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DEBATES and PROCEEDINGS

31-32 Elizabeth II

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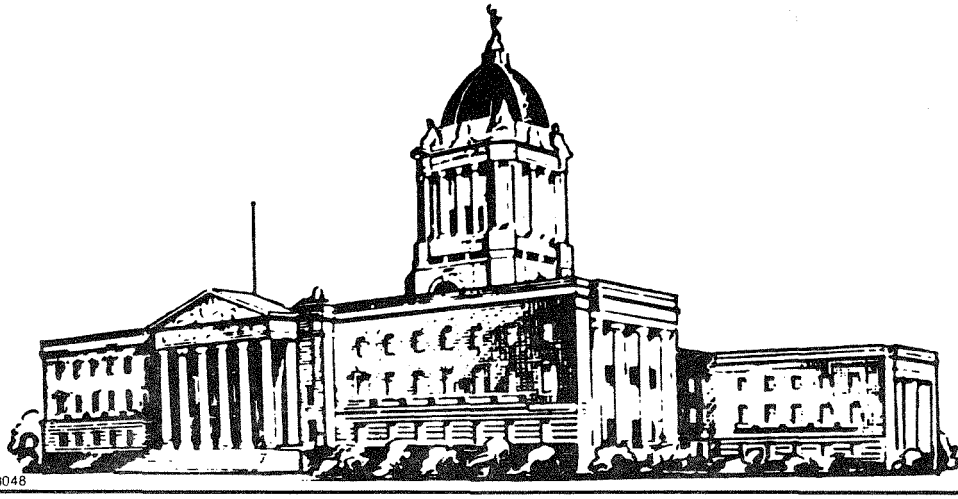

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Second Legislature

Members, Constituencies and Political Affiliation

Name	Constituency	Party
ADAM, Hon. A.R. (Pete)	Ste. Rose	NDP
ANSTETT, Andy	Springfield	NDP
ASHTON, Steve	Thompson	NDP
BANMAN, Robert (Bob)	La Verendrye	PC
BLAKE, David R. (Dave)	Minnedosa	PC
BROWN, Arnold	Rhineland	PC
BUCKLASCHUK, Hon. John M.	Gimli	NDP
CARROLL, Q.C., Henry N.	Brandon West	IND
CORRIN, Brian	Ellice	NDP
COWAN, Hon. Jay	Churchill	NDP
DESJARDINS, Hon. Laurent	St. Boniface	NDP
DODICK, Doreen	Riel	NDP
DOERN, Russell	Elmwood	NDP
DOLIN, Hon. Mary Beth	Kildonan	NDP
DOWNEY, James E.	Arthur	PC
DRIEDGER, Albert	Emerson	PC
ENNS, Harry	Lakeside	PC
EVANS, Hon. Leonard S.	Brandon East	NDP
EYLER, Phil	River East	NDP
FILMON, Gary	Tuxedo	PC
FOX, Peter	Concordia	NDP
GOURLAY, D.M. (Doug)	Swan River	PC
GRAHAM, Harry	Virden	PC
HAMMOND, Gerrie	Kirkfield Park	PC
HARAPIAK, Harry M.	The Pas	NDP
HARPER, Elijah	Rupertsland	NDP
HEMPHILL, Hon. Maureen	Logan	NDP
HYDE, Lloyd	Portage la Prairie	PC
JOHNSTON, J. Frank	Sturgeon Creek	PC
KOSTYRA, Hon. Eugene	Seven Oaks	NDP
KOVNATS, Abe	Niakwa	PC
LECUYER, Gérard	Radisson	NDP
LYON, Q.C., Hon. Sterling	Charleswood	PC
MACKLING, Q.C., Hon. Al	St. James	NDP
MALINOWSKI, Donald M.	St. Johns	NDP
MANNESS, Clayton	Morris	PC
McKENZIE, J. Wally	Roblin-Russell	PC
MERCIER, Q.C., G.W.J. (Gerry)	St. Norbert	PC
NORDMAN, Rurik (Ric)	Assiniboia	PC
OLESON, Charlotte	Gladstone	PC
ORCHARD, Donald	Pembina	PC
PAWLEY, Q.C., Hon. Howard R.	Selkirk	NDP
PARASIUK, Hon. Wilson	Transcona	NDP
PENNER, Q.C., Hon. Roland	Fort Rouge	NDP
PHILLIPS, Myrna A.	Wolseley	NDP
PLOHMAN, Hon. John	Dauphin	NDP
RANSOM, A. Brian	Turtle Mountain	PC
SANTOS, Conrad	Burrows	NDP
SCHROEDER, Hon. Vic	Rossmere	NDP
SCOTT, Don	Inkster	NDP
SHERMAN, L.R. (Bud)	Fort Garry	PC
SMITH, Hon. Muriel	Osborne	NDP
STEEN, Warren	River Heights	PC
STORIE, Hon. Jerry T.	Flin Flon	NDP
URUSKI, Hon. Bill	Interlake	NDP
USKIW, Hon. Samuel	Lac du Bonnet	NDP
WALDING, Hon. D. James	St. Vital	NDP

Time — 8:00 p.m.

MR. DEPUTY SPEAKER, P. Eyler: When last we met we were considering the proposed motion of the Honourable Attorney-General, considering the second reading of Bill No. 14, An Act to amend The Elections Act.

The Honourable Member for Springfield has 22 minutes remaining.

ADJOURNED DEBATES ON SECOND READING

BILL 14 - THE ELECTIONS ACT

MR. A. ANSTETT: Thank you, Mr. Speaker. Mr. Speaker, when we were interrupted for Private Members' Hour at 4:30, I was commenting on the provisions in Bill No. 14 which will allow for the introduction of a continuous advance poll, and I know that some members opposite, in debate on this subject, expressed some reservations about the operation of a continuous advance poll. Before 4:30 I assured them of its success, both in the last two Federal Elections, and in New Zealand for a number of decades.

I would also like to point out, Mr. Speaker, that the purpose of a continuos advance poll, contrary to the suggestion of the Member for Lakeside, I believe, who commented on this, is not to extend, over a period of half-a-dozen days or a dozen days, the period of voting in the election. Instead, the same rules would apply as now currently apply to advance polling. A person would have to take an oath, as they do for a regular advance poll, attesting to their need to be absent from their polling place, or the polling subdivision in which they normally reside. That's the current provision and it's expected that would continue.

So the purpose of this provision, Mr. Speaker, is strictly to enhance the ability of electors to cast their ballots. At the present time there are a number who are disenfranchised because of their inability to attend, either at the regular advance polls or on polling day.

The other area in which some members have expressed some concern is the question of vouching. Some members opposite seem to feel that the integrity of the democratic system in this province and country will only obtain if any person who is left off the list by the enumerator — (Interjection) — the Member for Pembina had something difficult for supper and it's just now releasing itself. Mr. Speaker, the Member for Pembina is welcome to join this debate after I finish my remarks, but I'm having some trouble dealing with his remarks now.

Some members opposite - but not the Member for Pembina - suggested that the elimination of vouching would be a real threat to basic democracy and elections in this province. I'd like to point out that in the Province of Quebec, for example, no vouching is required; anyone can be added to the list, by oath, on polling day. In the Province of New Brunswick, anyone can be sworn in at the poll in both urban and rural polls, or obtain a certificate to vote; no voucher is required. In B.C., a straight oath entitles a voter to cast a ballot on polling day, although they must cast it under a special section and cast it in a special ballot box. In Prince Edward Island, they swear a simple oath, the same as is proposed here in Manitoba. In Saskatchewan, the same as Prince Edward Island, and as is proposed in Manitoba. In Alberta, they swear an oath; they have to produce identification, as they do anywhere else, but they swear an oath and they're added to the list and they vote.

The Member for Kirkfield Park expressed some reservations about the need for certain forms of identification to be required. I concur with their suggestion, and if she'd like to make that in committee, I'm sure the Attorney-General would welcome an amendment to require certain specific kinds of identification to be shown by the individual when they take the oath. I think that's a worthwhile suggestion.

In Newfoundland, and in the Yukon, and in the Northwest Territories, people can be added to the list. In the Yukon and Northwest Territories, vouching is still the rule, but certainly in Newfoundland people can be added by a simple declaration. So the rule that obtains in the vast majority of Canadian provincial elections is a rule which says you don't have to drag somebody else to the poll with you to attest to the fact that you're an eligible elector.

The bottom line, Mr. Speaker, is whether or not we want an open electoral system that promotes the participation of the largest percentage of the eligible electorate in making decisions. Those people who wish to require that a person take one or, in the past in Manitoba, two individuals to the poll with them, obviously have no confidence in the ability of the electorate, or in the election administration, to safely and properly administer the laws.

So, Mr. Speaker, I have some reservations, certainly, about leaving it open without any identification. I share the Member for Kirkfield Park's concern about that, and I think that's a worthwhile suggestion. One of the problems that some people seem to attach to this vouching is that in the city it's going to be a dangerous problem. In the country, everybody knows each other so it won't be a problem in the country so we could let people sign a declaration in the country, because everybody knows each other and, as the Member for Minnedosa says, country people are more honest. Well, Mr. Speaker, I can't accept that argument, I can't accept that argument. I believe that all the people . . .

MR. DEPUTY SPEAKER: Order please. The Member for Arthur on a point of order.

MR. J. DOWNEY: Mr. Speaker, I heard what the Member for Minnedosa said and he said that the country people are honest; he didn't say they were more honest, he just said they were honest.

MR. A. ANSTETT: Mr. Speaker, I stand corrected. If I misquoted the Member for Minnedosa, I apologize.

I believe that the people in the city and in the country are honest, and I don't believe you're going to get fraud in an electoral system that allows people to be sworn in on polling day. In addition, the Chief Electoral Officer has indicated that they have done checks of people who have been sworn in on polling day with vouchers, and that there has been no indication whatsoever of fraud at that level, using the present provisions.

So, Mr. Speaker, if people wanted to abuse the electoral system, if it's suggested by members opposite that there are some people out there who might not be honest, regardless of who they are, Mr. Speaker, if there's one there are propably two, so every person who is dishonest can easily find a voucher. The Member for Pembina, obviously, knows more dishonest people in this province than I do, he's already enumerating them. So, Mr. Speaker, the position of members opposite is predicated on the supposition that it's easier to find two dishonest people than it is to find one. Well, Mr. Speaker, I don't hold that opinion of the people of Manitoba.

The other concern I have, Mr. Speaker, very briefly, is the concern expressed by the Member for Lakeside about occupation; I touched on that briefly. He makes the argument that the only reason for not taking "occupation" off the ballot is that the people of Manitoba don't want to elect too many lawyers. That was, perhaps, the clearest argument he advanced for leaving the occupation of candidates on the ballot. But I've looked at some of the campaign literature of members opposite, and members on this side, and you know every time somebody puts out some campaign literature they put a little box at the bottom of one of the pages, they put their name in it with an X in a circle beside it. Nowhere on those blank ballots that they print on their literature with their name on it do they put their occupation under it; they don't think it's significant. — (Interjection) — The Member for Kirkfield Park says, because it's going to be on the ballot. If the Member for Kirkfield Park, or any member opposite, thinks that people go into the poll on polling day, not having made up their minds, and then they decide who they're going to vote for by picking up the ballot in the polling booth and saying, hmm, Harry Enns says we've got too many lawyers, I won't vote for him.

A MEMBER: Right.

MR. A. ANSTETT: Mr. Speaker, members opposite who say "right," who think that voters make their decision on polling day, based on what appears on the ballot, are underestimating the intelligence of the people of Manitoba. I'm not prepared to do that; I think people make their decisions on far more important factors than what they read in the polling booth.

MR. DEPUTY SPEAKER: Order please. The Member for Arthur on a point of order.

MR. J. DOWNEY: Yes, Mr. Speaker, the member referred to a member of the Legislature by the first name, by his name. I think he should have refer to him as the honourable member for such-and-such a constituency.

MR. DEPUTY SPEAKER: The Member for Springfield.

MR. A. ANSTETT: Mr. Speaker, the Member for Arthur's point was well taken. I was not referring, however, to the Member for Lakeside by his name. I was pretending that I was the hypothetical voter in the poll, who was looking at a ballot. The Member for Arthur's point is well taken, though. The Member for Lakeside doesn't want to see any more lawyers in the House. There may be other members in the House who share his concern; I don't. I don't think the occupation of members makes one bit of difference and I don't think that people are swayed by what they see under a person's name on the ballot.

Mr. Speaker, those are my comments on this bill. I commend it to the House. I think there may be room for improvement in some of the suggestions that are proposed, and I'd certainly be interested in hearing those suggestions from members opposite in committee.

MR. DEPUTY SPEAKER: The Member for Pembina.

MR. D. ORCHARD: Thank you, Mr. Speaker. I beg to move, seconded by the Honourable Member for Arthur, that debate be adjourned.

MOTION presented and carried

MR. DEPUTY SPEAKER: The Honourable House Leader.

HON. R. PENNER: Mr. Speaker, I move, seconded by the Minister of Finance, that the Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MOTION presented and carried and the House resolved itself into a Committee to consider of the Supply to be granted to Her Majesty with the Honourable Member for River East in the Chair for the Department of Consumer and Corporate Affairs; and the Honourable Member for Burrows in the Chair for the Department of the Attorney-General.

MR. DEPUTY SPEAKER: The Honourable Member for Burrows.

CONCURRENT COMMITTEES OF SUPPLY

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN, C. Santos: Please come to order. The section of the Committee of Supply is now commencing on the consideration of the budgetary item for the Department of the Attorney-General's Office. As is customary with this committee, we shall commence our proceedings with the opening statement from the Honourable Minister.

HON. R. PENNER: Mr. Chairman, what I would like to do by way of an opening statement, is discuss some major initiatives which will develop throughout the course of this fiscal year in the Department of the Attorney-General and conclude by a brief general comment about the size of the Estimates and the size of the staff. I don't propose at all to go through a

detailed analysis, department-by-department, section-by-section, of the Department of the Attorney-General. I think that's a matter for discussion as we go through each item.

I think perhaps one of the most important major new initiatives which will develop during the course of this fiscal year, first by way of legislation, and subsequently programmatically, will be the unified Family Court, which is targeted at the moment for implementation by January 1, 1984, so that if that target date is met there will still be three months of this fiscal year in which that court will be operative.

It will be constituted as a division of the Court of Queen's Bench. I should say here, parenthetically, that it was certainly in my consideraton, the intention to very seriously consider establishing a unified Family Court at the level of the Provincial Bench. This would have required a constitutional amendment to Section 96, so that provincially-appointed judges could have the full ambit of family jurisdiction. This, however, was not to be. All of the provinces concurred in what would have been an amending resolution to that effect, to amend Section 96, with Family Law jurisdiction and with jurisdiction concerning administrative tribunals. These were to have been dealt with at the Constitutional Conference dealing with Aboriginal rights.

As we approached the target date, the Minister of Justice said that the Federal Government would not go along with the proposed amendment to Section 96 dealing with Family Law jurisidiction, because he had some things that he wanted to bring in by way of an amendment to The Divorce Act himself, and they felt that there were a number of sections of the practising bar in various provinces, particularly Ontario who, while supporting the now generally accepted notion of a unified Family Court, did not want to see it at the Provincial Judge's level, but wanted to see it as a superior court, arguing, in part, that unified Family Court should be seen as a major superior court. So that's why, in proceeding with the unified Family Court, it is being done at the level of the Court of Queen's Bench.

There is, of course, a significant cost saving in proceeding in that way, and that is, that on the assumption which is accepted, that in order to implement it, we would need five new judges in the Court of Queen's Bench. The Federal Government is prepared to appoint five new judges, and in consultation with members of the bar and the bench, with the Attorney-General, people suitable to a family division, family law practitioners, perhaps some of those already sitting in the Family Division of the Provincial Bench, that means that the major cost, something approximating 60 percent to 70 percent of the cost of the Family Division, would be borne by the Federal Government. The court would have exclusive jurisdiction in the Winnipeg, Selkirk, St. Boniface area, but the judges of the court would have jurisdiction, of course, to hear family matters as do all Queen's Bench judges anywhere in the province.

The creation of the unified Family Court raises some questions that I think members of committee may want to consider, and that is what will be the case, what will be the work of the present Family Division if their jurisdiction with respect to family matters is, in effect, taken away in the Winnipeg, St. Boniface, Selkirk area. I can't really purport to answer that definitively, but I would like to indicate what is likely to happen. I have already indicated that it's possible that one or two members of the 10-person Family Division could be appointed to the Court of Queen's Bench Family Division.

The Young Offenders Act, which is targeted for a proclamation for October 1st, although I'm inclined to think it might now be somewhat later, but nevertheless will be proclaimed in the next several months, my officials tell me that because of the provision in The Young Offenders Act that young persons charged as being young offenders are entitled to counsel, and that the instance of a judge, Legal Aid, the Department of the Attorney-General must appoint counsel, that we can anticipate a greatly increased number of trials for young offenders necessitating judges, Crown attorneys, courtroom space. It would be very difficult to get a handle on that, but all we can say is that it's likely that there will be an increased workload on the juvenile level in the Young Offenders Court.

Of course, the present judges of the family division will continue to do family work outside of Winnipeg on the circuits they now occupy. We will require in the family division a person designated as a master. Several, or at least some judges of the present family division, Provincial Family Division, have expressed an interest in serving in that capacity for a year or two. It can be on a rotating basis. They would still retain their rank as a Provincial Court Judge serving as a master. The pay would be the same. Indeed, it would cut down the cost of operating the family division.

There is no reason why, if there is a shortage of work for the present members of the family division - I don't think there will be over a period of the several months it will take us to get into work with that court. They can also, of course, serve as some of them already do in the Criminal Division. There is another possibility that is certainly open for consideration - I am considering it - is that if we establish the Law Enforcement Review Agency it might be appropriate to consider appointing a provincial court judge as the Commissioner. So that, all in all, with respect to the question of what happens to the judges in the Family Division, I don't think there is a problem.

