

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Wednesday, March 31, 1965

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

HON. CHARLES H. WITNEY (Minister of Health) (Flin Flon): Madam Speaker, I beg to present the first report of the Special Committee of the House appointed to examine and investigate into the matter of dental technicians and denturists in the province. Madam Speaker, this is just an interim report and we're merely listing the names of the people and the organizations that made representations to the committee, and I would suggest that we could dispense with the reading of the report. The report will be printed in both the Proceedings and in Hansard.

MADAM SPEAKER: All agreed?

MR. WITNEY: Madam Speaker, I move, seconded by the Honourable the Minister of Education, that the report be received.

MADAM SPEAKER presented the motion.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Madam Speaker, before the question is put, I'd like to ask some questions of the Minister. I notice that he said that this is an interim report. I gather then that it is the intention of the committee to have further meetings. Does he visualize that these meetings will extend beyond this particular session, that is, in the period after the session, or will they be completed and will the final report be given to the House during the course of this session?

MR. WITNEY: Madam Speaker, we anticipate that we will be able to conclude our deliberations before the end of the session, and a report presented before the session closes.

MR. J. M. FROESE (Rhineland): Madam Speaker, before you put the question, will there be a motion of concurrence later on, on this report?

MR. WITNEY: It will come later, Madam Speaker. This will come when we have the final report.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

REPORT TO THE LEGISLATURE OF THE SPECIAL COMMITTEE  
OF THE LEGISLATURE RE DENTAL SERVICES

The Legislative Assembly of Manitoba at its Second Session of the Twenty-Seventh Legislature, on the nineteenth day of March, 1964, constituted a Special Committee of the House to examine, investigate, inquire into, study and report on all matters relating to the determination of the proper role to be filled by dental technicians and denturists in the provision of dental service consistent with sound public health policy, and to make such findings and recommendations as are deemed advisable with respect thereto. To carry out its duties, the Committee held hearings in Regina, Edmonton, Vancouver, Winnipeg and Toronto and in that order.

The Committee expresses its thanks to the various people who appeared before it, mainly representing specific organizations. Listing those who appeared before the Committee reveal the extent of the Committee's inquiries.

Regina, Saskatchewan, October 29, 1964.

Mr. Douglas McLeod, President of the Dental Technicians' Association;

Dr. Smith, Dr. Hancock, Dr. Martin and Mr. Gates, Executive members, and counsel of the College of Dental Surgeons of Saskatchewan;

Mr. Claire Halstead and Mr. Grant Barrich of the Denturists' Society of Saskatchewan;

Dr. J. G. Clarkson, Deputy Minister of Health, and

Mr. Willis, Solicitor for the Department of Health, Saskatchewan.

Edmonton, Alberta, October 27, 28, 1964.

Mr. Edward Thompson, President of the Certified Dental Mechanics' Association of Alberta, and

Mr. K. Katz, Member of the Board of Examiners, and Vice-President of the Dental Mechanics' Association of Alberta;

Mr. W. A. B. Saunders, Principal of the Northern Alberta Institute of Technology, and

## Edmonton (Continued)

Mr. M. F. Kelsey, Supervisor of Courses at the Northern Alberta Institute of Technology;

Mr. Arthur Johnston, Chairman of the Board of Registered Dental Technicians for the Province of Alberta;

Dr. George Decker, Secretary, Alberta Dental Association;

Honourable Dr. J. G. Ross, Minister of Health, Alberta;

Dr. McCallum, Deputy Minister of Health, Alberta, and

Drs. Salter and Rose, Department of Health, Alberta;

Dr. H. R. MacLean, Dean, Faculty of Dentistry of the University of Alberta;

Dr. C. W. B. McPhail, Head of Preventive and Public Health Dentistry, and

Dr. S. G. Geldart, Clinical Director of the Faculty of Dentistry.

Vancouver, British Columbia, October 29 - October 30, 1964.

Mr. William Wallace and Mr. W. Elder, Members of the Executive of the Dental Technicians' Board (Government Board);

Mr. Alex Porteous, Administrative Assistant to the Minister of Health of British Columbia;

Dr. S. Wah Leung, Dean of the Faculty of Dentistry, University of British Columbia;

Mr. E. Hossack, President of the Public Denturists' Society of British Columbia, and

Mr. Wilfrid La Pointe, Former Vice-President of the Public Denturists' Society of British Columbia, and representative of Public Denturists on the Government Technician Board of British Columbia;

Dr. W. P. Munsie, President, College of Dental Surgeons of British Columbia.

Winnipeg, Manitoba, November 16, 17, 1964.

Dr. A. D. McKee, President, Manitoba Dental Association;

Dr. W. G. Campbell, Secretary, Manitoba Dental Association;

Dr. J. W. Neilson, Dean, Faculty of Dentistry, University of Manitoba;

Dr. T. L. Marsh, Associate Professor Oral Biology, Faculty of Dentistry;

Dr. Harold Hart, Professor of Prosthodontology, Faculty of Dentistry, and

Mrs. Marjorie Forgay, Directress, Dental Hygiene, Faculty of Dentistry;

Mrs. Mary Andree, Private citizen;

Mr. D'Arcy Pagan, Vice-President of Association of Dental Technicians, (Denturists in Manitoba).

Mr. Gordon Smith, Advisor to the Dental Technicians;

Mr. Peter Ross, who operated dental laboratory until 1958; (member of Association of Dental Technicians (Denturist in Manitoba));

Mr. A. H. Thorndycraft, Chairman of the Manitoba Denture Clinic;

Mr. A. C. Froude, Representing Senior Citizens' Federation Association of Manitoba;

Mr. Bruce Thompson, Spokesman for the Provincial Society of Dental Technicians;

Mr. Anthony Simpson, Salesman (private citizen);

Mr. Edwyn Dalgleish, Vice-President, Manitoba Farmers' Union.

Toronto, Ontario, December 6, 1964.

Dr. W. Dunn, Registrar, Royal College of Dental Surgeons of Ontario;

Dr. D. W. Gullett, Immediate Past Secretary, Canadian Dental Association, and

Dr. W. McIntosh, Secretary, Canadian Dental Association;

Dr. Roy Ellis, Dean, Dental College, University of Toronto, and

Dr. K. J. Paynter, Department of Dental Research, University of Toronto;

Mr. E. Vowles, Chairman of Board of Dental Technicians of Ontario;

Dr. Herbert Mercer and Mr. J. Wyatt, members of the Board of Dental Technicians of Ontario;

and Mr. Charles Goodall, Secretary and Mr. J. D. Ley, Treasurer, of the Board of Dental Technicians of Ontario.

Members of the Committee also visited the Northern Alberta Institute of Technology Dental Laboratory, Dental Mechanics Laboratories in Edmonton and Dental Mechanics Laboratories in Vancouver.

The Committee has not as yet completed its work but wishes to report progress. It wishes to continue its deliberations and requests that it be re-constituted and re-appointed

(Report re Dental Services cont'd) . . . . . to sit during the present session and during recess, if necessary.

All of which is respectfully submitted. (Signed) C. H. Witney, Chairman of Committee.

MADAM SPEAKER: Notices of Motion  
Introduction of Bills

HON. MAITLAND B. STEINKOPF, Q. C. (Provincial Secretary and Minister of Public Utilities) (River Heights) introduced Bill No. 106, an Act to amend The Real Estate Brokers Act.

HON. GEORGE HUTTON (Minister of Agriculture) (Rockwood-Iberville) introduced Bill No. 100, an Act to amend The Ground Water and Water Well Act.

MR. LAURENT DESJARDINS (St. Boniface) introduced Bill No. 112, an Act to amend The Public Schools Act.

MADAM SPEAKER: Before the Orders of the Day, I would like to attract your attention to the gallery where there are some 42 Grade 5 students from Collicut School under the direction of their teachers, Mr. Heide and Miss Palas. This school is situated in the constituency of the Honourable the Member for Seven Oaks.

There are also some 17 Indian Upgrading School students under the direction of Mr. Kelner. This school is situated in the constituency of the Honourable the Member for Rupertsland. On behalf of all members of this Legislative Assembly, I welcome you. Orders of the Day.

MR. MOLGAT: Madam Speaker, before the Orders of the Day I would like to address a question to the First Minister. Has he anything further to report on the negotiations regarding the Pan-American Games with the City of Winnipeg and the Federal Government?

HON. DUFF ROBLIN (Premier and Provincial Treasurer) (Wolseley): Madam Speaker, I can report that negotiations are fast and furious but I am not able to make any announcement at the moment.

MR. DOUGLAS L. CAMPBELL (Lakeside): How furious?

MR. ROBLIN: Not as furious as all that.

