charges; and that is the way, Mr. Chairman, justice is served.

Now if a Senior Crown Attorney, or any Crown Attorney, or any police department, or any department of a police department, or any group within the Crown Attorney's office developed a record of proceeding with charges in specific kinds of cases or the kind of cases they handled and were regularly unsuccessful — and I don't think that would have to occur too many times — then obviously, Mr. Chairman, something would have to be done with the individuals involved because there might very well be negligence or improper investigation done in those cases and that would be handled by the department; I am satisfied there would very quickly be a change of responsibility. But I don't believe this is handled in this matter, Mr. Chairman, certainly not by the Senior Crown Attorney at the city who handled this case on behalf of the Crown, had it reviewed and his views confirmed by senior members of the department right up to the Deputy Minister.

MR. CHAIRMAN: The Honourable Member for Inkster.

MR. GREEN: Mr. Chairman, again I would like merely because I have some direct knowledge of the area, to not sit silent when I hear certain things being said about what is going on. I was involved on several occasions with the City of Winnipeg Police Force, City of Winnipeg Police Commission, Manitoba Police Commission and in each case I never was made aware nor were any real charges made, although there is one which the suspicions

were raised, never was I made aware that the police weren't doing a thorough job in trying to deal with citizen complaints about policemen or policemen having been involved in unlawful activities. Indeed everything was the other way.

The Chief of Police at the time, Mr. Norman Stewart, was continually involved in dealing with disciplinary matters with the policemen in trying to establish either breaches of police discipline or breaches of the law generally. The forum in which he had to operate was before the Winnipeg Police Commission and it was the Police Association which he was faced with which I think is right — they would then deal with trying to defend one of their members if it was a dismissal charge or something of that nature — but the Chief of Police was handicapped by a situation that has arisen within the Winnipeg Police Force which I find inconceivable, that when a policeman is being disciplined the union has established that he does not have to answer to the Chief of Police for what he has done.

That has been accepted — not by the Chief of Police — but by the Police Commission, by the public representatives, not by the Chief of Police who wants the officer to tell him what has occurred but they almost treated them as if the officer is charged with an offence and reserves the right not to say anything. This has certainly been a handicap to the Chief of Police in trying to deal with disciplinary problems within the police force but that's something which has been established. I'm not saying that it's right nor am I saying that the union shouldn't try to do the best they can for the policemen. But I don't remember a case where the difficulty arose because the Chief of Police or the administration was trying to protect the policeman from some type of disciplinary action or criminal charge.

The one that hit the headlines was the Frampton case. Since I was directly involved I will just deal with what is the public knowledge. In that case, Mr. Chairman, the person who has alleged a complaint was interviewed on a particular night. The Police Department didn't even learn that there were any charges against the policemen until a year later, until a preliminary hearing had taken place and then it came to trial. If there was a culprit — I guess this is going to be self-confession, I was a member of the government — the Attorney-General's Department was more to blame for the investigation not proceeding than any policeman because at the preliminary hearing the Crown Prosecutor had received some indication that the statement was alleged to have been obtained by some type of brutality, although it was quite vague. That was reported in the Attorney-General's Department and they said nothing to the Winnipeg Police Department — nothing.

So the Winnipeg Police Department didn't find out about it until it came to trial and when it came to trial the Chief of Police within moments, in as short a time as it could, had gotten every person who had anything to do with Frampton subpoenaed and in court to testify before that judge, every single person — I think somebody was overseas — but the Chief of Police did in my opinion a remarkable job in tracing Frampton's actions from the time he got into the police station, from the time that he was interviewed, to the time that he went to the hospital

and coming back before the magistrate; every single one of those people was immediately made available to testify in court as to what had occurred and also was made available to the Commission.