With respect to costs, there is in the setting up of the court, which would be set up on the second and ninth floor of the Woodsworth Building, some leasing costs, in that new space would have to be leased for the present occupants of that space, the Department of Northern Affairs, the Department of Consumer and Corporate Affairs and some leasehold improvement costs. We estimate that the one-time capital cost for establishing the court would be in the vicinity of $600,000 to $650,000.00. In terms of an operating cost, if it goes into service on the targeted date of January 1, 1984, approximate operating costs for this fiscal year would be $95,000.00. A full year's operating cost would be approximately $267,000 and I can give details of that when we come to the appropriate section in the Estimates, but that would not as a full year's cost, of course, kick in until 1984-85. That could in fact be reduced by approximately $127,000 with the redeployment of some of the existing provincial judges to serve as a master or to serve with the Law Enforcement Review Agency. But I think you can speak of a gross cost in the neighbourhood of $250,000 to

$275,000 for the staff of the Family Division of the Court of Queen's Bench.

There are some offsetting savings that are taken into account in those figures. We now estimate, because of the reduction in the overall workload of the present family court judges at a provincial level, having already in these Estimates cut down the amount of money estimated to be expended for part-time judges, the service of part-time judges, that indeed further reductions might be made. It's quite possible, except on a minimal basis, we might not need to pay for part-time judges at all.

A second major initiative that is coming forward by way of legislation and then will be implemented but is targeted for July 1, 1984, to the extent if there are any costs involved they're not likely to be expended in this fiscal year - but I should just make note of it here - is the amalgamation of the Court of Queen's Bench and the County Courts of Manitoba. I should just point out here that the proposal that we're contemplating with respect to that court is that the whole province would be one judicial district, that there would be 12 judicial centres for the hearing of cases, and 16 administrative offices. Perhaps, I might just quickly indicate for the Member for St. Norbert that it's thought that some of the advantages of the new amalgamated Court of Queen's Bench will be, first of all, accessibility to the public and legal profession, that documents, instead of being filed in just five locations, can be filed in 16 locations.

Again with respect to assize hearings, they will be expanded from five locations to six locations with Thompson being added to Winnipeg, Portage, Brandon, Dauphin and The Pas.

With respect to the hearings of civil and other matters expanded from five locations to 12 locations, we think that there will be some increased flexibility and efficiency in terms of the scheduling of sittings, the assignment of judges and administrative staff, the elimination of duplication in such areas as forms and filing, cost savings to the litigants in terms of greater accessibility, greater flexibility in filing and serving documents.

There will be, of course, a cost implication, but that will arise in the 1984-85 Estimates. They are something in the vicinity estimated in 1982-83, $40,000 that will be expended with new forms, signage, stationary, court seals. There will be some staffing costs, but those staffing costs will not arise until fiscal '84-85.

One final comment about amalgamation. There will also be an offsetting saving in that we will no longer designate judges as judges of a surrogate court. There will no longer be a Surrogate Court. There will be the one Court of Queen's Bench that will have jurisdiction in all matters and the extra money that is paid to some judges to sit as surrogate judges will be saved. That's approximately $45,000 a year.

I have already indicated with respect to the Small Claims Court, it will continue, at least for the foreseeable future, to operate as it presently does, that is, using clerks for hearings. There will be an amendment introduced in this Session of the Legislature so that it's in place for the projected amalgamation which will simply replace Part 2 of The Country Court Act with the equivalent section of The Court of Queen's Bench Act.

Where we'll go with the Small Claims Court has not yet been decided. It may be that some of the proposals of the Law Reform Commission will be considered - it's certainly open for consideration - but nothing will be introduced in this Session, and nothing is planned in the foreseeable future with respect to the Small Claims Court. I must say that although I'm sympathetic to representations which have been made, that we should increase the jurisdiction of the Small Claims Court from its present 1,000 to a maximum of 3,000 - some would say 5,000 - but I'm open on that.

The third initiative that already has been the subject of some discussion in the House and will be subject to further discussion in the House is the Law Enforcement Review Agency. This, of course, raises some questions about the function of the Manitoba Police Commission. The Manitoba Police Commission will continue of course to exist, hearing appeals in some matters and having a function assigned to it under The Law Enforcement Review Act. It will also continue as the Police Commission charged with the responsibility of developing crime prevention programs and assisting in police training, police standards.

In anticipation of a changed workload for the Manitoba Police Commission, three of the staff of the Manitoba Police Commission have been moved over from the commission to the department, but at the same salaries. There are no cost implications to that. For example, one member of the staff on the Manitoba Police Commission, who was doing communications work for the commission, is now a member of the department as a whole and does communications work for the department as a whole and not just for the commission. So we haven't added any communication person to the department. We've just taken Mr. Phillips, who was with the commission, and moved him over to the department. He has been given departmental responsiblities in the area of communciations with the intention that he would work on pamphlets, explaining the new summary conviction proceedings; changes in the family law will probably require a revamping of the family law manual which has been in existance for some time, and things of that kind. There is more than enough work for a communication person in the department.

The Law Enforcement Review Agency, there is no date yet set for proclamation. I want to make sure that we are able to engage the services of a top-flight person as commissioner. I have already indicated the possibility that this could be a Provincial Court Judge, and I am inclined to go that way if we can find a person to take that position. The costs will be not great. We're thinking of a small beginning on the Law Enforcement Review Agency until such time as there is a better handle on what his workload will be. Certainly, there will be some office space to rent a commissioner and some support staff, and the fees to be paid to people sitting on the board, which will, of course, be on a per diem basis based on just how many sittings there are.

I don't expect that much of the cost will fall into this fiscal year. As I say, it will take some time from the date of passage of the legislation to the actual setting up of the agency itself, and that's more likely to come some time in the late fall or perhaps around January 1st of 1984.

With respect to freedom of information, just a very brief comment. It will not be operative in this fiscal year. The legislation is still being worked on. It's likely that it may be introduced and referred for intersessional

study because it's a major undertaking and that might be the better part of wisdom to do it in that way; and that would coincide with the perceived need for at least several months of very careful work to set up the administrative structure.

In any event, a decision has not yet been taken as to which department would administer the freedom of information legislation. It could well be the Department of Cultural Affairs which already has the major responsibility for the handling of government information and documents and the archives.

Mr. Chairman, with respect to ongoing matters in the department, just a few words on court efficiency, Land Titles Office, Law Enforcement, and one or two of thc agencies.

With respect to court efficiency, we're continuing the computer program called Promise. There will be further developmental aspects. I think the figure there is probably $117,000.00. That will be discussed when we come to the appropriate point in the Estimates, and there will be some operating cost because we're finally in a position to move from the developmental stage into a pilot operational model for this year. The Promise system - no pun intended - promises to be very helpful in helping us to trace each individual charge right through from beginning to end and to be able, using various programs in Promise, to help us better organize the work of the court and hearings of the court. We anticipate some considerable savings from the development of the Promise system.

I should also like to mention that we have introduced under the leadership of the Chief Provincial Judge, Harold Gyles, what is called a Calendar Court, the intricacies of which can be explained when we come to Court and Court Administration; but, in effect, the Calendar Court, which is operating at 373 Broadway, by November it's anticipated that all cases in Winnipeg will be handled on the Calendar Court basis. It's projected that all cases going through the new Calendar Court can be disposed of within the objective we've had for some time under previous administrations of being able to dispose of criminal charges within a three-month period; that is, of course, criminal cases being heard at the provincial judges' level.

Members are already aware of changes that were made last year with respect to summary conviction proceedings. The second major section of that Act was proclaimed just a short time ago and is presently in force. We anticipate as a result of these new proceedings, not only, of course, will the police, particularly the Winnipeg Police, save an enormous amount of money in terms of witness fees, because we only pay a very small portion of what it actually costs the City of Winnipeg, but departmentally, there will be as many as six staff who can be redeployed by the end of the fiscal year as a result of the changes that have been made in summary conviction proceedings.

In the Land Titles Office, we are continuing with the computerization. We expect that by the end of fiscal 1983-84, there will be a staff saving of two persons; another two or three in 1984-85. We are also anticipating a staff saving as a result of the statutory changes encompassed in Bills 10 and 11, having to do with the General Register. So we're looking to some considerable saving in staff over several years but beginning this year in the Land Titles Office, principally of course because of the computerization.

With respect to law enforcement, a major expense in the department, as members will see by the Estimate book, we are working quite intensively with the senior officials of the RCMP, trying to effect cost savings, looking very carefully at their deployment of forces. We are continuing with the development of the Native policing program, principally the 3-B Program, and there are eight new 3-B constables being placed this year. We are now considering, because you must do it a year ahead, what might be the number, if any, to be added in fiscal '84-85 and we had, in fact, a preliminary discussion with senior officials of the RCMP on that this morning.

The 3-B Program as a whole has worked well. It has a general acceptance on the Reserves. One significant development in the 3-B Program is to move police detachment offices, not on the Reserve but adjacent to the Reserve, so that the constabulary are available in terms of their resident.

I have been concerned, I'm sure the previous Attorney-General was as well, with the fact that we are spending this very very substantial amount of money on law enforcement and with the retirement last August of Gordon Wiens from the department, we are upgrading that position to be that of a Director of Police Services. Staff is working with Civil Service now to work out a classification and a job description. We expect that to be completed within the next relatively few days in fact, and the position will then be nationally advertised. But when one item in the budget alone accounts for 40 percent of the budget, it certainly argues for the upgrading of that position so that someone can work on a regular basis, almost a daily basis with the senior officials of the RCMP, on questions of the staffing deployment of the various detachments and to work with some of our other policing programs.

I should say with respect to other policing programs, as the previous Attorney-General will recall - I'm sure others will as well - we grant money to municipalities for their policing programs. We have decided that, not for this fiscal year but for the next fiscal year, that it would be more appropriate if grants to municipalities for policing were made through the Department of Municipal Affairs because they already make a whole number of grants and there should be some system pursuant to which grants are made.

The grants which are presently made are really, in a sense, haphazard in that they bear no logical relation to population and the cost of policing in a given area, or to the tax base of a municipality which must bear the brunt of some of the costs, so that this particular aspect of the Attorney-General's Estimates, which account for a couple of hundred thousand dollars in grants to municipalities will be, after this fiscal year, moved to the Department of Municipal Affairs.

A couple of concluding observations about programs in the department; there has been considerable increase in activity in the human rights field. The figures for 1982 compared to 1981 indicate that there were 4,907 matters handled compared to 4,229 in 1981, with no changes in staff - in fact there have been no changes in staff for the last few years - and we go into these Estimates on virtually that basis. I'm already advised that there is, in fact, still an increase in workload and

that this is exerting severe pressures on staff. It may be that some rationalization of staff and expenditures will have to be made during the course of this year to assist the board and the officers of the Human Rights Commission to carry out the very important work which it does.

With respect to Legal Aid, I'm afraid that the effects of the recession will continue to be felt through a significant part of fiscal '83-84, at least to the point where the loading on Legal Aid will increase quite dramatically. The figures for April of 1983 indicate that the cause for concern is, in fact, not without justification, something like a 13-14 percent increase in workload - April over April - for April, 1983.

I'm concerned, as I'm sure members will be, that towards the end of this fiscal year there will be an application by Legal Aid for supplementary funding to deal with the increased workload. However, I've alerted the board and the officials in Legal Aid to the increased difficulties of them being able to look for any substantial supplementary funding and that they should begin working now on cost savings and rationalizations. Indeed, the new board is hard at it and I think they will be able to show some positive results. Certainly I met with them a few weeks ago - 10 days ago, in fact - and found them to be a very hard working, conscientious group.

For example, one of the things that they're doing, indeed have already implemented, is to establish one of the Community Law Offices as a specialist office doing criminal work only and providing the Duty Counsel for the Criminal Courts. They expect that some considerable gain in efficiency and some savings in costs can result from that venture.

With respect to service in Northern Manitoba, you will see when we come to the Estimates for Legal Aid, that we've added one lawyer and support staff in Thompson to service Thompson and Norway House and some other circuits in that area, which are presently served at considerable cost and lack of accessibility from Winnipeg. So the net cost of that is approximately $40,000.00.

Mr. Chairman, the Estimates of the Department of the Attorney-General show, in terms of a budget over budget increase, an increase of approximately 13.9 percent. This is made up as follows: The general salary increase plus increments accounts for 9.4 of that 13.8; Law Enforcement accounts for 13.2 of that 13.8; and increase in Legal Aid payments to the private bar account for 1.2. Actually there's a net reduction in the operating budget of $42,000, after having considered those increases that I've just mentioned.

Those then are my opening observations about the Department of the Attorney-General and I would be pleased to answer any specific questions that the Member for St. Norbert might have in his opening remarks.

MR. CHAIRMAN: Consistent with the procedure and practice in this Committee of Supply, the Chair now calls upon the leading critic of the Loyal Opposition to present his reply to the Minister's opening statement.

MR. G. MERCIER: Mr. Chairman, I think the Attorney-General successfully filibustered his opening statements and I'd like to move into individual items. Under this topic, I ask for your guidance perhaps, Mr. Chairman, I believe we're on 1.(b)(1).

MR. CHAIRMAN: Before we proceed any further, I'd like to invite the members of the Attorney-General's staff to take their respective places.

The Member for St. Nobert.

We are now starting with Item 1.(b)(1). Do you want to consider that together with Item 1.(b)(2)?

MR. G. MERCIER: Well, Mr. Chairman, perhaps just for clarification, there are some matters that I would like to discuss under this item and I think this is appropriate because there's really no budgetary item with respect to constitutional matters. Would that be appropriate here?

MR. CHAIRMAN: I'm calling Item 1.(b)(1) and 1.(b)(2) together.

MR. G. MERCIER: Mr. Chairman, if perhaps we could firstly deal with the statement by the Attorney-General a week or so ago, with respect to the Federal Provincial Agreement to amend The Manitoba Act, I would like to ask the Attorney-General some questions.

Firstly, would he not agree that the translation of Statutes in Manitoba, as undertaken by the previous government, as continued by the present government, was being done reasonably in light of the expertise available in that particular area, the trained translators and legal translators and staff resources?

MR. CHAIRMAN: The Honourable Minister.

HON. R. PENNER: There is two observations. First of all, of course, there's a general observation that I think I should make now and then I'll attempt to deal with the question in general; and that is, that the translation unit is lodged here with the Department of Cultural Affairs and the specifics about translation and translation costs will have to be raised . . .

MR. G. MERCIER: I'm not going to raise costs.

HON. R. PENNER: Yes, okay fine, I just wanted to make that general observation. The question posed by the Member for St. Nobert, of course, begs the question of reasonableness, and I suppose from the point of view of the province it might be said, looking at it only from the point of view of the province as an administration seeking to control costs, that it might be reasonable if we didn't have to do it at all. On the assumption that we have to do it, it might be reasonable to have it done by the year 2023, rather than any earlier.

If we were under an order of the Supreme Court requiring that it be done by 1990, then reasonableness would not enter into it very much; we would reasonably have to obey an order of the Supreme Court. That's why it's difficult to answer that question. I know that the previous government was making some efforts, running into somewhat the same difficulties we were running into, at least a year ago. The situation has improved. I suspect that had the situation improved in the same way for the previous administration had they

stayed in power, as it has for us, then it is quite likely that the previous administration would have accelerated at the rate at which it was translating.

I have no reason to believe that they would have done otherwise than that, where I think the reasonableness of the approach that has developed, perhaps is best demonstrated by - or in an answer I gave to the honourable member this afternoon in the House when I pointed it out, and later on I hope to have more precise statistics than I was able to provide this afternoon - that we will not be in a position of having to translate a very large number of private bills, institutional charters, municipal charters and things of that kind, and that the cost whatever it amounts to, the Minister for Cultural Affairs will have, I hope, hard figures by the time we get to his Estimates we will be saved, and I guess that's reasonable.

MR. G. MERCIER: Mr. Chairman, I suppose I'll have to ask the question again.

After the Forest decision while the previous government was in power, I believe that all reasonable steps were taken to recruit translation people as quickly as possible, to begin that monumental task. The Province of Quebec assisted, the Federal Government assisted, outside contracts were entered into, nationwide advertisements were placed, but the fact of the matter was, for us and for this government, as they are now experiencing, that trained translators are difficult to find, to employ and to retain.

My question to the Attorney-General is: Does he not consider that the efforts that were being made by the previous government and his government, to proceed with the translations of the existing Statutes was being done in a reasonable way?

HON. R. PENNER: Again, given the circumstances that pertained at the time, if you're looking at availability of the translating resource, or resource persons, then it's reasonable that you seek to get those people and get as many as you can according to the need. That's reasonable, I assume, that that's what the previous government was doing.

When I came into office there were three people in the unit and a director/reviser. Very shortly after we lost the director/reviser. To this date we have been unable to hire a director/reviser and that poses a serious problem because, although the trainees who were in place shortly after I took office because some of those who were in place when the previous Attorney-General was in office, were lost to us. We did finally get some who passed the exam, who stayed and are still with us, although even that's a bit shaky. Their work always must be subjected to the scrutiny of a reviser.

We have been trying desperately to hire a reviser. Finally, just in the last month and a half we've simply had to second a member from the office of the Legislative Counsel, who is sufficiently expert to be able to act as a reviser to the translation unit in order to do that. So I assume, with what we're presently doing and with the work that has been free-lanced and the work that has been contracted to the University of Moncton, and - and this is an important addition - the assistants in personnel that the Secretary of State is now promising, we'll be able to keep abreast of the translation of new bills and revised bills as they're introduced - and we're keeping abreast for the first time completely in this Session - and we'll be able to continue working on the backlog. I don't know what other answer I can give. I wasn't sitting as Attorney-General in 1981.

MR. G. MERCIER: Mr. Chairman, I think a disinterested observer would come to the conclusion that efforts were being made, under the previous government and under the present government, to proceed with the translation of Statutes, was a reasonable one.

Could the Attorney-General, for the record, confirm that in the Bilodeau case in the Manitoba Court of Appeal, in the majority opinion of the then Chief Justice Freedman, the court not only refused to declare the applicable Statute and all Statutes invalid which were not translated into French, but also refused to enter into what is called in the judgment, an affirmative action program?

HON. R. PENNER: I can confirm the first part. I don't know that the court was asked specifically to deal with an affirmative action program. Certainly, the majority of the court in the judgment of the former Chief Justice, Samuel Freedman, held that the word "shall" in Section 23, in effect, did not mean "shall" but meant "should." In legal language, he said that it was directory and not mandatory. The dissenting judge, now the Chief Justice of the province, Mr. Monnin, disagreed with that; took what he considered to be, however, a practical approach to the problem and said that since it wasn't established by a Supreme Court decision, that Section 23, The Manitoba Act, as a whole, was a constitutional instrument; until 1979 the obligation to translate would only flow from 1979, and the pre-1979 Statutes and regulations would not have to be translated.

