

THE LEGISLATIVE ASSEMBLY OF MANITOBA

7:30 o'clock, Tuesday, May 7, 1974

SUPPLY - ATTORNEY - GENERAL

MR. CHAIRMAN: The Department of the Attorney-General, Resolution 20. The Honourable the Attorney-General.

MR. PAWLEY: Mr. Chairman, first I would like to deal -- well I'll leave the remarks. Maybe the Honourable Member for Birtle-Russell will be here a little later. We'll start with the questions posed by the Honourable the Member from Swan River.

The Honourable Member for Swan River asked whether or not there had been an increase in Manitoba during the past year. The statistics which we have available to us indicate there has been a very minor increase over 1972, 1.2 percent increase, but there has been insofar as major crime has been concerned, there has in effect been a decrease in major crime in Manitoba over the past year. I will not assume responsibility for that however.

The second point is in respect to jails and penitentiaries. It is the responsibility of the Health and Social Development Department and the Federal Government. I'm not aware of any overcrowding in our jails and penitentiaries. Possibly when we get to the Estimates of the Minister of Health and Social Development he would be able to deal more extensively with the populations and the crowding, or lack of crowding in the local penitentiaries--(Interjection)--Well if there is crowding, yes.

In respect to drug enforcement and prosecution, this again is a federal responsibility but Manitoba does however share the cost of drug squad. Three additional RCMP have been added to the drug squad this April. It now brings a total of 21 members of the RCMP which are involved in the drug squad in Manitoba.

The Member for Fort Rouge had raised questions in respect to difficulties in processing plans of subdivision. The information which I have is that as far as the Land Titles Office is concerned there really is no delay caused by the Land Titles Office. If the plan of subdivision is completed properly, receives the necessary municipal approval, and approval from other branches of government that are involved in respect to the approval, the Lands Title Office should be able to process the documents within a two-week period, except during the summer period. This is where there has been problems. During the past summer, vacations and illness, and the heavy increase in the number of registrations, all coalesced to cause a problem last July and August, early September, in the Winnipeg Lands Titles Office. It's true that during that period of time there were delays of four or five weeks. We hope to have managed to overcome that this coming summer to a large degree, making it possible for overtime involvement and the hiring of additional staff to the Land Titles Office to prevent that type of situation from occurring, which certainly is one that none of us could be proud of, but the Land Titles Office presently are signing documents, it's my understanding, which registered about two weeks ago. So I think that is quite reasonable considering all the circumstances. Once it's in excess of two weeks, then certainly concern ought to be expressed.

MR. BILTON: I wonder if the Honourable Minister would permit a question before he gets too far gone. I don't want to interrupt him unduly. But he did say that the drug squad was increased, but he didn't say whether the consumption of drugs in the province was on the increase or not.

MR. PAWLEY: Mr. Chairman, to be quite direct and frank with the honourable member, I certainly suspect that the incidence of drugs has increased. The fact is however that this is often reflected with the increase in the amount of personage attached to the drug squad. There is a rate of increase which is often proportionate to the increase in the drug squad. Now whether or not it's because of the increase in the actual use of drugs, or due to an improvement in the detection of those that are trafficking and those in possession of drugs, is open to debate. But certainly the number convicted and charged with drug offence increase. Whether or not it's actually an increase in use is a matter I think--(Interjection)--Well, Mr. Chairman, I think that we are all concerned about the use of drugs and it's something that there is a desire I think throughout Canada to try and combat, the use of drugs, the flagrant use of drugs, and the effects of the drug trade, and in the same way that we're concerned about the abusive use of liquor and alcohol.

The question was raised about the detoxification. . . .

SUPPLY - ATTORNEY - GENERAL

MR. CHAIRMAN: The Honourable Member for Brandon West.

MR. MCGILL: Mr. Chairman, while the Minister's answering the question, he went from the subject of drug abuse crimes to a question on the difficulty in obtaining approval of plans in subdivisions. Now are we still on the Attorney-General or when he answered that question was he referring to some questions that were placed previously in connection with Municipal Affairs?

MR. PAWLEY: No, I was dealing with the Honourable Member for Fort Rouge that had indicated that there was holdups in respect to Land Titles Offices processing of titles, and my response was that the Land Titles Office presently are processing documents within a two-week period. However, this has to take place after the approvals of the plans of subdivisions and sometimes delay there in processing the approvals of the subdivisions can sometimes be incorrectly attributed to the Land Titles Office.

Detoxification Centres. The figures which I have indicate that last year 500,000, in excess of 500,000 was spent in operation of programs involving detoxification centres in Manitoba. This year in excess of \$800,000 will be spent plus \$800,000 in capital in detoxification centres in the province. I would just like to mention here though that this too falls within the purview of the Department of Health and Social Development and certainly there would be an area for further discussion when that Department's Estimates are dealt with as to the success of that program.

The question of legal aid. Approximately 75 percent of the present legal aid budget is being spent on fees for service to the profession itself and 25 percent of the money spent on legal aid is being paid to staff lawyers in the legal aid clinics. We have recently imposed maximum preparation fees in respect to lawyers working for legal aid. We feel that it was a proper move to make, that a case, a serious major case before the assizes, for instance, should take an experienced lawyer a certain number of hours in order to process. Not wishing to place any unreasonable maximum we felt it was very important that there be some maximum imposed to prevent excessive charging. So within the space of the last month, I guess it is, we have imposed maximum preparation fees on certain cases handled by lawyers working for legal aid.

The Honourable Member for Fort Rouge had mentioned his concern about just what direction legal aid was moving in the province, was it moving away from the private bar to a public defender system or not. I think that the experience of the Manitoba Legal Aid Society, which by the way the board is a combination of representatives from government and from the Law Society, is a combination of both interested groups within legal aid in Manitoba and it acts in an independent manner, has been probably the best choice for Manitoba. It has insured one's choice of lawyer within reasonable limits. It's gone a middle course between the situation in Ontario where 100 percent, I understand, of all money spent on legal aid is paid to the private bar and the other extremes which are represented by Prince Edward Island and Quebec where most of the money is spent in more or less a public defender system. And there's a place for both types of legal aid.

Certainly the Legal Aid Clinic is very important insofar as providing lawyers to represent those in juvenile and family court matters, those of meagre income and assets; often people who a private lawyer would not want to take the time or effort or energy in representing in juvenile or family court, and yet it is in that court I think that probably some of the most important decisions are reached, are determined insofar as a family, children are concerned for the future well-being. It's an important court yet it has been too long neglected by the legal profession in representation because it hasn't paid too often to represent clients there when there's opportunity to represent clients elsewhere. So this is a real area where the legal aid clinics can provide a real worthwhile task.

I would like to mention another example where I think that - and though I disagree with the decision, the recent decision by Justice Hunt which related to the Automobile Insurance Act - I would like to tell the Member for Souris Killarney that it was a lawyer in a legal aid clinic that represented the party that appealed to the court and with my knowledge appealed the decision re the surcharges to the Court of Queen's Bench and was successful. And it may cause me considerable--I must admit that during the quiet moments of my day I shed a few tears over what has happened, to think that an agency or section of my department should have caused Autopac such grief, but that is the type of case that I think there is a meaningful role for a legal aid clinic to be prepared to take a matter, though there may not be a lot of money involved - here it was \$300 - yet there was an important principle that was involved. I think tenants groups and others must have great need of the Legal Aid Clinic. There is certainly parts of rural

SUPPLY - ATTORNEY - GENERAL

(MR. PAWLEY cont'd). . . Manitoba where there is a shortage of legal services and here is an area of expansion as far as a legal aid clinic, certainly the poorer areas of the City of Winnipeg need for legal aid clinics. So I have no doubt that there is an important function and role for the legal aid clinic as well as for the private bar in Manitoba.

MR. AXWORTHY: Mr. Chairman, I wonder if the Minister would take a question?

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: On your definition of the various tasks to be performed by the legal aid officers, is there any intention to expand their scope into taking legal action on behalf of environmental cases so that--for example, in the City of Winnipeg, challenges to the City of Winnipeg on its environmental impact or lack of environmental impact studies, is there any indication that legal aid officers would be available for supporting citizen groups or environmental groups who wish to take action in these respects?

MR. PAWLEY: If the groups are indigent, then the Legal Aid Clinic would be available to them to provide such service and I believe in fact there may be something possibly in the offing right now in respect to that. But certainly if they meet the criteria, the Legal Aid Clinic is available to groups such as that. The criteria was asked as to what groups economically are entitled to legal aid and I would refer members to Page 13 of the 1972-73 Annual Report, Page 13, Section 3 (a) of the Act states that the Act was designed to furnish legal aid without charge to any individual who is unable to pay therefor and with a partial charge to any individual who is able to pay a portion of the charge. Then at the top of Page 14 is the allowable annual gross income which varies from a family size of 1 at 3,000 to a family size of 7 at \$8,700, and the range is in between \$3,000 and \$8,700 depending upon the number within the family. As far as economic criteria is concerned, of course a lawyer also has to indicate that on the face of it there is a reasonable cause of action, before proceeding with the case itself.

I don't believe that there's any debate as to the importance of legal aid before the scales of justice; all whether strong or weak or rich or poor ought to have equal opportunity to march shoulder to shoulder up the corridor of the court to the courtroom to receive fair treatment before the judiciary. I think that principle has been to a large measure established by the development of a progressive legal aid system in Manitoba, still one which can be improved but I think one can probably safely say is a legal aid system in Manitoba that possibly is I'm sure among the top one or two legal aid systems in Canada. Recently the Ontario committee on legal aid was in Manitoba looking at our system and I certainly received the impression from them that they had singled out Manitoba, they had not gone to every province but they had singled out Manitoba's system because of the recognition that it had received.

The question was raised about Bill of Rights for Manitoba and I would like to mention here that the Law Reform Commission was requested to examine the feasibility of a Bill of Rights for Manitoba, and this was sometime during the spring I believe of last year and I cannot recall the name of the professor that was appointed to - Tarnopolsky I believe was the name, a professor in the University of Toronto, who apparently is one of the topmost people in the area of constitutional law, particularly dealing with areas of bills of right. I believe I have the name correctly--(Interjection)--Yes, Tarnopolsky. We expect to be receiving his initial report any day now. In fact it was expected in April, 1974, so it may be that the Law Reform Commission has even received the report from him at this very date. I have not received it myself but it was expected at the Law Reform Commission in April of 1974.

Questions were raised in respect to the Saskatchewan Land Titles office system. Saskatchewan proceeds under the Torrens system, guarantee of title system, very similar to the Manitoba system, except that possibly in Saskatchewan there is one difference and that is the rather extensive use of para-legal assistance, people who are not lawyers but in certain areas are providing a legal role and function. The Manitoba Bar Association is looking at this area to ascertain whether or not there is an involvement here that ought to be considered, but this would be the only area of difference between the Saskatchewan and the Manitoba system insofar as possibly - if it is in fact as was suggested a speedier processing of titles in Saskatchewan than in Manitoba.

The Member for Birtle-Russell dealt quite extensively with some very important principles and that is the presumption of innocence, and I say to the Honourable Member for Birtle-Russell that he would find little objection to most of that which he said this afternoon in respect to the very importance of the presumption of innocence in all matters before the courts. There are areas I do think however where that very important principle has to be examined as

SUPPLY - ATTORNEY - GENERAL

(MR. PAWLEY cont'd). . . to whether it's feasible in application. I would like to mention a few examples. Maybe I could be a little personal here, that if the Honourable Member for Birtle-Russell had his cow stolen, for instance, and it was discovered ten miles away from Binscarth in the possession of another farmer with his brand on the cow, then the courts and the law would place upon that person who had possession of the cow to give some explanation as to how he came to be in possession of the cow. There would be an onus which would be cast upon that individual to explain or to give explanation under the Criminal Code provisions in respect to possession of stolen property.

