

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, 5 May, 1981

Time — 8:00 p.m.

### SUPPLY — ATTORNEY-GENERAL

**MR. CHAIRMAN, Abe Kovnats (Radisson):** Committee will come to order.

I would direct the honourable members' attention to page 18 of the Main Estimates, Department of Attorney-General, Resolution No. 24, 9. Canada-Manitoba Legal Aid, (a) Salaries — The Honourable Member for Churchill.

**MR. JAY COWAN:** Thank you, Mr. Chairperson.

Earlier last year when going through some of the communities in Northern Manitoba, I was approached by elected officials and residents of the community of South Indian Lake in respect to negotiations over reimbursement for fishing losses in the community, arising out of the diversion for the hydro projects.

At that time they were concerned that everytime they were put into a situation where they had to negotiate the compensation arrangements, Hydro brought in lawyers, brought in an entourage of experts who would then sit down and negotiate these agreements with the community elected officials and they were apprehensive and concerned that they were not getting the best deal possible because of the calibre and the expertise of those individuals which were being pitted against them in the negotiations.

They asked if it were possible for them to get some assistance from the province in respect to providing them with some expertise and I thought back immediately to the instance of Legal Aid having provided some support to those persons who were dealing with rail relocation, I believe it was, or the Sherbrook-McGregor Overpass, I think was the actual issue, in the city and suggested to them that there may be an opportunity for them to have that same sort of assistance provided to them when negotiating for compensation with Hydro over losses to their fishing industry.

I'd ask the Minister if he can comment on the appropriateness of a request from the community of South Indian Lake in respect to providing Legal Aid assistance to the community when they are entered into negotiations over that sort of compensation.

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

**HON. GERALD W.J. MERCIER (Osborne):** Mr. Chairman, we discussed the general issue at some length this afternoon and I appreciate the Member for Churchill was not in this set of Estimates. The group that received Legal Aid with respect to the Sherbrook-McGregor Overpass, received it under Section 53 (c) of the regulations which provides that a neighbourhood Legal Aid Centre shall, subject to the approval of the Executive-Director, advise, assist and represent such groups and organizations as is deemed advisable by the Executive-Director. Obviously one of the first problems is I don't think there's any neighbourhood Legal Aid Centre in that community, but I at the same time am not trying to

be facetious, Mr. Chairman, I'm not aware of anyone having made an application for Legal Aid and neither is the Executive-Director.

**MR. COWAN:** I'm certain that the Minister will agree that sometimes a whole system seems somewhat confusing and bewildering to individuals who are not in the mainstream of society and who are not in the main community, that is Winnipeg, in the province. That is probably what has happened in this particular case in respect to an application on the part of South Indian Lake. I know I encouraged them at that time to make such an application and contacted a number of lawyers who had done some work for Legal Aid to see if in fact there was a possibility for an application under the different sections of Legal Aid and forwarded that information to them.

I'm not surprised right now if they haven't forwarded an application to the Executive-Director just for the reason that they are isolated; just for the reason that sometimes they're hesitant to use the services which should be provided to them freely. There's a block in respect to making the best use of the services which are available to all the citizenry, just because of isolation, just because of a lack of experience in the area. Therefore, I'm not surprised that they haven't made application and what I would hope to be able to do this evening is have the Minister indicate his own policy in respect to such an application, so that I can forward that information to the residents and the elected officials of South Indian Lake for their perusal and for their review. Perhaps arising out of that sort of continued communication and continued encouragement, they would make that application. However, I would not want them to make that application if there was, in fact, no possibility of that application being accepted, if it was untenable under the regulations. The Minister has indicated already that there is one problem and it would appear to me to be a minor problem, but I'm not certain whether it can be overcome, and that is in respect to the neighbourhood Legal Aid Centre and the lack of such a Centre in the community.

So what I'm actually trying to do by use of this means of communication is provide some information from the Minister directly to the community, through the transcripts, in respect to how they should proceed in making application for what I believe is a legitimate use of the Legal Aid system.

**MR. MERCIER:** I wonder if the member could indicate whether or not they've had any legal counsel previously.

**MR. COWAN:** It's my understanding that they do not generally have legal counsel in with them during the actual negotiations. That was the impression that was left with me as a result of our meetings. They had suggested at that time that they felt that they were sometimes being overwhelmed by the legal entourage that came in with Hydro and for that reason I can only suspect that they didn't have legal counsel of their own during the negotiations.

I think the answer as to why they would not have that counsel with them is fairly obvious and that is

expense. They don't have a lot of money to spend on lawyers. Lawyers are expensive, especially in that part of the province, and not having access to Legal Aid directly, as would any individual in the city, they had not looked at that option in great detail.

**MR. MERCIER:** Mr. Chairman, I would suggest that perhaps through the member we can arrange to supply him with some applications for Legal Aid and some advice from Legal Aid. The applications can be made, so that Legal Aid can assess the matter as to whether or not a certificate could be granted.

**MR. COWAN:** I appreciate that opportunity to work on this particular problem in more detail with the Minister on another occasion. I hope we could do so fairly soon because, as the Minister knows, they are in fact entering into negotiations right now in respect to compensation for losses to their fishing industry.

So perhaps if he could forward that specific information to me within the next couple of days, I will make certain that it does in fact get on to the community.

I would simply ask him at this point to indicate quite clearly that there is no prohibition, to his knowledge, that would in fact prevent that application from being accepted by the Executive Director, that it would in fact be a decision of the Executive Director based on the merits of the case and that there are no general prohibitions which would guide his decision.

**MR. MERCIER:** No, Mr. Chairman, I think it would be subject to the usual requirements with respect to financial eligibility and perhaps an opinion as to the merits of the case.

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

**MR. VIC SCHROEDER:** Thank you, Mr. Chairman. There was some discussion previously with respect to the hourly rate that Legal Aid was paying to the private bar and there have been suggestions, when you go across the street to the Law Courts Buildings, from some lawyers that they feel the hourly rate isn't high enough and I'm sure the Attorney-General has heard those complaints. Others say that it's sufficient. I think it was pointed out previously that that type of work 10 years and more ago was done for free by many lawyers in the province.

I am just wondering whether Legal Aid has kept some kind of an eye on exactly what is happening with respect to the quality of service being performed by the private bar. For instance, are senior lawyers getting out of the plan? Some lawyers are making the allegation that Legal Aid is being used as a training ground for young lawyers and that people, when they have developed their own clientele after five or ten years at the bar, in fact refuse many Legal Aid cases unless they happen to be very interesting or unless they happen to be members of that small group of law firms that specialize in grinding through the criminal work. There are several lawyers who do quite well at that, I'm sure.

Has the department, or Legal Aid, kept any tabs on the numbers of lawyers getting out of Legal Aid or refusing certificates? Is there in fact an increase or is that whole concern unwarranted?

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

**MR. MERCIER:** Mr. Chairman, the advice I have is that there are approximately 750 lawyers on the Legal Aid Panel and that it grows by approximately 50 per year. There is from time to time the odd lawyer who does indicate he doesn't wish to do Legal Aid work any further.

Mr. Chairman, there is no overall quality control. The Legal Aid react to complaints, whether they are comments from judges, clients or various officials.

**MR. SCHROEDER:** Further on that, has Legal Aid done any checks to see who the people are who are getting out? As the Minister says, 50 are added on, approximately, every year. I believe that there would be, what, something like 1,200 or 1,300 lawyers in the province, in that range. It used to be 120 graduating every year; I believe it might be down to maybe a hundred or so now, so half of them — well, some of them, I imagine, don't take out practising certificates and others go elsewhere. Obviously some of them aren't getting onto the Panel. Either the whole class is getting onto the Panel and some older lawyers are getting off, or something is happening.

I'm just wondering whether Legal Aid is doing any calculations as to who it is, who is getting off the Panel.

**MR. MERCIER:** Mr. Chairman, obviously in a graduating class there are graduates who go to work with the Provincial Government, our own department, or Legal Aid itself, or various other government departments, perhaps into corporate work or into areas of law where Legal Aid is not involved whatsoever. So I think generally that would account for the fact that approximately half of the lawyers that graduate each year would appear to be going into Legal Aid, or some form of Legal Aid work.

At the same time, we could for the records, would disclose the small numbers of individuals who might drop out of Legal Aid work from year to year. We don't have that information with us today, as to who precisely they are.

**MR. SCHROEDER:** Yes, in one other area, Mr. Chairman, I heard some discussion this afternoon. The proposition was advanced that if Legal Aid was to provide services to one private individual suing another private individual, that the other private individual then should also get assistance from Legal Aid and it seems to me that probably a substantial portion of Legal Aid's budget would be spent on precisely those disputes; specifically family disputes, where possibly one spouse hasn't been working outside of the home for a number of years and simply isn't in a financial position to be able to hire a lawyer in any other fashion than through Legal Aid and that since the inception of Legal Aid has been one of the tremendous benefits and services that Legal Aid has performed throughout the province.

I'm just wondering whether the Minister — I didn't hear the Minister comment on that notion that if we're going to give Legal Aid to the spouse who was in the home and has the children possibly, that we have to therefore give Legal Aid to the other spouse. Has he any comments on that, because I missed them if he had some this afternoon?

**MR. MERCIER:** Mr. Chairman, when I referred to the types of areas in which civil Legal Aid Certificates

are issued: divorce; separation; variation applications; custody; adoption; affiliation; immigration; workmen's compensation; Unemployment Insurance Commission; welfare matters; labour matters; bankruptcy; and then in addition damage and property claims. The Member for Inkster, I believe, indicated from his seat that the only area that he was concerned with, where he would apply this formula of giving both parties Legal Aid, was in the area of damage and property claims, civil suits, not family law matters, but civil suits involving two individuals.