It was my view, and I think rightly so, that for a number of reasons neither of those judgments would commend itself to the Supreme Court. The record of the Supreme Court in dealing with these cases, both in Forest and in Blaikie, was such that we had every reason to believe that the Supreme Court would come to the conclusion that shall means "shall," demonstrating once again that the law is not always an ass.

The reason for that, among other reasons, is that on April 17, 1982, The Constitution Act, 1982, was proclaimed and there are provisions throughout there, using the language "shall" and tying that language and those provisions into a remedial section. The remedy section of the Charter, Section 24, which incidentally is far more sweeping and open than anything that we're proposing, is such that the court would be able to not only impose an affirmative action program or some kind of action program; but, indeed, if one looks at Section 52 of the Charter, which says that any Statute which is not in conformity with the Charter is to that extent invalid, that these new developments in constitutional law were of, and are of such import, that the likelihood - no one can speak here of certainty at this junction - was that the Supreme Court would say that shall means "shall," and then given the powers that it has under The Constitution Act, 1982, would propose some remedial action.

MR. G. MERCIER: Mr. Chairman, just for the record, I'm trying to be as precise as I can be in the questions,

and we are going to try to deal with the Minister's Estimates with some dispatch, hopefully complete them tomorrow night. We appreciate all of the information that the Attorney-General give us in his answers. Perhaps, if he could be a bit more specific, we'll get on a lot faster.

In view of the fact that we have the Court of Appeal decision in the Bilodeau case, and in view of the fact that I think most disinterested observers would say that what was being done in Manitoba with respect to translation was being done in a reasonable way, does the Attorney-General have reason to believe that even if - and I suggest it's perhaps unlikely - the Supreme Court were to hear the Bilodeau case and find that the word "shall" was to be interpreted in a mandatory way, does he think that the result of any remedy given by the Supreme Court would impose any greater onus on the Province of Manitoba than the reasonable way in which the Statutes have been translated so far?

HON. R. PENNER: The Member for St. Norbert is still making the assumption that what was being done so far is reasonable. Let's, however, without really trying to exchange one person's view of reasonableness for another, assume that the Supreme Court found that it was reasonable and said - having come to the conclusion that the words of Section 23 are indeed mandatory - that you do have to translate your statues; you do have to translate your regulations because that flows from Blaikie. Indeed, flowing from Blaikie, they would also go on to say that you do have to provide French language services in your administrative tribunals, because that was said in Blaikie. They would say that, and they would - I can only assume - say, however, in order for our decision to be effective, we're imposing a date. Now, I'm sure sure they wouldn't impose a date without some discussion from counsel on either side.

I know that the honourable Member for St. Norbert is reasonable, and he knows that I'm reasonable, but it may stop there. When I had discussions over a period of time with counsel for the Société Franco-Manitobaine, a person from the University of Ottawa by the name of Mr. Magnet (phonetic), I may say I didn't find him always reasonable. He assumed - and I'm sure he didn't find me reasonable - that there's no reason why we couldn't have all of the Statutes and regulations translated within a couple of years; and that he, if given the task, would himself in very short order put together a translation unit that he was prepared to ship in from Ottawa to Manitoba at some prohibitive cost - but he found that reasonable - and do the job. At one point, we asked him to put some action where his promises were to see if, in effect, he could come up with this translation unit that he said undoubtedly was there, and he didn't produce.

The difficulty though is this, that supposing we were able to take advantage of a one-shot effort like that and get a translation unit; suppose that the Supreme Court had bought that argument advanced by Mr. Magnet on behalf of the SFM and Bilodeau, and said, well, they can provide you with the services and the Secretary of State is willing to help, and it's 1990; supposing they had said that. The difficulty is that it's our estimate that we really do have to use such talent as we can recruit and keep to train our own indigenous translation force over that period of time between now and approximately 1990, because these birds that fly in on the wings of pretty high salaries and nest here but for a while, soon look back to the home marsh in Ottawa Valley or Montreal and say, you know, this may be all right for people born and bred on the prairies, but it ain't Montreal, and it's not the sin capital of Canada, Hull, Quebec, and away they go, and you can't chain them down.

MR. G. MERCIER: But, Mr. Chairman, I believe it is unlikely that the Supreme Court, if they were in a hearing on the Bilodeau case to find that the words interpret the shell in a mandatory way, would have imposed an unreasonable date for completion of the translations, even if they had decided to embark in that course of a remedy which the Court of Appeal in Manitoba was not prepared to do. It was raised - I think the Attorney-General will find if he rereads the decision - it was raised by counsel for Mr. Bilodeau and I believe also by counsel for the Federal Government who took the position that it should be interpreted in a mandatory way, but because the result would be chaos there should be some sort of delay imposed.

Would the Attorney-General not agree that the Supreme Court would not, even if they had gone that far to interpret the wording in a mandatory way, impose a time limit on translations, would he not agree that the Supreme Court would not have carried on further to deal with the right to communicate services in French, as is proposed or set out in the proposed amendment?

HON. R. PENNER: I would agree with that.

MR. G. MERCIER: Mr. Chairman, could the Minister then give us the rationale which he and the government used in embarking upon that expansion of French-speaking rights?

HON. R. PENNER: First of all, with respect to the work "expansion," we had already undertaken, as had the previous government, to deliver some services at the level of the government in the French language, and we are really continuing with that. What the only difference is, these rights or these services rather, are being protected within the Constitution. However, just looking at in a blunt hard-headed way, it was part of a deal. It takes two to tango.

Over a period of time, the proposal was advanced fine, you say, with all of the difficulties that you have in recruiting and keeping translating staff, that to do the job of translating you're going to require in 1993-1995, you say that given the fact some of the translation staff comes and goes, that although you're now translating new bills and revised bills that come into the House, you don't want to be under the gun to have to do that until January 1, 1986 or 1987.

You say with respect to the translation of regulations, which haven't really begun, that you're going to need some time. You also say there is a whole raft, hundreds of bills, hundreds of private Acts and so on, that are of very very limited use, and you don't want to spend the million or two or three, whatever it might cost, to translate those, fine. Accept all of that and we'll agree

on an amendment to Section 23, which will give you that time and relieve you of that responsibility, but the quid pro quo, your part of the bargain, is to take those things that you've already said you're prepared to deliver and are delivering, in part not yet in whole, and put them in as an amendment to Section 23; protect them constitutionally so that they are no longer at political risk.

As this develops, the other of the bargain was that a considerable amount of money would be contributed by the Federal Government, a package well over $2 million, if you take the saving in terms of the Statutes, we no longer have to translate. We're talking big numbers. We're talking $3 to $4 million and that's the bargain that was made.

But I would just add one other thing - and I don't want to speak at length - and that is I think, at looking down the path of history to the origins of this province and its beginnings and to this country and to problems of national unity in this country, that what we did is morally right. I would just add this, and I'm sure the Member for St. Norbert may be aware of this - and if not then I hope this is helpful to him - that what we have effected is being acclaimed by the Anglophones in Quebec who had joined this action because they saw that what might be gained in this action, rather than lost by the Francophone minority in Manitoba, couldn't help but strengthen the threatened position of the Anglophone minority in Quebec because the two sections, 133 of The BNA Act as it used to be, and 23 of The Manitoba Act, are word for word identical.

MR. G. MERCIER: Did the Attorney-General personally conduct these negotiations and dicussions?

HON. R. PENNER: Yes, I did. Always with the assistance of counsel at various times with me at the table. The table was always the table in my office, I may say. I feel more secure in those circumstances than going out to the wilds of St. Boniface where counsel for the province in the case, Mr. Twaddle; Chief Legislative Counsel, Mr. Tallin; my deputies and associate assistant deputy, and from time to time, Mr. Turenne, co-ordinator of French Language Services for the government.

MR. G. MERCIER: Mr. Chairman, in a newspaper article back last August, it was indicated that the Attorney-General had at that time drawn up a draft amendment which would be a replacement of Section 23, which would free the government from having to translate existing English-only laws. Could he explain what he was proposing at that particular time, and what led him to change his mind?

HON. R. PENNER: What I was proposing was pretty well as you recounted from the newspaper article and that is an amendment, which in effect, would remove Section 23 and replace it with a new Section 23, which would have these various time lines for the translation of Statutes and regulations, but which had no provision in it for French Language Services, that was turned down completely. At that juncture, we examined the alternatives that were available. One of course was, as urged by members of the opposition, to throw down the gauntlet and go to the Supreme Court and let the chips fall where they may. The other was, to continue to negotiate to see if something could be worked out.

From that time in July, August of 1982 to April-the-whatever of this year - was it May? - the negotiations went on and produced the results that we are now discussing.

MR. G. MERCIER: Mr. Chairman, the Minister referred to the quid pro quo, and I wonder if he could amplify on that. What has the province saved?

HON. R. PENNER: The province, first of all, has gained the comfort - I'm here talking legally - of time within which to make sure that we have the on-the-ground facility to . . .

MR. G. MERCIER: Excuse me, Mr. Chairman. Perhaps to be more precise . . .

HON. R. PENNER: Okay.

MR. G. MERCIER: . . . what I was getting at is what does the province not have to translate that they would have otherwise been required to translate? He refers to unconsolidated Acts, municipal Acts and private Acts.

HON. R. PENNER: I will be able to provide the honourable member - I don't have it with me tonight - two schedules; one which will, in fact, give the names of those private bills and Acts which we propose to translate, and those which we don't. We had the revised Statutes, the appendix, which contains about 20 or 30 pages, a list of these bills which aren't in fact contained in the revision or in the consolidated Statute. We could go through it now, but I will provide that information.

MR. G. MERCIER: Mr. Chairman, would the Attorney-General also provide a list of the departments, etc., that are referred to in Section 23.8(1) of the amendment, which will be required to - where a person will have the right to communicate in English or French with the head or central office of any department; head or central office of any court, quasi-judicial or administrative body, any Crown corporation or any agency of government; and whether or not there are - at least in the Attorney-General's mind - which offices are referred to in subsection (2) of that section where there will be a significant demand or "due to the nature of the office, etc., it is reasonable . . ." could we have a complete list of all of those offices that will be affected by that section?

HON. R. PENNER: Thank you, Mr. Chairman. I can't guarantee that I can provide, at this stage, a complete list. I'll provide as complete a list as possible. We're attempting to establish an inventory, if you will, of places where we think service should be supplied, and an inventory at the same time of the persons we have available to meet anticipated demand. Certainly, the language, as quoted by the Member for St. Norbert, encompasses the head offices of the 18 departments of government, so that, for example, if somebody came to my office and wanted to speak to me and to discourse with me, using the French language, then an appointment would be made for that person.

Since there are only two languages which we actually presently speak in my office, English and Ukrainian, we would go across the hall and get Greg Yost from Mr. Tallin's office, or if Mr. Yost was not available, we would go across the street or just phone and have Art Proulx come over; but we would also have available as would every other Minister, the services of the Translation Bureau. Indeed, if somebody dropped in without an appointment to see a Minister - I don't know how many Ministers see people without appointments - and wanted to discuss something with the Minister or the Deputy Minister - perhaps I should have cast Mr. Pilkey in this role - arrangements can be made to have someone available so that that can be done without any real problem, without any additional staff.

MR. G. MERCIER: Mr. Chairman, would the Minister acknowledge that the right to communicate may itself be the subject of litigation as to what that really means to a French-speaking person in Manitoba?

HON. R. PENNER: I really anticipate virtually no litigation under this section, and that may be part of the optimism that has carried me thus far in life without serious scars; but communication, I would take it to mean oral or written communication. At the level of written communication, it means to be able to write a letter in, let's say, French and to have a reply in French. Well, that we're now doing as a matter of policy. When a letter comes to my office in French, it is answered in French. I send that letter over to the Translation Services; within about a day, two days, it comes back translated. I write a reply; it goes to Translation Services, comes back to me nicely typed in the French language. I try my own rather limited French to make sure that it's okay, sign it and away it goes.

MR. G. MERCIER: Mr. Chairman, I think this will be the last question on this subject, and I asked the Attorney-General a question today in question period and he may not have appreciated what I was trying to get at. There have been a number, I think, of French-speaking people who have said the requirement to translate all of the Statutes and all of the regulations is a waste of money because they don't require all of them to be translated, and they refer to some of the much lesser-known Statutes that we have in existence that are not in any degree of any popular use. Was there, in the discussions and negotiations, any attempt to reduce that total requirement, other than the list of Statutes that the Attorney-General's already referred to, which I'm sure are agreed to - they're not really of very much significance; appreciating, Mr. Chairman, that to find the test to be used might be a very difficult one - but was there any discussion or negotiation along that line?

HON. R. PENNER: No, there wasn't, other than - the question was raised at one stage and, indeed, some of the figures that the honourable member used about the number of Statutes which had been purchased from the Queen's Printer came into the discussion, but what was said was - and the statistics are there - that the number of persons practising law in the French language are increasing quite remarkably; that they want to be able, as do some of their clients, to deal in that language; that the reason why there hasn't been greater use is because it's been difficult, to this point, to use the language to the extent that they would like to use the language. But it ran up against the kind of problem, finally, that the Member for St. Norbert at least implied the adverse to, and that is: How do you arrive at that list?

I know that in my own years in the practice of law - the Member for St. Norbert has had many years also in the practice of law - that maybe two dozen Statutes of the whole lot that I actually used - but you just never know from day-to-day what case is going to arise that will require the use of a particular Statute; perhaps it was a little more than two dozen - but not many more out of the hundreds and hundreds of Statutes that are available, so that it's difficult to select and say, well, sure you can pick the main ones and then, looking at our translation policy, the emphasis has been put, by and large, on the obvious ones - The Highway Traffic Act, The Public Schools Act and The Garagekeepers Act.

MR. CHAIRMAN: The Member for Elmwood.

MR. R. DOERN: Just a couple of questions, Mr. Chairman. I was just wondering if the Attorney-General could give any indication of what time constraints or pressures there were on the negotiations. In other words, this would be something one could only estimate, but was there a limit in terms of the negotiations, in his judgment of - are we talking about another month or a year or a day or what? What was the urgency, other than the Supreme Court pressure? Was that the pressure and was that what you were trying to obviate?

HON. R. PENNER: Yes.

MR. R. DOERN: I just want to know whether it was possible the negotiations could have been conducted over a longer period of time, or whether the Attorney-General felt that he had to conclude them within a definite time frame?

HON. R. PENNER: We had tried to be - I hope I'm correct in this - we had obtained at least one, perhaps two, adjournments of the hearing and then sought a second or a third adjournment. Counsel were instructed by myself, through Mr. Twaddle to argue for an adjournment before the Chief Justice of the Supreme Court in March or April - I can find the exact date - and we were joined in that application for an adjournment by the Federal Government who went along with us. We said that we would think that perhaps a little more time would be of benefit to all concerned. Regrettably the Supreme Court didn't go along with that application for an adjournment and set May 26th as the hearing date. It was our view that once the matter was before the court and argued that the negotiations effectively would likely come to an end.

MR. R. DOERN: The Bilodeau case, is that case now finished or is it possible that still may proceed to the Supreme Court?

HON. R. PENNER: The case is adjourned without a date having been set. Part of the process that we're

involved in is finding the way of formally bringing that case to a conclusion. The agreement is that when the amending resolutions are passed by the respective Houses, the Legislative Assembly of Manitoba, House of Commons and the Senate, federally, that there'll be a formal motion before the Supreme Court to dismiss the case and strike it off the list.

MR. R. DOERN: So that if that case did proceed, after this legislation was passed, then you would - I'm not a lawyer, you are - you would assume just be thrown out?

HON. R. PENNER: No, what could happen is, if it were to proceed - it just won't - but if it were to proceed, then the Supreme Court could say that the Statute was, at the time, invalid, because not in the French language, and that the conviction for the $5 speeding ticket - or was it a $25 speeding ticket; I suppose it was $25 - was invalid and they would quash the conviction and order costs assessed against the province; but they could not then go on to find that all of the Statutes of Manitoba were invalid because the Constitution would have been amended, validating our Statutes.

MR. R. DOERN: Could the Attorney-General clear up this point? Is Manitoba now officially bilingual, or is this the action that will make it officially bilingual? What has been the status of the province over the last number of decades?

HON. R. PENNER: The Province of Manitoba arguably was officially bilingual within the restricted terms of Section 23 of The Manitoba Act, confined to the specific things mentioned in Section 23 of The Manitoba Act, subject only to this; that, as I pointed out a bit earlier, in the Blaikie case in the Supreme Court, the Supreme Court argued on the basis of what is called the living predoctrine of constitutional interpretation, that the word "courts" of the province would have to include administrative tribunals with quasi-judicial powers, so that those would then be encompassed within the wording of Section 23.

The addition that has been proposed extends that limited form of bilingualism to include services offered by the government through its head offices and agencies and Crown corporations, to that extent and that extent only, so that it's a limited form of bilingualism developing from Section 23 which talked about the Statutes, talked about the Journals and records of the House, talked about the courts of the province, as the places where mandatorily - whatever that means - both languages are the official languages of the province. What has been added to that is that persons have the right to obtain services in the French language from government offices.

MR. R. DOERN: There's talk of 14,000 pages. What are these 14,000 pages? What is the bulk of them, or how do you break down what categories there are in these 14,000 pages still to be translated?

HON. R. PENNER: No, I can't give that answer tonight, but I'll take it as notice. I've undertaken to provide the Member for St. Norbert with a list. There are three components, and exactly how the 14,000 pages are broken down I can't give you just at the moment, all of those Statutes which are presently contained in the consolidated Statutes. The other component are those bills which are listed at the back, but which are not contained; they're the unconsolidated, not carried forward in the consolidation; that list, which is many thousand pages of Statutes, part of that will be translated, the bulk of it won't, and regulations.

MR. R. DOERN: Has there been pressure or encouragement on the government by the Federal Government to do all that translation or pressure or encouragement by the SFM to do all of those translations?

HON. R. PENNER: When you say all of those translations, to what are you referring.