MR. NELSON SHOEMAKER (Gladstone): Madam Speaker, before the Orders of the Day are proceeded with, I would like to direct a question to the Honourable the Attorney-General. I asked this question a week ago and I will repeat it now. This is in regard to the liquor outlet, or the application for one, that was made by certain persons or organizations at Wasagaming or Clear Lake. I am told that the final day on which a protest can be made is day after tomorrow, and the point was that there's no one at the Lake to register a protest at this time of the year. And my question is, what steps is my honourable friend the Attorney-General making to see that democracy is dealt with in a democratic manner up there?

HON. STEWART E. McLEAN, Q. C. (Attorney-General) (Dauphin): Madam Speaker, since the matter was drawn to my attention by the Honourable the Member for Gladstone-Neepawa a week ago, instructions have been given to defer further consideration of this application. It will not be considered until summertime, at which time all those who are directly interested will have an opportunity of making their representations.

MR. SHOEMAKER: Thank you very much, Madam Speaker.

MR. T. P. HILLHOUSE, Q. C. (Selkirk): I would like to address a question to the Honourable the Attorney-General. What is the practice of the RCMP in respect of government liquor which has been confiscated? Is it destroyed?

MR. McLEAN: Madam Speaker, they make a report to the Attorney-General, who directs its disposition. My recollection is that most of it is destroyed but only on the order of the Attorney-General.

MR. HILLHOUSE: Would the Honourable the Attorney-General take under advisement the question of -- particularly in relation to good liquor; I mean liquor that's bought from . . . . . -- handing it over to the Veterans hospitals?

MR. McLEAN: I'm just trying to think, Madam Speaker, as I answer the question, if we don't already have some of it go to the hospitals, and I hesitated to say so just at the time because I wasn't too certain, but if we're not doing that now I'll be glad to take that under consideration and in particular to keep in mind the hospital of the Honourable the Member for Selkirk.

MR. HILLHOUSE: Madam, I'd like a little clarification on that. I have several hospitals in the Town of Selkirk. Which one are you referring to?

MR. McLEAN: Yours.

MR. HILLHOUSE: . . . . . aware of the fact that I'd taken the hospital over.

MR. HUTTON: Madam Speaker, I move seconded by the Honourable the Minister of Industry and Commerce . . . .

MR. MOLGAT: Madam Speaker, I . . . . Oh. Well, I would have another question before the Orders of the Day if I may, to the Minister of Education. Is it correct that there was a meeting in Ottawa on Monday of this week of representatives of the provincial governments, that is, the Departments of Education, and the Federal Government relative to standardizing the granting of loans to students under The Bursaries Act?

HON. GEORGE JOHNSON (Minister of Education) (Gimli): I'm just not sure of the date, I'll have to check that, but I believe that Mr. Dalton in our Department, the Assistant Deputy Minister, is chairman of that particular needs committee. Now he spoke to me yesterday about this matter. I'd have to double-check. I thought he was about to go -- maybe he's just returned. I couldn't be sure. It's under discussion.

MR. E. R. SCHREYER (Brokenhead): Madam Speaker, I'd like to direct a question to the First Minister. Some time ago he requested a national meeting to discuss wheat policy and prices. I would simply ask him if he has received any indication of time or place of such a meeting.

MR. ROBLIN: In answer to my honourable friend, I have received no reply to that letter as yet.

MR. MOLGAT: A subsequent question to the Minister of Education. Would it be fair to say then that the Department, or the Minister, is not quite sure whether he's coming or going under this question at the moment?

MR. JOHNSON: . . . . . is, Mr. Chairman, that the gentleman, the Assistant Deputy Minister, has advised me on the matter the other day that the conclusions have been, they've pretty well come to a conclusion on uniform needs principles, or the principles they will apply across the province, and he had not yet -- he told me he would communicate these to me at the first opportunity so I'm not sure if he just came back or was about to go.

MR. FROESE: Madam Speaker, I would like to bring to the attention of the members of this House that the 1965 Manitoba Mathematical Contest was won by one Ronald Klassen who attends the MCI, the Mennonite Collegiate Institute at Gretna. This was a distinguished honour and it is going to Mr. Klassen, as I've already said, who is attending a private school, and I think this speaks well for our private schools.

#### ORDERS OF THE DAY

MR. HUTTON: Madam Speaker, I move, seconded by the Honourable the Minister of Industry and Commerce, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee to consider the bills standing in my name.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of the Whole with the Honourable Member from Winnipeg Centre in the Chair.

#### COMMITTEE OF THE WHOLE HOUSE

Bills No. 22, 30, 31, 32, 34 and 35 were read Section by Section and passed. Bill No. 56: Section 1 was read and passed.

MR. CAMPBELL: Mr. Chairman, in connection with this one I would like to ask the Minister if he has had any further representation from the Rural Municipality of Portage la Prairie.

MR. HUTTON: None, Mr. Chairman.

The remainder of Bill No. 56 was read section by section and passed.

MR. CHAIRMAN: Committee rise. Call in the Speaker. Madam Speaker, the Committee of the Whole have considered Bills No. 22, 30, 31, 32, 33, 34, 35 and 56, and have adopted all of these bills without amendment.

#### IN SESSION

MR. JAMES COWAN, Q. C. (Winnipeg Centre): Madam Speaker, I move, seconded by the Honourable Member for Wellington, that the report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

Bills No. 22, 30, 31, 32, 33, 34, 35 and 56 were each read a third time and passed.

MADAM SPEAKER: Address for Papers standing in the name of the Honourable the Member for Lakeside.

MR. CAMPBELL: Madam Speaker, I move, seconded by the Honourable the Member for Selkirk, that an humble address be presented to His Honour the Lieutenant-Governor praying for copies of all correspondence and agreements between the Government of Canada, or any Department, Minister, Commission, Board, Agency or official thereof, and the Government of Manitoba or any Department, Minister, Commission, Board, Agency or official thereof, dealing with the so-called Winnipeg Floodway, the so-called Portage Diversion and the so-called Shellmouth Reservoir.

MADAM SPEAKER presented the motion.

MR. HUTTON: Madam Speaker, we are prepared to accept the address but subject to the usual reservations and excepting those matters which are under negotiation.

MR. CAMPBELL: Madam Speaker, last year I moved a resolution I think in identical terms with this one and it was accepted, I believe, without any reservations at that time. I presume that the necessary agreements were obtained at that time and so I would anticipate no difficulty in getting them again this year.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Carillon.

MR. BARKMAN: Madam Speaker, I beg to move, seconded by the Honourable Member of La Verendrye, that an Order of the House do issue for a Return showing: 1. What well-drilling companies or individuals were employed by the Department of Agriculture through the Water Control and Conservation Branch since its establishment, and how much was paid to each in each fiscal year. 2. Whether all of this work was let out by public tender. 3. If it was not all let out by public tender, which items were not so let. 4. What well-drilling companies or individuals were employed by the Department of Agriculture with regard to the following projects: (a) The Red River Floodway; (b) The Portage Diversion; (c) The Shellmouth Reservoir. 5. How much was paid to each in each fiscal year. 6. Whether all this work was let out by public tender. 7. If it was not all let out by public tender, which items were not so let.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Gladstone.

MR. SHOEMAKER: Madam Speaker, I move, seconded by the Honourable Member for Carillon, that an Order of the House do issue for a Return showing the following information regarding the Shellmouth Dam and Reservoir: 1. Whether all the land required has been purchased. 2. What was the total cost. 3. A breakdown of all the purchases showing: (a) the name of the person or persons from whom the government purchased the land; (b) the legal description and size of the property; (c) the price paid including all extra payments for severance, moving etcetera. 4. The share of the cost paid by the Government of Canada and the share paid by the Government of Manitoba. 5. Whether any land was expropriated. 6. If so, the details of all expropriations.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for La Verendrye.

MR. ALBERT VIELFAURE (La Verendrye): Madam Speaker, I beg to move, seconded by the Honourable Member from Carillon, that an Order of the House do issue for a Return showing: 1. The names and addresses of all the advertising agencies, public relations firms and similar organizations used during the fiscal years ending March 31, 1962, March 31, 1963 and March 31, 1964, by each of the Departments of the Manitoba Government, and the Commissions, Boards, Agencies, Funds and Committees set up by the Manitoba Government. 2. The amount of business placed with, by or through each of the firms above for the fiscal years ending March 31, 1962, March 31, 1963 and March 31, 1964.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: Order for Return standing in the name of the Honourable the Member for Brokenhead.

MR. SCHREYER: Madam Speaker, I would ask for leave to insert one phrase in number (1) and to correct a spelling error in number (2). Madam Speaker, I move, seconded by the Honourable Member for Seven Oaks, that an Order of the House do issue for a Return showing: 1. The amount paid by the Government of Manitoba for the work done in each of the cases as shown in the Return to Order of the House No. 3. 2. The section, township and range or other appropriate legal description of the properties (plural) on which the Well repairs were made.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. McLEAN presented Bill No. 67, an Act respecting The Unsatisfied Judgment Fund and the Administration thereof, for second reading.