I think probably it's the only way that certain crimes can be really dealt with if there is some onus cast and some isolated instances such as that on the part of those that - and the exceptions are certainly rare, to explain, to give some explanation. For instance, in the charging of a motorist in respect to his not having a driving permit. Well if the motorist could just sit still, was not required to provide any information, if the onus was clearly still on the part of the police, then you would have the administrative nightmare of having to search through the Motor Vehicles Branch and the thousands of documents in order to ascertain whether or not that person in fact did have a licence.

The possession for instance of alcoholic spirits contrary to the Liquor Control Commission - home-brew - would be an area where an explanation is required. I think there are probably - though the exceptions ought to be rare, that there are some very practical and real exceptions to the general rule which require explanation, which require some removal of an onus by the very fact that the accused has been found with certain goods which appear on the surface to be incriminating to that individual. Even in the example given by the Honourable Member for Birtle-Russell: The employee in a hotel convicted of an offence, the employer having then an onus cast upon him of his guilt and expectation that he would be required to give an explanation.

Well I think Mr. Chairman, that when it comes to enforcement of liquor laws, the control of liquor, which is a matter which is of increasing concern to all Manitobans, that an employer must be expected to assume a high degree of responsibility for the employees that are working within his hotel or within his establishment, for their behaviour while in the scope of their employment; and I can see here where the employer ought not to just walk out without any requirement on his part to shed an onus if his employee has been found guilty, for instance, of serving a minor or some other infringement of The Liquor Control Act. Otherwise, Mr. Chairman, I'm concerned as to just how workable, just how loose we might, we might cause the workings of The Liquor Control Act and the possibility of us enforcing the provisions of that Act if we did not in certain isolated instances reverse that onus. And I say this with great reluctance because the principle is one that we would want to ensure continuance of and exception should be very rare, and it is for this reason that my predecessor would have requested the Law Reform Commission to identify all the examples of reverse onus within our laws and statutes which have built up over the space of many many years so that we could identify them and certainly those that have no reasonable practical explanation for the reverse onus should be thrown out. And I look forward like the Member for Birtle-Russell to obtaining the report of the Law Reform Commission and look forward to his support when it comes to eliminating those that have no sense or reason behind them and to uphold the presumption of innocence rather than the reverse onus where in fact we can justify that type of move.

The members also dealt with the Liquor Control Commission, in respect to contributions that the Liquor Control Commission might make insofar as alcoholic deterrence programs, Alcoholic Foundation, programs of that nature. The approach of government to date has been that the revenues received from the Liquor Control Commission become part of the Consolidated Revenues of the province and then programs are developed under the auspices and control of the Department of Health and Social Development, which I am confident is the best department to determine what areas there is need for public and financial support insofar as curbing the effects of alcohol within Manitoba. And thus government and the public as a whole take responsibility for making grants of different types to curb that excess; and thus we have the moneys for instance that are spent on detoxification clinics, a deliberate responsible decision by government exercised through the Department of Health and Social Development. I would think that they would be in a better position to make that type of assessment than the Liquor Control Commission would be. But certainly there is a responsibility on the part of government I think to constantly be increasing the contribution that it makes towards the curbing of

SUPPLY - ATTORNEY - GENERAL

(MR. PAWLEY cont'd). . . the effects, the anti-social and injurious effects of alcohol. I think that possibly all governments regardless of political stripe can be criticized for having been too cautious, too backward in this area and I think that there's a heavy heavy responsibility cast upon government to make an important contribution in this area.

The Liquor Control Commission over the space of the past year has done a tremendous job in increasing the enforcement of those premises which are involved in the sale of alcoholic beverages who breach the provisions of the Liquor Control Act, and I have some figures here which are of interest. For instance in 1969-70 the total number of suspensions in Manitoba were only 14, suspension of licenses. In 1972-73 the total was 29, and in 1973-74 which ended March 31st, the total number of suspensions in Manitoba was 50. This compares with the Ontario Liquor Licence Board which operates in a province with 4,000 licensed premises compared to 600 in Manitoba, which last year only issued 21 suspensions, 21 suspensions with seven times the number of licensed premises as in Manitoba and yet Manitoba issued more than double the number of suspensions. In British Columbia with twelve hundred and some licensed establishments last year the Province of British Columbia issued 23 suspensions. So again Manitoba stands out very well insofar as its record of not being hesitant or fearful of suspending the licenses of those that breach the provisions of the Liquor Control Act, that forget their responsibilities to the Act and to the community at large, and when compared with other provinces certainly Manitoba has been aggressive and properly aggressive in this area.

Possibly what I'll do now, Mr. Chairman, is take the opportunity to sort through my notes and there may be some other speeches that I can add further to.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. PATRICK: Thank you, Mr. Chairman. I do wish to bring a few points to the Minister's attention at the present time and, Mr. Chairman, the thing that concerns me is the operation of the Family Court. It is my information that the docket at the Family Court is loaded with cases particularly under The Wives and Maintenance Act and this is the court that's supposed to deal very swiftly, judiciously and quickly and I understand that the present time this is not the case, that there is a long waiting list. I would like to ask the Attorney-General how long does it take to process a case through the Family Court. I understand that in many cases one cannot get a relief and there may be problems in a family where the wife may be abused and there is no way that justice can be given in this situation because there is a long waiting list.

I know that if a person has money they can go to the Manitoba Court of Queen's Bench and you can get your case heard pretty quickly without any delay, you can avoid delays. But the people say that haven't got money, in a very serious situation what do they do? They have to wait and perhaps the Minister can tell us what he's contemplating doing as far as the Family Courts is concerned. Is there any changes? I think that what he must be concerned about in a situation like that that's dealing with family courts, particularly with The Wives and Maintenance Act, there must be speedy justice and the information I have this is not the case at the present time. It appears to me that the people that have money they can get their cases heard pretty quickly before a different court. So this is something that I would like the Minister to tell us if he's making any changes or what is he doing reviewing the present operation.

The other point I'd like to make to the Minister at the present time, it's dealing with the Manitoba Liquor Control Commission and he's probably quite well aware that I have raised questions to him during this whole session. The point that I want to raise to him is allowing bowling proprietors in Winnipeg to serve beer and wine at bowling alleys. I know this is a form of recreation, for instance you have this type of facilities now, at golf courses and curling clubs which is no different than most bowling alleys where you have leagues and usually your leagues run anywhere - the hours run anywhere between say 8:00 and 12:00 o'clock midnight and there is say ten minutes or five minutes time spent as you finish a game and the other league starts to play, there's this time span, and I think that the reason - the proprietors aren't interested to that extent but I think that the people that patronize these places feel that there should be this kind of service available to them.

Surely this province, Mr. Chairman, has led Canada in revision of liquor laws and has a tremendous record. In fact some of the other provinces have studied our system and this is an area that somehow has been overlooked in this province because I understand this is not the case in the other provinces. It is available in your bowling alleys and beer is available I know

SUPPLY - ATTORNEY - GENERAL

(MR. PATRICK cont'd). . . in most places. The information that got to me in the States as well. So all I have to do is only bring this to the Minister's attention that I see there's no other form of recreation that's similar to me as curling or at golf courses and perhaps the Minister can give some consideration. I know there was a request made and a petition presented I believe to the former Attorney-General, it was just prior to the election and I don't know if any action has been taken.

The other point that I do wish to raise to the Minister at the present time, Mr. Chairman, and that's to do with location of the government liquor control outlets and really I have no complaints with the present chairman of the Manitoba Liquor Control Board, I believe he's done a good job, but my concern is at least in what's happening at the present time. I may be completely wrong, somebody has to convince me different, but my opinion is the store opposite the Centennial Concert complex, that whole area, is the wrong location for a liquor outlet. I maybe wrong but the information comes to me that parking facilities are non-available and with the kind of further development that will be taking place around that complex, around that immediate area, I don't think that we need a type of an outlet that will not add anything to that area. I understand the store will be redeveloped on Donald and Ness, is this not correct, the old place will be rebuilt, the old store on Donald and Ness, the liquor outlet store?--(Interjection)--Donald and Ellice, that's right. I meant Ellice. And if it is then I see no reason why we need a store in the near future on Main Street. And if there is a need perhaps there could be some delay on that part and see that it's developed properly with the proper kind of development that will take place. I know there'll be a development taking place around that complex and maybe one can be developed in a shopping centre where there is facilities and could blend into the whole complex. I know that, again I want to point out to the Attorney-General I don't feel this is the right location.

The other point I would like to make to the Minister at the present time and perhaps we can learn something, and what we can learn is from the present store that we have on Vimy Road and Portage Avenue. This in itself is probably a good indication to the Minister and I'm sure that the Chairman of the Liquor Control Board would agree that it was a mistake as far as locating the store at Vimy Road and Portage Avenue. Not only that you have traffic jams on Portage Avenue, double parking, there's quite often damage done to private property, I understand people will drive on private lanes and you know the police aren't going to police the area every day unless there's some supervision of the parking on the property immediately. But that doesn't solve the problem because there isn't sufficient parking area. I know that what we will do is not only inconvenience the customers themselves but having continuously to fight, to fight for parking spots and parking space will normally make nice people not such nice people they will perhaps park in somebody's private lane and so on. So I think that when we used to have the little corner liquor outlet store it's not sufficient anymore because the time that the customers come is usually in a busy hour, weekends its tremendously busy and you can't have it somewhere say on Portage Avenue if you haven't got any sufficient parking.

My other point, I know that the store at Ainslie and Portage will be used for specialty supplies and I again disagree completely with that. I feel that there is a large area that that store has served, a large area, almost all the way from say close to Polo Park Shopping Centre almost up to Sturgeon Creek which is the whole Silver Heights area, west St. James, Birchwood, Woodhaven, which really takes a large part of St. James and that store served all those people. You've taken away that store and made it into a specialty store so you're left with a self-serve on Vimy Road and Portage Avenue which at the present time really is not - the store itself is fine but the parking facilities are inadequate. I'm sure the Minister has received complaints or I don't know if he has or not but I certainly have many times. In fact I've had calls from neighbours who said would you come out and spend two hours or three hours on Saturday afternoon or Friday, so I know that the people do have problems because some of their fences have been damaged and property damaged and in fact some cars have crossed their lawns. So these things happen, and as I say you can't blame the people, the customers completely, too, because they're looking for parking space, they can't find any and from nice people sometimes you make them not so nice, because they'll park, double park in parking places which they shouldn't. So I hope that the Minister will give this whole thing some consideration and give it some time because I feel that really when we're planning new stores and we're signing long term leases surely you have to look into what parking

SUPPLY - ATTORNEY - GENERAL

(MR. PATRICK cont'd). . . accommodation and what facilities there are for people. This is the reason I feel that I cannot accept - again I may be the only one but I hear that there's been more people, quite a few complaints to the Environment Committee, City of Winnipeg, feel the same way, that it isn't the proper location for the store.

So with these few points perhaps I can take another minute and do mention to the Attorney-General that I am somewhat concerned with increase in crime in the city and province because I didn't hear when he introduced his estimates but some of the statistics that have been quoted in the papers and some that have been made available to me, I know that the non-capital murders are away up from last year; your indecent assaults are almost doubled; gross indecency is away up in the city as compared to what was last year; cases of manslaughter is on the increase; charges under the Narcotics Act is up again so our population certainly has not increased to that extent. I wonder what the problems are and what kind of rehabilitation programs we have at the present time to deal with these problems. And certainly not that we're not arresting these problems but I don't know what kind of results the Attorney-General had and his colleague, the Minister of Health and Social Services when we talk about rehabilitation process. I wonder how effective it is. This is an area that surely the Attorney-General would be prepared to have a complete look at in this field. I know that you've heard from the Chief of Police from the City of Winnipeg and the other police departments that crime is on the increase so perhaps the Minister can give us some idea of what's happening within his department to cope with this problem. What are the results as far as the rehabilitation is concerned of these people? So these are the points that I wanted to bring to the Minister's attention. I would hope that I'll have some answers from him.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Thank you, Mr. Chairman. I would like to make a few remarks on the Attorney-General's Department. I must say that I'm sorry I wasn't in here for all of his remarks. It just happened to be one of these days that I happened to be out when I didn't want to be out. I hope that I'm not causing him any extra effort on account of that. I sympathize with him in his department because I believe in the administration of justice sometimes you're damned if you do and you're damned if you don't and probably it's very difficult. But I'm one of these persons that believe very strongly in law enforcement and I'm often very disturbed when I hear of people who have committed crimes which really show up as crimes and they're able to be got off on account of some technicality, very small technicality which really gets them off completely as if they were completely innocent and we really know they weren't innocent.