MR. R. DOERN: Again I'm talking about these so-called 14,000 pages.

HON. R. PENNER: I wish you had been here from the beginning. The whole thing is premised on the assumption that we may have been placed in a position, by a decision of the Supreme Court of Canada, that the fact that these Statutes were passed in one language only invalidated those Statutes. That's primarily where the pressure came from.

MR. R. DOERN: The final question I have, Mr. Chairman, is I'd like the Attorney-General to make a general comment; I guess, attorney generalities or whatever they are. What would you say to people, and we're all talking to people and discussing the matter and thinking about the matter, and I have had some phone calls and letters which are not enthusiastic, and I would ask you what you would say to people who are afraid that this action or amendment will have an adverse effect on the province; people who are concerned that official bilingualism will be detrimental to our society? What general statement would you make based on your knowledge of what is going to be done and what changes will result?

HON. R. PENNER: I would make the same general statement that I made in the House and in commentaries to the media and that is, it imposes no obligation on any person, or institution, or corporation to change the languages that they use in any way, shape or form. It makes no change, and I use this but just as a metaphor, in the amount of French that will appear on the Corn Flake boxes, it's already there, and that is there as a result of federal policies enacted a long time ago.

The only change, other than with respect to the timing of the translation of Statutes and regulations and the number of those that must be translated, has to do with the provision of services by the government to those people who come to the government and would like to deal with the government in French.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, the government presented a paper to the First Ministers' Conference

on Aboriginal Constitutional Matters held in March of 1983. The paper was entitled "Framework Agreement Concerning Charter of Aboriginal Rights." One of the things that the paper called for was that the word "existing" be removed from Section 35, when particular rights are defined and entrenched, and that the word "guaranteed" be added after the word "affirmed." I ask the Attorney-General how he would see that changing the force of the Constitution?

HON. R. PENNER: I wonder if I could just have Mr. Mercier's copy of the Constitution for a moment.

The argument that was advanced by the aboriginal people themselves, and one which I found compelling because I had come to the same conclusion myself, I suppose, is this: that if you say as does Section 35(1) - "the existing aboriginal and treaty rights of the aboriginal people are hereby recognized and affirmed," it leaves open entirely what those rights are. It's as if, instead of having this whole Charter, we have on the third line which said, "the existing rights of the Canadian people are hereby recognized and affirmed," period, thank you very much, goodbye. You'd have one page. You wouldn't have enough to fill up a proclamation to put on the wall, and it would leave to the courts to fill the void. Any time somebody thought that their right was an existing right, and they wanted to enforce that right or to seek a remedy based on that right, they'd run to the court and say to the court, our legislators, our political geniuses were incapable of defining what the rights of the Canadian people are; and you, the non-elected judiciary, you'll have to do the job which they were incapable of doing.

It was that kind of reasoning that I thought was compelling and persuasive, and led me and the First Minister with me when we were seeking to put forward for discussion a document that would cut through some of the very sharp divisions which had developed in earlier preparatory meetings for the Aboriginal Rights Conference here, and try to develop what in effect would be an Aboriginal Charter of Rights.

MR. B. RANSOM: The government at the same time proposed that some items be included in Part 2. One of those was the definition of the term "aboriginal peoples." Does the province have a definition of aboriginal peoples?

HON. R. PENNER: No, we don't in fact, and that is one of the difficulties I think is going to have to be faced. You see, there is a definition in the present Part 2. In this Act, aboriginal peoples of Canada includes the Indian, Inuit and Metis peoples of Canada and there were a number of concerns there.

One is, it's very difficult to rationalize the term "aboriginal" with these three quite disparate groups. Looking at it historically to a certain extent, one can say that the Indian and Inuit people were original peoples in the sense that they were here when the white settlers came, French and English alike, but the Metis people were not original in that sense, although they may have originated from those original people. So that in itself begged a difficult question.

But further, that definition in this Act, Aboriginal Peoples of Canada, includes the Indian, Inuit and Metis people, suggests there are others; that these are just examples, and if we were to get to the point of having a fairly carefully defined Charter of Rights of the Aboriginal Peoples of Canada, we'd better go about the business of trying to define that term a little more precisely.

MR. B. RANSOM: The second thing which the government proposed was a statement concerning and a definition of "aboriginal title," including the rights of the aboriginal peoples of Canada to a land base. Does the province have a position with respect to that point?

HON. R. PENNER: I think it is widely accepted that "aboriginal title" is not the same as a title to land as it is developed in the common-law system, which is based on the notion of ownership and posession, subject only to the rights of the Crown; whereas arguably, aboriginal title was based on use and occupancy rather than on ownership as we understood it. We thought again, if aboriginal title was to be protected constitutionally in some way, that it ought to be defined.

It was our view in Manitoba, in any event, that whatever aboriginal title turns out to be, or at least as we would would want to see it defined, that the basic right whether that's of ownership, or of use and occupancy, and harvesting the resources of the land are really dealt with in Manitoba, are completely by treaty. That would have been and is our position.

Unlike B.C., for example, and some other places in Canada, all of Manitoba is covered by treaty. It would be our position that the treaty effectively extinguished title but we felt that we were looking, not just at the Manitoba situation but at the national situation, that there would have to be some definition of the concept of aboriginal title.

MR. B. RANSOM: Did the government have a specific position in mind with respect to the third point which called for the inclusion of a clause concerning aboriginal rights, including customary linguistic cultural and spiritual rights?

HON. R. PENNER: What the honourable member is referring to, of course, is a framework agreement and that is, that agreement was to be the basis upon which negotiations were to be conducted, and clearly what we were delineating are those things which ought to be the subject of some discussion and some definition. We didn't go beyond and haven't yet gone beyond, at least in every particular, the statement of items to be negotiated and potentially included in Aboriginal Charter of Rights.

MR. B. RANSOM: Well, Mr. Chairman, there were a number of other items to be included, but two of the others specifically called for a clause concerning economic rights and benefits including hunting, fishing, trapping and gathering rights and concerning benefits from the development of renewable and non-renewable resources to which there are aboriginal or Treaty entitlements and also a clause relating to self-government for Indian, Inuits and Metis.

Mr. Chairman, is the Attorney-General telling us now that all the province did by putting forward this paper

was identify the areas which they thought should be dealt with, as opposed to saying that the province has a position with respect to these points?

HON. R. PENNER: Yes, but I would like to amplify that for the Member for Turtle Mountain. As the preparations for the First Ministers' Conference proceeded, one presumed to begin with, that the preparations were strictly on a question of an agenda, but it was clear right from the beginning that the discussion would not be limited in that formal sense. The representatives of the aboriginal people were raising a number of substantive issues. It was clear and it was accepted by all that there was no way in which, at a two-day meeting of First Ministers, there would be very much that could be pinned down and one of the first things then that was discussed was what is called the ongoing process; that it may take five, ten years before we can really come to some definition of aboriginal rights, sharply focused enough to warrant being entrenched in a constitutional instrument, so there was some discussion on the form that the ongoing process would take.

At that stage, arguments were being advanced strenuously particularly by the Inuit committee on national issues, but by the other aboriginal groups, that they felt that simply to refer to an ongoing process would mean that nothing much would be accomplished, that everything would be left very fuzzy and that every time you met you'd have to start from first base and, at that point, the Attorney-General for Ontario and myself, proposed the possibility of defining the matters to be discussed in an effort to resolve that problem, so that the notion of the ongoing process would be accepted and it would not be devoid of content, that the statement of principles that the member's referring to was advanced by ourselves and placed on the table but not adopted; at least not adopted in that form.

MR. B. RANSOM: Mr. Chairman, I have some difficulty with the government's actions then, in this area, because the government is proposing, for example, to remove the word, "existing" from the Constitution which was something that the Native people, of course, wanted to have done but the Manitoba Government, at least, does not know at this point what would be put in, in place of that. My understanding, "existing" was put in because there was some rather better understanding of what "existing" rights meant than simply by including aboriginal rights, without any definition of that. I agree with the Minister that it's fine to identify those areas which must be dealt with, but to identify those publicly and to make public pronouncements about them without knowledge of what they mean; for instance, to put out a press release saying that the Manitoba Government recognizes the aspirations of Indian people to achieve self-determination, and in this document, speaks about self-government for Indian, Inuit and Metis, I suggest that they are going to raise the expectations of those people involved to a very great extent and I am quite alarmed that the Attorney-General and the government have not, at least, worked out a position which they believe defines these terms.

I perhaps wouldn't be asking the Minister for the exact details of it but I would have felt much more secure, for the general public interest, had the Attorney-General been able to assure us that all of these points had been addressed by him and his staff and his colleagues and that indeed the government had positions worked out.

The second concern would be for the Native people, the Indian people and the Metis people, who have had their expectations raised substantially by this government and may find that they will be disappointed ultimately. I would simply urge the Attorney-General that he and his colleagues not make any more public pronouncements using phraseology that is used by the Native groups without attaching some definitions to it, because what the Native people mean by self-government may be quite different from what the Attorney-General means by self-government and from what I might mean by self-government, for whatever that's worth. So, Mr. Chairman, those are all the comments that I would like to make on that issue.

HON. R. PENNER: Just very briefly, it was never our proposal and it is not now our proposal that the issues would be dealt with, sort of in series, that we would remove "existing," and then at some later date, define these aboriginal rights. It would be part of one package so that things would not be left in a vacuum.

With respect to the statements - I think if you analyse them - you will find in fact that, at least that was the intention, that they hold no specific promises. What we said is we recognize the aspirations for self-government, but in our discussions with the Native people leading up to the conference, at all times we used the words, "limited form of self-government," so there was no illusion. I'm confident that there was no illusion created that we were holus-bolus accepting someone else's definition of self-government.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: Thank you very much, Mr. Chairman. I would like to go back to the program the Attorney-General proposed for the translation and he had set down, at least he felt that he had bought some time for the province, I believe approximately 10 years, to accomplish the translation of the Statutes. Does that include, that same time frame, the translation of regulations as well, or is that a separate time frame for that?

HON. R. PENNER: I'm sorry, the last part of your question?

MR. H. GRAHAM: The translation of regulations; does that involve that same time frame?

HON. R. PENNER: Yes, it does.

MR. H. GRAHAM: Could the Minister indicate what time in that time frame they would expect to start translating regulations?

HON. R. PENNER: What Legislative Counsel feels will likely be the case is that regulations, by their very nature, which are really part of an Act, that when we get down the line to do what we're presently doing, that whenever

we have substantial amendments to an Act now, we're really bringing in a revised Act in order to just keep going at it, that at those times when we bring in a revised Act, it will be brought forward in both languages and, at those times, Act by Act, we will do the regulations. That's one way that will begin to bite into the task.

The other point that is made by Legislative Counsel is, in his experience, that substantially regulations are changed very substantially every five to six years, and that as we come up to those periods of time where we would change a regulation in any substantial way, that at that time we will translate the regulation. Now, of course, when we introduce a new bill in both languages, and it calls for regulations by O/C, the regulations, instead of coming forward from the Lieutenant-Governor-in-Council in one language, will come forward in two languages. So we'll try to keep current.

MR. CHAIRMAN: The Member for Virden.

MR. H. GRAHAM: Well, Mr. Chairman, is there any degree of urgeny or priority on the updating of regulations prior to translation, or will the translation go ahead, regardless of whether the regulations have been reviewed and updated?

HON. R. PENNER: I'm not sure that I follow the question. Perhaps if I answered in this way, that the priorities for translation itself are being established in terms of the most commonly used public Statutes. As those are translated, then clearly when you have a translated Statute there is a need to consider translating the regulations thereto appertaining, so that would establish a priority in that way.

MR. H. GRAHAM: I'll go one step further. According to the Rules of our Assembly, the Standing Committee on Statutory Regulations and Orders is required by our rules to review all regulations that have been passed by the Assembly, or all regulations that have been passed by Order-in-Council. I was wondering if the Attorney-General had any interest in having those reviewed by the Standing Committee on Statutory Regulations and Orders before translation took place?

HON. R. PENNER: I'll certainly take that up with Legislative Counsel. As you know, the Standing Committee on Statutory Orders and Regulations hasn't met for a long period of time, and there's such a backlog of regulations that, in the normal course, should really be referred to that committee and reviewed by it, that it becomes a question that everybody's sort of just left by benign neglect as to what should be referred to that committee; how far back should we go; what should be the practice with respect to the review of regulations?

In terms of establishing the priorities for translation I'd prefer to discuss that with Legislative Counsel and perhaps furnish a more definite answer to the member tomorrow or the day after.

MR. H. GRAHAM: Well, Mr. Chairman, I think if we're looking at a cost of approximately, what is it, $125 a page for translation, or something in that ballpark figure. When we are required by our rules to review all regulations, I would hope that the Attorney-General would consider reviewing them before we start to translate them.

HON. R. PENNER: Agreed.

MR. CHAIRMAN: The Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, I understand that the Department of the Attorney-General doesn't file an Annual Report. Has the Attorney-General any plans to implement that practice which is followed by all other departments of government?

HON. R. PENNER: Yes, I do.

MR. CHAIRMAN: The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I noted in a newspaper article where the Attorney-General is quoted as indicating that he had some sober second thoughts about the Charter of Rights, and quoted a political scientist who said the Charter's principal impact on government is to judicialize politics and politicize the judiciary. The danger, the Attorney General went on to say, is that questions of social and political justice will be transformed into technical legal questions and citizens will abdicate their responsibility to solve issues. He questioned whether the Charter has given the courts a basis upon which judicial legislation may be founded and upon which parliamentary supremacy is subverted.

I wanted to ask the Attorney-General whether his speech writers had found some of the Leader of the Opposition's former speeches, or perhaps even one of mine, and he mixed it up with what he planned to say in speaking to this group, Mr. Chairman; or has the Attorney-General's views on the use of the overriding provisions of the Charter changed from sometime ago when he, on behalf of the government, I believe, indicated at no time would this government ever use the override provisions of the Charter.

HON. R. PENNER: First of all, I don't use speech writers and that may be my failing. I would be perhaps less in trouble if I were to use speech writers than if I were to rely on my own inventive prose. That's not intended to be a self-serving statement.

Yes, I've had, as I said, some sober second thoughts. What I was saying to the members of the bar, assembled in a seminar on current developments in the law at Hecla, was that there is a danger; a danger that I'm much more mindful of I think than I was at the beginning. The difference, however - I'll come back to the notwithstanding clause in a moment - the difference between my approach and the Leader of the Opposition, for example, whose speech at the time I've had the occasion to read in the last few weeks, is that he was opposed to the concept of the Charter entirely. That's as I read his speech; I'm not. I feel that the protection of certainly procedural rights that relate to basic questions of civil liberties, the protection of the subject, are properly encompassed within a constitutional instrument, and that there should be remedies associated with the protection of those procedural rights.

Where I raise some questions, and I think they are important questions and I will readily admit that in one form or another these were raised by the Leader of the Opposition, is to what extent do you want to bake into a constitutional instrument of this kind that gives the courts remedial power - as I think it should - substantive rights. We may be discussing that indeed when we come to discuss, for example, the question of the inclusion of the enjoyment of property in Section 7. Do you run the risk of introducing what the Americans call substantive due process, such that, in fact, you're inviting the Supreme Court of the country, because ultimately it rests with the Supreme Court to become really legislators.

What I said to the group assembled was that this is a danger, that I thought the Charter was a good instrument, it was a powerful declaration of values that we hold in this society, but that we ought to be careful not to turn the protection of our rights into a matter of technical narrow legalisms.

With respect to the notwithstanding clause, I think it is arguable that presents ultimately a safety hatch. I don't think it's necessary, quite frankly. I don't think it's a dumb idea, but I don't think it's necessary. I don't think it's necessary because Section 1 of the Charter, which says that the rights in the Charter are subject to such reasonable limitations as can be demonstrably justified in a free and democratic society; that that section is safeguard enough against courts, in effect, acting as legislators second-guessing the Legislator. It may well be the case, if it were to become the practice of the courts over a period of time to, indeed, take a section like Section 7 and, instead of doing what the Americans Supreme Court has been doing since 1941, and that is, move away; the Americans courts have moved away from substantive due process and have really said, no, this isn't a proper sphere for us, it is for the legislators, and we will not use the 5th and 14th amendment to strike down social legislation, progressive legislation, passed within the jurisdiction of state or federal Legislatures. If our courts were to part from that very cautious approach that both the Warren Court and Berger Courts, Liberal and Conservative courts have taken in the United States, and begun in fact to judicially legislate, then it may well be the case that the government of the day, whether it's an NDP government or any other government, would have to reconsider its use of the notwithstanding clause.

MR. G. MERCIER: Well, we're making progress, Mr. Chairman. Perhaps, when we return in another year or two, and decisions have been rendered, the Attorney-General will find himself in a position where he may very well want to use the overriding provisions, and we'll be thankful that they were included.

Mr. Chairman, on another matter of . . .

HON. R. PENNER: That's the advantage of being a progressive, you do make progress.

MR. G. MERCIER: You're becoming more Conservative. A technical question, I think this would be the appropriate section. Could the Minister tell us what grants are being made by this department in the forthcoming year?

HON. R. PENNER: I think this is the most underprivileged department of them all, in terms of grants. There's a grand total of $64,000: $14,000 for a Crown Attorneys' Seminar, it was our our turn to host that and provide part of the cost of it; granted $25,000 to the symposium for the retirement of Chief Justice Samuel Freedman, principally to pay the cost of publication of some of the very fine contributions to legal knowledge and jurisprudence that were made at that speech; and $25,000 to the Manitoba Association of Rights and Liberties. That's it.

MR. G. MERCIER: Is that the same amount as the Association of Rights and Liberties received last year?

HON. R. PENNER: Less, $4,000 less.

MR. G. MERCIER: Mr. Chairman, has the Attorney-General found jobs for the articling students who thought they had jobs with the Court of Appeal Judges?

HON. R. PENNER: Three have already found positions. My department is hiring an additional articling student, a space that was filled by someone who is not coming is available, and one of those who was did not get a position because of that breakdown for the articling clerks will certainly be interviewed and may end up being hired.

MR. CHAIRMAN: 1.(b)(1)—pass; 1.(b)(2)—pass; 1.(c)(1)—pass; 1.(c)(2)—pass; 1.(d)(1).