MADAM SPEAKER presented the motion.

MR. McLEAN: Madam Speaker, as I indicated at the time of the resolution in the committee stage, this bill extracts all of the provisions respecting The Unsatisfied Judgment Fund from The Highway Traffic Act, and places them in a separate bill and statute, and to be administered as such. To that extent there is no change from the provisions of the present statute, The Highway Traffic Act relating to the administration and the operation of The Unsatisfied Judgment Fund. There are one or two important additions with respect to the administration of the Fund of which I would like to inform the members of the House.

I would point out one change with respect to administration, and that is that it is proposed, by this bill, to put the administration of this bill, or this Act, under the Department of the Attorney-General, who will be solely responsible for the administration of the Fund, if, as and when this bill becomes law. I would think the most important addition to the provisions that have heretofore been part of this law is the addition of property damage to the claims which may be covered by payment out of the Fund, and members will find a provision in the bill that where property damage is part of the claim -- part of the judgment -- and where it exceeds \$200.00, that amount, the amount of the judgment may be paid from the Fund, having satisfied all of the other requirements of the Act, up to a maximum amount in respect of any one particular judgment of \$3,000.00. This would mean that if there was total property damage of \$3,200.00, \$3,000.00 might be recovered from the Fund.

There is a complementary provision in the bill which provides that where -- really stipulates that the maximum amount that may be paid out in respect of any one accident, all claims inclusive -- and this is necessary because of the addition of property damage claims -- is \$35,000, which is of course the amount at the present time, and is in compliance with the provisions of The Insurance Act which now stipulates that in automobile insurance policies the minimum amount is \$35,000 -- that is, for public liability and, as I say, property damage has been added -- to the extent that in respect of a particular accident or judgment there may be a part of the claim in respect of property damage. That of course reduces -- because of the over-all limitation in the amount, it reduces the amount that is available for the payment of damages for personal injuries. There are provisions in the bill for establishing the priorities where there are both property damage claims and personal injury claims.

There is an important provision in the bill which provides that when a judgment is assigned to the Provincial Treasurer as is the present arrangement, that that judgment remains in force irrespective of the length of time that it has been in force and without any action to re-sue the judgment. Under normal law, judgments are required to be re-sued at the end of ten years in order to keep them enforced. This provision would remove that requirement insofar as judgments held by The Unsatisfied Judgment Fund in respect of payments which had been made by the fund. Then, if such a judgment should be re-assigned back to the other parties, the time during which it has been held by the Provincial Treasurer does not count insofar as the limitation of actions is concerned.

There are some provisions in the bill respecting the payment of expenses for the investigation and recovery of monies owing to the fund. It was found that perhaps our authority in that regard wasn't as wide as seemed advisable, and the members will find provision for authorizing the payment from the fund, of expenses which are incidental to the recovery of monies that are owing to the fund in respect to judgments that have been paid from the fund; and there are the necessary provisions in the bill to cover the transition from the present arrangement and the present Act, the present statute, to the new arrangements.

MADAM SPEAKER put the question.

MR. STEVE PATRICK (Assiniboia): Madam Speaker, I move, seconded by the Honourable Member for Carillon, that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

HON. WALTER WEIR (Minister of Public Works) (Minnedosa), in the absence of the First Minister, presented Bill No. 68, an Act respecting Highways and The Highways Department, for second reading.

MADAM SPEAKER presented the motion.

MR. WEIR: Madam Speaker, Bill No. 68 is made up primarily from lifting those sections of the existing Public Works Act that pertain to highways and putting them in this Act. There are a few changes in principle that I think probably I might mention, one of them being that the declaration and abandonment of provincial trunk highways and provincial roads in the new Act are to be established after the proclamation of this Act by regulation rather than by Order-in-Council. The numbering of trunk highways and roads is to be established by regulation as well. Up to the present time the numbering has been done by the Department as they saw fit. The numbers are being used by commercial people now and they're also being used by the Highway Traffic and Co-ordination Board, and it's thought that this further consideration should be done prior to changes of numbers.

At the present time, highways and roads are closed by Order-in-Council. The new Act provides for the Minister to close roads by written order. These are in small areas where the road allowance is no longer required for travel purposes. It maintains that any vesting that is done to a municipality or other persons continue to be done by the Lieutenant-Governor-in-Council.

There's also authority within the Act to allow the Province of Manitoba to enter into other jurisdictions that are contiguous to Manitoba for construction and maintenance of roads. This comes about because of a particular situation in the area of Flin Flon on No. 10 Highway where a little bit of No. 10 Highway goes into Saskatchewan. Saskatchewan now has legislation which authorizes us to have an agreement with them, and this will eliminate any legal possibilities that there might be should there be an accident, in the care and maintenance of the road or something of that nature. I think these are the major changes in Bill 68, Madam Speaker.

MADAM SPEAKER: Are you ready for the question?

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Madam Speaker, I beg to move, seconded by the Honourable Member for Lakeside, that the debate be adjourned.

MADAM SPEAKER presented the motion, and after a voice vote, declared the motion carried.

MR. WEIR, in the absence of the First Minister, presented Bill No. 69, an Act respecting The Department of Public Works, for second reading.

MADAM SPEAKER presented the motion.

MR. WEIR: Madam Speaker, the same applies to this Act pretty well -- the same explanation as applies to The Highways Act, Bill 68. There are some changes. One of them here is the increase in the value, the amount of the value of property to be disposed of by the Minister without reference to the Lieutenant-Governor-in-Council. Bill No. 69 increases this from \$100.00 to \$500.00. It also provides authority to regulate parking on government grounds and has prescribed fees for parking privileges, and it also allows for the establishment of fees for other things that the department may do. One of the things may well be the sale of water, for instance, at the Cranberry Portage School, where -- my understanding now is that Cranberry Portage has been receiving the benefit of water from the federal government from the radar base, and this will allow arrangements like that to be made.

It also provides that lands which are of a residential, commercial or industrial nature fall under the control of the Minister of Public Works, while lands primarily of a non-commercial nature would be turned over to the Minister of Mines and Natural Resources under the Crown Lands Act.

MADAM SPEAKER: Are you ready for the question?

MR. HRYHORCZUK: Madam Speaker, I beg to move, seconded by the Honourable Member for Selkirk, that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. JOHNSON presented Bill No. 79, an Act to amend The School Attendance Act, for second reading.

MR. STEINKOPF presented Bill No. 84, an Act to amend The Unconscionable Transactions Relief Act, for second reading.

MADAM SPEAKER presented the motion.

MR. STEINKOPF: Madam Speaker, Section 6(1) of the present Act states that nothing in this Act affects the rights of a bona fide assignee or holder of value without notice. The intention of the amendment is that this will remove that provision from the Act, so that the assignee would now be liable under the Act under certain conditions.

MR. HILLHOUSE: Madam, I wonder whether the Honourable Minister is aware of the fact that perhaps his amendment will not achieve the end which he seeks, and my statement is based upon the fact that some of these unconscionable transactions may be evidenced by a promissory note, in which a certificate of title is simply taken as collateral, and in respect of which collateral security that person could file a caveat in a Land Titles Office. Now this amendment is intended to cover an assignee or a transferee from the original lender. What I want to point out is this, that I wouldn't want anybody to have the idea that this Unconscionable Transaction Act is going to achieve what we hope it will achieve, because I am quite satisfied in my own mind that the only way that any person is going to get relief, that is total relief from an unconscionable transaction, is by keeping out of them.

To go on further, Madam, the reason why I say that where a lender takes as security a promissory note, and perhaps takes a title as collateral to that note, that lender could dispose of that promissory note to a holder in due course, which is covered by a Federal Act, The Bills of Exchange Act. A holder in due course is defined in that Act as a person who has taken a bill -- and that could be a promissory note -- complete and regular on the face of it, under the following conditions, namely: (a) That he became the holder of it before it was overdue and without notice that it had been previously dishonoured if such was the fact; (b) That he took the bill in good faith and for value, and that at the time the bill was negotiated to him he had no notice of any defect in the title of the person who negotiated. Now my point is this, that regardless of our putting through this amendment, we're not going to touch any person or affect any person who is a holder in due course under the Bills of Exchange Act of the Federal Parliament. And I wouldn't want anybody to think that because we are putting through this amendment that we're plugging up a loophole in this Act, because we're not, and I think the only way that we can get any place is by asking the Federal Government, which has jurisdiction over promissory notes and Bills of Exchange, which has jurisdiction over interest, to take under advisement the question of putting through Federal legislation to cover this particular point, because I'm quite satisfied that we have not the power provincially to give to people the protection which we would like to give them against such transactions.

