

## LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, 18 August, 1986.

Time — 8:00 p.m.

### CONCURRENT COMMITTEES OF SUPPLY SUPPLY - ATTORNEY-GENERAL

**MR. CHAIRMAN, M. Dolin:** The Estimates of the Department of the Attorney-General, Page 16. We'll begin with Resolution 16, but prior to that we will have an introductory statement by the Attorney-General.

The Honourable Attorney-General.

**HON. R. PENNER:** Thank you, Mr. Chairperson.

The introductory statement is in the blue folders and, accordingly, in order that we can get down to brass tacks as quickly as possible, I am not going to read it all. I'm just going to highlight some of the points made in the printed statement.

The primary responsibility of the department is to administer and, I think, to improve the justice system in Manitoba. I stress here that I strongly believe that Manitobans have much to be proud of in our justice system. All too frequently, our justice institutions, both federally and in all of the provinces, are viewed through particular, often egregious incidents, rather than on the basis of overall performance. There's no doubt that there are spectacular crimes that, understandably, engage the emotions of all. Too often, the justice system is viewed through those particular lens, rather than from an overall perspective.

It is therefore I think worth emphasizing that our justice system is working, and I believe working effectively. In my view, our communities are safe and secure. Our police and prosecutors are efficient and professional. Our courts provide for the timely resolution of private disputes between citizens, and deal with criminal and other public matters with procedural regularity and fairness. Our laws and programs on family matters are considered models of this kind, and have been considered for adoption throughout Canada, in many instances in fact have already been adopted throughout Canada. Our systems for the registration and security of title have been steadily improving and operating effectively.

In all of these areas, I will stress there is, of course, room for improvement. As I point out, there are many aspects of the system which require attention and improvement, and I think it's only through constant review, reconsideration and reform that our justice system can best maintain its vitality. Reasoned discourse in these Estimates, as generally have characterized these Estimates, can provide an excellent forum for such review.

I'm really going to deal with three basic areas, organizing for the future and recent programs that have been implemented and new initiatives. Last year when I appeared before this committee, Mr. Chairperson, I was able to announce a series of changes in the structure of the department which had been approved but not at that time fully implemented. I can now indicate

that changes have been implemented, some new personnel are in place and the anticipated benefits are beginning to show. The current organization of the department is set out in chart form of Schedule 1 in the document of Supplementary Information which has been distributed in the House. Now the department is organized into six divisions, rather than the previous 11. Each division is headed by an Assistant Deputy Minister, or equivalent, and it's much easier to look at the appropriations in a functional sense with this kind of structure.

Last year, I was able to announce the addition of two branches to the department, both in my view, long overdue. One was the Research, Planning and Evaluation Branch, the other was the Constitutional Law Branch. These changes have now been fully, and I strongly believe, successfully implemented. I'll just mention one or two things about these units, but we can look at the details when we get to the appropriate point in the Estimates.

With respect to Research, Planning and Evaluation in fact, I'll be able to indicate a number of projects that have been developed and completed in a very short period of time by this branch. Just as an example, one of the documents prepared by this branch, "Justice in Manitoba - Key Indicators" has been distributed to committee members. This is but one example of the kind of information which will assist departmental managers, the Legislature and the public generally to better understand the many programs of the department. We've also included a list of current activities in the material distributed.

Just two things that I would like to mention, they've been mentioned before. We're now conducting pilot projects relating to the treatment of victims of crime and child witnesses. I'm speaking, of course, of the Victim Impact Statement Project and the Project on the Videotaping of Child Witnesses. The branch provides the capacity to evaluate the effectiveness of current programs and to make improvements, or at least to suggest improvements, without increasing the cost to the public.

I just might mention, and it will be mentioned a little bit further on again, that one of the things the branch is currently looking at is the possibility of expanding the family division of the Court of Queen's Bench province-wide.

The Constitutional Law Branch is proving very, very valuable indeed, is fully engaged in a whole number of matters. One of the most immediately visible products of its work was the bill introduced in this Session of the Legislature, already passed through committee, the Constitutional Questions Act.

With respect to the office of Legislative Counsel, I'm still looking at the structure of the department. I announced last year that the office of Legislative Counsel was being significantly expanded. These changes have now been completed. The legislation and legal translation division are merged and led by an ADM, legislative counsel, and consists then of the

legislative drafting unit and a unit responsible for legal translation. Having these two groups together has, in my view, very much facilitated the efficient and timely production of legislation and regulations for both the ongoing work of the Legislature and, of particular importance, for the re-enactment of those current and past laws required to meet the province's constitutional obligations.

When we come to the appropriate sections in the Estimates, I'll be prepared to deal with those matters in somewhat greater detail.

There have been other changes to the department's organization and personnel, which are outlined in the Estimates information. Some of these are significant. For example, there's been a complete reorganization of the structure of Court Services and the department has assumed responsibility for the Great Library from the Law Society, and an understanding with the Law Society, pursuant to which the Law Society portion of the funding has been assimilated by the department. It makes for a much more efficient operation and one with respect to which tax dollars are more immediately accountable.

I now turn, Mr. Chairperson, to the second of the three matters upon which I wanted to comment in these opening remarks, and that is the implementation of recent programs.

Of special note is the Family Division of the Court of Queen's Bench. That's been in operation now for two years and the expected benefits of bringing all domestic and family matters under the jurisdiction of one court is being realized, especially something that was innovated to a very considerable extent by the courts, particularly the Associate Chief Justice of that section, Mr. Justice Hamilton, the use of pre-trial conferencing.

Initially when we established the Family Division, we thought, well, the mediation aspect would be its most important aspect. Indeed, it continues to be important. But mediation doesn't always succeed. We've found that when the judge now, as a matter of course, insists on a pre-trial conference, calls in the counsel with the parties, they sit around in a somewhat informal atmosphere and the judge begins to address what appears to be the outstanding issues and gives an indication of how he thinks those ought to be resolved. In a very, very large portion of the cases, it leads to suggestions for settlement, where mediation might not have yet produced that result.

In fact, so successful has the pre-trial conferencing been in the Family Division that it has now been adopted under the leadership of Mr. Chief Justice Hewak and Associate Chief Justice Richard Scott into the court as a whole.

The challenge now before the department is to expand the jurisdiction of the court throughout the province and, as I indicated a bit earlier, we've got an evaluation ongoing and I hope to be in a position to indicate to this committee next fiscal year how and when we will be proceeding with that expansion.

There are two other programs which are significant. One, of course, is The Law Enforcement Review Act, and the other is the Validation Plan stemming out of the order of the Supreme Court.

I propose to deal with those, not now by going through the printed material in the speech as distributed, but when we get to the particular section in the Estimates.

I'd like to point out, however, with respect to the Law Enforcement Review Agency, that its success, as we anticipated at the outset, would depend to the largest extent on the integrity of the complaint process. The first requirement, that is to afford every complainant an opportunity to voice his or her grievance, to receive fair and thorough consideration and eventually a comprehensive and well-reasoned response, appears to have been achieved. It may yet be too early to draw any firm conclusions, but the first full year of operation has been very positive in my view. I'll provide some data when we come to that section of the Estimates.

I turn now to the final of the three major points that I wanted to make in these introductory remarks. These concern the question of new initiatives. There are many which I might consider at this point. Some, such as the Law Foundation, I'll really be dealing with at several points throughout the Estimates, but I do want to talk about one in particular, perhaps two.

One is the expansion of Maintenance Enforcement. Here again, as I've done in the past, I'd like to pay tribute to the work of the former Attorney-General, Mr. Mercier, who is here, who was one of the pioneers of this Maintenance Enforcement Program which is a credit to all Manitobans. It's now being emulated across the country. Although the Maintenance Enforcement Program is province-wide, there has been some disparity in the delivery of services between Winnipeg and rural Manitoba. In Winnipeg, departmental personnel handle all the court work related to the Enforcement Program. But outside of Winnipeg, frequently no one appears on behalf of the applicant or only the designated enforcement officer will appear. As well, the computer system that serves the Enforcement Program is located in Winnipeg.

The proposed expansion - and it's reflected in the Estimates - will result in direct computer access to program account records in each judicial district; an additional family maintenance officer to coordinate rural enforcement; additional enforcement personnel outside Winnipeg; a provision of direct legal services for maintenance to the rural areas; and additional efforts to ensure that the benefits of the recently proclaimed federal legislation, the Enforcement Assistance Act, are fully realized. The additional staff and costs amount to 6.5 staff years and \$247,000 but it's expected that this outlay will be more than offset by additional payments to welfare spouses, resulting then in reduction in the costs of provincial welfare assistance. That, of course, has been the experience with the program as a whole.

In terms of Legal Aid, we've already been able to announce - and so I'm simply repeating here for emphasis - that there have been some substantial improvements to the plan. The financial eligibility guidelines were expanded to meet Stats Canada poverty guidelines and the general tariff of fees, as well as the domestic tariff, were revised upward. These changes were necessary to ensure that Manitoba continues to have one of the best Legal Aid schemes in the country. The financial eligibility changes ensure that there will be reasonable access to legal services by those who would not otherwise be represented.

I simply point out here I think something is sometimes not fully realized, that Legal Aid is one of the most important and one of the most widely used social programs - and it is a social program - in the province.

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For example, in the year ending March 31, 1985, some 60,000 Manitobans availed themselves of the services of Legal Aid. In fact, that number has been about the average number. It's gone from about 50,000 to 60,000 in the 10 or more years of the plan and one can see that - well, obviously, there are a number of duplications there - a very substantial number of Manitobans have benefited from the plan.

These changes in Legal Aid, while major, the additional costs will be borne in part through a better Legal Aid agreement with the Federal Government and, of course, that's not just between ourselves and the Federal Government, but between the Federal Government and all provinces; and that has been finalized and the agreement is winging its way here for signature.

But it's in fact retroactive to April 1, 1985, additionally because the funds which originate from lawyers' trust accounts will now be sent directly to Legal Aid by the Law Foundation instead of through the Consolidated Fund. The printed vote for Legal Aid appears to have been reduced. In fact, this is simply an adjustment required by the anticipated creation of the Foundation. I'll be commenting on other expenditure areas affected by the Foundation grants as we come to them.

In concluding, Mr. Chairman, like other branches of government the department has had to live under tight circumstances, in fact, a comparison of expenditures by the Department of the Attorney-General with other areas will show that it has been very, very tightly controlled indeed. Yet by repriorization we've been able to develop a whole number of new initiatives, whether it's in the field of Legal Aid or enforcement of maintenance in rural areas, or the family division, we haven't stood still simply because these have been times of restraint.

I think members will have concerns that they'll want to raise. I hope I can address them. But I think in going through the Estimates they will be able to see that we continue to deliver the programs with respect to which we're charged by statute, but at the same time we have been able to innovate in very significant and major ways and to continue to be able to say that the justice system in Manitoba takes second place to no one, or no other such system in Canada.

When the Ministers of the Justice and Attorneys-General convene, as they will be convening in Vancouver at the beginning of October, some of the items on the agenda will be in fact inspired by things that have taken place in Manitoba. Manitoba, at those meetings, is looked to as a leader of some significance.

So I commend these Estimates to the committee and I'm prepared to deal with them on a line-by-line basis.

**MR. CHAIRMAN:** Thank you.

The Member for St. Norbert.

**MR. G. MERCIER:** Thank you, Mr. Chairman. I'm prepared just to go right into the Estimates.

First of all, just as a matter of clarification - and if the Attorney-General wants his staff to be introduced.

**MR. CHAIRMAN:** Staff would like to come forward - the Attorney-General.

**HON. R. PENNER:** Mr. Chairperson, it looks more like an army, this staff, but you never know.

Mr. Chairman, I introduce the Deputy Attorney-General, Tanner Elton; the Assistant Deputy Attorney-General, Criminal Division and Criminal Prosecutions, John Guy; Director of Administration, Pat Sinnott; the Head of the Research and Planning Unit, Lyle Thompson; Director of Financial Administration - and now disguised by a beard - Brian Arnason; the Director of Law Enforcement Services, Charlie Hill; Communications Officer, Linda Lee; and the Director of Legal Services, Ron Perozzo.

**MR. CHAIRMAN:** Thank you.  
The Member for St. Norbert.

**MR. G. MERCIER:** Would the Attorney-General, first of all, indicate the responsibility of this department with respect to translation of the statutes, the funding for translation in Cultural Affairs? - but I notice you've referred to it in your opening remarks.

**HON. R. PENNER:** The legal translation unit is now entirely with the office of Legislative Counsel. General translation is almost exclusively with the Department of Cultural Affairs. There are one or two general translators in our department, but basically what we took over from Cultural Affairs was the legal translation unit and, of course, we've developed it since.

**MR. G. MERCIER:** Perhaps in anticipation of dealing with that subject tomorrow, then the Attorney-General might have his department prepare a status report as to where we stand and contracts that have been let for translation since the decision, etc.?

**HON. R. PENNER:** Yes, we have all of that information and can give it at any time.

**MR. G. MERCIER:** The Victim Assistance Program, where will they be found in the Estimates?

**HON. R. PENNER:** They will be found under Item 2, Criminal Justice.

**MR. G. MERCIER:** A general question - is there a provision in these Estimates for I think the cost-of-living increase which is due to Civil Service in October, or am I incorrect in that? Or is it the contract runs out at the end of September?

**HON. R. PENNER:** There's one further increase within the existing contract that comes in - is it October 1 or September 1 and it's the cost-of-living one.

**MR. G. MERCIER:** Is there provision for it in these Estimates?

**HON. R. PENNER:** No, there isn't specific provision within the Estimates.

**MR. G. MERCIER:** How does the Attorney-General expect to give his staff this cost-of-living increase?

**HON. R. PENNER:** The direction from the Minister of Finance - who has, not a lean and hungry look, but a hungry look - is to find from within.

**MR. G. MERCIER:** Well I take it the cost of living has not yet been calculated. I would imagine it's in the area of 3 percent to 4 percent.

**HON. R. PENNER:** Right, but we'll only be dealing with half-a-year, so it will be roughly 2 percent of the salary portion.

**MR. G. MERCIER:** How much does that amount to then?

**HON. R. PENNER:** About \$630,000 net.

**MR. G. MERCIER:** Is that the reason for the department's expenditure control policy that was issued on July 3 of this year?

**HON. R. PENNER:** That's one of the reasons or one of the ways of doing it, but that's the primary reason for that policy. One of the ways that we hope to achieve that saving is, where possible, to slow up on some hirings. That will produce another part of the money that we will have to find.

**MR. G. MERCIER:** I take it, that's a direction then that's gone to each and every department. The Attorney-General's Department has not been singled out.

**HON. R. PENNER:** Yes, that's right. The direction to find the salary increase from within has gone to every department.

**MR. G. MERCIER:** We're on 1.(b), I take it, Mr. Chairman.

**MR. CHAIRMAN:** Okay, we can begin with Resolution 16, and defer 1.(a) and begin with 1.(b).

The Member for St. Norbert.

**MR. G. MERCIER:** Let me say first of all, Mr. Chairman, I appreciate the information that we've received. I only wish I would have received it last Friday so I would have had more of an opportunity to consider it in some detail before tonight.

However, with respect to Executive Support, I take it there's no change in the manpower according to the Supplementary Information that's been distributed. Just quickly for the record, would the Attorney-General indicate how many executive assistants or special assistants he now has?

**HON. R. PENNER:** Yes, I have one executive assistant and the position of special assistant is job-shared between two people, who work three days and two days a week respectively and alternate two days and three days in the following week.

**MR. G. MERCIER:** Who are those people?

**HON. R. PENNER:** Those people are Nancy Allen and Lea Girman.

**MR. G. MERCIER:** Does Executive Support include the salaries of the Deputy and the two Assistant Deputies?

**HON. R. PENNER:** Just the Deputy.

**MR. G. MERCIER:** Mr. Guy's salary would be under Criminal Justice then, is that it?

**HON. R. PENNER:** It would.

**MR. G. MERCIER:** And Mr. Larsen's under Legal Services?

**HON. R. PENNER:** Mr. Larsen's is found in Research and Planning.

**MR. G. MERCIER:** Why would it be in Research and Planning?

**HON. R. PENNER:** It should be displayed and will be displayed in the Justice Division in the next set of Estimates, but it was transitional as we were forming the Research and Evaluation unit.

**MR. G. MERCIER:** Is Mr. Larsen going on a leave of absence?

**HON. R. PENNER:** Yes, he in fact leaves, I think, effective September 1.

**MR. G. MERCIER:** Is this a legislative drafting course he is taking or involved in?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** What percentage of his salary is he receiving?

**HON. R. PENNER:** 25 percent.

**MR. G. MERCIER:** Has that gone through the Civil Service Commission, or is that standard terms for leave of absence?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** He is not replaced or who is handling his responsibility there?

**HON. R. PENNER:** It is being bulletined and a new person will be hired. He will not be coming back to that position.

**MR. G. MERCIER:** So the position of ADM on the civil side is in the process of being bulletined?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** That's fine. I have no further questions on that item.

**MR. CHAIRMAN:** 1.(b)(1)—pass; 1.(b)(2)—pass.  
1.(c) Research, Planning and Evaluation - the Member for St. Norbert.

**MR. G. MERCIER:** I believe the Attorney-General indicated in his remarks that there was an increase - no, it's in the highlights. There is an increase in this

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particular area of 2.5 staff persons. The Attorney-General, I believe last year, had indicated - pardon me, I don't recall the name. There was someone from the university who was on contract.