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, I just wonder if the Minister could indicate whether there are any changes in the administration that have been implemented, or proposed to be implemented, in this particular area?

HON. R. PENNER: There are no changes.

MR. CHAIRMAN: 1.(d)(1)—pass; 1.(d)(2)—pass; 2.(a)(1).

The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, could the Minister advise us of the status of the Arthur D. Little suit respecting CFI?

HON. R. PENNER: Yes. New counsel were retained within the year, approximately a year ago, Mr. D'Arcy McCaffrey has now the conduct of that case and is proceeding with it. The defendant in the case, the A. D. Little Company, has served third party notices on Technopulp and all of that bunch in Montclair, New Jersey, and Kasser and many of his adjunct companies and enterprises. I don't know how many third-party notices were serviced, but we're now discussing how to proceed with third-party proceedings, but it is actively being pursued.

MR. G. MERCIER: Mr. Chairman, has the full amount of the civil settlement been collected? There were some payments that . . .

HON. R. PENNER: Yes, the last of the payments came in almost a year ago, July or August, in the summer.

It came from England, from the Bertram Company, I believe.

MR. CHAIRMAN: 2.(a)(1)—pass; 2.(a)(2)—pass; 2.(b)(1). The Member for St. Norbert.

MR. G. MERCIER: Mr. Chairman, could the Attorney-General advise us as to what is the present backlog in criminal prosecutions?

HON. R. PENNER: In my introductory remarks I mentioned the Calendar Court which was designed by Chief Justice Gyles, and that it's hoped by the end of the year we'll be down to three months, but we are running longer than that. At the moment, we're running closer to six months in non-custodial cases. Custodial cases, we're setting into July, I think. The Calendar Court was just instituted on January 2nd of this year, and it takes some time for the cycle that is used to become operative.

What it means, basically, is that when the preliminaries have been deal with, and a trial date is set, it's plugged into a certain date in the calendar and assigned to a court room; rather than to a judge and judges sit in those court rooms and they have a lump of cases, so this is the theory, there are always cases to fill the void that is created so often, and unavoidably, by last minute pleas and last minute cop-outs.

MR. G. MERCIER: Mr. Chairman, I believe a few years ago the backlog was done to four months. Could the Attorney-General explain why it is increased from four to six months?

HON. R. PENNER: Yes, the price of progress. It was running at about four months when we started the Calendar Court, and it will be three months by the time the Calendar Court is working, but that hiatus of shifting from the one system to the other has meant that, in order to make sure that it is working properly, that cases presently being set are being set at about the six-month mark, just into the latter part of November, first part of December. It's my hope, as the Calendar Court gets more, as the wheels get oiled, or the skids get greased, that the time will get back to the promised three months.

MR. G. MERCIER: Could the Attorney-General advise us as to the status of the CFI criminal prosecutions?

HON. R. PENNER: Regrettably, we appear to be - what's the phrase - dead in the water on that. As the Member for St. Norbert knows, we were unable to prosecute successfully in Austria, and we thought that we had a good crack at prosecuting three of the principals, Reiser, Zingre and Wuest, in Switzerland and, indeed, everything seemed to be going swimmingly, and then, at least for me, unaccountably, the principal prosecutor, who at one time wore the hat of a magistrate and then a prosecutor and then a special prosecutor and then a special magistrate, ended up reversing himself completely and throwing the indictment out. At the moment, it doesn't seem that we're able to proceed in terms of the act of prosecution, criminally, any further than we have gone.

MR. G. MERCIER: Mr. Chairman, have the criminal prosecutions then been abandoned officially?

HON. R. PENNER: No, the charges still remain; the international warrants still remain.

MR. G. MERCIER: But no attempt is being made in Austria or Switzerland to proceed with any further charges?

HON. R. PENNER: We're at the end of the line there.

MR. G. MERCIER: Mr. Chairman, does the Attorney-General plan to make any changes in The Remembrance Day Act?

HON. R. PENNER: No.

MR. G. MERCIER: What is the policy being followed then with respect to prosecutions under The Remembrance Day Act?

HON. R. PENNER: I believe, if I'm not mistaken, there were some prosecutions arising out of infractions. There has been no change in policy.

MR. G. MERCIER: I believe that the department then basically acts upon complaint.

HON. R. PENNER: That's right, reactively. I may say that I believe one of the questions that have been considered in the Department of Labour and Employment Services is the whole question of statutory holidays and to try and rationalize some of the problems with Sunday closings and all the rest of it, so that rather than deal with any particular problems in isolation, that problem, to the extent that it's dealt with at all, will be dealt with in that context.

MR. G. MERCIER: Mr. Chairman, there was a recent article in which a number of provincial judges commented upon the fact that, in their words, judges are sometimes guilty of forgetting the victims of crime and some examples were cited. The concept was discussed whereby a presentence report would include what they refer to as a victim impact section. Is that something that is being looked at and reviewed and acted upon?

HON. R. PENNER: The Chief Provincial Judge has made a proposal to study some like schemes extant in the United States; if I'm not mistaken, perhaps one in B.C., but no particular progress has been made on that principally because I simply haven't had a chance to sit down with the Chief Provincial Judge and discuss it in some detail. The form in which it was presented did not appear to make any substantial change or propose any substantial change from that which is done now when counsel, instructed by the Crown, speaks to sentence and brings to the attention of the judge all of the material factors.

MR. G. MERCIER: Mr. Chairman, a number of judges have also referred to the parole system, and concern has been expressed over some period of time by judges,

by Crown attorneys, by members of the public, with respect to what is sometimes described as a lenient parole system. What is the Attorney-General's opinion, and has he made any representation to the Solicitor-General with respect to the parole system?

HON. R. PENNER: No, I haven't, because as the member knows, it's been many years now since Corrections were launched in the Department of the Attorney-General and I have had no official occasion to deal with the whole question of Corrections, including parole, so that I've had no official views and made no official representations, and - this may surprise the Member for St. Norbert - I've not even made any speeches on the subject.

MR. G. MERCIER: Does the Attorney-General, on behalf of the prosecutorial staff, have any concerns about the parole system?

HON. R. PENNER: The prosecutorial staff has not made any representations to me indicating that they have a concern which they would like me to address. The whole question of parole is a difficult and complex one. The Solicitor-General of Canada seems to have his share of trouble with it, which I'm sure would only be augmented by any advice I might give him dealing with the whole question of "gating." Of course, gating has been struck down by the Supreme Court of Canada, and now the Solicitor-General proposes to bring in some amendments to federal legislation dealing with the whole question of parole.

I think everybody recognizes that at some point or another, someone who has been sentenced for an offence has to be released; and the question is: At what juncture, at what point should that person be released? Should it be in every case only after the completion of the full amount of the time for which that person has been sentenced, or are there alternatives where release under close supervision into the community assists the rehabilitation of that person?

On the whole, it seems that some form of release into the community prior to the expiration of the sentence, where there's still control over the offender as a whole, can work. There are a number of problems; one of which is this question of earned remission time which seems to be earned independently of the question of whether an assessment has been done on the potential of the person for rehabilition. So that's a problem and I don't purport to have the solution to it. The mandatory supervision where, if a person is released because of earned or remitted time, then for the period between release and the actual end of the sentence originally handed down, the person is under mandatory supervision, that concept seems to be not a bad concept. The problem is that some persons who are released automatically in the sense that simply they appeared to have been on good behaviour for most of the time that they've been incarcerated, may still pose a threat to the community and yet they are released automatically. I don't, as I say, pretend to have a solution to that problem.

MR. G. MERCIER: Mr. Chairman, I believe it was last year, or early last year, the Attorney-General, as the result of some public pressure, and perhaps acting on his own, appointed a committee to review the whole problem of impaired driving. They made a report and made some recommendations, and I believe the Attorney-General announced that some changes were being made; one of which was to automatically prosecute a second offender, someone who committed a second offence within a two-year period of time.

HON. R. PENNER: Right.

MR. G. MERCIER: Perhaps the Attorney-General has some statistics on the results of that change in policy and the number of people that have been affected.

But, also, just as important, it seems week-by-week, if not day-by-day, we see newspaper photographs in this city of very tragic circumstances where people are killed, young and old, and most recent ones very young people killed as a result of impaired drivers. I sense in the public a growing concern about that situation. It may very well develop into a concern that there has to be stronger punitive measures with respect to these kinds of offences and I wonder whether the Attorney-General is considering anything further, or whether even perhaps at the Conference of Attorneys-General that he just recently attended, have discussed, or are reviewing this particular problem.

HON. R. PENNER: With respect to the committee headed by Mr. Jack Montgomery, Q.C., I have received a progress report from Mr. Montgomery and anticipate receiving the full report in about a month or a month and a half, and I expect that the committee will make a number of recommendations. I would like to advise the Member for St. Norbert that as soon as the report is received, I'll furnish him with a copy and, certainly, I will look at which of the proposals, if any, or perhaps all of them, we may be able to move on.

It is a very broadly based committee. There's people from law enforcement, from the Alcoholic Foundation of Manitoba, from the Citizens Against Impaired Driving, and I'm very satisfied with the extent of the work and research that the committee has done - I may say at no cost other than the time of Mr. Montgomery - so that work continues.

With respect to the question of the meeting of provincial Attorneys-General, what was discussed that relates to that question specifically was the complex question - at least I find it to be a complex one - of the mandatory testing of body fluids. Have I got the title of that right? Something close to that. Principally, what that really zeros in on is legislation which has been introduced in B.C. and will be introduced in Saskatchewan, and may have been introduced in Saskatchewan in the last day or so, Mr. Lane advises us, where pursuant to which where a driver involved in an accident it may be demanded of him to provide a blood sample in those circumstances where the question of a breath sample can't be dealt with because the person isn't capable because of injury or consciousness of providing a breath sample.

In the case where the person is unconscious, I believe that the legislation permits the taking of blood for purposes of analysis in terms of alcoholic content. There is concern expressed by some of the Attorneys-General

that this legislation may well be found to be ultra vires, that it really is legislating criminal law, because the language that is being used for most of those Statutes are very similar to the breathalyzer Statute in the Criminal Code; but Mr. Lane has advice from his constitutional counsel - I've been unable to afford one in my department - that suggests there is an argument for saying that such legislation is intra vires, because it doesn't really occupy a field occupied by federal legislation. The federal legislation deals with breath only, and since it doesn't deal with blood - legislation that deals with blood sometimes being called vampire legislation - may be legit. I'm sort of keeping my eye on that and seeing how far it goes.

MR. G. MERCIER: Mr. Chairman, I believe we passed some legislation but it was only with respect to the civil liability of . . .

HON. R. PENNER: That's right, protecting doctors who took blood from an unconscious patient from civil liability.

MR. G. MERCIER: Does the Attorney-General have any statistics resulting from the change in policy, going from the one year to the two years with respect to repeat offenders?

HON. R. PENNER: No, I don't. I don't have statistics but I'll endeavour to get some numbers for the committee and for the member in the next day or so.

MR. CHAIRMAN: 2.(b)(1)—pass; 2.(b)(2)—pass.

Resolution 18: Resolve that there be granted to Her Majesty a sum not exceeding $5,505,400 for the Attorney-General, for the fiscal year ending the 31st Day of March, 1984—pass.

Committee rise.

SUPPLY - COMMUNITY SERVICES AND CORRECTIONS

MR. CHAIRMAN, P. Eyler: Order please. Committee come to order. We are considering the Estimates of the Department of Community Services and Corrections. Does the Minister have an opening statement?

Mr. Minister.

HON. L. EVANS: Thank you, Mr. Chairman. I'm pleased, at this time, to present the 1983-84 Estimates for the Department of Community Services and Corrections for the consideration of the Legislature.

The development of this year's Estimates have been challenging for our department. Because of the economic recession we have been faced with a significant increase in the demand for services of the department, particularly for municipal and provincial social assistance; at the same time, the recession has reduced revenue potential for the government.

We have addressed ourselves to this challenge, Mr. Chairman, by reviewing all programs and services to determine their appropriateness and effectiveness. This was done with the intention of meeting our commitment to Manitobans in need, while being steadfast in our commitment to fiscal responsibility. In working to address this challenge, we have consulted with the province's social service community and seized the opportunity to identify and initiate ways to improve existing policies and to assure the efficient delivery of services.

Members will recall our announcements which initiated major program reviews. These included the Review Committee on Native Adoptions, headed by Judge Edwin Kimelman; the Garson Review Committee on Adult Corrections; the Ryant Task Force on Social Assistance; and, as well, our review of the Child Welfare Legislation, again involving many, many groups in the community. These reviews are now well under way, and on Friday we received Judge Kimelman's Interim Report which offered recommendations on the question of out-of-province adoptions of aboriginal children. I intend to be recommending to my Cabinet colleagues a course of action on these recommendations as soon as possible.

In addition, we are now studying the Report of the Task Force on Mental Retardation which was initiated by the former government.

A major thrust in our repriorizing of programs and expenditures involved a review of the funding policy to private nonprofit social service agencies. Underscoring the review was our commitment to develop one of the finest social service delivery systems in Canada. On May 9th, my colleague, the Minister of Finance, and I met with the agency representatives to inform them of changes in our external agency funding policy. These were (1) a change from funding organizations' operational and service budgets to the purchase of services; (2) Board of Directors and paid management assume full management and administrative responsibility for agency operations; (3) an end to historical guarantees governing the financial relationship, such as, the funding of provincial salary equivalents for approved numbers of staff positions; (4) provide greater flexibility through a global budget approach related to a bottom line expenditure, rather than the line-by-line accountability; (5) no recovery of surpluses or payments of agency deficits.

This direction was often suggested to government by agencies in the past. Its implementation represents a basic change in the financial relationship between government and external organizations. Through these changes we hope to better define programs and services to be purchased. This approach also will strengthen the role of agencies, provide them with greater flexibility and ensure the continued development of community-based social services.

At the outset of my remarks I noted that the economic recession has placed severe pressures on our Social Assistance Program. Higher unemployment rates and increases in the numbers of unemployment insurance exhaustees have increased provincial and municipal welfare caseloads and expenditures. The average monthly municipal assistance caseload for 1982-83 is expected to be 40 percent higher than the previous fiscal year, and the caseload is expected to increase a further 30 percent this year. To meet these pressures the amount budgeted for municipal assistance represents a 95.5 percent increase over the 1982-83 vote.

The Manitoba Government is committed to securing the finest quality day care service for Manitobans.

Members will recall that last year the new Community Child Day Care Standards Act was approved. It will be proclaimed this fall with regulations which set out licencing practices and standards of quality. To support this legislation the introduction of these regulations followed a province-wide consultation process with parents, day care operators, and workers which was conducted by my Legislative Assistant, the MLA for Wolseley. I'd like to take this opportunity to thank the MLA for Wolseley for a very fine job well done.

We have budgeted, Mr. Chairman, a 19.4 percent increase for Child Day Care Services. This represents $2.25 million allocated to three areas: (1) increased funding for day care providers through higher grants and fees, and for day care users through higher allowable income levels for low income families to be eligible for day care subsidies; (2) increase funds to meet the 1983-84 cost of services which began operation in 1982-83; (3) new funds to expand services and to assist day care centres to meet the licencing standards to be introduced under the new Community Child Day Care Standards Act.

More than a million dollars has been earmarked to increase day care grants and fees, which is roughly 9 percent, for more than 500 provincially funded day care facilities. Provincial maintenance grants will also be increased. Maximum daily fees for parents will increase from $9.50 to $10.35 per diem and, in additional, start-up grants to new facilities will increase by 9 percent.

New funds will also be available to expand the range of day care services for the public. Specifically, an additional $230,000 in grants will be available to help a limited number of day care centres, and family day care homes, to provide care for child under two years of age. We recognize that this age group represents the area of greatest unmet need for licenced and subsidized day care services. With the introduction of regulations for licencing, and standards for day care centres, it is timely to initiate this service.

In total, about $800,000 in new funds has been requested to assist in upgrading existing services to meet standards under the proposed new legislation and to provide for additional spaces.

My department's Rehabilitative Services Division supports those activities designed to provide residential, locational and recreational opportunities for the mentally and the physically handicapped. An increase of $360,000 has been budgeted under the Community Mental Retardation Program. This program supports community residences for the mentally handicapped, including supervised living accommodation, as well as social and self-help training for mentally handicapped adults. Additional funds have been earmarked for existing community residences and increases in training services for residents. Funding is included to support the maintenance of the mentally handicapped in the community and, by way of example, approximately $160,000-plus has been made available for increased funding for Day Activity Centre programming; for community residential living; for our Respite program; and for a supervised apartment living program. Through these efforts we believe that mildly retarded adults will have an opportunity to learn to live independently in the community.

Funding for institutional services for the mentally handicapped is primarly directed to the operations of the Manitoba School for Retardates, the Pelican Lake Training Centre, and the St. Amant Centre in Winnipeg; increased funding has been provided for these centres. Yesterday I was pleased, Mr. Chairman, to participate in the opening of the three new cottage facility at St. Amant Centre. The new facility is a 24 bed accommodation and I am pleased, too, that operational funds have been increased for the St. Amant Centre to support the activities of this new facility.

My department's Employment and Rehabilitative Services activity has been redesigned, redesignated as the Human Resources Opportunity Program. Through administative changes I am pleased to report that we were able to dramatically increase a number of participants in the program from 160 to over 500, with no increase to the staffing component. The number of clients, as of last month, have levelled off to a figure of approximately 425.

We're funding over 1,000 approved spaces for mentally handicapped persons in the province's 24 occupational activity centres which are operated by community-based organizations. A monthly fee of $121 for each disabled person was paid by the province in 1982-83 and this has been increased to $132 for this fiscal year. In addition, each of the 24 centres will receive their annual administration grant of $10,000 plus actual client transportation costs.

The province's Adult and Juvenile Correctional and Probation Services provide a complete range of services and facilities for offenders. I'm gratified to report to members on the success of the Fine Option Program. I can report that, at the end of April of this year, 631 persons had completed more than 24,000 hours of community service work under the program, and virtually all of the 1,522 registrants had at least begun their fine option.

I would like to commend the staff of the Fine Option Program for their organizational efforts, and certainly the 85 community resource centres throughout Manitoba for their support in co-ordinating fine option activity. As a result of the Fine Option Program individuals now have the opportunity to remain at work during the day, be with their families, and to continue to participate as full and active members of the community while, at the same time, contributing to community life by performing valuable service work.