MR. SAUL CHERNIACK, Q. C. (Winnipeg Centre): Madam Speaker, the Honourable Member for Selkirk is, of course, right in what he has said, but I don't entirely agree with the last sentence, that we do not have the power to protect people from unconscionable transactions. I think this Legislature has a great deal of power available to it which it is not prepared to use, as is evidenced by the fact that speeches have been made here, and resolutions, time and again proposing various measures that could be used, which this government has not adopted. I don't propose to repeat what some of us, including the Honourable Member for Selkirk, had occasion to say in previous years, and I won't deal now with the resolution that is still before us on consumer protection, nor will I deal with what is supposed to be coming before us in terms of credit protection, consumer credit protection, as outlined in the Speech from the Throne. But I would point out, Madam Speaker, to the Honourable Member for Selkirk that this Act never did really purport -- well it did purport to take care of unconscionable transactions but it never did cover anywhere more than the very limited field of real property mortgage transactions, and the honourable member may recall that I suggested last year that the name was improper, that the name gave a false sense of security to many people who seemed to feel that it had much more scope than it did. Actually it doesn't. I still am under the firm conviction that it applies only to real property mortgage transactions.

The honourable member is shaking his head and that won't appear on Hansard unless I say so, so obviously he disagrees with me, and possibly the Honourable Minister, who will have the last word anyway, will settle the opinion that we differ on as to whether or not it is limited to real property mortgages. To the extent that this bill attempts to put a patch on a loophole that was seen by some of us last year, which was pointed out vociferously and was



(MR. CHERNIACK cont'd) . . . . . ignored by the government, I can only say we told you so, and we wish you would listen to us more intently and act more quickly on the suggestions that we make, because certainly we did deal with this particular aspect of the problem. So that I think we should accept it as being another step in the right direction, an attempt to, in a limited way, protect people from unconscionable transactions, but let us, as the Honourable Member for Selkirk says, let us not feel that the field has been covered or that we can rest secure on this entire question of consumer credit protection.

MR. MOLGAT: Madam Speaker, I presume it's always dangerous for a non-lawyer to become involved in a legal argument with gentlemen of that profession, but it seemed to me that the Honourable Member for St. John's when he was speaking indicated that this was largely to do with mortgages, and while it's true that it does cover mortgages I think that the Act as it presently stands goes far beyond simply the mortgage field. It really deals, as indicated in the original Act, which is Chapter 13 of the Statutes 1964, Second Section, with all monies lent regardless of the basis on which they are lent. Whether it be mortgage or any other basis at all, it covers any money that is lent, and it is not I think proper to indicate that this is simply a matter of mortgages. It's all money transactions. What it does not cover, of course, is sales of goods, and in this particular field there are many complaints about improper practices, but insofar as money lent it covers mortgages and any other loans.

MADAM SPEAKER put the question and after a voice vote declared the motion carried.

HON. GURNEY EVANS (Minister of Industry and Commerce) ( Fort Rouge ): Madam Speaker, I wonder if the Honourable Member for Rhineland is prepared to go ahead with the motion to go into the Committee of Supply.

MR. FROESE: Madam Speaker, I would like to have the matter stand.

MR. EVANS: . . . . . that, I am sure that the House will be willing to allow this matter to stand.

MADAM SPEAKER: Agreed?

MR. EVANS: Next, Madam Speaker, I wonder if you would call the adjourned debate on the proposed motion of the Honourable the Provincial Secretary standing in the name of the Honourable Member for St. James -- Assiniboia, I mean.

MADAM SPEAKER: The adjourned debate on the proposed motion standing in the name of the Honourable the Provincial Secretary. The Honourable the Member for Assiniboia.

MR. PATRICK: Madam Speaker, I adjourned debate because of the slowness and reluctance of this government to take any action as far as highway safety is concerned. I would inform the House that I am one of the members of the Special Committee on Highway Safety, and I want to say I was somewhat disappointed that we only had four meetings and the first meeting was held in the late fall, October 19th, 1964. However, I would like to say the Committee did study the resolution, the ten points that were on the resolution, and we have made certain recommendations so I would be safe to say we are moving in the right direction and some progress has been made.

Madam Speaker, 1964 saw an all-high record in Manitoba in traffic fatalities -- over 190 fatal accidents occurred in this province. I think the time is long past when people, particularly young students, should be allowed behind the wheel of a motor vehicle without proper instruction and proper education as far as highway safety is concerned. It is over two years since I presented a resolution to this House for highway safety education in schools. I believe this resolution was ruled out by the Attorney-General, then the Minister of Education, who informed the House at that time that there would be legislation coming in and proposed by the Department of Mines and Natural Resources.

Well this is somewhat two years later and I don't believe anything has been done. As far as I am concerned there's nothing been done. Madam Speaker, as far as I am concerned I would like to say, "Let's get on with the job." I don't know if the government will be taking any action as far as the recommendations and the studies that have been done by the special committee on the ten points that we have considered. Are we going to re-institute the committee again to study the whole matter or are we going to take some action on some of the points that have been considered by that committee? I think we should start immediately to give highway safety instruction in our schools, to provide lessons, to develop proper attitudes, in theory and, as well, behind a wheel. Let's do something immediately about the crosswalks and traffic lights. Let's deal with some area of safety measures that has been studied by our committee; and I would like to digress just for one moment. The traffic situation in Assiniboia.

(MR. PATRICK cont'd) . . . . .

In the last 10 days I have received somewhere in the neighbourhood of 200 letters requesting traffic lights in the Kirkfield area. I remember quite well when we had our discussions last year everybody was concerned about the uniformity of crosswalks and traffic lights. Well I don't think we should wait for two years, three years, or five years before we come up with a uniform policy, what the crosswalks should be. I think we should take some action now, because it is a serious matter. We've had some serious accidents in that area, some fatal ones, and the people are certainly concerned. I've had many calls in the last I'd say three or four days, to the effect that the drivers were not going to stop at any crosswalks because the crosswalks are not properly marked. For instance, the first car stops, the second one goes right by because they don't see the cross markings, and particularly when Portage is quite wide and you have just the small markings on each end it is difficult for traffic to see the markings on the side. So I am disappointed this committee, of which I was a member, did not consider other matters beside the ten points that was assigned to this committee. I think that we were supposed to have studied all matters pertaining to highway safety and legislation, but which we did not.

I think there are many other matters relating to highway safety, for instance people who are driving nowadays and considered unphysically fit to drive. Have there been any studies made in this field? There's something -- for instance, court driving clinics -- many areas that we could have studied which we didn't.

We spend millions of dollars to mend broken bones caused by traffic accidents, so it is only logical we should spend money for education to promote proper highway safety. I would like to inform the House there are certain areas in Canada and the United States where at the present time there are programs being carried out on traffic safety and education. For instance, the State of Washington has carried out a highway education program for 2,000 drivers. After completion of the program there were tests made on 4,000 drivers, and the results were that there was a 52 percent reduction from the drivers that had taken the highway safety course. So I would say it certainly is a significant factor by this House taking immediate action to implement some highway safety into our schools. The Consumer Company of Toronto using a refresher course for highway safety for its drivers showed a 52 percent reduction in traffic accidents as compared to the ones that had not taken the course.

Madam Speaker, all I can say, I'm glad that the committee will be raised to study the matter again because highway safety is something that could not be a study made and stopped -- it's something that studies will have to be going on all the time. So all I want to say is that immediate steps should be taken right now on some of the matters that were considered by the committee, and that action should be taken immediately.

MR. ARTHUR E. WRIGHT (Seven Oaks): Madam Speaker, I beg to move, seconded by the Honourable Member for Inkster, that the debate be adjourned.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MR. EVANS: Madam Speaker, would you call the Supply motion? The Committee of Supply?

MADAM SPEAKER: The Committee of Supply.

MR. EVANS: Madam Speaker, I beg to move, seconded by the Honourable the Attorney-General, that Madam Speaker do now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried and the House resolved itself into a Committee of Supply with the Honourable Member for Winnipeg Centre in the Chair.

COMMITTEE OF SUPPLY

MR. CHAIRMAN: The Department of the Attorney-General, Resolution No. 44.

MR. McLEAN: Mr. Chairman, just an observation or two before we begin. I would point out to the members of the Committee that this year we're asking for authority to spend \$6,961,898, which is \$1,215,723 more than we asked the Committee to approve a year ago. I would like to make an expression of appreciation to the members of the staff, Mr. Chairman, for the splendid way in which they have discharged their duties during the past year. Last year when we were in Committee I had not held this office very long, although I had come at that time to realize the splendid service that was performed for the Province of Manitoba by the people on the staff, and now a year later with the additional experience I must certainly re-emphasize what I said on that occasion. Also a year ago, I had some words to say about Brigadier Kay who had reached retirement age, and said that he would be retiring in May of 1964. Happily for us in the Department, and indeed I think happily for the Province of Manitoba, Mr. Kay was prevailed upon to change his mind, and after a summer holiday has continued, but has now informed me in a very firm way that this is the last call, and so I would like again to take this occasion to say here in this group, among whom he has so many friends, many men who have known him personally and worked with him, how much all of us owe him for the splendid service which he has performed for his fellow citizens of this province, for the people of our country, and in particular for the Department of the Attorney-General. Indeed, having had this further experience of a year with Mr. Kay, it's difficult to imagine how matters will get along when he has finally taken his leave of us.

