



**Third Session — Thirty-First Legislature**  
of the  
**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

28 Elizabeth II

*Published under the  
authority of  
The Honourable Harry E. Graham  
Speaker*



**VOL. XXVII No. 56B**

**8:00 P.M. Tuesday, May 8, 1979**

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, May 8, 1979

Time: 8:00 p.m.

## SUPPLY — ATTORNEY-GENERAL

**MR. CHAIRMAN, Mr. Albert Driedger (Emerson):** Committee come to order. I'd like to refer members to Page 13, Resolution 14: 1.(b)(1) — the Honourable Minister.

**MR. MERCIER:** Mr. Chairman, I would just like to amplify on the matter that we left when we closed off at 4:30 with respect to lawyers in the department who may be engaging in the private practice of law, and I indicated then that the department had issued a memorandum through the directors to all solicitors employed in the department outlining what is allowed and what is not allowed, and attempting to correct a practice which had existed for some time. But I do want to place on the record, Mr. Chairman, the fact that the Member for Wellington has referred in fact to seven lawyers in the department whose names were listed on a sheet showing them as having taken out the necessary insurance, liability insurance, which gives them a practicing certificate.

Of those seven people in the department, two have left the department, one for some time. A third is leaving the department very shortly so that — and I correct that only for the purpose, Mr. Chairman, of correcting the record — because there are many lawyers in the department in both the criminal and civil side who spend a great deal of extra time over and above the normal 7 ½ or 8 hours a day at their particular job in prosecutions, and I'm sure the Member for Wellington would agree that the comments he made should not be allowed to be a cloud over the head of every lawyer in the particular department we were referring to.

He was referring to a small number of lawyers. A directive has been issued and it should be recognized that the vast majority of the lawyers in the department do perform yeomen service in their service to the department. I just say that correcting the record, Mr. Chairman.

**MR. CHAIRMAN:** The Member for St. Vital. The Member for Wellington.

**MR. CORRIN:** In response to that and in order to amplify my remarks prior to the adjournment, Mr. Chairman, I would indicate that it is indeed most unfortunate that that small group should decide to try to supplement their income and professional activities in that manner simply because, of course, not only does it put the Attorney-General's Department in ill repute, it also presents, of course, the opportunity for conflict of interest to arise which would embarrass not only the department but the government. But furthermore it puts an unmitigated burden on the shoulders of those members of the department who are working in earnest and who are attempting to do their best in their day-to-day affairs, and it's unfair that they should, of course, have to shoulder the responsibilities of those who perhaps, for reasons best known to themselves, attempt to supplement their income by outside activity.

Certainly I think we can all agree, as the directive would indicate, that people in this sort of position, a position of considerable public trust, should not be participating in private enterprise, as it were, and should rather be devoting their full time, as most do, to the earnest conduct of their activities.

**MR. CHAIRMAN:** (b)(1)—pass — the Member for St. Vital.

**MR. WALDING:** Thank you, Mr. Chairman, I just wanted to make a comment or two on the matter that was raised by my colleague, the Member for Elmwood this afternoon, and further commented upon by the Member for Wolseley. The matter mentioned, if it is true, if there is any truth to the allegations, would appear to be a very serious matter and one that cannot be laughed off or treated flippantly. And if there is any truth to it, it requires a little more of a response than we've heard from the Minister.

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

**MR. MERCIER:** Mr. Chairman, if the Member for St. Vital is referring, as I believe he is, to the remarks and questions of the Member for Elmwood this afternoon, I suggest they do not relate in any way whatsoever to this department. He has referred to a suggestion, of a comment from the Member for Crescentwood to some party outside this department, it has nothing whatsoever to do with this department and these departmental Estimates.

**MR. WALDING:** I look to you on the same point of order there to allow me the same latitude that has been allowed to other members. I believe that my remarks will have to do with the Attorney-General when I amplify them a little bit more. What I was starting to say before I was interrupted, was that they are so far, allegations. I know that we are in an election campaign and there are many claims made during election campaigns, sometimes just for effect, that's why I say if there is any truth to those rumours.

But there is another aspect to that that I believe concerns us all and the Attorney-General. And that is that allegations have been made against a member of the Assembly, who unfortunately is not here to speak for himself. His name has been dragged into this matter, and it has to do with the privileges and rights of members of the House, as well as the privileges of the House itself. And I believe that the Minister, the Attorney-General cannot simply laugh it off by saying that he hasn't seen his brother for 3 weeks. It deserves something a little more serious than that. The Attorney-General has the duty, I believe, to look into this matter, either have his staff look into it or recommend to the House that the Committee on Privileges and Elections be convened to get to the bottom of the matter. And I remind the Minister that the Committee on Privileges and Elections is entitled to call witnesses to get at the whole truth.

I would ask the Minister, and invite him to tell us what he intends to do to give us the full facts on the matter, not that has to do with the political campaign that's going on at the moment, but the matter as it reflects on the member of the Legislature.

**MR. CHAIRMAN:** Order please. It would be my opinion at this stage of the game that the Honourable Minister had a point of order, that the allegations are hypothetical to a degree. Unless the Minister has a statement to make at this stage of the game, I would like to refer members that it is not actually dealing with the Item that is under consideration which is Planning and Management. The Honourable Minister.

**MR. MERCIER:** I have no statement to make other than what I've already said, Mr. Chairman.

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

**MR. WALDING:** Let me ask the Attorney-General, Mr. Chairman, if he can assure the Committee that there has been no breach of the Legislative Assembly Act or any breach of the Privileges of the House as regards the allegations against a member of the Legislature. If he can give us that assurance then we can move on to the next Item.

**MR. CHAIRMAN:** To the Member for St. Vital, it is my opinion that they are hypothetical allegations and I don't know whether it is proper to deal with those kinds of allegations at this time. However, matters of privilege could be raised in the House, if there's a matter of privilege. It is my opinion at this stage of the game that this Item is not something that should be dealt with in the Estimates that are before us right now, and I'd like to refer the members to Item 1.(b)(1)—pass — the Member for Wellington on a point of order.

**MR. CORRIN:** Mr. Chairman, it's hard to conceive of how an allegation that was before the Committee, and it wasn't before the Committee many hours ago, could be now construed to be a hypothetical allegation. Clearly the allegation was made and is now part of the Hansard record. With respect — I'm not challenging your ruling — but I would suggest that you misconstrue the point when you suggest that the allegation was hypothetical. If you would have suggested that the matter was hypothetical in that it wasn't founded in substance, perhaps then I could have perceived your logic more clearly, but in listening to your remarks I must say that I think we're being somewhat misled and I'm somewhat perplexed by that ruling.

**MR. CHAIRMAN:** To the Member for Wellington, it is not my contention to debate the technicalities of this area. I've allowed a fair amount of latitude in the early parts of the discussion this afternoon, and I would hope and would ask if the Members of the Committee could try and get back to the Items that are before us instead of working on the wide-ranging allegations, whether they're

or not, unless some of the members of the committee or the honourable minister can direct me that this is within the area that we're working in, I'm prepared to proceed on that basis; if not, then I would request members of committee to try and get back to this area here. If it is challenged, then I would have to ask for assistance in terms of how to rule on it. The Member for St. Vital.

**MR. WALDING:** Yes, Mr. Chairman, I don't really understand either where the hypothetical nature of the allegation comes in. It's not as if it's being asked, you know, what if so and so . . .

**MR. CHAIRMAN:** Well, if I may interrupt the Member for St. Vital, I am not sure whether this is the area where we would deal with something like this at this stage of the game. If it is the intention of the members of the committee to pursue this area, then I would like to get advice in terms of how to rule on this area. Possibly the Member for St. Vital could advise me. The Member for St. Vital.

**MR. WALDING:** Well, if I can advise you, Mr. Chairman, I would ask through you to the minister whether this 1.(b) includes the Deputy Minister's salary.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Yes.

**MR. WALDING:** I'm going to suggest, Mr. Chairman, that, you know, any remarks that I might make or questions directed to the minister could be framed in the manner that — has the minister instructed his Deputy to . . . whatever question would wish to follow from that; since it has to do with the administration of the whole department, it would seem that almost anything could be raised under that area, so let me ask the minister whether he has instructed his Deputy to make investigations into this matter so as to assure the committee, and other Members of the Legislature, that there has been no breach of the Legislative Assembly Act, and that there has been no breach of parliamentary privilege involved in this matter.

**MR. MERCIER:** No.

**MR. WALDING:** Can I ask the minister then whether he considers the matter of so little import that he intends to take no action in this matter?

**MR. MERCIER:** Mr. Chairman, the allegation, if true, would be the rendering of advice to an outside party with which I would not agree, which is certainly not, in any way, directed or authorized by me and frankly, as I said before, I fail to understand the relevance of it to these particular Estimates.

The allegations of the Member for Elmwood, continued on by the Member for St. Vital, if anything, if substantiated, would appear perhaps to be maybe a privilege of the House; my point in my remarks on this matter, Mr. Chairman, is that they have nothing to do with the Estimates of this department.

**MR. WALDING:** I find it difficult to understand the Attorney-General's remarks that it has nothing to do with him. He is the Attorney-General for the whole province of Manitoba, his responsibility has to do with the administration of the statutes.

#### POINT OF ORDER

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

**MR. ORCHARD:** Mr. Chairman, on a point of order, this matter is an allegation, brought into the Question Period today by a member who had discussions with a candidate in the federal election. And I submit, with all due respect, Mr. Chairman, that in federal elections, or indeed any elections, certain devices and tricks are used in an attempt to destroy the credibility of a candidate. An allegation of that sort has absolutely no relevance to be dealt with in the Attorney-General's Estimates at this point in time. There is no fact, there is no proof, there is no relevance whatsoever to this. We are wasting time on the Estimates of the Department of the Attorney-General and I suggest that you call the member to order and get him to address his remarks to (b)(1), the section, and get on with the Estimates of the Attorney-General's Department.

**MR. CHAIRMAN:** Before I rule on the point of order, I hope that in the remarks of the Member for St. Vital that he can tie it in to, for my clarification as well as the members of the committee, how this is relevant to what we're dealing with. The Member for St. Vital.

**MR. WALDING:** Mr. Chairman, if I might proceed, I wasn't talking about a federal election campaign. I recognize the point that the Member for Pembina made, and I believe I referred to that earlier. The point that I am making is that the name of a member of the Legislature has been dragged into this matter. The Attorney-General is a member of the treasury bench, a member of the government, and it has been alleged that a member of the government party has made certain statements outside of this House which reflect very directly on the government of the day. I suggest to the Minister that if nothing is done to refute these claims or to expose the matter, whatever it is, that it will merely reinforce a commonly-held opinion by many people in the public that companies make donations to political parties in order to get work, or to keep contracts that they have with the government. Now, if the Attorney-General does not see the seriousness of that, and how it reflects on his responsibilities, then I really don't know what more to say.

**MR. CHAIRMAN:** Order please. I would still like to have the Member for St. Vital indicate to the Chair how the allegations that were made tie in to the Estimates of the Attorney-General that we have before us. If the member can indicate to the committee how they tie in, then I will allow the discussion. If not, then I would rule the member out of order. The Member for St. Vital.

**MR. WALDING:** Not being a lawyer, I wouldn't like to give an opinion as to whether there has been a breach of the Legislative Assembly Act, or whether there has not. I'm asking the Attorney-General to give us a reassurance that there has not been, or tell us whether he has instructed an investigation to be made into the matter, so that he can report back to the members of the House and so assure us.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, during the Question Period, the Member for Elmwood, if I recall correctly, referred to a radio program of this morning or yesterday, in which this information was apparently given on the radio. He asked me if I heard that on the radio; I had not listened to that radio program. I would say, Mr. Chairman, as is the usual case, the department does not listen to phone-in talk shows to monitor them for allegations of breaches of various statutes. If a complaint is received by myself or by the department, that complaint would be investigated in the normal courts. If this is a matter of the privileges of the House, I would expect that it would be raised in the House in the usual way.

**MR. CHAIRMAN:** Order please. It is my opinion that, and I am not legally qualified to indicate that, but my ruling at this stage of the game would be that the discussions regarding the allegations at this stage of the game in the Estimates of the Attorney-General are out of order. If the members so wish, they can challenge the ruling. Aside from that, I would like to refer members to 1.(b)(1). I'd like to continue with the consideration of the Estimates. The Member for St. Vital.

**MR. WALDING:** Mr. Chairman, I thank the Minister for that assurance, that he is prepared to treat the matter with some seriousness if a complaint is received.

**MR. CHAIRMAN:** 1.(b)(1)—pass — the Member for Wellington.

**MR. CORRIN:** Dealing with this item, Mr. Chairman, I would like to ask the Minister, if that is the method of remunerating Mr. Knox, could he advise us the hourly fees being charged the government by Mr. Knox for work in his commission of inquiry into the administrative practices of the Attorney-General's Department.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, it's not a commission. I am pleased to say Mr. Knox has kindly consented, with the approval of his employer, to handle this matter and carry out the investigation and inquiries and make a report without any fee, other than reimbursement for any nominal expenses that he may incur.

**MR. CORRIN:** Could I then ask, Mr. Chairman, through you, who Mr. Knox's employer might be?

**MR. MERCIER:** Mr. Knox is employed as general counsel for James Richardson and Sons.

**MR. CORRIN:** The Minister of Highways, sitting at the back of the room, says, "bad name." Not so. It's a name that's well associated with commercial investment and matters of a commercial sort throughout Canada for a very long time. I would though, question the propriety of obtaining free legal counsel from such a very large taxpayer. It seems to me that when you do an independent inquiry, one of the important things is that it be perceived as being independent, and one of the ways you assure independence, of course, is by paying the fees associated with the commission.

To suggest that the work is being done gratuitously is not the case. Mr. Knox, presumably is being well paid for his work in the sense that he's simply taking a leave of absence, as it were, in order to do this work under his full terms of employment through Richardson and Sons.

Mr. Chairman, I would seriously question the propriety of having Richardson Investments pick up the tab for Mr. Knox's work. I would have much preferred to hear that Mr. Knox had volunteered his time and had taken a leave of absence without pay in order to do this public service. I don't expect that he would want to do that, and I certainly would not be one to suggest that he should. Obviously he has many obligations and he's not a person who has a lot of spare time; his time is indeed, quite valuable.

But I would ask the Minister whether he might not share my concern, and whether he feels that it's appropriate and proper to call this an independent commission or an independent inquiry in these circumstances. Before he answers that question, he should be also in a position to tell me whether his party or any members of this government have received donations from any of the principles or members of the Board of Directors of Richardson Investments, and before he does that, Mr. Chairman, I can give him the answer. So, I suggest that the associations are very close indeed.

**MR. MERCIER:** The only thing that galls me, Mr. Chairman, is the bloody hypocrisy of these proceedings and the comments of the Member for Elmwood. Mr. Chairman, with respect to Mr. articulated for and worked Knox, Mr. Knox worked with the same firm that I was for, for five years. He practised law in the courts in civil and criminal litigation for a ten-year period. He was a part-time provincial judge — did some part-time Crown Attorney's work, and after having practised for some 10 to 15 years in the practice of law and private practice, was general counsel to the CPR. Because he had to travel, he took on this position which left him remaining in Winnipeg. The bloody hypocrisy, Mr. Chairman, is the fact that if I had said he was paid \$50 . . .

**MR. CHAIRMAN:** Order please. Could I suggest to the honourable member to choose another phrase, and to maybe withdraw the statement that was used. The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, I appreciate your ruling and am prepared to withdraw that remark. But, Mr. Chairman, I must say that if I had said he was paid \$50 an hour, or \$60 an hour, or \$70 an hour, or whatever the going rate is in the profession, the comments from the other side would have been, "He's being paid too much now."

In this particular case, we happen to have a man who's working evenings, who's working lunch hours, who's working weekends, and I can tell you of numerous meetings and people in the Judiciary and Legal Aid Defence Counsel and Crown attorneys can tell you of all the meetings that have occurred after hours. He's made a special effort, because he has a particular interest in the administration of justice, which I would commend him for, Mr. Chairman, and it just sickens me to hear somebody have the gall, the unmitigated gall to make some of the ' comments that he's made — innuendoes, slurs on people's character. These Estimates have only gone on an hour-and-a-half, and the innuendo that has come from the Member for Elmwood this afternoon about alleged suggestions from a purported show that he's heard, these kinds of suggestions I've just heard frankly just sicken me, and make me wonder why anybody would want to be involved in this whole process, Mr. Chairman.

**MR. CHAIRMAN:** Was the Member for Wellington through? The Member for Wellington.

**MR. CORRIN:** No, Mr. Chairman, I wanted to assure the Minister that I'm not nearly as — he seems to be fomenting a great deal about this, and I would assure him that I haven't slurred or otherwise misdealt with Mr. Knox's fine reputation. I'm sure that he's a very able lawyer and I too,

am familiar with him and we're all aware of his competency in the field of law. Of course, that's neither here nor there, in that what he is doing is essentially an administrative one. I would first of all indicate to the Minister, in my review.

that when I first read of Mr. Knox's appointment, I was somewhat in a state of consternation. I was perplexed because I couldn't understand what the job of the Attorney-General and his senior staff was or were — in fact, people such as Mr. Knox would be called in to do that sort of evaluative assessment of the department's function. My first response was that the taxpayer needn't pay the Minister the sort of salary that they do, and provide him with the automobile and all the other perks of office, if in fact Mr. Knox and his employer were to be responsible for doing this sort of assessment. Frankly, I just don't see it; it's not the thing that one normally associates with independent, quasi-judicial inquiries. The appointment in this case was rather extraordinary; there was a backlog respecting court cases and of course, quite frankly, what else is new? Sure, it's been exacerbated over the past couple years, but is it really the sort of thing that we have to become alarmist about and appoint an independent commissioner to inquire into. Nevertheless, it was and in a sense I viewed that as an abrogation of the Attorney-General's responsibilities for his own department. I know that concern was shared by our leader Mr. Pawley as well.

Perhaps the Minister could better understand my position if he contemplated the following — albeit hypothetical scenario and that would be a situation — I'm sure he's going to have to bite his tongue and say, "God forbid" . . . wherein I became the Attorney-General and I decided that I would conduct some sort of independent commission of inquiry within the department. But rather than appointing Mr. Knox, given my predilections for unions, as we all know that seems to be taken for granted, so hypothetically let's presume that I do have that sort of affinity for unions and I went out and I retained a union that gave me a donation several years ago on City Council — the Steelworkers, I think it was the Steelworkers gave me \$50 or \$75 in 1974, and I asked if I could have the use of their general legal counsel, Mr. Myers who does all their legal work in Manitoba and I believe is on some sort of annual retainer now with them. I might tell you that Mr. Myers is as I'm sure everybody here knows, has carried a card in the NDP from time to time. He certainly has shown some supportiveness as have perhaps members of the Richardson Investment firm for the Conservative Party. And they don't hide the fact; you can drive up to the front of their house and you'll see a four by four in any event, — (Interjection) sign on the lawn.

(Interjection)— that's right, so what? The simply is this, would the Minister be able to tell me that he would not, in my position as an opposition member feel that it was proper and necessary to question and interrogate me, relative to the propriety of that sort of action? Would he sit back and simply take it for granted that Mr. Myers and the Steelworkers were doing nothing but good service for the community, and were undertaking to do their very best job, the utmost to do an independent, objective overview of my department, knowing, of course, that my department had been subject to considerable censure by local media, had been the subject of all sorts of innuendo and distress over the past 12 months? — (Interjection)— Not raised by me. Not raised by me, and if I turn these pages — they were raised by Judge Gyles, they were raised by Judge Trudel, they photographs and names were raised by Judge Garson, and their appear in the articles in the Winnipeg Tribune and the Winnipeg Free Press. Not at any time, and I would note this for the record — not at any time have I invoked or incited any of these criticisms or comments. I haven't even been associated with them.

But I ask the Honourable Minister whether he would be satisfied that Mr. Myers and the International Steelworkers of America paying his salary, would do a satisfactory job, and would he assure me that he, in those circumstances would undertake to hold his tongue and remain silent, and be perfectly satisfied and not admonish me for my activities, be perfectly satisfied that the report that would be tendered, would be wholly objective? Getting aside from the question, slurring people's reputations and all that sort of garbage and red-herring.

**MR. MERCIER:** Mr. Chairman, I would think Mr. Myers is a competent, qualified counsel, and I would not object to such an appointment under those hypothetical circumstances.

**MR. CORRIN:** Well then, I suggest, Mr. Chairman, with respect that the Minister is truly either ingenuous or at the very least, he is certainly a most trusting soul, and more important, does he not believe in the old maxim that justice must not only be done but it must be seen to be done? Doesn't he, as the Attorney-General, really believe that that's really the essence of the whole discussion, and does he really believe that the public, when they hear that James Richardson and Sons is footing the bill for Mr. Knox, and that he is doing an independent, so-called independent review, they really believe that they're getting their money's worth? — (Interjection)— Well, they're not paying for it; well, they're paying for it indirectly but not directly. But does he really believe they're getting, in that sense, their money's worth? And if that's the case, I would wonder why

we need departmental solicitors, and I'm not being facetious. You could carry this one step further and you could save money. You could put out to contract prosecution work in this province, and on that basis, you could tender it to members of the Bar who wish to do that sort of work as opposed to defense work, and I think that you would find that there would be a generous response to such tender procedure. And you could have the laws of this province enforced by private counsel; not necessarily ones that were wholly within your control but you would have to trust, on that same basis you would have to trust them to do the job. I would ask you why you don't do it; you'd save money, for sure you'd cut costs.

**MR. CHAIRMAN:** The Honourable Minister of Highways.

**MR. ENNS:** Mr. Chairman, I'm really somewhat concerned and perplexed because I seek some guidance. I have, in the past, as Minister of Government Services or Public Works, met with, particularly presidents and union leaders of the construction industry, who automatically by checkoff contribute to a particular political party. I will meet with them again, in fact, I have scheduled meetings with them again because there is concern in the construction industry in Manitoba but if contribution to a political party means that advice sought by a government is no longer legitimate that's really the core of the Honourable Member for Wellington's argument — then I'd like to seek some guidance from the Honourable the Attorney-General as to whether I can meet with a union leader or with anybody affiliated with the Manitoba Federation of Labour, in my offices, and not perhaps violate what has been suggested by the Honourable Member for St. Vital and the Honourable Member for Wellington, you know, legislative statutes.

I have every intention of listening to legitimate responsible union leaders, no matter whom they support politically, because I believe they are there for a purpose and they have a cause, and they have a concern, and as the Minister responsible for Government Services, that I ought to sit down and listen to them. But if the honourable member is now suggesting that I can't open up my offices; I have to first of all ask for it, and, Mr. Chairman, this really gets down to the gut core of the kind of policies and politics that my friends opposite are all too well aware of in terms of how they practiced it in the last eight years. I seek some guidance from the committee and from the Attorney-General as to whether or not I can, without violating Legislative Assembly Acts, entertain the advice of union representatives in my offices as the Minister responsible for Government Services, responsible for a fair amount of hoped for construction in this province; knowing full well that they, on a regular monthly basis, contribute to a political party. Now, you know, really, what kind of garbage are we getting down to here?

If the Honourable Member for Wellington is suggesting that because a union leader walks into my office and has contributed to a political party I can't deal with him, I can't listen to him; I want him to ponder over the kind of society that he's talking about he wants to form in this country. Surely there's a measure of the work, the measure of the advice, the quality of advice that is being offered and proffered that is at issue here; and particularly so, when it's being offered in this particular case, in the way it's being offered. I could suggest to him that, you know, one, Murdoch MacKay, offered his advice at \$50 an hour, and was appointed. . .

**MR. CHAIRMAN:** Order please, order please. Order please.

**MR. ENNS:** . . . but, you know, that would be falling into the trap of the Honourable Member for Wellington. But I do seek advice. I want to know whether I am going to be breaking the law if I meet with the president of the construction industry next week. . .

**MR. CHAIRMAN:** Order please, order please. Could I suggest to members of the committee that we're getting definitely off the item that we're discussing here, and that's to all members of committee; and might I request members of committee to refer themselves to the Estimates that are before us instead of talking about politics.

1.(b)(1) — the Member for Wellington.

**MR. CORRIN:** Mr. Chairman, through you to the Minister, I'd like to know how the terms of reference of the Knox Commission differ from those given to the task force that reported last year? I note that both the task force, as well as the Knox Commission, had the mandate to review the Ministry of the Honourable Attorney-General, and quite frankly I don't see, I can't perceive the difference, the distinctions as between the roles the two enquiries are to play. We do have a report. The Task Force interviewed all, I'm sure, all the same persons that the Minister has formally averred to in his department and within the judicial system. I can't frankly understand why it was necessary that we do such a similar, such a parallel review, in such a brief short span of time, and I think we



would all be pleased to have the Minister elucidate as to why there was a need for two commissions of enquiry with respect to his departmental affairs. He seems to have been singled out for special treatment inasmuch as I know of no other department that's had such a privilege.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, if the member wishes to inform himself about anything that was in the Task Force on government reorganization and efficiency with respect to this department, I believe that has been distributed and he can look it up. I did not initiate any particular review or area of review of the Attorney-General's department in that Task Force. The review undertaken by a Mr. Knox is with respect to backlog in the courts.

**MR. CHAIRMAN:** 1.(b)(1)—pass — the Member for St. Vital.

**MR. WALDING:** Mr. Chairman, I don't recall seeing the Annual Report of the Attorney-General's department recently. I'd like to ask the Minister when the last one was published and distributed.

**MR. MERCIER:** Mr. Chairman, I am advised the department has never had a general report. There are a number of reports that are filed with respect to a number of the Boards and Commissions: The Law Reform Commission; Human Rights Commission, I believe; Criminal Injuries Compensation Board; Legal Aid. But there has apparently never been any general departmental report filed.

**MR. WALDING:** Another question of the Minister, Mr. Chairman, and he probably doesn't have the figures at hand, although I am sure that he can get them for me. It has to do with a resolution introduced into the House two or three weeks ago that was not supported by any statistics at all, and that had to do with capital punishment and the increasing numbers of murders in Manitoba or in Canada. I wonder if the Minister has any recent figures that he could supply to me, showing the number of First Degree murders in the province and the country, if possible, for the last, say, two or three available years.

**MR. MERCIER:** Mr. Chairman, I only, at this point in time, have the RCMP Report for Offences Committed Last Year; we do not yet have the City of Winnipeg Report for Offences within the city with respect to homicides. The report from the RCMP for homicides, outside of the Province of Manitoba, indicates an increase from 41 to 54, a 31.7 percent increase in homicides. —(Interjection)— Pardon me, Mr. Chairman; it also indicates that in 1976 there were 30 homicides and the change from 1976 to 1977 was 36.7 percent.

**MR. WALDING:** Just for clarification, did the Minister say that those were figures from outside of Manitoba?

**MR. MERCIER:** Outside the City of Winnipeg.

**MR. WALDING:** Does the Minister have those figures provincially, province-wide?

**MR. MERCIER:** Well, as I have indicated, Mr. Chairman, I don't yet have the City of Winnipeg report for 1978. When we have that, combined with this report, it would give us the total figures.

**MR. WALDING:** Does the Minister have the province-wide figures for the previous two years?

**MR. MERCIER:** I would suspect we could quite easily gather those together in the department. If the member wishes, we could supply them to him.

**MR. WALDING:** Could the Minister give me the figures for the whole country for the last three available years?

**MR. MERCIER:** It would be possible to put those together.

**MR. CHAIRMAN:** 1.(b)(1) — the Member for Wellington.

**MR. CORRIN:** Yes, I was interested along the same vein, Mr. Chairman, in finding out whether

or not there had been any increase or proportionately any decrease in the percentage of successful prosecutions levied against accused persons in the Province of Manitoba over the past year. In other words, have we enjoyed proportionately, as compared to the absolute number of prosecutions, have we enjoyed a higher degree of success in those proceedings or a lesser degree?

**MR. MERCIER:** Well, Mr. Chairman, a successful proceeding I would say, in general, occurs whether a person is convicted or acquitted. The duty of the Crown Counsel are to put the facts in before the Judge. If the evidence is not sufficient would the Member for Wellington be suggesting that that was not a successful case if the accused were not convicted?

**MR. CORRIN:** The Member for Wellington, Mr. Chairman, is indeed suggesting that one of the ways that he would measure the performance of members of his staff if he were in the Attorney-General's Department is by the success rate. I would want to know whether we convicted more people in 1978 than we did in 1977, on a proportionate basis, because absolutely we may have had more prosecutions. But everything else being equal, I'd like to know whether we did 5 percent better or 5 percent worse and if we did worse I'd want to know why we did so; if we did better, I'd want to promote some of the people that helped us do that.

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

Resolution 15, Item 2.(a)(1)—pass — the Member for Wellington.

**MR. CORRIN:** Yes, Mr. Chairman, I'd like to deal at this point with the salaries being paid to special counsel involved in the civil litigation of the Forest case. Could the Minister advise us what the hourly rate being paid Mr. Twaddle is and what sort of bills have now been accumulated respecting this matter?

I should indicate, Mr. Chairman, that no matter how sizeable the bill I'm sure it won't do anything to match the bill tendered by Mr. Hogue, the federally-paid solicitor for Mr. Forest, which I am advised last month was . . . I believe the appropriation at that point was declared to be \$58,000.00. But I would be interested in knowing what sort of remuneration Mr. Twaddle had received in the same regard.

**MR. MERCIER:** Mr. Chairman, I believe it's \$70 per hour, but I will check and confirm that. I believe it's the same rate that the Member for Inkster charges the City of Winnipeg. They're both excellent Counsel.