I'm pleased to inform members that Capital funds have been earmarked to commence planning for a new Remand facility in Winnipeg. The government recognizes the need for this facility and we anticipate that this will be supported by the findings of the Garson Review Committee.

Perhaps no area of my department is facing greater challenges than the Child and Family Services Division. Current economic conditions have placed added pressures on families and their ability to remain intact. It goes without saying, Mr. Chairman, that children are our most precious resource and the government, I can advise you, is committed to assuring that care to those in need of protection and guidance is available.

Our review committee on child welfare is continuing its review and examination of existing child welfare legislation. I might add that the committee is a rather large committee and involves many, many people in various departments of government and community organizations. Significant amendments to The Child

Welfare Act are before the members at the present time, however, it is our hope that the committee's work will result in the introduction of a new Child and Family Services Act at our next Session of the Manitoba Legislature.

In addition, I can advise, Mr. Chairman, that staff have been working closely with Children's Aid societies throughout Manitoba to strenghten services for children in care.

I'm also pleased to report that five subsidiary agreements have now been initiated and signed by the province and the Federal Government with Native organizations for delivery of an on-reserve child and family services. This service is now legally in effect. These agreements are landmarks in Native Child and Family Care. All reserves in the province are covered by the agreements. Of course, Mr. Chairman, I'm referring to the master tripartite agreements with MKO and the Four Nations Confederacy and, also, under those master agreements, we have various subsidiary agreements that are being signed.

Although it will be some time yet for the agencies mentioned to develop and become fully operational, I'm confident that a solid foundation for delivery of on-reserve services has been put into place. I would take this opportunity to thank the Band Chiefs, Tribal Council Administrators and the Federal Government for their commitment to this new, important program direction.

Mr. Chairman, the foregoing represents some highlights of my department's activities. Our department's budget is almost $300 million and it is significant that some $77 million is contributed directly to community social services delivered by the private, nonprofit agencies, for example, Crippled Children and Adults Society of Manitoba, CNIB and so forth. This represents the government's commitment to work in partnership with private agencies and to provide needed social services.

The work of my department would be impossible, Mr. Chairman, without the participation and support of more than 250 community organizations. I extend to each of them the appreciation of the government for their support and efforts. I also want to thank the staff of my department for their tireless and committed services.

Mr. Chairman, I look forward to the members' comments and contributions on the Estimates of the Department of Community Services and Corrections.

Thank you.

MR. CHAIRMAN: The Member for Fort Garry.

MR. L. SHERMAN: Thank you, Mr. Chairman. I intend to be brief because I think we want to get into the line-by-line examination of the Estimates. I would just thank the Minister for that opening statement and ask him whether it would be possible to obtain a copy of that statement in relatively short order because there is a range of material dealt with in headline form in his statement, and I would like to explore some of those headlines with him. Obviously, the statement itself does not contain very much minute detail, but there are some suggestions that caught my attention vividly in his statement which reflect a direction in policy, or thrust, or approach which I would like to examine with the Minister and, as a consequence, I'd like to have a chance to review his remarks.

In particular, I was struck by his statement, Mr. Chairman, having to do with the new funds to be provided in day care funding to implement the desired standards and to provide for new spaces; the standards being those targeted under The Community Child Day Care Standards Act which, of course, was passed by the Legislature last Session. I may have heard the Minister incorrectly, but it seemed to me that I heard him say about $800,000 in new funds will be provided in day care funding to implement those standards and to provide for new spaces. I would think that $800,000 will go absolutely nowhere, in terms of implementing standards in day care funding, if they are to be the kinds of standards that were specified in the proposals made by the Minister and incorporated in The Community Child Day Care Standards Act which we dealt with last Session.

If he's going to do anything about providing a significant number of new spaces in day care that, Sir, in the face of the cost-price increases that he must address, as all other Manitobans must address, will eat up that $800,000 and then some; so I think that we're still talking about an illusion when we talk about day care standards. I think that, in the light of the pragmatic realities he has to address today in day care and in community services and social services, generally, that we are not in a position in the province to implement anything in the way of significant universal day care standards. It's pure rhetoric to suggest that we are, and our position is unchanged from that of a year ago, which is that suggestions of that kind really are unfair to the day care community because they are raising expectations which cannot be met until this province is in a much stronger economic position. However, that kind of funding will certainly provide some new spaces in day care and that is desirable and all to the good.

My primary concern, as chief critic for the Progressive Conservative Opposition in this area, where the Minister's Estimates and programming are concerned, this year will be in the Child and Family Services area and in the Corrections areas. In both those categories I would hope to be able to explore in some detail the Minister's initiatives and thrusts, the current upheavals that both Child and Family Services and some elements of the Correction system are going through, and the time frame in which we are operating, where task forces looking into Child Welfare, Child and Family Services and Corrections facilities' improvements are concerned.

That is not to say that the other aspects, categories and components of this vast complex and important department are not crucial; they are and I don't intend that we should address any of them in a superficial way, but time constraints being what they are, obviously one has to pick and choose some priorities on a year-by-year basis and, at the present time, I think the most critical interests and most critical attention of Manitobans, certainly of this opposition, is focused on those purported reforms and the obvious upheaval in the Child Welfare system, and the desired reforms in the Correctional system which have been the subject of debate in this House in months past.

So, Mr. Chairman, I welcome the opportunity to get on with that evaluation and examination with the Minister and his officials. Again, I thank him for his

opening statement and look forward to receiving a copy of it. Certainly I would like to associate myself with sentiments that have been expressed in the past about the kinds of service and the depth and degree of dedication that is offered to Manitobans by those persons who work in this department - all its branches, directorates and aspects - and those persons who work in the agency field in Community Services, and in all the institutions and facilities in our provincial society; that serve our people from a community services and social services perspective.

We are singularly blessed, I think, in Manitoba, to possess an enormous and dedicated community of persons, professional and volunteer, who toil in these particular vineyards and toil compassionately and well. The Minister is fortunate to have that kind of an army working with him, and I want to acknowledge the opposition's appreciation of that community, at this stage of the Estimates Review, Sir.

Before we get into the line-by-line examination beginning with the particular resolutions which you will call, Mr. Chairman, I wonder if I could call on the Minister to explain or, when his officials arrive, to explain the Reconciliation Statement, which appears at the beginning of the section in the Estimates book, and make specific reference to transfer of functions from two departments to Community Services and Corrections; and transfer of functions from Community Services and Corrections to three departments. I would appreciate his advice as to what specific functions were involving in those transfers. He may want to wait until his officials are present, within the next few minutes, to respond to those questions. Then, Sir, perhaps we can move into the specific resolutions on a line-by-line basis.

Thank you.

MR. CHAIRMAN: Mr. Minister.

HON. L. EVANS: Mr. Chairman, the member asked re the Reconciliation which appears on Page 25 of the Estimates. Transfers of functions from the Attorney-General Department; that is the amount of $85,000 which is being put toward the Fine Option Program; that is a contribution, I guess you might say, that's being transferred. The monies have been transferred for the entire operation, the entire administration of Fine Option to be in our department of Community Services and Corrections; $85,000 had been previously voted in the Attorney-General's Department.

Also, in the case of Health, $66,700 relates to four staff positions. This is part of Administrative clean-up, if you will, after the split. As the honourable member knows the department, of course, was divided between Health and Community Services, and this is a bit of tidying up in the Field Services portion. So, that's four staff years involving $66,700.00.

Transfers to the Department of Cultural Affairs and Historic Resources $136,700.00. The member may recall that, when I was Minister responsible for the Manitoba Telephone System, we had a small telecommunication's unit that had drifted from one department to another; it had been in other departments previously. Last year, that amount of money was put in our vote, however, it has nothing whatsoever to do with the programming of Community Services and Corrections; that was an entirely separate function. So that is now under Cultural Affairs and Historic Resources inasmuch as that Minister has responsibility for communication's policy.

The item $10,000 - Fitness Recreation and Sports. This is funding to Health so that they can support the Special Olympics, which the member, I believe, understands is a very find program run by community groups whereby monies are raised and utilized for the mentally handicapped in the province.

The larger item - Health, $685,100. This, essentially, is funding related to programs for the elderly, for the aged in our population. A decision was made to concentrate programs for the elderly in the Department of Health. So, included in that would be funding for the age and opportunity centres, the various meals on wheels programs, some of the rural senior centres, plus 10.5 staff positions, and that is covered by the 685,100.00.

MR. L. SHERMAN: Okay. Thanks very much.

MR. CHAIRMAN: Item 1.(b)(1) Departmental Administration: Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, will the Minister be supplying, either an overall list of what changes there may be in terms of personnel in the department; additions or deletions in terms of the total number of SMYs in the department, or doing so on a branch-by-branch, division-by-division basis as we go through these Estimates? In other words, if he can tell me whether we're looking at an additional 50, 75, 80 positions in the department, and provide me, at some point in the next day or so, with a list of where they are slotted, that would supply me with the information necessary to examine with him, through question and answer, the reason for those additions, likewise, the deletions? Perhaps, there's no change in the overall staff complement of the department, but can the Minister give me some kind of lead on that?

HON. L. EVANS: Yes. Well, as in past years, we have prepared a listing, which we will make available to the honourable member, indicating staff years in last fiscal year, 1982-83, and the staff year positions for 1983-84. I can just advise, by way of overview, that the total for the department has been reduced by 45. In other words, last year we were 2,487.5 positions, and this is now being reduced to 2,442.5, but we have a copy here and perhaps the page . . . This doesn't show you additions and deletions, but it shows you the bottom line, so to speak, and this is the information that we have readily available, broken down by branch and section.

MR. L. SHERMAN: Good. Thank you, Mr. Chairman. So there is an increase of one position, one staff man year in Departmental Administration, which is the appropriation that we're looking at at the present time. Could the Minister advise the committee of what that consists?

HON. L. EVANS: It is essentially the Director of Communiciations position. I might add that the person

who is filling that position was essentially redeployed from another government department, but we now have that staff position in this area.

MR. L. SHERMAN: Mr. Chairman, could the Minister advise whether the Director of Communications will be functioning separately, individually, as a single person employed in that capacity or whether it's the intention of the department to build and establish a cadre or a component of communications personnel?

HON. L. EVANS: Mr. Chairman, to answer that, I might advise that it is the intention to have a communications unit, as such. I would add that besides the Director of Communications, we do have one communications officer, but that didn't result in any additional staff year. That's why you don't see more than one addition; it was covered by an existing position.

The intention is to build up a small communications unit so that we may better communicate with the hundreds of agencies that we deal with, and the thousands upon thousands of people that we are involved with in the province, day-by-day, putting out appropriate informational pamphlets and whatever is necessary by way of communications.

I just might add, by way of general information, as an indication of the daily requests made of the department for information, you can use the Citizens Inquiry Service; it's a telephone service, free of charge, available to any Manitoban who phones the service asking a question or seeking information, or whatever, about a particular department. The few months that I've looked at, the last several months that I've looked at, the pattern is that the Department of Community Services has the greatest number of telephone inquiries, and that number - we're always at the top - is normally double the next nearest department. For example, hypothetically - in fact, I think it was the case in November, there were about a thousand phone calls received through that service alone. The next nearest department had 500, and that pattern is repeated, from looking at December, January and February. That doesn't give you a total figure, of course, of the number of inquiries. There are obviously thousands of inquiries over and above that. My own office must receive thousands of inquiries during the month, but as one indicator at least, it shows you the involvement and the extent of information-seeking. So it is our intention to have a small communications unit. The two people that we have in it were both previously employed by the Government of Manitoba, albeit in a different department.

MR. L. SHERMAN: Mr. Chairman, I'd like to just spend a minute or two on this point with the Minister, because I think that we probably are at odds on the subject at hand and on the necessity for that kind of a bureaucratic buildup. I don't know what he means by small. I'd like to know what he has in mind by small. It's a little difficult, of course, to be hypercritical of the concept when he's presenting us with a total reduction in manpower in the department, of 45.

I haven't had a chance yet to look over the breakdown of that manpower total. The Minister has supplied me with that statement, but I haven't had a chance to evaluate it; whether we're sacrificing behavioural counsellors in the field of institutional mental retardation; whether we are sacrificing one-on-one counselling for children at risk; whether we are sacrificing probation officers in order that we can get that number down by 45, is a question that I want a few minutes to consider this evening.

But, if some of those positions that are crucial, critical and vital, in terms of delivering human services, are being sacrificed in order that there will be no notice paid or very little attention paid by the opposition and the media and the public to the build-up of a communications unit, then I think we're facing an unacceptable situation and one in which I would want to call the Minister to account. It may well be that when he talks about a small communications unit, he's talking about one or two or three people, but he's the Minister; he's a politician who succeeded in achieving a fairly impressive record of electoral successes, so he must be able to communicate.

I know from personal experience that he's got a Deputy Minister who can communicate; I know from personal experience that he's got ADMs and Divisional Directors who can communicate, and it seems to me that it's the job of a Minister and the people around him to attempt to communicate. If he's saying to me that this is a department in which there's much more communication necessary than in any other department, then I say to him: Well, then, why did you take the appointment? The Minister knows that Community Services and Corrections requires continual interface with the public and continual communication with the public.

In my view, one of the jobs, one of the responsibilities of a Minister of Community Services is to communicate, much more so than perhaps is the case with some other Ministers whose responsibilities lie in areas that are not as directly involved with the day-to-day problems of people.

I'm not very impressed - let me put it another way - I am impressed by the fact that he has presented me with a list of his departmental staffing, which is smaller by 45 positions than was the case last year, provided we're not sacrificing anything in the way of human services; I would have to say that's pretty impressive. It's not impressive though if he's intending to use that as the carrot while slipping in a five, six, seven or 10-man or woman communication's unit in that department, because he's supposed to be doing the communicating. His Executive Assistant is supposed to be doing the communicating; h 's probably got a Special Assistant, I don't know. I would like to know what those 10 positions are in his departmental administration, but I know of people who were there when I was there who could certainly communicate, both in written and spoken word. At this point, I would have to have the Minister convince me much more emphatically that he needs to build up a communication's unit because, as I say, that's part of the department, that's part of this Ministry, part of it's job is communications.

Secondly, can he tell me what he means by a small communication's unit? Are we looking at one or two now, and three or four this summer and, by the time we get back in here next year, seven, eight, or 10.

HON. L. EVANS: Well, to answer the last question first, I can assure you that we do not have the funding or

the positions to go to five, six, seven, eight or 10. We have two people now, and we will be doing with those two people.

I want to remind the honourable member that the taking on of Communication's Officers was not initiated by this Minister; it was a recommendation of a study that was made of the entire government's communication and news information service and so on, whereby we looked at the old existing Informational Services Branch, and the study group looked at each department. They found, for example, departments such as agriculture had a fairly large - I wish I had the numbers with me - but they were a fairly large component. I'm going to guess, I may be wild on this, I think there were about a dozen or so in Agriculture, I'm not sure, but these positions have been there for decades, and they put out various pamphlets for farmers, various pamphlets to persons interested in improving their productivity on the farm or whatever they're doing. They have nutrition, information on farm finance and so on. So, it's quite a sophisticated organization, and I'm not criticizing it, I'm just saying that the review noted that as phenomenon.

They looked at Natural Resources, and Natural Resources has a fairly large - again I can get the numbers - but certainly more than six, probably more like nine or ten or eleven, a fairly large, by my standards at least, component of communication staff, and they put out pamphlets and brochures on wildlife problems, hunting regulations. They prepare news releases to naturalists, news releases, informational pieces on various wildlife issues, water control issues and whatever else that department does.

The Department of Education has a communication's group, and these departments, incidentally, have had these organizations for years and years, decades, long before the honourable member and I, perhaps, ever thought of getting into politics. Education has a fairly sophisticated communication's group and so on.

This department was split off from Health. There were, and still are, some people in Health that I believe are involved in turning out publications, or whatever else they do, I'm not really that familar.

I would also remind the honourable member that he hired a Communication's Officer when he was Minister of Health, I think it was at the time of the demise of the Winnipeg Tribune, and I believe that was a Communication's Officer more or less in the Minister's office. What we're talking about is a communication's unit for the whole department. I can make my speeches, I don't need people to make speeches for me, as I'm making now, although they might try and they sometimes help, particularly if there's a lot of technical information. We do have some excellent staff in the deputy's office who were there before, when the honourable member was around as a Minister, and they're there.

What we're talking about is a group that will be fulfilling the mandate laid down by the study that was adopted by the government, and it involves changes in the Information Services Branch. The policy now is, and I believe this has been discussed in other departments perhaps, certainly I think it was once mentioned in the Question Period, where the departments now are responsible for the content, directly, of any news release and it's handed to Information Services who more or less act as more of a mechanical organization to ensure that it gets out to the various media.

So there is a change in focus, and there have been changes of positions from various departments; the technical expertise being moved around into the Queen's Printer and so forth. I'm not really familiar with all those changes, I can get that information.

What we're doing here is, therefore, providing a relatively modest communication's unit for probably the biggest department, in terms of personnel; and certainly the biggest, in terms of the enquiries made of it, and the evidence is there; and certainly the most diverse, I believe, of any department, and I've been around government for 14 years, either on that side or on this side of the House, and I know that, from my experience, it is probably one of the most diversified, going all the way from Corrections right through to Welfare to Child Day Care, Vital Statistics and you name it. Certainly, when it was combined it was even greater in size and greater in scope and so on.

But, some of those people that were involved in publications and so on, as I understand it, in Health, are still there; they may have a different name. I don't know what the name is, and I don't have that information here, but we did not, and we are not, hiring a Ministerial Communication's Officer in the sense that the Honourable Member for Fort Garry hired a person, and I'm not criticizing him for that, incidentally, I'm just saying that was a fact, but that is not what we're up to. We're up to implementing the recommendations made to us, and it's a government-wide change, it's a government-wide reorganization, and I think, given the size and scope and the challenge and the diversity of the department, that we will serve the public far better if we are better able to communicate, not the Minister, but the government as a whole. I won't deny myself better communication, but I'm saying what we want to do is to be able to make the public more aware of whatever we're doing, that they should be aware of it.