I don't think he was suggesting that in the family law cases or the other types of cases that the other spouse be given Legal Aid whether he or she qualified or not and then again out of 163 completed civil cases involving damage and property claims, I indicated we don't here today have a breakdown of those cases to show how many of them perhaps are cases by individuals against the Bay or Sears or the Eaton's Company related to damaged goods, etc., or how many cases involve actions by an individual against a company or business and how many of those really are actions between two individuals. I undertook to have that examined to develop some information on that, but I tend to suspect that there are very few of those kinds of cases. Because the average cost per case is \$217.09, it wouldn't appear that they would be very elaborate cases or complicated cases overall, Mr. Chairman, and I would tend to think that the situation that he raises, there is no cause for real concern or justification for changing the present manner of issuing certificates.

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

**MR. BRIAN CORRIN:** Mr. Chairman, I want to follow up what was initiated and discussed in the course of the remarks of the Member for Churchill. He spoke generally about Legal Aid services and access to those services in northern communities, and particularly about the situation and the level of service in South Indian Lake.

Last fall, both the Member for Churchill, as well as myself and others, were in other communities as well, one of them Cross Lake, Manitoba. We spent some time there and talked to people about problems they had experienced as a result of Lake Winnipeg Regulation and Hydro flooding. We discussed particularly some of the provisions in terms of the Northern Flood Agreement. During the course of the discussion, and I believe the Member for Churchill has already put some of his concerns on record in this regard, and I apologize if I'm being somewhat repetitive, people indicated to us that they felt that the government had breached some of the commitments made in the Northern Flood Agreement, particularly commitments with respect to the providing of remuneration through the arbitration processes established in the agreement. This would be remuneration for losses sustained as a result of the regulation of the water level.

As the Member for Churchill mentioned, people were finding themselves unable to deal with the arbitration provisions in the agreement. They simply found that they were being overpowered by the people who were assigned responsibility to negotiate and arbitrate on behalf of Manitoba Hydro.

Last Friday afternoon, the Member for Churchill and I did a little bit of follow-up and we met with two senior council members from the Cross Lake Band in that community and I was told — but I'm not suggesting that it's absolutely authoritative — but these gentlemen told me and told us that the situation had not really significantly improved with respect to negotiations in that area, and I was somewhat disturbed, Mr. Chairman, because when I got back from our northern swing I phoned . . .

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

**MR. MERCIER:** Just on a point of order, Mr. Chairman, I appreciate the member's concern for the overall agreement etc., and compensation but the subject is Legal Aid. I think the Member for Churchill's remarks were to the point. Mr. Chairman, I wonder if the Member for Wellington could address himself to the Legal Aid estimates that are before us.

**MR. CHAIRMAN:** To the Honourable Minister and to all the members, I have allowed some latitude because if I didn't you would take it any way. The issue at stake is Legal Aid and I was sure that the Honourable Member for Wellington was getting around to asking for Legal Aid so that's the reason I let him carry on. I would be happy to let the Honourable Member for Wellington carry on but before I acknowledge the Honourable Member for Wellington, Ray, I'm having some trouble hearing his words, they keep drifting away and I don't think he is speaking quietly and then loudly. Could you just keep an eye on it?

The Honourable Member for Wellington.

**MR. CORRIN:** Mr. Chairman, getting to the point of my short address, when I got back from Cross Lake I contacted the Legal Aid office, one of the senior personnel there and I expressed the complaint made by band members up north to that individual and he told me there would be efforts on the part of Legal Aid to provide assistance with respect to the Northern Flood arbitration proceedings. These gentlemen we met with last Friday indicate that they are unaware of any such Legal Aid assistance being provided to the community in this regard.

I can tell you there is virtually no question that a lot of the people involved will qualify for Legal Aid, and I think by virtue of the provisions of the Northern Flood Agreement itself, Mr. Chairman, I think there is an onus and an obligation on government to provide this sort of assistance. As the Member for Churchill has stated the people who are coming into the community on behalf of Manitoba Hydro are very sophisticated competent; I think in most cases they are lawyers, and the town's people, the people of the community are simply unable to relate, unable to deal with these processes with these sorts of people. They just haven't got the background and the professional competence and training to handle these high powered types from the city. So they having recognized that, they have asked for assistance.

I believe it is their right. I think under the terms of the Flood Agreement, they simply by way of right can call upon the government to render this sort of intercession and assistance and I would like to

know whether Legal Aid has sent any staff into the community. I would like to hear Legal Aid's side of the story as well, it's possible these people weren't conversant with the situation or all its detail and I would like to know if not, whether personnel will be deployed to that and other communities in order to render assistance.

I want to tell you that some of the claims may be, from our point of view, rather small; a claim for a dock that's had to be rebuilt that's standing out of water; or a claim for losses sustained as a result of heavy boating equipment being drydocked because of shifts in water levels and so on and so forth, but to the people in the community these are really substantial concerns. It's a question of livelihood and it's really a question of the communities welfare and well-being that's an issue. So I would like to hear the government's response and I will look to the Minister to provide it.

**MR. MERCIER:** Mr. Chairman, I believe I answered that question when the Member for Churchill spoke.

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

**MR. CORRIN:** Well, the Minister I think is trying to be coy. I think what the Minister said to the Member for Churchill was that if there were people who qualified they would certainly be given assistance in tendering and submitting applications to Legal Aid. What I am asking very straight forwardly, Mr. Chairman, is whether or not the government will honour its commitment under the Northern Flood Agreement and provide assistance through Legal Aid to the community, because that I think is what is required of the government in terms of its responsibility.

I think there is a subtle distinction there but I would like the Minister to be more forthcoming and provide us with more information on this. I would like to know what he thinks of Legal Aid's role vis-a-vis the Northern Flood Agreement, or does he feel that there is no role for Legal Aid and perhaps a role for his department to become directly involved, perhaps through the Civil Litigation Branch? I am curious as to what his position is.

**MR. MERCIER:** Mr. Chairman, I don't have that specific agreement here. I think that agreement would have to be examined to determine whether or not if Legal Aid is to be provided, whether it's to be provided through the Legal Aid plan or through another arm of government or another form of assistance.

**MR. CHAIRMAN:** (a) — pass; (b) — pass; 9 — pass; Resolution No. 24 — pass.

Resolved that there be granted to Her Majesty a sum not exceeding \$5,033,100 for Attorney-General, Canada-Manitoba Legal Aid, \$5,033,100 — pass.

10. Personal Property Security Registry, Resolution No. 25, item (a) — Salaries — pass; (b) — pass; 10 — pass; Resolution No. 25 — pass.

Resolved that there be granted to Her Majesty a sum not exceeding \$841,100 for Attorney-General, Personal Property Security Registry, \$841,100 — pass.

I would ask the honourable members to revert back to page 15 of the Main Estimates, Resolution

No. 16, item 1, General Administration, (a) Minister's Salary — the Honourable Member for Wellington.

**MR. CORRIN:** Yes, at this point perhaps it would be timely for the Honourable Minister to provide us with the answers to the questions we have asked over the past week. He has been banking certain questions in order that he could provide information during this particular item, Mr. Chairman. Notably, he was to provide a report in response to the Member for Kildonan with respect to the investigation of his department into an incident involving the removal of Greater Winnipeg Gas employees shoes during the course of investigation by local RCMP authorities last March.

A second issue, I believe, was one involving wiretap. I think he was going to provide us with the costs of an investigation in respect to one, the accused name was Wilson, I don't remember his first name. It was not our Wilson, it was another Wilson and . . . These were questions raised by the Honourable Member for St. Johns. I believe that I asked the question, I did ask a question which was taken as notice dealing with the costs occasioned by the constitutional reference case and those fees and other remuneration paid to Kerr Twaddle, the Government's solicitor representing the Province of Manitoba in the Supreme Court reference.

I'm just thinking there may have been other questions but I'm sure that if the Minister were to pre-occupy himself with the three of four that I have related that we will be able to provide him with other material as the evening progresses.

**MR. MERCIER:** Mr. Speaker, with respect to the investigation involving the incident related to the Gas Company Strike and the letter from the Member for Kildonan, as I indicated when we discussed that matter, there were a number of questions asked by members both in the letters and a lot more were asked in the House by, I believe, four members; the Member for Wellington, the Member for St. Johns, the Member for Inkster and I've asked that all of those questions be investigated and I don't have a report back yet from the department on all of those questions, Mr. Chairman.

I will be responding to the individual members when I receive that information. Again, with respect to the cost of investigation by the police in the Wilson case, it was decided by His Honour Judge Dubienski. I have asked for a report as to those costs. Members will appreciate that case, I think, just concluded within a matter of days, Mr. Chairman, and I don't have the report on that yet, but again I will respond in writing to the members who asked that question.

With respect to fees paid to Mr. Twaddle, Mr. Chairman, the information that I received from the Department was that to date Mr. Twaddle, and I assume this involves all his constitutional work to date, which extends back for some time, because he was not only involved in the constitutional case, the Forest case, which was a constitutional case, the Minister's meetings and Premier's meetings, but to date the total figure that I have from the department is \$87,196.50 and for Professor Schmeiser, \$15,847.50.

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

**MR. CHERNIACK:** Mr. Chairman. I'm just wondering the procedures in the department — the question raised on the treatment of this person who is on the picketline, about the shoes, was asked quite awhile ago. I'm wondering why it takes so long to get a response. I'm just speculating as to why it should take so, or conjecturing. I'm wondering if the Minister can clarify why it takes time to get an answer.