I'm going that far only to indicate that in that case there was no complaint to the Police Department which would warrant any type of investigation until a year after indeed, Mr. Chairman, the defence counsel admitted that it was part of the strategy not to say anything about it in order to surprise them at the trial. That was part of the defence strategy not to complain about the police brutality because that would have put them on guard according to the defence, that they would be able to deal with it at the trial whereas they wanted to surprise them. Now that may be a good defence strategy but it doesn't then say that the Police Department had any knowledge there was a suggestion that there was police brutality. Once that came out, the Chief of Police went to great lengths to provide that information and did provide it.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: I will only indicate, Mr. Chairman, that I can accept the fact that the Member for Inkster was much more immediate to the case being the counsel for the police in this particular investigation. But, Mr. Chairman, I only wish to indicate that it's passing strange that all those people that the Chief rounded up, all those people that were part of the department, all those people that later came to testify before Mr. Frampton's inquiry didn't of their own volition volunteer immediately this information to the Chief of Police, that they saw the condition of Mr. Frampton when they took him to the hospital, why wasn't that indicated? —(Interjections)

MR. CHAIRMAN: Order please. If I could suggest to the honourable members, this is not a court of law and it appears that we are fighting an old battle over again. I would think that under Criminal Prosecutions I've allowed a great deal of latitude. But please, if we could get back to the subject so that we could probably finish the Estimates before the next couple or three weeks.

The Honourable Member for Winnipeg Centre.

MR. J.R. (Bud) BOYCE: Thanks, Mr. Chairman. I've been interested in the debate but there is a tendency sometimes for people that are involved in the legal profession to get going about law, it's over there somewhere. This is a legislative process and I would just like to put on the record that I as a representative of the people in Winnipeg, am totally satisfied with the Winnipeg Police Department under Taft, under Blow, under Stewart and I believe I will have reason to feel the same under Johnson. Mistakes will be made; it's a human system — and we're talking about human systems — I would anticipate that the Attorney-General's Department will function; they have survived many governments with very capable competent people and they will continue to protect what many of us feel is the concept of justice.

Some people get involved in this process as if you followed 100 percent of the time that justice will be done. I couldn't help thinking of Les Miserables and

the magistrate who pursued Jean Valjean for years and years and years. Yes, Jean Valjean was on a yellow passport and didn't report. It was illegal but I don't think anybody who is familiar with *Les Misérables* will say it was just. So if the Crown Prosecutors in their wisdom choose not to proceed on the basis of their expertise the way that they are doing things, I will support them. Then maybe I may disagree with them.

If they decide in a particular instance to stay proceedings, I think that they should be allowed that prerogative. That's not what was being discussed here at the moment but I still think that should be their prerogative because most of us in the society, we want to see justice done. We don't want to see one lawyer win and one lawyer lose and it's you today and me tomorrow. Yes, that's their game over there and they're entitled to it and they do a good job of it, the adversary system. But in more and more instances adversary positions in many institutions in our society is not serving society well today. So when it comes to the legal costs relative to criminal prosecutions, then I think we have been served well in this City of Winnipeg. That's how it's been the last few hours that we've been involved.

But just while I'm on my feet, it was during the Education Estimates, Mr. Chairman, we went on and on and on about dollars. How much are you spending for this? How many janitors have you got? How many buses have you got? There was precious little time spent on talking about education, of children learning. How are they going to develop the skills and acquire the knowledge to survive the changing world? Nothing. Here we are again in another area of our human endeavour. It involves justice. So I think, Mr. Chairman, it's incumbent upon those of us who represent the public, not from the standpoint of being legal professionals, but people from the community. Our questions to the Attorney-General should be in my view directed more to see if the process is working in our best interests or whether it is not.

My personal feeling is that up to this point in time in the history of the Province of Manitoba, regardless of government, that it has functioned well.

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

MR. D. JAMES WALDING: Thank you, Mr. Chairman. Following on the remarks of the Member for Winnipeg Centre, I wanted to bring to the Minister's attention an experience that occurred since the Minister's Estimates last year. I had occasion since that time to attend at a court case at a fairly low level. I speak as a layman because I know nothing of the court proceedings and it was actually the first such occasion that I had ever visited and I want to relate to the Minister a layman's view of the procedure of that particular case.