**MR. CORRIN:** They are; they are. Mr. Chairman, in this regard one of the things I'd almost want to ask is if he has such a high regard and so much esteem for my colleague for Inkster why didn't he hire him instead of Mr. Twaddle? He may have done it for nothing, like Mr. Knox. He would have probably been pleased to do the case for nothing.

**MR. MERCIER:** The Member for Inkster refused to resign.

**MR. CHAIRMAN:** (a)(1)—pass— the Member for Wellington.

**MR. CORRIN:** I have been following, perhaps not as closely always as I should, Mr. Chairman, but I have been following with interest the proceedings of the Forest case. I am sure that the Attorney-General also shares my interest, as the members of his department.

I, Mr. Chairman, have had occasion to take note of some of the representations that have been made by Mr. Twaddle, as well as by the Attorney-General, in this regard, and I must say that I feel that it's quite essential and quite important that there be a full exposition of the provincial government's position respecting this matter.

I would ask, through you, Mr. Chairman, whether the Attorney-General could indicate to members present what precisely the government's position is on the appeal. And I might add, just for clarification, that it is my distinct impression that Mr. Twaddle has been instructed to support, in appearing on a co-solicitor basis, as it were, with the legal counsel for the Province of Quebec before the Supreme Court; that Mr. Twaddle has given instructions to be supportive of Bill 101 proclaimed in the Province of Quebec some time ago; and it's my distinct impression that we are both riding the same horse. That leads to some interesting areas of discussion and I would want to know, for clarification, whether my impression is correct. Are we indeed, in fact, supporting the Quebec government's position relative to Bill 101.

**MR. MERCIER:** Mr. Chairman, my office late this afternoon, right after the Estimates were finished, received a report from Mr. Twaddle, which I haven't yet had an opportunity to study. But if the member would kindly agree to defer discussion until Thursday I would be able to give him a precise account of the position that Manitoba will be taking. To date no formal instruction have yet been given and by that time I expect they will.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, I am somewhat confused. There have been numerous reports in the newspaper that Manitoba, and it is public knowledge — surely even the Member for Pembina now would be aware and familiar of it — it's public knowledge that —(Interjection)—

**MR. CHAIRMAN:** Order please. The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, there has been a clear indication that the Province of Manitoba will be launching appeal proceedings coincident with the Province of Quebec in the Supreme Court of Canada. There has been a clear unequivocal statement that the province wished the Supreme Court to make a final declaration as to the point in reference, the point in reference in the case, the constitutionality of the — I can't remember the name of the Act, shame on me — the Official Languages Act of 1890. Having done that, it seemed to me and I must say that it seems to me that many observers have taken the same conclusion that Manitoba is going to be taking the position, and this I presume, by the very fact of the appeal that the Act is not ultra vires, that the Official Languages Act of 1890 should not have been declared to have been superceded by the Manitoba Act of 1870 as was the opinion of Chief Justice Freedman in the Manitoba Court of Appeal.

And, Mr. Chairman, this of course leads one to only one inevitable conclusion and that is that we in Manitoba are supporting Bill No. 101. Now if that is in error, I think in view of the fact that there has been lengthy editorials written on that very subject taking precisely the same attack in conclusion. I think that the Minister should right now for the record clarify the government's position. Surely we don't have to receive a technical report from Mr. Twaddle to advise us what the position of the government is. No need to wait 48 hours when the Minister has already instructed council to go to the Supreme Court of Canada, presumably you knew full well before you sent him there, what his terms of reference and directions were. I would hope that you did because otherwise of course, you would be wasting the good court's time. And most certainly the Quebec Council could quite ably present their case without the assistance of Manitoba, notwithstanding that Mr. Twaddle, I understand is fluent in both official languages.

**MR. MERCIER:** Mr. Chairman, I certainly have to correct one statement that the Member for Wellington made and that is that if the Province of Manitoba appears in the Supreme Court, either in our own case involving Mr. Forest, or in the Blakey Case from Quebec, that that means we support Bill 101. I can appreciate that has been an impression left in some newspaper articles and reports and that's entirely incorrect.

The question in Manitoba is whether, under Section 23 of the Manitoba Act, whether the Province had the power to amend it's own constitution. And I remind him again as he well knows what we are dealing with in Manitoba is an 1890 statute, 89 years old, under which residents of this province have conducted themselves during that period of time.

We are dealing with the question of the constitutional power of the Province of Manitoba and the validity of certain legislation passed under that alleged power in 1890, that, in no way, shape, or form means that if our case, the Forest case, is heard before the Supreme Court or if we intervene in the Quebec case that that means we support the use of that power by the present government in the Province of Quebec in passing Bill 101. And I thank the Member for Wellington for raising that because if he is under that impression he's incorrect and many articles and reports about this matter have been incorrect.

Now I indicated earlier, I expect to be able to indicate to him and members of the Committee by Thursday as to the sequence of events that we would hope to see followed in this particular case.

**MR. CORRIN:** Yes, in order that the Minister and his government not be perceived as shoving French down English throats, and with respect to Quebec, Mr. Chairman, this is of course what is at issue. That is precisely what is happening and the Minister's previous acquiescence has most certainly I'm sure been interpreted in Quebec; and the indication that the case would be launched and dealt with on a coincident basis between Quebec and Manitoba Council has most certainly left the impression, I'm sure in the minds of English speaking Quebecers, all 1.5 million of them,

Mr. Chairman, that Manitoba was not being particularly supportive of their quest for justice, fundamental justice and recognition of their civil liberties.

I am not embarrassed, Mr. Chairman, to indicate for myself that I regard Bill 101 to be unconstitutional. I regard the trial judge's decision, the decision of the judge at first instance to have been correct. I think indeed that that particular piece of legislation was ultra vires the province's authority and I am hoping and I trust that within our system of law that that position, that opinion of the trial judge will be upheld by the Supreme Court of Canada.

But in saying that, Mr. Chairman, we mustn't forget and we must be mindful that in a crazy and inane sort of sense a lot of people are making some, perhaps erroneous, but they are taking some conclusions and forming value judgments, judgments of the policy positions formulated by the provincial government in Manitoba. And, you know, it's not illogical or irrational for someone observing this whole proceeding unfold to conclude that Manitoba is in a sense, in having been so supportive of the provincial rights aspects as they seem to have been in their arguments, their very forcible arguments in the Manitoba Court of Appeal, it's not altogether out of the realm of speculation that one should conclude that Manitoba was in a sense trying to feather it's own nest at the expense of 1.5 million English-speaking Quebecers.

Now I'm quite concerned about that, Mr. Chairman, because although we of course only have jurisdiction within the bounds of our, population-wise, very small province, we have a responsibility towards all of our sister provinces to the east and the west. And if, Mr. Chairman, we were to go to the Supreme Court of Canada and present an argument as we did in substance before the Manitoba Court of Appeal. I think that a reasonable observer, a reasonably informed observer could not be criticized if he or she concluded that Manitoba was in a sense aiding and abetting the cause of the separatists in Quebec. Albeit it would be construed by most Manitobans, I suppose, as being a protective measure and that by taking that position they would be assured that the French-speaking minority in Manitoba would not win its rights and certainly they wouldn't have to worry about having to conduct their affairs in this province in French. But more important the French, I think the French of Manitoba, that very small minority of 80,000 to 90,000 people would be precluded from wresting what I think it was justifiably perceived as being their birthright. And I think Justice Freedman in his remarks, speaking for the Court of Appeal in the Forest Case, succinctly summed up the situation when he indicated that he regarded the Manitoba Act as being the constitution of this province and he regarded it as being sacrosanct, he regarded it as being something that could not be tampered with, could not be overruled by subsequent governmental legislation.

So, Mr. Chairman, having indicated that I think that those who would be critical of Manitoba's position as taken in the Manitoba Court of Appeal could as well be very critical of that position if it were taken in the Supreme Court of Canada in conjunction with the Party Quebecois lawyers, separatist lawyers, arguing the case and cause for Bill 101.

I would ask the Minister whether or not he would assure members present that a similar line of argument, a similar tack will not be taken in the Supreme Court of Canada. But rather now we will present the case not for individual control of language rights province to province and the bifurcation of our nation which I am sure the Minister would agree will only promote disunity and will only be in contradiction to the purposes of our country.

But I would ask that he instruct his legal council to make a forcible argument, I believe the only rational and coherent argument that can be made for one Canada and for strong central control — and I am talking about central control vested in the Constitution as recited in the British North America Act, not in Mr. Pierre Trudeau, nor for that matter, Mr. Broadbent if he were to be elected, or Mr. Clark if he were to be so fortunate — but rather, Mr. Chairman, I would ask that he uphold the sanctity, preserve the sanctity of our system as it is embodied in the constitutional monarchy and in the specific terms of reference laid down in the British North America Act.

And I would think that having had this matter before the Department for such a great length time and having had so much controversy relative to it, both in the context of the Forest matter as well as Bill 101, that the Minister needn't wait 48 hours to hear from Mr. Twaddle. I am sure that at this point, after all these years, he as myself has formed an opinion. That is one of the reasons I know that I ran for provincial office because I did have those sorts of opinions and that is the sort of mandate I wanted. I didn't want a mandate with respect to just certain matters, I wanted that mandate so I could discuss and debate that matter more fully.

So I would ask whether or not we'll stop the horse trading of the minorities and I think that's the apparent under-current that's becoming so obvious. And I would ask whether or not he will join me, join hands across the political abyss and take cause against Mr. Levesque and his separatist friends.

**MR. MERCIER:** Well, Mr. Chairman, with all due respect to the Member for Wellington. He is making the error as a number of other people are making; they are not differentiating between the law

and between policy. What is in dispute here again, is the constitutional validity of the Official Languages Act, whether the Province of Manitoba had the power to amend Section 23 of the Manitoba Act. Once that is answered in the Supreme Court — and that is a kind of important issue that I think is generally recognized should be decided in the Supreme Court — then the use to which the Province of Manitoba or the Province of Quebec wish to make of that power is a matter of policy. It could very well be, without question, another government in the Province of Quebec will amend Bill 101. That's what will be the issue probably in their next provincial election. It may very well be in Manitoba that the Supreme Court having decided whether or not the Province of Manitoba has the power to amend its own constitution the use to which that will be made will be a matter of policy; it will be decided by the government of the day.

Mr. Chairman, that is the difference. It is a difficult one, I can appreciate, for many people to understand, but it's a legal question that has been before the Court of Appeal and will be, no doubt, before the Supreme Court and is not a matter of policy to be decided before the Supreme Court. If we want to decide a matter of policy, the Premier will go to a First Ministers' Conference and the Prime Minister and the Premiers will agree on the policy; when we want to decide a matter of law we will send Counsel for the Province of Manitoba to the Supreme Court to decide that.

**MR. CORRIN:** Mr. Chairman, with respect to the Honourable the Attorney-General, I think he presumes something that quite frankly is, in all candor, not necessarily a logical presumption or conclusion; he presumes that at an election the majority of the Quebecois, being some 5 million to 6 million French-speaking citizens of that province, will be supportive of the minority, being 1-½ million English-speaking residents, and will in that common cause be successful in ousting the Separatists.

I thought I saw Ed wince, visibly wince, when you said that, because it's something I have discussed with him on several occasions and it's one thing that always held us together and drew us together, as a matter of fact, initially.

It's simply not plausible, Mr. Chairman, for contemporary Attorneys-General anywhere in this country to take the position that there is time, that there is now time before us to take that sort of deliberate judicious contemplative action. We are, as I'm sure the Minister must be aware, in a time of crisis. For him to simply state that he is going to rely on the whimsy of the Quebec electorate, whenever they are summoned to their polls, is sheer folly. Mr. Chairman, that may never come to pass simply because they may long be gone before that next election comes about. It's no longer a safe presumption that matters will be resolved in that democratic and due process.

So, Mr. Chairman, it seems to me that it's important that the Minister be aware that he can't look to that sort of solution. I think sincerely, Mr. Chairman, that the only course, the only course at all, is to look for guidance in the foundation, in the very foundation of our country because that is something wherein both the English-speaking as well as the Quebec French — I shouldn't say Quebec French but the French-speaking citizens of our country — have a common cause. That is something wherein both sides can agree to some extent and I would suggest that the only solution lies in an interpretation of that legislation, of the founding legislation of this country, being The BNA Act and The Manitoba Act, which is in a sense a sister piece of associated legislation, which such interpretation would underscore the bicultural identity of our country. That is the only thing, Mr. Chairman, which I see as being conducive to some rapprochement. That is the only thing that will affect the repair of our very badly divided and broken country and I can't for the life of me see how the Minister or his government could undertake to have their reference go forward to the Supreme Court of Canada in conjunction to be heard at the same time with the review of Bill 101.

I mean, one can only draw one inference from such a procedure. It seems to me that, reasonably speaking, if the Minister is sincere then he should instruct Counsel to have the matter dealt with separate and apart from the review and reference of Bill 101 so that independent arguments can be made relative to Bill 101 and the constitutional status of The Manitoba Act.

But, Mr. Chairman, this all boils down to one thing, and it's the question that Rene Levesque is probably burning to ask the Attorney-General, and I perhaps acting as his amanuensis can do so. What then is the Attorney-General's opinion as to language rights in this country? Does he perceive language rights as being something that should be vested and repositied in the individual domains of the ten separate provinces of this nation, or does he view them as being all subject, only to the terms of reference specified by The British North America Act and its sister legislation? I think therein lies the crux and nub of the question.

I am not ashamed; I have already indicated that I feel that it's important that it be embodied wholly and understood to be solely within the purview of The British North America Act and other related constitutional documents. I think it's important, and it's particularly of importance not only

to the well-being and trust of our French brothers and sisters, but also important to all Canadians, that each provincial government now unequivocally state for the record their positions in this very important regard.

So I would ask, does Manitoba want to have control of language rights within its provinces boundaries or is it happy to allow those to flow freely back to the original charters and constitutional status?

**MR. MERCIER:** Mr. Chairman, on the last question I would propose to avoid duplicity of proceedings that inasmuch as the Premier of the province has attended two constitutional discussions of First Ministers in the past 12 months that he raise that subject matter with the Premier during his Estimates on Executive Council.

With respect to another matter raised by the Member for Wellington, we would like to see the Forest case go to the Supreme Court and we deal with the Forest case only.

Thirdly, I would — and I conclude my remarks on this subject because I think it has been adequately covered — we will not unlike the previous Attorney-General of the province and the present Leader of the Opposition, as he did with the judgment of Judge Dureault in the County Court, say that he will neither accept the decision nor appeal it. We will most certainly abide by the final decision in the courts with respect to this matter.

**MR. CORRIN:** Mr. Chairman, with respect, I don't think that that response — and I'm talking about the initial first point — the reference to Mr. Lyon having taken positions at two Constitutional Conferences, is satisfactory.

Mr. Chairman, it seems to me that — as a matter of fact it doesn't just seem, I am sure — that the Minister is aware of the position taken by Mr. Lyon and if he wants my interpretation of that position I will tell him. If he disagrees, well, you open yourself to that, you expose yourself to that by not categorically stating your government's position. You'd sooner rely on reference to comments made at Constitutional Conferences by your Premier.

I would suggest that most Manitobans are of the impression that Premier Lyon believes, sincerely believes I am sure, that language rights should be a matter of . . .

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

**MR. MERCIER:** On a point of order, Mr. Chairman, there is no question that I have attended Constitutional discussions of Ministers in preparation for First Ministers' Constitutional discussions which have occurred on two occasions. The clear format of those meetings was for the purpose of reviewing and researching and carrying on preliminary discussions and negotiations with other provinces in the federal government on their positions, but the final discussions have been handled by the First Ministers. I think that is a prerogative of the First Ministers in this particular area and I would suggest as a point of order that the provincial position at Constitutional discussions should occur during the Premier's Estimates of Executive Council.

**MR. CHAIRMAN:** The Member for St. Vital on the same point of order.

**MR. WALDING:** Mr. Chairman, when we're in Committee of the Supply the members of the Committee can raise whatever matters they want and question on them for as long as they want; it's not the prerogative of the Minister to say that this matter is now closed and we must move on to the next one because he, the Minister, says it is. If we wish to continue to ask the questions, I am sure that you will allow us to do so. Granted, that the Minister has no obligation to answer them if he wishes not to.

**MR. CHAIRMAN:** The Member for Wellington.

**MR. CORRIN:** Mr. Chairman, the Minister has a French name and I presume that his cultural antecedents are in the French community. And you know I'm mindful, and I'm sure I needn't remind him, because of those antecedents, that in 1890 —(Interjection)—

**MR. CHAIRMAN:** Order please, order please. Order please, could I ask the members to direct their remarks to the Chair and could I also ask the members of the Committee to try and stay within the area that we're discussing. The Member for Wellington.

**MR. CORRIN:** In 1890, Mr. Chairman, members of the Legislature of French ancestry and origin spiritedly debated The Official Languages Act. I believe there were six or seven members in the

House at that time and they, Mr. Chairman, in my opinion did proud for their people. They did proud for all the people of this country because they protected the bicultural foundation on which this country is founded and which it exists and which it grows.

They, Mr. Chairman, spiritedly resisted the efforts of the majority to rescind, to abrogate the rights that they had enjoyed since 1870 under the auspices of The Manitoba Act. They filibustered for, I believe, weeks on end. They read documents into the record in French; they read the Bible in French. They discussed and debated the substance of the bill that was before this Legislature at that time.

I would like to think that their work was not in vain. I certainly am one that can share a common cause with the spirit of that effort. Unfortunately, Mr. Chairman, their efforts were frustrated. The majority had its way, and the rights of the French minority in this province fell upon disrepute for all the intervening years. Now notwithstanding what personal feelings we have about Mr. Forest and all the other characters and participants in the case that Mr. Forest has brought before our courts, I think we all appreciate that Mr. Forest has done us a great favour. He has done us a great favour because he has brought into very sharp focus, right here in Manitoba, what is, at the very focus of the crisis within our national framework. He has brought to the fore, the question of minority rights, and he has asked the courts and governments to review those rights and to decide and declare what position they will take.

Now, Mr. Chairman, Mr. Forest isn't with us this evening. nly, those fine French gentlemen of 1890 have Certainly, most certai all passed on to their rewards. But, Mr. Chairman, the issue is still with us. Some 90 years later, we're still hotly discussing and debating the same question and, Mr. Chairman, it is killing our country. It is dividing our nation; it is inexorably and interminably a cancer that is sapping our vital juices and our life's blood. —(Interjection)— Somebody suggests that that's nonsense; I believe that's the Minister of Economic Development. If he feels that that is nonsense, Mr. Chairman, then I would suggest to him with respect, that he has been living with his head in a sand ill for the past decade or so h that he's been in public office. —(Interjection)— He calls me a dummy, Mr. Chairman, so I'm going to read to him the comments made by another dummy; a dummy that's well known to me but I suppose not well known to him. I'm going to read to him what the Chief Justice of this province said, and I would suggest that the Chief Justice of this province, notwithstanding the opinion of the Honourable Minister, is an honourable member of the judiciary, and I would suggest to him with respect, that he is a man of considerable stature in the context and fabric of our country.

The judge indicated and noted that "the divisivness and emotion of Canada's language debate is tragic for two reasons: The denial of the rights themselves and the potent threat language poses to the very unity of the country." And you know, he also noted that "the rights of everybody in this country are diminished when the rights of any minority group are trammelled upon." And, Mr. Chairman, that is the essence of what we're doing in politics, notwithstanding whether the Honourable Minister of Economic Development is able to find more jobs; that is most important, and I encourage his efforts in that regard, but notwithstanding whether he is able to do that. If we lose our national heritage, if we lose our existence as a social political entity, and we may well do that in the next very few years, then we have nothing; we have nothing at all in my opinion. And, Mr. Chairman, all the rest becomes rather superfluous if that happens. I can also assure the Minister that the economy of this great country will be dealt a very harsh blow if a separation comes to pass.

But beyond that, if this great experiment embodied in our cultural mosaic cannot be proven to be workable — and it is one of the few such experiments that is going on in such a scale anywhere in this world, for that matter, not only at this time and place, but at any time and place — if it is proven to be unworkable, then, Mr. Chairman, God help us all, because then perhaps there really is no reason to be optimistic, the future of this planet is in a dire and precarious state. ut we on this side, Mr. Chairman, and I would hope members opposite

would share that concern, that this problem is soluble. This problem can be worked through on a co-operative basis and on an understanding empathetic basis. And, Mr. Chairman, it's for that reason that it's absolutely imperative that we know what the position of Manitoba is. Does Manitoba, as embodied in its present government, believe in individual provincial language rights? Is that the position of the Province of Manitoba, or rather, is it the position that it believes in the constitutional enshrinement of those rights, notwithstanding that that may mean that there will be two official languages? But does the government believe that the English-speaking minority of Quebec and the French-speaking minority of Manitoba, both have a similar and coincident parallel right enshrined in the constitution of this country, to maintain their own cultural identity, maintain their own language and languistic identity, and at the same time, to be put in a position to respect the rights, reciprocal rights, I should say, and obligations of the other cultural entity? Does the Minister's government believe that is the case? That is the fundamental question before Canada in 1979. There is nothing that is nearly so important.

**MR. CHAIRMAN:** The Honourable Member for Wolseley.

**MR. WILSON:** Under Legal Services, dealing with Civil Litigation first — I guess that's what we're dealing with — I wonder if the Minister could comment. It seems to me there is an increasing, and maybe this isn't the area I should be talking about it, but there seems to be an increasing thrust on behalf of the Legal Aid Services to get involved in Civil Litigation, and I wondered if the phenomenon of the '70s, which was the start of Legal Aid — I believe in 1978 there was 4,200 cases . . .

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

**MR. CORRIN:** Mr. Chairman, are we going to deal with Legal Aid out of order, rather than under item 9? It seems to me that it should be dealt with under its item.

**MR. WILSON:** The other part of this seems to be . . . I am also concerned with what appears to be, where would it show up in the Minister's Estimates, for instance, the \$50-some odd thousand dollars that we may have to pay an outside lawyer on the Forest case, the money we might have to pay for the Indian land claims that the federal government is involved in, the money we may or may have paid on Air Canada ruling; are these the type of civil litigations that come under this section? Where does the cost that we have to pay those lawyers show up?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** It would be under 2.(a)(2) for the Forest case; that type of outside legal counsel.

**MR. CORRIN:** 2.(a)(2).

**MR. CHAIRMAN:** The Member for Wolseley.

**MR. WILSON:** One of the things under Civil Litigation, I hope this is the right area, could the Minister report further on the Kasser case, because now that the leader of the Liberal Party is a judge appointed by the federal government just prior to the calling of the election, and suggested rumours on the street that Mr. Kasser and/or his counsel has sort of offered to settle with the government for anywhere from \$8 million to \$20 million; as a person sitting here waiting year after year for something to happen, I wonder if we might not be better off if there's any fact to that offer of settlement to taking the \$8 million or \$20 million in reducing the public debt? Wouldn't that \$8 million continuing expens, and I serve more social needs in Manitoba than the believe Bob Matas of The Tribune says \$2 million to date, can the Minister report as to what the cost of the taxpayers has been, chasing Mr. Kasser to date, the combined costs?

**MR. CHAIRMAN:** While the Minister is looking for information, might I suggest to the members who are concerned, that the final score is Boston 5 and Montreal 2.  
The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, the legal costs of the civil proceedings are costs budgeted for by the Manitoba Development Corporation. This department pays legal fees and other disbursements for the criminal proceedings. In the last fiscal year, the legal fees and disbursements, the CFI prosecution totalled \$146,717.65, for a total to March 19th, 1979 for CFI prosecution expenditures of \$658,395.63. The cost of the civil proceedings would have to be obtained from Manitoba Minister responsible for MDC.

**MR. WILSON:** Has the Minister heard the same type of rumours or suggestions that I heard that there has been an offer of settlement from the other side? In other words, many of us here in Manitoba — there was a booklet produced by Legal Aid Services by Mr. Norm Larson, I believe, in which he advised most of the citizens not to go to court, to try to settle out of court, and if one was to take the reading of that report suggested by Mr. Larson, from where I sit, is there any chance of negotiating a settlement out of court with Mr. Kasser and/or his legal counsel?

**MR. MERCIER:** Well, Mr. Chairman, what I hear is not rumour. I, frankly, would say only that at this point in the proceedings, Mr. Kasser, I think as everybody realizes from the news media reports,



his appeal to the Court of Appeal in Austria there is outstanding in Switzerland, an appeal with respect to three individuals there. These are the criminal proceedings. There are, of course, numerous civil proceedings outstanding at the present moment, and there is no intention on the part of the provincial government at this point to enter into any form of settlement.

**MR. WILSON:** Can I ask at this time through you, Mr. Chairman, did you want to deal with section (b) separately, or can we discuss it now? In other words, are we on (a), and when we're finished (a) we'll go to (b), or can we discuss (a) and (b) in total?

**MR. CHAIRMAN:** We're dealing with (a)(1). The Minister has indicated he would like to deal with (a)(1).

**MR. WILSON:** All right. I have another suggestion at this time. It seems to me that the federal government and provincial government are always quarreling at a great deal of expense to the taxpayers, and I can't help but share a personal experience that I had recently in which I was ordered by the Department of Justice to pay over the money to them or else I would be cooling my heels. This was as an officer of my corporation, and at the same time I had no less than six other people claiming priority. And as someone interested in the welfare of the Province of Manitoba, I wonder how the federal government can claim priority under Income Tax, and how the provincial government under Labour — there was apparently legislation passed that wages take priority — the sales tax people claim they take priority, the landlord takes claim that he takes priority, the bank claims they take priority, the business tax claim they take priority and the utilities people, namely Manitoba Hydro and the City of Winnipeg Hydro Electric claim they take priority.

And there doesn't seem to be anything that I can suggest to the Minister and I think his department should look at it in the ensuing year, that we should be getting together with the Federal government and the city of Winnipeg to avoid this unnecessary extensive litigation that benefits only one person, and it seems to me we have so many laws on the books that are designed to create work for lawyers and to fatten their wallets. I can't think of anything so ridiculous as having three different levels of government all claiming priority and people that are doing their job being threatened by different government levels . . .

**MR. CHAIRMAN:** Order please. The Member for Wellington on a point of order.

**MR. CORRIN:** I think so. I think it's a matter of privilege of the House and a personal privilege as well, because both myself and the Honourable Attorney-General share that profession which is now being so libellously and scurrilously defamed. But also because the Honourable Member for Wolseley should be aware that the very rationale for all those priorities which he is reciting that supposedly have created work for lawyers was to reduce work for lawyers. It was to rationalize a system where everybody competed for money and ran off to lawyers trying to jockey for position on the basis of registration of securities and things of that nature. It was the very *raison d'être* of that particular legislation to which you are alluding, and I should suggest that much of this discussion and debate could be curtailed perhaps if the Member for Wolseley were aware, Mr. Chairman, of that fact.

**MR. CHAIRMAN:** The Honourable Minister on the same point of order.

**MR. MERCIER:** Well, Mr. Chairman, on the same point of order perhaps at the same time answering the question and Member for Wolseley raises a valid concern because there are a great deal of conflicting statutory provisions for liens and claims, and because there are, about two or three months ago I referred the matter of the state of conflicting claims for liens and judgments, etc., to the Manitoba Law Reform Commission to review and hopefully prepare a report for us which will clarify the existing claims and priorities.

**MR. CHAIRMAN:** The Member for Wolseley.

**MR. WILSON:** Well, I think that that's excellent news, and it certainly shoots down the member's point of order, because obviously the Attorney-General gave some thought to the subject when it was previously discussed with him, and certainly others probably shared my concerns. Under civil litigation, that seems to be all I have to contribute to that area, except that I'm pleased that the Law Reform Commission is looking at it. I do think, and again, I do think there's a lot to be said under civil litigation that the cost to the taxpayers could be cut down, with a serious review

or for that matter maybe another one-man commission looked at where Legal Aid services is going from an outside point of view, in other words, there should be a window into the whole concept of Legal Aid and where we are going with it by a combination of a learned judge . . .

**MR. CHAIRMAN:** Order please. Could I advise the member that Legal Aid is a separate area. The Member for Wolseley.

**MR. WILSON:** Well, I'm saying that under the section Civil Litigation, which is \$713,000, I'm suggesting that there could be savings if, combined with the Legal Aid services, the whole area of civil litigation was looked at. In other words, a lot of people on the street are asking "Why do governments take each other to court at the expense of . . ." And in fact it's known on the street that many of these awards that are given by the Federal government to certain Liberal law firms in this city are nothing but /-a form of porkbarrelling. When you get the sums of money that are given to these firms to handle Indian land claims and to handle the Forest case and others against the provincial government and then I wonder why this is all necessary and why there isn't given more public attention to it.

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

**MR. WALDING:** Mr. Chairman, I'd like to go back if I may to the discussion that was going on between my colleague and the Minister over the Forest case. Three points: First of all, the Member for Wellington, perhaps inadvertently, suggested that he was speaking for the Opposition. He is entitled to speak for himself, but I believe that his views are not shared entirely by the members of the Opposition.

Secondly, the Minister, the Attorney-General mentioned that the previous Attorney-General and present Leader of the Opposition said that he would not accept the decision of Judge Dureault and that this present government is prepared to accept the Supreme Court's verdict in the matter. I believe that the Minister, the Attorney-General rather misrepresented his predecessor in the matter and that what Mr. Pawley had said was that this had been a decision by a fairly minor court and that he expected that the matter would go on through the courts until it came to the Supreme Court, at which time of course the government would accept that decision, and that he expected that that would be the course of affairs.