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

**MR. MERCIER:** Mr. Chairman, I was advised by a Deputy Minister following our discussion the evening we discussed this that he had just received a report but the report in no way answered the concerns and question that had been raised in the Legislature, so I asked him to get a copy of Hansard as soon as it was printed and make sure that all of those questions are investigated and reported on.

**MR. CHERNIACK:** Mr. Chairman, meanwhile the Member for Kildonan asked a specific question. If a report was received, why could that not be responded to? It just seems to me unfortunate that here we are at the end of the Estimates practically and we still have no responses. I would ask the Minister why he can't just at least respond to the specific rather than all of the questions asked, just to get something that we know we can understand and report back to those people who are interested.

**MR. MERCIER:** Mr. Chairman, I took it from the discussion we had that evening that members wanted full answers to the questions that they raised and that's why I've had it sent back to make sure that we're able to respond fully.

**MR. CHERNIACK:** Mr. Chairman, the Minister is not just reporting on what he can learn. There are issues that have been raised; there are responses that have been requested and there is the occasion, I believe, for discussion as to procedures, as to methods, and what should happen as a result of what is learned. I don't think the Minister is just a reporter to whom we address questions and then in due course we get a reply. I think the Minister has to respond in a way which indicates what his reaction is, what his department is doing about the various matters that we bring to his attention. It's not enough just to get a report from him; it's more important to learn what it is that the Minister believes ought to be done. We could then debate what ought to be done, but if all he does is receive inquiries, request answers and then report the answers to us, all that could be done by mail over a period of time. There is no need to discuss anything if that's the only answer we get from the Minister. Surely he now know something; he says he did receive a report. Let's find out, because it is important for those of us in the Opposition to be able to discuss with the Minister. We can't do it in any other reasonable fashion; to discuss the departmental policies, the principles, what the Minister believes ought to be done, unless we get the facts, and if it is going to be another year, and I sincerely hope there will be an election before that, Mr. Chairman, but assuming that there is no election, we still have to wait a year to debate with this Minister, if he's still in the same portfolio, just what it is that is the policy in his department.

I would like to think that we get some kind of a report on that issue, which may well be a matter that would then ensue from a discussion that would ensue here, would be maybe suggestions that there would be charges laid, that there would be follow-up in regard to further policy.

Mr. Chairman, we raised a matter last year, I believe in July, that dealt with police being hired on special duty to deal with picket lines. When we raised it, it was near the end of the session. One could not expect a quick response.

On September 18th, I received a letter from the Minister and I suggested something about a policy decision in October, having been out of the city until then. On November 10th, I received a reply, which satisfied me; I was pleased with the reply, but I'm pointing out the length of time it took from July 20th when we raised a question to September 18th when he responded on what really was a, I believe, rather simple matter. The policy resolution was not arrived at till November 10th. Frankly I think it takes too long and I'm wondering whether the attitude for a response is one of saying, well, in due course we'll deal with it, because, Mr. Chairman, that would not be unlike the way the First Minister responds to questions being asked for an Order for Return ordered by this House about a year ago and he says I will look into it. That he said a couple of months ago I think, or a month ago. When he was asked yesterday he said I will look into it. That's not satisfactory from my standpoint nor, Mr. Chairman, from my experience. I've been around here long enough to see that usually a request from a Minister gets quick attention and a response comes quickly.

Now I want to know whether the Minister let's say in this particular case has indicated that he would like a quick reply because his Estimates are before him. We are discussing his Estimates and whether he has indicated to his department that he would like this dealt with in time so there could be a rational discussion. The reason I'm saying this, Mr. Chairman, is that I can foresee that we will be out of the Estimates within the next couple of days and then we'll be into the Supply Bill and I think there's a supplementary supply coming up.

It would be reassuring if the Minister undertook that the questions he undertook to respond to would be answered let's say before that occasion, so that then we are part of the discussion and not left out to wait in between Sessions to become involved in a public discussion on the policies that govern the Minister.

So I'm now asking him two things. Firstly, is he prepared to give us the report which he has to date received? Secondly, is he prepared to undertake to make a special effort to get responses to the questions we've asked in sufficient time so we can still deal with them in this Session of the Legislature?

**MR. MERCIER:** Mr. Chairman, the Member for St. Johns can't have it both ways. If I had given him a report within the last couple of days that did not answer the questions that were raised by three or four members of the opposition, then he would have criticized the department for an incomplete report and a poor effort and incompetence and everything else.

Mr. Chairman, now because it's being sent back in an attempt to get all of the answers that were

requested, we're criticized for not having it available, Mr. Chairman. I am prepared to, as we already have, Mr. Chairman, requested our department to further investigate this matter in view of the questions and concerns that have been raised by members of the Legislature, and as soon as we get that information I will respond to the three or four individuals who raise those concerns.

**MR. CHERNIACK:** Mr. Chairman, the Minister doesn't want me to have it both ways. It so happens that if criticism is justified in my mind, I will make it, but the criticism would be less on my part if at least we got a partial report than getting nothing at all. I would not be quite as critical as I might otherwise be if at least I had a feeling that there was co-operation coming from the Minister in this regard. I must say that I suppose my reaction is influenced by the attitude of various of his colleagues.

The Minister of Agriculture has been hanging on for an Order for Return for I think it's over two years or about two years. The First Minister seems to be very lackadaisical about his undertaking. The Minister reporting for Hydro is waffling and stalling and stonewalling and I suppose I have to include the Attorney-General in that group and I don't want to. (Interjection)— I don't want to, Mr. Chairman, because I don't think this Minister has shown the same kind of carefree attitude than the others I've referred to. The Minister says I got answers. I told the Minister I don't believe that answers are all that we need to have. We have to have responses; we have to have policy issues and we have to be able to discuss them. It is true and I said openly and quickly that I got a response in October about a July inquiry and I was pleased with it. That doesn't mean that all we do here as opposition members is to give questions to the Minister and then sit back and wait until after the Session when we can get a reply, which may or may not suit us. If the answer had come that didn't satisfy me I wouldn't have had much opportunity to do anything except sit back and wait for the next time around. I'm saying that there has to be some feeling within the department of a speedy response during the Estimates of the Minister — that's my point.

This Minister had a question — I don't know whether it was the point we're dealing now, when he was asked for, but I think that there ought to be a feeling within the department that nothing should stand in the way of speedy action while the Minister's Estimates are still before us. Because once they're gone, we have to wait a long time before we are able to discuss it. Many of the questions that are directed to the Minister are not just questions for which answers are expected, but they are policy issues which should be debated. That's the point I make.

The Minister has said that he has asked for the questions. As soon as he gets them he will inform us. I asked him if he would undertake to do it before we're through with the Supply Bills. I assume he can't guarantee that, but I think what he could say is I will ask the department to bend its best efforts towards in that behalf. I also think that the Minister should be prepared to give us the partial or the interim or the report which he has which answered a specific question, to at least deal with that and then indicate that it's not complete and there will be

more. I don't think there can be that much criticism than there is on my part now for reporting nothing and that's the point I make, so I again ask the Minister, will he undertake to have his department make its best efforts to do it in time and will he not reconsider and give us the partial report which he already has on his desk?

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

**MR. MERCIER:** Mr. Chairman, I don't have the partial report. I indicated that after the discussion we had in this committee, leaving the Chamber the Deputy Minister indicated he received a report but it didn't in any way answer the questions which were raised that evening. I therefore asked him to send it back immediately and make sure we get all of the answers.

I will, Mr. Chairman, undertake to request the department to treat this matter as a matter or priority in an attempt to get an answer as quickly as possible.

**MR. CHERNIACK:** Well, Mr. Chairman, I'm pleased that the Minister gave us that undertaking. I must say when I said he has it on his desk, I would assume if his Deputy Minister has it on his desk then that's as good as being on the Minister's desk and therefore I don't accept what some might and I might consider, a quibbling response as to just whose desk it's on. It's in the department's desk and that means it's still in their hands and is available. I would hope that the Minister will reconsider and will let us have it but at least I'm pleased that he's undertaken to have his department make a special effort along that line.

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

**MR. CORRIN:** Thank you, Mr. Chairman. I wanted to go back to the response to my question relative to the legal costs associated with the constitutional reference case. The Minister indicated and I will stand corrected if my understanding was incorrect, that Mr. Twaddle had been paid some \$87,000-odd for his services and Professor Schmeiser from Saskatchewan had received \$15,800 and-some-odd. I was wondering what the hourly rates of the two gentlemen in question were and what the cutoff point is in terms of the calculation of their respective remuneration. In other words does that take us up to March 1, 1981 or January 30, '81 or what? I'm interested in knowing how far we go with that. Does it include the present work being done for instance, in the Supreme Court of Canada?

**MR. MERCIER:** Mr. Chairman, the rate of pay for Mr. Twaddle is \$75 per hour out of court; Professor Schmeiser, \$65 per hour. I assume these are expenses up to the end of the fiscal year, March 31st.

**MR. CORRIN:** In all fairness though I suppose we can assume there has been considerable telescoping and acceleration of costs associated with these gentlemen because it has just been in the past four to eight weeks that there has been a pressing need to prepare briefs and arguments for the Supreme Court of Canada. Of course I presume that the week

or so spent by these gentlemen in Ottawa would be a substantial one in terms of public costs.

I did some quick calculations, Mr. Chairman, and for the record I was working at rates of \$100 an hour, I was guestimating that may have been the charge of senior counsel. I reckoned that even at \$100 an hour, 40-hour weeks, we were looking at somewhere in the area of five-and-one-half months of intensive service. In other words a person working 40 hours every week, week in and week out for five-and-one-half months steadily at \$100 an hour would reach the sum of \$87,000.00. At \$75 an hour I presume we're looking at something in the order of six to six-and-one-half months.