The Crown Prosecutor called a policeman to testify about an offence that had been committed. He also called three other civilian witnesses, all of whom testified quite adequately that an offence had in fact taken place. When the last witness had testified, that was the end of the prosecution's case, Mr. Chairman. It was obvious to me as a layman that no shred of evidence had been put forward that linked the accused in any way with the offence. The case was

immediately dismissed by the judge and that was the end. The procedure took perhaps half-an-hour or three-quarters of an hour. But on leaving the court room, I considered who had been there. There had been a judge and a Crown Prosecutor and a defending solicitor. There had been a court official — I don't know what he's called — a man in uniform that calls the names and ushers people in; a court reporter, one policeman who would have been getting paid at least regular time and perhaps overtime. There were three witnesses who had attended and taken time off work, all of whom had apparently wasted their time because the Crown Attorney had no evidence, or did not present any evidence, that would link the accused with the offence, which would seem to me as a layman so elementary that you wonder why the matter was proceeded.

I'm not sure whether it raises a question as to the competence or the negligence of that particular Crown Attorney in not proceeding with it but then I tried to think what reason could there be for this matter to have happened in the way that I observed it. It occurred to me perhaps that the Crown Prosecutor had expected to be able to produce some evidence that would connect the accused with the offence.

But then again, that raises another question, Mr. Chairman, as why in that case he had in fact proceeded into the courtroom so that the accused would then walk out and the case would be finished with. If it was a matter of some evidence not being available at that time, would it not have been in the public interest to have asked for an adjournment, or whatever the correct term is, to another time when this evidence could have been presented to the court? That was, Mr. Chairman, the impression that one layman went away with. It raised questions in my mind as to the way that the justice of the court system was serving the people of this province. I'm sure that others who had been attending also went away with similar questions in their minds.

I bring it to the Attorney-General's attention. I don't know whether he wants to follow the matter up or whether it is worth doing so, in which case I would speak to him afterward, but I put that before him as one layman's experience with the only court case that I've ever attended, Mr. Chairman.

MR. MERCIER: Mr. Chairman, I would like very much to follow that case up because I think whether a member of the public who observes that kind of a case is a Member of the Legislature or someone other than a member of the Legislature, then I think it's very important, Mr. Chairman, that they be aware of what happened in that case and the reason why that result occurred. Now, I don't know whether the case was dismissed perhaps because another witness didn't show up or what the reason was for that case, but I'd like to discuss it with the member and look into it and find out what happened in that case.

The Member for St. Vital, I think very accurately refers to the number of people involved in the process. A prosecution involves police as witnesses; it involves the judge, the court reporter, the prosecutor, perhaps the sheriff or bailiff and a large number of people are involved in every hour of court time. We found some two years ago — I think it was

about two years ago, Mr. Chairman — when a delay in hearing cases in the Provincial Judge's Criminal Court had gone up from five to seven or eight months, and it's not unusual, the main reason for that delay was time lost in court because a case broke down at the last minute; someone pleaded guilty or witnesses didn't show up and the case was adjourned. It just kept building upon itself and getting worse and the time for the hearing or the trial increased from, say, some five months to some seven or eight months. We implemented some procedures that I referred to in the introduction of my Estimates and I referred to them last year and we have succeeded in reducing that time for the hearing or the trial to approximately four months. I'm hopeful that with some other improvements that can be made that can be reduced to some three months and that we can maximize the use of court time and maximize the use of all of the people involved in a trial. I indicated in the introduction to my Estimates that I'm hopeful that the promises to computerize the system will assist us in maximizing the use of the court time and the judge's time and everyone else's time.

At the same time, Mr. Chairman, I think, speaking in general about the Member for St. Vital's perception of that case, it's important that if there was a victim in that case, and I don't know whether there was, but if there was, Mr. Chairman, we have tried within the department, through the Director of Prosecutions, to impress upon the Crown Attorneys the importance of explaining to the victim what happened in the case and why the result occurred, whatever the result is, to try to keep in contact with him and explain to him what is going on, what the result is, because quite often, Mr. Chairman, one person that is very much overlooked in these cases is the victim. And hopefully, through the Director of Prosecutions, the prosecutors will continually be aware of the victim's concern and interest in the case.