At this time I think I have to refer to the article that I referred to previously where a man got off for driving when his licence was suspended and he got off on the basis that he was driving in his sleep. So I just wonder sometimes just how some of these lawyers can get some of these people off and really if it's justice at all when we get this sort of a thing. I often notice that at times the Attorney-General does make some criticism of some sentences that are handed out and I don't blame him a bit. Because when I hear of people that have committed offences and that they're just allowed to serve them on weekends and that they get time off and that they can get out to go to all the hockey games and other things like this they get out for weekends, I just think that it's going too far as far as the treatment of our prisoners are concerned. I might be somewhat old fashioned in this but I believe frankly than an awful lot of the do-gooders in our society actually don't turn out by being do-gooders at all. I think that more or less they downgrade your department and the work that it's doing. I often wonder about cases that are up before judges and the decisions are delayed for the period that they are, and I often wonder if when sentences are delayed like they are in many cases and there is remanding of cases and appeals and all the rest of it, I often think that justice delayed is justice denied. They keep talking about it and remanding it and hoping that some way or another the public will forget or they can sweep it under the carpet and I really don't like this very well at all. I realize that probably I'm not expressing the views of many on my side or maybe many on your side but this is the way I feel and I really feel that I'm expressing the views of the average layman on the street when he sees some of the things that's going on and some of the programs we have.

I'm not against when people are in prison where they're trained or put on work programs but when they're treated as good as they are in prison otherwise I don't see any real reason, you know - there's an increase in crime and it's really no wonder because actually outside of

SUPPLY - ATTORNEY - GENERAL

(MR. HENDERSON cont'd). . . the disgrace of going to prison I think probably it's something that any of us could set up with and maybe wouldn't be any harder to set up with than some of our own ordinary day's work if it wasn't for the disgrace of it.

A MEMBER: Especially in here. A five-month sentence every year.

MR. HENDERSON: I want to compliment the Minister in the way the county courts have been doing their job. I think this has been a real good thing in the rural areas in particular. I only think now that in the days of inflation when money seems to have such little value that possibly where we used to have to . . . now it's \$500.00 and under, that possibly we should raise this figure because I can see \$500.00 isn't very much these days. They used to do the cases \$500.00 and lower for \$3.00 and I think possibly if they'd do cases from \$500.00 to \$1,000.00 for just a somewhat larger figure, maybe \$5.00, that maybe this would really be a good thing. Because you can't turn accounts over to a collecting agency that won't take ten percent and I needn't tell any of you that if you've got an account of around \$500.00 it's hardly worthwhile going to a lawyer because he's going to charge you so much and you aren't sure even if you're going to collect it, and outside of a lawyer doing it as a percentage basis I think probably that he's going to charge you a lot more and he's not going to guarantee any results either. So I'd like to see the county courts up that figure from - possibly up to \$1,000.00 anyway, I think it would be very good.

I also want to compliment him on speeding up things in the Land Titles Office in our area but I do want to criticize him for taking so long to do it. You know it's funny but I suppose possibly anybody would be the same but they have to wait until they're pressured and pressured before they do anything. And this isn't right. Because when you get several transactions going through a Land Titles Office and they're coming in from lawyers in the rural areas, from the surrounding areas, and supposing they're \$50,000 accounts or sales and they're delayed in a Land Titles office for a period of a month - and I'm sure that many in my area were delayed for that length of time - and we have this going on and he's only handling 20 in a month, or 20 are being delayed in a month, let's put it this way, and you calculate the interest on this you'll find that this is costing the people an awful lot of money who are doing business. And this shouldn't be so. This has finally got corrected but I hope if this happens in any other constituency that the Attorney-General moves an awful lot quicker to correct it because the way he acted last time it seems to me he just waited until he was pressured and pressured until he could make the change and I don't feel this was right.

It can be said that while these here accounts were being processed that anyway the money wasn't sitting idle that maybe the interest was in a trust account which was going to legal aid. I was one of these people that voted in favour of interest earned on trust accounts going into legal aid and I done it conscientiously, but I often wonder since if I really done the right thing. Possibly think now that I should have voted or been more behind the idea that money that's going through legal offices being put in trust accounts where the interest was due to whoever the money was due. This is the way that it should have been handled. I know that there's a small amount of money that lawyers have to have in trust accounts when it's less than a month and possibly in the way that they're handling accounts that there's some there, but I feel that there's an excessive amount going into legal aid and I feel that it's just not all too good.

I feel that legal aid - and I have here this printed book of yours and the fees are legal aid people can charge, \$25.00 an hour for preparation, \$250.00 for a day in court, they can go up north and they get paid for each day and then they may get remanded when they're up there - I really feel some day I'd like to research some of those cases that were carried on in the north and see what they're costing or even some other cases because I feel that legal aid is becoming a very giant monster and I think it's going to become worse. I see in the estimates that even the government itself is putting another \$727,000 into it and I know the Minister will get up and say how good legal aid is and how the people should be entitled to justice and all this but, you know, it's not all just that way, and I see you creating a giant monster there. I--(Interjection) --Yes, I really think so. I think really that when it comes down to it I think that lawyers should be taking a very sincere look at themselves. They're charging very large fees in many cases and they're driving people to legal aid. I would say that if the legal profession is concerned about retarding the growth of legal aid that they should do a little bit more themselves to see that some cases are handled differently or at a discount in prices or something because I feel that the legal profession - and I have here the salaries of the different professions and I

SUPPLY - ATTORNEY - GENERAL

(MR. HENDERSON cont'd). . . know that the lawyers aren't suffering. So I feel that the legal people should be taking a strong look at themselves because I've talked to many of the rural people and there's nobody feels sorry for the lawyers or seems to think that they're underpaid. However, at least the lawyers when they do their own work they do take the chance on collecting their accounts which they don't have to under the legal aid system, it's all set up for them. So I feel that unless they watch themselves that we're going to have a terrific growth in legal aid, and I'm not saying this is the thing that in my opinion that should be growing like it is. I think that the Law Society has a real responsibility here and a public relations job to do and I really think that they should do it. Outside of that I have no further remarks except for probably when we're going through the accounts.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Thank you, Mr. Chairman. I'd just like to underline if I may the points that were made by the last member contributing and the Member from Assiniboia where they brought attention **once again to the concern** that's being expressed about the incidence of crime in the province and the difficulty in many cases for members of this House to make some assessment as to exactly what is the state of affairs.

This was brought to the Minister's attention this afternoon and I don't think he commented on it in his response, yet it is a problem of increasing concern to larger numbers of people. I'm not sure whether the concern is partially a response to what they read elsewhere but whatever the cause may be, and I think there is some legitimate causes, the frequency and incidence of crime both inside the city and out is one which has a rightful place of worry in the minds of many people and that could better be eased if we had some decent reporting system. I would hope that the Minister might consider adopting the practice that other Attorney-Generals are now beginning to adopt in their provinces where they attend at least once a year to give a report to the Legislature upon if you like the state of disarray or the state of crime and the problems associated with it and particularly begin enacting the kind of law enforcement measures that would be designed to anticipate and prevent the growth of particularly the kind of social crimes that we're reaching now. I think that this particular issue is one that I certainly would like to hear the Minister comment upon, because I think he should have noted by now that several members on this side of the House are concerned about it.

That is not however the major reason why I rose to my feet, Mr. Chairman. It's simply again to raise with the Minister two questions really on the other side of the fence of his obligations, and I can see the difficulty that the Attorney-General has because on one hand he's expected to be the provincial law enforcer, the man who makes sure the administration of justice is done by the scales of blind justice in a hard but fair manner; on the other hand he has in some cases a far more difficult and perhaps even difficult role and that is the protector of civil liberties and civil rights in this province. And it is that area which is certainly causing me increasing concern, particularly because of the activities of this government over the past year, in two specific areas where they have been charged with responsibilities.

The first one of course is in the activity of the Human Rights Commission which was heralded when it was established as being a demonstration of this government's response and sensitivity to the issue of human rights and to demonstrate its concern, that those who find themselves being victimized by discrimination of various kinds would have an opportunity to take their case, and gain a hearing and get some redress. And yet it became fairly obvious over discussions of last year that the Human Rights Commission was not working in that respect, that it was not living up to the expectations that had been presented to this House and passed debate, and in fact was in many corners being considered more as a cover-up than as an enlightener for the issue of human rights. This is particularly I think because of the organizational or legislative nature of the Human Rights Commission, and I would suggest that the Minister in considering the amendments that he says he plans to bring down on the Human Rights Commission, should pay some real attention to setting up the Human Rights Commission as an independent commission that reports to the Legislature as opposed to a commission that reports to the government. Because I think it is becoming a fairly commonplace fact of life that in many cases the transgressors of human rights are oftentimes government themselves and it is unlikely that the Human Rights Commission that gains its sustenance and support and its access to the Executive Branch of government or to the Cabinet of government is not as likely to pursue with all vigor necessary in the human rights field when in fact

SUPPLY - ATTORNEY - GENERAL

(MR. AXWORTHY cont'd). . .it may be having to pursue the people who are its sponsors and its overseers.

So I think that if we are, as I think everyone in this House is legitimately concerned to insure that there is a commission in the province that will undertake the proper representation of human rights' problems then it is essential that that commission have a much more independent position than it has now. And I believe, and I'm simply asking the Minister in this case that this was the basic import of an internal task force that was conducted for the Attorney-General's Department about a year ago or sometime within the last year, a report which I don't think ever saw the light of day, and it would be interesting if the Minister could comment upon what that report that was done internally in his department or internally within the government had to say. I believe it might have been a report that was conducted by people who were brought from the outside and I gather his predecessor in office did not act upon it. But in any event, I gather that that might have been some of the recommendations that came out of it. So in fact those are the recommendations of a government-sponsored task force or study group that in fact the Human Rights Commission be set up as independent, I would think it would seem a logical step for us to take.

That leads me to the other question which again the Minister may not be responsible for personally but certainly this government is and it goes back to the actions of his predecessor, and that is on the whole question of censorship in the province. I think there is nothing more dangerous than the irrational use of government power to begin to suppress ideas or opinions or any other kind of free expression, of whether it's an artistic matter or a political matter. I think the action of this government last June just prior to the election day in taking action against one of the films being distributed in the City of Winnipeg caused a great deal of concern amongst those who were concerned about civil liberties because it had no rhyme or reason to it. It was not part of any announced set of policy guidelines that the government had established; it was not part of any policy description that anyone had seen; it was sort of a shot out of the blue, repeated once and we don't know when it's going to happen again. Is it to be simply upon the whim or caprice of the Attorney-General when this kind of suppression occurs, or is it to be based upon a more clearly articulated set of guidelines so that those who are in the business or in the field of providing for the distribution of a variety of forms of materials or films or art objects or whatever it may be, will at least be able to have some sense of surety, some sense of confidence about what the limits at least that this government is prepared to work within as opposed to working on sheer caprice or whim or whatever personal idiosyncrasy may have prompted that kind of action. Because I think it is in that very delicate nature of having some sense of surety and confidence as to what the guidelines are that this very delicate problem of censorship must be exercised. It cannot be exercised in the way it has been up to now, or at least by that one example demonstrated where it was that kind of you knock on the door at night kind of action.