I mentioned the other day, Mr. Chairman, that we have secured the services of Mr. Ray Slough as Director of Corrections, who has arrived and is now embarked on the duties of that important office.

I might say that we have some new projects which are getting under way, and are of course in part dependent upon the approval of the estimates which are before the Committee. You will have heard of the new Magistrates Court Building which is proposed for the Metropolitan area of Winnipeg and on which we are proceeding with our plans and will be proceeding with construction just as quickly as we can. The Juvenile Detention Centre will follow as project No. 2, and it will follow shortly and indeed we are already laying our plans with regard to, that is making our arrangements in order to complete our plans for the construction of that building, to be followed in third order by the new Juvenile and Family Court. The Juvenile Detention Centre and the Juvenile and Family Court are, while two separate projects in a technical sense, very closely related, and when I say that they follow in that order I'm --that's relatively speaking and they will be indeed very close together in their actual planning and in their construction. I should say that that order of priority-- Magistrates Court Building, Juvenile Detention Centre, and Juvenile and Family Court-- is slightly different than that which I indicated a year ago, because at that time it was our thought that we would proceed in first order with the Juvenile Detention Centre. It would mean that change, but the matter of time --that is the elapsed time-- is very minor in actual fact.

In our estimates for the year we are asking for monies with which to embark on a new project related to the Home for Boys at Portage la Prairie, and this is to provide a camp, a boys' camp which will take a number of the boys from the Home for Boys and provide the kind of atmosphere and facilities which we think will be helpful to them and will further the important work which we have to do in relation to that aspect of our correctional facilities. We are encouraged to know that this concept has been tried and found successful in a number of the American states. It is something which appeals to me personally very much and I'm anxious that we should proceed, and with the encouragement and the assistance of this committee in providing the necessary funds, that will be done. It will also have an important effect in that it will relieve the rather large number, tend to reduce the number that are presently at the Manitoba Home for Boys.

We are asking for authority to provide a new rehabilitation camp for adult prisoners which will be related to the jail at Brandon, and a second camp, rehabilitation camp, for adult prisoners which will be related to the jail at Headingley. That will be an addition of two rehabilitation camps to our present establishment of rehabilitation camps for adult offenders. I might in speaking of that, say that the success of the rehabilitation camp program has been excellent. It has been wonderful for those who have been able to be in the camps. We have had an excellent response by the men concerned, and much useful and worthwhile work is being done in our

(MR. McLEAN cont'd). . . . .provincial forest reserves and provincial parks under this program which was initiated some few years ago by my predecessor, now the Minister of Mines and Natural Resources; and it's interesting that we turn to him --when we engage in new projects we now turn to him of course for his recommendations and arrangements, because the work is carried out in those places which are under the jurisdiction of his present department.

Just a comment about the fact that since we met last we have completed the reorganization of the judicial districts and the county court districts of the province, and there are now fifteen county court districts as compared to 63 a year ago, and there are five judicial districts as compared to six a year ago, and those changes as members will know became effective on the 1st of February. We have one additional full-time magistrate located at Selkirk, that is an additional full-time magistrate to the number that we had as of the time that we were discussing our estimates a year ago, and the appointment of that person enabled us to reduce our staff of magistrates by two, because two part-time magistrates --it was unnecessary to have them in the light of having a further full-time member of the staff. And we have an additional full-time Crown Attorney in the western judicial district. This will indicate to the members of the committee, Mr. Chairman, the trend in this regard, and as it is possible to work this out, bearing in mind our commitments and present arrangements and the availability of men to accept these appointments, it will indicate the general trend in which we are proceeding insofar as the administration of justice is concerned.

While we are not directly responsible for the appointment of Queen's Bench judges, I note that, and members will have noted --this is a matter that received some consideration a year ago because at that time there was a request for additional Queen's Bench judges--that two additional Queen's Bench judges have been appointed to our courts in Manitoba, and we have been more directly concerned with the provision of additional staff to serve the new judges and the courts.

We are again asking for an increase in the probation staff. This is a program that started some years ago, where we have each year increased the number of members on the probation staff, and there is included in our estimates this year provision for a further increase in the probation staff.

I can report to the members of the committee that the staff training program for the guard officers has been continued during the past year. In our estimates last year we sought and obtained approval for the necessary funds to provide training officers, and these men have been working, and the staff at Headingley has almost all been through the period of training, and we are now beginning the training of the guard officer's staff of our jails outside of Headingley. There has been an important difference, whereas the staff training that was done previously had to be done after regular hours of the employees concerned, it is now done on the basis that the employee is given time off. It is a course where the guard officer spends his full time on the course of training and is not required, of course, to perform other duties during that time.

We have provision for educational leave for our probation officer staff this year, and six members of the staff will be continuing their education and training under that program; that is, during the fiscal year which begins tomorrow. These are members of the probation staff who work toward their Bachelor of Social Work degree or toward their Master of Social Work degree. It is a program under which quite a large number of our staff have received additional training and which is, I am certain, resulting in an up-grading of the staff in that important aspect of our work.

We are asking for approval for money, sufficient money, to add to our staff of Crown attorneys in the department. That, I suppose, is as significant as anything in indicating the increasing number of criminal and quasi criminal charges that are having to be dealt with in Manitoba under our modern society, and something to give all of us cause to pause and to be concerned. Indeed it is a matter of some regret that the number of people and the number of cases that must be dealt with by our courts is increasing at such a rapid rate. We hope to keep up with the work with the additional staff which will be provided by these estimates.

Now, Mr. Chairman, in the Anglican Prayer Book there's an expression which I intended to look up, and failed to do so, about asking forgiveness for those things which we have left undone that ought to have been done, and for having done those things we ought not to have done. If I had the exact quotation I'd quote it and say, "Here I am, and I'll do my best to answer any of the questions the members have."

MR. HILLHOUSE: Coming from a good Presbyterian that's not too bad. I, too, Mr. Chairman, would like to pay my respects to the Honourable the --at least to the Deputy Attorney-

(MR. HILLHOUSE cont'd)..... General with whom I have had a great deal to do during the past number of years, and I would also like to pay my respects to the various members of the Attorney-General's Department, and to say that they're hard fighters but they're good friends.

There's one matter with which I would like to deal, and that concerns the administration of justice; more specifically, in relation to the role that a magistrate plays. I'd like to say this: The administration of justice, and particularly criminal justice, is a matter of vital concern to every person in the country. While the actual work of administering justice falls into the hands of the police, the lawyers and the judge, the manner in which the work is done and whether or not any improvement may be made in this is of utmost importance to everyone. The magistrate's role in the administration of justice is perhaps the dominant one in maintaining public acceptance of and respect for the law. As a consequence he, more than any other member of the judiciary, most continuously strive to earn the respect of our citizens and their support for the preservation of our way of life. This is so because magistrates in a very real sense, as far as the general public are concerned, represent the judiciary process. By far the largest number of our citizens who run afoul of the law make a first and, in many cases, their only direct acquaintance with the law, through a magistrate. He tries over 90 percent of all criminal cases in Canada, and when one considers that he also tries breaches of provincial and municipal laws, the percentage is much higher. It may truthfully be said that the public's image of the process of law in action is determined by the individual and collective actions and decisions of magistrates. He is a very important person. When trying an accused he is the sole judge of the law, decides the guilt or innocence of the accused, and decides the sentence to be imposed. The only punishment under the Criminal Code which he cannot impose is that of the death penalty.

With a responsibility so great, there is distinct value in maintaining a continuous two-way communication with the general public. In a sense the jurisdiction of a magistrate in trying an accused person is greater than that of a Queen's Bench judge who presides over a trial that is being conducted before a jury. A judge trying a case with a jury instructs the jury on the law, and he also instructs the jury on whether or not there is any evidence to go to them, but on the basis of determining the quantum of evidence, that is a matter which is entirely within the hands of the jury. In other words, it's the jury and not the judge who finds an accused person guilty or innocent, and in that respect a Queen's Bench judge at the assizes has not that responsibility which falls upon a magistrate of determining guilt or innocence.

Now, a very small percentage of our criminal cases in Canada are tried by a court other than a magistrate's court. Here are some of the figures of the last few years: In 1950, 2.5 percent of all criminal cases were tried by juries, 6.6 were tried by way of a speedy trial, but 90.9 percent were tried before magistrates. Passing on to the year 1954 we find that 1.7 percent of the cases were tried by a jury, 3.9 percent were tried by way of a speedy trial, and 94.4 percent were tried by magistrates. I haven't checked the criminal statistics for any year beyond 1954, but I'm quite satisfied that had I done so, the figures would have remained fairly constant in relation to the ones that I have quoted. Now these figures that I have quoted only apply to indictable offences, and as magistrates try not only indictable offences with the consent of the accused, but also try offences under the Summary Convictions section of the Code, I think it's safe to say that a magistrate tries about 95 percent of the criminal cases that are preferred against citizens. So on that fact alone, Mr. Chairman, I think the committee can realize the importance of the role of the magistrate in our judiciary.