Again, Mr. Chairman, with respect to witnesses, we had in the early part of our Estimates, and it didn't make it through the Estimates process frankly, Mr. Chairman, we were hopeful of providing for a witness information officer, someone who would deal with witnesses, to assist them so they can understand the system, what their responsibilities are, etc. Perhaps in the next year or two in our Estimates we'll be able to elaborate on that. Although there is certainly part of that function that can be partially performed by the police involved in a case and by the Crown Attorneys but, again, it's important that witnesses be fully aware of their contribution to the case and what is happening and how important their involvement is in the case, Mr. Chairman.

So I'm hopeful that the Member for St. Vital will provide me with the details of that case so that we can look it up and find out what happened and hopefully, as a result of whatever information we're able to dig up on that case, we can improve his perception of the justice system.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: Thank you, Mr. Chairman. Mr. Chairman, I want to turn now and talk about another incident which certainly gave me cause for some

alarm and I believe that my concerns were shared by the Attorney-General because I know that he wrote to my colleague, the Member for Kildonan, advising him that he was going to enquire into the matter. That is the subject of the striking gas company union workers who were claiming to have been harassed by RCMP officers. Mr. Chairman, you will remember that these men alleged that they were forced to give up their . . .

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

MR. MERCIER: Not on a point of order, Mr. Chairman. I wonder if I could just indicate through you and I apologize to the member for interrupting but perhaps to expedite matters, I expect very shortly, within a matter of a few days, to receive the final report from the department on that and I will be writing to the Member for Kildonan and I take it we can send a copy to the Member for Wellington if he's interested in that matter.

MR. CORRIN: Yes. If it's going to be in the next few days, Mr. Chairman, I would suggest that the best procedure might simply be to table the report right here at the Estimates Committee in order that not only myself and the Member for Kildonan can be apprised of its context but also the other members of the committee. I think it was a rather unusual allegation. I don't think I can remember a case where people, in my youthful memory, where people alleged having been stopped on a highway and having had their boots removed by police personnel. I know that the police reports — I don't pretend to know all the facts, Mr. Chairman — but the Free Press court reporter on March 6 indicated that these people had been stopped by a security guard near the Beausejour Gate Station and the RCMP spokesman confirmed to the reporter that the boots of the people in question were seized as part of an investigation that evening. It does seem rather exceptional that picketing workers, or picketing strikers, I suppose, would be subjected to this sort of procedure. I guess one could make comments about the necessary humiliation, degradation but I think it's virtually unnecessary to comment on that. The main issue, I think, is what was in fact the substantive motive of the police force? Quite simply why did they ask these people to part with their footwear? I don't know whether these people were asked to go home without their boots and shoes.

The reporter doesn't go on to say whether the people were provided with other foot gear before they left after being questioned by the Police Department. The reporter doesn't really say why the boots were taken. I'm presuming that it was thought to be evidence, that perhaps since the charges that were being considered were trespass, that the shoes were evidence in the sense that the footprints of trespassers might be able to be determined from the soles of the boots. —(Interjection)— Well, the Member for Inkster makes an interesting point. He says why didn't they take the boots of the company directors. I suppose the point he's making is that they may well have found that they were visiting the premises that evening as well and that the footprints would have been their own and not the picketing workers at all. It's a good point and I don't know, as I said, it's a highly unorthodox sort of procedure.

It smacks on its face of an attempt by the police to subvert a lawful picket line and persons who are engaged in lawful picketing activity. I don't know whether the charge was ever laid. This particular news report doesn't say whether any charges were laid, it talks about suspicion but it doesn't say, as they usually do, that charges were laid. I presume, and I think it's safe to presume because we haven't heard very much of late about it, that the allegations weren't borne out, no charges were laid and the boots presumably have now been returned to their rightful owners.

But I think in terms of the potential violation of individual's human rights, and if there ever was a case that involved human rights I think this probably might be the one, in terms of its potential, I would say that this should commend the very sharp scrutiny and interest of the Minister and his staff. I think that they should want this matter thoroughly reviewed; I think that they should determine whether the police had probable cause; they should determine what motivated the police to attend; what motivated the police to take the boots, whether that is a common policy when dealing with trespass cases to take boots away from persons suspected of committing the unlawful act.