Thirdly, I'd like to get a firm understanding of what the Minister said when he made his remarks about the difference between legalities and policy. He mentioned that there was a certain amount of confusion involved with Quebec's bill 101 and the position that the province of Manitoba was taking. I'd like to ask him a question so that I get this clear, and ask him if it's the policy of the government of Manitoba that the reason for intervening in the Quebec language case is that the government considers that the province of Manitoba and the province of Quebec should be empowered to legislate in the field of language.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, there's been no decision yet to intervene in the Quebec case because it's not yet clear whether it will be necessary to do so. The priority would be to advance the Forest case sufficiently early enough to allow it to be heard on its own merits.

**MR. WALDING:** Mr. Chairman, I had understood from the Attorney-General's answers to questions in the House that it was the policy of the government to intervene in that Quebec case. Now, I might have misunderstood him. Or does he perhaps now indicate that he wants both of those cases heard at the same time because of the similarity of them?

**MR. MERCIER:** Mr. Chairman, if I wasn't clear, and that could very well be, I believe I indicated the priority would be for the province of Manitoba to have its case heard by itself and dealt with on its own merits. —(Interjection)— If possible, yes.

**MR. WALDING:** In that case, is it still the intention of Manitoba to intervene in the similar Quebec case?

**MR. MERCIER:** Mr. Chairman, whether or that becomes necessary will be determined in the next few weeks.

**MR. WALDING:** Mr. Chairman, is it the policy of the government in Manitoba that provinces should

be empowered to legislate in the field of language within their borders?

**MR. MERCIER:** Mr. Chairman, that's similar to a question posed by the Member for Wellington, and in order to avoid duplicity I would say that the question should be put to the Premier when he discusses his Estimates as the constitutional discussions have been held at the First Minister's level, the Ministers' meetings have been held more in the way of preparation for those meetings, but I think it's a matter, because it has been dealt with at two Constitutional First Ministers' Conferences should be dealt with by the Premier.

**MR. WALDING:** I'm still not entirely clear, Mr. Chairman. Can the Minister confirm that Manitoba will be appealing the Forest case to the Supreme Court? Is this the way that the matter will reach the Supreme Court?

**MR. MERCIER:** We will be applying for leave to appeal, yes.

**MR. WALDING:** That then raises the question as to why the government should appeal to the Supreme Court if it is not on the grounds that the province should be able to change its own constitution and to legislate in the area of language. If there is some other reason would the Attorney-General please explain it to me?

**MR. MERCIER:** Well, Mr. Chairman, I thought I'd been all through this, but I'll go through it again. We're dealing with an 1890 statute the Official Languages Act, which was passed under Section 23 of the Manitoba Act. The question in the case before the Supreme Court, as it was in the Court of Appeal, will be whether the province has the constitutional power to enact such legislation. That is the issue to be decided by the Supreme Court. That is a legal issue. The use to which such power, if it is deemed by the Supreme Court that the province has that power is a matter of policy.

**MR. WALDING:** Yes, I followed that difference of what arises once the decision has been made, but since the province of Manitoba is applying for leave to go to the Supreme Court, surely it follows from there, and the last legal decision made, that it must be the position of the province of Manitoba that a province does have that right to legislate in the field of language. If this is not the case, would the Attorney-General explain it to me?

**MR. MERCIER:** Yes, the legal position will be that the province had the power to pass that legislation. That's the question in dispute. That is the legal question in dispute.

**MR. WALDING:** I thank the Attorney-General for making that clear to me, and that's what I thought was the position. I can only assume from that that it would be the position of the government of Manitoba that the government of Quebec has that same power, or should have that same power within its own borders. Can the Attorney-General confirm that?

**MR. MERCIER:** It's the same argument.

**MR. WALDING:** Can I then move to the matter of policy that stems from that first premise, and ask the Minister whether it's the policy of the government of Manitoba that, given that the provinces have that power, that it is proper for Manitoba to say that the Official Languages Act should stand, but it is not proper in Quebec that bill 101 should stand.

**MR. MERCIER:** That may very well be the case, or it may be that the use of language may be regulated to a different degree in those two provinces if the provinces have that power.

**MR. WALDING:** Without asking the Attorney-General to give an opinion on the Quebec issue, can I ask the Attorney-General whether it would be the policy of Manitoba if its appeal were upheld, whether it would wish to see the Official Languages Act stand in its present form as a matter of policy?

**MR. MERCIER:** That policy will be determined after the decision.

**MR. CHAIRMAN:** The Member for Wellington.

**MR. CORRIN:** Mr. Chairman, through you to the Minister, is the Minister aware of the consequences

of his government's position. Is the Minister aware that what he is essentially doing is opening the door to the separation of the province of Quebec, or at the very best, at the very very best, what he is doing is joining the Separatist element in abrogating the rights of the English-speaking minority of the province of Quebec. You cannot have this cake and eat it too. If you're protecting your own backside back here in Manitoba, you're going to cut the throat of your English-speaking friend in Quebec. And if you send your counsel down to the Supreme Court of Canada to take that position, you have finished this country and to a very large extent. You cannot do that; it is essentially wrong for any provincial government to take that position and I can't understand how you can do it. It grieves me that you would not see the consequences of your actions.

Unfortunately, I view this as simply political pandering. I suppose your playing to your English-speaking majority in the province of Manitoba, who is I suppose and I'm speaking now, as unpolitically as ever I will because this is not going to be I suppose, popularly consumed. But I suggest, you are simply pandering to the very worst element that might want to see the rights of French-speaking Manitobans completely withdrawn. Not that there is any need for any fear because those rights would be simply limited to certain rights within the courts and in the Legislature, but nevertheless I suppose by using this scenario to advantage, you can play some politics.

But what does that do for Canada, what in the hell does it do for Canada, what does it do for my son's life and your son's life? It's crazy and it's mad and there's nothing to discuss. If you believe it, then why bother with this?

**MR. CHAIRMAN:** (a)(1)—pass — the Honourable Minister.

**MR. MERCIER:** Mr. Chairman, the Member for Wellington just defies any understanding. I would have expected that a lawyer could differentiate the legal argument from the policy decision. This has been an argument as he said, that occurred in 1890 and surely you would agree that it's an important enough issue that should be decided once and for all in the highest court in this country, whether the Province had the power to pass that legislation in this province. Is he trying to suggest that a lawyer is going to go into the Supreme Court and argue policy, for the Supreme Court to make a legal judgment? I find the remarks of the Member for Wellington simply astounding, Mr. Chairman. This is a question of the constitutional power of a province before the Supreme Court. It's an important issue and it's one that should be decided in the Supreme Court, and having been decided the use to which whatever level of government has the power, will be a matter of policy.

**MR. CORRIN:** Mr. Chairman, need I remind the Minister that this case was decided by the senior court, the senior most court of the province of Manitoba. Their decision was without exception, it was unanimous, it was stated clearly by Mr. Justice Freedman and his reasons. I'm impressed now and I understand that the decision rendered by that court, as expressed by Justice Freedman was not satisfactory to this government. And that, of course, is a question of policy not law — that's a question of policy. It was good enough for me because I believe that it upheld the principle on which this province and this country is built. I would not have sent counsel to the Supreme Court of Canada to overturn that decision. I would have let it stand and I would have been damned proud of it. He put with more articulation and more sensitivity, what should be the position of politicians in this country than anyone else I know. And he did so within the framework of the legal process and he did so wholly within the technics of the law-makers, or the law interpreter's art and science.

I see no reason to spend additional funds, particularly in these times of supposed restraint to send legal counsel to Ottawa at \$70 an hour, to argue essentially that Bill — and that's essentially what you're doing no matter how you cut it, the argument boils down to one thing — that Bill 101 should stand. Whether you like it or not that's going to be the inevitable result of this whole calamitous mess. You can play games, you can play semantics, you can go ad hominem, you can do as you wish, but it boils down to the same inevitable conclusion. Either you believe that Justice Freedman put the case for Manitoba and for Canada or you take exception to that and you hope for fairer wins and broader latitude in the Supreme Court. I hope you won't find it there, but most certainly that's what you're doing. Most certainly that's the nature of this quest.

**MR. CHAIRMAN:** (a)(1)—pass — the Honourable Minister.

**MR. MERCIER:** One last comment, Mr. Chairman, and I just raise two possibilities. If the matter is not appealed to the Supreme Court, I have no doubt in my mind that some time in the next 10 years, somebody will start it all again and will go all through the court system again through the Court of Appeal and somebody will take it to the Supreme Court, and it will eventually end

up in the Supreme Court. If not now, 10 years or 15 years or 20 years later, and it's time now that the legal question, the legal validity of the statute were decided by the highest court in this country, and decided once and for all.

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

**MR. CORRIN:** Yes, in this regard, Mr. Chairman, we would like to know how many more prosecutors were retained in the past 12-month period, as opposed to and over the previous 12-month period, and I've asked this question obviously because of the considerable volume of backlog that the department has experienced in the past couple of years, and I wondered whether this solution was deemed viable.

**MR. MERCIER:** Mr. Chairman, there were no additional Crown prosecutors in last year's budget. There's provision for two additional prosecutors in this year's budget and I would say that if it's deemed necessary, when I do receive the final report from Mr. Knox and after it's studied and if necessary if it's required to appoint additional Crown prosecutors to deal with this problem of backlog, then I will most certainly make every effort to do that. I would say in a preliminary way that it would be my view that we will need additional prosecutors this year.

**MR. CORRIN:** Yes, in this regard, Mr. Chairman, an ancillary to the number of prosecutors, I was wondering whether there have been additional provincial judges retained to serve in the criminal jurisdiction? And I guess prior to receiving that information, because I know that's it's probably a matter of record that the Minister might require some assistance in locating, I would want to know whether or not there were any permanent appointments as opposed to so-called part-time appointments, which I note are usually interminable, Mr. Chairman, for better or worse and I would ask whether the Attorney-General has had in the past 12-month period, the opportunity to consider discussions between myself, the Member for St. Johns, the Member for Selkirk and himself, relative to the propriety of appointments of part-time judges.

To refresh the Minister's memory, I would remind him that last year several of us shared a concern that it was very difficult for part-time judges to effectively fulfill their role, when they had to as well maintain the burden of a private practice and in that regard, of course, have occasion to communicate and have dealings with members of the practising bar, who could on any given day have to appear before them as members of the judiciary. I pointed out and it was an experience shared by others, that it was very difficult for members of the private bar to deal with these people simply because these people had considerable authority and jurisdiction beyond that which was normally enjoyed by a practising member.

It's very difficult to forcibly argue with a judge albeit only a part-time one, particularly if you have a trial in his court the following week. It may be necessary and in your client's interest that you launch a forcible argument and make a good case, but it's very difficult to do in practice. I know that I've discussed this with many members, colleagues at the bench — excuse me, at the bar, I elevated myself — at the bar and there's very little hope of that in the way current governments are running in this country.

In view of that, I would ask the Minister whether he is contemplating taking action to eliminate part-time appointments in this province. I've spoken to some part-time judges about this too, because I was concerned enough and as I get older I find that some of my friends and even my law school mates are now being appointed to the bench, and I've spoken to some of them about this and they've assured me that my apprehension and concern is not unshared by them.

Two of them have told me that they find that it is very badly hurting and disturbing their practice. They indicated to me that they have been so circumspect in their relations with other members of the bar, that at times they feel that they're not doing their job vis-a-vis their own client — that they're so careful not to encroach — that they're so careful not to come into conflict that it precludes them from being as comprehensive in their communications as they would like. I'm sure you can understand just to use an obvious example — the one that was given to me was the case of a part-time judge involved in some civil litigation — not in the same jurisdiction as his court, perhaps with this judge being a family court judge, but being involved in civil litigation with counsel appearing regularly in the Family Court Division and finding it very difficult to deal with them, simply because almost every move would be immediately construed as being high-handed, as being somehow of a questionable and unethical nature. I can sympathize with that, Mr. Chairman, and I would hope that the Minister on the presumption that he as well has had that sort of intercourse in his practice could share that empathy. I would ask whether or not he will take steps to discuss this matter with the Provincial Bar Association, with members of the judiciaries' body — they have a ruling

body now, a governing body which is representative of all sitting members of the provincial judiciary — in order to see if we could work out some suitable solution to the problem. Thank you.

**MR. MERCIER:** Mr. Chairman, with respect to full-time appointments and I have to go from memory for the past year — Judge Connor, who was a part-time appointment was made full-time. Judge Morlock, who was a part-time family court judge was made full-time. Judge Bowles, who was part-time was made full-time and resigned before assuming office. The number of part-time judges dwindled considerably because a number of them resigned for various reasons. At the present time in the Criminal Court there are 21 full-time judges, 7 part-time judges. And in the Family Court 7 full-time judges and 7 part-time judges. For the total of 14 part-time judges the Estimates provides for 4-1/2 full years pay. We believe are providing for an additional Criminal Court judge and an additional Family Court Judge.

I appreciate the remarks of the Member for Wellington. There are two sides to the question, certainly for some part-time people have deemed to be advantageous to the system because they can fill in on a short period during vacation period. But there is no question the number of part-time have being reduced considerably over the year or so. The objective would be, hopefully, to move to as many full-time judges as possible. That's the direction we certainly would like to move into.

**MR. CORRIN:** The Minister neglected to deal with my question relative to discussions with the Manitoba Bar Association and the Provincial Judges' Association regarding this practice of part-time appointments. I think it is fairly important. I for one although I would never, and I couldn't really cite any individual instance, I would suggest it simply falls short of the standards of practice which we would best enjoy within our province. I simply don't think that it's conducive to the best standards of practice of law among the private Bar and I certainly don't believe that it's conducive to highest and uppermost principles that should be the guidelines for our judiciary. I think it's simply a hybrid situation, obviously spun-off, bastardized as it were, Mr. Chairman, from the financial restraints, or should I say financial constraints, which have been imposed upon the department for the past several years. I don't think that's of absolutely recent vintage. I think the department has been suffering in that regard for some time in terms of its expansion in accord with its need as may relate to other departments and the privileges they have enjoyed in the past few years.

But I would suggest very strongly that there be immediate discussion as between the Bar Association and the Attorney-General's department and the Provincial Judges Association in order to see if some suitable compromise can't be arranged. I know that some of the part-time judges, just dealing with this I've had complaints as well on an informal basis, judges who have indicated that they are simply being worked to death — part-time judges who can't understand why they can't get a full-time appointment because they are serving so many hours that they view it as being uneconomical for the province to have them operate on a part-time basis. Frankly they would also like to be put in a position where their court hours were more stabilized, notwithstanding the opinion of the — I should say the allegation made by the Member for Wolsely this afternoon — it would that some judges in our province feel they are very badly overworked. And I know that I can think of one judge who advised me that he had a court session, and I can hardly believe it, he had a court docket in the Family Court that he advised me ran from 10:00 o'clock in the morning with a 30-minute recess in the noon until 6:30 in the evening. He advised me that he must have dealt with literally scores of youngsters, I think it was a juvenile delinquency docket or child welfare and delinquency docket in the Family Court jurisdiction, and he advised me that after about 5 consecutive hours he really didn't feel that he was doing his job that he was . . .

**MR. CHAIRMAN:** Could I call you to order. That section probably could be dealt better with 5. (c) on the next page because if we are going over we're going to be rattling all over the book. 2.(a)(1)—pass — the Honourable Member for Wellington.

**MR. CORRIN:** Now we're on. . . . pardon me. . .

**MR. CHAIRMAN:** 2. (b) . . . that's correct.

**MR. CORRIN:** Dealing with the question of criminal prosecutions, there was recently a press release, or there was media coverage anyway, of some observations and remarks made by the Minister relative to the probable acquisition of the IBM building on Broadway. It was mooted that this building might be acquired on some tenured basis, either leasehold or outright for the purposes of Criminal Court facilities and I was wondering whether or not the Minister could confirm this evening that some negotiations were now ongoing in that respect?

**MR. MERCIER:** Mr. Chairman, I can confirm that matter is still under consideration by the Minister of Government Services and I expect will be resolved fairly shortly.

**MR. CORRIN:** As a matter of interest, have members of the Manitoba Bar Association and Provincial Judges Association, as well as members of the ruling body of the Manitoba Trial Lawyers Association been invited to participate in those meetings? I note that in terms of users groups, those groups are paramount. They are representative of, well I guess they truly are representatives of all the persons who will use the facility in the sense that they represent the accused and the judiciary and of course you represent prosecution so then all parties would be privy to the status of this matter and I would suggest that without their advice, and I respectfully suggest this, without this advice you may find yourself in not too long time facing rather strenuous and strident opposition to your choice of this particular facility.

I'm not suggesting that for any reasons known to me, I'm just suggesting that obviously the building will have to meet certain criteria and obviously in order to ensure yourself that that would be the case they should be privy to the ongoing status of the matter. I know that in the past there has been, for instance, there has been a lot of discussion relative to lockup facilities. I don't know whether it's your intention, and perhaps I can ask you whether it's your intention to incorporate lockup facilities in the new building. Should you purchase the IBM building would you incorporate them in that building? And if so, are you satisfied that the building is sufficiently secure to facility that purpose? And are you also satisfied that this is desirable from all points of view given the rather limited, for instance, nature of parking in the immediate area — and I would note that the Public Safety Building is much better appointed in that regard, notwithstanding all its other limitations. And also given the fact that some of the nearby occupants of the area, not only the commercial neighbours but also the residential neighbours just off Broadway, in the apartments and homes just off Broadway, might be rather opposed to the imposition of such a lock-up facility in their neighbourhood.

The Member for Wolseley, formerly the Member for Memorial Ward representing these people, would probably know better than I that such a matter could bring things to a boil very quickly if it were publicly disclosed that there were the intention of the government.

**MR. MERCIER:** Mr. Chairman, the choice has not been made yet, or the decision made to the purchase the building but it has been reviewed by the department and by Chief Judge Gyles. There is no suggestion that there would be lock-up facilities in that building if it were purchased. Custody cases would continue to be heard in the Public Safety Building.

With respect to parking, the province does own the parking lot to the rear of the building and would probably be able to provide much better parking than is presently available at the Law Courts Building.

**MR. CHAIRMAN:** 2.(b)(1)—pass — the Member for Wellington.

**MR. CORRIN:** Could you advise us whether the building would be acquired by a leasehold tenure, either on a short or long-term basis, or whether it's the intention of the government to acquire it freehold?

**MR. MERCIER:** If the decision was made to use it, I would think the decision would be to acquire it and eventually convert the courtrooms into a unified Juvenile and Family Court, after a new Provincial Judges' Court Building was constructed. That would be the long-term approach to it.

**MR. CORRIN:** Mr. Chairman, I am moved to jump 10 feet in the air and click my heels; did I hear the Minister say that it was his intention . . . ?

**MR. MERCIER:** A central location.

**MR. CORRIN:** Oh, a centrally located Family Court, okay, okay; well, that's fair, I suppose, because that's what you said last year. For a moment there I thought you were talking about what we commonly call the unified Family Court system, one which, of course, we, on this side, have advocated for a few years. I didn't hear any indication of whether the members of the Judiciary and Bar Association would be invited to participate in meeting relative to the purchase and use of the building; could you indicate, for the record, whether they would be so invited and their representations would be heard?

**MR. MERCIER:** Well, the Chief Judge has been very much involved in the review of the building and its use. Certainly if the decision is made to purchase it, the plans certainly could be reviewed by all the users, prior to proceeding with the renovations and improvements that would be required.

**MR. CORRIN:** I respect the Chief Judge, of course, but I would indicate that, to my knowledge, he is not currently sitting as the Chairman of the Manitoba Provincial Judges Association.

**MR. MERCIER:** Mr. Chairman, I would expect to involve the Provincial Judges Association, as well as the Chief Judge.

**MR. CORRIN:** You would expect to do that yourself, or you would expect him to do it?

**MR. MERCIER:** I would do it.

**MR. CHAIRMAN:** The Member for Wolseley.

**MR. WILSON:** Mr. Chairman, under Criminal Prosecution I wanted to scan over a few things that are of a personal concern to myself. I wondered, what are the laws pertaining to weaponry and guns in this province. I note with interest that a case that you probably can't comment on, but from that comes an alarming thing that apparently, according to the newspaper here, that several Winnipeg men were conspiring to illegally export restricted weapons, including hand grenades, 50,000 of them, 5,000 M-16 rifles, 10 million rounds of ammunition and 1,000 anti-tank missiles and 2,000 plastic explosives.

Now, from the newspaper article, it would appear that it's a federal law and I'm concerned that — what particular laws do we have in the province to prevent these people engaging in sort of a Merchants of Death with the selling of this type of weaponry? I mean, Winnipeg is centrally located; it's a nice quiet conservative area of the country and I would hate to think it would become the used car, or I should say the used firearms city of North America, and I wonder what laws would prevent this type of thing happening in our community. y to prevent the What have we got currently on the book provincially stashing of these large quantities of arms on our Manitoba soil?

**MR. MERCIER:** Mr. Chairman, I believe that is a federal prosecution and it may still be before the Court so I won't comment on that particular case, but under the Criminal Code, under the gun control administration the province is responsible for the administration of gun control and the registration of guns and firearms acquisition certificates, etc.

**MR. WILSON:** I have another concern and that is one which I wrote to the Minister on March 1st, 1978, of which somebody in his staff is probably looking at, but during the latter part of the Seventies there has been the phenomena of lack of prosecutions for conversion by theft, and mainly in the area of automobiles, and there seems to be two standards of law. For instance, it's a growing concern that members of probably lack of the Native population, through no particular — education or whatever, seem to be engaged in the selling of particular units and automobiles and school buses, etc., that have been given to them under circumstances, either they bought them or they were given to them under some form of documentation. And there doesn't seem to be any public education of the fact that if you go to the bank and borrow money to purchase an automobile or a recreational vehicle or bus, or what have you, that you are not supposed to sell that vehicle until it is paid for. At one time this used to be subject to a two-year jail term, and I remember, as a young fellow, several people in St. Vital who actually went to jail for that very offence.

In my line of work, I find that we're engaged in possibly as many as 15 a month, and I'm only one of approximately 32 firms engaged in the repossession business and it alarms me that this type of phenomena is taking place and I wondered if the Minister's Department is going to be looking at that in the coming year.

**MR. MERCIER:** Yes, Mr. Chairman.

**MR. WILSON:** My last concern under Criminal Prosecutions is another thing that keeps cropping up on my desk is what type of co-operation does the Minister and his department have with the federal immigration people, because it seems to be there is an alarming number of alien low-life characters or thugs, or whatever you want to call them, that are constantly being convicted of some minor and some very serious crimes and yet they seem to be able to be out on the street and



there doesn't seem to be anything to ask a question as to why these people gained entry into our country in the first place, the privilege of being in our country, and the third, most important thing, is why are they allowed, after being convicted, to still walk the streets of the city? What is the type of co-operation that we have? I'm not suggesting a floater out of town, but there must be something that we can do to get better co-operation from the Federal people to deal with these people that are involved in criminal activity that have been given a temporary visa or some form of immigration status.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Well, Mr. Chairman, I believe there is a degree of a communication between the enforcement authorities in Manitoba and the immigration people to relay information with respect to convictions, etc. to the immigration authorities.

**MR. CHAIRMAN:** The Member for Wolseley.

**MR. WILSON:** I'm also concerned about something a lawyer by the name of Ron Carbert said, that he feels that if he can continually delay the Crown that the Crown's witnesses will move away or disappear. Lawyers seem to be enjoying this posturing in the courts, and I wonder if there is any move afoot to try to stop this type of fee generating delays, that many of us feel a lot of these people shouldn't be given this type of leeway in bringing their cases to court, especially when the Crown has a very strong case. I'm wondering what type of discipline can you take against these lawyers who practise this bobbing and weaving and delaying and faking sick. You know, it's getting to the stage where we're going to ask the judges to have the lawyers bring a certificate that they were indeed ill and couldn't attend the courts. What I'm trying to get at is, what are we doing as a government to bring these cases to court a little sooner and to avoid the likes of Mr. Carbert getting away with this type of thing?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Well Mr. Chairman, the backlog is a most serious problem in the administration of justice system and I expect that we will be able to take some significant steps to improve the procedure in the backlog as soon as we receive the final report from Mr. Knox that we've asked for and the department is able to deal with it; we regard it as a matter of first priority and I'm hopeful this year we can take some steps to reduce that backlog significantly.

**MR. WILSON:** And my last personal concern is one that just is fairly recent, where a lawyer by the name of Perry Schulman seemed to be extremely alarmed that several lawyers had offered to exchange money in exchange for certain things happening pertaining to the Frampton case, and I'm alarmed at the fact there seems to be a law for professionals and a law for the man on the street. If I was to attempt this type of thing as a layman, I'm sure that I would be dealt with fairly severely by the law enforcement authorities, and I wondered under what section of your Estimates should we be dealing with Mr. Rory Edge and the concerns expressed by Mr. Perry Schulman?

**MR. CHAIRMAN:** 3.(d) comes up on the next page. That really would be the place for that subject. The Honourable Minister.

**MR. MERCIER:** I just would say, Mr. Chairman, that the chairman of the Police Commission did direct the lawyer involved to report that matter to the Law Society Discipline Committee.

**MR. CHAIRMAN:** 2.(b)(1)—pass — the Member for Wellington.

**MR. CORRIN:** Yes, prior to going on to the next item, Mr. Chairman, I think that it would serve us well, even preceding and prior to the official report of Mr. Knox to review precisely what Mr. Knox is now in the process of reviewing himself. We have a backlog in the courts, and Mr. Chairman, no matter how you cut it, there are only a few things relevant in determining the causation. I suppose one of them would be lack of available court space. A second factor might be too few judges; a third would be too few prosecutors; a fourth would be too many accused; and a fifth would be the question of freedom of choice as it applies to the retention of Legal Aid counsel. It's no secret that there are those who believe that the Legal Aid system eventually had led to the backlog. There are certainly many accusers who have laid the blame at the doorstep of Legal Aid, and there

are many who suggest that we should go to the system that I think is now operating in Quebec, one where there is no freedom of choice and the choice of counsel is a matter for the director and his staff in Legal Aid, and the accused does not enjoy that privilege or prerogative any more. Well, there seem to be the five factors. I don't know, maybe that list is not sufficiently comprehensive. It's possible, I suppose, that one or two are missing. But I think by-and-large that's the sum and substance of the difficulty, Mr. Chairman.

Frankly, I don't know what Mr. Knox is going to do, in the sense that I don't know that he isn't going to have to say that freedom of choice . . . I know he's going to say that freedom of choice is fundamental and he's going to recommend that freedom of choice be continued and I would ask the Minister to respond if I'm wrong. But I presume from past conversations we've had privately that we both agree that freedom of choice is essential and simply cannot go by the boards. But that to me is fundamental to the system of law which we enjoy.

So we come down to the other four. We have no control, I suppose, realistically, over the number of accused before the courts, although we could advise the police to be less diligent in their activities, the conduct of their investigations. I don't think that's a viable solution to our problem. could spend less money on policing and thereby reduce the backlog, but I don't think that our taxpaying citizenry would approve of that, so we're not going to do that. We could ask, as I suggested, we could ask the people who are accused to try and restrain themselves to become less involved in criminal conduct, but that's not too likely. And I suppose that one could forcibly argue that certain policy decisions as they apply to underprivileged persons may induce more criminality and thereby create a greater degree of burden on the system. I'm not sure though that one could suggest that this backlog is as a result of restraint policies of 18 months, so I won't bother with that.

I'm not proposing that. We could suggest that we do one of three things, I suppose. We have more court space, which apparently is in the offing anyway. We're now in the process of acquiring the IBM Building, I'm advised, so Mr. Knox notwithstanding his decision in that regard is presented with a fait accompli. So he's now left with two decisions, whether to recommend more judges and whether to recommend that there should be more prosecutors in order that those judges have the wherewithal to have cases presented to them and heard in their courts. Well, Mr. Knox is probably going to have to do that, Mr. Chairman. I don't think there's any other solution. He's simply going to have to say that there are going to be more judges and more prosecutors to fit into those new courtroom cubicles in the new IBM Building. And having said that, Mr. Chairman, I seriously wonder why we're having Mr. Knox enquire, notwithstanding the voluntary nature of his service. Why is it necessary? Why don't we come to grips with the fundamental problem? This department needs more money; it has needed more money for a long time; it's been going short shrift. Whether we like it or not, that's been the reality of it. It has not been a priority and it's simply not able to service the demands made upon it, and having agreed upon that, Mr. Chairman, I think we can tell Mr. Knox that we don't need his Report. If we agree with the freedom of choice principle, and that in itself inherently backlogs the system because certain lawyers are superior to others. I know that for a fact because they have beaten me in so many courtrooms that I've become fully familiar and acquainted with most of them. But that's a fact of life.

I spent Saturday night with a guy that probably deals with more Legal Aid cases on an annual basis than any given 30 lawyers, 40 lawyers, 50 lawyers, in this province in a year. —(Interjection)— It's because he's the best; it's just that simple, it's because he's the best and he deserves the business, because his clients get their money's . . . well, they don't get their money's worth, but they certainly get the justice that we in our generosity purchase for them and they get accorded the best legal treatment possible.

So Mr. Chairman, I'd ask the Honourable the Attorney-General what efforts he's made at the Cabinet level to acquire an appropriation for more judges and more prosecutors for his department?

**MR. MERCIER:** Mr. Chairman, I appreciate the advise of the Member for Wellington and I would look forward to comparing it to the report from Mr. Knox.