I am a bit concerned, Mr. Chairman. I suppose I'm particularly concerned as a result of the debate that took place this afternoon about what was appropriate in terms of Legal Aid lawyers' fees. Obviously what is appropriate for Legal Aid lawyers is not appropriate for those who serve Her Majesty the Queen in right of Manitoba. Mr. Chairman, I made some computations and if you include Mr. Twaddle and Mr. Schmeiser and then the executive assistant that we learned of on Tuesday night last week — that was the gentleman that was I believe also a lawyer — he was being paid a special assistance with respect to constitutional matters, an annual salary of \$24,000 a year and I believe it was indicated he was retained last May or June — that was in 1980 — and if we add on to that, Mr. Chairman, the cost of the publication, printing and distribution of the constitutional pamphlet that we've discussed previously in this Assembly, I think we come to approximately \$159,000 in constitutional expenses as of roughly I suppose, the beginning of April or thereabouts this year.

One has to wonder, Mr. Chairman, with respect to the whole question of fiscal responsibility, I don't remember us debating that item last year. I certainly don't remember during the course of these Estimates last year being presented with an item for special legal costs and special assistance and all that it entails and special pamphlets. I might say, Mr. Chairman, I am a bit perturbed and I think a bit miffed that the government has completely overlooked the Opposition and I suppose much more important, the House, in terms of its reviewing responsibility of Estimates when effecting these expenditures.

It's particularly disconcerting that the government has done this, Mr. Chairman, and I might add it's galling that the government has done this without having first given members of the Assembly an opportunity to participate in debates relative to the positions that are being propounded by these gentlemen in Ottawa.

There was some conjecture by members of the Supreme Court last week that some of the arguments that were being raised by provincial counsel, including those representing Manitoba, were somewhat more political than legal in nature. Passing reference was made by members of the Supreme Court Bench to this fact, they felt that some of the arguments were somewhat specious because they weren't legal arguments, they were political arguments. I think, Mr. Chairman, it would have been far better if those political arguments first were launched here in order that they could have been

tested in this forum and they could have been more amply and adequately assessed.

I am expressing my personal indignation that this was not done, although several members of the Treasury Bench indicated that the resolution dealing with the Constitution would be debated in the early parts of this session.

So, Mr. Chairman, now having concluded that some \$159,000 were spent as of the beginning of last April propounding a position that was never tested in the crucible of this House, I wish to indicate that I think there is some onus on the Minister responsible to now account for his deviation from the normal processes, for his avoidance of the Estimates review process, and provide us with some rationale for the skirting of this issue, the circumvention of this issue. I would now ask that he give us some accounting as to why these moneys were expended in this fashion without any reference to members of this Assembly?

**MR. MERCIER:** Well, Mr. Chairman, you know, moneys have always been included in the Estimates of the Attorney-General in the civil litigation area for the retention of outside private counsel for various litigation matters in which the government has become involved and in which the government, whether they be our administration or the previous administration, deemed it to be the case in which outside counsel should be retained. There has usually been a lump-sum amount included and in those years where it was necessary to go beyond that amount, moneys have been or that fund has been replenished by Supplementary Supply or Special Warrant and I think you can go back into the history of this department for a good number of years to find that occurring, Mr. Chairman, and it has occurred with respect to CFI counsel in criminal and civil matters, and it has occurred with respect to constitutional cases. I think we did discuss this issue a bit at the beginning of the Estimates, Mr. Chairman, and I for one referred to . . .

Let me go back to the very beginning of the constitutional discussions which really started with our government in the summer of 1978, which led up to a First Ministers' Conference. I found, Mr. Chairman, that the Civil Litigation Branch of my department really had no one in it at that time who had been involved in any of the previous constitutional discussions. The previous administration used wholly outside counsel, private counsel. They know who they are; I know who they are, but they used wholly outside counsel and didn't use anyone in the department. I found there was no one in the Civil Litigation Branch who had been involved in those constitutional discussions.

It was therefore necessary, Mr. Chairman, to retain some outside counsel who had been involved in this and Mr. Twaddle had been involved in constitutional discussions in the 1960s and I, at the same time, believed it to be important to involve someone from the department and Mr. Squair from the Civil Litigation Department became involved, became intimately involved with all of the discussions and I think has done a very good job. We now have someone on staff in the department, Mr. Chairman, who can and does deal with a good number of the constitutional issues that are arising. We see more and more of these issues arising in all kinds of court

cases and matters litigated before the court. Mr. Twaddle was involved over 1978-1979.

There was a First Ministers' Conference then, and then as we all know in the early part of June after the Referendum was held in the Province of Quebec the Prime Minister called for a very intensive and probably the most intensive set of constitutional discussions to have ever taken place in June and we had to prepare for that within a few weeks in June.

At the end of June we embarked upon four or five weeks of meetings during the months of July and August last year during which Mr. Twaddle was involved, Mr. Squair was involved, Professor Schmeiser was involved, not throughout July and August, but was retained more to the end of the month of August I believe. We completed those two months of intensive constitutional discussions in which Mr. Twaddle was occupied for virtually all of his time, Mr. Chairman.

We went into the Premiers' Constitutional Conference in September; that required intensive preparation on 12 complicated and complex issues, Mr. Chairman, and he was involved in the preparation of that and in the meetings that were held in Ottawa that week for some five or six days. After the conclusion of that Conference, within a few short weeks, the Federal Government brought forward its constitutional proposal. There was advice required as to the legality of that constitutional proposal, methods of dealing with that. Mr. Twaddle's services were retained continuously, decision was made to contest the validity of that constitutional proposal in three courts of appeal in three provinces.

The first one on a very early date was obtained in Manitoba from the Chief Justice of Manitoba. That required again intensive preparation in order to file a factum. That case was heard in late November, early December. At the same time the cases were set down in Newfoundland, in Quebec, for which we prepared, participated, file factums, briefs, and we all know then that a date was set for the Supreme Court of Canada and I think within a period of four or five weeks the factums and briefs had to be filed in the Supreme Court.

So, Mr. Chairman, ever since the last two weeks of last June there has been a continuing intensive constitutional issue that has been before the Province of Manitoba and before all provinces in the Federal Government and that is the reason why, Mr. Chairman, Mr. Twaddle has been retained and was retained and was paid for all of the time that he has put into this matter. I'm interested in hearing the Member for Wellington's comment, that he thought he would have been paid \$100 per hour, which is probably a fee which he charges to other clients and perhaps even charges higher fees to other clients, but that has been the fee that has been established within the department.

Now at the same time, Mr. Chairman, I pointed out at the beginning, you talk about manpower employed by a Provincial Government in this whole exercise; in the Province of British Columbia there is a Department of Intergovernmental Affairs and a Minister of Intergovernmental Affairs with lawyers on staff and various people employing other expertise, who have been involved in this issue. In the Province of Alberta there is a Department of

Intergovernmental Affairs and a separate Minister, and they employed lawyers and staff with varying expertise who have been involved in this Constitutional issue for that same period of time. The same way in the Province of Saskatchewan, they have a Department of Intergovernmental Affairs; Ontario has a Department of Intergovernmental Affairs; Quebec has a Department of Intergovernmental Affairs; Newfoundland has a separate Minister with Intergovernmental Affairs' responsibilities; Prince Edward Island has a Minister, the Minister of Education, but who also bears special responsibilities for Intergovernmental Affairs and has additional staff employed in that area.

So, Mr. Chairman, there is no question that the amounts are significant amounts, but when you compare them to the amount of moneys spent in other provinces, and no one knows the millions of dollars that the Federal Government has spent on this issue and the numbers of lawyers. I'm given to understand, Mr. Chairman, that the brief, the factum filed by the Federal Government in the Supreme Court was prepared by five or six lawyers. Now when you compare that to the resources that Manitoba has used, Mr. Chairman, there is just no comparison. We have used an absolute minimum amount of resources on this issue.

The Member for Wellington refers to the Constitutional pamphlet in Manitoba, Mr. Chairman, and some \$15,000 to \$30,000.00. In the Province of Quebec, Mr. Chairman, I'm given to understand that the government there has spent some \$3 million on advertising the Constitutional issue in a public information program in the Province of Quebec. The Province of Newfoundland, I believe, has sent out at least two or three separate pieces to every household in the Province of Newfoundland on this issue. The Province of British Columbia have sent out separate large envelopes with copies of a resolution passed in the Legislature and other information with respect to the Constitutional issue. The Province of Alberta has sent out at least two mailings to each household in the Province of Alberta. Our neighbours, the Province of Saskatchewan, Mr. Chairman, have also embarked on a publicity and public information campaign that far exceeds anything done in Manitoba. At the same time, Mr. Chairman, the Province of British Columbia, the Province of Alberta, the Province of Quebec have Agents-General in London who have been occupied for at least the last the six or seven months on the Constitutional issue and in discussions and matters in England relating to this issue. The Provinces of B.C., Alberta, I believe Saskatchewan have offices in Ottawa — separate offices — with varying numbers of personnel, who I know have been occupied to a very great extent on the Constitutional issue, Mr. Chairman. I think those are just a brief description of some of the programs that have been carried on by other provinces and by the Federal Government on this issue.