The Member for Inkster again says, how did they suspect it? I'll attribute this to him because I think in terms of collaboration, if it's collaboration I'm more than willing to collaborate with the other Opposition party. What grounds were there? Was there probable cause to suspect any of these people of having committed unlawful acts and, if there was, was it justifiable for the authorities to do what they did? Was it in the normal course of an investigation? Are there casts, for instance, I would like to know. As a matter of fact if I were the Attorney-General and I think if the Member for Inkster were Attorney-General we would most certainly be down at the RCMP headquarters to see the plaster casts that must have been taken in the mud that particular evening in order that the boots could be compared with the imprints. One presumes that the Attorney-General would want to assure himself that all aspects of this case were looked into by the police. So they spent time standing in the freezing night taking plaster casts while they were still fresh in the ground so as they could assure themselves that they had all the best evidence. I would certainly be shocked to find out, Mr. Chairman, that that was not the investigative process that was conducted on the evening in question. I would be shocked if somebody was to suggest that it was only the boots that were taken but not the imprints. Less bothersome I'd imagine to take the boots from the strikers in the police car than to stand in the freezing cold in the dark of the field and take the imprints. I think that's a fair assumption so I hope that all the investigative work was done.

I'd also like to know, if no charges have been pressed, what sort of reimbursement or compensation or indemnity is going to be made in favor of those striking workers, and I suppose I'm more concerned if they were forced to go home in their socks. I'd like to know what's going to be done to compensate them and indemnify them for their humiliation and the degrading treatment that they received on this evening in question. I think that

whether there's a report or not I think that before these Estimates are over there should be answers to those questions.

MR. CHAIRMAN: (2) — pass;
The Honourable Member for Wellington.

MR. CORRIN: I was going to suggest that the hour being now past 10:30 that we move adjournment and conclude the item; if not, I have several other things that I regard of incidental importance to myself which I will continue with but they're not so important that I will deal with them in Estimates if members will prefer to go home to warm beds.

MR. CHAIRMAN: I'm sorry I didn't quite hear. Did you say you wanted to complete the item?

MR. CORRIN: I said that I will, I will complete all my items that I had prioritized to deal with under this particular item but if members would prefer that the Estimates debate be adjourned for this evening I will forego dealing with these low priority items and let members go home.

MR. CHAIRMAN: The Honourable Member for Inkster. . .

MR. GREEN: Mr. Chairman, I don't know what the Attorney-General intends. Mr. Chairman, before the Attorney-General deals with the question of adjournment or no adjournment I must frankly say that I'm not aware, was not aware, of the allegations that are now made by the Member for Wellington and I'm not certain that there is common knowledge of such allegation but what the Member for Wellington has said is that people engaged in perfectly lawful activity, who are doing what everybody has the right to do, that is walking down the street and protesting a particular position, were visited upon by the law-enforcement officers, asked to remove their boots in the wintertime, outside — (Interjection)— but they were asked to remove their boots. They were not placed under arrest, they were not charged and that this was done ostensibly on some sort of suspicion.

Now, Mr. Chairman, I would like the Attorney-General to be very distinct, as far as I am concerned and the Member for Wellington has raised the point, that I, as a member of the Legislature, am going to want very much to know on what basis this was done. That if the reasonable cause, and I give warning, that if the reasonable cause is that it is presumed that these people who are on strike are the people who would have done that thing, then I want the Attorney-General to know that there should be hell to pay. Therefore, when he gets that report, I would like him very much to address his attention to whether that is reported on and whether there is no more than that these people are on strike and that there was damage done to company property and if that's it, Mr. Chairman, then I suggest that it is a breach of human rights of momentum proportion and I want the Attorney-General to know that when he is receiving that report.