This question of a magistrate has been considered on numerous occasions at numerous meetings of the Canadian Bar Association. At the annual 1960 meeting of the Canadian Bar Association, W.B. Common, Q.C. was Chairman of the section on the administration of criminal justice, and I would like to read from a report which he submitted to that Association, and this report is to be found in Volume 43 of the 1960 Proceedings of the Canadian Bar Association. And this is the report that Mr. Common submitted to the Canadian Bar Association from the administration of the criminal justice section of that Association. It comprises ten recommendations or ten findings. The first is: (1) That, wherever possible, no person be appointed as magistrate who has not been in active legal practice for at least five years. (2) That salaries approximating those paid to district or county court judges be paid to full-time magistrates. (3) That magistrates be compulsorily retired at the age of seventy, on a pension basis comparable to that applicable to county and district court judges. (4) That the power to dismiss a magistrate, excepting one appointed for a fixed period, be taken from the Lieutenant-Governor-in-Council and be vested in the Superior Court to the Court of Appeal. (5) Increase the number of

(MR. HILLHOUSE cont'd).....magistrates so that the number of cases brought before each of them may be reduced, and so that they need not work under constant pressure, as they must now do, having regard to the heavy dockets constantly presented before them. (6) That suitable and dignified places be provided for the holding of trials by magistrates, and that they be supplied with stenographic help; that every magistrate have a clerk and a court reporter, who may be one and the same person, to do the clerical work associated with the office, collect and remit fines. (7) That Justices of the Peace be empowered to swear informations and complaints, and issue summonses or warrants, and grant bail and adjournments in criminal cases, but that they be deprived of jurisdiction to try any criminal case. (8) That the accused have the right to waive the preliminary hearing in case he elects to be tried by a judge without a jury. (9) That the word "police" be eliminated from the title of magistrate wherever it is still used. (10) That the office of Magistrate be regarded as an office of dignity and the holder of that office as members of the judiciary be treated accordingly. Now that was the report of the criminal law section of the Canadian Bar Association in 1960 and was unanimously adopted by that association. Again in 1961 the Canadian Bar Association in an annual meeting passed a similar resolution and that time the criminal law section was presided over by a person who was then known as Mr. Nitikman but who is now known as Mr. Justice Nitikman of the Court of Queen's Bench for Manitoba. I will not read the recommendations then but they are to be found in Volume 44 of the 1961 proceedings of the Canadian Bar Association, at Page 61 and following.

Now Mr. Chairman, in the light of these recommendations and resolutions of the Canadian Bar Association and in the light of the important position which a police magistrate occupies in our judicial system, how do we treat our police magistrates in the Province of Manitoba? A short time ago I asked the Honourable Attorney-General if any representation had been made to him by the Manitoba Magistrates Association. He answered me in the affirmative. I asked him then if he would be kind enough to furnish the opposition with a copy of the brief or submissions made. He declined on the grounds that it was privileged or had been given to him in confidence. Now so far I have not seen a copy of the brief that was submitted by the magistrates, but I do implore the Attorney-General that if he has that brief to make the contents of it known to members of this House because I think it's very important when we are dealing with the administration of justice in this province that we know what the feelings are of the men who are called upon to administer at least 95 percent of the criminal justice here. I told the Honourable Attorney-General when I spoke on this matter some time ago that I was not interested in partisan politics as far as the administration of justice is concerned. And I still make that statement, Mr. Chairman. I am not interested in partisan politics in the administration of justice. The administration of justice to me is too important a subject to be dealt with in the ordinary field of political battle. I would make this suggestion, and I make this suggestion sincerely and honestly and that is this: that I think that the policy of this government in the matter of the administration of justice should be entrusted to a committee of this House so as to ensure that the best brains and the best thoughts and the best ideas available in this House will be made available to the Attorney-General to assist him in bringing into being in Manitoba a system of justice in respect of its administration without parallel in Canada. I feel that quite sincerely, Mr. Chairman, and I am not putting it forward for any other purpose than to be sincere.

Now there are several points that I would like to make in respect of the position of a police magistrate in Manitoba. The Honourable the Attorney-General has mentioned the fact that we have some magistrates who are permanent. He has also mentioned the fact that he has been able to get rid of some magistrates who were part time; and I appreciate what has happened in Selkirk by appointing a full time magistrate. Before that full time magistrate was appointed we had to wait anywhere from four months to get a piddling offence under the Highway Traffic Act tried. Now that was largely due to the fact that the magistrate was only sitting in Selkirk once a week and he was sitting in the balance in the Interlake District during the other parts of the week. It was also due to the fact that there was a shortage of crown attorneys; and there still is a shortage of crown attorneys. I think every effort should be made to encourage into the Department of Attorney-General as many young people as possible to make it a career in that Department. But getting back to the question of magistrates, I think that we've got to do something. We've got to do something to raise their status. We must do something to secure their tenure of office and we must do something to make a magistrate that independent person which any member of the judiciary must be. Now in order to ensure these things I think there are certain steps that we must take. In addition to these suggestions I also suggest

(MR. HILLHOUSE cont'd). . . . . that magistrates be paid a salary which is commensurate with the responsibility of their office. I would also suggest, if the Honourable the Attorney-General has not already done so, that we do away with all part time magistrates and that the only magistrates we have in Manitoba be full time men who are making a career out of it.

In Saskatchewan and in Ontario -- certain magistrates in Saskatchewan are completely independent of the Attorney-General's Department. They are only responsible to the Legislative Assembly. In the Province of Ontario I think that is the case in the case of most magistrates. And what I suggest in Manitoba is embodied in these various points that I wish to make: First, that all magistrates in Manitoba be appointed on a full time basis. 2. That we take immediate steps to build up a corp of magistrates making one of their number a chief magistrate. 3. for the psychological effect, and in order to rid the public of the idea that magistrates are synonymous with the police, no uniformed policeman should be allowed in a magistrate's court unless he is giving evidence. Now that may seem radical, but members will recall that at the Assizes there are no uniformed policemen present at the Assize Court unless that uniformed policeman is giving evidence. There is no uniformed policeman present in a county court judge's criminal court, and I think that in order to get rid of the idea that our magistrates' courts are police courts we must have that psychological effect or notion taken away, and the best way to achieve that is by not allowing uniformed policemen to be in the court. Let us have civilians or laymen who will do all the clerical work and attend to all the duties necessary in that court. Now another point is number four: that in order to ensure the independence of our magistrates the following immediate steps should be taken. (a) that they be appointed by the Lieutenant-Governor-in-Council; (b) that subject to a compulsory retirement age they hold office during the pleasure of the Lieutenant-Governor-in-Council; (c) that they be answerable to the Legislative Assembly and not under the control of the Department of the Attorney-General; (d) that their salaries be fixed by the Legislative Assembly and that they be paid a salary equal to that paid to a county court judge under the Judges Act (Canada); (e) that they no longer be civil servants but if they have any earned increments in the pension fund of the Civil Service that those earned increments be transferred to a new fund so that they could be paid an annuity similar to that paid to judges under the Federal Act.

Now it may seem that I am being a bit generous with somebody else's money in suggesting that magistrates be paid at the same rate as county court judges but without making comparisons between the various courts in our province I think that a magistrate is entitled to be paid the same amount as a county court judge. I think that he is rendering one of the most important services to this community in the administration of justice and most of the magistrates that I know are exceedingly hard working individuals. I don't think that you can judge the amount of work that a magistrate does by the number of cases that he tries for the simple reason that a magistrate may have shown as one case on a docket which may have taken anywhere from 12 to 14 days to hear because it may have been a preliminary hearing on a murder case or some other case. But I think that the magistrates in Manitoba should be treated from the standpoint of emolument or salary on the same basis as a judge in the county court.

Now I think that the Honourable the Attorney-General should give to this committee certain information regarding magistrates and I would like to know the number of full time magistrates in the Province of Manitoba. I'd like to know the courts or places where they sit. I would also like to know the dates of their respective appointments; and I would also like to know the salaries or stipends that they have been paid since 1958 and whether or not any of these magistrates who are on a full time basis have ever made any complaints to the Attorney-General regarding the amount of salary that they are receiving. I am sure his answer is going to be in the affirmative there.