I realize that part of the problem is by the nature of the establishment of the censorship rules that once it was taken out of the purview of providing for an original screening of films and other objects and simply gone to a classification board, an uncertainty was created. I think that uncertainty is a dangerous one. It would be very useful I suppose - the Minister could certainly refer the matter to the Law Reform Commission, he refers a lot of things to the Law Reform Commission, I suppose one more thing wouldn't hurt - if they could begin to do a fairly sensible and proper position upon the approach that should be utilized by this government in its approach to censorship in the province, in the field of film, but certainly also applies in the field of literature and other areas. Because as it now stands that one act, that act of caprice last June I believe has provided a high degree of turbulence in understanding or knowing or sensing as to what is considered to be within the allowable rights. That would be I think an important sort of matter that I would like to raise with the Minister. If he is prepared to comment at this point, that's fine, but simply take it under advisement for I believe that that action of the government last spring was a troublesome one, has caused a great deal of, certainly I think of soul-searching on the part of many people in the community about what really is the position of this government, and I think it is a requirement that they begin to clarify their stand in relation to the problem of censorship and what is the guidelines at least that they are prepared to work within so that those in the private world who must in many cases judge their actions by some sense of the standards that are being set will have a notion of what those standards are.

SUPPLY - ATTORNEY - GENERAL

(MR. AXWORTHY cont'd)

I would hope that the Minister would take these comments with some seriousness because I think I am expressing not simply a personal point of view, the point of view by many of those who . . . for example, groups like the Manitoba civil liberties group and so on, who at that time expressed great dismay at the action and I think would consider some expression of government position in this to be a worthwhile one so that we would know where we stand.

MR. CHAIRMAN: The Honourable Minister. . .

MR. GREEN: I just wanted to ask the honourable member a question.

MR. CHAIRMAN: The Honourable House Leader has a question?

MR. GREEN: I'm not sure that I understand the honourable member. The only censorship that exists of films in the Province of Manitoba now as I understand it is vis-a-vis the Criminal Code of Canada, and as to whether or not a prosecution is commenced it rests with the Attorney-General. Is he suggesting that there should be a provincial censorship in addition to that, such as there was prior to us eliminating the censorship laws? Is that the position of the Manitoba Civil Liberties Association? I'm trying to understand because I believe we have a problem, but I understood the honourable member to indicate it should go to the Law Reform Commission to define censorship laws and I wonder if that's what he really means.

MR. AXWORTHY: Mr. Chairman, I would answer the Minister in this respect, that under the present laws of censorship as they are enacted in the Criminal Code--(Interjection)--That's right, that's all we have--the onus or the discretion on how they are exercised rests with the Attorney-General. When those changes were made one assumed that the area of activity or opportunity sort of would be defined in some way. The act of the Attorney-General or the Attorney-General's predecessor, or the Attorney-General's Department last spring all of a sudden sort of set a certain precedent, established a certain standard if you like as to when--(Interjection)--Well, but one case is very important because, if I have read the law correctly on censorship, most major cases are established on the basis of one case around which standards and measurements are determined. I think that case in many cases has established if nothing else a high degree of uncertainty in the minds of exhibitors, for example, and they would like that clarified. And I'm simply suggesting that that would be--(Interjection)--No, I'm simply suggesting, I'm not saying that we need a new censor board at all in Manitoba, but I am suggesting that it would be of extreme value if the government would make its position clear as to what does it determine to be within the area of censorship. What sort of standard is it prepared to accept so that there is some degree of surety or some degree of confidence that the people, exhibitors, are working within the ambit of law. Because what happens is this. Again whatever examination I've been able to make of the workings of censorship law it works this way, that once you have been stung the human nature takes over and the proclivity of people who are responsible as exhibitors or distributors is to be even more shy than perhaps they should be, that once that initial sort of action has been taken they may themselves begin to greatly narrow the area of things they are prepared to show or exhibit far more so than perhaps even the government would like because they're afraid now, you know going into these kinds of cases are expensive. No one particularly likes the embarrassment of it in some cases. So I'm simply suggesting that that situation should be clarified. Perhaps some set of standard of what is to be expected, not to be expected, should be enunciated so that we wouldn't by the process of self-selection or self-censorship so begin to narrow or limit the range, that we would reduce it down to what is simply kind of acceptable only to the Mrs. Grundy's sort of who live in the world. Because I think that would be a terrible mistake. There has been no statement made by the Minister or anybody in the government subsequent to their court activity and I think that such a clarification would be of great value.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Chairman. I recognize the Honourable Minister was ready to respond but perhaps I could just add in a few words somewhat more material to which he can then respond to, some that indeed will be related to what has just been said. Let me at the outset say that I really don't have any particular bone to pick with the Attorney-General's Department, it's a department that we recognize as being one that offers the people of Manitoba a degree of stability in terms of how they approach the law and how the law reacts on them if they are in the wrong, and we look in this day and age to the agencies to handle it in all possible ways where the full human condition is considered. And I think that we can say that

SUPPLY - ATTORNEY - GENERAL

(MR. ENNS cont'd). . . that is the case in the application of most laws in the Province of Manitoba.

It's in this very context, Mr. Chairman, that I raise a question not totally dissimilar from the ones raised by the Honourable Member for Fort Rouge who just spoke, where I think the actions of the department under the Attorney-General become important, become important in the way of continuing or establishing clearly the kind of leadership guidelines that we as the public demand of the Attorney-General, and to know at all times, you know, the position of the Attorney-General's office on certain matters. And there has been, Mr. Chairman, in my judgment in the past several instances where we have been somewhat confused as to when the Attorney-General has seen fit to lean on the administration to do certain things; and on the other hand when he has seen fit to lean on the administration to bring about an expression of policy. Now whether that's personal policy or policy of himself as a Cabinet Minister of this government or what, but there is a difficulty sometimes, Sir, to find out, when one approaches the Attorney-General's office, when he believes a matter is a subject matter of policy and when it is subject matter duly in the hands of his administrative officers. I refer to two particular instances, Mr. Chairman.

For instance in the selective prohibition that we have with respect to the sale of wines in the North country, when without arguing the case at all, its merits, its hoped for effects, its causes or effects, but simply for me and for other Manitobans to understand, was this a policy decision on the part of the Manitoba Government, or is this an administration decision, administrative decision made by the Liquor Control Commission, which is under his jurisdiction? I believe there was some mention made about a, you know, study being undertaken in this area, dealing with the sale of certain spirits in the North. My question would be: who authorized that study? Again the question of, did it emanate from the policy table of the Cabinet room, the policy desk of the Minister, Minister of the Crown or was this an internal administrative decision made and supported by the Minister on the basis that he is prepared to accept an experiment in this way and then at some subsequent date made recommendations to us? In that event, I would like to know when that study is going to be completed, or will it continue for how long? Will the results of that study be tabled in this House? Or, Mr. Chairman, indeed, if as a result of last night's budget has the whole study been made meaningless because of the fact that there is getting to be very very little cheap liquor around of any description?

Mr. Chairman, I raise that question in the context of this other matter that I raise, and that's not too far distant from the matter that was raised by the Member for Fort Rouge. Also during this last year there was a situation in the film industry where a particular film was brought into this community and whose fitness was challenged and was taken to court for the possibility of its being charged under the Criminal Act of Canada for being obscene. I believe some liberal-minded judge of the day decided it was not, and passed it; then the action, however, taken by the Attorney-General is one again that I'm trying to understand. He on this occasion felt that his administrative arm of the Department of Justice, the Department that he controls, was not doing things to his personal liking, and I don't know whether it was not to his personal liking or not carrying out the policy of that administration that the Minister is part of. So I cite, Mr. Chairman, just these two instances where, on the one hand, what would appear to me to be a fairly, you know, major policy decision, a decision to impose a limited form of prohibition on certain segments of our society, that that kind of a decision in the Minister's department can be suggested to have been made at the administrative level, and then on the other hand, the question of whether a film is obscene or not, and it having gone through the due process of law and having been prosecuted and having been judged upon, you know, certainly all the administrative arms of the Minister's staff working to their full authority in response to their duties and responsibilities, but then the Minister not being able to accept the result, and the Minister - not somebody else, but the Minister - seemingly initiates an action that would at least leave the impression that he would somehow want to reverse the action taken by the due process of law.

Now that leaves the question: Is the Minister - and that I think is partly the question that was being asked by the Member for Fort Rouge - you know, is the Minister, the Attorney-General of this government, not prepared to accept the position that they essentially put themselves into when they abolished the Manitoba Censor Board and essentially said that

SUPPLY - ATTORNEY - GENERAL

(MR. ENNS cont'd). . .henceforth things will be declared fit or unfit if successful prosecution be brought under the Canada Criminal Code? I believe that's - and I think the Honourable House Leader just stood up and through his questioning underlined the fact that that is precisely the situation that we now are at, and I hear nobody suggesting that we should change it. Except that the Minister's actions in this particular instance would seem to indicate to me that he was not quite prepared to accept that. Now I don't know, Mr. Chairman, as to when the Minister therefore pursues a course within his department on a matter of it being policy, or when he allows that course to be pursued by his administrative officers, and is quite happy and quite prepared to allow the administrative officers to accept the responsibility for certain action.

Mr. Chairman, I'm not prepared to make any undue charges here but the implications are very clear. In the case of the selective prohibition that has been undertaken under his jurisdiction - and I don't even know whether it's under his jurisdiction; under the jurisdiction of the Manitoba Liquor Control Board perhaps more properly put - is it, Mr. Chairman, that he is awaiting for the kind of public reaction that will take place. You know, if it's good, then indeed it will become policy and he will be quite happy to stand up and accept the credits for it, but on the other hand if it isn't good and if it isn't accepted, and if it's bad and if it can be shown that it is questionable, highly questionable practice, does the Minister then intend to shield behind the administrative officers under his jurisdiction and push them forward for the responsibility for taking an action - essentially a policy action I would surmise, Mr. Chairman - which is not to the liking of the majority of the people of Manitoba, and therefore then he can point the finger to ill-advised experiments carried out by lesser officers in his administrations, or members of the Liquor Control Board who operate at some arm's length from him?

Mr. Chairman, I raise these two particular points because I suggest that while my criticisms of the Attorney-General are minimal, there are in several instances - I've named these two instances - a difficulty, I find some difficulty in clearly interpreting policy when it emanates from the Attorney-General's Department as compared to administrative actions.

Now, Mr. Chairman, let me not sit down and not return to one of my other favourite concerns, with some alarm, Mr. Speaker, because I do suspect that the Honourable Minister has compassion in this field and is not prepared to accept the position taken by his predecessor, even though the figures would indicate that perhaps he has. And I'm referring to the just about the doubling of the figures of cattle being rustled in this last year. You recall, of course, that his predecessor, Mr. Chairman, suggested to this House that, well, perhaps the first deer should be on the house and that we shouldn't crack down too hard on the cattle rustlers the first time around. And even though the figures indicate that the incidence of rustling has doubled this past year, I would like the Minister to personally assure me that he doesn't believe that it's fair to the farmers, the ranchers of this province, who are facing significant difficulties as it is; that he won't add to their problems by suggesting to the other 990,000 Manitobans, "That's all right, boys. You can get that first deer in the freezer on the house, courtesy the Manitoba farmers. We won't prosecute you too hard as long as it's only the first one."