MR. MERCIER: Mr. Chairman, I tried to indicate earlier I had received a letter, I believe from the Member for Kildonan, forwarding a complaint to me

on behalf of, I take it, some parties involved. I received and I've also indicated publicly, I think, that I received a complaint from Mr. Martin of the Federation of Labour with respect to this matter. I asked immediately in my department to review these complaints. I have not yet received that report. I was given to understand today that it is forthcoming shortly and as soon as I receive it, Mr. Chairman, I will be responding to Mr. Martin, the Member for Kildonan and if the Member for Wellington wants it, obviously he does he's asked certain question today, and the Member for Inkster has asked certain questions today; I'll respond to all of them. (Interjection)— Yes, I'm sorry, I was just going to say, the Member for Wellington raised a question about adjourning earlier on today, Mr. Chairman, and his discussion indicated we could probably get to the Land Titles Office this evening.

MR. CORRIN: I thought it was agreed that we would get to the end by a certain deadline and I didn't care much, from my person point of view, how we got to the end as long as we got there, whether I foreshortened one debate or another debate and dropped one low-priority item or another low-priority item. But before we go on with that I would like to ask a supplementary question.

I would like to know who is investigating — dealing still with this other matter of the RCMP and the striking gas workers, Mr. Chairman — I would like to know who is providing the investigative report? Well, before I go on and elaborate I would prefer to know who is to provide the report to the Minister?

MR. MERCIER: The Director of Prosecutions, Mr. Chairman.

MR. CORRIN: I would like to know, and I presume that this information will be available, I would like to know how the Director of Prosecutions is going about compiling the information from the report? In other words, what is the methodology being employed in the preparation of the report?

MR. MERCIER: Mr. Chairman, I haven't seen anything of this matter since I asked that those concerns be investigated. When I receive that report I'll be able to give that information to the Member for Wellington.

MR. CORRIN: Mr. Chairman, the reason I am asking of the methodology is because I think it is very important that no stone is unturned with respect to this investigation and I would want all members of the House to be assured that the report will be as comprehensive as possible and I'm not suggesting, in case somebody is about to stand up and say I have just challenged the competence of the Director of Public Prosecutions, I am not suggesting that the Director will be negligent or is incapable of proceeding with a definitive reporting statement in this regard; I'm simply suggesting that prudence dictates that members be apprised of the manner in which the Minister has directed the report to be prepared in order that we could consider the terms of reference and in order that we can make constructive suggestions if we disagree with any component part of the methodological approach and I don't think that's unreasonable, Mr. Chairman. I

agree full well with the Member for Inkster, I think that the potential here, I've said the before, the potential in terms of the violation of human rights is so enormous when you consider what has happened and when you consider that the matter has been, I wasn't going to say suppressed, but it has been dormant and it is now more or less gestating while we await the tabling of the report. I think that we should all be apprised of the methodology to be employed by the director in making the report so that we can now have our input, have our opportunity to make any constructive suggestions that we think might assist the director in putting together the most constructive and comprehensive sort of document.

MR. MERCIER: Mr. Chairman, I have not seen a report yet. When I see a report I will have to, firstly, determine whether I am satisfied with the report.

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

MR. CHERNIACK: Mr. Chairman, as I understood it the Minister expected to have that report available for members within the next couple of days.

MR. MERCIER: Just to be perfectly clear, Mr. Chairman, I expected to receive some sort of a report within a few days, that's correct. Now I have to be satisfied with that report or any other report I get. If I'm not satisfied with that report, there'll be a lot of questions asked tonight and I want to make sure the report covers all of those questions.

MR. CHERNIACK: My own reaction is that as long as the report does come to us in time to be reviewed either during the Minister's Salary or during the Supply Bill itself where it could obviously be discussed, then it seems to me that's quite practical and we will have an opportunity to see the report and to deal with it. That means to me that from my standpoint, I think we could wait the few days. I would like to think the report will not be delayed beyond the opportunities we would have in this House to discuss it. I'm wondering if the Minister could undertake to see to it that we have it at least by the time we deal with the Supply Bill itself, which is quite a way off.

MR. MERCIER: Let's be perfectly clear right now, Mr. Chairman. What the members will get is a report from me.

MR. CHERNIACK: Mr. Chairman, it is not for me to tell the Minister what sort of report he's to make, of course. I understand the report will be from him based on recommendations or information which he receives. For myself, I wouldn't expect more. But I'm asking the Minister whether we could expect to have it before debate concludes on the Estimates.