**HON. R. PENNER:** Yes, Steve Brickey started that department under contract and, when his contract expired, when back to the university.

**MR. G. MERCIER:** Who is in the department now then?

**HON. R. PENNER:** Lyle Thompson is Acting Head of the unit, and then we have the following. We have the ADM Justice, who's located in those 6.46; a secretary to the ADM Justice; the Acting Director of Research, Lyle Thompson; three researchers; and .46 weeks of term time for support.

**MR. G. MERCIER:** Are those positions all filled now?

**HON. R. PENNER:** Yes. Well, I'm not so sure about the .46 weeks. Are they all filled? I'm sorry, there is one vacant research position.

**MR. G. MERCIER:** Pardon me, could I ask Mr. Thompson's background? How did he get that appointment?

**HON. R. PENNER:** He comes from within the department. Mr. Thompson was with Court Services.

**MR. G. MERCIER:** For how long?

**HON. R. PENNER:** For three years, and then became the assistant to the Deputy Attorney-General, and is now in the position of Acting Director of Research and Planning. He has a background in the Social Sciences.

**MR. G. MERCIER:** I noticed in the projects in process that the Attorney-General has passed out, that one of the programs involves the Child Abuse Witness Program. It goes on to say: "An evaluation will be conducted of the Child Abuse Unit of the Winnipeg Police Department." I don't know whether that's under way, but could the Minister indicate whether there is any overlapping or, I would hope, discussion with the two persons, Dr. Sigurdson and Professor Reid, who have been appointed by the government to conduct the review of child abuse in general, which does involve very much the prosecution of child abuse offences?

**HON. R. PENNER:** This program is independent of the Sigurdson-Reid Study. They're aware of this to make sure there is no overlap or that they mesh properly. It's being conducted by Diane Hryshko, some funding from the City of Winnipeg and from other agencies.

**MR. G. MERCIER:** There is some communication there in any event?

**HON. R. PENNER:** Yes.

**MR. G. MERCIER:** I noticed also one of the projects involves policing services on Manitoba reserves, and there will be an extensive research study of each Indian

reserve in Manitoba. Is that study under way and when did that start?

**HON. R. PENNER:** Yes, it is under way, in fact, under the direction of Charlie Hill. We've had a report - I don't think I have it with me right at the moment, but it's available - on the proposal from the southeast regional council with respect to the development of the equivalent of the DOTC Program. It's in that context that we're taking a look at the very difficult question of policing on the reserves. We had counted upon being able to do this in association with the Federal Government, but there have been so many changes in the Solicitor-General's Department in recent times that we're advised that the Solicitor-General's Department federally is initiating its own review of policing on the reserves. We hope to be able to mesh with the study that they're doing.

In the meantime, we've concentrated our study with respect to a continuing evaluation of the DOTC Program and evaluation of the proposal from southeast, and while we're looking at programs of that kind, I must say that I remain to be convinced that programs that would establish tribal council police forces to police several reserves really are cost effective. I don't think they are. So at the same time we're looking at the 3-B Program within the RCMP and the special constables within the RCMP. We want to take a look, together with the feds, at the Band Constable Program, their training and so on, to see whether in fact the question of policing on the reserves can best be handled under the aegis of the RCMP.

The reason for my inclination in that direction is that the RCMP have an established infrastructure in terms of communications and transport; and where you set up alternative police forces, rather than look at policing in the community, you, to a very considerable extent, have to duplicate some of those costs and that's why it isn't always cost efficient.

**MR. G. MERCIER:** How long will the Dakota-Ojibway Tribal Council project be evaluated? I recollect it was being evaluated five or six years ago and the Attorney-General indicates its under ongoing evaluation. How many more years can we expect to hear that it's under ongoing evaluation?

**HON. R. PENNER:** Not too many, I hope. The member's memory is good. There was an evaluation that was completed in December of 1982, I think, about then, but it was inconclusive, quite frankly. It said there are some good things about the program but there are some troublesome things about the program. The supporters of the DOTC Program said, well, look at the good things. We said, yes, we recognize that there are some good things, that the program means a lot to the feelings of the people on those reserves to be able to manage their own affairs, but at the same time there were some concerns in terms of training and turnover that we wanted to look at over a longer period of time.

We have representatives, of course, both from the department and from the RCMP on the Police Commission administering the program. We continue to get reports. There are some solid achievements in

the program. In fact, I'm hoping to get an interim report from the RCMP analyzing - I think we received a report on DOTC not too long ago which gave a breakdown of crime statistics which seemed to indicate that, in fact, the amount of time and involvement of the RCMP in policing on the reserves had now decreased significantly. That was one of the problems we raised earlier on. We said we don't yet see the actual decrease of work by the adjacent RCMP detachments. There is some indication that that situation might have improved. We're doing an analysis of that report, but we haven't got a final date for completing the evaluation.

We're certainly going to go with the program through this fiscal year and probably one more.

**MR. G. MERCIER:** I have a couple of other questions.

Could the Attorney-General indicate where we would find grants from his department in his Estimates?

**HON. R. PENNER:** Under Law Enforcement Services, basically.

**MR. G. MERCIER:** There may only be a few.

**HON. R. PENNER:** There are very, very few. There is a grant, and I don't know if it's displayed on a line, to the Canadian Association of Provincial Judges, to the Uniform Law Commissioners, to the Canadian Association of Chiefs of Police, but these are all in the order of \$2,000 - \$3,000.00.

The Canadian Provincial Judges Association - \$3,000, the same as the year before; Uniform Law Conference - \$4,000, the same as the year before; Dakota-Ojibway - \$150,000, the same as the year before; the City of Winnipeg Alertmobile - \$2,500; that's the last of a special grant. A partial year will follow after this year. We no longer grant from the department the grant to MARL. That is in the Law Foundation Program. That's it.

**MR. G. MERCIER:** Is the Attorney-General responsible for proclamation of The Freedom of Information Act?

**HON. R. PENNER:** No. Well, in a sense, as a member of Cabinet, I presume there is a collective decision but, basically, the implementation of the program is under the leadership of the Minister of Cultural Affairs.

**MR. G. MERCIER:** The supplementary information indicates that this area also deals with matters relating to the Constitution, is that correct?

**MR. CHAIRMAN:** The Attorney-General nodded in the affirmative.

The Member for St. Norbert.

**MR. G. MERCIER:** Would the Attorney-General indicate the position of the Province of Manitoba with respect to the five basic points that have been raised by Premier Bourassa?

**HON. R. PENNER:** First of all, as the Premier has stated, we feel very strongly that matters relating to the economy, particularly the agricultural crises, problems associated with the trade talks ought to be given

somewhat greater prominence as matters of national concern.

However, we do recognize the importance of Quebec coming back into the constitutional process. That's particularly important when you look at the fact that it's very difficult to move along the path of other constitutional amendments, let's say, dealing with aboriginal rights, without the actual formal participation of Quebec. Quebec does participate informally, incidentally, at the aboriginal talks; that is, they're represented at the table and they speak on the issues.

If the proposal were to emanate from these talks, Quebec would not be one of those who would be numbered among the participating provinces and its vote as a province and its vote in terms of population would not be there. Abstaining could, in fact, prevent a constitutional amendment either there or with respect to the Senate or other issues from going through.

So it's important, for historical reasons, for practical reasons, that Quebec should be involved. All the provinces, without exception, feel that the effort must be made to find a way of meeting some of the concerns expressed by Quebec, so that in fact Quebec can join the constitutional family.

At the Edmonton meeting, the Premiers agreed to engage in the process. They went no further although some of the Premiers were prepared to express themselves on the one issue which has caught most of the media and, indeed, I expect the public attention, having to do with the issue of the veto. The Premier, in my view quite properly, said quite strongly we are not supportive of a general veto and, in that light, we were not supportive of what appeared to be an alternative position developed by Mr. Bourassa of a 75 percent formula, seven provinces with 75 percent of the population because, in effect, that meant certainly a veto by another name, not only for Quebec but for Ontario as well. We feel quite strongly, I certainly feel personally - I'm a federalist and I don't like the notion of either provincial or regional vetos.

Having said that, I would just add it's clear that the Constitution Act 1982 already has a number of vetos in it. So it's not that this is being invented for the first time.

However, that's the only one of the five proposals advanced by Quebec upon which the Premier, speaking on behalf of the government, and I hope the people of Manitoba, has commented and I would not want to comment any further. It's not because of diffidence, which doesn't sit easily upon my shoulders, but because Quebec has not really advanced its proposals in any formal way so that we really see what they mean. They talk about having some different kind of a say with respect to appointments to the Supreme Court, but that's fairly nebulous. That has to be nailed down before we formulate a response.

So, too, with respect to some concerns about the control over the federal spending power, that certainly is a very complex matter and would have to be nailed down before we would want to comment.

**MR. G. MERCIER:** I appreciate that the Premier and the Attorney-General now have tried to point out what are more important, and subjects which have greater priority, and I don't disagree with that. But the subject

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is on the table and it's worthwhile discussing it for a moment.

I think, as the Attorney-General is probably aware, Quebec would have endorsed and signed the Constitution if there had been one - I shouldn't say slight amendment - but one further amendment in that section pertaining to a situation where powers by amendment are taken away from a province. They would have been satisfied to have had - that was Mr. Levesque at the time - reasonable compensation. I was disappointed at the time because I thought that was not something that was going to happen very often, certainly, and could have been done at the time.

I wonder if the Attorney-General could indicate whether the province would support going that far to accommodate Quebec.

**HON. R. PENNER:** I think there's certainly room for discussion in that area. The thing that we would be concerned about is a general right of provinces, because others sort of want to get onto the bandwagon, of being able to opt out of federal spending programs and receive compensation.

Again, and perhaps speaking as the government of a province which can't command the resources of Ontario and Quebec, we think that federal social programs have been tremendously important in shaping the kind of country we are, whether it's in the area of medical services, support for post-secondary education, unemployment insurance programs, Canada Pension Plans, and although in some of these instances, Quebec has its own plan, we want to make sure that in going down that road even a bit further, we don't create the conditions for the balkanization of Canada in terms of the delivery of its social programs.

In that way, you might end up where, as former Premier William Davis said, Ontario would be laughing all the way to the bank. Ontario might be laughing all the way to the bank but the disadvantaged regions would be, I think, in a very weakened position.

**MR. CHAIRMAN:** 1.(c)(1) to 1.(e)(2) were each read and passed.

Computer Services (f)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** I wonder if the Attorney-General could indicate just what projects are under way within this particular area at the present time.

**HON. R. PENNER:** We have for this year the purchase of word processing equipment for the Legislative Counsel and the Legislative Review Section, developing a very good program which enables us to not only do the ongoing legislative program and produce copy very quickly, and indeed end up with print-ready copy, but in terms of having available the kind of program that would allow for continual updating and revision, we want to get that equipment in place. So that accounts for about \$340,000 of the proposed expenditure. We are, with some cost-sharing from the Federal Government, about 80 percent in fact, expending about \$90,000 on the development of an inter-departmental - because it's between ourselves and Community Services - youth tracking system. This is, of course, required under The Young Offenders Act.

Further work on the Land Titles system of \$153,000; we're in about the second year of a five-year program in this development. We've completed the management study; the general register is operational. The Certificate of Title system looks like it will be all-systems-go in Winnipeg, at least, by June of '87 and other aspects of the program will follow.

We've just about completed, and will complete in this year, a trust accounting system for the Office of the Public Trustee and the balance of about 150,000 are smaller items: systems operations, support maintenance, equipment, renewal, and things of that kind.

**MR. G. MERCIER:** Has any consideration been given at the present time to implementation of a computer system in the Criminal Prosecutions area that was being looked at a number of years ago?

**HON. R. PENNER:** We would like to do it and I think it would be important to do it. We started down the road, as the member will recall, on the so-called promise system and invested a little money in that, but put it on hold. In a way, perhaps it's fortunate that we did because quite recently, within the last year, Saskatchewan has introduced a system which we think perhaps is an improvement on the promise system. We want to have a look at it and I hope that in the next fiscal year, we'll be able to begin work on the system for the Criminal Justice area.

**MR. G. MERCIER:** Mr. Chairman, the Attorney-General referred to The Young Offenders Act. If I recollect correctly, was there agreement with the Federal Government on cost recovery for the introduction of The Young Offenders Act?

**HON. R. PENNER:** Yes, there was, in a number of areas. One area which was not provided for at all, or at least certainly not significantly, was in terms of institutions. I think that is borne entirely by the province. But in terms of the establishment of some of the things that are associated with the court itself, I think we received some assistance that was reflected in last year's Estimates totalling some \$300,000 to \$400,000.00. Some of that was associated with Legal Aid and there's still some cost-sharing on the Legal Aid side. That, incidentally, is being now blended with the Adult Program.

**MR. G. MERCIER:** Is that ongoing cost-sharing or was this a bulk payment on the introduction?

**HON. R. PENNER:** There are two kinds. There were some that met initial cost in the development of a record-keeping system, particularly; some that was used to set up the means of providing Legal Aid, that is, the infrastructure, the office, and things of that kind. Some of it is ongoing; the cost-sharing of the Legal Aid actually provided to young offenders is ongoing.

**MR. CHAIRMAN:** 1.(f)(1)—pass; 1.(f)(2)—pass.  
1.(g)(1) Communications - the Member for St. Norbert.

**MR. G. MERCIER:** Would the Attorney-General perhaps just quickly indicate where the reduction is in Other

Expenditures? What communications will not be going out this year?

**HON. R. PENNER:** Yes, basically there was a significant amount of money spent last year on the Family Law pamphlet. That is now out and incidentally, again, a very popular item. I think 25,000 of them have been distributed since April 1st, so that this money is the money for working out substantial pieces and we have no substantial pieces on line for this year.

**MR. CHAIRMAN:** 1.(g)(1)—pass; 1.(g)(2)—pass.

Item 2. Criminal Justice, Resolution 17, 2.(a) Crown Prosecutors - the Member for St. Norbert.

**MR. G. MERCIER:** Let me just introduce a small item that had come to my attention. It involved some resolutions by the Rhineland School Division and was begun by another, Morris Macdonald School Division, concerns by trustees with respect to fines imposed upon drivers who pass school buses while loading and unloading students. I received a copy of a communication that was sent to the Attorney-General on April 30 of this year. I wonder if he could indicate whether any study was done on the amount of fines levied in such cases.

**HON. R. PENNER:** I responded quite affirmatively to Rhineland indicating that we indeed thought they had raised a legitimate concern and directed it to the Criminal Justice Division to look into what the fine structure was in such instances and to make some recommendations. I haven't received the recommendations yet.

**MR. G. MERCIER:** I wonder, could the Attorney-General undertake to perhaps provide me with a copy of his response to this Morris Macdonald School Division when that information is put together?

**HON. R. PENNER:** Yes, I'll do that.

**MR. G. MERCIER:** Mr. Chairman, how much did the New Democratic Party promise to spend on crime prevention during the election?

**MR. CHAIRMAN:** I don't know whether that question is within the purview of the Minister.

The Attorney-General, although I question the order of the question.

**HON. R. PENNER:** Yes. I see John Campbell at the back of the room; he may remember. Perhaps more to the point, there is an Interdepartmental Justice Committee between Community Services and the Department of the Attorney-General which is presently developing a proposal for a crime prevention centre. One of the things we're looking at is the possibility of the involvement of a community agency, such as the Manitoba Institute of Criminology, in such a project. There is money in the Community Services Estimates - there is some authority from Treasury Board for the expenditure of money to design a proposal for the development of the crime prevention centre.

**MR. G. MERCIER:** How much is the province looking at then, in terms of the construction costs of this crime prevention centre?

**HON. R. PENNER:** I don't think it was envisaged or indeed - unless my memory forsakes me entirely - suggested that we would be building a building. The notion was a centre, it might be on leased premises, where a function would be housed to coordinate the work of existing agencies to do research, to assist some of the existing agencies and to come forward with proposals for new initiatives.

One of the things, for example, Mr. Mercier, which is being looked at is, we've had . . .

**MR. CHAIRMAN:** Refer to members by constituency, please.

**HON. R. PENNER:** . . . the Member for St. Norbert - well, at least I didn't say Gerry.

As you know we've had a ministerial advisory committee on drinking and driving. That has not functioned as satisfactorily as I would have liked. One of the things that is being looked at is the development of further work in terms of meeting the menace of drinking and driving through the crime prevention centre. Indeed, another alternative which is being looked at, although the two are not mutually exclusive, is having the traffic safety committee take some of the initiative in that area.

So, the proposal is a functional proposal; a proposal to look at ways of increasing, not merely the profile of crime prevention but the actual activities, to add to ongoing activities to encourage community involvement. I hope the Member for St. Norbert and others will agree it would be a mistake to do anything that would lessen community involvement. I don't think there can really be effective crime prevention without grassroot involvement.

**MR. G. MERCIER:** Without question, Mr. Chairman, there has to be community involvement and there probably is a great deal of community involvement at the present time. I wonder if the Attorney-General could indicate who asked the government to coordinate the activities of these groups? Which groups asked the government to get involved in coordinating their activities?