Now, Mr. Chairman, I don't want to belittle the problem because it is, if anything, a growing problem and a problem that's going to stay with us particularly as the price of food - and beef is an essential part of that food element that we require - stays where it is, and particularly when it still seems to be so difficult to successfully pursue the wrongdoers to convict to the final end result. The figures show an unhealthy increase in this regard. I must compliment the Attorney-General's staff for having used whatever influence they have used, and I believe it's considerable, with the RCMP in having helped to organize local groups in better surveilling the cattle countries this past summer. I would hope that that same kind of effort would continue in this coming year. I can assure the Honourable Minister that that has had a considerable, you know, helpful result in most areas, and I speak particularly of the Interlake which I am familiar of, and we would certainly want to entertain any fresh ideas or new ideas that the Minister may have, or some of the staff may have, with respect to how we can improve on this service. We do not, we do not suggest, as I think I may have to vote against the resolution that will come forward sooner or later in this session

SUPPLY - ATTORNEY - GENERAL

(MR. ENNS cont'd). . . about the possibility of arming the vigilante committees this coming summer; wouldn't like to see it come to that extent, but Mr. Minister I want to tell the Minister Mr. Chairman, through you, that the continued co-operation between all law enforcement officers, indeed in fact the widening of the circle of other responsible people - I'm thinking particularly of other people already connected with government, whether they be through the agricultural offices or through the offices of his colleague the Minister of Mines and Natural Resources, that every effort should be made to make as strong a net as possible in terms of communications, identifications and so forth, in the hope of keeping the incidence of cattle rustling to a minimum. Thank you, Mr. Chairman.

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: Mr. Speaker, possibly I would just have two minutes which I could deal with the question of the Last Tango. The Honourable Member for Fort Rouge and the Member for Lakeside raised the question of whether or not there was a policy direction in regard to matters pertaining to charges brought under the Criminal Code in respect to films seized in theatres and their proprietors charged under the provisions of the Code. I would like to just indicate to honourable members that insofar as the particular film which members have in mind, that it was not a decision that was arrived at, as suggested by the Honourable Member for Lakeside, to proceed with an appeal absent and foreign to the decisions of the administrative arm of the Department of the Attorney-General; that in fact that decision to appeal the finding in the Provincial Court on to the Court of Appeal, was made as the result of recommendations by the legal officers within the Department of the Attorney-General. The recommendation was that there - and I concurred wholeheartedly in it and assume full responsibility for it - that the present provisions of the law pertaining to obscenity vis-a-vis our Criminal Code is hazy and blurred and though one may have their own personal views in respect to censorship, we do have to live within the provisions of the existing Criminal Code, and I say to the Member for Fort Rouge that if there is need for legislative change, and I feel that there is; there is need for clarity and precision, more precision insofar as to what is obscenity within the meaning of the Code - than that decision, those legislative changes have to be made by his colleagues at the federal level of government, because it is from the Criminal Code and only from the Criminal Code which the Department of the Attorney-General is entrusted with the responsibility of enforcing, that the decisions really must be made in respect to obscenity in the Province of Manitoba whether a certain matter is or is not. And I say to honourable members that the decision in the Court of Appeal and the lengthy decision of the majority of the court - and by the way, the court split three-two, which in itself indicated quite an uncertainty as to exactly what is obscenity and what is not obscenity under the provisions of the Criminal Code - was a major contribution to the understanding of the Department insofar as its relationship to future case files brought in this regard in the future.

MR. PAULLEY: Mr. Chairman, if I may. I wonder if I may have the indulgence, Sir, of yourself and members of the Committee at this particular stage. My colleague, the Attorney-General will tomorrow be going down to Minneapolis to meet Her Royal Highness Princess Margaret and the Earl of Snowdon. I'm wondering whether or not, in order that my honourable friend may have an opportunity of using up his 20 minutes or so, whether or not he could have the indulgence of the Committee to allow him to reply to a few of the questions that have been raised this evening in order to accommodate him going down to Minneapolis. I understand that my colleague the Attorney-General will not be available tomorrow or possibly on Thursday due to these matters of state, and I'm--(Interjection)--Yes, let's all go, but we can't. So I'm just asking whether or not there would be an inclination of the members of the Committee to allow the Attorney-General to answer a number of these questions even though it's going beyond the hour of 9:00 o'clock.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSON: I think, Mr. Chairman, we could have reached a decision much earlier than this if the Minister had not elaborated at such great length. We're quite prepared to consider Estimates the remainder of the evening. In fact, I think it would be preferable to do that and there are a number of members on this side of the House who would like to contribute as well, on the understanding that when tomorrow night arrives that we will proceed to the order of Private Members' business that normally would have taken place today. In

SUPPLY - ATTORNEY - GENERAL

(MR. JORGENSON cont'd). . . other words, we would go into Private and Public Bills as the first order of business tomorrow night, or tomorrow afternoon, and if that--(Interjection)--no, on Wednesday. If that is satisfactory, we're prepared to conclude the remainder of the sitting on the estimates of the Department of the Attorney-General, or whatever. . .

MR. CHAIRMAN: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Chairman, do I understand my honourable friend to indicate that tomorrow afternoon, because we are not meeting tomorrow evening because it is Wednesday, that the suggestion of my honourable friend, the Member for Morris would be that they prepare to go on until just prior to before the hour of 10 when we must call the Speaker in to adjourn the House, but tomorrow that there will be an advancing of private resolutions from 4:30 to 3:30 or thereabouts. Is that. . .

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSON: My suggestion is that at 4:30 instead of going into the first order of business being the consideration of Orders for Return, debatable Orders for Return, the second order of business was resolutions. My suggestion is that the first order of business tomorrow might be private and public bills rather than debate on adjourned Orders for Return.

MR. PAULLEY: I think, Mr. Chairman, that that is acceptable as far as we are concerned providing we have unanimity of an agreement insofar as tonight is concerned. The Honourable Member for Morris has spoken on behalf of the Official Opposition, I wonder what is the inclination of the members of the Liberal Party. If we have concurrence then I think that the suggestion of the Honourable Member for Morris is quite acceptable.

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

MR. ASPER: Mr. Speaker, we, with some reluctance concur with the Honourable Minister of Labour, and our reluctance, just so that the record is clear, is that once again we have had to, in a spirit of willingness, accommodate the government, had to abandon private members' hour, one of the hours of the session again being lost, and inasmuch as all members appear willing to do this we will not withhold the time to the House, but we do express the regret and hope that we won't have too much of this inasmuch as there is still a fair amount of private members' business to conclude before we adjourn.

MR. PAULLEY: May I suggest to my honourable friend it's not really an accommodation to the government. We're trying to accommodate the House and also to allow my colleague full freedom to greet Her Royal Highness on behalf of all of the people of Manitoba. I understand, Mr. Chairman, that we have an agreement and suggest you retain your position as Chairman, at this particular time.

MR. CHAIRMAN: Is it agreed that the committee proceed with consideration of the Estimates of the Attorney-General's Department? (Agreed) The Honourable the Attorney-General has 27 minutes remaining. The Honourable Member for Fort Garry, on a point of order?

MR. L. R. (BUD)SHERMAN (Fort Garry): May I just have the indulgence of the House to ask a question pertaining to what has just been decided. What estimates, what department does the Minister of Labour or the House Leader propose to bring before committee tomorrow afternoon? That will be Education? But we will then go back to the Attorney-General's Estimates when he returns from Minneapolis? Is that correct?

MR. PAULLEY: Yes. I believe Mr. Chairman, that would be the idea, that the Department of Education and the Minister tomorrow will be discussing the estimates of that department and then after that is concluded, or if by agreement prior to the conclusion of the estimates of education, we revert back to the Attorney-General's Department.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: Mr. Chairman, in addition questions raised in respect to the decisions in respect to the sale of fortified cheap wines in Northern Manitoba. This was an administrative decision by the commission, it was not a policy decision by government, but I would say to honourable members it may very well be that there will be very clear and positive results from this test project which was undertaken by the Liquor Control Commission to ascertain whether or not the levels of detoxification would be reduced in communities in which there was removal of the sale of these particular wines.

The comments by the Honourable Member for Assiniboia were I think of . . .

MR. CHAIRMAN: Order please. The Honourable the Attorney-General.

MR. PAWLEY: . . . were of considerable interest to all members of the House in respect to the very extreme importance of all matters pertaining to the family and juvenile courts in Manitoba. Certainly for a long period of time this court has been the one which has received least attention. It has been the court which often has lacked the support staff and the facilities and the judges in order to carry out the very important function that is required of that court. And certainly the honourable member from Assiniboia is correct in suggesting that there has in fact been at times in the past instances where the service in that court could have been improved. Certainly I say to honourable members that the location of the Family Court being as it is located in Tuxedo is not the most convenient court insofar as those that are seeking the services of that court, and often they are impoverished wives and mothers that are seeking custody or support from deserting husbands and others. Well a number of steps have been undertaken in order to attempt to improve the service in this court. Just recently there was the full-time appointment of Judge Harris which is an additional appointment of a judge to the Family Court. Judge Harris performed the role of a part-time family court judge for a considerable period of time and his performance was of such a nature that I am confident that he will contribute in a major way to the effective operations of the Family Court.

Secondly, there is a need I think to attempt, particularly in the areas removed from the Tuxedo area, another facility, another building in which Family Court hearings can take place and the supervisor of Court Services is in the process now - and I'm not sure whether he has completed the rental of a hall in order that Family Court matters can be heard, somewhere in the vicinity of the North Winnipeg-Kildonan area. So that wives and mothers will not have to go through that lengthy tortuous process of transferring from one bus to another and then a lengthy walk in order to get to the present Family Court facilities. I hope that we'll be in a position to report in respect to that particular move shortly and I would trust that we'll be able to make moves insofar as the facilities themselves are concerned, because they are not the most conveniently located facilities.

We're also appointing a Family Court Judge who will deal in the circuits in and about the City of Winnipeg; who will relieve the load from those provincial judges that are engaged in the criminal parts in respect to the providing of Family Court services both in the central and in the eastern judicial districts. There will be the appointment of a full-time Family Court Judge who will be involved only in the hearing of family and juvenile court matters within that area, so there ought to be an improvement insofar as services in that respect are concerned.

Insofar as the time that is spent, it varies from case to case, lawyer to lawyer and often judge to judge, depending upon the matters which are brought before the court, the chances for reconciliation, and sometimes certainly these cases can drag a lengthy period of time, sometimes for reasons unrelated to the actual facilities or the backlog of cases, but because of the very efforts that are often attempted during the Family Court hearing itself to bring about a reconciliation of the parties to the dispute.

We are as well, Mr. Chairman, looking at the long term and we have through the Manitoba Law Reform Commission entered into correspondence with the federal level of government, the Honourable Mr. Lang, the Minister of Justice, to ascertain whether or not the Federal Government would be interested in a pilot project in Manitoba related to court facilities in a particular part geographically in Manitoba, a Family Court which would handle all matters related to Family Court matters. Because one of the difficulties under the present structure of Family Court is that we have the custody and maintenance matters in one court, guardianship matters in another court, divorce matters elsewhere, division of property elsewhere and sometimes you will find three different courts which are involved in the handling of matters pertaining

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) to a Family Court case. Often you find that the Court of Queen's Bench is dealing with a matter that could be handled in the Family Court for instance.

The idea behind the proposals that have been made to the federal level of government is that there be a unified Family Court pilot project in Manitoba and the federal level of government has recently indicated support in principle to such a concept being developed in Manitoba. Now the practical detail arrangements have to be sorted out between the two levels of government, but I'm hopeful that within the space of the next few months we'll be in a position to announce in a major way this particular thrust in an examination of a unified Family Court system to ascertain whether or not we can obtain better service for our families or wives or children that are involved in the Family Court from a unified system rather than the present fragmented system.

The Province of British Columbia has always proceeded in this direction with a pilot project in June of this year slated for commencement in British Columbia, and the Law Reform Commission reports from different parts of Canada are all indicating a need for a re-examination as to the present Family Court system across the country.