Having said all of that, Mr. Chairman, a lot of it is a waste of money. I agree, a lot of it is a waste of money, because the issue shouldn't be decided in the Supreme Court the way it is being decided, Mr. Chairman. The Premier of this province called for a renewal of the Constitutional Conference last September before it concluded and that's what

should have happened, Mr. Chairman. That's the way it should have been dealt with and all of this money spent by all of the provinces and the Federal Government would have been unnecessary. This is an issue that could be resolved between the parties by agreement. If there were — and I say particularly, I'm not trying to be political, Mr. Chairman, I'm trying to be as factual as possible but in my view, in my opinion, there was no effort whatsoever made by the Prime Minister of this country at the September Constitutional Conference to attempt to negotiate and arrive at a bargain, at a consensus, the way these matters have been decided in Canada previously. I say a lot of this is a waste of money, that it wasn't necessary; that if the Prime Minister of this country had agreed to continue those discussions that these matters could have been resolved.

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

**MR. CORRIN:** Mr. Chairman, now we've obviously hit a sore spot. I'm glad that the Minister at least shows some contrition with respect to the expenditures outlaid in this regard. It's obvious that he's somewhat sensitized to the amounts that have been expended and I would imagine that even he regards \$75 out of court as being a considerable amount of money. Mr. Chairman, I'd be interested to know what Mr. Twaddle's in-court rate is for a week in the Supreme Court. I think those are out-of-court fees, not in-court fees.

**MR. MERCIER:** Mr. Chairman, I believe the arrangement is as of late that Mr. Twaddle receives an additional \$300 per court day.

**MR. CORRIN:** Yes, a suitable emolument I'm sure, Mr. Chairman. Mr. Chairman, one wonders with these exceptional expenses that the provinces asserting their position against the federal initiative haven't seen fit to pool their resources in order that they not duplicate each other's expenditures. I wonder whether any effort was made by the Minister to utilize legal staff and other assistance available, perhaps to the Province of Alberta or British Columbia. For that matter I'm wondering, Mr. Chairman, whether all of those provinces have put their cases through their own independent counsel and, if that is so, Mr. Chairman, I would be interested to know whether those provinces have seen fit to have not one but two senior counsel prepare their briefs and attend at the Supreme Court. Can the Minister apprise us of whether all the other provinces that have appeared have similarly seen fit to have two senior counsel instead of just one?

**MR. MERCIER:** Mr. Chairman, I think it's probably fair to say that most other provinces not only have two senior counsel, they probably have much more than two senior counsel. I think what the Member for Wellington has to appreciate is that Manitoba was the first case in which this issue was litigated. Manitoba took the leading role in Manitoba and then in the Supreme Court as the appellant. We took the leading role, Mr. Chairman, by virtue of our position. I can assure the Member for Wellington that all

counsel involved have from time to time either met or by telephone concerted their efforts with respect to these cases and attempted to divide various areas of responsibility, presentations and submissions as much as they could.

**MR. CORRIN:** The Minister has confirmed what I believe, Mr. Chairman, from my reviewing of the press reports of the Supreme Court contest and that is that Manitoba indeed did play a dominant role — as the Minister says a lead role — in the court case before the Supreme Court of Canada. I'm wondering whether or not provinces such as Alberta, British Columbia and Saskatchewan, all those more affluent provinces to our west, are going to recognize the lead role that Manitoba has played and contribute towards the legal costs which have been associated with that leadership "which has been shown" by the Province of Manitoba. Has the Minister made any arrangements with these other provinces in order to recoup or recover some of these legal costs associated with this particular contest? Can he advise us if not whether he will make an attempt to contact the authorities in the other provinces in order to do so?

**MR. MERCIER:** Mr. Chairman, I can advise the Member for Wellington that a number of other provinces have retained senior counsel, leading constitutional experts in virtually every other province to ensure that the best case has been put forward.

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

**MR. RUSSELL DOERN:** Mr. Chairman, although we have figures before us from the Attorney-General I believe that the amounts quoted by my colleague of some \$159,000 are only a fraction of the real cost of this exercise. I think if one were trying to impute values to the amount of time and energy not only on what has been actually spent and received but in terms of all the time spent by the Attorney-General, by the First Minister, by the Civil Service staff and so on we would be into hundreds of thousands of dollars. The remark has been made that this is an obsession with the Prime Minister and that he's a difficult person to deal with.

But I would say most observers of the debate feel that two of the main antagonists, namely the Premier of Manitoba and the Prime Minister are both men who are difficult to deal with, who are not flexible in this regard and who need their heads banged together in order to make some progress. I think the ultimate condemnation of both positions is that so much time has been spent on this particular issue and so many dollars have been spent and that the basic issues facing our society especially in Manitoba, real economic and social problems are not being addressed and too much time has been spent by two of the foremost political leaders on that side of the House.

I find it incredible, Mr. Chairman, that Manitoba leads the fight; Manitoba of all the provinces is first in line in a fight with the Federal Government over the Constitution. —(Interjection)— As my colleague points out there's no consensus in terms of this House. The First Minister did not have in my judgment the full backing of the people of this

province. He is not reflecting the historic position of Manitoba as in the middle or in the centre when it comes to a position of this type. Manitoba's traditional role is in the middle. The conciliator, the province that tends to side with the Federal Government because of the importance of redistribution — and I should say equalization payments — the fact that Manitoba is a have-not province that needs a strong central government in order to further the needs and ambitions of the people of Manitoba, for a Premier of Manitoba and his government to simply take a strong position against the Federal Government and talk about decentralization and talk about more independence for the provinces to the detriment of the nation as a whole, I think is a stupid and unthinking position.

I find in my judgment what has happened is that the dirty work for the Premiers of Quebec and Alberta is being done by the Premier of Manitoba. He's the guy behind whom these other Premiers are hiding or running and they're encouraging him in his endeavour to get out there and kick and punch and attack the Prime Minister of Canada which he has done time and time again; talking about the big lie of the Prime Minister; talking about his serpentine activities and so on; words that we hear every day in this House thrown to the Opposition or thrown to any opponent. I'm simply saying this has become an obsession and what may have been a position that had some merit to it in the first place has been lost. When a person is obsessed with an idea then that person loses perspective.

It reminds me of one of our former colleagues, Joe Borowski, who's carrying on in his crusade and he's going to carry on this abortion fight forever. We have a Premier here who's going to carry on a fight against the Prime Minister of Canada on a personal basis by using his government until his dying breath — it's not my words, those are his words — he's going to fight till the last breath in his body. I say that kind of an attitude ignores the whole history of our province, the whole tradition of our province. It ignores what all the predecessors in the First Minister's office have done and I just find it an incredible position.

I think, Mr. Chairman, this is really a diversionary tactic. I think it's a red herring and I think far too much time has been spent by the First Minister, the Attorney-General, their staffs and their lawyers on this particular issue. I think they are so committed to this idea that the statement has already been made; that regardless of what happens in Ottawa where consensus has been reached; regardless of what the Supreme Court does; regardless of Parliament passing this in Whitehall and in Ottawa, the fight will continue, the dollars will continue to be spent and the time will continue to be allotted and allocated. I say this is an obsession or a sickness or a madness on the part of the First Minister who is carrying his colleagues with him much to the detriment of their own party — which doesn't concern me — but the fact they are avoiding governing this province and are avoiding certain political realities, that does concern me.

I say to the Attorney-General I hope that when the Supreme Court hands down its judgment that it will be an end to the legal bills — I don't know, the Attorney-General seems to be saying no and seems

to be shaking his head — but I say that would be the time to pull the plug on the whole issue and to recognize that the battle has been lost. I believe the battle has been lost already, based on a consensus in Ottawa. But surely if the Supreme Court decides then the provinces have to simply disband and say they fought the good fight and lost. I say Manitoba had no right and the Premier of Manitoba had no right to lead that crusade as first and foremost — I don't know if it was political ambition, whether he wants to be the federal leader or not — but he shouldn't have been leading that fight. He should have been an interested and perhaps even an active participant but not the leader of the team and not the most vociferous spokesman on a team standing in between Premier Lougheed who has his particular interest and Premier Levesque who has his.

**MR. CHAIRMAN:** (a) — pass; (1) — pass — the Honourable Member for St. Vital.

**MR. D. JAMES WALDING:** Mr. Chairman, I had a few questions of the Minister on a different topic and I would defer to any other member wishing to speak on this particular topic.

If there are none then, Mr. Chairman, it's traditional when we reach the Minister's Salary for the Minister to reply to any questions there might be on the Manitoba Liquor Control Commission. The first question I have of the Minister is, does he intend to have officials of the Commission present to assist him in providing us with information?

**MR. MERCIER:** No I don't, Mr. Chairman. In the last three years the Estimates have always been considered outside of the House and it's been easier to have officials available in the next row if questions were asked and their assistance was required by virtue of sitting in the House. On Salary there are no officials available.

**MR. WALDING:** Mr. Chairman, since the Minister is quoting past precedents I recall that we had a discussion something like this previously when the Minister was answering questions in Room 254. We made it quite clear to the Minister then that certainly there was no objection to having officials from the Liquor Control Commission sitting immediately to the rear of the Minister to be in a position to answer those questions.

As I recall either last year or the year before we raised this matter I believe it was in a morning session and the Minister, because he did not have the answers to some questions, arranged for his officials to be there in the afternoon and provide us with those answers. Certainly what the Minister says about having officials present for Minister's Salary is correct but I cannot recall offhand any other Minister who reports for a Crown Corporation under his Estimates therefore there is no direct analogy in those circumstances.

Mr. Chairman, I'm almost sure that had the Minister asked of the Committee if there was any objection from any member present to having those members of the staff available during that portion of his salary when questions were addressed to him, I feel almost sure that there would have been no objection from any member present. There might have been other members willing or wishing to direct questions to the Minister.