**HON. R. PENNER:** I don't think it was ever suggested that there had been a specific request from one or more groups that this be done. Certainly, there was an expression of opinion from many groups involved in crime prevention, that they wanted more assistance and encouragement and support from the government. It was in terms of that kind of request, which was not a request to establish a particular kind of program or to house it in a particular kind of way, that led to the proposal.

**MR. G. MERCIER:** Mr. Chairman, I think perhaps I would caution the Attorney-General not to get involved in establishing some centralized bureaucracy in this particular field, because I think there are groups and with individuals from the community involved in it who spend a great deal of time in this area and some of whom have been very, very successful, and what I find they need perhaps is a photocopier from time to time and some assistance in typing.

Some smaller items are much more important to many of these groups than to have a centralized bureaucracy set up to coordinate their activities. That's not generally what they really need. I think the community groups need a little bit of financial assistance. There's a great deal of time and effort being contributed by them as they are volunteers. That's one of the primary needs.

**HON. R. PENNER:** I think that's good advice and I certainly accept it.

I'm just noticing a recent report from the RCMP on this excellent Crime Prevention Program. There are similar works done by the Winnipeg Police Department. I think the work that is done by the police departments, augmented by the work of community groups, Neighbourhood Watch, many other programs, should be strengthened but by no means replaced by a bureaucratic overlay. I accept that.

**MR. G. MERCIER:** The bill that is now before - well, it's now passed Second Reading, passed through committee, The Justice for Victims Crime Act - I think in essence establishes a committee that will be set up to make recommendations on how the money earned from the surcharge and fines is to be spent, will the funding be subject to the Attorney-General's Department approval or Treasury Board approval?

**HON. R. PENNER:** Yes, that is the legislation calls for recommendations to be made to the government through the Attorney-General.

**MR. G. MERCIER:** How much is in the budget for Assistance to Victims of Crime this year?

**HON. R. PENNER:** I'll have to take that as notice because it's found in various programs. This is independent of the Criminal Injuries Compensation which stands on its own.

But for example we find, I believe if I'm not mistaken, under witness, travel and fees, if one looks at the operating expenditures on Page 24 of the supplementary material much of the money that we spend - in fact all of the money that we spend - in victim, witness assistance is encompassed in these items. There's some that may be found in court services as well, but the bulk of the money is in these items.

**MR. G. MERCIER:** Could the Attorney-General provide me with perhaps a breakdown of the Crime Prevention and Victim Assistance Programs that are contained within his department, appreciating that that's difficult because with respect to assistance to victims, is it fair to say that you want everybody who is working in the system to be helpful and supportive?

**HON. R. PENNER:** Yes, we could do most of that. We'll have something for the member by tomorrow, certainly breaking out some of the main things; the victim witness coordinator and expenditures that are associated there. I think we'll be able to pull those. Staff assures me that we can do that.

**MR. G. MERCIER:** Can the Attorney-General indicate what and if perhaps are there any plans for specific

accommodation for victims of crime in law courts buildings?

**HON. R. PENNER:** I'm not sure if this is getting at specifically the issue, but we're concerned about the special needs of special groups. One of the things that's presently being designed under the leadership of the ADM Criminal Justice, at least in terms of concept - the actual design will be done by designers and so on, is a court facility that would be especially for children, that where a case involves the hearing of the testimony of a child, we would try to have one courtroom that would be particularly suited in terms of scale and the atmosphere, even the colour coordination. Things of that kind are presently being worked on.

**MR. G. MERCIER:** I think if the Attorney-General can provide me with that breakdown of programs in the area of assistance to victims, it's a subject we can go into in greater depth than last year. Also, we would want to know exactly how the election promise is being implemented.

**HON. R. PENNER:** Crime prevention?

**MR. G. MERCIER:** The crime prevention centre. I believe that's what was talked about during the election.

**HON. R. PENNER:** Yes.

**MR. CHAIRMAN:** 2.(a)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** I wish that I would have received this information, "Justice in Manitoba - Key Indicators" beforehand because there are statistics in here that relate to crime. I guess, in particular, on Page 4, we're talking about offences against persons. I recollect, in 1984 - and one of the difficulties with this, statistics are used differently by different people and the Canadian Justice statistics that seem to come out are with respect to murder, with respect to violent crime. You get the break and enter type of offence come out.

Perhaps dealing with this Page 4, offences against persons seem to indicate and do indicate, as I say, steady increases in the number of these offences in each of the quarters reported for 1984 and 1985.

On the weekend, there was a news report on the City of Winnipeg Police Department's 1985 report, which indicated that although the murder rate dropped, the number of attempted murders jumped 40 percent; and that robberies, which had decreased by 13 percent in 1984, increased by 22 percent in 1985; and that sexual offences, after jumping by 23 percent in 1984, stayed at the same level.

Without question, it appears that we are living in a much more violent community than many people have for a number of years.

Would the Attorney-General accept the statistic that about 90 percent of the serious crime is committed by about 10 percent of offenders, that it's a relatively small number of people who are committing all of the violent crime?

**HON. R. PENNER:** The figure with which I'm perhaps a bit more familiar is the percentage of violent crimes

- the number of violent crimes as a percentage of all crimes. As the Member for St. Norbert knows, because of the kind of publicity violent crimes receive, this percentage is vastly over-estimated by the population at large. In recent studies done by the Department of Justice in Ottawa, in fact administered by Gallup for the Department of Justice, people over-estimated the amount of violent crime by about 500 percent. They thought that the percentage of violent crime as a percentage of the total crime was in excess of 50 percent, close to 60 percent, where in fact it's about 7 percent or 8 percent of the total.

Having said that, of course, that still means there's a large amount of violent crime that is of serious concern to the community and ought to be.

Whether or not those offences against the person are committed by a relatively small group - in an absolute sense, that's right - but whether, as the member suggested, 90 percent of those crimes are committed by 10 percent of offenders, I don't have a statistic that would confirm that or deny it.

**MR. G. MERCIER:** I wonder if I could ask for the Attorney-General's opinion on a suggestion that was made by our party during the election, and that was in the case of repeat violent offenders, that a special group of prosecutors within the Prosecutions Department be assigned to deal with those cases as expeditiously as possible.

**HON. R. PENNER:** I considered that at the time the suggestion was made. The fact is we have - probably because we pay too much - the vast portion of our Crown prosecutors are highly-experienced and, in my view, highly effective. In fact, you do have a special group of those who are already experienced and effective, who function with respect to the speedy trials and assize trials, which encompass the most serious offences. Those are the kinds of trials where people like Dave Rampersad and George Dangerfield and Jack Montgomery, our best prosecutors, those with a very high success rate, are the ones who take the most serious crimes to trial.

**MR. G. MERCIER:** Mr. Chairman, as we said, there are all sorts of sources of statistics, all of which are bad, the results. The Attorney-General supplied us with statistics that indicate steady increases in the number of offences against persons for each of the quarters reported for '84 and '85. 1984 was the year in which, generally speaking, this province in a number of areas had the highest per capita number of offences in the area of murder or violent crime. We also have significant - total number of offences against property were substantially higher than the number of offences against persons, but it also shows significant increases.

Just let me ask the Attorney-General this: What is his answer to curtailing and reducing the growth in serious crime that is taking place in the City of Winnipeg and in this province?

**HON. R. PENNER:** If you're asking what my suggestion is in terms of what the Department of the Attorney-General can do, I think I can answer that somewhat more readily and less theoretically than if I were being

asked about how society as a whole is to accomplish that very worthwhile goal, but I'll take a try at both.

With respect to the functioning of the Department of the Attorney-General, it must be remembered that the Department of the Attorney-General does not administer a police force. We have a contract with the RCMP, pursuant to which we have some input in terms of general policy of the RCMP. It hasn't really been suggested, I think, by anyone that the RCMP is an ineffective police force. We don't have direct, even in fact indirect administration of the Winnipeg Police Department, the only other major police force in the province. But I don't think anybody could really suggest looking at any set of statistics that the Winnipeg Police Department is incompetent or inefficient. I think that they are doing on the whole an excellent job.

But in any event, to the extent that one could say, well, if there were more police or if the police were better deployed or if you had less police in cruiser cars and more on the streets, this or that or the other thing would happen, all of which is in the realm of speculation. We simply don't control the police forces.

So what does the Department of the Attorney-General do? We obviously have the prosecutorial function, and I may say that our success rate in terms of criminal prosecutions is as good and, I would think, in some instances better than anywhere else in the country. If it is felt that sentences are inadequate, we have an appeal committee that meets, I think, on a weekly basis or at least on a regular basis to review suggestions that come forward from the line prosecutors who feel that sentences in particular cases are inadequate in terms of the jurisprudence in that area. We appeal, and basically we have a fairly high success rate in terms of those appeals.

We can and are proposing as a government to try to do more in the area of crime prevention. I think, in terms of many crimes, property crimes particularly, crime prevention does play a significant role. Whether it's Operation Identification or Neighbourhood Watch, there have been some successes that have been noted. The Crime Stoppers Program incidentally has produced some successes, and we are supportive of that.

But you know, having said that and concerned to do the best that we can with our resources and within our jurisdiction, I think we have to, all of us, take one or two steps back and look over the whole scene and ask, why is it that, not only in Manitoba, but basically across the country and indeed in all western societies of which I'm aware, crime is on the increase.

I can't speak for the United States, which has about the highest homicide rate in the western world. It cannot be said of the United States that this is a society which doesn't place much value on law and order. In fact, some would suggest that it places a very high value on law and order. It can't be suggested that the national leadership of the United States is weak on crime, and yet the amount of violent crime and the number of homicides is higher in the United States than anywhere else in the western world.

But in Canada - and here I can speak not, let me say at once, with authority so much as from some knowledge - I would think that there are a couple of factors, three factors which I would try to pinpoint as contributing to some extent to the increase of crime. There is an increase of crime, and it is a matter of

concern. One of these is the increasing urbanization of society. I think that it is true that, in the more anonymous, alienated urban context, there is more crime than in the smaller, more settled rural communities.

I think the continuing high rate of youth unemployment has to be indicated as a factor. It's not only - and it might not even be indirectly feeding as a variable into property crimes, but it's a case where young people with all that energy and desire to go ahead and do something are frustrated about every aspect of their lives. There's such a gap between what they see on television as the goodies of life, and what they actually have for themselves that they're not only led in some instances, obviously not in all instances by any means, to property crimes, but to frustration and to vandalism and hooliganism and acting out, as it is sometimes described.

I think a third factor in all of this and one with respect to which insufficient attention is still being paid is the portrayal of violence in the media and on television and in the films. It should not be assumed for a moment that the Rambo-type film doesn't lead to a Rambo-type mentality. The idea of the legitimization of the use of weaponry and violence is taking place at an increasingly rapid rate.

Taking all of those factors into consideration, you begin I think to sense - and I'll add one more - those things which can't simply be met by more law enforcement. We could never put enough police persons on the streets. Winnipeg could not afford it. The Province of Manitoba could not afford to double the size of the RCMP, increasing our costs from 28 million to 56 million. But in my view, that increased expenditure would not deal with these underlying causes.

The last of them, and maybe it's part and parcel or flows out of the previous three that I mentioned, is the breakdown of family life. For whatever reason, there is an increasing breakdown of family life. I'm old-fashioned enough, I guess, to believe very strongly in the family and the socializing influence of good family life. Here I'm not speaking against separation or divorce. That takes place, and sometimes it's perhaps better that it does. But the general breakdown of family life has to be a contributing factor.

**MR. G. MERCIER:** Has the department examined the number of offences that take place while people are released on temporary absence passes or parole?

**HON. R. PENNER:** No, we don't have that kind of data. Probably it's more readily available in Community Services and Corrections.

**MR. G. MERCIER:** Is the department satisfied with the communication that exists with Crown prosecutors and perhaps even judges with respect to the granting of parole and day passes and temporary absence passes, etc.?

**HON. R. PENNER:** As I say, this is a function which, because it falls primarily within the Department of Corrections, in the Department of Community Services and Corrections, we don't have a primary function for. We have, on a related aspect, where we do have a

more direct role, we have discussed recently, in our most recent meeting with Chief Stephen and other members of the senior administration of the Winnipeg Police Department, concerns that the Chief has about multiple bail, that is persons already out on bail or who have been failures on bail being admitted to bail again. This is an area more directly within our jurisdiction and I'm advised by ADM John Guy that we're trying to get a handle on exactly what is the frequency of such admissions to bail and what are some of the known results of such admissions to bail.

**MR. G. MERCIER:** Mr. Chairman, would the Attorney-General be inclined to include Probation Services as part of the Attorney-General's Department?

**HON. R. PENNER:** No. I really do believe that a functional separation of responsibility for prosecution, the prosecution of criminals and the way in which convicted criminals are subsequently dealt with in jails and in probation projects, that those should be clearly separated. The Ministers do speak to each other. We have, I mentioned earlier, formed an inter-departmental justice committee and they have regular monthly meetings between senior representatives of my department, senior representatives of Community Services from involving the deputies of both departments, the Director of Corrections and other officials.

**MR. G. MERCIER:** On another matter, has the Attorney-General examined the concerns of Northern Indian bands with respect to the leniency of sentences given in Northern cases which seems to be their primary concern?

**HON. R. PENNER:** There have been some concerns, although they're not always of the exact same nature from The Pas, from Little Grand, from Pukatawagan and from Norway House. We are concerned about the issues that have been raised and we have begun to get some of the statistics, to examine them and to examine into some anomalies that have been identified. I'll mention those in a moment.

What we want to do is to do an in-depth current study of the administration of criminal justice in the North, not over an extended period of time and not, I hope, at great cost. But I propose to go up to some of the communities that I mentioned and others in mid-October, and we will be involving the Research and Evaluation Department. In fact, we've already received some material on northern justice. There is material, in fact, currently available on youth justice in the North. We want to pull these together.

Having said that, the preliminary observation that I would make is that, aside from one particular area, there doesn't readily appear to be an anomaly between sentences handed out for like offences in northern communities and in southern communities. That is to be expected, I suppose, because, aside from the circuit handled by the two judges from Thompson, Judge Drapack and Judge Howell, a lot of the northern circuit is handled by southern judges. The one anomaly is in the conviction rate of cases heard by the judge from The Pas. That may or may not be an anomaly.

I said there is an apparent anomaly that we're presently looking into where - I shouldn't have said the conviction rate, I really should have said the acquittal rate - the acquittal rate appears to be out of line with what is commonly accepted to be the conviction rate in a statistically significant way. Normally, because I think the police are pretty efficient, as I said earlier, and do their job, most of those who are arrested either plead guilty or are found guilty on trial. The general conviction rate at trial is in excess of 70 percent, close to 80 percent. A sampling of some of the acquittal rates before Judge Martin of The Pas shows an acquittal rate that is almost the equivalent of the conviction rate that are found in other instances.

Now, I don't want to jump to conclusions on the basis of those numbers, but those numbers do cause us concern and we want to examine them further.

**MR. G. MERCIER:** Mr. Chairman, over the past few years, the Attorney-General has announced a number of programs to deal with impaired driving and that problem, frankly, all of which have been supported by members of the opposition. Could the Attorney-General indicate whether these programs are resulting in less charges for impaired driving or for failing to take the breathalyzer, which is almost the equivalent?

**HON. R. PENNER:** Just bear with me for a moment. I just can't put my hands on the most current statistics from the RCMP. It's my recollection that there in fact has not been a significant reduction in the number of impaired driving charges in the last year and that's a cause of concern. The RCMP runs a good ALERT Program. The Winnipeg Police Department runs a good ALERT Program. There has been all kinds of publicity. There has been recently a very considerable increase in penalties enacted as amendments to the Criminal Code, there have been some fairly severe sentences handed out pursuant to these amendments. There is our program in association with the Alcohol Foundation of Manitoba where if a person is convicted twice, before that person can apply for restoration of a licence, has to go through a counselling program with the AFM, Alcohol Foundation of Manitoba.

Yet the statistics, while not increasing at the same alarming rate that they were, have not gone down at a satisfactory rate, in my view. I don't know why.

**MR. G. MERCIER:** Is there a continuing assessment of this particular problem by the committee which the Attorney-General had appointed? There was a committee with representatives from the department, and Community Services, the Alcoholism Foundation, etc. Is that committee still meeting on any regular basis to assess the results of all of the various programs and legislative changes that have taken place?

**HON. R. PENNER:** As I indicated a bit earlier, the Ministerial Advisory Committee on Drinking and Driving has not functioned in a particularly active way in the last six months. In discussions with the Minister responsible for MPIC and the Traffic Safety Committee, we've agreed that since the Traffic Safety Committee is a much more active and broadly-based committee, that the Minister of Highways, who is here this evening,

and myself and the Minister responsible for MPIC would work to bolster the work of the Traffic Safety Committee and to add on to its function the responsibility for continuing to look for ways of monitoring and dealing with drinking and driving.

One of the things that the Traffic Safety Committee has been asked to look at and will do so within the next two weeks is participation in a federal roadside survey program, which has taken place in other provinces and which might, if we feel it can be used profitably here in Manitoba, take place in the fall as part of a national study, trying to get a better handle on the profile of the drinking driver.

We're continuing to make our best efforts.