Now the Attorney-General has dealt with a new magistrate's court which is being built in Winnipeg. All I know about it is what I've seen in the newspapers and I understand that that court is going to be in the nature of a metropolitan court. I also understand that it's going to be built near the present location of the City of Winnipeg Police Court at Rupert Street. If these plans have not proceeded to the point where they cannot be changed I would strenuously and sincerely urge upon the Honourable the Attorney-General that he take another look at that location. If this is going to be a criminal court for the Greater Winnipeg area I think that it should be in a location which is more central to the whole of the Winnipeg area. I don't think that the present location which was announced in the newspapers is a proper location, and I would ask the Honourable the Attorney-General to reconsider that location if it has not been definitely decided and commitments have been made beyond the point where there can be no return.

(MR. HILLHOUSE cont'd).....

Another thing that I would like to mention and that is this, that I feel that the time has come in Manitoba when we should do a little planning in respect of our public buildings, particularly our public buildings that at present come under the administration, at least the departments that come under the administration of the Attorney-General. Shortly, we'll have to have a new Land Titles Office here. The present Land Titles Office is completely inadequate for the amount of work that is done. We certainly need, as the Honourable Minister has indicated, we need a new Magistrate's Court. We also need other public buildings and I think the time has come where we should do a little planning in advance, a little ahead. Not plans for the needs of today but the needs say five years hence. And I think that planning on that basis we could arrange for a complex of buildings which would take care of our court needs, our Land Titles Office needs and other needs in connection with the administration of justice. I would like the Honourable the Attorney-General to tell me where it is he intends to put the new Juvenile Detention Home; and I would also like to know where he intends to build or establish the new Juvenile and Family Court. I think the location of that latter building is a matter of great importance. I don't think that it should be located in a built-up area. I think it should be located in any outlying area if at all possible. But I would like to hear from the Attorney-General on that point.

Now as a final plea on behalf of our magistrates, I hope that we will stop treating our police magistrates as poor relations and I hope too that we'll stop treating our police magistrates as the illegitimate children of our judiciary. I hope to see a new deal for the magistrates and I hope that the Bill which the Honourable the Attorney-General is going to bring into this House will carry into effect some of the points that I have raised.

MR. CHERNIACK: Mr. Chairman I'm sure it's not a coincidence that I too had planned to speak something on the question of the magistrates courts and I want to compliment the Honourable Member from Selkirk for not only the manner of presentation but also the research which he had done and which I think made a very strong case for the point he was arguing. I will therefore avoid repeating what he has said and simply endorse the points he made in regard to the courts and the status of the magistrate and the recognition which he ought to receive in terms of security, in terms of status and in terms of financial return. I do want on this occasion to mention a few matters before I speak in a more general sense, and possibly one of the first things I should mention Mr. Chairman, is that earlier this afternoon I had occasion to disagree with the Honourable Member for Selkirk and to my embarrassment I discovered that he was right and I was wrong and it would be just as well for me to clear that point up now.

Now that I've made that confession Mr. Chairman, I would like to turn to the Attorney-General and ask him if he would deal with the question with which he was not prepared to deal last year and that is the "battered baby" syndrome which I think was a comparatively new problem to him last year but about which there has been more discussion during the year and about which he may be able to report to us as to what conclusions are being arrived at.

In passing also, I would like to draw to the Attorney-General's attention the statement which appeared, I think it was quite sometime ago, last year sometime, that the law reform committee was dealing with the question of Limitations of Actions Act. Last year we had a great deal of debate on the entire principle of extension of limitations of actions. We dealt particularly with the Medical Act and I have a clipping here from last year which indicates that Mr. Gordon Hall then, the present Mr. Justice Hall, reported that as a member of that committee a subcommittee of which he was chairman, was reviewing the entire question of Limitations of Actions and would be making recommendations to the Attorney-General. I hope the Attorney-General will be able to deal with that.

We will be considering during this session a resolution by the Attorney-General dealing with the question of legal aid to those people in need and therefore that too becomes unnecessary for me to deal with at this time. I'm looking forward to the discussions later on and the results after the committee proposed will have met. However, this problem is tied in with the entire problem of the police magistrates court and I agree with the Honourable Member for Selkirk in saying that that is the court which is closest to the people and has the greatest impact on society, and therefore I'd like to spend a little time on that court.

I have the headline and the newspaper clipping from the Winnipeg Tribune of February 5th, the headline of which I am sure the Honourable Minister is well aware reading: "Six Men Languish in Jail as Police Court Work Piles Up". I am sure that the Attorney-General must



(MR. CHERNIACK cont'd)..... have certain plans about increasing the staff in the Winnipeg and indeed the Metro police court, but so far possibly because of lack of space there is still quite a backlog as was reported only recently by the Clerk of the Court in Winnipeg.

I'd like to suggest that the Attorney-General have a good look at the entire question of bail. I am under the impression Mr. Chairman, that there is too much of a difference between the person who is able to raise bail and the person who is unable to raise bail as to their freedom and liberty is concerned. The charge is of course important but the real purpose of bail is to ensure the return of the person who has been charged to his trial and basing it on bail alone I think is not a satisfactory formula. I had a case recently drawn to my attention which involved the apprehension of a man at eight or nine o'clock in the evening who was a merchant in this city and who was picked up at a time when he had closed his store and had a very substantial sum of money in his pocket, it being the day's receipts. He was picked up by the police, he was charged, and on investigation it was found that the bail which was desired was bail of sureties of real property holders, and the fact that he had substantial monies in his possession was not considered. Now this is a man with a wife and family and a business in this city and it would have to be a terribly serious offence Mr. Chairman for him to be prepared to leave his family, leave his business in order to avoid this trial and it seems to me that the question of bail was not that important.

I recall a case in which I myself was involved some years ago where a woman was charged with passing an N. S. F. cheque. The cheque was some \$40.00. She was arrested at eight or nine o'clock in the evening while she was putting her children to bed. She was taken from the home still wearing her house dress and bail was set involving a surety of a person who had property and she finally got out at about one o'clock in the morning. I doubt very much whether it was necessary, firstly, to impose bail, to hold her up to that extent to think that it was necessary for bail to be posted for a housewife, a mother of children, all in Winnipeg, to return to the trial of her action which involved an N. S. F. cheque of some \$40.00. Now there may be argument about this but I would suggest that there be a very close look at the policy of the Department of the Attorney-General on the question of bail as to the size, the extent of bail and as to the nature of bail. I think that if that were done then many people would not have to languish in jail awaiting trial because of the fact that they could not post sufficient surety or give the Attorney-General Department sufficient feeling of security that the person charged would turn up at the trial.

Now there are certain attitudes involving the administration of the courts that the Attorney-General is responsible for and I would like to ask him to make clear to us what are the responsibilities of his Department in police courts and in the bringing of matters to trial. The Honourable Minister is aware of a certain matter that he and I had discussed where a case had come to my attention and I had even become involved in it, where a man was stopped by the RCMP and was given a summons --not a summons, a traffic ticket which read under the category violation 80 MPH. I think we can fairly say that it is alleged that he was speeding at the rate of eighty miles an hour. However, this ticket reads, it was dated June 23rd, 1964, and it reads that he should turn up between June 29th and July 6th at the RCMP in Gimli. Subsequent to that this man was told by the RCMP of Gimli to report to the Winnipeg Beach RCMP office and due to a misunderstanding at the time he arrived but he arrived too late. He was later instructed to appear again at the RCMP office at Winnipeg Beach on July 22nd which is a month after the offence was alleged to have occurred, and at that stage he was asked whether or not he was pleading guilty. Now until that moment he did not know the charge, he did not know the penalty, and when it appeared that the plea might not be a guilty plea he was served with a summons on July 22nd, the summons being dated June 24th and was returnable on July 24th, two days after he was served, returnable then. On that occasion he was made aware of the offence with which he was charged. Now it seems to me Mr. Chairman, that this is a rather sloppy way of operating and I blame it mainly on the fact that this was a matter handled by the police authorities from beginning to end.

The police, the RCMP in this case, handed out the traffic ticket. The police were the ones to which he was to report in connection with the ticket. The police were the ones who instructed him to appear in Winnipeg Beach at the Police office --It was later learned that a magistrate would be there. And finally the police served him with a summons a month after it was issued, returnable to Selkirk. Now I suggest that the Attorney-General's Department as such had nothing whatsoever to do with this matter from the beginning, from the time the ticket was issued, until this man would have appeared before the magistrate, who was the appointee of the Attorney-General's Department. Throughout that time there was nobody involved in seeing

(MR. CHERNIACK cont'd). . . . . to it that this man did appear at the right time, that he was made aware of what the charge was --and I'm indicating now that he did not know the charge, except that it was noted "eighty miles per hour"-- and I feel that there was something missing in terms of a proper warning and proper attitude to this man to know what he was likely to face up to when he appeared in the Magistrate's Court.