The Honourable Member for Swan River had mentioned earlier and I had neglected to mention in my earlier remarks about supplementary police forces in particular relating to northern communities. And there is presently discussions between the federal and provincial levels of government to ascertain whether we can proceed with a program which is called the 3B Program by which we can bring more native people into policing in northern communities, not only on the Reserves but in the remote communities and other non-treaty communities surrounding the Reserves. The Federal Government has expressed interest, as has the Provincial Government, in this field and there is presently discussions under way to ascertain whether or not we can bring to the northern communities supplementary staff attached to the RCMP to provide native input to the native and remote communities in Northern Manitoba.

I wish we had the time to discuss justice in Northern Manitoba because one of the impressions that I've had during the short period of time that I have been Attorney-General is that we have much need for reform and change in Northern Manitoba insofar as the administration of justice in northern communities. If I could just mention a not so humorous but rather sad incident, that apparently there is a small community in Northern Manitoba where when the court circuit sits there the proceedings take place on a card table with three legs and the Crown Prosecutor, the Defence Attorney, the RCMP and the Judge take turns as to which of the four is going to end up with the corner of the card table without the leg. The facilities, the equipment, the problem in communicating to northern people, the rights and their obligations, the avenues open to them, we have great potential to develop here because we have just really started to bring about changes and improvements in the system of the administration of justice in northern communities.

In the area of the legal aid as mentioned by the Honourable Member for Pembina, I want to simply say this that I, again to repeat to the Honourable Member for Pembina, that he need not feel distressed or concerned about the development of a legal aid system in Manitoba. I think it's the very essence of any democratic society that people not just have rights in theory but rights in practice before the courts of the land, and without a legal aid system and without the further extension of the present legal aid system, the administration of justice, hearings before the courts in Manitoba would but be an empty shell. Idle phraseology, and I say to the Honourable Member for Pembina that I know him, I know him to be a fair and reasonable man, that I'm sure with the passage of time that he will recognize the very important contribution that legal aid is making towards the improvement of the quality of life in Manitoba.

I appreciate the comments by the Honourable Member for Fort Rouge in respect to the need for strengthening human rights legislation in the Province of Manitoba. I think that the Commission has to some extent been handicapped in pursuing some of its objectives because of the defectiveness of legislation. We have court cases which have indicated the defectiveness in the present legislation and all that I can say to the Honourable Member for Fort Rouge is that the intention is to bring to this House legislation in order to improve the human rights legislation in Manitoba, because certainly human rights legislation is one of the most important contributions that I think any government in any Assembly such as this would want to bring to the community it represents.

The questions that were raised in connection with the Liquor Control Commission store

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) at the corner of Donald and Ellice, the new store at Main and Market. I would just mention to the Honourable Member for Assiniboia that the Donald and Ellice store is being closed, will be closed within a couple of months, will be closed permanently. It had a load of over \$4 million; the rent is very high in that store; there was a heavy concentration of traffic movement in and out; it was becoming very difficult to handle properly. I think the honourable member can, like myself, can recall many instances in which one has driven by that store to see an endless line-up of cabs and vehicles in front and the traffic jams that have been created about that store.

The intention is to divide that \$4 million sales, because that would be pretty well the approximate amount of sales within that particular part of the city, between two stores. One would be the store referred to at Main and Market, which from information that I've received from the Liquor Control Commission we'll be obtaining further detail on, should not mean that there will be additional parking difficulties or problems in that area, and the opening of a store at Hargrave and Ellice which will in fact split the business that was formerly handled at Donald and Ellice. I think the Honourable Member for Assiniboia does have a point in respect to the problems involved at the Portage and Vimy Road store. There has been a parking problem and that store, unlike the downtown stores, cater mainly to motorists and to driver patrons. And let me assure the Member for Assiniboia that the Liquor Control Commission is engaged right now in attempting to obtain a solution to this problem, quite mindful of it, and I hope that within a short period of time I'll be able to give the honourable member some information as to intentions on the part of the Commission in that regard.

The Honourable Member from Fort Rouge raised the question of private police, and I understand and appreciate very much the concern of the Honourable Member for Fort Rouge. Certainly we have seen in different countries of the world that where the private police force becomes too powerful an institution within any community that there often is a force which is created which often is detrimental to our entire fabric of government and that the development of such a force in itself can become very dangerous. I'll be requesting the Manitoba Police Commission to give me information in this respect to attempt to develop some suggestions as to what constructive alternatives there can be for this type of development because I have no easy answers to give to the Member for Fort Rouge. Because I've recognized the fact that the more the high rise residential buildings we construct, the larger become our commercial institutions, more and more is going to be the trend towards this type of development of a private police force. And I think all that we can do at this moment is identify that that is a problem, a concern, and that we should be attempting to ascertain whether there are alternatives to this type of development.

On the question of cattle rustling, I would just mention to the Honourable Member for Lakeside that there has been considerable activity in the area of the courts dealing with cattle rustling during the past year. I have before me a memo which I would make available to the House detailing the convictions which have taken place during the past year on cattle rustling and I note that some of them include sentences for one year, two years and also the report is to the cattle reported missing or stolen during the past year. But the courts have dealt with these cases fairly severely wherever they have occurred. The problem has been one of course of detection and locating those that have committed those offences. I know that there is consideration being given to introduce legislation which will provide some more teeth in this respect, which would include the possibility of confiscating the vehicles or any other equipment that is used in the process of rustling and I think we should be not hesitant in doing that. And I would hope that we would have something further to report on that for the benefit of the Honourable Member for Lakeside later.

On the question of bowling alleys, this is the reason of course for the variation here from golf courses, curling clubs, is that the bowling alleys unlike the golf and curling clubs are generally not of the non-profit nature that the golf and the curling club is and thus the golf and curling clubs are able to obtain licenses but not the bowling alley, unless there is a restaurant attached within the bowling alley in which case sometimes a liquor license can be issued. I note that the honourable member, I don't know whether he mentioned in the House but he, I think, did indicate to me privately that he understands that other provinces are a little bit more liberal in this respect than we are and certainly it's an area that I will request the commission to look at and give me further reports on.

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd)

I think that's probably covered most of the items, if I've missed any don't hesitate to bring them to my attention.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Chairman, I'll try and be very brief. Mr. Chairman, I apologize for this is the worst seat in the House to try and get the attention of the Chairman. I've been here many years and I know some of the members before and I do apologize for my limitations and the fact that I haven't got a strong voice or I'm not a big man. It's difficult.

Let me first of all congratulate the Honourable Minister for the way he's conducting his Estimates in the House. I wish that he would have the Minister of Agriculture and the Minister of Labour in the House tonight to see how this Minister is conducting his Estimates and persevering and bringing them through. Simple little questions that we raise, we don't get a 40 minute blast from the Minister opposite when we only need a two minute answer. I congratulate him and I'm sure we'll get through his Estimates as quickly as we can with dispatch and we're going to get all the answers that we're asking for without this big booming voice that we get from the Minister of Agriculture and the Minister of Labour. So I do congratulate the Honourable Minister for the way he's presented his Estimates and for the way he is replying.

My questions will be very brief cause . . .

A MEMBER: A booming voice from the Minister of Agriculture?

MR. MCKENZIE: The members that have spoken before me have raised many of the questions that I was going to raise but under the terms of the Manitoba Liquor Commission, - and my deskmate has raised - there is no provision in the Estimates for us to deal with it, except under the Minister's salary and I do have some questions.

And, Mr. Chairman, I do wonder where we're going with the infractions of the Liquor Act that we see across this province. Weekend after weekend after weekend we see young kids rolling cars, ending up in hospitals, cut up and carved up and some of them ending up in the morgue. And maybe it's a trend of the times, I don't know! Maybe we shouldn't have lowered the age of majority, I don't know! But I know in my own community, the constituents that I represent, the local municipal police force have thrown their hands up in disgust. One municipal policeman can no longer police a little town or a village in rural Manitoba today. It just can't be done. Because these kids are smart, they know how to undermine the police force; one kid knows how to take the policeman on a wild goose chase down the road on a speeding ticket and while he's away the other kids are in town doing U-turns on Main Street and tearing up the pavement and knocking out the windows in stores, businesses. And I can give you examples of where these policemen, these are honest-to-God policemen, their kids are harassed when their kids go to the local school because their father is a big cop. And they are being harassed. They are being harassed to the extent--and I have evidence of a local policeman driving into the city on a weekend and he stops at Portage la Prairie to have a hot dog with his wife and his family, and those kids in Portage saw this police car with the stickers on the side and man, four kids get ahead of him and four behind him and they got his wife and his family in such a state he just had to pull his car off the road and leave himself. Now where are we going in Manitoba today?

And I'm sure, I don't know the answers and I'm sure maybe the Honourable Minister doesn't know the answers, but I think it's time that we got seriously to study this problem. And I'm sure your records show, like the records of Mr. . . . will show, that it's a real serious problem that we have in this province today where young people today for some reason just don't respect the law enforcement agencies. Maybe, possibly, the RCMP are the answer or you can put in a big police force, do with six or seven men but I suspect in my jurisdiction that one municipal policeman can no longer police one village today. It can't be done. How can he police it 12 hours a day or 24 hours a day and have the problem with his kids being harassed in school because he's a policeman or have, when he's out on a Sunday afternoon, to try and have a hamburger or a cold drink with his family and these kids are on his back. And that's a fact, I can back everything that I'm giving to the Honourable Minister is factual. I'm not standing here trying to make an issue of something that's just passing by. It's a serious matter and I think it's time that we as legislators be very serious about it and try and deal with it.

And I'm sure most of the members that sit around this Chamber have the same problem in

SUPPLY - ATTORNEY-GENERAL

(MR. McKENZIE cont'd) their areas if they'd only recognize it because it's there. Now whether in fact it's because we've lowered the age of majority and the young people are being given the rights to go and imbibe in liquor, I don't know. Or maybe it's because the young people today have learnt through the example that's taking place in Ireland where it's legal today to bomb your neighbour out. I don't know! Or is the world changing and this is a trend that we're going to have to live with and be satisfied with the rest of our lives. Well I wonder! But I think and I, in all sincerity, I raise it on good faith and I think that the Attorney-General with his staff would maybe take a look at it and if it's not a problem in your district, it sure is a problem in mine. So I wish you'd just take my words in good faith. I'm honest and I'm sincere about what I'm talking about. It's a real problem in my constituency. And I suspect that there is many members of the House that have the same problem and I think that it's time that we dealt with it. And maybe we can't get the answers and maybe we can't solve it but I think we should take a look at it.

Mr. Chairman, let me go back again--(Interjection)--I can't vouch for Swan. I apologize. This is a new Attorney-General and I again appeal to this Attorney-General for the problem at Pine River. I think I've had it three years in a row. An honest Ukrainian lady running a good clean restaurant, nice tables, good food, all the facilities she's put in by her hard-earned sweat and toil of herself and all she asks for is the right to sell a glass of wine or a glass of beer when somebody wants food. And that apparently is the in-thing today. And for some reason the former Attorney-General and the Liquor Commission will not, and I'm sure when the Honourable Minister looks at the file the letters are that thick - it's the only restaurant between Dauphin and Swan River that can seat 40 people. Then why can't she have a license?

The other few things, Mr. Chairman, and it's real quick. The cattle rustling has been looked after. I'm wondering in the Estimates that the Honourable Minister has presented to us tonight and maybe I could deal with that when we come to it on clause by clause and I'll raise those questions.

But the other, the point that I do raise - it's interesting - the schools today, young people today are allowed to drag beer into schools. And you know, they're Grade 12. There's locker rooms in my constituency where you can go and get yourself a six pack of beer today.--(Interjection)--There are and I'm sure there's members--well the Father over there says "Shame" and I say "Shame" too but it's happening and it's a fact. That a young person today 18 years of age can go downtown at 12 o'clock noon, when it's noon, buy a six beer and take it back and put it in his locker. That's the law, it's legal.--(Interjection)--Certainly it's legal, in a school. That's his locker, that's his private place.--(Interjection)--Well the Premier says he can't do it. Well, let the Premier or the law enforcements agency go and try and take that out of his locker and see what's happened. Or let you go and be the principal of that school and try and do that. And you know what happens to you.