However, Mr. Chairman, if that is the decision that the Minister has made I suppose that we must live with that decision. If there are any questions raised with the Minister that he cannot answer then I suppose we must wait until a later date. The Member for St. Johns, my colleague, was speaking earlier this evening and making a very similar point, that when questions are raised during a Minister's Estimates what we'd like to have answers to those questions during those Estimates in case there might be follow-up questions. It's somewhat of an imposition on members of the Opposition to have to wait days or weeks or even months sometime to get information.

Mr. Chairman, the Minister distributed to members of the House yesterday the report on the Ministerial Advisory Committee on Liquor Control. I wasn't in the House yesterday so I didn't see the report until just this afternoon and I haven't yet had the opportunity to read it. I note it goes to something like 200 pages plus a considerable number of pages of appendices. I look forward with interest to reading it. I do regret that it was not made available to members at an earlier date or we might have had the opportunity to read it and be in a position to ask questions or to make comments upon it.

I also regret even more so, Mr. Chairman, that the report apparently was leaked to at least one member of the press about a week or so ago. I don't raise it as a matter of House privilege, Mr. Chairman, because I'm sure it was not released to the press by the Minister. It would seem to have been a leak at some other stage. I'd like to ask the Minister if he can tell us how that leak came about. Was it from the printers or from within his department or from someone actually on the committee itself? Has he taken steps to find out how this leak happened and can he give us any assurance that such an occurrence would not happen again?

**MR. MERCIER:** Mr. Chairman, firstly, the member indicated he was disappointed that he had just received it. I want to indicate to the member that as soon as — I believe we received in my office copies on Friday afternoon from the printer and I tabled them in the Legislature yesterday. Really as soon as I received them, I tabled them. I'm disappointed that I didn't receive the report earlier on in the year so that the recommendations that found favour with the government could be the subject of legislation at this session of the Legislature. I'm not ruling out every possibility that there will be no legislation at this session of the Legislature. It is always possible that might happen, but that will depend on a decision by the government.

I, too, Mr. Chairman, would have liked to receive this report a few months ago so there could have been time for it to have been assessed by all members of the House and been given an opportunity for the public to react to it and to give this Legislature the opportunity to consider some legislation on some of the recommendations.

Mr. Chairman, with respect to the, I guess it was a report on CJOB which outlined fairly accurately some of the recommendations that were in the report, I've endeavoured to find out how that information was leaked. I've not received any information that indicated how it was leaked. At the same time, Mr. Chairman, I think anybody in government could not give any assurance that leaks would not occur in

future. It's part of the system. I take it the Member for St. Vital should be well aware of the fact.

**MR. WALDING:** Mr. Chairman, I want to assure the Attorney-General that I've never received a leak from his department.

Mr. Chairman, I was not criticizing the Minister for the late arrival on our desks of this report. I only regretted we had not received it before. I accept the Minister's word that he only received it on Friday and the distribution of the report is certainly much prompter than has happened from some other Ministers.

I was a little intrigued with the Minister's comment that there was still the possibility of some legislation being introduced, because I would not have expected that the government would digest and consider and debate and draw up legislation on a report that it had received so recently. If the Minister is now telling us that there is some government policy involved already on some of the recommendations in the report, then certainly we would be very anxious and most interested to hear what they are, Mr. Chairman.

The resolutions are listed in the first number of pages and I haven't had the opportunity even to run down them, but I do recall that some of the recommendations were listed in the press today, and I was most interested in perhaps three of them, one being that the report apparently comes out opposed to any privatization of liquor sales within the province, which was a position that our government had taken and which was as I recall, Mr. Chairman, quite opposite to a position taken by the Conservatives at the time of the last election when it was, I believe, clearly understood by most people that this was a Conservative policy, one that has not been introduced in three years. If this is one of the policies the Minister was referring to as might be subject to some legislation in this session, then we would be most interested to hear that, Mr. Chairman.

Another recommendation had to do with raising the drinking age to 19. I recall a couple of years ago that one of the backbench government members brought in just such a bill, or perhaps it was a resolution to do this and just going from memory, it was either referred or amended or it was defeated, but certainly it was not passed as I recall, certainly in the form that it was brought in.

Another recommendation that I'm very glad to see mentioned is that of the Moderation Program. The report apparently comes out in favour of a resumption of a Moderation Program, Mr. Chairman, which I personally believe is very important and of great value. It was something the previous government had in force for several years I believe and which was dropped as part of the acute retracted restraint program. If it now indicates that is to be reintroduced, I would certainly support that.

Mr. Chairman, I wonder if the Minister would be prepared to give us a breakdown on the cost of this report. I'm sure it would not come in at anything like the couple of million dollars that the Tritschler Commission cost, but we would be interested to know what the total cost is and a breakdown of the parts of it. If the Minister insists on us submitting an Order for Return, we would be quite prepared to do so, but if the Minister will accept to provide us that information that would be appreciated, Mr. Chairman. We would not insist on that information

before the end of the Attorney-General's Estimates. We are prepared to wait a reasonable amount of time for that information.

One other point on the report itself. Just glancing through it quickly this evening, there is mentioned in the appendices of two public opinion surveys that were carried out by the committee. Perhaps there were more. In one of them it is indicated who did the survey and some of the background of the survey itself; the other one it is not. I wonder if the Minister could provide us with information as to who did both of those surveys and what the cost of them was, although I would have expected that to be in the breakdown of costs. I wonder if the Minister has any comment on the recommendations, or whether there are any that immediately meet with his approval or any that he is in a position to dismiss out of hand.

**MR. MERCIER:** Mr. Chairman, with respect to the last question asked by the Member for St. Vital. I'll have to take that question as notice and make an enquiry into that matter and provide an answer to the Member for St. Vital with respect to the cost of the surveys and who carried out the second one. I think he indicated it was indicated in the report who carried out the first one. I think the interesting and reassuring development out of the surveys was the fact, Mr. Chairman, that there was general satisfaction with the manner in which the Commission and its staff and employees operate the service for the public in Manitoba. Mr. Chairman, I want to indicate to the Member for St. Vital that immediately upon that report being made public, the General Manager of the Commission has written to each member of the staff congratulating them on the results of that survey. I can indicate at the same time, Mr. Chairman, the General Manager who is being retained for that position is developing, I think, some excellent training programs with the staff and encouraging them to become more knowledgeable for example in the area of wines, so that they are in a better position to give some advice to customers of the Commission.

Mr. Chairman, with respect to the costs of the report, we don't have a final up-to-date cost because I'm given to understand all of the accounts are not in. I don't have the written material with me. I don't even have a copy of the report but my best recollection is that the latest figure of the costs submitted to date were some \$120,000.00. The Member for Elmwood indicated from his seat that he estimated the final cost would be in the order of \$150,000.00. That may or may not be accurate but it may very well be somewhere in that range.

Mr. Chairman, the Member for St. Vital referred to the recommendation with respect to privatization. I want to point out to him, Mr. Chairman, when I participated in a news conference that announced this particular study quite some time ago — I guess a year ago at least — I indicated at that time that this area was being looked at. It was part of the terms of reference of the study, that concern had arisen during the liquor strike in the minds of many people. Certainly I have received many expressions of opinion that the service could be better done by the private sector, but I cautioned at the time the study was announced, Mr. Chairman, that the Commission had certain economies of scale in warehousing, in purchasing, in distribution.

According to the information I had seen and the studies I had seen up to that point in time, I believe I indicated it was going to be difficult, Mr. Chairman, to justify any change in the method of sale of liquor in this province without either reducing the amount of revenue to the province which goes to pay for many of the social services available in this province, or increasing the prices, Mr. Chairman, so I'm not surprised at the recommendation that has come forward in that particular area.

The Member for St. Vital refers to a recommendation with respect to drinking age. As I recollect the Member for Emerson's Private Member's Bill was, I believe, hoisted in the Spring of 1978. The member refers to the recommendation with respect to a moderation program, public recommendations with respect to public education programs and an index of the cost of alcohol abuse, I believe is the title given to some work and I believe it would be appropriate to have the Department of Health and the Alcoholism Foundation review those programs and recommendations and develop programs along those lines.

**MR. WALDING:** Thank you, Mr. Chairman. The Attorney-General really didn't answer the point I brought up with him about such recommendations that might find favour immediately with the government or the present government policy. I wonder if he is in a position to inform us about government policy in regard to any of the recommendations.

**MR. MERCIER:** Mr. Chairman, to make it as clear as I can, the government has made no determination to proceed with legislation incorporating some or any of the recommendations of the Committee report up to this point in time.

I have indicated that in my view it is possible, again it's perhaps unlikely that at this stage of the legislative session and shortly to conclude these Estimates, I hope, with one further set to go, Mr. Chairman, that of course we are here as long as the Opposition wants us to be as is usual but it's rather late in the session I would think to bring in a bill unless the Member for St. Vital would like to. Perhaps it would be helpful if the Member for St. Vital would indicate some areas of the report where the Official Opposition would support speedy passage of a bill.

**MR. WALDING:** Mr. Chairman, we'd be delighted to give that information to the Attorney-General right after the next election.

Mr. Chairman, I thought I had indicated in my remarks that my personal feelings on three of those recommendations that were in there, others I haven't read over yet and would like to do so before commenting any further on them. Mr. Chairman, I had a few questions arising from the report of the Commission for the year ending March 31, 1980 and it had to do with the report on Page 9 if the Minister has it in front of him, under Licences and Permits where the report indicates that several significant amendments to The Liquor Control Act and its regulations were passed during the period under review and it lists some eight changes to the Act and four changes to regulations. I wonder if the Minister would be in a position to report to us on the results of those changes?