MR. MERCIER: Mr. Chairman, as I said I don't have it yet. It's not in my office as of today. There are a lot of questions asked tonight which are probably good questions to be asked. I want to make sure I'm able to respond to all of them. The Member for Wellington and I in discussing the length of time he expects to take on the Estimates indicated to me

today that barring something certainly unforeseen, if some business occurs in the House that's not anticipated as of now, he expects to be able to conclude the Estimates Monday afternoon by 4:30. So I think it unlikely that my report will be available then. If it's possible, it will be. But I want to make sure I answer all of the questions. The member can rest assured that I don't intend to delay that report. When I'm able to answer all those questions I will supply them to all of the members as I've indicated.

MR. CHERNIACK: Mr. Chairman, I did make the point that it would be well if the report could be given to us by the time we discuss the Minister's Salary and then I took the precaution of saying — since I've been around for a while and know things can't always happen the way you look forward to it — that at least if we had it before we complete the Supply Bill itself, at which time of course it can be discussed when we're in Committee of the Whole. Even that would give probably another week's time for the Minister to have it ready and I thought it would be well if we could expect from him that we will have it by then.

While I'm on my feet, Mr. Chairman, I don't know whether the Member for Wellington's estimate of 4:30 Monday is valid or not. I do know that under Boards and Commissions some of us have some things to discuss. There are five boards. I don't have something on each of the five but I certainly would like to have an opportunity to discuss those. Therefore I don't feel necessarily that we're going to be that quick with it.

What I heard the Member for Wellington say was that if there's a disposition to conclude the evening's work with the passage of this resolution, I gathered he would postpone what he considered were minor points still to be raised. —(Interjection)— forego those matters. Yes, that's better. To forego it for this resolution and then of course he would have the right to deal with it under the Salary. But I also gather that if there's no disposition to adjourn at the conclusion of this resolution, then he would want to raise it. I'm just wondering what the Minister's plans are.

MR. MERCIER: Mr. Chairman, in saying I believe the Member for Wellington indicated he still expected to meet the time for completing the Estimates we discussed today, Monday afternoon. So I'm certainly prepared to —(Interjection)—

MR. CHERNIACK: Let's get this clear. We've had problems in the past with the Minister — I don't mean this year — the Member for Wellington may have given the Minister his estimate of when his Estimates would be concluded but the Minister knows very well, not only are they not binding on other members they're certainly not binding on members other than the Member for Wellington or his colleagues. I for one don't quite agree that it is a probable time and I don't think the Minister should try in any way to tie down the conclusion of his Estimates to the estimate made by the Member for Wellington. I wonder if I'm clear to him on that.

MR. CHAIRMAN: The Honourable Member for Wellington.

MR. CORRIN: I just wanted to indicate that my estimate was based also on the fact that as I told the

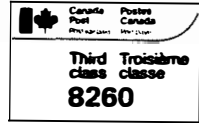
Minister, I cannot be here Monday night. So from my point of view at 4:30 on Monday afternoon for that particular day anyway and that particular sitting, I am finished. It's just impossible for me to be here on that evening. It's a very important event and I must attend it.

Mr. Chairman, I did indicate though that I would make an effort personally and I would be well beyond the bounds of my authority to suggest that I can make any commitments for my caucus without having conferred with them. If I gave that suggestion to the Minister, I apologize.

I know also that I didn't tell the Minister I was going to go down to the Land Titles Office tonight. We decided it would be inappropriate at this point to make any decisions as to how far we travelled in one day and that was his disposition, so I don't know. If we want to pass Criminal Prosecutions we can go home, pick it up tomorrow morning and work as hard as we can and go forward. (Interjection)— I can't hear you, I'm sorry. All of two, right, okay.

MR. CHAIRMAN: (b) — pass; Section 2 — pass; Resolution 17, Resolved that there be granted to Her Majesty a sum not exceeding \$3,935,100 for Attorney-General, Legal Services \$3,935,100 — pass.

Committee Rise.



Minister's Office
172 Legislative Bldg.

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