A MEMBER: The students strike.

MR. McKENZIE: And then you become a hated person. The students react. Well certainly. Well it's interesting where, you know, you get the chuckling and the smiles of the members opposite but, Mr. Chairman, I'm talking here tonight in all sincerity and they don't recognize that this is a problem. I'll bet you if the Attorney-General goes around this province and checks out with some of the principals of our schools and the superintendents of our schools, you'll find that that's a problem in darn near every jurisdiction of this province. And it's a serious problem. Not only is there liquor in there, there's drugs as well.--(Interjection)-- This is the typical reaction, Mr. Chairman, that we get from this government. They think they're the saints; they think there's nothing that can happen in this province that's bad as long as they're government. And as long as we in opposition stand up and raise these points in all seriousness - and the Minister of Education sits over there and chuckles like an old fat woman - he knows what's going on in the schools of this province.--(Interjection)--He sure does. Yes, and what has he done about it? Absolutely nothing. But, Mr. Chairman, I was never more sincere in this Legislature than I am as I stand and raise these points tonight. And I think if we as legislators don't take a look at it and maybe we can't resolve it but I say we should take a look at it and see if we can resolve it.

MR. CHAIRMAN: The Honourable Member for Gladstone.

MR. JAMES R. FERGUSON (Gladstone): Well thank you, Mr. Chairman. I guess I'm the last speaker left, that's why I was recognized. I'd like to thank the Chairman. But in any

SUPPLY - ATTORNEY-GENERAL

(MR. FERGUSON cont'd) event most of the things that I did want to cover have been spoken about and I won't repeat myself. I think we have a reasonably good opportunity of getting the Attorney-General's Estimates through this evening so consequently I won't take up very much of his time.

The two things that basically bother me are: One, the first of course would be rustling, the drastic increase we've had and we felt that possibly there would be some legislation brought in this Session whereby there would be stiffer penalties and this has been covered to a degree but as I say there has been no legislation brought in.

The second again, of course, would be the subject that I've brought forward many times and it's beginning to sound like a broken record, consequently I think that this will probably be the last time that I will be bringing it up. This again of course is in the jacklighting field and over the course of this Session with this new Attorney-General I have attempted to get some reassurance that he would make a move. The former Attorney-General many times got up and said it was a terrible thing, etc., etc. but he was very loathe to make a move and he denied at great length that the subject that I was on and the people that I was accusing that I was on the wrong track. I had no proof. Well I have I think a letter here from the present Minister of Mines and Resources whereby from the period of September 8th to November 23rd the apprehensions in the province of Manitoba for nightlighting is 103 to the native population, and 24 to the whites. Now I think that this is fairly good proof to back up the statements that I have been making here whereby I have been ridiculed a few times and basically said that statements were made that I did not have the proof. And to combat this municipalities are showing . . .

MR. GREEN: Mr. Chairman, I wonder if the honourable member would repeat the statistic. If he's holding the letter would he repeat the statistic that he gave.

MR. FERGUSON: Certainly. The statistics I am quoting are for September 8th to November 23rd. The total native hunters checked is 103, the non native hunters checked is 24. --(Interjection)--Very well, you can trust the words but by the same token if you are out driving around with a car and a gun in the car and are checked this more or less constitutes the same thing as I'm stating.

Our municipal governments have shown considerable concern. Three of the municipalities in my area have bylaws, Langford, Lansdowne and Rosedale have all put through bylaws basically banning night hunting or shooting after dark and basically these bylaws are not worth the paper they're written on, under the present circumstances, and consequently they have gone to the trouble of doing this for nothing.

The Federal Government puts the blame for enforcement of course on the Provincial Government, on private land, and the Minister--questions I asked on March 29th are more or less said that trespass was up to the individual to prosecute. Well I don't feel that this is something that is right at all. I don't think that the option should be on the individual to be out policing his land, putting the finger on someone that's on his property. I would like to have the Attorney-General with me some night when he goes out to check a couple of carloads of jacklighting Indians and when they are half full of booze and I would like to have him make a citizen's arrest or I would like to have him lay charges. It would be a pleasure to have you with me, Mr. Attorney-General.

Again the municipalities have made a suggestion to the Attorney-General's office, as I understand, that those individuals that desire to lay trespassing charges can be issued or will obtain a special type of sign whereby the conservation officer and the RCMP can lay charges without the owner of the land being present. I'm quite sure that the Minister is aware of this, if he isn't of course I will give it to him. And I believe that we are paying taxes to have our laws upheld. I don't feel that we should have to be the ones that are out being sure that they are enforced.

And I would like to have some information from the Attorney-General now whether or not he has talked to the federal officials and whether or not that something can be done about change in the 1930 Act. Mind you I think that the big end of the people in Manitoba would be satisfied to leave it stand as it is, respect the rights of the private individual on private property and do away with the jacklighting. Outside of that I don't think there is any hang-up anywhere. But any law that's 44 years old, I believe that in all cases or in most cases they can be updated and possibly brought into line with what present day thinking is. I think the Minister has got to be quite aware of the fact that there has been a considerable change in the

SUPPLY - ATTORNEY-GENERAL

(MR. FERGUSON cont'd) circumstances whereby in 1930 someone was hunting for food; today they are hunting for possibly a little extra liquor money or something along this line.

Now I don't think that I'm going to take any more time of the House. I think this will be probably the wrap-up speech on the Attorney-General's estimates. --(Interjection)--No, I'm sorry, I guess it won't be. But I would like the Attorney-General to give some assurance that at least he is thinking a little bit about this, he is taking some consideration of some of the things that have been put forth to him or if we're just going to thump along the way we are. I was at a meeting of the Game and Fish Associations I believe two weeks or three weeks ago Saturday, whereby they are talking of a closed season in the Province of Manitoba in many areas because of the fact that the deer population is so depleted. And there's no point in going through the farce of having conservation officers, biologists and the rest of it if you've got nothing to protect. And if this government is not going to take it upon themselves to at least back up the people that do have private land, why I think we may as well write our deer herds off in the Province of Manitoba and we'll go on from there. And I think, Mr. Chairman, that's all I have to say at this time and thank you.

. . . . continued on next page

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: Mr. Chairman, I would like to of course read in more detail the comments of the honourable member in Hansard when it is out. I am concerned of course about the ultra vires features of some of the areas that he is dealing with because provincial or municipal laws don't mean a thing if they're contrary to treaty rights or other obligations that are established country-wide. I do recognize that there is a problem in respect to trespassing insofar as private land is concerned and I do recognize the concern of the municipalities in Manitoba about this recurring problem. And possibly I could re-examine this and possibly at some other opportunity we could deal with this in some more detail after I've had opportunity to further pursue it.

MR. CHAIRMAN: The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Chairman, I don't wish to allow these estimates to pass without making one or two comments in an area in which I am particularly concerned and directing them to the Attorney-General for his attention. I refer specifically, Sir, to the area of juvenile offenders in our society and the treatment of juvenile offenders and the corrective measures that are taken for eliminating as much in the way of juvenile criminal offence as is possible. I have spoken once or twice formally and informally in the past on this subject. I know the Attorney-General is aware of my concern in this area and I know he shares my concern. I want to put two or three things on the record for his consideration at this juncture.

I also want to make reference to my colleague, the Honourable Member for Birtle-Russell, who will be saying some things in the general area of the Department of the Attorney-General and his estimates, and who shares my concern with this particular subject. He and I have discussed different aspects of it to which we've been exposed in our constituencies and elsewhere and if he doesn't make heavy reference to it in his remarks, Mr. Chairman, it will simply be for the sake of avoiding repetition. It will simply be that he is aware of the fact that I wanted to bring it to the Attorney-General's attention especially and so while endorsing what I say, he will not necessarily be repeating it. The fact that he doesn't make heavy emphasis of it however should not be construed as an indication that he's not concerned because he is as concerned as I, and as I say, we have talked about it together.

The subject is particularly worrisome to me because I, in my own constituency in Fort Garry, have had some experience with it in the past year or two and many of my constituents have been very concerned and very disturbed by the activities of juvenile offenders and the degree to which they feel and I feel the law is handicapped in trying to cope with such offenders. I don't think that this kind of unfortunate situation is in any way the private monopoly of any one constituency or any one area. I'm sure that most parts of the province, if not most parts or our country, if not most places in western society, have a problem with juvenile offenders today. It happens however that there was a spotlight placed on some events and unfortunate incidents in the Fort Richmond area of Fort Garry during the past year and as a consequence of having the attention of the media focus on it, it became a prominent news story and much attention and much publicity was given that particular residential area as a result. But I would like to stress that I think it would be unfair for anyone to conclude or assume that the problem is exclusive to that area or to any other particular individual area. I think we suffer from it generally. I think in many instances there are cases of juvenile crime and juvenile offence against society which simply go unreported or undetected and, as a consequence, they don't have the attention focused on them and I think there are also cases where because of intimidation and harassment there are people who are the victims of the acts of juvenile offenders who fear coming forward, who fear reporting the incident. This I would suggest is particularly true in the case of other juveniles who sometimes have violence and other forms of unpleasant activity to fear from gangs of toughs in their particular neighbourhoods. The reason why that particular pleasant residential part of my constituency - namely Fort Richmond - was so rudely thrust into the limelight was because in this case, or in these cases, those who were intimidated and those who were victimized finally decided that society had had enough and that they should speak up and come forward and bring it to the attention of the public through the media.

Mr. Chairman, there are several citizens' groups hard at work in my constituency as a result of some unfortunate beatings that were administered to school-age youngsters in Fort

SUPPLY - ATTORNEY-GENERAL

(MR. SHERMAN cont'd) Garry last year, and in fact over the course of the past few years, and these committees by their very existence reflect the concern and the conscientiousness of parents and of people in our society generally with the problem at hand. I think that many members of those committees share the feeling which I also share that no one expects a society and its members whether of the age of majority or whether minors to be perfect. But one does expect that where there are offences carried out against the law-abiding members of society, there should be substantial machinery of support in our legislative process for the law-abiding. There should be substantial forms of support to insure that the law-abiding are protected insofar as it's possible against that kind of activity, and there should be forms of machinery in our society which make it possible to deal with the offenders and to try to rehabilitate them. The difficulty it seems to me, Sir, is that in our quest for liberalism - in the best sense of the word - in society over the past half century, we may have gone too far in being open-minded about the actions and the behaviour of young people and indeed all people in our society. We may have set some bad examples for our young people and we have, I am afraid, weakened the powers of our police forces and our courts to deal with the offences when they occur.

There were one or two unfortunate incidents in my constituency last year that were particularly repugnant. They involved gangs or groups of young toughs physically beating up on one or two or more other teen-agers and perhaps worse than that intimidating many others in the community and scaring many into silence. I've had people tell me in fact that there are, you know, parts of our city in which they're reluctant to walk at night on a summer evening because of the presence of some of these young toughs who seem to feel they own the sidewalks and the streets and the parks. Now that, Sir, is a tragic commentary on any of our constituencies. It's a tragic commentary on our social environment and I know that the Attorney-General agrees with me. Some reports of course are somewhat hysterical perhaps but in the main the people who have elected to form citizens' committees in Fort Garry and Fort Richmond and work on this subject, are highly responsible, highly conscientious, well motivated persons who have reasons for doing what they're doing and who are working quietly and objectively and sensibly towards the finding of some kind of solution to this problem.