**MR. G. MERCIER:** Mr. Chairman, may I perhaps suggest to the Attorney-General that, as he has indicated, the statistics certainly do not point to a decrease in convictions. Now, it may very well be that the number of people driving while impaired has been reduced. It seems to be that there's much more awareness of the problem in the community but with the number of convictions remaining at very significant levels.

I would suggest that the Attorney-General may very well wish to continue to have this committee meet to assess the implications of what has been taking place. There have been, from both the Federal and Provincial Governments, media campaigns on a very, very large scale; a great deal of publicity about changes in the Criminal Code that make it more difficult; and the abolition of the License Suspension Appeal Board.

While the Minister of Highways is here, I do appreciate the point that he has made about some working people losing their driver's licence. It was a point that I supported in part but the . . . abolished the appeal to, at that time, the County Court.

It appears that everything's not working, so that it's something on which there will have to be continued assessment, I think, of what is taking place. Heaven forbid, that maybe the authorities are going to have to look at even more serious penalties as a deterrent to continued high numbers of people driving on the highways while impaired.

**HON. R. PENNER:** I just found one of the stats that I was looking for. It's an RCMP stat and it reports for the Winnipeg Subdivision that the total impaired driving offences decreased marginally between '84-'85 and '85-'86. The figure was 2,073 for '84-'85, and 2,046 for '85-'86. The point I wanted to make is not to take comfort in that so much as to say it's still at an unacceptably high level and to indicate that we cannot relax in the program. That's for the Winnipeg Subdivision.

There was a more significant decrease in the Brandon Subdivision, from 785 to 699; a fairly significant decrease in the Dauphin Subdivision, from 656 to 586 impaired. All of this was offset by a very substantial increase in the Thompson Subdivision. So that, overall, there's a modest decrease but it's very modest.

I think the Traffic Safety Committee will be looking at specific things such as the roadside survey. We will also be looking at the resumption of the ALIVE campaign, which is sort of the advertising campaign, in the fall and early winter.

**MR. G. MERCIER:** Can the Attorney-General indicate what the current backlog is in setting down for trial criminal cases?

**HON. R. PENNER:** The backlog remained fairly constant at about four-and-a-half to five months. We do supply early dates for custody cases.

**MR. G. MERCIER:** Mr. Chairman, the objective of the newest program was to set court dates within a period of three months. Can the Attorney-General indicate why that objective has not been achieved?

**HON. R. PENNER:** We're doing now an evaluation of the trial coordinator's program. That's being done by the Research and Evaluation Department. We had hoped for a little more from the Trial Coordination Program. We think it's a good program. We think that it has worked to some extent.

**MR. G. MERCIER:** There was a program, Mr. Chairman, that the Attorney-General referred to. It was the federal-provincial program for videotaping, particularly children's sexual assault complaints. Does the Attorney-General have any interim report on the success of that project? In fact, was it even in place?

**HON. R. PENNER:** Yes, I have an interim report. I may not have my copy with me right at the moment and I'll bring that report tomorrow. But I can tell the member and the other members of the Committee that the program is now operational in Dauphin and it's about to become operational in Winnipeg. There was a tremendous amount of work, and I think very, very good work. I've read the interim report by the coordinator of the project and had to analyze a whole number of issues as to the most suitable location for the videotaping, the kind of equipment that had to be used, the legal safeguards that had to be used, the kind of protocol that would be necessary with respect to the carrying out of that project. All of these matters were very, very thoroughly researched.

I was quite impressed by the interim report to see the pains which were being taken to make sure that it got off on the right foot. In fact, we took a little more time at the front end than was originally projected and we were able to get the agreement of the Federal Department of Justice to extend the life of the pilot project so that the operational side would not be prejudiced by the amount of time that was taken in setting it up.

**MR. G. MERCIER:** How long will that project be?

**HON. R. PENNER:** It was an 18-month project and we extended it four-and-a-half months, so that the run-up time will not, in fact, detract from or take away from the operational side.

**MR. G. MERCIER:** I suppose the interim report will indicate if there are any preliminary conclusions about how successful that has been?

**HON. R. PENNER:** No, the interim report does not yet do an analysis of the actual results of the videotaping itself.

**MR. G. MERCIER:** When that report is in will that be a public report?

**HON. R. PENNER:** Yes, basically it would be because we'll protect anonymity.

**MR. G. MERCIER:** Mr. Chairman, there's also a Victim Impact Statements Project - that is under way?

**HON. R. PENNER:** Yes, it is.

**MR. G. MERCIER:** For how long has that been operating now?

**HON. R. PENNER:** It's been operating since February. We feel very satisfied with the way in which the program has operated to date. Some of the reports have already been received at the provincial court level. Because of the time lag, that is the time it takes through a preliminary to get to Superior Court on either a speedy or an assize, we yet haven't had the use of an impact statement on sentencing in the Court of Queen's Bench, but the first use of impact statements at that level will take place during the fall.

**MR. G. MERCIER:** How will this project be assessed? What will be the criteria for assessing it?

**HON. R. PENNER:** Built into the project to begin with was the requirement of an evaluation to be done. In fact, it's a federal evaluator. There'll be a subjective and objective side to it. The subjective side will be in a sense to find out how the victims feel about the process, whether it made them feel better about their involvement in the criminal justice system.

It will also ask judges and Crown prosecutors, defence attorneys about their reaction to the process, but it will seek to measure, and this will be more difficult admittedly, whether or not there are any noticeable differences in sentencing as a result of the use of Victim Impact Statements.

**MR. G. MERCIER:** There are similar projects being carried out in a number of other jurisdictions?

**HON. R. PENNER:** About four others? Three others. I think Saskatoon is one of them; North Battleford, Calgary and Vancouver.

**MR. G. MERCIER:** I take it you would have access to the results of those?

**HON. R. PENNER:** Yes, we will. In fact, there's been a meeting between the people concerned with the project here and the people concerned with their projects in the other three centres.

**MR. G. MERCIER:** In the other jurisdictions, are the type of offences in which the statements allowed different? For example, there's been a concern expressed that these are not allowed in murder cases or manslaughter cases in Winnipeg. Is it the same in other jurisdictions?

**HON. R. PENNER:** There is, I'm advised, some considerable variations between one project and

another. One of the things which may lead into that is that ours is Crown-based and the others are police-based. We feel on the basis of comparing notes that there has been a lot more work gone into the preparatory end of ours and it's more carefully thought out.

There is some difference in offences covered between the projects, but there is sufficient commonality to allow some comparison between one city and another in addition to the comparison we want to do within Winnipeg between one division and another where the impact statements aren't being used.

**MR. G. MERCIER:** Does Manitoba have a different policy with respect to plea bargaining than other provinces?

**HON. R. PENNER:** Not to our knowledge.

**MR. G. MERCIER:** Can the Attorney-General say that with some certainty? Have they examined policies in other provinces and compared ours to theirs?

**HON. R. PENNER:** I have some note on that. This same question was raised approximately a year ago and we did have a report on plea bargaining in other areas. There are some differences, but basically they are not substantial differences. But I'll try to look that up and come back to us if I get additional information.

**MR. G. MERCIER:** Can the Attorney-General indicate what the status is of the prosecution against Dr. Morgentaler?

**HON. R. PENNER:** Yes, it's on hold pending the hearing and decision of the case from Ontario in the Supreme Court of Canada.

**MR. G. MERCIER:** Is there any indication when that will be dealt with?

**HON. R. PENNER:** I was speaking to the Attorney-General of Ontario a week ago and he had no indication, other than he thought that case would probably be argued in this coming winter session of the court.

**MR. G. MERCIER:** What is the policy of the department with respect to store operators who allegedly break the province's Sunday closing law? Are there just spot prosecutions or do you depend upon the Police Department?

**HON. R. PENNER:** Basically we're prosecuting on complaint. You know, we're all waiting for a decision of a case that already has, I think, been argued before the Supreme Court, not based on our legislation, but based on Ontario legislation; a case which is called into question the validity of some Ontario legislation which is quite similar to ours. I think that the Ontario legislation will be upheld and it would confirm the validity of ours. I think that at that stage we will review our prosecution policy to see whether or not we would urge the Winnipeg Police Department and other departments to be somewhat more vigorous in laying charges.

**MR. G. MERCIER:** A few months ago I believe, Mr. Chairman, the Attorney-General issued a statement with

respect to compensation for wrongfully convicted and imprisoned persons. I expressed a concern at the time, just having had little opportunity to review it while the Attorney-General was making his statement to the Legislature. At first glance it appeared to me to be extremely restrictive. I think, subsequent to the Attorney-General making that statement, a number of other commentators made a similar statement. Has the Attorney-General had any second thoughts about the statement and the policy that he issued?

**HON. R. PENNER:** No I haven't. I obviously read those comments with interest and in most cases, with respect. But it seemed to me there was one common problem with most of the comments and that is the failure of the authors of the comments, who I think in all instances, or at least all instances that I'm aware of, were not lawyers. They seemed to have a very great difficulty in understanding the meaning in our law of the presumption of innocence, and in particular, the burden of proof which lies upon the Crown in a criminal case to prove the guilt of an accused beyond a reasonable doubt.

They failed to make the distinction between what happens in a criminal case and what happens in a civil case. In a civil case, it's enough if the plaintiff establishes his or her or its case on a mere balance of probabilities, the merest tipping of the scale will be sufficient to establish the case one way or another. But here the Crown must, as I say, establish the guilt of the accused beyond a reasonable doubt. Very often the Crown - or not very often, but in some cases - the Crown fails to do that but this doesn't always, indeed very rarely, amount to a finding that there was no case to begin with and certainly provides the basis from which an inference can be made that the accused was innocent.

We feel that we have to tread very, very carefully here. We feel that if we were to say okay, we'll compensate in every case, you run into the possibility of the Criminal Justice System being rendered virtually helpless. What would be the position of the police if in fact they came to the conclusion that if they didn't have, right at the moment of first investigation, virtually an ironclad case, that they ought to go easy because perhaps this might result, at some point down the line, in compensation being paid by the state to a person who would have spent, in some instances, at least some time in custody. Then you'd say well okay, you would perhaps maybe get around that problem by only dealing in a compensatory way with those people who had actually been incarcerated.

The question then arises, well why would you make that distinction? If somebody's been arrested and charged and their name appears in the paper, they could lose their job, their wife might desert them, the kids might hate them, the neighbours won't speak to them, the dogs bite them. They may not go to jail, but ultimately they're found not guilty; or because the Crown has something of a case but not sufficient of a case, the Crown stays the proceedings. If we had to be engaged in compensation in each one of these cases, I think that we would bankrupt the system and bring the administration of Criminal Justice, not to a halt, perhaps it's too dramatic a way of putting it, but we would certainly make it very, very difficult to carry on the work that we have to carry on.

**Monday, 18 August, 1986**

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**MR. G. MERCIER:** Mr. Chairman, on another matter, it may not come directly within this appropriation, but what is the status of the appeal of the ruling which gave prison inmates a right to vote?

**HON. R. PENNER:** I've very recently received a very extensive brief from the Constitutional Law Branch, to which reference has been made, giving an excellent analysis of the jurisprudence that has developed in this area across the country in light of the Charter, looking at the section as a whole which deals not only with disqualification of criminals, but disqualification of judges and disqualification of the mentally ill.

There are clearly some problems with the legislation as a whole. This is not to say that we would necessarily come to a conclusion that we can't have any disqualification. We think that in light of the decision of the court which has ruled that section of Section 31 of The Elections Act invalid, that we want to be able to come forward with a proposal that would meet the test of validity; in other words, to be able to say well, perhaps as other jurisdictions have, you wouldn't disqualify everyone who's serving time in an institution. Some people may be serving time for nonpayment of a fine for a very minor offence. Surely we ought to be able to distinguish between those people and people serving serious time for serious crimes.

Again, with respect to the mentally ill, can you really make a distinction between people who, as the act now has it, are in custody because of mental illness and those people who are known to be mentally ill but aren't in custody but can vote? So we're looking at a very preliminary way, Mr. Chairperson, at the whole section in light of developing jurisprudence. At some stage, I hope a fairly early stage, we'll have to deal with it because, as you know, we're faced with a court decision which says that section of The Election Act is invalid, it's on appeal. I don't know if there's a date set for the hearing of the appeal. We've given notice of intention to appeal.

**MR. CHAIRMAN:** The time being 10:00 p.m., what is your wish?

**MR. G. MERCIER:** Mr. Chairman, I only have a few other matters, and I think we could relatively quickly in 10 minutes or so pass this whole page.

**HON. R. PENNER:** Fine.

**MR. CHAIRMAN:** Okay, agreed.  
The Member for St. Norbert.

**MR. G. MERCIER:** Mr. Chairman, the report with respect to the number of restitution orders that remain unfulfilled, which I would assume ultimately falls within the jurisdiction of the Crown prosecutors, does the Attorney-General have any indication of the number of unfulfilled restitution orders that exist?

**HON. R. PENNER:** We'll try to get a handle on that. My guess would be - none so bold as those who guess - is that it's probably very high. I think it's difficult to enforce restitution orders in many instances. We're dealing so often with the impecunious or impoverished

or disadvantaged, -(Interjection)- unmotivated perhaps, yes.

**MR. G. MERCIER:** Where does the ultimate responsibility lie for collection of that?

**HON. R. PENNER:** Basically now with the individual, but we are looking at that to see if, to some extent, not exactly duplicating the maintenance enforcement program, we can be of some greater assistance to those who are the recipients of restitution orders.

**MR. G. MERCIER:** Mr. Chairman, I believe both the Attorney-General and I have been in receipt of correspondence from a Mr. Roy Harriott with respect to . . .

**HON. R. PENNER:** With which, I'm sorry.

**MR. G. MERCIER:** Roy Harriott, with respect to the failure of the department not to appeal a decision from a provincial judge involving, I think, where the owner shot the dog.

**HON. R. PENNER:** You did say he shot the dog?

**MR. G. MERCIER:** He shot a dog. The comment quoted was: "Killing a dog by shooting it through the head doesn't constitute cruelty to animals," the judge said. This gentleman, I guess out of a genuine concern for dogs, is quite upset with the comments and the decision and then with the failure of the department not to appeal. Could the Attorney-General give any indication as to why that decision was not appealed?

**HON. R. PENNER:** The accused was Harriott?

**MR. G. MERCIER:** No, he's the gentleman who corresponds. The accused was a Mr. Bazin.

**HON. R. PENNER:** We'll provide an answer tomorrow. I certainly have a recollection of the incident, and no immediate recollection of the letter. The ADM has no immediate recollection of the case, but we'll try to track that down for you.

**MR. G. MERCIER:** Well, I assume there was some reason . . .

**MR. CHAIRMAN:** Excuse me, could we have some order please? It's getting difficult to hear. If you want to have conversations, would you please move them to the rear?

**MR. G. MERCIER:** I assume there was some justifiable reason for not proceeding with the appeal. I believe what Mr. Harriott is looking for is some sort of reassurance from the department that charges of cruelty to animals will be dealt with in a serious . . .

**HON. R. PENNER:** We do take those charges seriously. We do take charges of cruelty to animals seriously. I'm sure that there might have been a particular reason here and we'll try to track it down.

**MR. G. MERCIER:** Pass.

**MR. CHAIRMAN:** 2.(a)(1)—pass; 2.(a)(2)—pass.  
Fatalities Inquiry Act, (b)(1)—pass.  
(b)(2) - the Member for St. Norbert.

**MR. G. MERCIER:** Just a question here. Is there an ever-increasing number of inquests, etc., that the Chief Medical Examiner is having to deal with?

**HON. R. PENNER:** They're about the same, about 24 or 25, about the same in each of the last two years: 25 in '83; 30 in '84; 24 in '85.

**MR. G. MERCIER:** Has the Chief Medical Examiner made any recommendations with respect to the continued number of hangings that take place in the Remand Centre in the Public Safety Building?

**HON. R. PENNER:** The Member for St. Norbert, no doubt, has in mind the recent recommendations of Judge Conner. Those were fairly detailed and are presently being reviewed in the Department of Community Services.

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

(c) Board of Review, (c)(1) - the Member for St. Norbert.

**MR. G. MERCIER:** Just one question here. It seems to me that I read something recently that indicated - it was with respect, I guess, to the constitutionality of the existing Criminal Code provisions and how that would affect the operation of the Board of Review. I wonder if the Attorney-General could indicate . . .

**HON. R. PENNER:** In fact, the Minister of Justice has tabled in the House of Commons a proposed amendment to the Criminal Code, a very extensive kind dealing with the whole area of the way in which, within the criminal justice system, we treat the mentally ill both with respect to those to be judged not fit for standing trial and those judged to be mentally ill at the time of the commission of the offence.

It's very thorough and extensive, and I think it seeks to deal with some of the constitutional problems. It would make the requirement of the Board of Review mandatory in every province. The committal would no longer be by the Lieutenant-Governor, but in fact would have to be the responsibility of the Lieutenant-Governor-in-Council. So the old LGW warrants would give way to the reality of the situation. That is the Lieutenant-Governor-in-Council direction.

There would be a whole number of safeguards built in in terms of the amount of time to be spent. There would be some requirement, I think, that the head of a board of review be a judge. There are all kinds of things of that kind. So I think some much needed attention is being paid to this particular section of the Criminal Code and the administrative function by boards of review.