The Fine Option Program is a good example. I want to do my best to get more and more community groups involved, because the success of that program is going to depend, it's going to succeed or fail on the involvement of the private sector on the involvement of the community out there. We have to depend upon them to find work places, work opportunities, so people who take the Fine Option can, indeed, be supervised and be given adequate useful work. I use that only as one example; I think there are many other areas where we can do a better job of advising people of the services available to them, and in any such way.

MR. L. SHERMAN: Well, I just say, Mr. Chairman, that with respect to the previous government and what our government did in that connection, there is a difference in that I certainly hired a person into a communications role in my office, but that person went into a vacant position, an established position that became vacant, and had carried the title of special assistant that simply became a special assistant whose primary function and responsibility was communications rather perhaps than policy evaluation or whatever. In this case, the Minister has added a person to the staff, Mr. Chairman; so there is a difference there.

However, as I said, he has presented me with a reduced staff of 45, so I'm not going to hold his Estimates up at this point over one addition in Departmental Administration. I would hope that we do not find that Departmental Administration has increased by substantial and significant numbers in the future, though, just in order to establish a communications unit there and to undo whatever good he may be achieving in terms of efficiency and manpower and employment savings such as are represented in the staff reductions which he has presented to the committee. So we will be watching that communications unit, Mr. Chairman, with interest, both in terms of its size and in terms of the job that it does.

HON. L. EVANS: I'd just like to add to my previous comments; the second person we have in the communications unit, I would advise the honourable member was actually hired by his government. It was one of those communications people that his government hired a few years ago. The Communications Director was previously employed and it's a redeployment within the government. So the bottom line for the department, as you observed, is a substantial reduction of 45. These people were already in the government service, previously employed for many many years; the first, the director, for many years in government; the second person was actually hired for her particular communication skills by the previous Conservative administration. I don't know what else I can add.

We don't have any intentions, in the next year - we simply don't have the money and we don't have the staff positions to come about with some extraordinarily large expansion. I personally think that we will do fine with these two individuals at this time, and again repeat that this is an initiative that I did not undertake. I do not oppose it, of course. I think, on reflection, the report on communications in the government was fairly good and I am going along with general government policy in this respect.

Just one other point, Mr. Chairman. The honourable member asked for my speaking notes. The reason there's been a delay is that I changed them just prior to coming here. There were one or two statements that I was not very satisfied with and I've made a few changes. If you will excuse some of my scribbling and marks and so on, I've now adjusted them and I'm prepared to give him a copy of this page.

MR. CHAIRMAN: 1.(b)(1)—pass; 1.(b)(2)—pass.

1.(c)(1) Social Services Advisory Committee: Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Thank you. Mr. Chairman, I would like to ask the Minister: Were there any changes in the Social Services Advisory Committee in terms of its terms of reference, its size, or its function? I know that he has proposed amendments before the House to the legislation which governs the Social Services Advisory Committee, which will make it easier for that committee to meet regional responsibilities and serve local geographic areas with respect to their own local geographic and regional problems. Are there any other changes to the committee? Has the size of the committee changed significantly?

HON. L. EVANS: Essentially, the committee is about the same size. Certainly, the change in legislation does not cause us to increase the committee; that is not the intent of the change in the legislation. The honourable member, I know, realizes that change is simply to provide greater flexibility and ease the load on the chairman.

The membership has been changed but we still have the same size. There are always cases of vacancies; that's why I'm hesitating. I don't have the information. From time to time, a person resigns for whatever reason but, essentially, it's the same size of committee and, generally, it reflects over the years as a cross-section of the province. Roughly half of the members are from Winnipeg and the others are scattered around. That is to reflect the fact that a good percentage of the appeals are in the Winnipeg area. So what we're doing is trying to ensure that we have sufficient members who are easily available to hear the appeals.

The function of the board hasn't changed. It's still essentially a welfare appeal board for welfare or social allowance recipients and, of course, it is available for appeals by persons who run and operate residential care facilities, that they believe for whatever reason they are not being classified properly or treated properly by the staff. Then, of course, they too may appeal to this particular board. Essentially, the appeals are of welfare cases.

It's interesting that the number of appeals in the last couple of years hasn't changed that dramatically. There have been some changes. 1980, there were 320 appeals; 1981, 380; 1982, 331; 1983, we're projecting 320, based on the first five months. That compares, say 10 years ago; in 1972, there were 933 appeals. So it is down quite a bit. 1973, there were 630. So it's been more or less within the 300 range in the past four years.

I don't know whether I've answered all the member's questions. Essentially, it's the same kind of function; generally, the same size of committee and, generally, the same workload.

MR. CHAIRMAN: 1.(c)(1)—pass; 1.(c)(2)—pass; 1.(d)(1) Research, Planning and Operational Statistics: Salaries—pass; 1.(d)(2)—pass.

1.(e)(1) Agency Relations and Residential Care Services: Salaries - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, I'd like to know where we stand on the guest home situation and the licencing of guest homes; how far the department has proceeded with that project, which is pretty comprehensive and pretty difficult, admittedly. I know that the province and the department lost the services of the distinguished and dedicated Director of the Office of Residential Care, due to illness, the former director, Mr. Lloyd Dewalt, and I'm not certain what the status of that directorate is at the present time. I'd appreciate a report from the Minister on that.

HON. L. EVANS: First of all, with regard to the so-called guest home situation. That is something that I know the honourable member is very interested in, and he took some positive action, which I congratulate him for, some years ago, and we are more or less continuing along that path. I'm advised that there's sometimes a

problem of trying to find where they are, trying to actually identify someone who's operating a so-called guest home, because that is a very general description and some of these things sometimes just grow. Some elderly couple, or not so elderly couple, let's say, or some lady who's prepared to look after one or two elderly gentlemen or other people who may be handicapped, doing it on a one-person basis or a two-person basis and suddenly becomes - not suddenly, over a year or two - becomes three or four or five and then, before you know it, you have something of a guest home situation.

We are endeavouring to carry on and we do have a review group that was set in place. I believe I made mention of that in my opening remarks. The Society for Seniors, the CAMR, the Canadian Mental Health Association, Manitoba Division, and some other organizations approached me last year, approximately, to agree to review with them; in other words, a joint provincial government-private sector association study of the so-called guest home or residential care situation. Those people are doing their work quietly, although I understand they are now in the process of holding one or two hearings. I believe one has been scheduled for Brandon and I'm not sure what other cities or centres or meetings are being scheduled, but I do know that the committee is active and is going to be making, at some point, some recommendations to the government.

We are continuing in our effort to assist the guest home operators who provide, as you understand, not only care and supervision of the elderly, but also the post-mentally ill and the mentally retarded, and to upgrade the licencing standards. I can advise the honourable member that 336 residential care facilities, with 948 beds, are now licenced.

MR. L. SHERMAN: Would you just give me those figures, again?

HON. L. EVANS: Yes. 336 residential care facilities, with 948 beds, are now licenced, or have letters of approval under licencing regulations, in other words, we just haven't finished the documentation. 90 facilities, with 949 beds, are working on upgrading their situation, or are determining the feasibility of upgrading. By that I mean some operators may not find it commercially feasible, economically feasible, to upgrade to the standards we want and may decide not to carry on, so there are, as I say, 90 with 949 beds, either working on upgrading or determining the feasibility of doing so; 23 facilities with 240 beds have been refused a licence and are no longer providing care and supervision.

I just want to amplify what I said. Letters of approval are needed for operators of up to four beds; when you get over four beds, then you are required to get a specific licence.

MR. L. SHERMAN: Mr. Chairman, if I could just interrupt the Minister for a minute before he gets too far along on this because this is important, and just recap those figures with him and make sure that I've got them right. Did the Minister say to the committee that 336 residential facilities, with 948 beds, have now been licenced; and that 90 facilities, with 949 beds, are being upgraded in order to meet licencing requirements; and that 23 facilities, with 240 beds, had been refused licencing and have gone out of business? The Minister is confirming those figures, eh? I'm just jotting those down as he's speaking. Have I got them correct?

HON. L. EVANS: Just to get it on the record. 336 facilities with 948 beds are licenced, or have letters of approval, under our licencing regulations; so 948 beds are licenced; 90 facilities, with 949 beds, are in the process of upgrading; some of them, however, may not be upgraded because the operators may decide that it is not in their interest to do so and, therefore, I would assume that they may ultimately just go out of business, but I haven't any way of determining what that number would be. Then the last group, 23 facilities, with 240 beds, have definitely been refused a licence and have been put out of business, in effect.

MR. L. SHERMAN: And these residential facilities consist of what, Mr. Chairman? They're not all guest homes; I assume that they run across the spectrum of residential facilities: group homes, foster homes and the like, not just guest homes for the elderly; is that correct?

HON. L. EVANS: This group that I'm talking about is essentially adult facilities. It does not cover the Child and Family Service area; that is totally separate. What we're talking about here is residential care for the post-mentally ill, the retarded, the elderly, for infirmed, and there may be some physically handicapped as well.

So, indeed, they are of different sizes. There are all kinds of statistics on this, but I think the Member for Fort Garry has some understanding of the residential facilities we're talking about; they are essentially the same animal.

MR. L. SHERMAN: Well, what the Minister is saying is that these facilities that he's talking about actually do fall precisely under the category or heading of what we generally refer to as guest homes. Is that correct?

HON. L. EVANS: Yes.

MR. G. SHERMAN: So we're looking at 449 guest homes in the totals that he's given us - 449 guest homes and approximately 2,140 beds. How close is that to the total number of guest homes and beds that constituted the target group that the Ministry, the department had to pursue when it undertook some years ago to start this process of licencing and examination and requirement that such facilities meet standards? How close are the Minister and his officials now to having covered the whole total of the category that we're talking about - guest homes in the province?

I ask that question knowing that some of them are hard to locate, some of them are hard to identify and find, but the Minister and his officials would have sat down at one point and said there is a specific number, or perhaps it would be more accurate to suggest they would have sat down and said there is a reasonably accurate approximate number of guest homes in this province - 480 or 520 - even though we all know there are some that probably are operating unknown to the Ministry, and they can't be found and they can't be

identified, but of those that the Minister and his officials identified as a target group, how close are we to having covered them all now in this review?

HON. L. EVANS: Okay, this has to be an educated guess, because if you don't know, you don't know; but the educated guess is that we're probably covering here about 90 percent of the so-called guest home residential facilities in the province. The emphasis, of course, is on Winnipeg, but it is a very difficult thing to get a handle, as I am advised, on the existence and whereabouts of every single person who's operating a so-called guest home. I guess it depends on how you define it, and then you have to go out and seek them out. In some ways, it's easier, I think, in the City of Winnipeg than it is in rural Manitoba, but I am advised that we've probably got 90 percent of the total here.

MR. L. SHERMAN: Mr. Chairman, of the target group then, there are, as near as can be determined, some 10 percent still to be covered. Does the department know where that 10 percent is? Does the department know of another, let's say, 50 guest homes, 50 residential facilities of this kind scattered hither and yond around the province that they are now zeroing in on, or does this number that's been covered up to this point represent about the extent of those facilities that the department can identify?

HON. L. EVANS: Well, it's difficult to discuss the unknown, and if we did get information on one other so-called guest home out there, we would be, of course, making contact with the operator, and seeking information and ensuring that standards were met. So it's really difficult for the department to precisely say what the situation is, short of having some sort of - oh I don't know - massive census where you go to every household in Manitoba and ask, and try to find out what they're doing in that particular house. I daresay there may be some people who are maybe into the so-called guest-home business or guest-home service - maybe put it that way - on a temporary basis. They may be looking after two or three people in their local community and may do it for part of the year and then no longer do it.

There are all those kinds of situations, but we believe that those that we have not covered would be very small in bed size, the number of beds. I mean, the large ones, the bigger operators, we know who they are and we have either licenced them, or we're in the process of licencing them, or have refused licences for them. So the larger ones, the ones I think that perhaps the Honourable Member for Fort Garry probably has his greatest concern, I think I would have the greatest concern, the bigger operators; these are certainly all accounted for. The ones that we haven't somehow or other haven't found would be very small in numbers of beds - two beds, three beds, or whatever. Likely, therefore, the potential problem with them wouldn't be as great as you might find with some operator who had 20 beds or 30 beds and was operating more like a straight commercial business as opposed to a person who looked kindly upon two or three poor souls who are handicapped in his or her community and was looking after them for a few dollars.

MR. L. SHERMAN: Oh, but I'm getting this picture clear in my mind now, Mr. Chairman. What the Minister is saying is that the department has covered all the ones that it knows about. There may be others out there that would constitute that other 10 percent we're talking about, but those that the department knows about have been covered, and the guesstimate is that's about 90 percent of what there is, and that it certainly represents all the big ones, all the fairly substantial ones in terms of size. Well, that's a fairly formidable achievement, Mr. Chairman - and I recognize that - for the department to have covered all those that it knows about, that it has been able to identify and reasonably find a total of 449.

Now, the licencing procedure calls for what, a licence that is granted for one year? Are reviews or examinations of these facilities carried out, again, on an ongoing basis and, if so, how are they done; where is the manpower going to come from to be able to maintain that kind of a program? What is the monitoring program? I understand that program now is under the direction of Mr. Cels, the Director of Agency Relations. I'd be interested in knowing how that watch will be maintained in the future and if those licences have to be renewed every year.

HON. L. EVANS: Well, first of all, I would say that I agree with the honourable member that the department has done an excellent job in this area. We would like to see even higher standards. if possible, however this often involves expenditure of money. Regardless, I can tell him that the licencing is on an annual basis. It isn't at the end of the calendar year or end of the fiscal year, or whatever, it is 12 months after the licence was originally approved. If you got a licence July 1st we would review it July 1st of the following year, providing we were satisfied you were still meeting our standards and so on.

Fortunately we do get assistance from many other agencies and governments. We get assistance from the Provincial Fire Commissioner's Office in rural Manitoba; we get assistance from the City of Winnipeg Firefighting Department; we get assistance from Municipal Government officials, public health officers and so on, building inspectors; so we do call upon, and do get the co-operation of these other agencies, these other officials. With their assistance, plus our own departmental staff, we do the job of ensuring that standards are met.

Of course, if we do get a complaint, that's another dimension again. We have to take additional steps, send in staff and review, whatever. That does happen from time to time, and as I indicated, 23 facilities were either refused licence or, for whatever reason or other, were put out of business. I go back to one case, the infamous Ruby Street case, 210 Ruby Street, where it was a capacity of 18 people and there were some horror stories that were discovered. We closed the place down immediately and it is still not operating; it's out of business. The clients were at risk, in the opinion of the staff, and we simply closed it down. In this case the information was brought to us by some relative. I would think that would happen from time to time.

However, I think, as the time goes on, as we get a firmer handle on the situaton and refine our regulations,

refine our licencing procedures, that there'll be less opportunity, hopefully, for such homes to exist in a situation that is not satisfactory or suitable by any standard that one wishes to choose, whether it be physical or emotional, psychological, or whatever.

MR. L. SHERMAN: Mr. Chairman, where would those 240 persons go who formerly had beds in the 23 guest homes that were refused licences and have gone out of business?

HON. L. EVANS: Well they would have gone to various locations. Some would go to nursing homes, personal care homes; the odd one may end up in an extended treatment hospital; some may go to another guest home, another residential care facility. I daresay there's the odd case where a relative decides that they want to take the grandfather, or the uncle, or the great uncle, or great aunt, or whatever under their roof and care for them. That does happen, I'm pleased say, not very often, but it does happen from time to time. So they would go to various other facilities, as I've just mentioned, and we would of course be very very concerned to ensure with our staff that they were provided for. So we do ensure that they are provided for, either by nursing home, a hospital, another care home, another guest home, or indeed a relative's residence.

MR. L. SHERMAN: So they're not left to fend for themselves when the departmental officials go in and close down a guest home, such as, the one on Ruby Street, or a licence is refused and a home goes out of business, or an order comes down to close another one, the residents are not left to fend for themselves, is that what the Minister is assuring this committee?

HON. L. EVANS: I can advise the member, categorically, that we don't say to an operator you are closed down. What we do is take the people out and we take 100 percent of the responsibility for those people. We take them out and we locate them in suitable alternative arrangements. So, in effect, the operator goes out of business if he doesn't meet our standards, such as, the Ruby Street operator; he simply goes out of business because we've removed all of his residents and we put them in better surroundings.

MR. L. SHERMAN: Of the 449 facilities that have been inspected by the department under this program, Mr. Chairman, there are 90, according to the Minister, which have a total of 949 beds among them, that are going through the required process of upgrading and improving their environments in order to receive their licences and be permitted to continue operating; what standards are these 90 being asked to meet, and what standards basically are all 449 being asked to meet? Are the standards essentially fire and safety standards, or are there general health standards involved that would extend as far, for example, as some supervision of medication, some requirement for sufficient space between beds, and accommodation of that kind; how far does the set of standards go at this stage of the process of inspecting and licencing our guest homes?

HON. L. EVANS: Essentially, the standards that we care for, or are concerned with, are essentially the same standards that were identified when the program was begun under the former Minister, the Honourable George Minaker. In the first instance, we have to be concerned about the physical environment and therefore we want to ensure that the building is adequate in every which way; we certainly want to ensure that it is safe with regard to fire hazards. We have concerns for the public health of the residents. We're concerned about medication, the medication that's offered and so on; generally, the same standards that were identified when the program was established.

What the progress has been is that the department has been identifying the operators and has been working with them to licence them or to bring them up to standards that they can be licenced. I might remind the honourable member that we now have a bill before the Legislature - I think it's already in for third reading - where we are going to impose a up to $1,000 fine for operators who fail to seek a licence and obtain a licence and continue to operate. That particular item is in The Social Services Administration Act amendments, which is the same bill that refers to appointing another person as a vice-chairman of the Social Services Appeal Board, the Social Services Advisory Committee.

MR. L. SHERMAN: Is this the first stage in a ladder of standards? Does the Minister intend to go beyond what has been done in this first round of inspections and go beyond what is stipulated in the amendments to The Social Services Administration Act, calling for the fine for noncompliance, etc., etc., and say that, all right, now we've got you to the point where fire and life safety standards are met, now we want supervision of medication; now we want 30 feet between every bed; now we want sufficient bathroom space; now we want access and egress to be much more sophisticated and extensive than has been required up to this point in time. What is the general plan and thrust of the government in terms of those standards? Is there a finite set of standards, or is it something that the Minister intends to refine and expand and extend and pursue on a basis of continuing improvement, or desired continuing improvement? Are these standards that the 449 have been asked to address up to this point the permanent finite standards, or are they just a first step?