**MR. MERCIER:** Mr. Chairman, the first amendment to the Act removed the restriction on transportation of alcoholic beverages by an individual for personal use into Manitoba. That was something that I gave a commitment to during the course of the liquor strike. Obviously with no strike, since then it probably has had no direct effect.

The amendment with respect to providing varied hours for the sale of beer was one to accommodate beer vendors but to maintain the same hours of operation. The decision to allow cabaret operators to sell liquor on Sundays between 5:00 and 10:00 only with meals, I can't at this stage indicate how many cabaret operators are utilizing that as there are not that many premises with cabaret licences. But we found in many of the cabarets there were extensive financial investments involved in improving and upgrading their premises and this was an opportunity to be in business for an extra few hours.

Authorize the issue of a hunting or fishing lodge licence permitting sale of liquor by the bottle, as I remember, I think that only involved two or three fishing lodge licences and I can check, but I think that's probably all that have been issued.

The next one authorized the sale of liquor in a beverage room or cocktail room on Sundays, Thanksgiving Day and Christmas Day only with meals. That was to give those operators an opportunity to make use of those rooms on those holidays where they might have sort of a brunch function after church on Sundays and to be able to use those facilities fully, not fully but to a certain extent.

I think the next one speaks for itself and the penalty provisions were explained. The one with respect to liquor, evidence of liquor in court, I can't indicate how often that has been used in court. The regulations passed by the Commission, again one relates to cabaret operators to increase the use of taped and recorded music was in the main to allow for that during intermission times between shows; one with respect to an annual licence fee with respect to hunting and fishing lodge licence followed upon the amendment to the Act to allow such licences and that was merely establishing the price; permit an increase in the selling price of beer in beer parlors speaks for itself.

6880 - repeal of the restriction prohibiting the licensee from selling his premises and making the application for a new licence within five years of receiving the first licence. I believe the Commission found a great number of the applications were before it related to this regulation which was in effect and we found there were many instances where a hotel operator had sold his premises and because of the restriction he perhaps went into some line of work, then was interested in getting back into the hotel business but was restricted by virtue of that regulation — the five-year limitation — and was instead investing his money outside the Province of Manitoba rather than buying in Manitoba and that I think has not resulted in any problems. I think at one stage it was thought that it might result in an increase in prices as a result of speculation. But the information I have is that has not occurred and was not expected to occur.

**MR. CHAIRMAN:** (a) — pass — the Honourable Member for St. Vital.

**MR. WALDING:** Thank you, Mr. Chairman. If the Minister had his officials present I'm sure that they

could have given him up-to-date information on all of these particular points and perhaps fuller information than the Minister has.

There are a couple of specific points involved here; one of them has to do with the last two under the Amendments to the Liquor Control Act which would appear to affect the courts rather than the Commission itself and perhaps the Minister in his role as Attorney-General might be in a position to report to us whether this has made things easier for the courts or for his Crown Council in bringing cases involving liquor before the courts. I can't see that those two provisions would lead to problems arising. They would appear to be matters designed to ease or get rid of problems rather than to any that might arise.

The other one had to do with the first regulation on the list — increasing the amount of taped music — and I recall there were concerns raised some time ago from the Musicians Union and musicians involved generally in playing at licensed premises, that this could result in less work for them and some of them might lose work over such a provision. Is the Minister in a position to report to us as to whether that in fact happened or not?

**MR. MERCIER:** Mr. Chairman, with respect to this change in regulation as I try to indicate, it was brought about in order to enable cabarets to have taped or recorded music during intermission periods and to have dancing, etc., and the increase in the allowance from 30 to 40 percent was meant to accommodate that. I just received some general information during the past year that live musicians, I think generally, are obtaining more work in the province and I can indicate I have received no complaints from the Musicians Union about that change in policy to allow taped or recorded music.

**MR. WALDING:** The provision that raised some questions, Mr. Chairman, and I'm not sure whether it was at the same time that these changes went through or whether it was in the session last year perhaps after the date of this report and that had to do with permitting liquor to be sold at cultural events and perhaps sporting events, other than the Theater Centre and the Convention Hall. I recall my colleague from Elmwood particularly raising that as a very serious concern that he had. Can the Minister report on this aspect or this change that was made and has it given rise to the sort of concerns that were questioned at that time?

**MR. MERCIER:** I don't believe so, Mr. Chairman. I indicated at the time that there was going to be no change in policy with respect to not allowing the sale of spirits at sporting events.

The change did, I think, accommodate facilities like the Brandon Keystone Centre in that they could in their rooms off the arena, for example, attain permits to allow the sale of both beer and spirits at social functions that might be carried on there.

**MR. WALDING:** Mr. Chairman, is the Minister then assuring us that there have been no problems reported to him as a result of the change that was made either last year or the year before?

**MR. MERCIER:** Mr. Chairman, I can assure the member that there have been no problems reported to me nor to the Commission to my knowledge.

**MR. WALDING:** A couple of other matters I wanted to raise with the Minister, Mr. Chairman. One had to do with disciplinary actions on Page 10 of the Report, where it would appear that the number of disciplinary hearings and suspensions has gone down in this report from the previous year, yet the number of warning letters and caution letters have both increased considerably. The question I raise with the Minister is, is this a matter of change in policy by the Commission that it is dealing with offences more by sending out letters to licensed establishments rather than taking the action of holding hearings and actually taking disciplinary action against offenders. Does this amount to a relaxation in the enforcement of the rules of the committee? The bare figures given in the report itself would appear to indicate that, but perhaps the Minister would care to comment on it and tell us whether it's a change in policy or does it just happen to come about that way?

If I could make one other comment, Mr. Chairman, on the matter of suspensions; just looking down the list of suspension of licences that are listed on page 26, there are a number of establishments there that appear in the report from the year before, yet the suspensions involved one or two or sometimes only three days in each case. The question I raise with the Minister is, are these suspensions merely a licence fee to permit the establishment breaches of the rules, or should the Commission be cracking down harder on second and third offenders and perhaps introducing a suspension that would have some teeth in it rather than just a day or two?

**MR. MERCIER:** Mr. Chairman, there's been no change in policy with respect to disciplinary actions. Perhaps what I could conclude from the report is that there were more warning letters and caution letters and that the licencees perhaps gave greater consideration to those caution letters or warning letters. There's not a really significant difference in the numbers involved, 39 to 41 or 17 to 22. The member refers to just a simple one or two-day closing that may be ordered by the commission, suspension of licence. That, Mr. Chairman, I think to the operator, is a very significant penalty when you take into consideration the operating costs of these facilities and mortgage costs which many of them have, but I think the member has a good point. If a hotel — I haven't had an opportunity to compare the two reports, but if X hotel was suspended for an infraction in 1978, suspended for one day and they are suspended in 1977 for one day for the same infraction, then I would, Mr. Chairman, be prepared to indicate to the Commission. My view would be that a second offence should carry a greater penalty. One of the problems is you don't know if there is the same operator. Maybe the hotel has been sold and maybe there's a different operator, who wasn't aware of the previous incident or circumstances, but if it's the same owner-operator who's convicted of a second offence for the same infraction or a similar infraction, then I would tend to believe they should have a more serious penalty for that second infraction. I would agree with that.

**MR. WALDING:** Thank you, Mr. Chairman. The last matter I wanted to raise with the Minister was that of occasional permits also on page 10. The Commission reports that increased emphasis was placed on

tightening up occasional permit procedures in respect to acceptance of applications by authorized Commission personnel. I do note there was a slight decline on the number of occasional permits issued for the year. Would the Minister explain to us what this tightening up of occasional permit procedures entailed?

**MR. MERCIER:** Mr. Chairman, in general what is meant by this is that previously in the liquor stores I think virtually anyone could take the information and issue an occasional permit. What took place was that certain senior personnel in the stores were authorized to issue the licences or permits. I think concerns were expressed that they should make sure that people who are applying for them are aware of the conditions under which they are issued. If the manager — if he was the one authorized in the store to issue permits — suspected in answering certain questions and taking the information for the application for the permit that there was some sort of a problem, I believe some of those situations, particularly when they came from Winnipeg, were referred to personnel at the Liquor Commission Head Office. So there was an attempt made, Mr. Chairman, to make sure by using senior personnel that the applicant was receiving the information, was aware of the conditions under which the permit was being issued, that some questions were asked to make sure that there were no violations of the Act, and that where there may have been some suspicions that the Act was going to be contravened, some of those cases were referred to senior personnel at the Commission.

**MR. CHAIRMAN:** (a) — pass — the Honourable Member for St. Vital.

**MR. WALDING:** Mr. Chairman, I know personally of a few cases where an applicant for an occasional permit has come to grief by doing something that was later, before the issuance of the permit, declared by an official of the Commission to be contrary to the rules or regulations or to the Act itself; yet had they been made fully aware of the conditions, would not have done so. It has resulted in a number of anomalies that have come to my attention, Mr. Chairman, one of them being, I believe that an event where there is an occasional permit issued is not supposed to be of a fund-raising nature, yet we all know there are frequently socials being held for engaged couples where the clear intent by the organizers is to raise a few hundred dollars for the prospective bride and groom. It's done all the time. I've been invited to a few of them.