**MR. CHAIRMAN:** 2.(b)(1)—pass — the Honourable Member for Wellington.

**MR. CORRIN:** On that note, I'd like to remind the Honourable Minister, Mr. Chairman, that Mr. Knox did not stand for office to my recollection in 1977. I did. —(Interjection)— So what? Do you want to know, "so what?" It was of considerable import to me that I do this sort of service. Mr. Knox chose to maintain himself in the employ of the firm of Richardson Securities as Chief General Counsel for western region. I assure you that he's much better remunerated than I am and that's possibly because he's much more capable than I am, but, Mr. Chairman, notwithstanding our relative capacities, one has to appreciate that there should be some significance in the fact that certain

people do go out and seek elected public office and I wasn't the only one. The Attorney-General was another one. And with respect, Mr. Chairman, that's why you've become Attorney-General, to make decisions in your department; not to have Mr. Knox from Richardson Securities do your job for you. And with respect, Mr. Chairman, it's damn well time that the Minister learned that he's got to take that bull by the horns and he's got to make some hard decisions, even if it means treading on a few departmental toes.

I was astonished, Mr. Chairman, to be very honest, when I heard that a directive had been issued to members of the department a year ago, admonishing them against private practice in competition with the private Bar. I was astonished to hear that seven members had the unmitigated gall to proceed to do that in flagrant defiance of the Minister and his senior staff. Frankly, Mr. Chairman, it may be time for the Minister to start making his presence felt in that department and I say that with all respect. He is, whether he likes it or not, the boss, and notwithstanding whether Mr. Knox feels this way or that way about the department, it was the Minister who got the mandate. The Minister has a Task Force Report. I didn't approve of everything it said but frankly, some of the things it said weren't so bad and we could review some of the things it said about your department, and they were true. And with that in hand and with the advice and counsel of a few members of your department, I think that you could take that bull by the horns and you could make some sense of it. It is our distinct impression, and I suggest it's an impression that has been left by members of the sitting judiciary, not by members of the opposition as I indicated this afternoon, that your department has fallen into disrepute and disrespect. There have been criticism by the judiciary of lack of attendance by your prosecutors; there is now an apparent incidence of flagrant disobedience of your internal administrative regulations relative to practice standards. This is simply intolerable. The backlog does continue to grow; something has to be done. Frankly, notwithstanding all the restraint, we have not seen this sort of waste and mismanagement in other departments. This department is rather notable in that regard and this sort of allegation has not been the by-product of opposition attacks. To date there have been virtually none. This has all come from the members of the Bar Association and from the judiciary appointed

And so I would suggest, Mr. Chairman, with respect to court backlog, that we needn't wait for Mr. Knox, the unacknowledged Attorney-General, the unelected, unappointed, unacknowledged Attorney-General of Manitoba to make decisions. Let's have the elected one take some measures and take some strides forward to grapple this thing to the ground and bring forward some viable solutions in the immediate future.

**MR. MERCIER:** Mr. Chairman, the Member for Wellington refers to defiance of directives. When he introduced the subject of lawyers in the Civil Service practicing law on the side he acknowledged first of all, that it had been going on for some time under the previous administration; and indicated, I think, agreement that that sort of directive should have gone out. It went out in the middle of last summer when we dealt with this problem. The evidence that he submitted to us after the conclusion of the Estimates at 4:30 was a list of lawyers who had applied for and received liability insurance which is necessary to carry on the practice of law. It was a list that covered the period April 1st, 1978 to March 31st, 1979, so that they had applied prior to March 31st, 1978. So he is suggesting that those seven people defied the directive. That hasn't yet been proven. He's shown myself and the Deputy Minister, the list of seven, three of whom have left the Civil Service, and I can assure him, we will look into whether or not there has been any members of the staff who have disobeyed that directive, and I can assure him of that.

I just make the point, Mr. Chairman, that just because their names are on that list and would have been on the list six months or so, five months prior to the issuance of that directive, should be taken into consideration. Now, he may have some knowledge that they disobeyed that directive subsequent to its issuance, and if he does, I would again, invite him to speak to myself or my Deputy Minister privately, and we would be pleased to deal with that particular matter.

With respect to Mr. Knox, Mr. Chairman. First of all, some time ago the Member for Wellington suggested that it was going to be great benefit to Mr. Knox, even though he's performing his service gratuitously, because obviously James Richardson and Sons were going to benefit from this. He now comes to the conclusion that there's going to be — his conclusion is there's only need for more judges and more prosecutors. It's just astonishing to me. I just wonder if this allegation is true that James Richardson are going to benefit. How are they going to benefit from more judges and more prosecutors?

The Member for Wellington . . .

**MR. CORRIN:** The benefit is inverse: fewer judges, fewer prosecutors, fewer taxes.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** I would just say, Mr. Chairman, I don't think there is anything wrong, when you have a serious problem, in obtaining an independent review and assessment from someone outside of the department. He has consulted with members of the department and all people who have an interest and are active in the criminal justice system. He will make a report. That does not mean that his report is necessarily accepted, or all of his report is necessarily accepted. That will be a decision of myself and, if necessary, Members of Cabinet, but I don't believe there is anything wrong with an independent review and assessment in any department.

**MR. CORRIN:** Might I remind the Minister that he is not cognizant of that because I know he is not a member of the Manitoba Trial Lawyers Association, but these are a group of lawyers — I think about 150 in number — who practice very actively in the courts of this province, and who, I think have over the years attained a fairly objective overview of the system. Some of their members have been active for 20 years; some for lesser extents of time. But I would suggest if you wanted an objective review you could have darn well gone to the Manitoba Trial Lawyers Association and asked them to gratuitously review that particular situation and they would have been delighted to do it. They would have been delighted to respond and reciprocate gratuitously.

I would also advise you that the Manitoba Bar Association has a Subcommittee that deals with criminal justice and they, too, would have been delighted to gratuitously volunteer their services for you. And you might have found in that group that there are not only Liberal and NDP lawyers but a good many Conservative lawyers, as well, notwithstanding the fact that there are also many non-partisan ones.

And if you wanted a truly independent overview, you could have melded the two bodies together, the Bar Association with the Trial Lawyers Association, and you could have worked on a voluntary gratuitous basis with them, and not with Richardson Securities, who has never, to my knowledge, participated in the affairs relative to criminal justice in our courts, and that would have been a truly independent overview of the system and that would have shown a genuine consideration and concern for the system. If you didn't want to work alone, at least work with somebody who knows what they're talking about. But you chose not to because you don't respect, any more than the members of your department respect, the members of the private Bar Association. That's why they're out there competing with lawyers who are trying to make a dollar day to day, who are grinding it out at very high overheads, who are not given the entitlement to negotiate their fees with Legal Aid. They're not as good as the doctors, they can't negotiate with the government; they have to take what they're given.

But that's what's happening. And if you get out there and you'd talk to some of the people who are actually practising in the courts, not just the feather chair or armchair lawyers down in the Richardson Building where Knox is employed and where he works, but some of the people who are actually practising on their feet in the courts day to day, out of a suitcase and a briefcase, you might find out what's happening because that's where it's at.

**MR. CHAIRMAN:** (2)(b)— The Honourable Minister.

**MR. MERCIER:** I'm not going to respond to all of the inane remarks from the Member for Wellington, Mr. Chairman, other than to say that Mr. Knox has consulted with each of the groups referred to by the Member for Wellington along with many other groups who also have an interest in the system.

**MR. CHAIRMAN:** 2.(b)(1) — pass; 2.(b)(2)—pass; Resolved that there be granted to Her Majesty a sum not exceeding \$2,656,600 for Attorney-General legal services—pass — the Member for St. Vital.

**MR. WALDING:** Mr. Chairman, now we have just passed one rather large part of the Estimates and the time is getting on for 11:00 p.m., I wonder if this would be a suitable time for the Committee to rise?

**MR. CHAIRMAN:** Committee rise. 3.(a)(1)—pass; 3.(a)(2)—pass; 3.(b)(1)—pass; 3.(b)(2)—pass — The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, there has been a good deal concern recently about the confidentiality of cases that are being heard before the Human Rights Commission. Members of the public have quite rightfully indicated that they are dissatisfied with the present legislation and regulations which do not empower the Commission to reveal the nature of disputes unless all parties to those disputes

agree to waive the privilege status of those matters. I am cognizant, Mr. Chairman, because I know that it's always the knee-jerk response of government members, notwithstanding which party seems to be in power, whether it's one or the other when they become Ministers, I guess all MLAs say but your government did it, too — I am cognizant that the law was the same before 1977, but it seems to me that there is no reason for Human Rights cases to be dealt with in that sort of vacuum. It seems to me that if people are to understand the importance of the concept of the Human Rights Legislation that it is imperative that the Commission be empowered to disseminate information about the cases that come before the Commission in order that the public be apprised of the nature of violations that take place in the province.

It's of little sense to have a Human Rights Commission that deals in a clandestine subterfuged manner in dealing with these sorts of complaints and matters. So, Mr. Chairman, I'm induced this evening to ask the Minister whether or not he will give consideration to amendment of the relevant sections of the secrecy or sections of The Human Rights Act in order to open the doors and windows and allow public discussion and revelation relative to matters before that Commission.

**MR. MERCIER:** Mr. Chairman, I have been caught myself in having been asked questions, even in the Legislature, about some matters before The Human Rights Commission and have been unable to answer them because of the confidentiality sections of the Human Rights Commission. The Vice-Chairman of the Human Rights Commission has indicated they will be reviewing those provisions of the Act that relate to confidentiality, and I am prepared to review that with them prior to the next Session of the Legislature in order to determine whether any amendments can or should be made to those sections.

**MR. CORRIN:** Mr. Chairman, I could note, just as a prologue to those remarks, that the functions of the Commission are to find, and I quote them, "It is to disseminate knowledge and promote understanding of the civil and legal rights of residents of the province and to conduct educational programs in that respect."

And that very function, the rationale for the creation of the Commission is obviously being impaired by the confidentiality implied and inlaid by terms of reference of the legislation, and I think it is for that very reason that we have to take immediate steps to redress the rather reactionary provisions of the Act, in order that the functioning of the Commission can be given wider latitude and more room for development of educational programs. I think it's virtually and almost as important that the Commission be used as a tool to educate the public in this regard as it is important that the Commission be used as a tool to adjudicate alleged violations of the law. I think that in both regards it fulfills a necessary function and I'm not sure that the educative function is not somewhat superior in that presumably there will be many fewer violations of the Act, when appropriate educational programs are put into place. And so I would ask that this be done as soon as possible, with a report to members, if necessary, between Session, in order that we can resolve this problem.

I would note that he is one member of the Board, Mr. Barry Hall, who I believe was appointed by the Minister, has indicated that he is supportive of that position. In a recent newspaper article published in a Winnipeg newspaper Mr. Hall indicated that — oh, he is the Vice-Chairman of the Commission — indicated that the Commission currently had no policy as to what specific types of information they could even release and he felt that he would want to bring the whole issue up at the next executive meeting of the Commission but he noted that the confidentiality inherent in the Act prohibited the release of information anyway, so it was a Catch-22 situation wherein, even though he was bona fide, justifiably and appropriately moved to change the situation, to give more access to information, he couldn't do it unless somebody took steps at his level to amend the legislation.

So perhaps you could say that I am giving voice to Mr. Hall's concern in asking that you attend to this matter as soon as possible.

**MR. CHAIRMAN:** 3.(b)(2)—pass — The Honourable Member for St. Vital.

**MR. WALDING:** Thank you, Mr. Chairman, 3. (b) that we are on now, Manitoba Human Rights Commission, I understand was set up to administer the Human Rights Act which I seem to recall was passed about 1974 with the approval of all members of the Legislature; and a reading of that Act would seem to offer protection in the areas of accommodation, notices, contracts, and employment opportunities to all Manitobans on a number of different grounds, prohibiting of discrimination on a number of different grounds. That would be the appearance from reading it, and I understand it does give protection for just about every occupation group as far as education is concerned with one glaring exception, which has been ruled on by your department, Mr. Chairman,

as not being appropriate.

Now I would like to ask the Minister whether he feels that that protection against discrimination should apply to all occupations in the province and whether he would be prepared to stop that one loop-hole where the members of one particular occupation are allowed to be discriminated against on one of the grounds listed in that Act?

**MR. MERCIER:** Which occupation?

**MR. WALDING:** Members of the teaching profession are not protected under the Human Rights Act on the grounds of nationality as one would be led to believe by reading of that Act. Is the Minister willing to amend the Act to put that protection in there?

**MR. MERCIER:** Well, Mr. Chairman, I wasn't aware of that but I'm certainly prepared to review that.

**MR. WALDING:** Perhaps I can explain. The matter was referred to the Human Rights Commission by several teachers who were affected by this particular provision. The way it stands now, teachers are not given a permanent certification, nor are they allowed more than 6 years on an interim certificate, and that certification is given by the province to teachers to allow them to work in this province.

The province is not the employer of teachers, so it is not in fact, according to the law, discriminating as far as the employment is concerned. It is the School Boards who are the employers of the teachers and they simply say, if you've got no certificate we are not allowed under the Act to employ you. So by the strict legality of it both sides are correct. But it's clearly an infringement of the intent of the Human Rights Act, which is to offer protection to all our occupations, all people who are employed in this province on those listed grounds within the Act. I offer that as some background information to the Minister, so that he will understand the problem. I will also tell him for background information, that I have approached the last three Ministers of Education, including the present one and pointed out this inequity to them, and they have refused point blank to — the last two refused point blank to do anything about it. I'm now appealing to the Minister for his support in this matter on the grounds of human rights, and the rights of an individual to carry out his chosen occupation in this province.

**MR. MERCIER:** Well, I thank the Member for St. Vital for his information, and will undertake to review it with the Commission.

**MR. CORRIN:** I want to reinforce the opinion presented by my colleague, my friend from St. Vital, Mr. Chairman. I think this is a very serious matter. If we're to give effect to the concept behind that particular legislation, and it is indeed a noble concept, then I think that some redress must be given those people who find themselves caught in this rather unenviable situation. It seems so obvious to me that no profession and no trade should be subject to this sort of rather anomalous and unusual limitation and restriction. I know that if I were to hear that there were such a regulation with respect to the practice of solicitors. In other words if solicitors in Manitoba in order to maintain their practising certificates, had to obtain Canadian citizenship within the six-year limitation period, I know that I would be indignant and that I would be I think quite justifiably enraged that my brothers and sisters at the bar could be treated in that manner. I can't, for the life of me understand how anybody can determine that a person is not qualified to maintain and carry on a profession or any other occupation on the basis of their not holding Canadian citizenship standing.

It seems to me a person is either a good lawyer or a bad lawyer, and there are tests in order to educe whether a person qualifies the standard — whether it be through apprenticeship procedures or other procedures — or they are a good teacher or a bad teacher, or a good plumber or a bad plumber, and notwithstanding what their occupation or trade might be, they are either certifiable or not. I can't see at all how the question of citizenship should ever be involved in that sort of determination. That, in my respectful opinion is tantamount and is bias and discrimination, and is simply intolerable in the system we live within. And I would suggest that if the Human Rights legislation does not sufficient teeth now to deal with this problem, then something should be done very shortly in order to amend it so that it does. I don't think that there is any excuse for allowing that sort of situation to be ongoing in our province. The repercussions of that enormous; if we allow it in that area, presumably other areas of employment that are desirous of restricting membership, perhaps for purposes of economic advantage will likewise restrict membership on a similar basis, analogous bases, and that having started, I presume that that might well proliferate throughout the province and that could lead to a very undesirable state of affairs.

I don't think competition in any area of endeavour is bad. I can't see what difference it makes if there are 5,000 lawyers, all competent and qualified practising; 25,000 plumbers, if they're all competent and practising and willing to compete; 100,000 teachers, if the market would bear it. It seems to me that's the very best of all worlds, and that's what we want to maintain. So, we should do our best and utmost to foster that sort of climate and not restrict entry on the basis of national origin. That is a very very artificial and a most specious manner of discriminating. If we're going to do that, let's call a spade a spade, and let's have it out in the open.

**MR. CHAIRMAN:** 3.(b)(2)—pass; 3.(c)—pass; 3.(d)(1)—pass; 3.(d)(2) — the Member for Wellington.

**MR. CORRIN:** Actually the Member for Wolseley has now left. He had already indicated that he would be posing several questions; he gave a short prelude and I'm going to be pursuing the same matter. I'm not sure that we're going to be taking the same vein — we don't generally seem to do that. But presumably he'll have to forego his opportunity to question the Minister, since he's not here. TF250

I would indicate at the outset, Mr. Chairman, that we've all been I'm sure concerned about the recent revelations at the Frampton inquiry before the Manitoba Police Commission. I can say that I've probably been privy to more information. I'm not sure that I can call it unbiased information, but I can certainly say that I've been privy to more information in my caucus room, and probably the Minister has from communications with the Commission and his counsel. I've enjoyed the privilege of having as a colleague and fellow member of the caucus, the representative for the Winnipeg Police Department, the Member for Inkster. This case, Mr. Chairman, has broached a number of very very thorny issues, and ones that have taken some time to work themselves to the surface, but I think as we all now realize, are with us and aren't going to go away until they're resolved.

The Minister indicated, and I must say that I was most pleased to hear — and this was indicated in the House that it was the position of during Question Period — his government that the Winnipeg Police Commission should be disbanded. Mr. Chairman, this was long overdue. The Minister and I both know this was something that was hotly debated at Winnipeg City Council years back; it's something that has caused considerable difficulty for members of Council. They seem to divide, not on political lines on this issue, but purely on the basis of principle and philosophy. It has led to situations where some members of Council would simply not sit on the Manitoba Police Commission. I can think of instances where able members of Council had refused to participate — they simply denied their being introduced to the Commission, on the basis that they would be put in positions whereby they would have had a conflict of interest and they wouldn't do it. Other have assiduously, vociferously upheld the — at the propriety of the Commission's . . . Excuse me, I didn't want to interrupt the member — I can't remember your constituency, but —(Interjection)— Rock Lake, is that it? We so seldom enjoy the comments in the House of this member that — I'm sorry, I couldn't remember, I'll try and remember that. —(Interjection)— Fair game, Mr. Chairman. He's better from his seat, than he is on his feet, taat's because he's sitting on what he thinks with. It's closer to his intellect.

Mr. Chairman, dealing with this subject as I said, we're pleased that consideration is now being given to moving the final disbandment of the Commission. It was becoming a bit of an embarrassment, because Council of course, bifurcated the Commission's responsibilities a little while ago, and we had rather the anomalous and unusual situation where all the policy for the Police Department, had been delegated off to the Finance Committee, and the review processes were still being withheld at the Commission level. I understand that there were considerable difficulties starting to evolve in that regard as well.

It wasn't apparently certain where one area, one jurisdiction stopped and the other one began, and you had rather unusual visitations from certain members of the police administration relative to certain matters and it was causing a lot of difficulty at both levels.

In any event, my first question is, have we heard from Deputy Mayor Norrie? Have we now been apprised of his position? He indicated three weeks ago in the media that he was going to be taking under advisement the letter that had been sent in October of 1978 to Mayor Steen, and he was going to be replying as soon as possible indicative of the position of the city relative to the disbandment. It was my impression that the Minister's government didn't want to move on the disbandment until such time as there had been a sort of consensus arrived between themselves and the city's political people. So could we now be advised whether such a position has been submitted?

**MR. MERCIER:** Mr. Chairman, no, I have not received any communication from the Deputy Mayor,

but I think that's understandable in view of the police negotiations and the flood situation that's occurred over the last three weeks.

**MR. CHAIRMAN:** The Member for Wolseley. The Member for . . . Committee, I can't read your mind if you don't get your hand up. I recognize whoever's hand, the same as if we are in the Chamber; whoever stands up, and I can't just be imagining your coming on. All you have to do is stick your finger up, and I'll recognize you.

The Member for Wellington.

**MR. CORRIN:** On that basis, Mr. Chairman, I gladly defer to the Member for Wolseley. I can understand my finger was not raised appropriately.

**MR. WILSON:** Mr. Chairman, through you to the Minister, I wanted to use this Manitoba Police Commission as an area which, because someone wasn't reading my mind, and in the reply to the Throne Speech I had indicated at that time that I was going to do something as an opposition backbencher in the way of a resolution or something to have the right to strike, which was given to the one segment of the essential services backtracked in light of the fact that it was brought to my attention that there was a particular problem in this area, and that lo and behold, I had, in discussing with the legal staff of the government, I had prepared a resolution, and was all set to bring it to the floor of the Chamber and lo and behold, if the police don't threaten to go on strike. So my resolution would have been considered to be interfering at that time, so I want to pass that type of thought on to the Manitoba Police Commission, because I had prepared a resolution which said:

"Whereas the people of Manitoba pay taxes for proper police protection; And whereas the safety of human life and personal property is the right of all citizens in the Province of Manitoba;

And whereas policemen and all police associations, as part of their collective agreement, have the right to arbitration;

Therefore be it resolved that the Government of Manitoba consider the advisability of passing legislation to abolish the right to strike by policemen and all police associations."

Now, the Winnipeg Tribune in an editorial, which it appears — I don't know who the gentleman is, some faceless individual who I don't know which one of the gentlemen in the media it would be said that — the police knew eight years ago that they shouldn't have the right to strike. I would suggest that the man is a little bit out in his timing because in 1972 it was passed, the then Labour Minister Russ Pawley had this bee in his bonnet that everybody should have the right to walk off the job, and my indications and thought patterns and investigations indicate that the then Attorney-General Al Mackling had not agreed with that position, and even the lawyer for the Police Association, Roy Gallagher, had not sought this particular right to strike. And I think the behaviour of the union heads of the Police Department through these trying times in the last weeks have indicated that they really weren't that anxious to be forced in the position to have the right to strike.

And so I think it is incumbent upon the Manitoba Police Commission to review this matter and rescind what the then Labour Minister, Russ Pawley, had brought forward, which became effective in January of 1973, and it would seem to me that you have a conciliation board and an officer and they have the provision for arbitration. And I would think that if a secret questionnaire was passed around to the Police Department, they would not want to have this right to strike, and I think it is the type of thing that causes undue duress for old people, gives our city a bad name.

The Member for Wellington wanted examples. He said they would never use it. I refer to Regina, or the New Orleans situation, where the city lost millions of millions of dollars by losing the Mardi Gras and things like that, and well, Montreal; the Member for St. Vital is right. And I think the very foundation of our society here in Manitoba is built on having protection, and I'm all for, as they say, if we're going to use comparison figures, I'm sure that the Arbitration Board and a conciliation officer would recognize the sacrifice these gentlemen are making and pay them accordingly. And I would hope that I could have read these concerns of mine, I was sort of pre-empted by the Police Union threatening to strike, so I had to withdraw my resolution, which I'm sure would have been hotly debated on the floor, and I now read it into the record for the Manitoba Police Commission to deal with, as one member of the government regardless of whether it's opposition or the government itself, who is concerned that we have to ban strikes in these type of essential services. And I would hope that members of the Manitoba Police Commission will read Hansard and my concerns, which I have read into the record.

**MR. CHAIRMAN:** The Member for Wellington.



**MR. CORRIN:** Going back, harkening back to the reply given that no response has yet been received from the city's official delegation, I would like to ask the Minister as a matter of interest, and I think it is relevant to this particular subject matter we're dealing with, whether the Minister still deals directly with the Mayor's Office, and I'm now talking of course about the incumbent, Deputy Mayor, Mr. Norrie's office, or whether or not communications are vetted through the Chairman of the Executive Policy Committee or some other body? These are rather unusual circumstances, and I was curious as to what the proper etiquette was now deemed to be under these circumstances.

**MR. MERCIER:** The Deputy Mayor also is the Chairman of the Executive Policy Committee.

**MR. CORRIN:** Are communications sent to him in his capacity as Deputy Mayor or in his capacity as Chairman of the Executive Policy Committee, and responsible directly to that committee in terms of communications? There is a distinction there, Mr. Chairman.

**MR. MERCIER:** The Deputy Mayor,

**MR. CORRIN:** I just wondered, because in that regard, I've always wondered about the appropriateness of communicating with frankly, either the Mayor or the Deputy Mayor, in view of the fact that neither of them can speak for council.

As a matter of fact, I've often wondered, and I am now harkening back to my days on council, and Mayor Juba, I've often wondered how Mayor Juba was able to relate or relay information that had been provided to him by the then Minister of Urban Affairs or the then Premier, when he was not really a sitting member of Council, as it then was, as still is the case. The Mayor was the Chairman of the Council; he acted as a sort of speaker, in that he was responsible for governing procedures when Council was in Session. But I often wondered what the rationale was then for communicating with him, and now it's most certainly in these rather unfortunate circumstances, I wonder what the rationale is for communicating with the Deputy Mayor's office as opposed to directly with the Deputy Mayor but in his position as Chairman of the Executive Policy Committee. There is a great distinction, because when you're dealing with him in his capacity as Chairman of that committee, it's my understanding that he must report all communications to committee, and that committee, of course, stands almost as a Cabinet to the Council, and he's bound to reveal all communications and deal with them at that committee's level, in his position as Deputy Mayor or former Mayor Juba was wont to do. Very often communications that displeased him or communications which he preferred to deal with unilaterally, were dealt with in just that manner, and therefore, members of Council, and particular members of the Executive Council, a Committee of Council were precluded by Mayor . . . from dealing with communications from the provincial government. And I seriously, frankly, question the appropriateness of continuing that practice in these circumstances.

I would wonder whether the Minister — and it's fortunate that he serves as not only the Attorney-General but also as the Minister responsible for Urban Affairs — would agree with me, and having common concern, would be moved to indicate that he would prefer to be communicating in future with the Standing Executive Policy Committee's Chairman in that official capacity.

I should note, just as an addendum, Mr. Chairman, that the member, having had the privilege to sit on the Executive Policy Committee for a few years, must surely have encountered some of the difficulty to which I aver, he must well remember — I presume he well remembers, otherwise I could refresh his memory — of several such situations where communications were not forwarded with this batch to the Executive Policy level from the Mayor's Office and, as a result, considerable embarrassment was caused or, even worse, communications that were forwarded rather than to Executive Policy directly to Council, where they couldn't be dealt with because they weren't agenda items that should well have come forward from Executive Policy with an appropriate recommendation, in order that the Council could have efficiently dealt with them as soon as possible.

**MR. MERCIER:** Well, Mr. Chairman, I will check with Councillor Norrie and ensure that they are dealing with the matter.

**MR. CHAIRMAN:** 3. — the Member for Wellington.

**MR. CORRIN:** It's a question of etiquette in procedure, Mr. Chairman, it's not a question of what is convention; it's not a question of what is convenient and whether the other guy is a good guy and a friend. It's a question of what you'd want to be done to you, not just what you'd do to the

other guy; how you'd want to be treated if you were on the other side of the pond. And, in this case, I think it's important that there be firmly established procedures that assure that the process is above board and it fairly entitles all the municipal representatives to equal treatment.

It seems to me that the system of communicating directly with the Mayor or the Deputy Mayor is preferential treatment to only one person who does not have any authority under the Act to take any measures, as we both know. If you communicate with the Mayor that's very nice but the Mayor can't do anything; he only has one vote in 29. He is not entitled or empowered to do a darn thing. He doesn't even, to my knowledge, have a special standing. Well, he has an ad hoc stature, I think, on all committees of Council but he certainly has no special standing and it seems obvious to me that there is only one person, in the sense of that individual's persona designata; there is only one person who is designated to communicate effectively within the legislative framework with Council and that is the Chairperson, the Chairman of the Executive Policy Committee. That way communications with that person assures all members of Council, effectively and within limits in a predetermined fashion, in a processed fashion, of their rights and entitlement to become involved in matters relative to communications between the two levels of government. And I think, in view of the enormity of some of the matters, that's very important; it's very important.

**MR. CHAIRMAN:** 3.(d)(2)—pass; 3.(e)—pass — the Member for Wellington.

**MR. CORRIN:** Dealing with 3.(d)(2) again, Mr. Chairman, I would ask whether or not the Minister has now considered the option — and this is all presumed and contingent on the disbandment of the Winnipeg Police Commission — has he now considered the option of creating a special investigative unit within the confines of the administration of the Manitoba Police Commission?

I ask him that, and I have asked him that before in the House during Question Period, because there has been some concern raised during the Frampton Inquiry as to the appropriateness of internal police investigative procedures pursuant to complaints. And I'm cognizant and aware, and the Member for Inkster has made me fully aware of the fact that in the Frampton case there was a six-month delay in complaint, that the complaint was withheld until the trial was ongoing in order to, I suppose, afford an element of surprise against the prosecution. But in any event, it was withheld to the voir dire procedure at trial, but it was also revealed at the Frampton Inquiry — and of course it has been the subject of many lengthy debates at the Bar Association and in other places — that police investigative procedures leave a hell of a lot to be desired.

It's true that very often competent detective personnel are seconded to do the work. Nobody takes exception to that. The problem is that very often these are the same fellows who are former mates and best friends with fellow police force mates. And this situation, of course, has given rise to considerable suspicion as to their objectivity. Competence — I'm sure that the detectives in question are competent and capable and qualified. Objective — I'm not sure that that can be the case.

As I think I told the Minister at one time, if somebody asked me to investigate, objectively investigate, the conduct of one of my caucus colleagues I would be hard-pressed, even though I might try I think that given the nature of relations I would be hard-pressed to do that, even though I might genuinely think that I am doing my best. It would be my inclination to give the benefit of the doubt to my colleague, and that's of course what's in question when the police reviews itself. Is one detective capable of becoming that objective of mind in order to put his mind to all the factors that he should report to the Commission? There is no way of knowing. The only way of settling the matter once and for all, Mr. Chairman, in my opinion — and I think the opinion of most people who have given this matter some consideration — is to give the Manitoba Police Commission an investigative capacity so that complaints can be forwarded directly to the Commission and the Commission would be empowered to send out its own investigative people to do the assessment and to do the necessary investigation and report directly back to the Commission their findings.