HON. L. EVANS: First of all, I would say that we wish to await the outcome of the task force that is now at work. Perhaps the honourable member didn't hear me, but I mentioned that last year I was approached by several organizations, the Society for Seniors, the Mental Health Association, CAMR and the Social Planning Council of Winnipeg, and they are working with my officials, as a task force, reviewing the question of standards and the matter of quality of care. So I would believe that when they give us their report, that we will have some suggestions, I suspect, for upgrading; but I must hasten to add that really it boils down to the monies available to the operators to provide certain standards of care. In other words, if a particular operator of a larger home, rather than a smaller home, wished to improve some of his services to his or her clients, they might have to hire more staff. Now, you can only do so much with the rates that you charge your clientele.

You can only do so much with the revenues that you receive; whether it be the amount of food, whether it be the amount of equipment that you have, whether it be the number of staff, or whatever it is, the quality of the furniture or whatever, and the people who are operating the larger facilities, in particular, have to be, and are very very realistic and must be realistic. They can only offer a level of care related to the ability of them to obtain adequate revenues to cover their costs and give them necessary income.

When we get to the Social Allowance Program, perhaps we could discuss this a bit further, but we did change the social allowance rates and we added some more money so that certain categories of people such as the mentally handicapped or the post-mentally ill, who are dependent on our social allowance programs, would be in a position to pay more monies - it's actually the government - pay more monies through that program to these operators; so to the extent that we put in some more money - I think it was an additional $1 million last year - to that extent that is fed into the guest home system, and we expect, in this way, to have ultimately a better program.

In the case of the elderly, fortunately, because the Old Age Security has been indexed and many of the retired today not only have the Old Age Security but they also have the Guaranteed Income Supplement and some have Canada Pension Plan, and so on, and there's the Manitoba Supplement for the Elderly to an extent helps, that the elderly seem to be in a position to pay a fair amount to the operators.

It's the other categories, the handicapped in particular, in whichever way they're handicapped, that are dependent on our social allowance programs; who have difficulty in paying an amount that the operators might like to obtain in order to hire more staff, in order to do all the things that could be done, perhaps, to bring about higher standards. I don't know whether I'm explaining this adequately, but what I'm saying is the bottom line. That means more money in the system; particularly, when many of the clientele, many of the residents, many of the persons who find themselves living in these guest homes, are dependent upon social allowances. That is the constraining factor and I certainly would like to see the quality improved and, certainly, I suppose, if you look at individual residences, you may find that there's quite a discrepancy between what is offered in a so-called guest home and what is offered in a regular personal care home in this province.

I would dare say that the cost in whichever way you want to look at it, cost per day, cost per patient, or whatever, is considerably richer in the nursing home or personal care home field than it is in the guest home. As a matter of fact, I'm being reminded that it's an average of around $15.00 per day, per person, in the guest home scene versus a minimum of $45.00 per person day in the nursing home area. So, there's quite a discrepancy but, having said that, I guess we have to recognize that some of the people in the nursing home may require heavier care, whatever reason, but there's certainly a discrepancy in the cost.

So, I would say that as long as the guest home operators are dependent on a great percentage of social allowance recipients the constraining factor may be the social allowance rates that we're able to pay through these recipients to the operators.

MR. L. SHERMAN: Well, I don't have any difficulty with that approach, Mr. Chairman. I consider that to be a very realistic and pragmatic approach. What I'm trying to establish here is that the Minister and the government, while covering an impressive and formidable distance, as I have already suggested, for which I have already given them credit, having carried out 449 facility inspections, either through their own manpower or through other agencies and services in the community that have been exposed to those facilities and then have been in a position to the report to the office of Residential Care.

What I'm trying to establish is that, while doing that the Minister and the government are proceeding on a reasoned course that is aimed, first and foremost and primarily, at establishing and ensuring basic life safety standards in these guest homes, and basic cleanliness which, I suppose, really was the first objective of all of us to achieve a guarantee, an environment, in those guest homes for their residents, of reasonably security of life and person, in terms of safety, and also reasonable comfort, in terms of cleanliness. I think that we all agree that to impose heavy-handed and highly onerous standards on those guest homes and put short-term fulfillment requirements on them is going to lead to a great deal of difficulty, if not trauma, for the residents of many facilities who will find themselves being deprived of premises in which to live because the operators simply can't meet requirements that are too stringent and, therefore, too costly, at least at this stage.

That really is what I'm hoping to establish with the Minister, and I'm pleased that appears to be the conclusion which we can come to at this juncture; that the thrust at the present time is for basic life safety, security and cleanliness in the facilities, and they do not need to feel that a year from now, in order to have their licences renewed, that they're going to have to meet an onerous new set of standards that represents a greater extent of requirements.

Mr. Chairman, turning from guest homes, I'd like to just dwell for a moment on the other aspect of this particular section of the department, and that is, Agency Relations. The Minister said in his opening statement, I think, if I can find my notes, that on the subject of external agencies he and the Minister of Finance and the Agency Relations Director had met recently and develped a new government policy which prescribes that, where the external agencies are concerned, there is to be no recovery of surpluses and no payment of deficits, no pickup of deficits, is that correct; did I hear the Minister correctly? Could he elaborate on that new government policy with respect to external agencies, to which he made reference in those opening remarks?

HON. L. EVANS: Just going back half a moment to the guest homes. I wanted to point out to the member that he is correct that, you know, basically, we're concerned about the fire safety, the cleanliness of the place, the physical surroundings being adequate, etc., but we are also concerned besides general hygiene, public hygiene, we're also concerned about good nutrition and, in fact, staff tell me that many of the complaints from relatives and clientelle have been in the field of nutrition.

So what we do is secure the assistance of the home economists in the Department of Health, the Home Economics Director in the Department of Health, and they assist us by virtually going around checking menus and actually seeing the kind of food that is being offered to the clients in the guest homes. So I wanted to mention that because that has been an area of great concern by people out there, there have been many complaints in that area. So we are trying our best to get on top of the nutritional standards and that, I think, is very important, particularly when some people can't express themselves too well.

With regard to the other item the member mentioned, I outlined it in my opening remarks. It's on Page 2, and it's simply put that we are requiring the private agencies that we have been funding to take more responsibility; it's a global funding approach. The budget that we strike, of course, has to be related in some way to our experience and to the experience of the agency involved, obviously. So, having struck a reasonable base and providing a reasonable amount of money, we are giving full responsibility to the management of that agency to live within his or her budget, or that agency's budget. Now, that does not mean that from time to time there may be special circumstances that we should not review collectively, and it certainly also does not mean that we're going to ignore, totally, how they spend their money, by no means. We will want to, from time to time, ensure ourselves that whatever the kind of service is being offered by the agency, that it indeed is offering a program that we expect it to offer.

Many of these agencies, of course, have excellent reputations; we're talking about the Crippled Children and Adults Society of Manitoba, a fine organization, a dedicated Board, an excellent staff. I have full confidence that agency will do whatever it can to offer the finest level of service, given a reasonable budget that we can offer it and, indeed, I believe are offering to that particular agency. Canadian National Institute for the Blind, we substantially, I believe, financed their total operational portion of their budget. I know they get monies from other sources, of course, foundations and United Appeal and so on, but basically we fund an essential part of their program delivery. Well, again, CNIB is a very responsible organization, one with a great deal of experience, one with a very fine and dedicated Board of Directors, an excellent staff and we don't have too much in the way of too many qualms about whether or not they're going to deliver an adequate service to the blind, let us say. We're saying to them, here's the money, we were expecting you to deliver the fine programs that you can deliver to help the blind, just using CNIB as an example.

It's a global budget; we no longer are going to insist or guarantee some sort of funding for provincial salary equivalents. I might point out, and perhaps remind the member, maybe he recalls this from his past experience, but way back when the idea of lock stepping salaries of persons employed in the private agencies with government Civil Service positions, more or less trying to identify the equivalency and locking them in, was to ensure that the agency didn't overpay its staff compared to the government. What that has meant though, in some cases, in fact some of the operators, some of the agencies have told us that, for whatever reason, they may have an ability to bargain with their employees in a different fashion and make other arrangements. I think that this is desirable, it gives them greater flexibility, gives them more responsibility. They have to live within that budget. If, somehow or other, they find that they're overspending, then they're going to have to trim their sails accordingly. If, somehow or other, they can obtain a bit of a surplus at the end, but still delivering the essential programs that we expect them to delivery, and I have full confidence in the CNIB and the Crippled Children and Adults Society, for example, then they're entitled to keep that surplus and dedicate it in every which way that they see fit.

I think it's something that the private agency sector has been asking for, or many of them have been asking for, and we've have acceded to their request and I think it's still something of a new experience. You can say it may lend itself to easing of standards and lowering of standards; what I'm saying though, I guess anticipating that criticism, is that I think we're dealing with a fairly responsible group of agencies out there, a responsible group of volunteers, responsible staff, experienced people, so that I have confidence, the department has confidence, that with this global budgeting approach we won't see a lowering of standards. At the same time, we believe that what we have done is perhaps met a request that has existed out there for some years. Indeed the response, I can state categorically to the member, to this policy change has been very positive; it's been a very positive response and I'm very pleased at that.

MR. L. SHERMAN: So the External Agencies in the Community Services field in Manitoba, as of this day forward, can retain their surpluses, is that correct?

HON. L. EVANS: Yes, that is correct.

MR. L. SHERMAN: I'm not surprised that they would be pleased with that. I think that represents a very interesting initiative, provided you've got a government that is prepared to reach an understanding with them that they're not going to be penalized for achieving surpluses. What safeguard is there for accountability, efficiency, good management, in an agency? What safeguard does the agency have that guarantees that by practicing good management and practicing dollar efficiency, as well as care and service efficiency, that it's going to be rewarded instead of penalized? Are you guaranteeing them that they will have the same base next year, adjusted upward for inflation, and the fact that they accumulated a surplus will not be counted against them in their next year's budget?

HON. L. EVANS: Yes. I want to assure the honourable member that there will still be a great deal of supervision, the usual supervision that you would expect in auditing of books. We'll be seeing their financial statements, as we have in the past; these will be looked at very closely, as they have been in the past. Certainly, in terms of the program, our program people, wherever they may be in the department, will ensure that the programs are being delivered adequately, properly, up to standard.

With regard to surpluses, however, I have to advise you that, while they can retain the surplus, the

disposition of the surplus has to receive our approval. In other words, agency X cannot take a surplus that may occur at the end of the year and then decide to spend it way out in left field on some new kind of a program that doesn't relate to their mandate, or does not fit within our terms of reference. I can assure the honourable member that the surplus cannot be spent without approval, and we would expect that hopefully, if they did obtain a surplus, that they would utilize it in a way that can give even better service, if it's the CNIB, that can somehow give something a little better to the blind people of Manitoba; that's what we would expect them to do with that surplus. If it's Crippled Children and ADults, again, we would expect they might find an area that has been deficient and now they are able to utilize funds in some new thrust, but still under their general mandate.

MR. L. SHERMAN: No, but, Mr. Chairman, what I'm asking the Minister is, is he going to cut that out of their base next year?

HON. L. EVANS: No, that would contradict the intent of global budgeting.

MR. L. SHERMAN: That's right, Mr. Chairman.

HON. L. EVANS: Look at the other side, of course, some may find that they're in a deficit position, and they're going to have to make adjustments accordingly. I would say that if we discovered that they had unusually large surpluses year after year, I think, we would want to take another look at how we were funding them.

You see so much depends, I guess, on the historical experience of that particular agency and to what extent they've used their funds; to what extent the funding we've provided in the past has been adequate to the extent that they've been able to live within what they've been provided for in the past. So, using that historical experience as a base, we'll continue into the future. It's a new approach; it does give them some flexibility, and I would hope it's going to ultimately do two things. We'd like to have our cake and eat it, too. We'd like to get greater efficiency and productivity, and we'd like to have a higher level of service to those people who are deserving of some help, whether they be physically handicapped, or mentally handicapped, or whatever the case may be.

MR. L. SHERMAN: I agree, Mr. Chairman, with the Minister that it's a new approach. I also think it's an idea that has some merit, and I frankly think it has merit in the health field as well as the community services field; and I have proposed in the past that that principle should be applied to hospitals in order to provide the opportunity for efficient management, for creative, innovative, imaginative management. If you're going to take the savings that a facility or an institution achieves away from it, then there is no incentive to do other than spend right up to the last dime of their budget. The difficulty is in how you guarantee them, assure them that they are not going to be penalized for achieving that surplus.

I am anxious simply to extract assurances from the Minister that the intention is that the base would not be altered and that the agency would be able to rest assured that it would find itself being considered with respect to its next year's budget for a base that was no less than the base it had this year, adjusted upward for inflation on the basis of the CPI, and although there might not be any expansion in there, or any increase in there, they could count on their existing base plus an adjustment for the rate of inflation. Therefore, there would be, I would think, a good deal of incentive for them to try to achieve and accomplish those surpluses, but I think there has to be some kind of assurance, even if it's only a ministerial word and ministerial faith that there will be no attempt to claw that surplus back through the back door from the agency or the hospital by cutting its base next year.

I would just simply propose to the Minister that perhaps one way in achieving that, in part, is to look at two-year or three-year planning horizons. I don't particularly want the Minister to start going into three and four-year planning horizons, because he will be making decisions that will be the decisions of the next government of this province of which I hope to be a member three years from now. I don't want him anticipating those decisions and making those decisions for me, but I do think that one way of getting at this business of creative management and accountability in the whole human services field, health and community services, governmental and external agency, is to look at the concept of a three-year planning horizon and say to agencies and say to hospitals, okay, this is what you want to achieve and we would like to see you achieve, and as accurately as we can, we suggest to you that this is what your budget will be for the next three years. It will be such and such in the coming year, such and such plus X in the year after that, and such and such plus X in the year after that. It will be global and we want to see certain achievements, and these are the goals, the objectives, we would like to see you achieve in terms of efficient quality delivery of your service. Let's see what you can come back and show us three years from now. Then you give that director, that supervisor, that chief executive officer, that administrator, an opportunity to be truly creative and imaginative. That, I think, is one thing that both government and opposition can be looking at and should be looking at.

So I just leave that with the Minister as something to think about, and I repeat that I hope that the officers, the boards, and the executive directors of external agencies in the province reviewing this exchange between the Minister and me tonight can sleep soundly and comfortably in their beds knowing that they are getting a square deal from the Minister on this retention of deficit, this surplus retention principle, that he means what he says, that they're going to be able to retain their surpluses and they're not going to be penalized for it. I am drawing that inference from what the Minister has said and I'm not going to pursue the point any further with him, but I'm going to leave it on the record that that's the inference I am drawing and I would hope that all the external agencies can look forward to that.

HON. L. EVANS: Well, I appreciate the honourable member's concern, and we are talking about $76 million and about 2,500 staff. So we're talking about a lot of

money and a lot of people, but we do have a model of experience, a rather significant model - and I think the Member for Fort Garry perhaps has forgotten - a very significant model, a very important model that has been using global budgeting since Day One, and that is the entire day care program.

Admittedly, we're only spending around 14 million on that, but there are still hundreds of people involved, and we've got 242 day care centres in Manitoba right now, of which three are in some kind of financial bind. One of them happens to be the Health Sciences Centre, for all kinds of reasons that I think the Member for Fort Garry may be familiar with. I don't really want to get into the discussion why three day care centres may have some financial problems; but, by and large, the experience is that the odd one has a bit of surplus but, generally, they're living within this global budgeting and it has worked.

Both governments have been involved in this, and we've been developing in Manitoba over a period of years a fairly successful, sophisticated, well-run day care program. It's entirely done on the basis of volunteer boards, and it's been done on this global budgeting. So, really, what we're doing is taking the financial funding approach of the day care centres and applying it now to the other agencies that are providing services to the handicapped people of Manitoba.

MR. CHAIRMAN: 1.(e)(1)—pass; 1.(e)(2)—pass; 2.(a)(1)—pass; 2.(a)(2)—pass.

2.(b)(1) - the Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, the Annual Report of the department says of this particular branch that, following reorganization in 1981, the branch has focused on upgrading the quality of management information systems to establish streamlined operating practices and procedures and to develop a data base for human resources planning. I'd like to know, from the Minister, what the progress has been on this upgrading project, and what the data base consists of; how extensive is it; what is it being used for?

HON. L. EVANS: I think this involves, I understand, a fair amount of information so I wonder if we could take that item as notice and provide it at the first opportunity tomorrow.

MR. L. SHERMAN: Sure.

HON. L. EVANS: Then we can come back to the item.

MR. L. SHERMAN: Sure.

MR. CHAIRMAN: 2.(b)(1) - the Member for Fort Garry.

MR. L. SHERMAN: On 2.(b)(1), just to defer, Mr. Chairman, pending some information which the Minister expects to be able to supply the committee tomorrow.

HON. L. EVANS: I'm agreeable to discussing the same item. Wherever we happen to reach tomorrow, we can just agree that we're going to be back on that item when we get the information the member requests.

MR. L. SHERMAN: Okay.

MR. CHAIRMAN: 2.(b)(2)—pass; with the understanding 2.(b)(1) will be reverted to first off tomorrow. 2.(c)(1)—pass; 2.(c)(2)—pass; 2.(d)(1)—pass; 2.(d)(2)—pass; 3.(a)(1).

The Member for Fort Garry.

MR. L. SHERMAN: Mr. Chairman, I would move at this juncture that committee rise.

HON. L. EVANS: I would second the motion.

MR. CHAIRMAN, D. Scott: Committee rise. Call in the Speaker.

IN SESSION

MR. DEPUTY SPEAKER, P. Eyler: The Chair will entertain a motion to adjourn.

The Minister of Community Services.

HON. L. EVANS: Mr. Speaker, I would move, seconded by the Member for Thompson that the House do now adjourn.

MOTION presented and carried, subject to the other committee continuing to sit in Room 255, and the House accordingly adjourned until 2 p.m. tomorrow (Tuesday).