There have been other occasions I know where a social event has been put on to aid a person in the community, who is in the unfortunate position of facing some local disaster, and I'll give you an instance from my own constituency. There had been a fire involved and the house was practically gutted. Either due to a lack of insurance or little insurance, there was little money to come back on the furnishings that were destroyed in the house. The community rallied around and were prepared to arrange a social to raise some money for this young couple to make good their loss. It so happened they had put on the tickets that it was a fund-raising venture for whatever their name was, and it was well

known in the community, the cause of their misfortune. They had already sold a large number of tickets by the time it was pointed out to them by an official of the Commission that this was illegal, because it said so on the ticket this made it illegal and the licence was cancelled. I don't know the outcome of that particular case, but I know it caused a lot of grief and a lot of ill feeling involved, including a panic phone call to me a matter of just a few days before the event was due to take place.

Now what was done in that case was done in good faith, Mr. Chairman. It was done in the same manner and with the same sentiments as any number of other social events have been put on in the past. Although I could sympathize with that particular case, I had to tell them that's not what a social event is supposed to be for. But I know that social events have been held many other times in the past for similar sorts of occasions. So my concern in this case, Mr. Chairman, is that people are being led astray by not being made aware of the rules and regulations that would permit them to do what other people are doing. It would seem that the regulations are there that affect some people adversely and work in favour of other people in similar circumstances.

I note that the report does address the matter of occasional permits, but I haven't read it to find out if they perceive a problem there or if so, how they intend to address it. But I raise the problem for the Minister. I see him nodding. I'm sure he is aware of other occasions in similar circumstances. I'm not suggesting that it be made possible for everybody to break the regulations and to contravene the Act, but I would like the regulations and the Act itself to apply equally to all applicants, but more so that any applicant for an occasional permit, especially those who are applying for the first time, be made aware of what they can print on the ticket and what they can say and what they cannot say, so that we would not get a repetition of this case where a permit is cancelled a matter of two or three days before a social event is to be held.

**MR. MERCIER:** Mr. Chairman, the member has identified a problem, one of numerous problems involved in occasional permits. It's usually a member of the Legislature receives a call at the last hour from somebody involved and usually they're very difficult to deal with because usually the cause is something that nobody can disagree with. I've received calls at the last minute for a social, because some official has cancelled it in Commission and it's been a social to raise money to send a sick child somewhere in the United States. There are obviously very emotional pleas made with respect to them and you do what you can to allow them to be held, but they result from mistakes made in good faith. They think they're doing something that's allowed because everybody knows that many of these functions one way or the other raise funds. I think that report from the committee recognizes that and recommends a new system of occasional permits to recognize the realities of what is taking place in society today, not only here in Manitoba but in numerous other provinces. I would commend that section to the member for his consideration. I would be very interested to know the reaction that he has to the recommendations on occasional permits and so hopefully we can improve this whole situation and

recognize the realities, the fact that some of these events are being held to raise moneys and deal with the problem of . . . that these functions which the report attempts to deal with and hopefully we can make some improvements in this area.

**MR. WALDING:** Thank you, Mr. Chairman. I didn't have any further questions of the Minister on the Liquor Control Commission. I believe that the Commission generally is an efficient and well-run organization. Personally I've always found its employees to be courteous and most helpful anytime that I have cause to speak to them.

**MR. CHAIRMAN:** (a) — pass — the Honourable Member for Elmwood.

**MR. DOERN:** Mr. Chairman, I wanted to make a few points to the Minister. Perhaps what I should do is talk about areas where I'm not very receptive to the Michener Commission and ignore the ones where I am. The Minister is obviously going to consider putting together some legislation, assuming that's done before the next election. I wanted to make a few comments where I think the government should not proceed based on recommendations of the Advisory Committee.

First and foremost, I think, is the area about raising the drinking age to 19. I'll say more on that in a few moments. Secondly, is the suggestion that liquor advertising be allowed on T.V. and radio prior to 10:00 p.m. I think that's an area that should be stepped into very carefully if not completely ignored. I think that was originally the suggestion of the Honourable D.L. Campbell who speaks with the same political and mental set as many members opposite and some on this side of the Chamber. (Interjection)— You don't agree with that honourable gentlemen?

**A MEMBER:** I don't agree with you.

**MR. DOERN:** So I was talking about D.L. Campbell. I was saying that the Minister of Highways probably is attuned to his way of thinking. So I think that area should be either not touched or looked at very carefully.

There are a number of other points, but I think perhaps what I'll do is make a few remarks on the drinking age and then deal with a few specifics.

I want to remind the Attorney-General and the members of the government side that if they decide to raise the drinking age — a motion which was defeated in this House three years ago — that they will have to raise the voting age. They will have to move on both fronts because it would make no sense whatsoever, Mr. Chairman, to simply have a drinking age at one age and a voting age at a second. As far as I'm concerned the basic question here that the government would have to face is whether or not people who are 18 years of age can make a rational decision in regard to alcohol, in regard to voting and in regard to a whole series of other questions. In my judgment they can and in the judgment of a number of members opposite they cannot.

As far as I'm concerned the whole question here is not one of prohibition, which never did work, didn't work in the 1920s and won't work in the 1980s. So

that if you banned alcohol completely it would have no effect, and if you raise the drinking age to 19 or 20 or 30 or 40 or 50 or 65 it would have no effect. People would still tend to drink and you might add an aura or a mystique to drinking as was the case during the Roaring Twenties, it might encourage people to drink more because of the sort of naughty aspect of the problem.

So I agree with the recommendations of the report that talk about education and that talk about providing money to index alcohol abuse and to encourage people to drink with moderation and to encourage people to drink wine with their meals and encourage people to not feel embarrassed about refusing a drink. I think those are all good ideas and I think that the kind of ads that we see on television and hear on radio about giving people the right to refuse a drink or to encourage people not to smoke or encourage people not to drink are good.

So I simply say in that regard, Mr. Chairman, that the House has already spoken recently, 1978 on this question, and I think that the government would be ill-advised and would be splitting hairs to move the drinking age up one year. The real problem is education. There's another problem here that the government's totally ignoring — that's the question of drug abuse. That is probably a more serious problem among young people and they have to address that. I'd simply say on this point that I have faith in the young people of our province and I believe that they can act and do act in a rational and responsible manner.

Mr. Chairman, I wanted to just deal with a couple of specifics in the report. Incidentally, I want to point out to the Attorney-General that on Page 33 of his report there's a number of misprints I think in the columns, Table 1 and 2 on consumption, there are figures which say 1958 to 1978 in several places, which probably should read 1978 to 1981, so I assume that's a particular misprint.

I want to say to him on Page 108 about cabaret hours and food requirements, I have never completely understood the value in forcing people who run nightclubs to have a particular food to liquor ratio. I think that there should be a requirement to sell food in these establishments, but as to fixing a particular ratio, I do not either understand or appreciate nor agree with that particular requirement unless it's a suggestion to change or lower the ratio. Because, Mr. Chairman, most people who go to nightclubs don't go to eat. Most people who go to nightclubs go at 8 or 9 or 10:00 o'clock in the evening and go to drink and to dance and may wish to eat, but I think most people in our province when they want to go out to eat go out to a fine restaurant and most of the nightclubs are not necessarily the best places to eat in. They may have fair food or moderate food but the best meals are eaten in the finest restaurants not in nightclubs. Many people will go to a restaurant and then after that will go to a nightclub.

So I want to say to the Attorney-General that I think he should look at that particular area and think about it, and that food ratio requirement I don't think is a very sensible one.

I'd also like to ask him to look at the recommendation about seating capacity in beverage rooms. That's going to be upped considerably and I

think, Mr. Chairman, that should be carefully scrutinized.

I think that those are the main points that I wanted to make. I think particularly the government is probably trying to make an end run on the question of the drinking age — that they failed in that before, they are now considering trying a Commission to bring in a resolution which they can then support, but I don't think that particular measure is going to work as well.

I also want to point out, Mr. Chairman, in conclusion that the Attorney-General and the government have adopted a very interesting technique, very interesting technique, and that is that they are now saying on a whole score of matters that they may do something. They are no longer saying that they will do something. All of the shall have become may, and so they say that they may bring in legislation on the Liquor Report, because they don't want to offend anybody. They bring in a report on the Whiteshell and they say they really don't have anything to do with it, the civil servants drew it up and they may do something about that report.

Of course, we also know that we may have an Alcan development, maybe we won't, but we're getting a whole series of promises and a government that's becoming everything to everybody by not taking a position. When they're asked about something now they're saying maybe we will and maybe we won't. In that way the people who are in favour are sort of onside and the people who are against are not totally against because the government won't take a stand.

So I'm saying, Mr. Chairman, that the rumour mill and the government promises are working overtime and they're working trying to play both sides of the issues, trying to dwell on the fact that hope springs eternal and that there are those who will hope that parts of this report will be implemented — that's mainly the people in the restaurant business and in the liquor business and in the advertising business. On the other hand are people who are concerned about extending liquor advertising, longer hours, etc. Those people are against. So the Minister is saying, well, he's not sure of what the position will be.

So, Mr. Chairman, in conclusion I don't have to apologize for taking 10 minutes of the department's time and I look forward to seeing a position taken by the government on this, but I hope that will not be the silly suggestion made by the Member for Emerson that by raising the drinking age to 19 we're going to eliminate all kinds of social problems, ignore drug abuse, solve the drinking problem, solve the driving with alcohol problem and so on. I think that is a proposal that has no merit. I want to say to the Attorney-General that I for one will oppose that particular proposal if it comes up.

**MR. CHAIRMAN:** (a) — pass; (1) — pass; Resolution 16 — pass.

Resolved that there be granted to Her Majesty a sum not exceeding \$1,385,600 for Attorney-General. General Administration \$1,385,600 — pass.

That concludes the Department of the Attorney-General. Thank you.

Committee rise