I can't see any alternative. I don't know any alternative that will put this matter once and for all in the deepfreeze and beyond the pale of public scrutiny and question. I think it's just darn good public policy that we do something about this at this juncture, because to leave it any further, to create a hybrid and to mutate by way of disbanding the Winnipeg Police Commission, giving absolute authority to the Manitoba Police Commission by still retain the investigative unit over at the Winnipeg Police Department is just going to cause the Manitoba Police Commissioners endless problems. They are going to find themselves in very insidious situations and they are going to, I'm sure over the years, be coming back to the Ministry with complaints.

You can't ask a Commissioner to do a job without giving him or her the tools if the person is going to be effective. It's like the Ombudsman, if they're going to be effective they've got to have working capacity within their bailiwick. I know there are very competent people in our community

who could do the investigative work. I am thinking particularly of personnel retired either from the Intelligence Division of the Armed Forces or personnel retired from either the federal Police Department or municipal or civic Police Departments. But there is certainly no question that the personnel could be retained, and I don't think we'd need many because there aren't that many complaints.

I think, having done that, we would enhance the stature of the Police Commissioner. I think that it would make the job, in terms of the terms of reference of the job, it make it much more desirable for the incumbent and it would assure the incumbent of true objectivity and would put him or her on a truly judicial plane. And I think that's just absolutely imperative right now, if we're going to get to the bottom of all these damn problems.

I would ask the Minister whether he concurs or disagrees.

**MR. MERCIER:** I appreciate the comments of the Member for Wellington, Mr. Chairman, and it's one aspect that would have to be considered in the introduction of new legislation and new procedures, as well as the current employment contract that the Police Association have with the City of Winnipeg and the degree to which you could evolve from the Winnipeg Police Commission to a completely independent Manitoba Police Commission. But there remains much to be worked out and it's too early, Mr. Chairman, for me to give a specific commitment to that kind of thing.

**MR. CORRIN:** In this same respect, dealing with this item, Mr. Chairman, I'd ask whether the Minister will consider — and I'm only asking this because he pointed out to me that, I think it's the Fire Commissioner's Act, but I'm not sure that I've cited it appropriately or properly, but there is legislation in this province, apparently, that he indicates requires compulsory binding arbitration relative to the employment of firefighters — and I was wondering whether he would ask the Manitoba Police Commission, because they have an omnibus sort of review authority, I was wondering whether he would be asking them to contemplate and consider the appropriateness of similar legislation being enacted relative to police personnel in our province.

He has indicated this afternoon and affirmed that he seems to support the firefighter legislation, and in view of that and in view of recent confrontations with the Police Association in the City of Winnipeg, I'd like to know whether he would now be calling for a change in legislation relative to police personnel in our province.

I don't see why they should be accorded any; I don't see why either group should be discriminated against. I think that both groups are of equal importance and significance and I think that they should both be entitled to exactly the same treatment. We may disagree, of course, as to the nature of the treatment, but I think that they're entitled to equivalent treatment.

**MR. MERCIER:** Mr. Chairman, any legislative proposals will be introduced in the Legislature in the usual manner when decisions are made to introduce changes in legislation.

**MR. CORRIN:** Well, that situation, Mr. Chairman, as you are aware, was not hypothetical. A week ago I think we were within a hair's breadth of having to make a decision. I think we, being members of this Legislature, were just short of having to confront exactly that situation. I think that a bill was probably — I'm speculating, but I think there was such a bill prepared and I think that there was such a bill ready to roll and be presented to this Legislature. And I know that that opinion is shared by many people. Not that I'm suggesting that these people have any access to the Ministry or to the government, but I think that there is sufficient known about the position of the Minister's party with respect to essential services and legislation of that sort.

And I remind the Minister that it wasn't too long ago, during the election, that there was reference made. There was actual reference made by contestants in the provincial election in that regard. There were people who were speaking about the need for essential services legislation in this province. And if I'm not mistaken, that was a Tory platform plank in the '77 election.

I think that we've moved far beyond the level of the hypothetical, Mr. Chairman, and I think in view of that, it's only fair to tell everybody where we stand, because I really truly do not think that it's fair to introduce that sort of legislation in extremis. It's not fair to represent to the members of the province's police forces that they have the right to free collective bargaining and then, when the crunch comes, withdraw it. That, to me, is a simple manifest in justice. You can't do that to people. If you're going to deal with them in that way, now's the time to do it. They've negotiated what appears to be a satisfactory and acceptable compromise and contract and now is the time to tell them where the future is.

If they're going to be legislated back to work — and that's effectively what would happen — if they're going to be legislated back to work then I think the Minister and his government should

tell us now. And I think the Minister knows. And I'll speculate. I think the Minister knows that the answer is yes, they're going to be legislated back to work. And that was why the Minister wouldn't tell me about Jean Claude Perrault; wouldn't tell me whether he believed in a Bill of Rights, an entrenched bill of rights that would safeguard against that sort of legislation, this afternoon, because we came just that close from having exactly the identical legislation in Manitoba.

And if that's the case, Mr. Chairman, I think that it's absolutely essential and imperative that the record be set clear here and now and not on 20 minutes' notice as Mr. Trudeau has been wont to do when it conveniences and suits him to send his postal workers back to work, at the eleventh hour. In fairness, now is the time. Tell them; if they've lost it, tell them that. They should know. They should be able to prepare themselves and their bargaining position for next year with those facts before them.

If that's not the case, Mr. Chairman, I would suggest that the Minister is courting a disaster. I would suggest that the Minister is courting something equivalent to the Winnipeg general strike. I think most members of the public today are sufficiently well apprised of labour relations to be knowledgeable of that situation, to understand and empathize with the need for fair play in relations of that sort. Now, just as I believe, Mr. Chairman, that most right-thinking members of the public today are indignant about the prosecution and incarceration of Mr. Perrault. Whether they agreed with him, whether they liked his substance or his style or his philosophy, I think they're darned mad. They're darned mad, and I think justifiably so.

**MR. CHAIRMAN:** Order please.

**MR. CORRIN:** Well, you call for order. I'm talking about order, Mr. Chairman. I'm talking about law and order, and it's the police that are entrusted with that responsibility in our community, and I think if we want to maintain that trust we have to tell them whether or not they're bargaining in good faith or whether they're just whistling in the dark and they're going to be facing back to work legislation as soon as they move. Let's get it out and let's talk about it right now. I told you what I think. I believe that the case is that they will be legislated back to work. They believe that is the case too. You can go speak to them. Many of them believe that is the case.

You've indicated your sympathy for the legislation relative to firefighters. Obviously that, I think, can be equated with a bias and sympathy in that regard and I respect that. That's your job as a politician, to take policy positions and formulate policy. But again I want to know; I've told you where we stand, and we want to know where you stand. We think that's how the public gets to make up its mind and that's the process of politics. How many agree with you and how many agree with us?

**MR. CHAIRMAN:** 3.(d)(2)—pass — the Member for Wellington.

**MR. CORRIN:** I don't want to be redundant, but I really don't understand. —(Interjection)— The members laugh. Tell me, is it not important for you to know, if you're working at a job, you're a policeman, is it not important for you to know, if you're asked to put your life on the line every day as the policemen in my constituency are? Because that's very tough patrol and some of the younger members of that patrol don't last very long on those streets. —(Interjection)— Oh, I thought you had a point of order. That's why I stopped. Was that a point of order, Mr. Chairman? I don't know whether to proceed or stop.

**MR. CHAIRMAN:** The Member for Wellington. —(Interjection)— All right, the Chair recognizes the Member for Wellington.

**MR. CORRIN:** I never marvel, Mr. Chairman, on a point of order. I never cease to marvel at the procedures and then the regretful state to which proceedings presumably have deteriorated. One hopes that this is not indicative of the tenure of this particular assembly for the past hundred odd years. One hopes that this is a recent phenothat can be rectified by a change in government.

**A MEMBER:** Does the member have a point of order, Mr. Chairman?

**MR. CORRIN:** No, Mr. Chairman. I wish to continue now. The policemen of my area, Mr. Chairman, do very difficult duty. They and their families are asked to put everything on the line every single day. The job is not easy. The pay is not bad but it certainly can't compensate for the loss of life or permanent injury.

Mr. Chairman, those people are entitled to know whether they are going to be in one system or the other system. For the Minister simply to say he doesn't know when he had a crisis at his

doorstep a week ago, and I presume that the Cabinet had to deal with it, it would be absolutely naive for anybody in this province to contemplate a situation wherein the Cabinet didn't discuss the question. And if that were the situation, then God help us all. If they would prefer to operate in a policy vacuum simply without deciding whether services are essential or not and letting the police go on strike and then making a decision, that's just not tolerable. You go tell the senior citizen on Sargent Avenue or on Isabel or on Memorial that he or she is perhaps on the street after dark in a situation of that sort, they will tell you that that's just not acceptable.

That's not why they pay tax dollars and that's not why they elect representatives to set policies. Mr. Chairman, in my constituency an 82 year-old lady was raped in broad daylight on the street, quite literally on Sargent Avenue on the street. And this was just a few months back and God help us, Mr. Chairman, if we don't have a police force to protect people such as that from some of the unamusing, I'll use the term I think that was used by the Member for Wolseley, some of the animals that prowl those streets not only after dark but during the daylight hours. So, Mr. Chairman, it is absolutely imperative that there be a decision — I know that there had to be a decision, no government could operate a Cabinet without making decisions of that sort, and I don't see why that decision should be withheld.

I think that we should tell the Manitoba public and the police personnel that are out there on the line what you are going to do. This year the crunch was averted. It was a last minute settlement. Next year it may not be. They are entitled to know — one way or the other the public is entitled to know and the police are entitled to know and you can't simply have the best of all worlds and remain in a political ivory tower on Broadway. As I recollected, that has nothing to do with the freedom you talked about during the 1977 campaign.

Policemen are people, too, and they are entitled to freedom in terms of their associations within society. They are entitled, not only in my opinion, to withdraw their services, they are entitled to do that on a permanent basis. If they have to work in a system where they can't voluntarily simply withdraw their services temporarily pending satisfactory negotiation of labour differences, then by all means, they should be entitled to withdraw their services permanently, pending a better state of affairs. Nobody should have to put their lives on the line in those circumstances and no citizen living in the Inter-City area should have to be in ignorance of that state of affairs. It's not proper, it's just not appropriate.

So, once again, I suppose for the last time as many other questions seem to go — I would like to indicate for the record that we don't have this problem with respect to other ministries. Mr. Chairman, I sat through Health in its entirety and I would want to indicate for the record that that Minister gave answers. That Minister could give able answers. You know we didn't like them all and sometimes he got into dispute but damn it he had the answers and he s, knew where he was at. And he laid it on the line. He told us where he was at and we told him we respected him for it. And we did. We didn't think that he was going to agree with us, we didn't expect that the Honourable Minister was going to say, well I've become an NDPer and I agree with everything that you ratify at your conventions and say in this House. That's not why he is in business. That's not why he is here. It's not why he was elected to a government. But it's certainly very frustrating, Mr. Chairman, dealing with a Minister that never has a response, that simply stonewalls and refuses to give any indication of policy formation. We know that they do create policy because the Member for Fort Garry ratified and verified that during his Estimate — Health policies there whether we like it or not, it's being created. Justice policy seems to have gone far by the Boards.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Well, Mr. Chairman, the Member for Wellington indicates his concern about the 83 year-old woman in his constituency who was raped. We share that same concern in the department and that's why we are appealing the particular sentence against the accused in that case.

At the same time, Mr. Chairman, the Member for Wellington indicates that the police should have the right to strike. And I ask members of the Committee to try to consider on the one hand, his concern for the health and welfare and safety of the community, and the 83 year old woman in his community and at the same time his concern for the right to strike of the Police Department.

He says the police should know where they stand. In 1971, I believe it was, Mr. Chairman, the Police Association never asked for the right to strike. I'm told they wrote to the Minister of Labour and told him they didn't want the right to strike and the Minister of Labour gave them the right to strike gratuitously. And he has the unmitigated gall to stand here and say that we should give this information to the police ignoring the behaviour of him and his Party and their government in 1971.

Mr. Chairman, the Premier has indicated through the media when there was the prospect of a police strike that he and our government would not allow the health and the safety of the citizens of the City of Winnipeg to be put in jeopardy and I think that that is a pretty clear statement, Mr. Chairman, of the position of our government.

**MR. CHAIRMAN:** The Honourable Member for Wellington.

**MR. CORRIN:** As I said this afternoon, Mr. Chairman, relative to firefighters, I do have implicit trust in the people who undertake to do police work in this province. I've worked with them as a city solicitor. I have worked with them through the courts. I have every confidence that the calibre of individuals that are retained in that capacity are persons who are dedicated, persons who are qualified, not only by aptitude but by their willing adherence to public service, at the highest principles of public service. And I am not in the least concerned. If you want to know the truth, Mr. Chairman, and that's all I'll give you is candour, I am not in the least concerned that they will use it as a lever. I am not concerned that our police or that the police of Regina or Montreal, for the Member for Wolseley's information, will employ those sorts of tactics.

Let me tell you, Mr. Chairman, I must say that it's perverse to think that a person who is going to go out in a cruiser car or on foot, even think of the man on foot, on Main Street Friday on a night at midnight, a man that would go out in those circumstances would literally be putting his life on the line — because that's what happening out there.

It makes you wish that they would withdraw their services on a Friday night during an election. Mr. Chairman, I would indicate that the person of that nature who is willing to literally give it all, in the name of public service, is not going to withdraw his service simply because of a few dollars. And somewhere along the line you have to have faith in people. And I think I sound like a Tory now, because that's what the Tories said during the last election. You talked about private initiative, private enterprise and all of that is founded and implicit to all that is faith and confidence in people. You talked about the essential goodness of people and I don't disagree with that.

I think you've got to give people a little bit of berth and latitude in order to inspire those qualities. But damn it, don't with the one hand say, do the job and take all the risks and you save me. You go out on the streets and you protect my wife and my kids. But on the other hand when the chips are down and you think you've got a beef, you've got to work and you've got to still protect my kids. Say when you've got a legitimate beef, I'll protect my own wife and my own kids — that's within your spirit, that's your philosophy. This is not unusual. A few years back people did just that. There weren't police patrols in every part of our province. In Pembina, as a matter of fact, I think you'll find that many of your communities didn't have policing until a very short time ago, and that was the state on many farmsteads in this province, that a husband and a father was responsible for his family and didn't rely on the RCM Police to pull in and take care of things.

So, Mr. Chairman, in keeping with that spirit, I would ask you . . .

**MR. CHAIRMAN:** Order. Direct your remarks to the Chair, Committee.

**MR. CORRIN:** I think in view of the fact that we all agree that we're better served by an orderly process of law with experienced professionals entrusted to do the job — and I would hope we would all agree on that; I would hope, notwithstanding comments of members opposite, that they don't really want to take things into their own hands again — in view of that, Mr. Chairman, I would . . . And I think that the answer has already been given in the sense that there has again been silence. I think I am willing to take my chances and respect the essential qualities of people who serve the public, and I would ask the Minister why he wouldn't similarly be moved to do that? I would ask him, notwithstanding that the police don't want the right, if he feels that the firefighter's should have it, there should be no differential treatment, Mr. Chairman; both should be treated and accorded the same sort of status, the same sort of respect and stature. You can't have it two ways. Either he gives the police what he says the firefighters already have or he takes it away from the police.

Then, of course, he knows they will be very happy because they didn't want it. He told us so. He would please them; he would get all their votes, because they didn't want it. So it would work out in the best of all worlds, practical and political. Well, practical and political are the same world, aren't they? Practical, political and principle.

**MR. CHAIRMAN:** 3.(d)(2)—pass; 3.(e)—pass — the Member for St. Vital.

**MR. WALDING:** Mr. Chairman, I'd just like to check with the Honourable Minister, and I think I recall it from previous years, is this the Board that reviews the cases of people who are confined in mental institutions?

**MR. MERCIER:** Yes.

**MR. WALDING:** Does the Board review the cases of everyone who is in a mental institution or only those that are confined, I believe the term is at Her Majesty's pleasure?

**MR. MERCIER:** Yes, those who are in the institution by order of the court.

**MR. WALDING:** So I take it that the number of persons involved would be relatively small.

**MR. MERCIER:** 22 at the present time.

**MR. WALDING:** Can the Minister tell me whether all of these cases are reviewed on a regular basis and, if so, how regular is it?

**MR. MERCIER:** The statute requires a review every six months.

**MR. WALDING:** Do I understand that the cases of each of the 21 persons would be reviewed every six months?

**MR. MERCIER:** Yes.

**MR. WALDING:** Can I ask how many members there are on the Review Committee?

**MR. MERCIER:** Five, Mr. Chairman. Two psychiatrists, a lawyer is the Chairman, a social worker. I forget the occupation of the other one.

**MR. WALDING:** Has the Minister made any changes to that Board since becoming the Minister?

**MR. MERCIER:** Yes, the Chairman.

**MR. WALDING:** Can I ask who the Chairman is now?

**MR. MERCIER:** The Chairman is Mr. Clearwater. Mr. Mitchell was the previous Chairman. We kept him on for some time, despite the fact he wanted to get off the Board of Review. I believe he resides in Ottawa at the present time.

**MR. WALDING:** Can I ask the Minister then if this \$13,700 is all for per diem or payments to the members of the Board?

**MR. MERCIER:** It covers basically per diem and travel, and various office expenses, telephone, etc.

**MR. WALDING:** Are the meetings held in Winnipeg or at the institutions involved?

**MR. MERCIER:** In Winnipeg, Mr. Chairman.

**MR. WALDING:** Does the person involved attend the hearings?

**MR. MERCIER:** I am advised from time to time.

**MR. WALDING:** Just one last question out of curiosity, Mr. Chairman. The Minister has told us that these are people who have been confined and I presume that they did not stand trial by reason of insanity.

**MR. MERCIER:** Or found not guilty by reason of insanity.

**MR. WALDING:** I see. Then, of those who do not stand trial because of insanity, if the Board should find that they are sane do they then go on to trial?

**MR. MERCIER:** If they haven't been on trial, they may go on trial.

**MR. WALDING:** When the Minister says they may go on trial . . .

**MR. MERCIER:** There was one group that was found not guilty by reason of insanity. They don't go on trial again.

**MR. WALDING:** Right.

**MR. MERCIER:** The other group, who are found insane prior to their trial, may go on trial.

**MR. WALDING:** What would determine whether they do go to trial or not?

**MR. MERCIER:** Generally, the Board itself makes a recommendation as to the disposition of the charges.

**MR. WALDING:** Does that recommendation then go to the Attorney-General's Department, who would then decide whether to bring the charges or not?

**MR. MERCIER:** Yes.

**MR. CHAIRMAN:** 3.(e)—pass — the Member for Wolseley.

**MR. WILSON:** I had tried to attempt under the former Minister and the former government to bring a concern in this area, and I would hope this Minister, at some time, would have someone on his staff look at the workings of this Board. I had a particular gentleman who had the heartbreak and frustration of having gone to a marriage counsellor out in Tuxedo and immediately had a Legal Aid lawyer appointed for himself and for his wife, and that led to a separation. This gentleman had a Master's Degree and was a very intelligent gentleman and because of his majoring in History had certain historical similarities to his case; he felt that he was being persecuted by the system and, unfortunately for him, because of his small stature, he was used to writing letters and I used to get at least five or six letters pertaining to some of the social ills in our society from this gentleman. I had occasion to meet with him a number of times. And this particular gentleman's lawyer felt, because of the charges against him of threatening a Judge, that it would be better that he declare himself to be mentally insane. There was some discussion with his lawyer and the lawyer was able to get this Board to declare this man a mentally insane person. And I had to fight for five months to get this fellow out of that zoo over on Emily Street, because this man was a constituent of mine, and happily I am able to say he is back working and has put this nightmare behind him.

But he was subject to a particular "Under the Cuckoo's Nest" type of treatment here in Manitoba. And I think that these type of things happen right here in our province, and I would submit that this is one area that we better make sure the people sitting on this Board know the seriousness and know some of the things that they do to individuals.

The Member for Wellington talks about human rights, and I know from where I speak pertaining to this particular individual, and I am happy to say that he, because of my efforts to get him freed, will probably be voting for me for years to come.

**MR. CHAIRMAN:** 3.(e)—pass; 3.(f)(1)—pass — the Member for St. Vital.

**MR. WALDING:** Mr. Chairman, I just wanted to make a short comment and ask a couple of questions on the Lotteries Licensing Board. I understand that shortly after the government changed that the Minister replaced all of the members of the Lotteries Licensing Board in one fell swoop, and I'd just like to question the wisdom of doing so. Not the Minister's right to do so, because I know he has that right, but the wisdom of destroying that continuity in the Board by replacing all of the members of it who had gained some experience over the years in dealing with this rather complicated matter and replacing them with newcomers. The questions I had for the Minister, in looking at the amount involved here, some \$40,000 for salaries, can the Minister tell me what steps he has taken to see that the intent and the law involved in the licensing of lotteries in Manitoba is being adequately enforced?



**MR. CHAIRMAN:** The Honourable Minister.

**MR. MERCIER:** Mr. Chairman, the Haig Report on lotteries in general dealt with the Manitoba Lotteries Licensing Board, and I assume that he has read that report and its recommendations.

**MR. WALDING:** My concern is Mr. Haig in this particular area. I believe it was one of the recommendations of that report, that there was a serious lack of enforcement procedures by the Board and that he recommended that the Board be permitted several full-time inspectors knowledgeable in this regard who would see that the Act was carried out properly and there were no abuses of it. I'm asking the Minister what steps have been taken in that regard. Have there been inspectors hired for this job, and are they qualified to do the job?

**MR. MERCIER:** Mr. Chairman, the Estimates do provide for a one half staff man year for additional investigation purposes. These Estimates, as the Member will appreciate, were prepared in advance of the issuance of the Haig Report, and the Board are considering the Haig Report and I anticipate if there is any need for additional investigators we will be getting another request from the Lotteries Board for additional staff man years.

**MR. WALDING:** I thank the honourable Minister for the information that the Estimates do include sufficient funds for an additional half an inspector; I'd like to ask the Minister now what does that bring the total up to in terms of inspectors?

**MR. MERCIER:** That is all the investigation staff other than the secretary that the Board has had. The Board attempts to work closely with the RCMP and the City of Winnipeg police; so that what is here is additional staff man years for investigation purposes over and above the work of the secretary in the past, and it may very well be that there is an additional need for more inspectors by the Board, and we have asked them to review all of the recommendations of the Haig Report and forward their recommendations to us.

**MR. WALDING:** Yes, Mr. Chairman, in answer to a previous question that I put to the Minister, the Minister did indicate that there was an additional half an inspector. Now, is that an addition to the secretary and does that indicate that the secretary is an inspector or performs the inspectoral functions under the direction of the Manitoba Lotteries Licensing Board? Or is the secretary just performing the functions of a secretary and that the Minister is now telling the committee that the only enforcement or inspection procedure is half of one inspector?

**MR. MERCIER:** The secretary, Mr. Chairman, may be known to the member, a Mr. Morley Decker, who has gone out in the past and done actually investigative work.

**MR. WALDING:** But I would assume from the Minister's answer that any inspection work that the secretary does is sort of over and above his regular work as a secretary and that he could only be devoting a relatively small part of his time to those inspection purposes. Perhaps I can go on and ask a further question of the Minister, whether the members of the Board themselves carry out any duties in the form of inspection or whether they simply attend meetings of the Board for administrative and policy decisions.

**MR. MERCIER:** From my conversations with members of the Board I know that they have on occasion gone out to visit various forms of lotteries that have gone on, not on any regular basis but for personal information to see how they're actually run and operated, so that there is some sporadic visits by members of the board themselves to some of the lotteries.

**MR. WALDING:** Mr. Chairman, I'd like to ask the Minister whether any members of the Board, or its employees, or the Provincial Auditor, have expressed any concern to the Minister regarding the auditing procedures or the monitoring of the passing through of funds in the various organizations that have sought and obtained licences from the Licensing Board? Have any concerns in these matters been raised with the Minister, and if so, what steps has he taken?

**MR. MERCIER:** Mr. Chairman, the Auditor has expressed some concern about follow-up procedures in his report, he did that in his report last year for the previous year's work, and during that period of time we had the Haig Commission reviewing the whole status of lotteries and the Lotteries Licensing Board; the Board are now reviewing again those recommendations of the Haig Report

as well as, I'm sure, the concerns expressed in the past by the Haig Report. At the immediate point in time, they're dealing with those recommendations of the Haig Report, and again, we want to make sure there is adequate follow-up and investigation and I expect that there may very well be some further recommendations for additional staff man years come from the Lotteries Licensing Board.

**MR. WALDING:** Mr. Chairman, I'm under the impression that the Licensing Board would deal with a rather large number of applications in the course of a year from different organizations throughout the province wishing to hold some form of lottery, or bingo, or games, this sort of thing, I'm not sure of the actual numbers involved; and also whether an organization that was holding, for example, a Bingo on a regular, say weekly or monthly basis, would need to apply for a separate licence for each occasion. I wonder if the Minister could tell me whether it would be necessary for such an organization to continue to apply for licences, or whether they can get say, a yearly licence to hold a regular weekly or monthly Bingo or lottery, and could he give me an idea of how many licences that would be issued in the course of a year by the Board?

**MR. MERCIER:** There are a number of Bingo's and raffles, etc., under \$3,000 that are licensed by municipalities, and many of those to that you are referring are probably licensed in that format. Approximately a thousand licences issued on an annual basis by the Board.

**MR. CHAIRMAN:** Order. We're going to have to just recess for a minute or two until the tapes get reconnected. Order. The Member for St. Vital, I believe, had the floor.

**MR. WALDING:** Yes, I'm just trying to remember what the last question was I asked that the Minister didn't answer to me, and I think it had to do with those organizations that hold regular lotteries, or lotteries on a regular, say, weekly, bi-weekly, monthly basis. Would they have to apply for a separate licence for each one?

**MR. MERCIER:** No, I think there is a method of applying for annual or regular lotteries like that. I can indicate, in 1977 there were 526 licences; and in 1978, 600 licences; and their estimating for the coming year may be significantly above that.

**MR. WALDING:** Mr. Chairman, I understand that the money that is taken in by the Lotteries Licensing Board, being concerned with fees for the holding of such lotteries and Bingos, etc., does not come under this section but it's paid into, I suppose, the consolidated fund or the lotteries fund perhaps; I'm not sure which. Does the Minister have any estimate, or has he been advised by the Licensing Board what the total turnover is in dollars at these some 600 licenced Bingos and lotteries in a year?

**MR. MERCIER:** The anticipated revenue in 1979-80 is \$215,000 and I believe that is based on a 1 percent — the figure \$215,000, I believe is based on a 1 percent fee.

**MR. WALDING:** Mr. Chairman, I seem to recall that that is the basis of the payment of fees for a licence under (f), which would indicate that something like \$21.5 million was the amount that was turned over by various organizations holding, I think, chiefly Bingos, that this was the main source involved. When it comes to \$21 million, Mr. Chairman, that cries out for some very strict financial controls, which I have been told by members of the Board, are sadly lacking; that all they get once such lottery is over is a fairly plain bald statement signed by an officer of the association, that so much money was received and so much went to this thing, and so much went to that thing, and so much money was paid out in prizes, and that is the extent of the financial checks that the Lotteries Licensing Board has.

It did concern members of the previous Board, I understand. They were a little bit concerned that if there were any of these funds that went astray or were embezzled, that they would feel considerable responsibility by having been the licencees, or the licencers, of such lotteries or Bingos. I believe it was referred to the Provincial Auditor and I had occasion to speak to him about it, and he did express some concern and told me that discussions were under way, I believe with the Board itself or with the Minister, and I'm not quite sure about that, in an attempt to tighten up the reporting method and to perhaps see that there was some auditing of these funds put in place, which would seem to indicate, as Mr. Haig has found, a need for a considerable increase in the number of inspectors, not necessarily inspectors themselves to inspect the form or the type of lottery or game that's going on, but a means of checking on the financial considerations involved in these lotteries. And that was the reason for my first question in asking the Minister what he

has done in this regard, what he has done to protect the members of the Board and I suppose, the public of Manitoba, in the turning over of some \$20 million.

**MR. MERCIER:** Well, Mr. Chairman, I concur with the concerns of the Member for St. Vital. That was one of the reasons why we established the Haig Commission to review the whole area of lotteries, including the Lotteries Licensing Board. These estimates were prepared prior to the release of the Haig Report. We now have those recommendations; we have them before the Lotteries Licensing Board, and I anticipate we will be very shortly considering additional inspectors for the Board. We will also be considering legislation perhaps, at the next Session, as the Haig Commission Report indicated in having the function of this Board under perhaps a Lotteries and Gaming Act, which will, I think, make more qualified personnel available to assist it in performing its role. But I agree, there is a need for a larger number of inspectors. I hope we can deal with that shortly.

**MR. WALDING:** A hypothetical question, Mr. Chairman. If such a request should come from the Lotteries Licensing Board and be accepted by the Minister, where will the funds come from for the hiring of such inspectors after this committee has approved a mere \$58,000 for this particular Board?

**MR. MERCIER:** It would have to come from Supplementary Estimates.

**MR. WALDING:** Is the Minister then telling the committee that he expects some recommendation from the Lotteries Board and to receive his endorsement within the next few days which, I suppose, would be needed if such a Supplementary Supply Bill is to be brought into the House, as we are getting towards the end of the Session, and I, for one, hoped that we wouldn't be here too many more weeks?