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

Resolution 17: Resolved that there be granted to Her Majesty a sum not exceeding \$4,995,900 for

Attorney-General, Criminal Justice, for the fiscal year ending the 31st day of March, 1987—pass.

What is your wish?

Committee rise.

## SUPPLY - NATURAL RESOURCES

**MR. CHAIRMAN, C. Santos:** Committee, please come to order. Committee of Supply has been considering the Estimates of the budget of the Natural Resources Department.

We are now on Item No. 5.(a)(1) Parks Administration: Salaries, 5.(a)(2) Other Expenditures - the Member for Emerson.

**MR. A. DRIEDGER:** Thank you, Mr. Chairman.

We covered certain items before the adjournment at 5:30. I have further questions in the Department of Parks. In the Estimates last year, the then Member for Lac du Bonnet being the Minister, there was an initiation within the department about the possibility of privatization of provincial parks. In fact, three were specifically mentioned. The Moose Lake one in the southeast corner was one of them. A few others had consideration given to the point where I think the government was looking at accepting proposals on certain of these parks.

I'm wondering if the Minister could indicate whether that activity is being pursued any further, or what has happened since that time, because I know of people who submitted proposals at that time and, all of a sudden, the whole thing sort of got hung up in the air, and nothing was ever mentioned about it again. I'm wondering if the Minister could give us an indication as to what he and his department are looking at, whether they're pursuing it any further. If so, what stage is it at? If not, why not?

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

**HON. L. HARAPIAK:** I'm advised that there were, in fact, possibilities pursued, and there were tenders submitted with respect to the management of that particular park, but a decision was made subsequent to that to not pursue it through that particular avenue.

I want to indicate that, at this time, there are no particular plans to have the management of specific parks generally transferred or done through some private-sector arrangement. But certainly, in terms of specific project and specific services in parks, as I indicated prior to the break at 5:30 p.m., I believe it's some 100 projects throughout the province wherein there is private-sector involvement within the parks.

**MR. A. DRIEDGER:** Mr. Chairman, I want something a little bit more specific from this Minister. First of all, I'd like to know why, was it initiated to the point where there were tenders being accepted and then, all of a sudden, hung on a nail. I'll leave it at that and ask the Minister why was it not pursued any further? What is the rationale? The Minister is indicating it will not be pursued any further. When he talks of the private sector being involved, we have many concessions and stuff like that within provincial parks. If he's referring to that, that's not what this was all about. This was working

on running the whole operation of a provincial park, and Moose Lake wasn't the only one. There were about three or four, I believe, that were being considered.

**HON. L. HARAPIAK:** Mr. Chairman, I have some difficulty giving a detailed answer to the question raised by the Member for Emerson. The advice I have from staff is it was a policy decision of the Government of the Day to not pursue it any further, in that specific instance, at Moose Lake.

Again I want to refer to specific sites wherein we do have an arrangement with the private sector to manage the facilities, such as at Overflowing River, the management of this site has been contracted with a private individual. In terms of the specific project that the member references, Moose Lake, I can only indicate that there was a policy decision at the time to not pursue that specific case further.

**MR. A. DRIEDGER:** Mr. Chairman, it just indicates once again the inconsistency within the department. Initially, they promoted the idea to the point where they were accepting offers and proposals, these kind of things. I suspect, Mr. Chairman, that possibly because the Manitoba Government Employees' Association, the union got involved or concerned about some of the jobs that will probably be on the line for this, because it had gone to the extent where they had accepted proposals and all of a sudden they back off. Now they say, well, we're not discussing that any further.

It once again shows the problems within the department as to the direction that they're going. That was a specific direction that was indicated by the then Minister of Natural Resources. The Member for Lac du Bonnet was indicating that they were pursuing that.

This is what has actually created a lot of problems in the minds of the people of Manitoba. Where is this department going, knowing full well, and I've indicated so many times, we've had four Ministers in a little over a year and each one is pulling in a different direction. As a result of that, we've had chaos, to some degree, within the department. Consistently, the saga continues of all the little problems that have developed in there.

Once again, I would like to have the Minister indicate what is the reason. He says it was a policy decision. Why would they initiate it and then change their mind? What was the rationale behind it? There were a lot of people that went to a great extent and great problems submitting proposals. Obviously when you look at a place - he keeps referring to the one place, Moose Lake. I referred to more than that, that were put on the docket for consideration for privatization.

It shows a continuing inconsistency within the department. I'm getting tired of this bull.

**HON. L. HARAPIAK:** Mr. Chairman, I'm amused, as we go through this exercise of the Estimates, as we go through each branch, the critic makes reference to what, in his view, is inconsistency on the part of the department. — (Interjection) — Surely, Mr. Chairman, the Member for Emerson is not talking against privatization, I would expect.

We, from the department had indicated an interest in pursuing some other means of delivering services to the public of Manitoba and there certainly was, and

there is an interest in involving the private sector in the delivery of those services.

There were four locations in which there was an interest in testing out that particular concept, Grand Valley, Lynch's Point, Norquay and Moose Lake. Grand Valley was accepted, so for the Member for Emerson to suggest that there's inconsistency, the fact that a particular idea was being pursued, should not mean that then the government would not withhold the right, given certain conditions to proceed more cautiously. With respect to Norquay, for example, all of the bids that were submitted - and I'm not sure what number they were - but there were no acceptable bids.

In the case of Lynch's Point, there was only one bid; in the case of Moose Lake, I think that there were two bids, so certainly in pursuing this kind of a notion, we would want to proceed cautiously. We've accepted the bid in the case of Grand Valley. There were no acceptable bids in the case of Norquay and only one bid in the case of Lynch's Point. In the case of Moose Lake, there were two bids but it was decided that they should not proceed in that particular instance.

So I want to reject, Mr. Chairman, the notion that there is an inconsistency or a lack of direction in this respect. If the member wants to characterize this as caution, in proceeding with a new approach, I would be quite prepared to accept that.

**MR. A. DRIEDGER:** Mr. Chairman, can the Minister then indicate whether they're still pursuing the privatization of provincial parks, in some cases?

**HON. L. HARAPIAK:** I want to clarify, when the Member for Emerson is talking about privatizing provincial parks, it is not as though the entire park would be turned over to the private sector; but in terms of management of certain facilities or delivery of certain programs in the parks, that is still available.

**MR. A. DRIEDGER:** What direction are you going? That's what I'm asking.

**HON. L. HARAPIAK:** It's still an idea that we would want to pursue in terms of considering how we would most effectively, in the future, deliver services to the people of Manitoba.

**MR. A. DRIEDGER:** Mr. Chairman, the Minister is now telling me that they are still pursuing the possibility of having the private sector getting involved in management and providing services in provincial parks.

If that is what the Minister is saying, could the Minister outline basically what the guidelines are in terms of qualification, because proposals were submitted and he says they were not acceptable. In one case they were, and others, in one he says the proposal was not acceptable; the other two, he says, well, they received proposals but didn't pursue it any further.

He indicated the policy was not to pursue that any further, but I want to know from this Minister, what is the policy of this? If he has to continue with the attempted privatization of these parks, then let's have the guidelines so people know where they're at, so they don't have to go to all kinds of expense and time to submit a proposal when there's no guidelines?

I mean, are we going to put Falcon Lake in the same position as that? Maybe somebody would want to make a proposal on that. Once we know what the guidelines and the direction is, if the government wants to go with this in this Department and this Minister, then people can decide which way they're going to go.

On one hand the Minister says, well, no we're not doing it any more. And then he says, yes, we're doing it. Where are we going?

**HON. L. HARAPIAK:** Mr. Chairman, it is the view of the Member for Emerson that we are not pursuing the possibility of private sector involvement in the parks. We've indicated very clearly for our part, that we are exploring this particular vehicle for delivering services.

We have the private sector involved in a variety of arrangements, to provide the park services. There are other possibilities being explored. There is a proposal on my desk for consideration at this time with respect to the private sector involvement in the project at Winnipeg Beach, as an example.

So for the Member for Emerson to say that there is no position on the part of the government to involve the private sector, I think ignores what in fact exists, where we've indicated where there is an idea that we would invite in certain instances, the submissions from the private sector, and in the case of Winnipeg Beach, as an example, there is a proposal on my desk at this time, which I've not had a chance to review in detail. But the suggestion contained within the report is that this delivery vehicle be pursued further.

So I think there's a clear indication that the government is prepared in certain instances to involve the private sector in the delivery of services within the park system.

**MR. A. DRIEDGER:** Mr. Chairman, my question to the Minister is, is he and his department accepting proposals? Are they inviting proposals from the private sector to get involved in services in Provincial Parks?

It takes us half-an-hour to get a straight answer out of the guy.

**HON. L. HARAPIAK:** I just want to indicate to the Member for Emerson, it's further indication of our preparedness to look at alternate ways of delivering services that we are in the process of preparing tenders for provision of services at Grand Beach, as well.

**MR. A. DRIEDGER:** Mr. Chairman, that's not an answer. What I'm asking the Minister, if he and his department are inviting offers from the private sector to get involved in Provincial Parks to provide certain services? He says they're looking at Grand Beach. How about the others that they initiated? Like, what is the policy? If they are inviting proposals from the private sector, then let's have the guidelines set out so that people know what they are up against. Indicate. Is the department open to accept offers on any provincial park for certain services or is it selectively done on a piecemeal basis? What is the policy on that?

**HON. L. HARAPIAK:** If what the Member for Emerson is suggesting, that we put our park system up for public auction, I would say . . .

**MR. A. DRIEDGER:** I asked what your policy is.

**HON. L. HARAPIAK:** . . . we are opposed to that. What I am saying is that we are charged with the responsibility of the management of those resources and that we will explore different ways of delivering the services to the people of Manitoba; and one of those opportunities will be through private sector involvement.

But if the Member for Emerson is suggesting that in order to explore those opportunities it has to be all or nothing at all, that we put the entire system up for bids, I would say to him, no, that is not the case; we will pursue it but on a cautious basis. As time progresses and as we make an assessment of the effectiveness of that kind of delivery system, then we would be in a position to make further decisions.

**MR. A. DRIEDGER:** Mr. Chairman, I am getting a little frustrated with the non-answers from this Minister. I have asked him very specifically what is the policy. He says we are exploring all kinds of avenues. He also indicated before that this department is prepared to accept offers from the private sector. Now he is saying, well, we are exploring all avenues. I'm not getting any direct answer. What I am asking: if some private individual wants to come forward with a proposal regarding providing services in a provincial park, can an individual come and make a proposal or is the policy not to have that happen?

**HON. L. HARAPIAK:** Mr. Chairman, I think the Member for Emerson is fully aware that when you are dealing with public resources, and if you are exploring ways of delivering services in an alternate way, that in most cases it would be necessary to tender these.

If somebody comes forward with a notion to us and indicates, I think that this is how a particular service would be better delivered, I think rather than accepting that, what it would be necessary to do is if we agreed that there would be some potential for an alternate delivery system, using the private sector, it would only be fair that those be tendered. So we would call for tenders in those instances.

**MR. A. DRIEDGER:** Mr. Chairman, to the Minister then: What would be the criteria for something like this happening? For example, there were proposals accepted on four different provincial parks last year. One was accepted, one was rejected and the other two he hasn't indicated what happened with them. He said it was a policy decision not to accept them.

Can the Minister just tell us straight where it's at? If they are looking for some kind of proposals to come forward, what is the criteria, or are we just playing by the seat of our pants?

**A MEMBER:** He got stumped again, Albert?

**MR. A. DRIEDGER:** I'm getting no answers.

**HON. L. HARAPIAK:** Mr. Chairman, I want to indicate again, as clearly as I can, to the Member for Emerson, that delivering services in the parks through the private sector is a developing kind of notion on our part. We

want to proceed cautiously, because I think if we proceeded too quickly and got people extensively involved in those services and then found that we had to retrench in that position, I think it would make it rather awkward for many of the people who had made a commitment to that.

So my position, and the support from within the department, is that we should proceed cautiously and as we come to understand the benefits of delivering certain programs in certain areas through use of the public sector, that we would explore that further. I just want to indicate again that we have 109 business concessions in parks and approximately 80 wayside parks under service contracts at this time. So it's clearly not a case of not wanting any involvement from the private sector. There is a clear indication that we've involved the private sector and see a very useful role for the private sector in this respect.

**MR. A. DRIEDGER:** Mr. Chairman, can the Minister indicate if somebody in the private sector wants to get involved in providing services, what is the criteria? How would he go about - if any individual has an interest in providing certain services in provincial parks, what is the criteria? How does he go about doing this? Is there a policy in place, is there some criteria there that an individual can check and find out whether he can qualify for something like that?

**A MEMBER:** A membership in the NDP party first.

**A MEMBER:** That'll do it.

**HON. L. HARAPIAK:** Mr. Chairman, bearing in mind some of the comments just made from the members opposite, I would be delighted if they were suggesting by way of their comments that all the private sector people who are involved in the parks are supporters of this side of the House. I want to indicate clearly, in this respect, our approach is not unlike that of some private sector operations where somebody will come forward with a proposal and say I have an idea that I want to bring forward to you, and that idea will be judged on its own merits. So if the member is saying he wants to know what the procedure is, somebody who has an idea for delivery of services in the parks, as a private sector initiative, they should take that idea forward to the Parks Branch and speak to people within that branch and the proposal will have to stand on its own merits.

**MR. A. DRIEDGER:** Mr. Chairman, could the Minister then indicate what happened in the case last year when proposals were requested from the private sector with four different parks? What happened in the case where if the policy decision was not to accept the proposal from Moose Lake or one of the other provincial parks, what happens? Do you throw it aside? Do you indicate what kind of criteria that is required in terms of allowing that individual to reapply? The Minister just indicated well, he thought that just a proposal was not acceptable, but they ask for proposals. And then they leave everything hanging. And then he indicates to me that if the proposal is not acceptable, then it should be tendered. Where are we at with this thing? We've been

around the whole darn circle now. I'd like to know exactly. You know, is there a movement in this direction what the criteria is and what should happen?

Come on, Leonard, let's have some action, quit waffling around the place.

**HON. L. HARAPIAK:** Mr. Chairman, I sense the Member for Emerson wants to dictate the answer that I will give. That is not going to happen. I will answer to the best of my ability and I would draw reference to many tenders that are put into the paper.

We could take any business paper and look at the tenders that are submitted by the private sector or by the public sector and there is an indication that the lowest or any tender not necessarily accepted. So I think the fact that tenders are called should not mean that somebody is going to automatically go ahead with the particular projects. Circumstances will change, particularly in a new venture of this sort.

Now, Grand Valley, which was accepted, was not without its critics. I think certainly when you are dealing with public resource and there is a public reaction to a particular approach, government should be sensitive to that and hear the concerns of the public involved. I can only speculate that perhaps, on the basis of the controversy that surrounded the awarding of the one contract for Grand Valley, that there was an increased cautiousness on the part of the government with respect to their other proposal, Moose Lake. In the other two instances, one, there was not any tender and, in the other case, the one that was submitted was not acceptable. I think it's as straight forward as that.

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

**MRS. C. OLESON:** Thank you, Mr. Chairman.

In light of the answers that the Minister is giving the Member for Emerson, let's be specific in, say, Spruce Woods Park. When that park was built, there was to be absolutely no commercial activity there, in fact, within miles of the park. It was to be strictly a publicly-owned, publicly-operated park. Now, in the light of what the Minister is saying to the Member for Emerson, take as an example, if someone was to want to put up a concession of some kind in that park, are you saying that is the sort of thing you would allow, allow now? Is that a complete change in policy from what was there a few years ago?

**HON. L. HARAPIAK:** Mr. Chairman, I just want to indicate that the Member for Gladstone is probably aware that, in the case of Spruce Woods, there is a trail ride service and the wagon rides; that it's provided by way of a private-sector arrangement. There is a contract with that individual. There was a concession at one time within the park and that was destroyed by fire, I'm told, and there are services provided in the surrounding communities.

So, at this time, it appears as though that particular need for concessions in this case is being adequately provided for by the surrounding communities. But, if there was an indication that there was a public need within the park and that it could be sustained by way of the activity in the park, that it would sustain that kind of a service, it could be viable, I don't think there

would be any objection to looking at proposals in that regard. But, where that service is already being provided in the surrounding communities, that begs the question of why invite the proposals for it when that service is already being provided.

**MRS. C. OLESON:** Mr. Chairman, well, I'm not promoting that a business be put there, but we're trying to get at the fact that whether or not it's possible, because, from the discussions that I've been hearing, I still don't know whether you could put one there or whether you couldn't. I thought that there would be some definite policy on what went on in the parks. There used to be at one time and we knew from people who lived in that area that there was to be no commercial activity within so many miles of the park. You couldn't even put up a sign along the road. In fact, they discouraged people from even putting up any business closer than about three miles or more from the park. So I was curious to know exactly what the policy is. The Member for Emerson had been asking questions and it occurred to me, if I asked this specific one, maybe the Minister could come up with a definite policy; but obviously he doesn't seem to be able to.

**HON. L. HARAPIAK:** I would be anxious to know more about the policy or the guideline that the Member for Gladstone refers to with respect to activity, that there wasn't to be activity within a certain distance of the park. I'm not aware of that and my staff does not seem to be aware of that either.