I think that the attitude of society, and that includes all of us, is partly to blame. I don't recommend for a moment that we revert to a kind of a punitive philosophy, to a kind of a philosophy of vengeance. I think that the reason why many young people who commit offences against society do so is because (1) they have been set a bad example by elements in our adult society, and (2) they have been through no fault of their own disadvantaged economically and socially and (3) they live in built-up, busy, impersonal urban communities in which there are very few outlets for healthy activity. And those are all problems that we as legislators and we as adults and we as citizens of Manitoba can deal with and do something about. And I cite those as probably the three primary causes of the kind of social illness that I'm talking about.

But alongside those, Mr. Chairman, I suggest to the committee and to the Honourable Attorney-General that we have allowed probably submissively and probably unintentionally, a kind of an attitude to spring up in our society today which has a tendency to turn a blind eye to the law, to laugh at the law and in many instances to encourage flouting of the law. We have, I think, in our eager rush to be humane and to be progressive and to be liberal, handcuffed our police and handcuffed our law officers and handcuffed some of those who carry out the responsibilities of the department which the Attorney-General heads to the point that where offenders are apprehended, nothing can be done about it. Nothing can be done to either impress upon them the fact that they have committed a wrong or to insure that society will be protected from a repetition of that kind of activity.

I have talked to many police officers in Fort Garry whom I don't wish to identify by name but I'm sure the Attorney-General and his departmental heads know them all and could go to any one of them from Chief Arthur Bridgwater down and find the same story, who have told me of their frustration in trying to deal with juvenile offenders after they've apprehended them. There have been situations in the Fort Richmond part of Fort Garry where the police have known who the offending juveniles were, have had many many instances brought to their attention, many in which they participated themselves, where these identified and identifiable juvenile offenders have broken the law and harassed and intimidated people and who have given up in effect, and I use that phrase advisedly, insofar as apprehending those particular

SUPPLY - ATTORNEY-GENERAL

(MR. SHERMAN cont'd) juveniles is concerned. Because they have picked them up in the past, they've taken them down to the police station, they've tried to deal with them and with-in anywhere from 15 minutes to 24 hours the youngsters are out free, they're laughing at the law, they're flouting the law, they're thumbing their noses at the police and they're doing the same things over and over again.

I've sat in living rooms of people in Fort Garry and had these stories told to me and I assure the Honourable Attorney-General that I speak from a considerable attempt at research into this subject in my particular constituency. The problem seems to be that among the rest of us well-meaning citizens of society there are well-meaning people in the social welfare field.

MR. CHAIRMAN: Order please. The time being 10 o'clock and the time for adjournment. The House Leader.

MR. GREEN: . . . Due to the fact that the Minister is leaving and apparently there is an indication that with one or two members speaking that his department will be finished, there was some indication, and I'm not pushing it, that we would stay and let those speakers continue and maybe be responded to in just a few minutes.

MR. CHAIRMAN: (Agreed) The Honourable Member for Fort Garry.

MR. SHERMAN: Thank you, Mr. Chairman. I thank the Members of the Committee.

The problem, as I was saying, Mr. Chairman, seems to be that over and above the rest of the well-meaning attitude of society there are well-meaning practitioners in the social welfare field and in the student guidance field and in the legal field who are all too quick to forget these juvenile offenders for the offences that they commit, who are fearful that they'll be tainted by any exposure of any length with the law and the legal process and who are able through various procedures and loopholes to effect their release within, as I say minutes or at the most hours of the time of their apprehension, and put them in a position where they are free to go about their law breaking ways.

I think that the attitude has been that the offenders are youngsters, they're juveniles, they're minors, society should deal gently with them, that they will be corrupted by any kind of strong or lengthy subjection to police and legal processes, that they really are well intentioned and well-meaning and that they can be persuaded to respect society and its laws with little more than a lecture. Unfortunately in the case of many offenders this does not prove to be true. Unfortunately in the case of many offenders this treatment is far far too soft. The result has been that some of these juveniles as I suggested have learned to laugh at the law and thumb their noses at the law. And the result of that has been that many people, young and older, in many parts of our society are fearful now of some of the young people who do thumb their noses at the law because they recognize instinctively that the law is handicapped when it comes to trying to make any attempt to protect them and defend them against it.

I had a letter from the Secretary-Treasurer of the Portage la Prairie School Division not long ago, Mr. Chairman, supporting me in some remarks I'd made on this subject in which he said, and I quote, "To the best of our knowledge two juveniles on Friday, February 8th, 1974 were apprehended by the RCMP for stealing an automobile and for stealing gas on that evening. These juveniles were turned over to probation authorities by the RCMP." This is in Portage la Prairie of course, "and released by the probation officer the same evening. Later during the early hours of February 9th the same juveniles broke into Arthur Meighen and Crescentview Schools and vandalized buildings and contents to the extent of \$1,500 to \$2,000." This was a case in point which that particular official of the Portage la Prairie School Division was forwarding to me to buttress his argument which was an argument in support of the case I'd been attempting to make. He said in his remarks to me that the kinds of things I was referring to in Fort Garry and elsewhere happened in his part of Manitoba and he was sure happened all over the province. And this was an example of it and he was deeply concerned about it and hoped that all of us as legislators and as citizens would be able to bring some order out of this chaos.

I think one of the big problems, Mr. Chairman, lies in the work of the review board which is set up by provision of the Child Welfare Act and which has the opportunity to sit in judgment on decisions handed down in Family Court. As the Attorney-General knows, Sir, the decisions of Family Court are reviewed by this board and one of the members of that board is supposed to be a Judge of the Family Court. That's rather an incongruous situation it seems to me, that you have one Family Court Judge sitting in judgment on another's decision. But

SUPPLY - ATTORNEY-GENERAL

(MR. SHERMAN cont'd) my investigations lead me to believe that many of the difficulties that we experience in this area of impotency where juvenile offenders are concerned lie in the very existence and oftentimes the very work of this review board, which I believe is well intentioned but may in some of its activities frustrate the work and the intent of our judges and our courts.

I think, Sir, that it's safe to suggest that the Family Court only sends a juvenile offender to the Home for Boys, for example, if they have come to the conclusion in their investigation that this is a hardcore case. They only make that kind of an incarceration after they've given due deliberation and thought to the case and to the background of the individual concerned. All too often the review board sits in judgment and review on that decision and interferes with it or overturns it and the board decides to send the juvenile somewhere else. Many times the offender escapes during that transfer to new custody. Many times the decision to penalize that offender by putting him in a detention home, or her in a detention home for some period of time is completely overturned. The result is all kinds of trouble for the police, for residents of the areas involved and for society in general.

I think that it would be an interesting exercise to check out the number of decisions made by Family Court Judges in the past year or two years that have been overruled by the Review Board. I can't give you that statistic but I think the Attorney-General and I should look into that. And we should go further. We should determine for this House what the result has been in terms of criminal activities by the juveniles involved. The point is, Mr. Chairman, that there's no appeal from the Review Board's ruling, so once that board has made it's higher decision on the decision of the Family Court there is no recourse but to live with it.

Sir, I appreciate the indulgence of the committee in giving me this extra time and I intend to conclude my remarks very rapidly on this point. I do want to emphasize that I think we have been too liberal, too easy going, too permissive where juvenile offenders are concerned for some years now. I do want to emphasize that I think we have been irresponsible in many ways with respect to the role of our police forces and our law enforcement agencies. I think we've allowed our police forces and our law enforcement agencies to be derided and denigrated socially. The consequence of that has been a growing lack of respect among young people for those agencies and when you mix all those ingredients into the equation, Mr. Chairman, you wind up with some misguided youngsters who continually derive their pleasures and their excitement out of flouting the law and breaking the law and making life miserable if not extremely dangerous and expensive for the law-abiding members of our society.

The time has come I think, Mr. Chairman, for the Honourable the Attorney-General and all of us in this House to have a look at the laws with which we deal with juvenile offenders, to have a look at the philosophy which we bring to the whole area of juvenile offenders, to have a look at the processes of legalistic machinery, court machinery, rehabilitation machinery with which we are able to deal with juvenile offenders. I think it's time that we stood up and said, This is the law. Those who want to get along in this society obey it. Those who don't want to get along in this society are going to find that society is not going to tolerate it.

I'm not talking about one mistake, I'm talking about the professional tough, the professional roughneck who makes a juvenile career out of harassing people and damaging property and thumbing his nose at the law. It's time society stood up and said, enough, no more of this. You've got to play a role of responsibility in this society or else we're going to make things very uncomfortable and unpleasant for you. It's time society had some methods and some machineries to hand down that lesson.

I've had complaints from many parts of Winnipeg, not just my own constituency, from older people who are afraid, as I've said, to walk down certain streets at night. I've had many complaints from areas all around Winnipeg since I first spoke out on this subject. Elderly people pleading with me and my colleagues to say more on the subject because of the unpleasantness which they now face in trying simply to operate and move about as honest ordinary law-abiding citizens. The time has come to protect those citizens, to protect all citizens against the would be career lawbreaker, and to teach that young lawbreaker that he has got to play by the rules or society is going to make it very unpleasant for him.

One final word, Mr. Speaker, we do that young offender no favours by going easy on him. We do him no favours, he learns nothing except to laugh at those of us who obey the law. If we're going to help him we've got to show him that society is strong and society demands that

SUPPLY - ATTORNEY-GENERAL

(MR. SHERMAN cont'd) he be strong. Thank you.

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

MR. GRAHAM: Mr. Chairman, I will be very brief. I think this is the completion from this side of the House and after the Minister has answered the questions I'm sure that we can speedily pass the Estimates even page by page if necessary, or if not resolution by resolution.

I don't believe that we are going to make any mention of the Police Commission or the Lotteries Licensing Board or the various courts, but I would like to just as a closing remark address myself to one problem that is very real. I don't believe the government has found an answer for it although I suspect they may be considering building a new central magistrates court building, probably on the Vaughan Street site or some place close there. But really, Mr. Chairman, is the building of another building going to solve the problem that exists with our present problem of handling remands with the Headingly complex?

I know a proposal has been put forward to the Minister, the possible use of the Public Safety Building in Winnipeg which in its original construction was designed as a security building which would be compatible with an operation of a court house. So I just in closing would suggest to the Minister that while a new building may be very nice and later we can look at it with glowing words and say that this is what we built, I say to the Minister now is it really necessary. The old Vaughan Street Detention Centre is not fully utilized, it could be remodelled. It could if necessary become a remand centre, adult detention could be moved to another location and I ask the Minister to consider carefully alternatives to the building of a new building.

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: Mr. Chairman, I think there are a number of problems that are involved in ensuring that the process is speeded up. I know that, for instance, at the present time we have a Crown Attorney that reviews the list of accused persons on remand at Headingly periodically. The remand people are held in Headingly and there is a review every one or two weeks of the number of those that are on remand, and if it appears that any number of them are on remand for a longer period of time than that which is reasonable then the Crown Attorney looks into the reasons behind the lengthy remand period. Sometimes it's due to a number of different factors. Sometimes it's because of delay accounted for by attempting to arrange a trial which fits in with the diary of the defence counsel, and there has been considerable difficulty in that respect, in fact there's been some public comment in the courts about that problem. The building of a new provincial judges' building is basically aimed at not so much the question of delay, because I think that problem can be remedied by other means, but an attempt to separate the courts, the police and the remand facilities one from the other. This has been the process across Canada. I believe we're about one of the last provinces to move in this direction, that the administration of justice is best served by the separation of these various areas of the courts - the police, the remand and the courts itself working separate from each other, that there's a better atmosphere created.

MR. CHAIRMAN: (Resolution Nos. 20 to 27 were read and passed.) That completes the Estimates of the Department of the Attorney-General.

Committee rise. Call in the Speaker. Mr. Speaker, the Committee of Supply has considered certain resolutions, directed me to report progress and asks leave to sit again.

IN SESSION

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

MR. WALDING: Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Matthews that the report of the committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The hour being 10:20, the House is accordingly adjourned and stands adjourned until 1:30 tomorrow afternoon. (Wednesday)