**MR. MERCIER:** I can't indicate how quickly it will be, but it is a requirement of the Board and we'll have to do whatever is necessary to cover it.

**MR. CHAIRMAN:** 3.(f)(1)—pass; 3.(f)(2)—pass — the Member for Wellington.

**MR. CORRIN:** I was out of the room for a moment and perhaps I could be advised, Mr. Chairman, through you if the names of the Board members were given to my colleague for St. Vital? He indicates that that was not a question.

**MR. MERCIER:** The names of the people on the Licensing Board? The chairman has just recently resigned — has been transferred and moved to the United States. Mr. Warren Stewart is the Acting Chairman; Mr. Bud Oliver is a member of the Committee; Thelma Chase and a gentleman by the name of Dan Lega. There's a vacancy on the Board at the present moment.

**MR. CORRIN:** Mr. Chairman, through you — are any of these people full-time, are any of these people serving the public on this Board on a full-time basis?

**MR. MERCIER:** No, Mr. Chairman, they never have but the secretary of the Board is full-time.

**MR. CORRIN:** Could we have some indication of the remuneration of those members, who are now sitting on the Board?

**MR. MERCIER:** Mr. Chairman, that's available in Order-in-Council appointing the Board on the same basis as the previous Board. I can certainly get the details and provide the member with that information.

**MR. CORRIN:** Could you indicate whether or not the secretary has any other responsibilities or duties, or whether or not he's serving in this particular capacity solely?

**MR. MERCIER:** He has other minor duties within the department. This is his main preoccupation.

**MR. CORRIN:** What are the other duties?

**MR. MERCIER:** I'm now advised by my officials that the few minor things he had, have now all

been dealt with and this is all he is doing.

**MR. CORRIN:** To whom does he account for his responsibilities?

**MR. MERCIER:** To the Board, to the department.

**MR. CORRIN:** To whom in that department does he account?

**MR. MERCIER:** Eventually to me.

**MR. CORRIN:** To whom directly does he report?

**MR. MERCIER:** To the Board in the main, the secretary to the Board.

**MR. CORRIN:** He's secretary to the Board, but does he not report to somebody within the department directly, to whom he accountable?

**MR. MERCIER:** Through the administration. Through the administration side.

**MR. CORRIN:** A point of order. The Minister for Economic Development has disparaged the Honourable Attorney-General. I won't repeat what he said about him, but I would indicate that he has given me the response that he feels the Attorney-General is unable to give.

**MR. MERCIER:** Mr. Chairman, he reports through the administrative side of the department, through Mr. Wiens through to the Deputy Minister.

**MR. CORRIN:** I have to ask the Minister to repeat that remark, because there was some cross-talk and I couldn't hear his response.

**MR. MERCIER:** He reports through the administrative side of the department, through Mr. Wiens to the Deputy Minister.

**MR. CORRIN:** What position is Mr. Wiens in?

**MR. MERCIER:** Mr. Chairman, perhaps I can arrange to obtain and distribute to the member a copy of the administration chart in order to . . . Mr. Chairman, Mr. Wiens is an administrative officer within the department.

**MR. CORRIN:** You know, I was actually interested — he pre-empted me, Mr. Chairman, my concern was, what salary, what rate of remuneration Mr. Wiens enjoys?

**MR. MERCIER:** Mr. Chairman, Mr. Wiens' salary is not contained within this item.

**MR. CHAIRMAN:** 3.(f)(2)—pass; Resolution 16: Resolved that there be granted to Her Majesty a sum not exceeding \$1,299,000 for Attorney-General, Boards and Commissions— pass; 4.(a)—pass — the Member for Wellington.

**MR. CORRIN:** Yes, Mr. Chairman, on this item I would indicate prior to commencing that I asked about — 40 minutes ago, I asked the Minister whether or not he would agreeable to adjourning proceedings this evening, and he advised me that he could not tolerate such an adjournment; that that was impossible — that it was imperative that these Estimates be completed in one evening, regardless how long they proceed. I state that because frankly, I'm concerned about that because no one else, no other Minister has ever given that response to anybody in the Opposition this session. But this is an extraordinary ministry and I suppose we expect extraordinary responses. I might suggest that the Minister may well be genuinely and justifiably moved to try and hurry along his Estimates. I think there's been clear indication that this is justifiable conduct, but I would indicate that it's exemplary, and particularly since the Leader of the Opposition, as well as several senior members of the opposition wish to participate in several of the items which are now — (Interjection) — The Honourable Leader of the Opposition was not feeling well this evening and went home. The Member for Pembina wants to know where he is — that's where he was. He simply wasn't feeling well and couldn't continue. —(Interjection)—

Mr. Chairman, do you wish me to reply. I'm not the minister and I can't reply to . . .

**MR. CHAIRMAN:** I recognize the Member for Wellington.

**MR. CORRIN:** In any event, I wanted the record to be clear that there is a concern on the part of the members of the Opposition, that this particular — and I want to emphasize that it's only, it is only the Minister responsible for the Department of the Attorney-General that has asked for this exemplary procedure. We have not had that sort of response from any other member of the government's Treasury benches. But obviously, as I've said, there is going to be special precedence set in many respects with respect to this department. But we would once again ask if the Minister could reconsider, and if he's not able to, we would ask him to advise us, why it is so important that these particular Estimates be dealt with by sun-up? Why is it so important that these Estimates be hidden away from the public? I don't expect the Knox Commission will be reporting before sunrise. We don't understand, why it is that we have to stay up all night, and how this is supposed to serve the people of Manitoba and the processes of the Legislature?

**MR. CHAIRMAN:** Order. The Honourable Minister, unless someone else wants the floor.

**MR. MERCIER:** Well, Mr. Chairman, without admitting the premise that the comments of the Member for Wellington are going to do anything to advance the interest of Manitobans, I'm at the will of the Committee. If they wish to continue a few more items, or the balance of the Estimates, I'm prepared to stay.

**MR. CHAIRMAN:** What's the wish of the Committee? The Member for Rock Lake.

**MR. EINARSON:** Well, Mr. Chairman, I think that we have given sufficient time. I think the Member for Wellington is indicating that we're not being fair with them. We've spent hours here too, listening to some of his comments; I would only wish, Mr. Chairman, that he would address himself to questioning, which is the role of the Opposition, rather than going into say, 30 or 40 minute debates on his own philosophy, and I would suggest, Mr. Chairman, that if they would address themselves to questioning the Estimates as such, we would get along a lot better. And I would like to suggest, Mr. Chairman, that we go to the bottom of the page, and then we could do the rest tomorrow.

**MR. CHAIRMAN:** The Member for Fitness, Recreation and Amateur Sport.

**MR. BANMAN:** Well, Mr. Chairman, I think that we sort of arriv at a amiable solution on this. Would it be too much to ask to finish Land Titles, which is the next item and then move on, and then adjourn right after that?

**MR. CHAIRMAN:** 4.(a)—pass; 4.(b)—pass; Resolution 17: Resolved that there be granted to Her Majesty a sum not exceeding \$2,498,900 for Attorney-General, Land Titles Office—pass — the Member for St. Vital.

**MR. WALDING:** Mr. Chairman, in view of the remarks that have been made just a few minutes ago — and in view of the fact that we have moved along and completed a page and-a-half of a very important department, I would move that Committee rise.

**MR. CHAIRMAN:** Move that Committee rise. Agreed? Committee rise.

### SUPPLY — CIVIL SERVICE

**MR. CHAIRMAN:** The committee will come to order. I would direct the honourable members attention to Page 17 of the Main Estimates, Department of Civil Service, Resolution No. 24, Item 1. Civil Service Commission, Item (b) Other Expenditures—pass — the Honourable Minister.

**MR. MacMASTER:** Mr. Chairman, I had said to the Member for Logan that I would get some information for him and I have that information.

During the year 1978, to the best of our knowledge — now I can't say that everybody every time, I don't want to get into that position where there might have been somebody who wasn't home or something — but generally speaking to the best of our knowledge, all members whilst members of the Commission, and I'll explain why I say that, were contacted about meetings. The numbers of meetings attended: Mr. Schubert attended eight, and the reason — I'll explain these as I go through, Mr. Chairman, for the member's edification, the Member for Logan, who's asked the question. Mr. Schubert attended eight, because of retirement during the course of the year, that was all the meetings that were held. Mr. Newton attended four; that again, Mr. Chairman, is because of retirement. Miss Bradshaw attended 13; Mr. Hunter attended 11; Mrs. Allen attended eight, and the reason for that, through you, Mr. Chairman, to the Member for Logan, is because Mrs. Allen was sick for a fair length of time during the year 1978. Mr. Pankiw attended 11; Mr. Brown attended nine — and the reason for that number being somewhat lower again, Mr. Chairman, is because Mr. Brown was only a member for a period of time during the year. Mr. Hart attended five — again because he was there only a short period of time during the course of the year. I'd like to just leave that for a moment. If the member has some more questions in relationship to that item, I'll try and clear them up before we get on to something else.

**MR. CHAIRMAN:** The Honourable Member for Logan.

**MR. JENKINS:** Thank you Mr. Chairman. I also asked if the Minister could give us the remuneration for each and every one of the members. Does he have those figures as well for the committee?

**MR. MacMASTER:** I don't have them worked out, Mr. Chairman, but each one is . . . the base rate, the retaining fee — I guess we can use that expression — is \$580 for the year, and each meeting is \$33.00, so you and I could work that out . . .

**MR. JENKINS:** . . . I know the number of meeting then and add . . .

**MR. MacMASTER:** . . . times 33.

**MR. JENKINS:** . . . times 33. Yes, that's fine.

**MR. MacMaster:** Mr. Chairman, I have a couple of things I'd like to say in relationship to the point that's being raised about the appointment of members to the Civil Service Commission, and I want to take just a couple of moments to review some of the things that's been said by myself and by members of the opposition on this particular point so that we understand what was done and the reasoning, at least my rationale for what took place.

It was my impression that with the hundreds of people, not just small groups for particular projects, such as the Member for Inkster suggested to me to be cautious if I was to get out of the contract employee situation because there's a need for it, and I concur, I agree. But I certainly didn't agree with the hundreds of people that were brought in under contract, and as some members of the opposition have spoken in the last two or three days on this particular topic, they agree that the thing was, in their terms, somewhat more than it should be, they were concerned about it. I was certainly concerned about it, and I know that the union, the MGEA was very concerned about it, and I suggest to you that with some or the publicity the facts got, that terms were always being bandied around somewhere between a thousand and two thousand, I heard that many times. I heard it long before I got myself really involved in politics.

That, Mr. Speaker, was what I felt was a pretty unacceptable situation that had to be straightened out. I wasn't a Minister for very long and I was put on the joint Council, which we all know is a group of Ministers who meet with the MGEA occasionally to discuss some of the ongoing problems of the organization. We talked about this particular point. We talked about two points that I recall, and there might have been others. In the hundreds of outstanding contracts that were around, in the fact in the eyes of the MGEA and in others that was really circumventing the union, and we talked about the spirit of the Act. I think it circumvented the spirit of the Act also. I suggested at that time to the executive of the MGEA that I personally didn't agree with that concept and was going to endeavour to do what I could about it.

I remember the other point at that particular time was the large number of what I thought excess number of categories — we mentioned that before in my speech. The departmental and the casual and the term, and the contract and the permanent, and this type of thing. I felt there were too

many of them. I suppose that goes back to my years in the union where I have noticed where you had a First Class Mechanic and a Second Class and a Third Class, I don't remember whether there was ever a Fourth Class but I remember, over the years, arguing that there were too many groups then.

So those type of philosophies I expounded to the Committee, to my colleagues in Cabinet and to the union. I felt that . . . I don't care whether we call it that I assumed it was a bit of a mess or I didn't like the particular situation, I'm not too fancy with words but it was a situation that I didn't particularly like and I felt it would restore, in my mind, some integrity, some merit, if this particular situation be cleared up.

We had decided to — along the way, there had been decisions made to restructure the department. A lot of these things were taking place. To accommodate a situation with no sinister thoughts in mind, no devious thoughts in our particular minds, we felt to accommodate this situation that term appointments would be acceptable. There was no secret, they were Orders-in-Council. They were public. Maybe I've listened to the Opposition and learned that O/Cs aren't as public as I thought they were, but believe me, Mr. Chairman, when I sign an O/C I sign it with the understanding it's paramount to holding it up in front of the Legislature, that it has become a public document and everybody knows about it and I am prepared within hours to explain, defend my position, explain my position, as an O/C. In my mind it's a public document, it's up front and everybody knows about it.

I had no guilt about being part of that and I was a part of it. It was done as I said in good faith. There was no secret about it. We have talked about here the people that were involved. I have said, in my opinion, they're of very high quality and very credible people. It was interesting that the members from the opposition agreed. They have spoken about the same people in very respectable terms.

I wonder how we get ourself in a position where we all agree to the credibility, the ability, the integrity of the people involved on one side, and on the other side we find ourselves being accused of keeping those high quality, high credible people under our thumb. I find it difficult to accept the whole premise. It's a little awkward for me. First, they're high quality people, and secondly, you're sposed to be able to have them under your thumb. That's the insinuation that has been left here in the House.

So the Opposition is entitled, Mr. Chairman, as I am well aware and learning every day, to make a point, be it just for political purposes or be it for constructive purposes to try and change something, and I have learned to accept that. I am not ashamed to say that I have learned something — every day I think I learn something. Because the perception is being left, be it only in the minds of the members who sit opposite, I don't think that perception is in the eyesight of the public of Manitoba, and it certainly isn't in the eyesight of the Civil Service. But because that's being left there, I would like to suggest and more than suggest, I'd like to tell the members opposite specifically, exactly, the three that are sitting here this evening, or the three that have, for their own reasons, chastised me about this particular situation, that I'm going to talk to a good number of people about this particular method, methodology in which this was done and the reasoning for it. I'm going to talk to my Cabinet colleagues about it, and the very least I'm going to recommend is that at the expiration of their term that they be made full-time life term members. That is the least, Mr. Chairman, and the most, I suppose, is that it may be done substantially sooner than at the expiration of their term.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for Logan.

**MR. JENKINS:** Yes, Mr. Chairman, thank you very much. I want to say to the honourable minister that I welcome the announcement that the honourable minister has made this evening and I can assure him that the fact that we have raised this matter was not for political gain. If the minister wants to put that connotation on it, well, that's his privilege, but the minister must also realize in his learning process, that we are involved in a political game in this House, every day we're here, we're involved in politics, pro and con, depending on which side of the House that you may sit at.

But with the announcement that the Minister has made this evening — as I say, I welcome the announcement that the Minister has made. I hope that he will not wait for the termination of the present term of office for those three members of the Commission, and he says he hopes that it will be sooner than their termination. I can assure him that we as members on this side of the House look forward to the next OCs that will be coming out appointing these people permanent members of the Commission.

When the Minister is considering this, considering making recommendations to the Cabinet, I would also suggest to him that he take under serious consideration the suggestions that I made

to him this afternoon — in all good faith, I suggested that if we want to really take the appointments of people to the Civil Service Commission that perhaps we look very closely at the Ombudsman's Act where the person in question is appointed upon the recommendation of the government and agreement of members opposite.

If you really want to put your Civil Service Commission on that basis and under those considerations — I haven't caucused it but I think that the opposition would seriously consider recommendations or even a change to the Civil Service Act that the appointments be made under these circumstances, because the method, and I don't blame the Minister, because he was not the person that started to institute this practice that has crept into the appointments. I realize that he was not the Minister responsible for the Civil Service last year when it started, and he was just carrying on when he started issuing the OCs for appointments for a practice that perhaps he wasn't even aware of wasn't really quite kosher. Not in the spirit and in the method that the appointments have been made in the past. And as I say, I welcome very much the announcement that the Minister has made this evening. I think it will go a long way towards removing the, as I said before, the cloud of suspicion that these three members if they were left to remain as members of the Commission on the basis of which they had been appointed by Order-in-Council. So we will look forward with anticipation to when the Minister issues those O/Cs and again I ask him to take under serious consideration, when he is making recommendations to his Cabinet colleagues, that they look seriously at the whole issue of appointments of people to the Civil Service Commission and take a good look at how it's done under The Ombudsman's Act.

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

**MR. GREEN:** Mr. Chairman, I'd like to advise the Minister that, as far as I am concerned, we are here for political gain and that the steps that my friend, the Member for Logan, took in demonstrating to the Minister that there is question about the appointments to the Civil Service Commission and the way in which they were made will accrue to the political benefit of the Member for Logan, and well they should. That's what the process is all about.

I think, Mr. Chairman, that it works. It makes things better. The Minister has had something pointed out to him in as gracious a way as he is capable of — and he is apparently not very capable of it — he has acknowledged that there has to be something done, and I'm sure that the public will judge him politically with respect to his actions. I think that he will do better politically by making the change that has been suggested by the Member for Logan than by not making it because he is trying to maintain a posture of not accepting any constructive suggestion by members of the Opposition. So I gather that the Minister is seeking political gain. He doesn't want to be chastised as a stubborn, unyielding Minister who, even when something is pointed out to him he ignores.

I do wish to say to the Minister that in suggesting the change is made, and even though we agree that people are excellent people and some of the members over here, I suppose, have not had any comment to make about the people; I don't think I have — but I will accept the fact that they are people of integrity. The principle upon which the Minister is making the appointment is one which causes some question as to whether the Minister feels that they are people of integrity.

I'm sure the Minister would agree that Mr. Justice Samuel Freedman, Mr. Justice Gordon Hall, Mr. Justice Charles Huband, Mr. Justice R.D. Guy, and Mr. Justice Alfred Monnin are people of integrity. But what if the Minister of Justice started saying that their appointments are for six months and we will review them every year. Would the Minister say, at that stage, "Well, if they are people of integrity, why is anybody questioning this?" It's the appointment which questions the integrity, not the Member for Logan. The Member for Logan is trying to restore the question of their integrity. And I urge the Minister, who has said that he will do this when their appointments expire, I think he could do better. He has indicated that he will try. I think that he can. I think that he can go back to his Cabinet colleagues and say that these people should be appointed within the spirit of the Act, and that is that their appointment continues until they are removed, not by the government but by two-thirds of the Members of the Assembly.

I have to say that I believe the Minister has made a positive step. I want to congratulate him. His statement is made rather begrudgingly, but I can accept that because I think he has probably been told by some of his colleagues that, don't admit that Jenkins has done anything useful. Well, we know, by reading between the lines, that the Member for Logan has done something useful and I think it is a constructive suggestion, and I think the way it was handled will be judged by the people of the province of Manitoba and I think that the question as to whether there will be from the people commendable comment with regard to the Minister or to the Member for Logan or to anybody else, is certainly part of the political process which I don't ignore. As a matter of



fact, I'm thinking of it all the time, and I would suspect that there are others in this House who think about it from time to time.

Although I will admit, Mr. Chairman, that the Conservatives do such crazy things from time to time that one would think they are trying to lose votes and succeeding in their efforts. I don't try to lose votes. I try to gain them. I'm not always successful, but I can tell the Minister that I do seek political gain and I do acknowledge that some of the fellows over there are seeking, and I hope will achieve political failure and political defeat — at least by their actions and the way in which they carry on.

I want, Mr. Chairman, to change the subject to the basics, mathematics, which the Minister of Education — unless some other member wants to deal specifically with this issue — I'll even allow the Minister to respond, but I want to change the subject. We have been told by the Tories from time to time that reading and writing and arithmetic are very very important and that we had moved away from the basics, and I had occasion to deal with the basics of the arithmetic of the Minister of Education, who says that 8,000 times 1,000 is 16 million, and other such astonishing calculations and that the cost of the marginal student is equal to the cost of the average student. That's a proposition that would turn some economists hairy, but the Minister of Education finds no difficulty.

Now, from time to time, Mr. Chairman, I have heard in terms of great bravado, in terms of great pride that as many as 1,800 civil servants have been reduced from the payroll as a result of the advent of the Conservative government. From time to time they talk about creating jobs, but when they are talking about the public service, even if these people are engaged in hospitals, engaged in schools, engaged in environmental cleanups, engaged in work in northern Manitoba, which is designed to keep people off welfare, it doesn't matter. The Conservatives, when it comes to the public service, proudly proclaim the destruction, the elimination of 1,800 jobs, and you know it's almost like McCarthy. They've got a list. One day we hear it's 700, the next day that's not enough, it's 1,200 and 1,300, then 1,800. And every time we go to the figures, Mr. Chairman, we find that they don't add up in accordance with basic arithmetic. Now Mr. Chairman, I have some figures before me which I want the Minister to deal with. The amount of provincial government employment, as indicated by Statistics Canada, and these are employees, payroll employees in government-owned and financially supported institutions.

In December of 1975 it stood at 14,742. There is always an increase, Mr. Chairman, in June, when it went up to 17,396, but then in December, it went down to 14,120. So if you look at the December of '75 figure, it's 14,742; December '76 is 14,120; which shows that the New Democratic Party in its last year in office, reduced the Civil Service by approximately 622 people. And I want to make clear that the figure in September is always much higher than the figure in December: September '76, 15,336; December '76, 14,120.

I say that, Mr. Chairman, because the first bravado about Civil Service reductions were not reductions at all; it is the normal reduction in people on the payroll because of the season. If we go from December '76 to the first year of Conservative administration, we have December '76, 14,120; December '77, which is after alleged decreases were announced, 14,079. This is a decrease of 41. But if we take the September figure, which was when we were in power as against the December figure — we have 15,336 in September of '77, and December of '77, 14,079, or a decrease, Mr. Chairman, of roughly 1,300 employees, which is the kind of thing that we were getting from the Conservatives. Look, when the New Democrats were in power, 15,336 civil servants; when we came to power, 14,079 civil servants; a reduction of 1,300. What they are forgetting, Mr. Chairman, is that in September of '76, there were 15,368 civil servants; in December of '76 there were 14,120 civil servants; almost an identical reduction, when it was all New Democratic Party government, no change in government, exactly the same reduction in civil servants.

Now, Mr. Chairman, it's interesting, because in December of 1977, there were 14,079 civil servants, and I suggest to you, Mr. Chairman, that the Tories were getting desperate. They had to announce huge reductions in staff and indeed there were reductions in northern Manitoba, and I have always said, Mr. Chairman, that I will accept the fact that there may be 400 to 600 civil servants less in the Province of Manitoba, and by the way, I think that's a lot. I believe that that is a considerable cutback in employment. But, Mr. Chairman, it won't satisfy the Tories; they have to go and satisfy their constituents that thousands, nay, millions of dollars was being overspent and that this money could be reduced by eliminating thousands of unnecessary civil servants.

Well, what are the figures between December of '77 and December of '78? That's, I suppose, a pretty good characterization of what happened between the time that the Tories took power and a year after they were in power. The figures, Mr. Chairman, are 14,079 in December of '77 and 13,836 in December of 1978, which is about five months ago, or a decrease of 243 people — 243 people.

Now, Mr. Chairman, my Tory friends will say, and these are given to me by Statistics Canada;

my Tory friends will say, "These don't include contract employees." Now I don't know whether they do or do not include contract employees, but I gather that contract employees have decreased by some 600 to 700 people, and if we add that, we get 843 people; by adding the contract people. If I am low on contract, then you can increase that to 1,000 people and, Mr. Chairman, I would still say that that's a lot of people, but I don't know . . . I'm going to accept for the moment, merely for argument, because I haven't come to the end of this yet, that perhaps contract employees are included and if they are not included, then my figures have to be adjusted by some 700 people, which brings us up to a thousand.

Mr. Chairman, I think that it would be pretty good to demonstrate that you reduced by 1,000 people. I don't think it's what was alleged, and certainly, we reduced by 622 people between 1977 and 1976. But why, Mr. Chairman, why is there a compulsion on the part of the Conservative administration to say that they had to double the figure? It's not enough to say 1,000 people. We won't get elected if we say 1,000 people so we'll say 2,000 people.

Now, Mr. Chairman, the decrease isn't even 1,000 people, because the Conservatives agreed that the figures that we showed include people that we hired on our Job Creation Program, which are included in these figures. The Conservatives have all the Job Creation Programs in the private sector, and they have been bragging that we, the public, have been paying for thousands of people, many more than a thousand more than the New Democrats produced.

I asked the Minister of Economic Development whether his program was more successful than the previous program, and he said, "Much more successful." So I would say, Mr. Chairman, that they've hired a minimum of over 1,000 people in the private sector paid by the public, more than the New Democrats hired, but you won't see them in these figures, but they offset the alleged reduction of a thousand people in the Civil Service.

We can take, Mr. Chairman, the auditors. The auditors will be paid in the private sector and reduced in the public sector, and that kind of thing is not reflected in these figures, but it still — (Interjection) — exactly, it still is staff man years paid for by the people of the Province of Manitoba.

So when we come down to it, Mr. Chairman, at a maximum — and I'm not giving in to that — in accordance with the Statistics Canada figures, the decrease is 243 people; 243, and you can check these with Statistics Canada. December '77, 14,079; December '78, 13,836: 243. A lot of the contract people were temporary people, people such as in the Rent Control; in the Churchill River Diversion study groups, etc., some of them would no doubt still be here. But for every person that you have reduced on contract to reduce these figures, you have hired people in the private sector and paid them with public money. So the staff man years are still there, they're just not shown on your books, Mr. Chairman.

It's almost like this DREE trick. Now we gave a loan to a Crown-owned corporation, and we showed it on the books as a Receivable, so we are charged with losing money because we have a debt payable which we can't collect. DREE has figured out a way that this won't happen. Instead of advancing it to the Corporation, you give it to the Corporation; there's no Receivable, no losses. It's a miracle. I mean, just like pulling a rabbit out of the hat, the losses disappear. This is the same trick. The staff man years go down on our balance sheet, but they have gone up on the other balance sheet where we have hired people in the private sector. Oh, of course in the private sector, Mr. Chairman, it is creative employment. It's not like working in hospitals, working in schools, working in municipalities, working on beautifying the province. That's all public service rubbish according to my honourable friends.

In the private sector it's very productive employment. It's working for the Progressive Conservative Party. It's working for Southam News. It's working for a whole series of other corporations publicly paid. I've got to pay for it. Imagine, Mr. Chairman. I've got to pay for what they print in the Winnipeg Tribune. I mean, at least when I buy an ad I say what they print. But I've got to pay for what — gee, did you give any to F. P. Publications, because then I'd have to pay for what Ted Stupidly prints. I mean, that would be the final — I mean, I don't think I could take that. I don't think I could take that. I think that that would wipe me out. But they're still staff man years. Now Mr. Chairman, these are figures which are obtained from StatsCanada, and they say that the 1,800 figures are not true. But let's not believe StatsCanada. Let's look at what M. G. Anderson, Comptroller of the Department of Finance said to Charles E. Curtis on August 11th, 1978. And Mr. Chairman, that's just about the time that we were arguing about how many civil servants had been reduced. Here's what it says: "Attached is a memorandum from . . ." and there is a civil servant's name here, if you want it you can have it. I'm not mentioning it, it's in the memo. ". . . to myself indicating that our payroll records show a net decrease in employment from November, '77 to May 5th, '78 of approximately 1,039 people. The reduction between November 4th, '77 and June 16th, '78 is 454 people. These figures are about 300 lower than the numbers provided by Management Committee of Cabinet to Personnel Administration. A reconciliation has been attempted

between the Personnel Administration numbers and our own. It is our impression that if one wishes to consider all staff employed by the provincial government our payroll figures are the most accurate.

However, if one wishes to use the numbers produced by the Management Committee personnel system which exclude shift employees, hourly paid employees and a number of other employees as described in this person's previous memorandum to me, copy attached, then we have no control over that. The purpose of this memorandum is to notify you that the official record count of the Department of Finance of the actual payrolls indicates 1,039 decrease from November 4th, '77 to May 5th, '78 and if we were required to produce these numbers that these are the numbers which we would use. I would strongly — very strongly recommend that the Minister of Finance and the Minister responsible for the Task Force be advised of these numbers." Why did he say that, Mr. Chairman? Because we were getting different figures in this House and the figures that we were getting are about 300 higher than the numbers that were produced by the Management Committee — than the numbers that are shown in this particular memorandum.

With this particular memorandum, Mr. Chairman, it shows that when we were being advised in the House on June 16th, that there were approximately — and at that time, I'm just going from memory — there were approximately 1,300 civil servants less in the province of Manitoba, the reduction between November 4th, '77 and June 16th, '78 — that's just about the time that the government came in — to June 16th, 1978, after their big announcement of tax reduction, is 454 people.

Now Mr. Chairman, I made a speech in the House at approximately this time when I guessed that we would be talking about between 400 to 600 people when the Opposition was talking about 1,300 people. Now this is not Statistics Canada. This is the Department of Finance, which says, "It is our impression that if one wishes to consider all staff employed by the provincial government, our payroll figures are the most accurate." But we never had the Minister for the Task Force and the Minister of Finance coming into the House and saying, "I have a memo which says that we've been saying that our staff employment figures are higher than they actually are by at least 300, and that the actual number reduced between November 4th, '77 and June 16th, '78 is 454 people." We had figures, and I'm now going from memory, in the nature of 1,300, and documents produced in the House.

They don't add up, Mr. Chairman. They don't add up, given the most favourable interpretation to the Conservatives. In December of '77, 14,079; in December of '78, 13,836, 243 people. Well, the Tories will say, "Yes, but we came into office in October of '77," and if we look at the September figure, we've got 15,336 people and December of '78, 13,836, which is a difference of some 1,500 people. But what they ignore, Mr. Chairman is that the figure from September to December has always been a reduction of 1,300 people, no matter at year and no matter which government is in power. Here are the figures. Here they are. September, '75, 15,350; December, '75, 14,642, a reduction of 600 people. September '76 15,368; December, '76 14,120, a reduction of 1,300 people. September '77 15,336; December '77 14,079, a reduction of 1,300 people.