But I can only say, again, that we do, as I indicated before the break, surveys of park users. If, on the basis of the surveys that are conducted and other kinds of input from the public there is an indication that there is need for a service in the park that is not provided, we would entertain proposals for the delivery of that service, provided there was some indication that it could be a viable service, could be economically viable and that that service wasn't already being provided in other areas.

I should mention with respect to Spruce Woods, there was a bit of a controversy from somebody wanting to set up a service just outside Spruce Woods, but it was within the municipal jurisdiction, and he did not comply with the zoning authority. So, in that particular case, it was not a disagreement with parks, it was simply with the surrounding municipal jurisdiction that he was not in compliance with their zoning regulations. There was that element, I believe it was in May of this year, where there were calls to me from the person who was proposing to deliver the service to intervene with the municipality, but I didn't feel that was my role at all.

**MRS. C. OLESON:** Mr. Chairman, I don't know the ins and outs of exactly what went on in that case, but if it's the business I'm thinking of, it's there and it's going forward and I suspect thriving - whoever's jurisdiction it was anyway.

Another thing that occurs to me in connection with this is the recently signed agreement between the Spruce Woods Park, between the Department of Natural Resources and the friends of Spruce Woods Park. Now, I wonder if the Minister could tell me what criteria he has, the department has, with regard to that sort of

organization. Have they got set guidelines of activities that they can undertake within the park?

**HON. L. HARAPIAK:** There is a specific agreement between the Friends of Spruce Woods and the department, in this case, and if the Member for Gladstone would like - I don't have the agreement here - we can make a copy of that agreement available.

**MRS. C. OLESON:** For other organizations, I think, if I understand correctly, the Friends of Spruce Woods Park is the first one of that nature in the province. What criteria, what policy has the department laid down for what activities these groups indulge in?

**HON. L. HARAPIAK:** Mr. Chairman, the agreement is such that rather than having, in this case, the Friends of Spruce Woods deliver a program that the department is already delivering, it is meant to enhance or expand the program. In this case, they do interpretive work. They might develop public awareness programs. So it is meant to enhance and complement what the department is doing. Frankly, we are very hopeful that this would be an example that other organizations would follow. It's very much my belief that the department, in all of its efforts, requires cooperation from the public and, certainly, where there's a willingness on the part of the public to share in the management of the resource or to increase public awareness of a particular resource base, we would want to work with the public in that regard.

**MRS. C. OLESON:** Perhaps, if the Minister forwards me the agreement, maybe I can see it there. I'm just wondering what limitations, if any, are placed on these organizations. This is a very good organization and I agree that the public should have input into how the parks are used, but I just wonder what limitations the department has put on them, if any. Are they allowed to go into any business, for instance, in the park? What policy is there to guide them so they will know what they're doing?

**HON. L. HARAPIAK:** I think it would be best described, Mr. Chairman, by indicating that they were involved in education, extension, and perhaps in special events programs. Anything that they undertake is under supervision of the parks staff in that area, so it is not as though they could decide on their own that there was to be a particularly new venture they were going to undertake that might be in conflict with some of the other users of the park. It would have to be with the approval of the park's staff.

**MR. A. DRIEDGER:** I would just like to offer maybe a suggestion. Instead of trying to fudge around issues and bafflegab things, if the Minister does not have a definite policy, if he would indicate that, that's acceptable. If he doesn't have answers, that's acceptable. But instead of trying to talk around the whole circle and not giving answers and act like he has a direction that he's going, I find that very frustrating. Basically, that's what we've covered now for over half an hour on the privatization of parks. The Minister got up and indicated, "We have no policy;

we're looking at trying to establish something." But then he tries to lead us around the mulberry bush and that's why it's taking such a long time.

I'd like to now ask the Minister whether there's any program in place in terms of further development of parks, of lakes, or further cottage development possibly? Is there a program in place, like we have, for example, under the drainage program? If he submitted his program, we could see what's on there. We might not like it, but that's where it's at; we can accept that.

Is there a program in place right now for further development of our lakes, for cottage development, for further park development? Or is there no plan in place?

**HON. L. HARAPIAK:** Mr. Chairman, I perhaps could just ask for some clarification from the Member for Emerson whether he is wanting some indication of the long-term land use allocations with respect to parks or whether they would be more questions on capital with respect to existing parks because I have information on each of those.

**MR. A. DRIEDGER:** First of all, I'd appreciate maybe having both of them. I'd like to know whether there's any capital expenditures anticipated in further development, whether it be the Moose Lake area, whether it be a new lake where we allow more access to more cottages, etc., and what is the policy. Is it the policy of this department to expand the availability of lots? We have so many lakes. We've discussed this many times. There's many people who would like access to these kinds of lots. If we ever allowed lots to be tendered on or opened for the public, there would be a lot of pressure on that.

This is what I'm asking. Is there a desire within the department to expand availability of development in terms of cottage lots and other development?

**HON. L. HARAPIAK:** Mr. Chairman, I will distribute the capital project with respect to parks but perhaps before I do that, I just want to indicate to the member that at this point in time we have an inventory of 440 lots available. There's 202 in parks and 238 on Crown lands.

In terms of future program development, there are sites slated for further development in the northwestern region at Twin Lakes and Rocky Lake; in the northeastern region, Paint Lake; in the eastern regions, at Wanipigow, Lac du Bonnet and Pointe du Bois.

I hope that is a clear indication to the member of the direction with respect to lots.

I would perhaps make the document with respect to capital available, and also a document entitled "A Heritage for Today and Tomorrow" which is a public document already - the member may have it. I did advise future potential park sites for the various kinds of parks not necessarily just for cottaging experiences but for the various park experiences for the people of Manitoba. So I would make that available.

**MR. A. DRIEDGER:** I would like to now thank the Minister because he has given me a definite indication that they are expanding the lots available for people who want cottage lots, that there's movement afoot in

terms of expanding the parks system. I thank the Minister for the information and for that answer. That's all he has to do is tell us where it's at. Previous to this, he just was fudging around. Very definitely here, we have the information that I require and I appreciate that.

I just want to ask further, in terms of establishing new parks or new developments, I assume that there are people within his department who continually work on that basis. I'm just wondering, is the Minister encouraging requests as well from certain areas in terms of development in that direction, because I have people, for example, in the southeast part of the province - I'm talking of the area that I represent, and that is the area with Lake of the Woods involved. We have limited development around the Moose Lake area there. There's sort of a day picnic area on Lake of the Woods but, when you consider the amount - and I'll pursue that further when we get to the Fisheries - of licences that have been sold and the value of them in the southeast corner alone, the information I have received is actually just fantastic. Now I want to pursue that. I serve notice on the Minister. I'd like to know exactly, in the southeast area, the amount of fishing licences that have been sold, you know, in just one season.

In view of that and the limited amount of funds that are being spent in the southeast area, whether the Minister would consider the possibility of further development on Lake of the Woods, specifically Gould's Point. From Middlebro to Gould's Point is a distance of six miles. There is one low area which would have to be built up. Other than that, you have a ridge to travel right up to the Lake of the Woods. The Americans and people on the Ontario side are developing left and right. We virtually do nothing. I would ask the Minister whether he would consider having his staff look into that kind of possibility.

During the course of the winter when ice fishing takes place, the individuals from Middlebro themselves raise funds and take and clear that road so that people can get in from that area to go ice fishing at Gould's Point, and it's a matter of six miles. Certainly, if you want to promote, we're that close to the American border. A lot of tourism is there, and that's why - the Minister might be surprised when he sees the amount of licences that get sold in that specific area in the southeast corner - we would not continue to develop in that particular area.

**HON. L. HARAPIAK:** Mr. Chairman, I have not previously been made aware of Gould's Point, so certainly I would want to take whatever advice the Member for Emerson has, in addition to that which has already been stated, and consider it with the other items being considered. There are certainly various points throughout the province that are being considered for parks development. We have a variety of parks, the wilderness parks, the recreation parks and the heritage parks.

So in order to provide that variety of experience, we want to look not only at the distribution of population, but look at the different regions of the province and try and establish parks within each of the regions of Manitoba, so that there is a park in each of the regions that would typify the geography of that area. So the

document that the member is perusing right now indicates the location of existing parks and the location of proposed parks. If there is further information with respect to the Gould's Point, which I understand now only is a site for winter fishing, I'm not sure if the member is suggesting that it should be developed for summer use as well. I would appreciate further information, whether tonight or at another time, on that particular location.

**MR. A. DRIEDGER:** Rather than waste the time of the committee here, I would be prepared to make a request or maybe forward further information based on that to the Minister himself at a different time.

I just wonder if the Minister, in perusing the various areas that are marked on here, the Minister indicated these are potential further development areas that we're looking at here.

**HON. L. HARAPIAK:** Some of them are already developed, and some of them are identified as sites proposed for development.

**MR. A. DRIEDGER:** Mr. Chairman, I'm wondering, for my colleagues' sake, if there are more of these brochures available here. I'm sure there are going to be some questions maybe arising from that. Possibly under the Minister's Salary, we could pursue that a little further, rather than delay things extensively now. It would have been actually nice when we started Parks this afternoon if the Minister could have maybe forwarded this kind of stuff to us right then, the expenditures. It would have given us time to peruse a little bit. It's a little short notice in terms of being able to field it while we deal with the Estimates.

**HON. L. HARAPIAK:** Mr. Chairman, I want to indicate clearly for the record that this is not a document which was released today. This is a document which has been in existence for about a year, and it's been distributed publicly. So it's not as though it is something that we decided to reveal to you today for the first time. It's a public document.

**MR. A. DRIEDGER:** Mr. Chairman, I'm not denying the fact that it probably was there but, unless a person knows what is available, we haven't necessarily run the Minister's door down asking what's all there. We'll have a look at that, and we'll likely pursue that a little further later on, including the Capital Program out here.

Because this is part of Capital, I assume that we could probably debate that a little further under the Capital Program later on at the end of the Estimates. Is that acceptable?

**MRS. C. OLESON:** Mr. Chairman, I had some questions to do with the Spruce Woods Park again, but there's one question that I ask every Minister of Natural Resources that we've had every year. I'm sure I have constituents who would be disappointed if they didn't have me ask it again. That is: when are you going to fix the fences at Spruce Woods Park?

The Minister said last year, and I'll quote just to be interesting. He said: "At the moment, there are no plans with respect to the upgrading or otherwise of the

fence. I'm reminded that broken-down fences make for good photography and painters tend to enjoy them." Now, that's on an abandoned farm site maybe, but not at a provincially owned and provincially run public park.

**HON. L. HARAPIAK:** I'm not sure that I should make the offer that, with my experience with fencing as a farmer, I should take a weekend off and work with the friends of Spruce Woods and repair it. But seriously — (Interjection) — no, just following up on that point, the staff indicates that the fence has been there for some time and it has deteriorated. Probably what would happen, rather than the fence being repaired or restored, perhaps consideration should just be given to removing it if that is a concern. So we'll make note of that.

**MRS. C. OLESON:** It's interesting. On one side of the road, there's no fence. On the other, there is. It looks much better on the side of the road where there is no fence now, because it is a mess. Some of us who drive past there all the time, I'm always reminded it looks rather disgraceful and unkempt looking. I don't think any of us would want our public facilities to look like that.

Now, with regard to the material just given us to do with Spruce Woods, it lists several activities are going to take place there. But I notice it does mention upgrading the facilities at the overflow campground in the park. Is there any plan to hook up the water there so that there'll be showers for the people who use that? - because that is called the overflow but it is just as much used as the main part of the park. In fact, a lot of people prefer it because they can go in there as a group of several people with their campers and camp all in the one area and be together, instead of the serviced area where they're segregated a little bit. Each campsite is very private and that's very nice, but some people like it the other way around, to have it so they can all camp together. I know that from talking to the people at the park that part of the service has been put in to the extent where there could quite easily be showers and bathroom facilities added to that without I don't think a great deal of expense.

**HON. L. HARAPIAK:** I want to indicate to the Member for Gladstone, Mr. Chairman, that the first step would have to be to, I understand, upgrade the water supply; there isn't sufficient water. The next stage would be to add the shower facilities but that is not in the immediate plans for the area. It would have to be something that would be included in the longer term.

**MRS. C. OLESON:** Speaking of the longer term, I gather from the answers the Minister gave the Member for Emerson that there is no plan for each park in the long-range plan of gradually upgrading and adding onto. For instance, a few years ago there was a plan came out for Spruce Woods that includes the building of an entirely new campground. I don't remember exactly where at the moment, but that's not important. There was another campground going to be added to that facility somewhere in the park. Has that plan been abandoned or is there a new one in its place or is there any long-range plan for that particular park?

**HON. L. HARAPIAK:** There is no immediate plan to expand. There is indication that the demand is fairly constant in Spruce Woods for the camping and the focus has been on maintaining and developing Spirit Sands.

I just wanted to indicate that in terms of the member's survey of users, the demand for shower facilities is high in various areas in the province and there are more demands for that facility than we could meet in a particular year and we'll have to make some allocations along the way.

**MRS. C. OLESON:** Another matter, Mr. Chairman, to the Minister. Last fall I received copies of letters from municipalities in my area discussing the abandoned rail lines and the fact that the department was considering making them into a recreational facility. I wonder what stage that is in. The municipalities that sent copies of letters to me were not particularly in favour of this as they could see that the farming community might have problems with a lot of snowmobilers and so forth in through those areas and I was just wondering, has there any decision been made on that and what is happening with it.

**HON. L. HARAPIAK:** Mr. Chairman, no final decision has been made in that regard. Perhaps we can pursue it further when we have the people from the Lands Branch here to give you some further information, but there is no specific decision in that regard.

**MRS. C. OLESON:** Mr. Chairman, I understand that in the last few years the Parks Branch has instituted a method by which people can rent some of the sites in some of the parks by the season instead of just on a casual basis. I understand this is in effect in the Manipogo Campground, for instance. A constituent of mine is concerned that it seems always the best sites along the lake, of course, are the ones that people want and that people come in casually, say once or twice a summer or every two weeks or whatever, can't get the good prime sites. Has the Minister's department some policy on which sites are allowed to be rented on a seasonal basis?

**HON. L. HARAPIAK:** Mr. Chairman, I'm advised by staff that we attempt to rotate the seasonal sites so that the same sites on a year-after-year basis are not subjected to the seasonal use because it would be a more intensive use than the casual sites. So there is a rotational system to ensure that there is a balance in the exposure of different sites. If that is not being followed in some areas, perhaps the member could advise us.

**MRS. C. OLESON:** Well, I'm wondering, Mr. Chairman, if the Minister means all the lakefront ones one year, or would they alternate the lakefront so that there are always some lakefront sites available at all times?

**HON. L. HARAPIAK:** It depends. I'm not familiar with the layout of that particular lake . . .

**MRS. C. OLESON:** No, neither am I, but my constituent is.

**HON. L. HARAPIAK:** . . . depending on the configuration of the lots, but there would a rotation to ensure that there is a balance in the use of these lots and a balance in the availability between the seasonal users and the casual users. So from two perspectives: one, in the interest of the sites themselves to give them a balance exposure, and also to give a balance in the opportunity to the seasonal and the casual campers.

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

**MR. J. ERNST:** Mr. Chairman, I have a couple of questions under, I guess it's either under Program Management or Park Agreements or Visitor Services or one of those anyway. Are there any new programming type services being implemented in the park system this year, particularly in the Whiteshell?

**HON. L. HARAPIAK:** Mr. Chairman, I'm advised by staff that the two major initiatives in that area were the enhancement on the Alfred Hole Goose Sanctuary and the Nutimik Museum. I'm not sure if that answers specifically enough the question the Member for Charleswood had, but those are the two points that we can raise in response.

**MR. J. ERNST:** Mr. Chairman, I thank the Minister for the answer. In the medium term or the short term, even, are there any expectations within the department to enhance further the visitor services or implement new programs in the parks system, most notably again, in the Whiteshell Provincial Park?

**HON. L. HARAPIAK:** Mr. Chairman, I think it would be safe to say that there will be not a large expansion of services in that area. They are looking at some, perhaps improvement, in providing the back country experiences for some of the campers and there's the Tie Creek that performs, a site that will be developed and again that is somewhat into the future. I wouldn't want to leave the impression that it is something that would be developed in the next year or two.

**A MEMBER:** Thank you.

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

**MR. J. DOWNEY:** Mr. Chairman, could the Minister tell us what the amount of money is that he has for Parks this year against last year? What is the decrease in funds that he has for Parks this year over last year?

**HON. L. HARAPIAK:** Exclusive of the capital projects, there is actually an increase from this year over last year, and I'll try and get the information, we tie capital a little later increase it. But there is an increase last year, of course, \$13,130,000; this year, we have \$13,517,000, approximately.

**MR. J. DOWNEY:** Mr. Chairman, it appears as if it's virtually the same and the capital, as I understand it, is somewhat reduced, if that's my clear understanding.

Mr. Chairman, I hadn't intended to enter into the debate on the area of Parks, but I'm somewhat encouraged to speak after listening to my colleague

from Emerson and the non-responses from the Minister dealing with the privatization and the activities within the Parks Branch.

I know the Minister, and I can appreciate this, that the Minister is grappling with his new portfolio, that he's having a hard time getting a hold of it. He's really struggling, one can see that, but he's not able to really come to grips with the issues that he's had come before him, with the investigation that's taken place. He's not clear on whether he's got a policy for privatizing the parks' grounds.

It would appear, Mr. Chairman, that he doesn't have the kind of strength that is required and his department is being starved. That probably is the bottom line as to why they're going to privatization in some of the services that are being provided. I think we have to come to the bottom line as to the situation that he's in. He's groping, he is not able to get a hold of his department. He's demonstrated that in the handling of the Ombudsman Report.

He is unable to come clearly straightforward and state what his policy is on the privatization - and I'm not opposed to privatization, but I want to lay this out. How does he advertise? How does he determine those parks or those services that are going to be provided by the private sector? Maybe I'm not very observant, but I haven't seen a list in any newspaper, whether it be the dailies in the Winnipeg paper or any of the other dailies throughout Manitoba, or the weeklies as to there is a park like Pleasant Valley or a certain park that has got these kinds of services required. You are asking for tenders to be submitted to the Department of Parks.

When he's running a department, Mr. Chairman, dealing with the public to make sure there is fair and equitable policies applied, he has to outline them for his department. I sympathize with his department. I mean, they have to have a clear direction given to them, and he is the Minister, Mr. Chairman. He has to realize it; he can't waffle here and there and fudge by this and say it's where necessary. What are the criteria? Will he take a hold of his department? Will he show that he's got some strength, Mr. Chairman? Because the public are demanding it of him.

The department which he took over has had nothing but - well, the last Minister resigned and quit the government all together - that was the history of it. We've had the Member for Brandon East who was a total disaster and the present Minister who is responsible, or supposed to be responsible for MTS and MTX, again a demonstrated disaster in the carrying out of government responsibilities as a Cabinet Minister. The department is in a total mess. It's really needing somebody to give it policy and I'm sorry, I hate to be tough on a new Minister, but he's demonstrated his inability to take control of a difficult situation. — (Interjection) — The Minister of Finance didn't hear the same speech five years ago, because at this particular point it has certainly been demonstrated that this speech has to be given for the first time.

My colleague from Emerson was trying to get some straightforward answers. The Minister of Natural Resources had better take hold. He's going to have to stand up and be counted when it comes to discussing, in a general way as far as the policies of his department are concerned, all the way through his portfolio, his time in the Ministry. That's why I'm saying, let us get

some clear policy guidelines so that staff, so that the Opposition, so that the public know what he is carrying out. I would ask the Minister to lay before us what kind of a tendering policy he has. Let's see in a procedural way how he goes about providing for the public the services provided under a private tendering process. He has not satisfied me to any degree, or any of the members of the opposition.

The question is, as I said earlier, Mr. Chairman, that he should be able to demonstrate to the public, either through a written public policy, to a tendering process policy, as to what services are provided by the private sector and where and when they will be tendered. He said, well we try it this way and we try it that way, and we're working a little bit here and we're working a little bit there.

Mr. Chairman, so the question really is: Will the Minister take hold of his portfolio and carry out his responsibilities? He's had how many months now to get a hold of it, and he is really failing; he's slipping. I'm sure the people of Swan River, and I've heard this from many people, are extremely disappointed in the member who got to be a Cabinet Minister. He is not carrying out the responsibilities that are his mandate. Mr. Chairman, he's not carrying out his responsibilities.

I think we should really pass a motion here tonight to challenge this Minister as far as his ability to carry out and administer Parks. The bottom line is he's weak.

He can't go to Cabinet to get the funds to operate the Parks, yet he sits in a Cabinet that supports putting \$16 million into Saudi Arabian Telephones. He sits in Cabinet to put \$10 million into an oil industry in Manitoba, to lose X-number of dollars a barrel, probably \$10 a barrel, and yet he's starving the Parks for the majority of the people of Manitoba. He's got to straighten out his priorities. He has to take a hold of his portfolio and speak loud and clear when he goes to Cabinet.

We have public parks to be operated by the government, and they're privatizing them; the place for private investment, to invest in Saudi Arabia Telephones, but he's rushing in with public money to fritter it away. He's got to sort his mind out, Mr. Chairman, and to this point he hasn't done a very good job in doing so. He's got a challenge, Mr. Chairman, a challenge before him to take hold. He can sit back and hide. He can sit back and say, where necessary we do it and where necessary we don't. He's mixed up; he's completely mixed up. My advice to him is, and I think it's friendly advice, that he take a hold of it. If he wants to survive, which he won't . . .

**SOME HONOURABLE MEMBERS:** Oh, oh!

**MR. J. DOWNEY:** . . . I just thought I'd try and give him some good advice in the short term that he's going to be here.

This is serious, Mr. Chairman, and I do suggest that the Minister be a little more aggressive when it comes to dealing with those services provided for the public and public parks and, if he is going to privatize it, then come forward with a clear straightforward policy, so that every Manitoban has equal opportunity to understand, and to provide the services when it is offered. That's really the bottom line. He can't have it both ways.

He's a Minister responsible for the Department of Parks. The majority of people in Manitoba at one time or another throughout the year, I'm sure, enjoy the park services that are there and provide them. Don't Mickey Mouse around, as he does, as he's done with everything else, Mr. Chairman, take hold.

He talks about fixing fences. He's got a lot more fences to mend in Swan River than he has in the park my colleague is speaking about, Spruce Woods. Those in Spruce Woods can be repaired but, I can tell you, the ones that he has to mend in Swan River can't be.

My advice to the Minister is to take hold, quit waffling, come forward with some clear, straightforward policies so that we can make our determination as to how we're going to vote on this Parks section of his Estimates.

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

**MR. E. CONNERY:** Yes, I'm confused also, Mr. Chairman. When we're looking under the Parks, we have the sheet of paper the Minister has given us, and I'm assuming that where it says Hecla, is the provincial park; and where we see Gull Harbour, is the resort. Is that correct? Mr. Chairman, Hecla, I believe, is the provincial park, and Gull Harbour is the resort within the provincial park of Hecla? Is that right?

**HON. L. HARAPIAK:** That's correct, Mr. Chairman.

**MR. E. CONNERY:** When we looked earlier, Mr. Chairman, we saw Hecla Park, where the costs were 922,000 and the revenue 256,000, for a 28 percent return of revenue versus expenses. So we must have a shortfall of people going to Hecla.

But in the Interlake Region we see Hecla, and I assume it's the same area. They're spending 234,000 to construct washrooms, golf cart paths. Now, I don't where the golf cart paths are on the park - they're on the Gull Harbour Resort area, I would think.

Then on the last page, under Facility Enhancement, once again we see Hecla for \$225,000 in building stabilization, water supply, marina parking lot.

We see going into Hecla something just short of .5 million, and there's maybe more when you look into the Regional Projects of signing and road stabilization and so forth. This is a large expenditure for the revenue we're getting out of there. Could the Minister explain why that large expenditure in this one area?

**HON. L. HARAPIAK:** Mr. Chairman, I just want to indicate clearly that this is for the park. It is totally apart from the Gull Harbour Resort. This does not reflect any kind of capital for the resort facility itself.

There is, as members were indicating in their discussion in earlier park projects, a need to invest capital in each of the areas. In fact, it was the members opposite who indicated that with some capital investment the level of services could be improved and the usage would perhaps increase.

There is not a uniform investment from site to site, from year to year. Projects are begun; they have to be completed. Different projects come on stream at different times.

For example, in the case of Hecla, the marina is being upgraded at this time. It is used to excess capacity,

I'm told, and there's need to improve that facility. I can only say that it's in response to and in anticipation of the future use.

**MR. E. CONNERY:** I still have some difficulty in seeing the golf cart paths being in the park when the Gull Harbour . . . I'd like a very clear answer - Gull Harbour Resort, is it just the hotel part of Gull Harbour Resort that belongs to Crown assets, and is that under Venture Tours? Is that what they call Venture Tours Manitoba. Is all that Venture Tours is, strictly the hotel at Gull Harbour?

**HON. L. HARAPIAK:** That's correct.

**MR. E. CONNERY:** Then what was the expenditure on the last page of your book? You have "Gull Harbor Resort Expansion," and you have \$1 million, and yet nothing for the facility itself is coming out of Natural Resources. What was the \$1 million spent on? The last page, bottom line.

**A MEMBER:** The last page, bottom line, it's under Jobs Fund.

**HON. L. HARAPIAK:** Mr. Chairman, the amount referenced by the Member for Portage is from last year's annual report. That's the document you're referring to. We did have an expansion and there were some renovations to the facilities at Gull Harbour last year and it was the Jobs Fund money that was allocated to that and because that particular corporation is under my jurisdiction, it has to appear in the annual report for the Department of Natural Resources.

**MR. E. CONNERY:** Mr. Chairman, I guess I'm getting more confused. If one is under the Crown Assets, the facility, why would the money flow through? Or when did the facility go into Crown Assets? Is that where the difficulty is? How long has the hotel itself been under Crown Assets?

**HON. L. HARAPIAK:** Mr. Chairman, it always has been under Crown Assets.

**MR. E. CONNERY:** It behooves me to understand why you would have a million dollars going through here when it's Crown Assets. Why wouldn't the million dollars go straight through Crown Assets? This means, and if I read right, then we should really take a million dollars out of Natural Resources that really wasn't spent for Natural Resources? You owe us a million. —(Interjection) — Sure, that would build the overhill drain and put in the road, too.

**HON. L. HARAPIAK:** I just want to indicate to the Member for Portage again, with reference to this last year's annual report, the figures that he references were not in our last year's Estimates but this is simply an accounting of those funds that flowed to that particular project, to Gull Harbour, and some other Jobs Fund money that came into the department.

**MR. E. CONNERY:** Mr. Chairman, does the department, and this is the unfortunate part, that we have the

grounds under one department and we have the hotel facility under another. We see the one sector losing money. Do we know what the hotel is costing us and have we a net figure for the Gull Harbour resort, period?

**HON. L. HARAPIAK:** I would think what the Member for Portage is wanting to do is review the hotel operation, Gull Harbour Resort. There will be a review of that when we're dealing with Crown Investments. There will be a detailed review of the operation of the Gull Harbour Resort at that time.

The Gull Harbour Resort leases the land from the province. There's a charge to the operation for the leasing of that site. There's a maintenance charge of some \$30,000 to \$40,000 for the site.

**MR. E. CONNERY:** Excluding the hotel facility, how much money has the government got into Gull Harbour Resort, excluding the hotel?

**HON. L. HARAPIAK:** The question is then the extent of the investment into Hecla, is that correct?

**MR. E. CONNERY:** No, Gull Harbour.

**HON. L. HARAPIAK:** I thought I heard the member saying, Mr. Chairman, that he wanted to take the lodge out, and what was the total investment on that site, exclusive of the lodge?

**MR. E. CONNERY:** I'll have to have a clarification of that . . .

Then the golf course is part of Hecla Provincial Park then. So the hotel is sitting on the park, separate. What have we got in the total park, excluding the hotel facility?

**HON. L. HARAPIAK:** Mr. Chairman, I think, rather than trying to get a quick tally on the total investment over the years, perhaps we should take that as notice and provide it to the member when we've had a chance to take the figures over a number of years, rather than grasp at them at this time. We don't have a cumulative figure at this point.

**MR. E. CONNERY:** I appreciate the Minister's difficulty, Mr. Chairman, but in other committees that I've sat on and we've asked for material and some of it a lot more simple than this request, we haven't seen it. I think what happens after the committee ends, then the requests are forgotten about. I would hope, Mr. Minister, that this would not happen in this case.

Also, it would facilitate me in my argument if you would give me two complementary nights at Hecla when the House is finished so I could have a look at it.

**HON. L. HARAPIAK:** The first request I can accommodate, Mr. Chairman. The second, I can't.

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

**MR. D. BLAKE:** To finish up on Parks, Mr. Chairman, I wanted to ask the Minister about the situation at Lake Wannapanaw, the campground and park facility there. There was some concern with the locals. When Grand Valley was privatized, they took two or three of the

staff that had been looking after that and moved them up to look after the Rivers area, and the local people couldn't get on.

I understand this year, the chap who previously looked after the park, who had a tremendous rapport with the townspeople, is back there again this year. I haven't had too many complaints. I've only had one there this year about the operation of the park.

But a couple of years back, they moved all of the permanent sites up to the top area where there were no trees, no shelter or anything. I wondered what the situation was with that lake now and what the usage was.

**HON. L. HARAPIAK:** Mr. Chairman, the information I have is that there has been a significant upgrading of the sites at the park. Some were moved up while it was being developed down below, but this has all been incorporated into one facility now with improved washroom facilities. The occupancy rate is very good. I see there was excess occupancy in May, June and July. It tapered off in September, but there was 69 percent occupancy, an indication that there was, in terms of use, a slight decrease from 1984 to 1985 but not a significant change.

**MR. D. BLAKE:** It's certainly a popular area. It's handy to the Brandon residents and, with the incorporation, I assume that there are some permanent sites available back in the original locations. They were very popular with those who wanted to stay there a month or two, so that's certainly encouraging.

I'll be asking the Minister some other questions when we get into Fisheries, because it's a very popular sport fishing area, and some of the catches there are becoming quite commendable. I can attest to them, because it's pretty handy to my area.

**MR. A. DRIEDGER:** Mr. Chairman, I just have a few questions based on the Capital Expenditures on that sheet.

On the last page, there are three concerns that I want to raise here. One is Grand Beach, upgrade doctor's office to the tune of almost \$6,000.00. Then the second-last two items, Papal Site, a cairn; and St. Norbert and Kennedy House, repair and refurbish.

I find it interesting that these kinds of expenditures would come under the Department of Natural Resources instead of under maybe Cultural or something else. Certainly, things like upgrading a doctor's office, I find it sort of strange, or cairns. I would think that would come under maybe the cultural aspect of it.

**HON. L. HARAPIAK:** Just in responding to the points that the member raise, the Papal Site is within the park. So, recognizing that there was certainly a cultural component to that visit, given that the site is within a park, it was felt appropriate to be included in this section.

The upgrading of the doctor's office at Grand Beach, there is a summer facility there for the doctor to meet the needs of the people in the area during the summer months. There's quite a large concentration of people.

St. Norbert is a heritage site; Kennedy House is part of the Parks system, as well. I'm not sure I can give

the member further information, or what further information I could provide to the member to ease his concern.

**MR. CHAIRMAN:** 5.(a)(1) to 5.(e)(2) were each read and passed.

5.(f) Grant Assistance - the Member for Emerson.

**MR. A. DRIEDGER:** Could the Minister clarify the Grant Assistance of \$73,700.00?

**HON. L. HARAPIAK:** The biggest portion of that, 58,700, is to the International Peace Gardens, and there are two smaller allocations, to the Fort Whyte Nature Centre, and the Friends of Spruce Woods.

**MR. A. DRIEDGER:** On the Friends of Spruce Woods, Mr. Chairman, what was the amount of that grant?

**HON. L. HARAPIAK:** \$5,000.00.

**MR. CHAIRMAN:** 5.(f) Grant Assistance—pass.

Resolution No. 123: Resolved that there be granted to Her Majesty a sum not exceeding \$13,517,500 for Natural Resources, Parks, the fiscal year ending the 31st day of March, 1987—pass.

Item No. 6.(a)(1) Lands, Administration: Salaries; 6.(a)(2) Other Expenditures - the Member for Emerson.

**MR. A. DRIEDGER:** Mr. Chairman, under the Crown Lands end of it, I wonder if the Minister could maybe indicate - in raising some questions regarding regarding the Northern Flood Agreements, where the agreements have been reached, I believe, in some cases, and the Minister indicated at one time that the transfer itself actually takes place through his department, that the Northern Affairs Department negotiates the agreements and his department is the one that makes the final transfer. Am I correct in that?

**MR. L. HARAPIAK:** Mr. Chairman, in that we, through Natural Resources, hold the Crown Lands, when the final decision is made, we support the process in terms of providing information on the land base that is involved, because we do have the registry of all the Crown Lands. In terms of the transfer, it would take place - we would be involved in the process of the transfer when a settlement was reached, from Crown Lands to whomever it was allocated.

**MR. A. DRIEDGER:** Mr. Chairman, it is my understanding that in the process of negotiating, the Department of Northern Affairs negotiates, I suppose, whether they do negotiate or not, apparently the Reserves indicate the areas they would like to have under consideration and if I understand the process correctly, various government departments then have an option of putting a claim on, or putting a restriction on certain things. For example, if the Reserves indicate they want a certain block and the Department of Natural Resources feels that it might be used for a provincial park or certain other areas, there's concerns; I wonder if the Minister could indicate, is that how the process works, that his department, the Department of Natural Resources then takes and puts forward a claim or a

hold on the lands that have been designated by the Reserves for properties that they want in the settlements.

If the Minister could clarify that to some degree, it would . . .

**HON. L. HARAPIAK:** Mr. Chairman, for each of the groups involved in the Northern Flood Agreement, there is an area within which they can indicate their interest in a particular parcel of land. Then, having expressed an interest in a particular parcel of land, that then would have to be conveyed by our department through the other branches to find out whether there was any third-party interest in the parcel of land for which they had expressed an interest.