So you can't count from September to December in order to get 1,500. You can do that if you don't know the basics. But you can't do that with these figures. Mr. Chairman, these are the figures, unless my honourable friend will tell me that somebody — and you know this happened before, so I'm not excluding the possibility, but these are the figures that I have from Statistics Canada. Also the memo from M. G. Anderson to Charles Curtis, that's not my memorandum. That's not the research department of the New Democratic Party. That's the Department of Finance. The reduction from November 4th, '77 — I'll read it exactly: "The reduction between November 4th, 1977 and June 16th, 1978 is 454 people."

Mr. Chairman, it does my Tory friends' hearts good to say that they have reduced people on the provincial payroll by 1,800 people, and you will see Civil Service records of that kind. But they do not square with the information that is available from Statistics Canada and they do not square with our own Department of Finance or with the Estimates. You know we've gone through these Estimates and I remember we went through at least three-quarters of the Estimates and we added up bodies and we were getting into the neighbourhood of 500-600 leaving very little to make up these 1,300 reductions. And we'll find out more as time goes on.

But certainly, Mr. Chairman, despite the fact that I would consider that there is need for useful work to be done in the public service and I would regard this as certainly a very strong reduction in staff. From the point of view of what was being said to the people of the Province of Manitoba; mainly, that we got an over-weighty Civil Service and that we can reduce taxation by reducing the public service, that is not borne out, Mr. Chairman, by the figures that appeared to reflect the situation nor am I including, which would upset the figures, which would show that there are more staff man years being paid for by the provincial government today, much more than were paid for by provincial government during the New Democratic Party administration. There is a

We are paying for staff man years in private industry. We are paying for it in the Conservative Party. We paid for their staff man years, we paid for staff man years in Southam Press, we paid for 13 auditors for, I suppose, Andersen and Company, that's my auditor. Did they hire my auditor? Yes, Arthur Anderson and Company. Clarkson Gordon and Company. I mean it makes some of them feel good. I mean they really have a wonderful feeling, just makes their adrenalin flow more smoothly through their bodies when they're paying for a staff man year at Arthur Anderson and Company . . . he may be even doing my books. No, he's doing Manitoba Data Services.

**MR. CHAIRMAN:** The Honourable Member has 5 minutes.

**MR. GREEN:** Just five minutes.

**MR. CHAIRMAN:** Or more.

**MR. GREEN:** Mr. Chairman, there's a list of all of the people that I am paying their staff — I and the Minister and other people of the Province of Manitoba are paying their staff. I want to tell the Honourable Minister that I feel better paying the staff that are employed by the public of the Province of Manitoba where I can tell them what I would like done. I would like to be satisfied with their working conditions. I would not like to falsify to the public that private enterprise does not cost us tax money. I would be very much more willing to say that the amount of money that we paid for staff is a charge on the people of the Province of Manitoba and hopefully we get good service for it.

But I certainly suggest, Mr. Chairman, that what the figure shows is that the people of the Province of Manitoba are paying for many many more staff man years today than they were paying under the New Democratic Party administration.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Mr. Chairman, I would like to ask the Minister a couple of questions. I would like the Minister to explain the redeployment list and what is the purpose of that redeployment list as it relates to those persons that were fired or laid off or whatever by the province. I wonder if the Minister could enlighten me on that particular redeployment list?

**MR. CHAIRMAN:** The Honourable Minister.

**MR. MacMASTER:** I'll attempt to acknowledge both the Member for The Pas and the Member for Inkster.

The Member for Inkster knows that the Statistics Canada figures that he was using are not similar figures that are used by the Manitoba Civil Service Commission. He knows that the Statistics Canada figures do not include and are not encompassing of the same and in fact exclude certain groups of people and this was thoroughly gone over with him last year. I give him credit for having a good enough memory that he remembers that a similar speech was made by himself last year and a similar answer was given that you can't compare the two, because they don't start from the same base.

The figures that the Civil Service Commission have for the latest up-to-date ones I have under four categories if he wants to jot them down or just read tomorrow, and that is on October 21st, 1977, the civil servants, the number at that particular time was 11,073, and the numbers that I have at year end, 1978 — 15 months or thereabouts later — is 10,686. That is the permanent ones.

The term in-permanent, which is another one of those categories, that's people that are in term positions that were really permanent positions, were 541 on October 21st, 1977, and there was 337 at year end 1978.

**MR. GREEN:** How much is that?

**MR. MacMASTER:** 337 and the term in-term, the true term in October of 1977 was 999, and the term in-term at year end 1978 was 724. The contract in October 21st, 1977 was 1,221 and the December year end 1978 was 216.

Now if the member would go up to the top again, I'll give what I've quickly surmised is the differences and there might be mathematically one or two differences. In the difference in civil servants, I think the number he will find will be 321. The number in term and permanent will be 266 and term in-term is 459 and contract was 1,062, for a total 2,108 —(Interjection)— granting

that you have the fall swing and the winter swing — no question.

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

**MR. GREEN:** We are continually talking past each other. We're going to get exactly to the same position that I got to when I was reading these figures out. There is a natural reduction between October and December which I have showed you, which I have outlined you and it doesn't matter now whether you use Statistics Canada figures or any other figures, there is a reduction of 1,300 people, there may be more. I'm taking it between September and December — 1,300 people. So you have to take 13 people off these figures, you take 2,108 less 1,300 and you've got 700 reduction, which is what I have been talking about.

So why are we talking past each other? The Minister will agree that the Statistics Canada figures are accurate as far as they go. If they are accurate as far as they go, then a 1,300 increase is attributable to normal reductions in staff. You say, "Well, that's not everything." There's a total of 2,108 reductions, take off 1,300, and you're left with 700, which is exactly what I've said. I said that it may be as high as 1,000 — I've gone higher. But it's not as high as 1,000. Now we have the actual figure, we have 1,300 people reduced.

The department persists in giving you a figure October 21st to December '58 (sic) knowing, not challenging, that between October and December there is a reduction of 1,300 people, it happened in every year. The lowest was the year '75 when the reduction was only 600 people, but in the other years it was 1,200 and the next year it was 1,300, and in '78 it again goes down from 14,900 — in '78, this was a year of Conservative administration, it went up to 14,949 and then in December reduced to 13,800 — 1,100 people — so, Mr. Chairman, if we're going to use that kind of arithmetic.

In March of 1970, now just listen to the arithmetic that he's forcing me into, in March of 1970 there were 14,090 civil servants, Statistics Canada. That was during the New Democratic Party administration. In September of 1978, that's a Tory administration, 14,949 civil servants, an increase between March of 1977 and September of 1978 of 900 civil servants. Now, do you want to accept that? I wouldn't push that, it's silly, I wouldn't push it, but you're pushing it on me. The Member for Seven Oaks is here, he'll find this very strange.

The figure from September of 1977 to December of 1977 is 15,336 to 14,079 — a reduction of 1,300 people, but that is a normal reduction, because if you look at the previous year — September of 1976, 15,368, December of 1976, 14,120, — so it's 1,200 to 1,300 people. September 1978, 14,900, December 1978, 13,800, 1,100 people, so I am suggesting that between December of '77, which was 14,079 — you're better in arithmetic than they are — December of '78, 13,800, a reduction of 243 people.

So the Minister says to me, you weren't here, "Well, these figures don't show everything." These are Statistics Canada figures, and he has better figures. His figures show that between October of 1977, when they went out of government, to December of 1978, there's been a reduction of 2,108 people, but 1,300 of that is a natural reduction, so you've got a reduction of 700 people, which is what I started to say one-half hour ago, to work out to.

Why is it necessary, why do you people feel better, if you can say that they reduced it by 1,800? I mean, do you really think that that is your stock-in-trade, that you've got to show that you've reduced the Civil Service by 1,800 people.

Now, Mr. Chairman, I'm glad we went into this exercise because it comes out even better than I thought it would. Your reduction shows as 2,108, 1,300 of that is natural, therefore there's a reduction of 700 people in the Civil Service.

**MR. MacMASTER:** Well, the Member for Inkster is trying. Do you want October to October? Would you like December to December? Let's talk about December and we've got all this natural thing out of the way.

**MR. GREEN:** December to December, yes.

**MR. MacMASTER:** December '77 — the four terms again — civil servants, 11,073; December '78, 10,686; Term in-permanent, December '77, 510; December '78, 337; Term in-term, December '77, 793; the same in December '78, 724; Contract, December 30, '77, 1,019; December 29, '78, 216, for a difference of 1,432.

**MR. GREEN:** Mr. Chairman, we are at least now comparing December to December, which shows, Mr. Chairman, that from the figures that my honourable friend just gave me there's a reduction of 700 people. From the figures that he gave me 5 minutes ago — not 5 minutes ago — just to

show you what you can do with figures, there is a reduction from 2,108 to 1,432. Why did I get this 2,108 if the figure is 1,432?

**MR. MacMASTER:** Mr. Chairman, I gave him the figures from October to the following year December; I gave him the figures now from December to December; now we're both talking about the same thing.

**MR. GREEN:** Okay, I am merely indicating, Mr. Chairman, that we are now changing the figures by 700, we have just — in 2 minutes — changed the reduction of staff from 2,108 to 1,432, and I'm going to change it down to the 1,000 that I'm talking about.

Now those figures, Mr. Chairman, as indicated by a memorandum, which comes from the Department of Finance — where's my good memo — are approximately, Mr. Chairman, 300 to 400 higher than the actual reduction in Civil Service. We have that from the Department of Finance. Mr. Chairman, we have that from the Department of Finance, because if you deal as the Department of Finance has done, and I don't know now what has become of the memo, with all of the people who are on the payroll, the staff reductions and hourly paid and everything else, the payroll figures are the ones which tell you how many people you are paying, not the Civil Service figures.

Well, they are shaking their heads, Mr. Chairman, that's what the Department of Finance said, and hey say that the Management Committee figures and the Civil Service figures that are being used are approximately 300 at that time higher than what they should be, and now we find, Mr. Chairman, that brings us very close to the figure of 1,000 that I referred to earlier. But we still have to run around saying that we have reduced the Civil Service, reduced staff, by 1,800 people, and that doesn't account — as I said before — for all of the staff man years that the public of Manitoba is paying on private payrolls in the province of Manitoba.

Now, I'm not going to be able at this short notice, although I know that some of the contract people, there can be no doubt, Mr. Chairman, that some of those contract people their terms would have expired in any event, and they do not reflect a reduction in staff, which comes about by virtue of the Conservative administration. Some of them would have been reduced, and I'm sure that if I had all of the contract people I could show that certain terms were expiring with jobs finishing. I know that to be the case in the Water Resources Department, that certain jobs were coming to conclusion, and that those people were hired on contract and would not have continued. So that particular reduction would be explainable.

But in any event, Mr. Chairman, —(Interjection)— yes, the Rent Control Office was not going to be continued if there was a phasing out of rent control. The Mincome Program was a contract program. It was discontinued. Some of the ARDA programs. Mr. Chairman, I don't want to go into them all. What I do want to indicate is that not only is the Department of Finance, and I seem to have lost that memo. —(Interjection)— Oh, you have it, fine. I lost mine. I'm looking all over for it.

The other point, Mr. Chairman, is that in a memo from the Honourable Sidney J. Spivak, who's no longer here, to the Honourable Sterling Lyon, October 5, 1978, the minister then said, "It would appear that, notwithstanding the fact that we had 11,842 permanent and term employees in regular positions at the time of our coming into office, the Estimates review authorized 12,743 regular continuing positions." Now look, we had 11,842 permanent and term employees in regular positions at the time of our coming into office. The Estimates Review for 1978-79 authorized 12,743 regular continuing positions, which means that you authorized under the Estimates for 900 more employees than you had at the time that you came into office. I would think, Mr. Chairman, that the difference is that there were vacancies, which I have referred to from time to time between the number of positions that are authorized and the number of employees that are hired. The regular staff complement as of September 25, 1978, represents an even further decline to 11,377 permanent and term employees in regular positions. So here are the figures. When you came into office 11,842 permanent and term positions. As of September 25, 1978, 11,377 permanent and term employees in regular positions. Now this doesn't deal with vacancies, which, Mr. Chairman, is 500 different.

Now this is not the Member for Inkster, this is the Member for River Heights. "When we came into office, 11,842 permanent and term employees. As of September 25, 11,377 permanent and term positions, which is a reduction of 500, but they have provided in the Review for 12,743 regular continuing positions, and the difference is in the vacancies. So when you talk about staff man years, and that's why some of the Civil Service figures are not always accurate — if you can reduce your vacancies by 50 percent, having less staff man years authorized, you can have more employees. And I'm not sure, Mr. Chairman, whether the figures that I have gotten are staff man years or employees, because if they're staff man years they are employees. It comes across to me they are employees. Well then, there is a difference here. Somebody gave Mr. Spivak the information that

when you came into office you had 11,842 permanent employees, and as of September 25, you had 11,377, and that doesn't deal with the figures that the Finance Committee talked about as not being reflected here.

So, Mr. Chairman, I suggest to you that the only thing that we've got from the minister that is quite clear — I don't wish to infer that he's not giving me the figures that he has and that he sincerely believes in — the only thing that we do have that is quite clear is that by adjusting two months, we have reduced the staff complement from 2,108 to 1,400, a reduction of one-third — 33 percent of the alleged number of people that have been reduced, by adjusting two months. I say that, Mr. Chairman, to show you or to try to demonstrate to the House what can be made of these figures, and the conflicting reports with the Department of Finance saying that you're using figures that are 300 too high, Statistics Canada showing that there's a reduction of 243.

Mr, Chairman, I can tell you that in our own Estimate Review, as we've been asking people, how many staff do you have, how many did you have last year — we haven't yet hit 1,000. We have some Estimates to go, and we'll continue to ask the ministers — we haven't hit 1,000, which proves what I always said about the Conservatives. With the Conservatives the whole is greater than the sum of its parts. My friend will remember that in geometry they gave you a whole series of axioms, and one was that the whole is equal to the sum of its parts, but with the Conservatives, the whole is greater than the sum of its parts, because the sum of its parts is not going to come up to 1,800. And apparently that is the whole figure that has been given to us from time to time by different members of the administration.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Yes, Mr. Chairman. I wonder if the minister could deal with my previous question that I'd asked.

**MR. CHAIRMAN:** The Honourable Minister.

**MR. McMASTER:** I wonder, not being evasive I just want to know, did the member want to know who's on the list or how many have been redeployed or just exactly . . . you know, there's a variety of questions and if you want to throw it all into one maybe I can try and answer as much of it as possible.

**MR. McBRYDE:** Yes, Mr. Chairman. How was the list developed, that is, not names, but who got on the list? How did you get on the redeployment list, and how many people were on that redeployment list?

**MR. MacMASTER:** Well, the re-employment list was made up under the authority of Section 19(1) of the Civil Service Act. Persons were placed on this list upon lay-off. Term employees with over one year service who are participants in the Civil Service Superannuation Fund were also placed on this list for re-employment consideration. I think that's part of the story.

The Civil Service Commission has a meeting with Deputy Ministers to advise on required procedures, identify potential staff, determine redeployment opportunities in other departments for these staff. They've formed a Manpower Resources Committee, which is the Civil Service Committee staff were involved in all actions of this committee created to co-ordinate activities related to redundant staff. The Civil Service Commission has reviewed all the lay-offs prior to lay-off, where possible, and advising employing authorities with respect to required provisions of the Act, the agreement and regulations. . There has been a fair amount of redeployment and I am trying to give the member the whole story so he can get it. There's been a fair amount of redeployment prior to layoff, and I have some numbers that he may be interested in.

In the Department of Finance there was 12 to 15 people that were redeployed. In the Mincome there was between 5 and 10 that Health and Community Services took, and the Executive Council took some from the Management Committee. Agriculture took between 15 and 20 from the ARDA and the Rural Water Services, that's the ones that came to an end. Education took 5 or 10 because of their reorganization, and Urban Affairs took 3 with their reorganization. The Civil Service Commission has been in contact with other Crown corporations and the Federal government with respect to placement of staff.

This is the figure that the member was asking, as of April 1979, the very latest that I have, 69 persons from the re-employment list had been re-employed through the Civil Service Commission, and the update of April is that 80 are still on the re-employment list, and I think these are the numbers he wanted, 80 are still on the list, 69 have been re-employed and 72 have resigned because of jobs elsewhere or have been retrained or have gone some place or done something.

**MR. CHAIRMAN:** The Honourable Member for The Pas. .

**MR. McBRYDE:** Mr. Chairman, part of my question was, how does somebody get on the redeployment list and I would take from the Minister's answer that if they were regular civil servants who were fired, they would get on the Civil Service list, and if they were term civil servants with one year of service they would get on the redeployment list? I wonder if that's correct. Mr. Chairman, I wonder what was the maximum number that were on the redeployment list at any one time, or what has been the total of people on the redeployment list? **MR. MacMASTER:** Since day one there was 267, and after a 12-month period 46 have been deleted, plus the other numbers that I gave the member.

**MR. McBRYDE:** Mr. Chairman, the Minister just gave some figures in terms of people, for example from December 1977 to 1978, about 600 people according to his figures, I wonder if he could explain the discrepancy between that figure that he gave to my colleague for Inkster, let's see 601 and almost 200 in the other, that's almost 800 people that he claims are less in the Service, and I wonder if he could explain the difference between that number and the number on the redeployment list.

**MR. MacMASTER:** Normal attrition being retirements, deaths, resignations.

**MR. McBRYDE:** Yes, Mr. Chairman, I wonder then if 267 would then reflect the actual number of persons fired since the government came to office, the 267 would be an accurate reflection then of that number.

**MR. MacMASTER:** We're talking about people who were laid off or their terms expired but who had excess of 12 months.

**MR. McBRYDE:** Well, Mr. Chairman, I'm not sure that answers my question. Would 267 then reflect all those people who were fired that had 12 months or more in the Service?

**MR. MacMASTER:** The 267 reflects permanent civil servants and term civil servants who had over one year's service, who were laid off during that period of time.

**MR. McBRYDE:** Yes, Mr. Chairman, I wonder then if the Minister has the figures there for this 267 that would reflect the Departments at that time. How many from Northern Affairs, for example? How many from Agriculture? Does the Minister have those figures?

**MR. MacMASTER:** I don't have them with me, Mr. Chairman.

**MR. McBRYDE:** Yes, Mr. Chairman, I wonder if the Minister could indicate whether there were any of those that meet these qualifications, civil servants, term civil servants with over one year experience, who did not get on a redeployment list?

**MR. MacMASTER:** Mr. Chairman, I would suspect that there's some who chose not to be put on the redeployment list.

**MR. McBRYDE:** Yes, Mr. Chairman, I wonder then if the Minister could give me the actual figures then in terms of the number of people in those two categories, only in the Civil Service category and in the term category, the number of persons that were actually fired in total then, if he has that figure?

**MR. MacMASTER:** I understand that those numbers were given in an Order-for-Return last year. I don't have that with me, Mr. Chairman.

**MR. McBRYDE:** Mr. Chairman, I don't have those figures with me either. I'll ask the Minister just to make sure then if there were persons that were not put on the redeployment list, that met those qualifications that he outlined, who were left off even though they wished to be on the redeployment list.

**MR. MacMASTER:** I know of none, Mr. Chairman.



**MR. McBRYDE:** Yes, Mr. Chairman, I wonder if the Minister could then outline for me the advantages for a fired civil servant of being on the redeployment list. What are the advantages? Why is there this list and what are the advantages of someone, who has been fired, of still being on the redeployment list?

**MR. MacMASTER:** Well, there was a fair amount of assistance given to those that were on the redeployment list in relationship to trying to fit them into other departments, fit them into other categories, discussions with Canada Manpower for retraining, discussions took place with other Crown agencies in an effort to place them.

**MR. CHAIRMAN:** Honourable members, I have a hockey score — Boston 5, Montreal 2 — final score. The Honourable Member for The Pas.

**MR. McBRYDE:** Yes, Mr. Chairman, is there any preferential treatment given, or did any departments in fact hire from the redeployment list to fill vacant or new positions?

**MR. MacMASTER:** I gave those numbers to the member, Mr. Chairman. There was 69 that were re-employed.

**MR. McBRYDE:** Mr. Chairman, it appears the Minister missed my question. Was there any preference given to people on the redeployment list? Were there some cases where people were hired straight from the redeployment list without public advertising?

**MR. MacMASTER:** Yes, Mr. Chairman, some were hired directly from the reemployment list.

**MR. McBRYDE:** I suppose what I need is some fairly detailed clarification, and that is, Mr. Chairman, was it a departmental decision that they would fill vacancies, or fill new positions, from the redeployment list or was there some expectation from the Commission that departments would first try and find somebody they needed from the redeployment list?

**MR. MacMASTER:** It was an expectation from the Commission, Mr. Chairman.

**MR. McBRYDE:** Yes, Mr. Chairman. Does this expectation still exist with the remaining 80 people still on the redeployment list? Is this expectation still there on the departments?

**MR. MacMASTER:** Yes, it's there with the Civil Service Commission for certain, Mr. Chairman.

**MR. McBRYDE:** Well, Mr. Chairman, I wonder then if the Minister could clarify the statement he made as Minister of Northern Affairs when asked about new hirings within his Department of Northern Affairs and I questioned him. He said that the hiring would be done on an advertised basis, and everyone would have equal opportunity and that no preference would be given to people on the redeployment list. I don't quite understand how those two statements fit together.

**MR. MacMASTER:** If the specific qualifications are there then I see no difficulty, Mr. Chairman.

**MR. McBRYDE:** Mr. Chairman, then I wonder if this Minister could tell us of the new positions within the Department of Northern Affairs. Was in fact the redeployment list gone over to see if there were people with the qualifications necessary to fill the couple of new positions that have been created in that department?

**MR. MacMASTER:** Well, I can't speak for all departments but I understand that that redeployment list is viewed by the departments when they're looking for positions.

**MR. McBRYDE:** Well, Mr. Chairman, in this particular incidence we can go beyond what the Minister's understanding of the practice is because it's another one of his responsibilities, and then I would ask him very specifically, in the three new positions that he called training positions, of seven positions to train 21 co-ordinating and field staff, he indicated there were three new positions. I wonder, Mr. Chairman, if those three new positions whether the redeployment list was gone over to see if there were people with the necessary qualifications to fill those three new positions.

**MR. CHAIRMAN:** (b)—pass — the Honourable Minister.

**MR. MacMASTER:** I would suspect so, Mr. Chairman.

**MR. McBRYDE:** Yes, Mr. Chairman. I wonder when the Minister could find out for sure.

**MR. MacMASTER:** Well, I can't tell the member specifically, but I know that the redeployment list is looked at and if the qualifications are there then people are given the consideration.

**MR. McBRYDE:** Well, Mr. Chairman, I wonder if the Minister has the redeployment list available to him at this time. I wonder if the Minister could get the redeployment list and have it available in the House.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Could the Minister get the redeployment list and have it available to answer questions in this House?

**MR. MacMASTER:** I can get a copy of the redeployment list.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Well, Mr. Chairman, I wonder how long it would take the Minister to get a copy of the list.

**MR. CHAIRMAN:** The Honourable Member for Logan.

**MR. JENKINS:** Yes, thank you, Mr. Chairman. Before we leave this Item, I wonder if the Minister has, with his officials here this evening, the actual figures for the calendar year 1978. How many new civil servants were hired for the year '78? Would the Minister have those figures available? How many of these were to fill positions that became vacant by age attrition, by resignations, forced resignations, or death or anything like that, and of those positions, I think the Minister has stated a certain number of these people were people from the redeployment list. I wonder if the Minister has that kind of data here before him this evening.

**MR. MacMASTER:** No, I haven't Mr. Chairman, but I'll endeavor to get it.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for Logan.

**MR. JENKINS:** Well, Mr. Chairman, before we do leave this Item there are some other comments that I would like to make on the report that the Minister has tabled in the House, and I hope that the Minister will try and have those figures before we complete the department.

In the report of 1978, Page 12, there's the Organization Studies and Series Reviews and I want to ask some questions here primarily because, not only is the Minister in charge of the Civil Service but he is also the Minister in charge of the Department of Labour, and I see that there is some abolishment of positions or titles, I'm not sure. It says, "Labour Inspector's Series Review. The Labour Inspector's Series was abolished and the following titles were established," and it deals with Apprenticeship Counsellor I and II Assistant Fire Commissioner, Positions I, II, and III; Employment Standards Officer, I and II; Inspector, Mechanical and Engineering Division, I and II; Labour Board Officer I and II Safety Health Officer I, II, and III; Divisional Supervisor of the Department of Labour; Investigator, Department of Labour. Are the same people that were filling the former positions — are they still in place and is this just a new name that they have given to the positions, or are there people that have gone out and different qualifications are required to fill the new positions that are listed in the Annual Report? And were these all inspectorial staff before? Let us take Number I, the Apprenticeship Counsellor I and II. Does the Apprenticeship Counsellors now inspect on-job instruction that apprentices are receiving on job training as they used to previously, or is it just a counselling service that the department officials now are doing?

I ask this because I served my apprenticeship under the Manitoba Apprenticeship Program many years ago and I know that we did have a Mr. Max Aiken, I think, was the director at that time. But there were inspectors that came around on site job inspections to see that the apprentices were getting the proper instruction and not being just put on one type of work and not getting

the job experience on the job that is required for a full-rounding out of an apprenticeship career, and I would not like to think that by the abolition of just a title and the people are doing the same type of work. I would like that assurance from the Minister, especially since the Minister has said that there is some dissatisfaction with the present apprenticeship program here in Manitoba, and I hope that he will set up a review committee, or I believe he is in the process of doing so, but I would just like the assurance that these people are still in place and doing the jobs that they were intended to do, and if they have new duties to perform as well as the functions that they performed in the past.

**MR. MacMASTER:** Mr. Chairman, the Labour Inspectors Series was a general category and it was the wishes of the union to negotiate specifics. The content — the jobs did not change — there was just a change in title to more clearly identify the individuals and it was part of the negotiated contract in 1978.

**MR. JENKINS:** Well, I thank the Honourable Minister for that information and for that assurance. These same people that were in place, except for those that have retired or may have resigned or something like that, that's clear. Also on Page 13 under the same heading there are — oh, I see, these would be positions that had been abolished, deleted titles. Would that be correct through you, Mr. Chairman, to the Minister? These are directorships that are no longer required?

**MR. MacMASTER:** Yes.

**MR. JENKINS:** Okay, thank you.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Well, Mr. Chairman, the questions that I have and the information I wanted from the Minister, he doesn't appear to have it with him here. Mr. Chairman, I wonder if the Minister could indicate in terms of his responsibility as Minister responsible for the Civil Service Commission, what would his action be if he found that another Minister was not in fact using this redeployment list and giving preference to those people on the redeployment list in terms of new hirings?

**MR. MacMASTER:** Mr. Chairman, the departments are the employing authorities. I'm sure the member, as a previous Minister in this government knows that, that they are the employing authorities.

**MR. McBRYDE:** Mr. Chairman, the Minister was fairly firm in his answer that preference would be given to people on the redeployment list, and if the Minister, who is the employing authority, if one department was not giving preference as per what he said was the policy, then I wonder what action, if any, the Minister would take.

**MR. MacMASTER:** I suppose moral suasion is the only thing I can do, Mr. Chairman. I can't force another Minister to do a particular thing.

**MR. McBRYDE:** Mr. Chairman, without the Minister being able to make the information available in terms of the question I asked, in terms of the types of qualifications of persons on the redeployment list, it makes it very difficult for us to be able to (1) respond effectively, and (2) to really understand what is taking place. I wonder if there is any way that the Minister could get that information this evening, as we proceed, or whether it's impossible for him to get that information at this time.

**MR. MacMASTER:** That particular information is not available at the moment. I have said that I'll get it, but it would be rather difficult to get it at this hour of the night.

**MR. McBRYDE:** Mr. Chairman, the situation without that information, as I said it makes it fairly awkward to proceed, but I don't think that we can let this item pass without dealing with some of our concerns, and some of the concerns that we have heard from northern Manitoba in terms of the Civil Service and the Civil Service Commission, especially in relationship to the people that were fired in the Department of Northern Affairs and some of the other departments, in Education and in other departments that had a number of people in northern Manitoba. Mr. Chairman, one of the problems, as I understand it, has been the manner in which some people were let go, or the reasons why some people were let go, which would make me then, Mr. Chairman, wonder if

those people would be available for rehire, whether this government would, in fact, rehire them.

Mr. Chairman, the Minister responsible for the Civil Service Commission that we are dealing with now is the Minister involved in some of those situations, or whose department is involved in some of those situations that appear, at the least to be kind of strange in terms of when someone in the Department of Northern Affairs requests the Department of Finance to fire a certain civil servant because somebody in the Department of Northern Affairs doesn't like that civil servant working in the Department of Finance. It relates, Mr. Chairman, to the fact that some persons that were fired who were with the Department of Northern Affairs, it appears that that was not enough to fire them but that there was some deliberate blacklisting of some people that were fired, to make it difficult for them to obtain other employment. Mr. Chairman, that's what makes me concerned about this re-deployment list and whether those people are in fact on the re-deployment list. And if they are on the redeployment list, whether in fact they would be considered for re-employment by this government.