**MR. D. BLAKE:** Mr. Chairman, I wonder if the Minister could tell me who is on the Crown Lands committee now and who is the chairman of that committee.

**HON. L. HARAPIAK:** The Crown Lands Appeal Board?

**MR. D. BLAKE:** The Crown Lands Appeal Board, yes.

**HON. L. HARAPIAK:** The Member for Minnedosa might clarify whether he's interested in the Appeal Board, or the Crown Lands Classification Committee?

**MR. D. BLAKE:** Both.

**HON. L. HARAPIAK:** I think, Mr. Chairman, I would like to suggest that we would develop a list for tomorrow, rather than search those names out now. Those two committees, we will get the membership for you.

**MR. A. DRIEDGER:** Mr. Chairman, to the Minister. Could the Minister indicate whether the sale of Crown lands, whether that policy is still in effect? I notice, through Orders-in-Council, from time to time there are transfers taking place. Is that procedure still in place, that if somebody who is leasing Crown lands, for example, wants to buy it, that they can make an application and buy it?

**HON. L. HARAPIAK:** That procedure is still in place, Mr. Chairman. It's unchanged for the last three years.

**MR. A. DRIEDGER:** Could the Minister maybe indicate to what extent there are still applications coming in for the purchase of agricultural leased Crown lands? For example, in the last year, how many applications?

I'm sure, Mr. Chairman, that's there's a difference between people who apply and once they get the price, that they probably change their position on it; but I just wanted to have an idea, if it's possible, to find out how many applied for the purchase of agricultural-leased Crown lands and how many actually were sold?

**HON. L. HARAPIAK:** We would have the information in the annual report. Just a moment, I have some here. The sale, 1984-85, there were 107 parcels of agricultural Crown land sold; parcels sold for the primary residence, 115; recreational parcels, 41; and commercial and other interests, 138 parcels - that's from 1984-85.

**MR. A. DRIEDGER:** Is there a decrease in the amount of requests for purchase of these? I made reference to agricultural leased Crown lands and the Minister also indicated recreational and commercial. Is there a lot of pressure in terms of people wanting to buy Crown lands, for whatever purpose, whether it's agricultural, commercial or recreational?

**HON. L. HARAPIAK:** I have indication from my staff, Mr. Chairman, that there is a reduction of approximately 40 percent or 50 percent in the number of requests for purchase of agricultural Crown land.

**MR. A. DRIEDGER:** Can the Minister, Mr. Chairman, indicate whether there is any consideration given by the department for the sale of recreational properties, like people who have lots or cottages on there? Is there any policy in place to give consideration for the sale of those kinds of lands?

**HON. L. HARAPIAK:** The figures referred to earlier, in terms of recreation sales, would be cottage lots in subdivisions outside of parks.

**MR. A. DRIEDGER:** Mr. Chairman, is there any policy or consideration being given to sell the lots that people have cottages on? Is there any consideration, for example, if somebody in a provincial park has a lease and built a cottage on there, if somebody wants to buy that, is there any consideration being given in that direction?

**HON. L. HARAPIAK:** Mr. Chairman, within Parks there is not a move toward selling the lots within the parks. But what I indicate to the Member for Emerson is that we are encouraging people to take out a longer-term lease, a 21-year lease, as opposed to an annual permit. So we encourage them to have the security of that longer-term arrangement.

**MRS. C. OLESON:** Can the Minister tell me what criteria is used when deciding on the price of a piece of Crown land? For instance, Crown land that is adjacent to a farm and has been leased by that farmer as part of his farming operation and then he wants to buy it, or a part of it. How do you derive at a price? Is the price of the adjacent farm land taken into consideration?

**HON. L. HARAPIAK:** Mr. Chairman, we utilize the services of an accredited appraiser to determine those values, so the same kinds of considerations that would be used by an accredited appraiser in another sector would be followed. So it's a professional service that is provided and the criteria are set for that particular profession. It's a professional group that does it.

**MRS. C. OLESON:** On one particular case that I'm aware of, the farmer wanted to buy a piece of Crown land adjacent to his farm operation, and the price that was quoted to him was in excess of \$1,000 an acre. Now he was wishing that the rest of his farm was worth that, or that he could get that for it. It was light sandy soil with bush on it, and grass, and he could not figure out why it would be worth that much. I think the end result was, that he wasn't able to buy the land. Could the Minister comment on that?

**HON. L. HARAPIAK:** I would be interested in hearing the details on that because I am not aware that we have tracts of land, agricultural land that would be in the price of \$1,000 an acre. That is more like the value of land in Portage la Prairie.

But there may be some smaller specific sites where people are looking at a residential site and when they calculate the cost it may be \$1,000 an acre, but I am having difficulty understanding \$1,000 an acre for agricultural land, particularly if it is a recent appraisal. I'm not sure what the date on the appraisal would have been, but if the Member for Gladstone wants to forward that information to us, we'd be glad to take a look at it. You could identify that for us, and to them.

**MR. A. DRIEDGER:** I just want to make a comment here, Mr. Chairman, to the Minister. I hope, in view of the fact that our agricultural lands have dropped dramatically in price, that in the appraisals that take place, that these things are taken into consideration. Because I know in my particular area, at least, land values have dropped dramatically and it would be a nice deterrent if the appraisals come in high, nobody's going to buy Crown lands.

I'm wondering, if the approach sometimes is being taken along the line by coming in with high appraisals to deter the people from trying to buy that land. I wonder if the Minister could indicate . . . Oh, does the Minister want to respond?

**HON. L. HARAPIAK:** Mr. Chairman, I want to indicate clearly that the appraisal process is well defined. It certainly does take into account comparable sales.

But I have to tell the Member for Emerson that certainly where there seems to be the desire on the part of some people to have us sell land at a lower price, he would have to be aware that because appraisers use comparable values, if we decided to sell Crown land at below what the market was, it would in fact have a bearing on the value of surrounding land and then we couldn't be criticized, by some people, for pulling the market down.

So I frankly am comfortable with the appraisal process, that it does take into account market trends and comparable sales; and it is not a process that we will influence to have prices moved upward to deter sales, nor will we have it moved downward so we could then be accused of having a negative effect on land values. I would be very cautious about that kind of direction.

**MR. A. DRIEDGER:** Mr. Chairman, to the Minister, if an individual makes an application to purchase agricultural leased Crown land, which the provisions are there for, and he is not happy with the value that is put on the property, is there any appeal mechanism or a system in place where he can take it? For example, the Member for Gladstone just indicated where the appraisal had said \$1,000 an acre. Is there any way that the applicant, if he is not happy with the price, can take it to the Crown Lands Appeal Board or something like that? Is there any avenue of appealing that?

**HON. L. HARAPIAK:** Mr. Chairman, really it is an independent appraiser who makes that decision. I

suppose the only option available to a prospective buyer would be to hire another independent appraiser to give another opinion on that. If there was considerable discrepancy on that, I'm sure she could plead her case on the basis of that. But, other than acquiring the services of another appraiser, there isn't an appeal mechanism with respect to the price.

**MR. A. DRIEDGER:** Mr. Chairman, I'd have my doubts as to how much good that would do after the government has hired an appraiser and he comes in with a figure, and the individual's going to hire his own appraiser and try and challenge that. That would be pretty iffy in my mind.

I'm just wondering, on the Crown Lands Appeal Board, could the Minister indicate how many appeals were dealt with.

**HON. L. HARAPIAK:** I'd like to take that as notice and bring it back as specific information for tomorrow. Going back to the previous point that the Member for Emerson raised doubting the validity of the process, it's a judgment call. The appraisers have their criteria, and I certainly don't want to bring into question the judgment of the appraisers.

**MR. D. BLAKE:** Could the department, or the Lands Branch, whether it's through the transportation - I'm trying to tie it in to the abandoned rail lines - does the government not have a land appraisal group within its department?

**HON. L. HARAPIAK:** The Lands Acquisition Branch would be involved in the process of dealing with these abandoned railway beds. They would have their appraisers to determine the value of these as well.

**MR. D. BLAKE:** Do they hire the appraisers in their own right?

**HON. L. HARAPIAK:** I'm advised that they have accredited appraisers in their employ.

**MR. A. DRIEDGER:** Mr. Chairman, I would like to touch the area of wild rice at this stage of the game. I wonder if the Minister could indicate - I've raised this before previously - about the policy that the department has taken in terms of wild rice allocations and I want to ask him whether his department has had a legal opinion as to whether the system with which they operate is acceptable under the Constitution that we have at the present time?

**HON. L. HARAPIAK:** Mr. Chairman, I think the Member for Emerson is aware, and probably others are as well, that there are a couple of court challenges at this time, one by the Treaty Three group which is questioning whether we have jurisdiction over wild rice; and the other is the question of whether our Affirmative Action Program is constitutional. So there are two different legal questions that we are facing in this respect.

**MR. A. DRIEDGER:** Mr. Chairman, are these two situations that the Minister is referring to, are they before the courts right now, or is it just a matter of

whether somebody is giving a legal interpretation on it at the present time?

**HON. L. HARAPIAK:** Mr. Chairman, both those questions are before the courts at this time.

**MR. A. DRIEDGER:** Who are the parties involved in taking this to court? Is it the Provincial Government, the Manitoba Department of Natural Resources that is being taken to court, because of their policy? And if that is the case, who is actually challenging the government?

**HON. L. HARAPIAK:** In the question of jurisdiction over wild rice, the lawyers for the Treaty Three Indians are challenging our jurisdiction; and in the matter of the Affirmative Action, Mr. Green is representing a group of wild rice farmers, whose names I don't have individually, but Mr. Green is challenging whether the Affirmative Action Program is constitutional. I heard earlier reference to illegal activity. I think that is really a question - I wouldn't want to prejudge what the courts will determine. At this time we don't feel that it is illegal, it is being tested by the courts.

**MR. A. DRIEDGER:** Can the Minister, Mr. Chairman, indicate the period of time that he anticipates it will be until these matters are dealt with in court or are we looking at two-three years? If that is the case, what is the department doing right now in terms of any allocations for wild rice?

**HON. L. HARAPIAK:** Mr. Chairman, the action involving the Treaty Three Bands is probably going to be a long-term action. I hesitate to put a time frame on that one. With respect to the Affirmative Action, that case has been before the courts; it's going to be reconvened in September so, I presume, that before the end of the year we could have a decision on that matter.

We are not making any new allocations. The rice will be harvested by those, I guess who had the existing permits, and we have to remember that the Affirmative Action was not applicable to all areas in the province, but in those areas that were affected, the existing people would do the harvesting.

**MR. D. BLAKE:** Could the Minister tell us, is all of the wild rice available going to be harvested this year? Or are there going to be some lakes that are just going to be left to nature?

**HON. L. HARAPIAK:** Mr. Chairman, I'm advised that all of the producing lakes have been already allocated so that the wild rice in those areas will be harvested.

**MR. D. BLAKE:** Is there any monitoring done on the harvesting methods? As the Minister is probably well aware, the wild rice is harvested several times, it's harvested once, and three or four days later they can harvest it again. Whereas in the past, there were a lot of lakes that were harvested once and just left. Are they being harvested completely now or are some of them just be high-graded?

**HON. L. HARAPIAK:** Mr. Chairman, I would want to indicate to the Member for Minnedosa that we utilize

some of the new technology for monitoring the crop. In fact we utilized some of our satellite technology and when we get into mapping and surveying, we'll probably have a chance to refer to that. But through that information we can get some assessment on the crop, then when it is at the harvesting stage there is an effort to communicate with the people in the field and it is more a process of education rather than enforcement to ensure that people utilize the crop to the best extent possible.

But there is close communication between our people and the people who are harvesting.

**MR. D. BLAKE:** I wonder if the Minister could tell us whether our yield is increasing in our wild rice harvest and what the market conditions are.

**HON. L. HARAPIAK:** Mr. Chairman, there's indication that the price range - and it's difficult for us to determine because we don't set it, it's sort of dictated by the market - it could range from \$1.00 to \$1.80, those are the projections, and because of the high water levels, there is some indication that perhaps the total yield could be down slightly from last year.

**MR. D. BLAKE:** Is \$1.80 a pound green, Mr. Chairman?

**HON. L. HARAPIAK:** Yes, Mr. Chairman, I'm advised that's green.

**MR. D. BLAKE:** And that's bought on the lake before it's processed or anything of that nature.

I wonder if the Minister could give us some idea of how many lakes, or what the acreage of reseeding on wild rice is. Does he have a figure on how many lakes or what area would be considered that are reseeded and cultured wild rice?

**HON. L. HARAPIAK:** If the Member for Minnedosa was interested in specific sites, we could get that information, but I've just indicated that the bulk of the effort in terms of reseeding is taking place in the Northern part of the province.

In fact I had the opportunity to attend a meeting of the - I believe it's called the Northwest Wild Rice Growers Cooperative - and it is in that region that they are particularly active. This region of the province has increased licences from 24 in 1982 to 275 as of the 31st of December of the previous year. The 31st of December, 1985, there were 275. So it's about a ten-fold increase in the number of licences in a period of three years.

**MR. D. BLAKE:** Mr. Chairman, are these all Native licences, or are they a mixture of entrepreneurs and local people?

**HON. L. HARAPIAK:** That area is not included in the Affirmative Action zone so there's quite a mix of people involved in the industry.

**MR. D. BLAKE:** What would be included in that area? Give us geographically, some idea where that area is. Would that take in the Snow Lake area?

**HON. L. HARAPIAK:** The zoned area, I have a map here that I could share with the member later, but basically the zoned area does not go north of - well, the Pelican-Swan Lake area is the furthest zoned area and everything beyond that is open.

**MR. D. BLAKE:** It's considered the Northwest. Is that where the Northwest Co-op operate out of?

**HON. L. HARAPIAK:** Right. It's open.

**MR. A. DRIEDGER:** Mr. Chairman, I just want to pursue it a little further. It is my understanding that the wild rice development across the line has been pretty substantial and they've developed pretty good markets. Is there any effort within this department to try and expand our wild rice harvests so that we can be competitive and catch our share of the market?

Maybe I'm wrong, but I believe we've had discussion that it's been developed quite extensively in Minnesota and North Dakota, California, and certainly there is obviously a lucrative market out there and it's good income for many of our people. Is there some program in place where the department is looking at expanding this and keeping competitive?

**HON. L. HARAPIAK:** Mr. Chairman, I want to indicate to the member that our efforts have been directed more to the production, to involving ourselves with the producers at the production level, rather than in the marketing effort. I think the cooperative itself is one example that has a good effort in terms of marketing. So we are concentrating our efforts in assisting with the production, and the biggest part of the effort has been in the northwest region, which seems to be a developing region. It has a good quality product; the other areas are pretty much developed at this stage. That's the area that we see with the greatest potential for development.

**MR. A. DRIEDGER:** Mr. Chairman, the Minister is saying that there is an ongoing program of expanding as much as possible the wild rice in certain areas? Is that what the Minister is saying, that his department is promoting the expansion in certain areas where it's feasible?

**HON. L. HARAPIAK:** Mr. Chairman, there are approximately five people within this section who would deal specifically with the wild rice project so yes, we are involved in working with the different producers, with the cooperative, with individuals, test seeding, making information available to try and facilitate expansion of this industry.

**MRS. C. OLESON:** Earlier this evening, I mentioned the abandoned right-of-way and the plan to put it into a recreation corridor; and I'm referring to the right-of-way that goes through, I think it's called Edwin to Brandon junction, and it goes through North Norfolk and North Cypress. Could the Minister give us an update on what stage that project is?

**HON. L. HARAPIAK:** Mr. Chairman, the advice that I have is that this is really an outstanding issue yet, in that there appears to be some difference of opinion

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between the municipal authorities, and that the municipal authorities have expressed an interest in the farm land being added to the holdings of the farmers in the area; so it is at this time really not an issue that has been resolved.

**MRS. C. OLESON:** Has the department had discussions with the municipalities involved with a view to solving this problem and listening to the concerns that they have regarding the use of this land?

The letter I have, which I'm sure the Minister's department got, was that they were concerned with liability of the people who cross the land. They were concerned with a great many other issues with regard to people using this, because it goes through so-called back country where there are no other roads and they were concerned with cattle and so forth. So I was wondering if the department has had some discussions with those municipalities to hear the concerns that they have.

**HON. L. HARAPIAK:** Mr. Chairman, there are particular staff who are not here tonight who have had some communication and we would be able to get that information. We'll update that for tomorrow and we'll get that information for the Member for Gladstone for tomorrow.

**MR. CHAIRMAN:** 6.(a)(1) to 6.(e)(2) were each read and passed.

Resolution No. 124: Resolved that there be granted to Her Majesty a sum not exceeding \$1,975,500 for Natural Resources, Lands, for the fiscal year ending the 31st day of March, 1987—pass.

What is the pleasure of the committee?

The Member for Emerson.

**MR. A. DRIEDGER:** Do you want committee to rise?

**MR. CHAIRMAN:** Committee rise.

Call in the Speaker.

**IN SESSION**

**MR. DEPUTY SPEAKER, C. Santos:** Is there a motion to adjourn the House?

The Minister of Natural Resources moved, seconded by the Member for Emerson, that the House be now adjourned.

This House is now adjourned and stands adjourned until tomorrow at 2:00 p.m. (Tuesday).