Mr. Chairman, when a First Minister of the province of Manitoba will telephone to officials with the Department of Indian Affairs in Ottawa and tell them not to hire certain people, then Mr. Chairman, you wonder about the worthwhileness of a redeployment list, and you wonder about how vindictive the government is willing to get with people that were public servants with the province. You wonder, Mr. Chairman, about the integrity entirely of the government and of the Minister responsible for the departments in which that happened, and of the Minister responsible for the Civil Service Commission, but I'm sure part of his role is to see that fairness and justice does exist in the hiring of public servants for the province of Manitoba.

Mr. Chairman, this is why, without the information from the Minister, it makes it quite difficult. For example, Mr. Chairman, my colleague, the Member for Rupertsland mentioned the incident of the Chamber of Commerce at Thompson wanting to put on a program through a university, and Mr. Chairman, my colleague mentioned the fact that someone intervened from the province of Manitoba, either the Minister who we're dealing with or the First Minister, apparently intervened so that the Chairman of the, excuse me, the President of the University in fact, told that particular department to withdraw that program from Thompson.

Mr. Chairman, one of the people that was hired by the university to assist in the delivery of that program was a former civil servant, who is probably on the redeployment list. And if the Conservative Government is willing to go to that extent to make sure that person doesn't get a job not connected with the Civil Service Commission, then to what extent are they willing to go to make sure they never get a job with the province of Manitoba again.

Mr. Chairman, that is my concern. The Minister of Northern Affairs told us in his Estimates that there were three new positions under the Municipal Government support, Canada-Manitoba Northlands Agreement, Item No. 101(c), that there were three new training positions coming available. Mr. Chairman, I can't find the exact numbers of people involved in training in the Department of Northern Affairs that were fired, but my memory says, Mr. Chairman, somewhere around seven people were fired that were in training positions. Mr. Chairman, that's what makes me doubt that the Department of Northern Affairs carried out the instruction, the intent of the redeployment list, if in fact when three new training positions come available, there is no one on that redeployment list that has been hired to fill those positions. It just doesn't make any logical sense, Mr. Chairman.

When I talk about the incident with the university, the person that was going to be subcontracted by the university was a training officer with the Department of Northern Affairs. I'm assuming that person is on the redeployment list, but Mr. Chairman, if they're willing to interfere with that, as I said, what assurance do we have, how do we know that these people are being dealt with fairly, or whether they are being persecuted and hounded by this government, or whether, Mr. Chairman, they are not for rehire. Mr. Chairman, that is my suspicion, that there is a list of people that are not for rehire by this government, whether they're on the redeployment list or not.

So unless the Minister is able to give us that information so we can see, then all it can be, Mr. Chairman, is a suspicion, but the actions of this government and how they've dealt with certain people would indicate that there is a list, or if not a list, Mr. Chairman, there exists within the minds of the elected representatives who are Ministers, names of people who they will not hire.

Mr. Chairman, at the very least, they should make it clearly plain and evident to those people that they're not for rehire, so they don't have to keep putting in application after application in a worthless cause, in a worthless purpose, Mr. Chairman.

So that is the deep concern I have with this commission and with this Minister, to understand how far they are willing to go, how far he is willing to go in terms of — I'm not sure exactly how to describe it in terms of not rehiring, in terms of persecuting persons who happened to be employed by the previous government. Mr. Chairman, I don't know whether the Minister would suspect them

of political allegiance or affiliation, whether he suspects them of not having done a good job, I'm not sure what the reason for the kind of action that has been reported to us, why that kind of action would have been taken against individuals. Why would the Department of Northern Affairs request of the Department of Finance that they fire person X. That doesn't make sense, Mr. Chairman, when in fact, the Department of Finance had no dissatisfaction with the performance of employee X.

Why would the First Minister call Ottawa and tell them not to hire an ex-civil servant of the province of Manitoba? Why would a person unknown in the government call the president of a university and ask them to withdraw a program from Thompson? Mr. Chairman, those actions, those reported actions that we on this side of the House have received from people in northern Manitoba, really makes us skeptical. Really makes me skeptical in terms of the ethics, in terms of the fairness of this government and this Minister, and that is why we'd like to see the information.

I would like to know, on that redeployment list how many training people are on that redeployment list, how many are there on there? I suspect, Mr. Chairman, there must be at least a few, if there were seven, if my memory's correct that there were seven fired. Then why didn't the government hire them to fill the new positions that are similar to the positions that they held and that were done away with in the past?

So that is the concern I have, Mr. Chairman, that is the doubt I have about what is happening in terms of the Civil Service and the Civil Service Commission, and I don't know, Mr. Chairman, except with the presentation of the actual information, that the Minister is going to be able to allay those doubts and allay those fears in terms of the attitude and approach of this government.

**MR. MacMASTER:** Mr. Chairman, I wasn't going to go to the trouble of talking about this alleged phone call of mine to some president of some university. I spoke to the Member for Rupertsland personally after his comments in the House and told him that I knew, in fact that he was totally incorrect. I know in fact that the insinuation suggested by the Member for The Pas is totally incorrect. I'm not sure if I'd know any of the presidents if I saw them in my soup. I don't know that I've met any of them personally, maybe I have at some particular place, but I haven't phoned them.

In our discussions following that, myself and the Member for Rupertsland, he went from the President and me to maybe somebody in the university. I can't personally be responsible for those type of things. So it's allocations; it's suspicions or whatever it is in the minds of some of the people opposite.

I don't know what the member is talking about, the Department of Northern Affairs getting hold of the Department of Finance and telling them to do something. I didn't know I had that kind of authority; I didn't know that the Minister of Finance listened to me that well. Occasionally he listens in certain situations.

The problems that may and do occur with people on the redeployment list, the Member for The Pas should be made aware that each individual deals with the MGEA and if he feels that there is a particular job that that particular person could qualify for and wishes to question it, he talks to the MGEA and the MGEA are a very active part of the Committee for Redeployment.

**MR. CHAIRMAN:** The Honourable Member for Churchill.

**MR. COWAN:** Thank you, Mr. Chairperson. I'll be brief and I'm only cajoled to my feet by the remarks both from the Member for The Pas and the Minister of Labour, Northern Affairs and Minister responsible for the Civil Service. Gathering from the remarks of the Member for The Pas it seems as if the Civil Service Department now keeps two lists, one redeployment list and the other an unemployment list for those people who won't be able to find employment — known in street vernacular as a "black list." — (Interjection)— The Minister says it's not true. I would be hard-pressed to produce such a list, I would be hard-pressed also to prove that there is such a list. But I should say it because there is indeed some very strong suspicion that such a list does exist and there have been a number of my own close friends who have informed me that they have had extreme difficulty in gaining employment which they normally would not have experienced under other circumstances. All they could attribute it to — and this is them telling it to me, Mr. Chairperson — all they could attribute it to was a black list because their qualifications were indeed excellent, their qualifications were excellent.

It's interesting, Mr. Chairperson, that the manner in which the government will treat its own employees will tend to set an example for the other employers in the province, both private and public sector employers. The trends it sets within its own structure will filter their way down through the government work force into the private sector work force into the industry work force, and this government and this minister in particular, has made mockery of labour relations within the

government, within the Civil Service.

There are some very serious problems; the allegations that have been made this evening do not arise out of thin air. They are a result of much dissatisfaction that has been expressed to members on this side from former civil servants who have been trying to get work and found it impossible. This government, and the minister in particular, have used and abused the Civil Service in their quest for power as they went kicking, screaming and grabbing for office. They have used the Civil Service, they have used their own employees as political fodder; they have caused the reputation of some very hard-working individuals, some very dedicated and committed workers to have been irrevocably tarnished by their actions; they have brought down public scorn on the Civil Service, and the Civil Service does not deserve it. The civil servants have been trying to do their job and have been accomplishing that task with both dignity and dedication for many years now, and the minister is the worst offender in the government. He has caused attrition to become a household word in the Province of Manitoba; he has decimated his own department; we all know the agony and the throes that the Northern Affairs Department went through after this government gained office. We all know, there's no allegations there, it's not necessary, it's a matter of record.

He has created a wave of fear, a reign of terror in his own department, and turned friend against friend, and co-worker against co-worker, where we have people now spying on each other; we have people so afraid of their jobs that they spend more time trying to cover their back than they do trying to do a good job, and that's not the type of Civil Service that I want to see in this province and I'm certain that that is not the type of Civil Service that the people of this province want to see; yet, it is happening, it is happening primarily in the Department of Northern Affairs. He, single-handedly, has dragged morale in that department to its lowest depth with his reign of terror, with his forced attrition, with his — how do they phrase it now? — dehirings, new words to the Manitoba language, it's a cute way of saying "you're fired", but there's nothing cute about being fired, Mr. Chairperson, there's nothing cute on the personal level and there's nothing cute when it's done in the manner that it's been done to cast such aspersion upon our own Civil Service. And it's no wonder then, it's no wonder therefore, that we have the deteriorating labour relations climate that we do have in the province today where we have record high levels of conflicts. You know, Mr. Chairperson, we had a 1,404.6 percent increase in the number of work days lost due to work stoppages and strikes in the Province of Manitoba in 1978 over 1977 and that came on the heels of a two-year decline; in other words, the number of work days was going down for two years in a row and was brought back up in the past year.

The minister has said in the House, "Well, perhaps that can be attributed to the AIB," and true enough, the AIB did have a certain influence in the increase in days lost due to work stoppages and strikes, or the removal of the AIB, let us say. But the fact is Manitoba was enjoying a relative position with the national average where it sat about 8/10ths of a percent, 9/10ths of a percent, most instances less than 1 percent of the national average of work days lost due to strikes and lock-outs, and in the past year, Mr. Chairperson, it has gone up to 4 percent, to 4 percent. So, not only have we increased in absolute terms, but we have increased in relative terms, we are taking more than our share and that is not something that we should look forward to or something that we should condone. So, it shouldn't puzzle the government why this is happening, because they have set the example and the minister, himself, has set tee example for the private employers to create the labour relations climate that results in these abnormal and unusually high levels of labour conflict and labour strikes because, as I had said previously, what they do in office has to have an impact on the private sector, has to have an impact on what's happening outside of this House, and they have misused their office.

They have abused the civil servants and they have misused their office, and they will pay dearly for it in the long run because they have created an inefficient, and ineffective, Civil Service. Perhaps I should rephrase that; they have created a less efficient and less effective because there are many civil servants who are still trying very diligently to complete their task, to do their job well, but it's become a matter of "don't do too much, because that draws attention to yourself" and with this government, when you suddenly have attention drawn to you, when you're suddenly singled out, then you're in a vulnerable position, and that's the type of inefficiency and ineffectiveness that they are creating, where they are, by their very actions, telling the civil servants not to do the best job they can, but to lie low, to hang loose, and to hope they make it through another day, because attrition is just around the corner.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for The Pas.

**MR. McBRYDE:** Yes, Mr. Chairman. The minister did mention that he didn't have contact with the university and I said I wasn't sure who had contacted, but there was somebody within the provincial government that had contacted the university, and there was a program withdrawn from

and one of the persons involved in that program was, I understand, an ex-civil servant.

If my recollection was correct, Mr. Chairman, there was seven people involved in the Training Services Branch of the Department of Northern Affairs before, and there were a couple of other people who qualify for the type had some training functions that would, in fact' of new position the minister is talking about here, and there are a number of people that would, in fact, qualify from the various sections of the department, people within the former Extension Division that had that kind of training experience and background that they could provide staff training to assist staff to be more effective in their dealing with the remote communities, Mr. Chairman.

But in order to understand what is happening, I think we need to know how many people with that kind of background are on the redeployment list, Mr. Chairman, and I would also need to know if all these people that have that background in fact have been let go and are, in fact, on the redeployment list or whether they've all found employment outside of the provincial government service, or whether some have, in fact, found employment within the government service.

Mr. Chairman, we would have to know, for example, from the 1977 Estimates whether Ravdin, Howden, McPherson, Wiebe, Story, Ayoub and King are, in fact, on the redeployment list or not on the redeployment list of those people specifically involved in the training function, Mr. Chairman. Within the Extension Services there would be a much longer list, Mr. Chairman, of people that have that kind of background and that kind of experience. We would have to know, Mr. Chairman, whether they are, in fact, on the redeployment list, which ones of them have, in fact, been let go. Otherwise, Mr. Chairman, I suppose we can only speculate from the evidence that we have available, evidence that my colleague for Churchill has indicated, in terms of his discussion with people in northern Manitoba, and Mr. Chairman, the types of things that we are told as Opposition MLAs, and that I am told as former minister when I bump into people in terms of what has happened to them since they've been fired, and whether, in fact, they have found other employment or whether, in fact, they are still unemployed, or whether, in fact, Mr. Chairman, they have found other employment, but their preference would be to be back within the provincial government. I'm not clear, Mr. Chairman, that's something that maybe the minister could indicate to us. Of the 267 people on the redeployment list, are there any there that have other work but their preference would be to come back into the Civil Service, should the opportunity arise, should a position become vacant or be created for which they are qualified?

I wonder if, maybe, the minister could deal with that particular question.

**MR. MacMASTER:** We have recently sent out a letter to those people that are on our list asking that specific question, Mr. Chairman.

**MR. McBRYDE:** Yes, Mr. Chairman, I can see here from the Extension Services list, and I think that most of these positions were, in fact, done away with and I can't, Mr. Chairman, believe that some of them aren't on the redeployment list and don't meet the qualifications. That, Mr. Chairman, is why I don't know if there is, in fact, some people that are not for rehire. Mr. Chairman, I would just like to indicate in terms of the extent of the people who could fill those three new positions that the minister indicated the other night under his Northern Affairs Estimates, that would be advertised and that persons ask him whether people that have been fired by him would be given first preference, Mr. Chairman.

**MR. MacMASTER:** I think it should be cleared up once and for all that there is one particular list and there is nobody on there that is not eligible for rehiring, re-employment. This nonsense that came from the Member for Churchill about his suspicions of some particular list, that does not exist, it may exist in the minds of a particular person or two someplace and I can't stop that if that exists in somebody's mind, but that does not exist in fact.

**MR. McBRYDE:** Well, Mr. Chairman, I don't personally believe that there is an actual list. I do believe that there are some people that the Minister would not hire if they applied, Mr. Chairman, and, if there were not, Mr. Chairman, just glancing through the list of employees that have been let go, Mr. Chairman, I see about 20 people in fact, that would be qualified for a training position. There were those in training services but there were those in extension services that had the training type of background, and I can't believe that of those 20 people that were fired, there are none of them on the redeployment list, and there are none of them qualified for the three new positions, and therefore I would ask the question why, why haven't those three positions been filled by people on the redeployment list? And maybe the Minister could deal with that specific question.

**MR. MacMASTER:** I suspect and I don't have the specific answer at the moment, that the redeployment list has been reviewed by my Department, and the people do not have the qualifications

for the particular job.

**MR. McBRYDE:** Yes, Mr. Chairman, without knowing whose on the list, it's very hard to discuss that with the Minister. As I look over these names of people that were formerly employed in a similar type of position I don't see anyone that couldn't fill the new positions that the Minister talked about the other evening, in terms of doing staff training, Mr. Chairman. So that's what I suppose adds to the concerns expressed by people in northern Manitoba, adds to the fears that they have in terms of who may be available, who may or may not be rehired, if in fact there should be new positions created or vacancies existing. Actually, Mr. Chairman, the list is quite impressive. I'm almost encouraged to read some of the persons that have been let go that I'm sure could in fact fill the position that the Minister is talking about. But, Mr. Chairman, unless the Minister is able to provide us with that list, then we have no way of allaying those fears, that in fact there are people not for rehire, and maybe I could be very specific to the Minister. I wonder if the names Sterritt and Dancho are on the redeployment list. I wonder if the names Fleming, Salmond, Carriere, Moar, Didychuk, and Clarkson are on the redeployment list. I wonder, Mr. Chairman, if the names Jonasson, Guiboche, Halcrow, Guiboche, Kirkwood, Chubb and Robertson are in fact, on the redeployment list. I wonder, Mr. Chairman, if the names Perron, Davidson, Easter, Tobacco, and Bignell are on the redeployment list. I wonder if the names Hrysiu, Stoneman, Shingoose and Orvis are on the redeployment list. I wonder if the names Ayoub, Constant, and Page are on the redeployment list. I wonder if the names McKenzie, Miller, Marcinyshyn and Stevenson are on the redeployment list. Because, Mr. Chairman, a number of those are well qualified for the position as described by the Minister, and a number of those people, Mr. Chairman, are still unemployed, so I assume they must be on the redeployment list. If that is the case, Mr. Chairman, then why haven't they been rehired?

**MR. MacMASTER:** Well, Mr. Chairman, the people that are on the redeployment list are well aware of the fact that they are on it. They are well aware of the fact that when postings come up that they can apply for them and they are well aware of the fact that the MGA is there to assist them if they feel they are not getting proper consideration.

**MR. McBRYDE:** Yes, Mr. Chairman, maybe I misunderstood the procedure. I thought the Minister said the procedure was that the Department when it had a vacant position or a new position would review the redeployment list and see if there were people on the redeployment list that could fill that position. Is that the procedure or not?

**MR. MacMASTER:** The Civil Service Commission has asked the Departments to do that kind of thing. The Departments of course are in a position as employing authorities — they are trying to get the best people possible to fill jobs and if they feel somebody has greater qualifications or somebody has lesser qualifications then I'm sure the employing authority will use their proper discretion in that particular matter.

**MR. McBRYDE:** Yes, Mr. Chairman, the best people available, I assume, would also include people that had the experience in northern Manitoba and the kind of experience in training services. So, I ask the Minister specifically, did the Department of Northern Affairs, in the three new positions of training positions available within the Department, did in fact they review the redeployment list or not?

**MR. MacMASTER:** I am sure they would have, Mr. Chairman.

**MR. McBRYDE:** Mr. Chairman, would they give preference to persons on the redeployment list if they had — well, Mr. Chairman, first of all, would they give preference to them period, on the redeployment list without bothering to advertise since they are already on the redeployment list that is supposed to give them preference, as I understand the redeployment list. And, secondly, Mr. Chairman, if in fact it does go to bulletin, someone on the redeployment list applies, someone who has been fired by the government applies, would they be given preference over someone of the same qualifications who was not formerly an employee of the provincial government?

**MR. MacMASTER:** If their qualifications are equal there would be no question, they would be given preference.

**MR. CHAIRMAN:** (b)—pass — the Honourable Member for Logan.



**MR. JENKINS:** Yes, Mr. Chairman, I noticed in the weekend papers, Friday and Saturday, career advertising, that there seems to be two sorts of adverts that appear in the daily newspapers. Advertising for Civil Service Commission position bulletining, one by the Civil Service Commission itself, and one by the Community Colleges Division. I wonder if the Minister could inform us how much is spent on advertising yearly in this type of advertising by the Civil Service Commission, and I don't know if he would have the figures for the Community Colleges, whether those figures would be available, and since these are both Civil Service positions, does the adverts that the Community Colleges insert in the daily newspapers, do they come for competition before the Civil Service Commission, or do they go before a select board of the Community Colleges? And would it not be much more economical, and since this is a government that is bent on economics, and I don't think anybody will quarrel if economics make some sense, but I would suggest for efficiency and good management that they should appear as a single listing, unless the Minister can come up with an answer that there is some advantage in making two different types of adverts, one by the Commission itself, and one by, say the, Community Colleges. I wonder if the Minister could give us any data that he has on that and any thoughts he has on a combined advertising through the Civil Service Commission with the Community Colleges making their wishes known for people, that they require?

**MR. MacMASTER:** The figure that I have been given is \$19,500 for advertising and there is a work-share arrangement with the Community Colleges where some authority is delegated to them to do that type of thing and the Civil Service Commission are a part of your review when people are seeking appointments.

**MR. JENKINS:** Yes, Mr. Chairman, the \$19,500, is that total for both, or does that just include the Civil Service? —(Interjection)— That's total for both. The Minister says then that the competitions then are all conducted under the auspices of the Civil Service Commission. Is that correct? Or are some of them conducted under the auspices of say — oh, I don't know what it would be under, the Community Colleges. I really wouldn't know if they have a board of selection there or what do they have for the people that apply for positions in the Community Colleges?

**MR. MacMASTER:** The appointments all have to be approved by the Commission, Mr. Chairman. I think that zeros in on an overall answer for the two or three part questions that the member was asking. The Commission approves the appointments.

**MR. JENKINS:** Well, maybe I'm not making myself clear through you, Mr. Chairman, to the Minister. It is my understanding that straight Civil Service positions as such, in various departments, the competitions for those positions are conducted through the Civil Service Commission. Am I correct? And the Minister can nod his head whether I am correct.

**MR. MacMASTER:** Yes.

**MR. JENKINS:** Now can the Minister tell us how, and I realize that the appointments have to be approved by the Civil Service Commission for those at the Community College level, but are the competitions there, through a board or something or other that the Community Colleges sets up under the Department of Continuing Education or is it conducted through the auspices again of the Civil Service?

**MR. MacMASTER:** That's what I was trying to explain. Maybe my answer wasn't clear either. It's a work-share arrangement and the authority is delegated to the Community Colleges. Final appointments are approved by the Civil Service Commission in that particular incident.

**MR. JENKINS:** I think now the Minister and I understand each other. We seem to be on the same wave length. Are there any other departments that have that sort of arrangement with the Civil Service Commission or is that the only exception that there would be for competitions, for job vacancies in the Civil Service?

**MR. MacMASTER:** There is none as of this date, Mr. Chairman.

**MR. JENKINS:** Yes, before we leave this item, I wonder if the Minister could bring us up to date with the present negotiations with the MGEA, whether they are still continuing negotiations. Are they close to settlement, one way or the other, or have they settled? I can't recall hearing the Minister making an announcement that there has been a settlement. Could the Minister tell us — and I

don't want him to go into the details — but if he could tell us the present stage of negotiations, how we are proceeding in negotiations with the Manitoba Government Employees Association.

**MR. MacMASTER:** I appreciate the latter part of the question, as the member knows, you certainly can't get into specifics, but negotiations are taking place, they're progressing, and if I was to make a general statement, I would say that they are in the same state that they are normally at this particular time. There are certainly no settlements, nothing has been signed.

**MR. JENKINS:** I thank the Honourable Minister for that. I quite agree with him, when people are in negotiation, I don't want to elicit information, I just wanted to know if we are in as normal a situation as can be expected during the normal course of collective bargaining at this time.

Before we leave, there is one thing that disturbs me, and I guess perhaps we last year were a bit asleep when certain amendments were made to the Civil Service Act, and I'm referring to our present Civil Service Act which shows Section 28(1) has been repealed and it was repealed last year, which was the dismissal and notice thereof, "an employing authority may dismiss an employee but at least two weeks before the effective date of dismissal, notify the employee of his dismissal and that employee may appeal the dismissal." Now all we have since that has been deleted and the original 28(2) is still here, that nothing contained herein impairs or detracts from the rights of the Lieutenant-Governor-in-Council to dismiss an employee.

Am I to take from this now then, and perhaps these are the questions we should have been asking last year when we passed this amendment, but is it now possible to fire an employee, or dismiss an employee, or dehire him or whatever you want to call it, whatever the new terminology is, without two weeks notice, that they can be fired now with five minutes notice? Or as one honourable member said, "retroactive." I don't know how you can fire somebody retroactively, but perhaps that's something new that has happened.

If the Minister — and I'm seeking this as information because I think that if we let that slip through, and I must admit that I guess I'm as equally responsible as any member on this side of the House, but I think without due notice, if that is the interpretation of the Act as it is now, is that the practice that the Lieutenant-Governor-in-Council can now fire people without notice? Could the Minister clarify that?

**MR. MacMASTER:** Dismissal usually relates to disciplinary action, and you do not, in the case of dismissing somebody for disciplinary action, give notice. That particular section was in conflict with the provisions and the protection that was under the collective bargaining agreement. There was a conflict there and it was taken out and the CBA now applies, and the terms and conditions of it apply.

**MR. JENKINS:** Then I understand, if I understand the Minister correctly, then it is now in the collective agreement that the protection for notice is now contained in the collective agreement? Is that what the Minister is saying? Because evidently, if that is what the Minister is saying, then there was nothing within the collective agreement previously to protect a person except what was contained within the Civil Service Act under Section 28(1). Is the Minister telling us now that those who are under the collective agreement signed between the government on one hand and the bargaining agent for those employees covered by the contract and the bargaining agent in this case would be the Manitoba Government Employees Association. Are those employees covered through the collective agreement that they cannot be fired on five minutes notice, but notice of some description. It may not be two weeks, it may be 48 hours, 96 hours, or so many days, which is, I think, pretty basic and standard in most collective agreements that you'll find, even in the private sector. Is that what the Minister is saying, that that's what caused this section to be repealed last year?

**MR. MacMASTER:** Yes, Mr. Chairman, there is two weeks for non-disciplinary dismissal, that's in the CBA and there is no notice, of course, if you dismiss for what you believe to be just cause for disciplinary purposes, but then you have access to the collective bargaining agreement to establish whether in fact it was, just cause was evident.

**MR. JENKINS:** That would just apply for those that were covered by the collective agreement. For those who are outside the collective agreement, and I'm sure that the government has some employees that are not covered by the collective agreement, where would be the protection for these people? I realize that there is an appeal mechanism in Section 31(1), (2), and (3), but for those employees who would not be covered by the collective agreement, there would be no mechanism for them except the general appeal to the Civil Service Commission? Would that be

correct?

**MR. MacMASTER:** For the excluded employees, the people that the Member for Logan is talking about, the same provisions do apply under the regulations, the two weeks notice, and they do, in fact, have the right of appeal to the commission.

**MR. CHAIRMAN:** (b)—pass; (2) Civil Service Benefit Plans (a) Civil Service Superannuation Act—pass; (b) Canada Pension Plan—pass — the Honourable Member for Logan.

**MR. JENKINS:** I don't think that is the item, if the Chairman will just . . . (2), yes, (2) is the one I want to ask about. The Minister, in his annual report on Page 19, if I could just quote from that, the second last paragraph on Page 19, "During 1978, the Task Force completed two major studies at the request of Cabinet, a feasibility and cost study of a public sector prepaid dental plan, and a report on proposed pension plans for Manitoba universities," I guess that includes all three, "and the St. Boniface College." What, if any were the recommendations of the Task Force and is there any recommendations that the Minister will be making to the Cabinet, or will the plans for a public sector prepaid dental plan and proposed pension plans for these universities, are they in the works, or what has been the recommendations as far as setting up of these two proposed plans?

**MR. MacMASTER:** The recommendations, and that's what they were in relationship to the proposed pension plans for the Manitoba universities, the recommendations were that a uniform plan be put in place. We, of course, can't impose that upon the universities. The universities have since decided that individual plans for their particular area is what they want. The feasibility and cost study of a prepaid dental plan is presently on the table at negotiations. It's one of the things that's certainly being well discussed.

**MR. JENKINS:** I thank the Honourable Minister for that information. Would these pension plans that the Minister says are going to remain independent depending on which university they are at, would they be completely portable under the Pension Act here in Manitoba?

Supposing a professor or assistant professor was working at the University of Brandon, had five years' contributions in there and he decided for reasons of his own that he would apply for, well, it might be even a better job at, say, the University of Winnipeg or, say, the University of Manitoba, would his pension qualify for portability from the University of Brandon to be carried over and integrated into the pension plan at the University of Winnipeg or the University of Manitoba?

**MR. MacMASTER:** Mr. Chairman, the uniform plan would have permitted the portability of which the member's talking. I assume it's dear to his heart as it is to a lot of people interested in that particular facet of life, but now that they have decided to go the individual way, I understand that arrangements can be made at certain levels of staff but there are, in fact, you know, the correct, precise answer is that it isn't available and it isn't portable to all. There are barriers to some particular individuals.

**MR. JENKINS:** I thank the Minister for that information. I can only say that I agree with the Minister it is unfortunate that they did not go for a unified plan because it certainly places severe restrictions upon a person, especially say, a professor has been teaching for 15 years at one university, you know, he may not — it would perhaps even restrict his capability to even go and apply for a job elsewhere and I can only hope that the Minister — well, I don't know if it's this Minister or it's the Minister of Education that deals with this — but I hope that the universities will take another look at this thing because I really think it's the hope of many people, not only in this room, but in this province and in this country that, you know, we should be working and striving towards a more easy access in the pension field of making the pensions portable, and I know that we can't do anything nationally because all we could do would be something here on a provincial field. But I think that the Minister and I are not in disagreement over this. I think this is perhaps something that he and I would agree on, that portability of pensions is something that we should all be striving for regardless of what political stripe we may be in the House or any other Chamber. I thank the Minister for that information and, again I say I'm quite sorry to hear that the universities in their wisdom saw fit not to participate in a unified plan which would have made it much easier and I think, in the long run, perhaps could have made for a better pension plan than what they may achieve individually.

**MR. CHAIRMAN:** (b)—pass; (c)—pass; (d)—pass; (e)—pass; 2.—pass. I understand we are to go

**Tuesday, May 8, 1979**

---

back to 1.(a)Salariess.

**MR. JENKINS:** Well, Mr. Chairman, there is no Minister's salary here, so if I might say in closing I have no further questions that I wish to ask the Minister at this time. I don't know if any of my colleagues have.

Again, before we leave this Item, I welcome the news that the Minister gave us this evening that he's going to recommend to Cabinet for the changes in the appointments to the Civil Service Commission. I think it's a wise decision that he's made and it's one that I think will redound to his benefit and to the benefit of all Manitobans and again, as I say, Mr. Chairman, I have nothing more to say at the present time or no more questions that I wish to ask.

**MR. CHAIRMAN:** That completes Resolutions 24 and 25. Committee rise.