I would like to draw the attention of the Attorney-General to another case of which I became aware recently. I might say that I am prepared to give the Attorney-General names and details in each of the cases I am mentioning. In this case it was a juvenile --I don't know his age; he was just at the turning age-- who had a record, who was sentenced to one month at Headingley after having been involved in some act which was a criminal act. Now he stated, and I think it is confirmed that this is true, that being involved in this matter, he was requested by the RCMP to meet with them and to talk to them about what had happened. Not wishing to inform his employer of his difficulties, or his parents, he met these police officers outside of the place of his employment, and they asked him to appear with them in the Provincial Police Court on that day. He received no summons and apparently was not arrested, but he voluntarily went with them to the police court in the morning and was told --and this is heresy, this is what he says--that he had nothing to worry about since he was only technically involved. He went to the court, and appeared in court the same day, was asked whether he was guilty or not. He stated he was guilty. He was sentenced on the same day to one month in jail. Fortunately, a social worker with whom this man had been working as an assistant in a juvenile neighborhood centre learned of this very quickly, because he didn't turn up that night, and was able to have this matter reviewed by the department and by the courts to get this boy released. I'm drawing this to the attention of the Attorney-General because it seems to me that his department must be ever sure, ever vigilant to make sure that things like this do not happen; that people know their rights, are informed of their rights and are given an opportunity to protect their rights.

I have before me a transcript of a trial of which I want to read just a few excerpts, which I think should be reviewed by the Honourable the Attorney-General. I have here a quotation from the Crown Prosecutor. This was a trial against a husband and wife for neglect of a child, and the Attorney-General's representative stated in part as follows: "The Children's Aid Society were made well aware of the fact that the parents would be before the court this morning and there's nobody up there looking after the children again now they're on notice. I don't know who is guilty of the grossest neglect. In any event those are the facts, the subject of this matter, Your Worship." And His Worship said, "Yes, what do you want from me? Will you tell me what the parents were doing?" And the prosecutor said, "I forget whom I was indicting. Yes, the parents were playing a little game for the past several years apart from bringing children into the world." We have here an enthusiastic Crown Prosecutor who proceeded apparently in his own words to indict The Children's Aid when he was actually there to try a case involving two parents charged with neglect. That's not all. I'm just talking about an attitude in this case. Later on, the wife is asked her age, and says 34, and the magistrate says: "Thirty-four and you have already brought in twelve children into the world. She is good for another fifteen at the rate she is going". Need I comment on just what business it is of anybody's to decide what she is good for; addressing a person appearing before him without counsel --"she is good for another fifteen at the rate she is going". A little later on the Crown Prosecutor says: "Your Worship, I can make a respectful submission as to how there might be five less children". The question was, "How?", and the answer was, "Under the particular statute the legislature has provided for a term of imprisonment for up to five years". Now we have a Crown Prosecutor working for the Attorney-General's Department practising his form of population studies and population planning and deciding how it is that this family could be helped to decide how many offspring it should have.

I refer to this, Mr. Chairman, not because I am pleading on behalf of the persons charged, but I'm speaking now of an attitude of which this magistrate was guilty and what is more important, of which his own department was guilty; an attitude of deciding for others, how many children they ought to have; an attitude of attacking say, The Children's Aid in this case, and becoming an amateur social worker without any training for it at all. I feel that it is time that the Attorney-General made it clear through whatever means he can to the people involved in police court matters just what rights they have; what they are entitled to know before they plead, what defences they have. I do welcome this motion, this resolution which he has brought to this House dealing with a study as to whether or not people in need are being protected. I don't know how broad that study will be, and we're going to discuss it later, but I would like to suggest

(MR. CHERNIACK cont'd).....that we don't have to discuss only people in need, in some of the examples I have given money was not the problem at all. The opportunity to pay for a lawyer was not the problem either. It was really a problem of knowing what their rights were, and I would suggest that this matter could well deserve both study and comment.

Finally, I have before me, Mr. Chairman, the report with which we dealt last year, that of a Community Welfare Planning Council making its report on juvenile and adult offenders, and I remember that last year we called to the Honourable the Attorney-General's attention the fact that there were fifty general recommendations. I am hoping that the Honourable Attorney-General will find time to indicate to us this year what progress has been made in terms of these recommendations which I think is well known were prepared by a group of people who command a great deal of respect in this province and who gave a great deal of time and study to this.

I am happy for the Attorney-General that he was able to report to us the appointment of the Director of Corrections. Had he not been able to make this report about a week or so ago he would have heard a considerable amount at this time on the fact that there is a telephone number and a telephone listing and presumably an office, but that there was no incumbent. Now that we have one we can look forward to more action on the part of the Attorney-General. He did say last year that this report would cost over 17 millions to carry out. I never did see a breakdown of that; I never did see how that was arrived at, but in spite of that it may well be that the Attorney-General could point out to us those parts of the report which have been brought in, those that he plans to bring in this year, and those which are still too expensive for the people of Manitoba.

.....Continued on next page

MR. MORRIS A. GRAY (Inkster): Mr. Chairman, this is the first question. I am sometimes compelled to stay away, and in case I may not be here when the estimates will be discussed, each item separately, I'll probably add a few remarks as a layman after we've heard three prominent men speaking who are learned in law. I shall not be long.

First of all, I want to add my commendation to the Deputy Attorney-General. I've heard very little criticism about him since he was appointed and we are sorry that he is leaving us.

Now dealing for a few minutes with the report of the Headingley Jail Superintendent. It's always interesting to read. It gives us so much detail that we have an idea of the life, and misery of course, and hardship on the part of those who are unfortunate to be sent to the -- I call it the Hotel Headingley Jail.

Last year, the report indicates that there were 3,686 people who were committed for one kind of an offense or other, but it's hard to figure that among the 3,600 there were 2,112 under thirty, who still have a long life ahead of them, and although there are many in jail for a day, for a week, for a year, this stigma remains with him for a long time; and those young people -- what should perhaps be a concern of the department and of the public is their rehabilitation.

Probably it's not my business to suggest, unless the offence is serious, that a magistrate who considers more closely this question is -- because to many of them, not all perhaps, one day in jail or 23 months in jail is the same hardship. Then when he comes out and he's dismissed and discharged -- and some of them are there for a very short time -- they cannot get a job. Most of the applications read: Have you ever been convicted? If he says no, then he'll not tell the truth; if he says yes, 99 times out of 100 he will not get a job.

I've seen in the estimates a very very small grant compared to the necessity of rehabilitation, and for the money that this House grants them -- or recommended by the government -- by the Attorney-General is so small that the possibility of rehabilitation cannot be carried on as much as they would like to, and we are condemning that young -- I'm speaking about the young man -- we are condemning him almost for life of living either on charity or crime, and that's why we have so many repeaters. Naturally if a man has a record of being in jail his sentence is heavier. So I think perhaps this problem should be more carefully considered.

Now we see that the offences under liquor control is about 800 I think, and this again is not -- although it's a crime within the law, but on the other hand it doesn't do any particular harm, the man doesn't commit a particular offence unless he's driving while being drunk. The Liquor Control Act should also be changed and not make so harsh and have a man condemned to jail with the stigma of being in jail because he has broken the regulations -- I call it regulations -- maybe the law, of being offended under The Liquor Control Act. That's about 800 I think.

Thirdly, I've seen in the report that there are over 200 prisoners who cannot read or write. At the same time the report indicates that there are there technicians, teachers, students, scientists. Couldn't we have instead of that particular individual stay in the kitchen or work outside, why not have him assigned to teach those prisoners at least reading and writing, which would give them almost an opportunity when they come out of jail to either find a job or do some other work where reading or writing is required.

My main beef however is that we still call the crown attorneys "prosecutors." I have already mentioned here previously that a prosecutor in European countries or a democratic or dictatorship, people are afraid because it seems to them, and I think it's the same thing even in the free and democratic Province of Manitoba, it seems to them that a man is there not to find the details or not assist the magistrate or bring in the facts, but is actually trying to win the case against the man who is being charged with the crime. And no one can deny it. No one can deny it. I think this name should not have been used. We have changed other terms in my time here. For instance the Vital Statistics office used to call children illegitimate, and then when the child grew up and wanted a certificate or something she gets to know that she's an illegitimate child. Of course unmarried does not put the stigma so hard as illegitimate and the same thing is the prosecutors.

I also ... for the wisdom of the Attorney-General's department to appeal a case where in their opinion the magistrate has not sentenced him to a longer period in jail, and we have had several cases just recently. The crown attorney has -- I won't call him prosecutor any more -- but the crown attorney who is supposed to be the officer of the state has already done everything he could, but till the magistrate who conducts the case -- and I take it that you're not choosing magistrates at random, take the names out of a hat, you usually know the man,

(MR. GRAY cont'd) . . . know his qualifications, know his wisdom and know his intelligence -- and then after he's appointed you don't trust him to administer the law for which he has been appointed. I don't think that this is a proper thing in modern times.

I don't say that crime should be let loose, but this is the time now where we do not want to ruin a man for life, and I am not speaking about those who are actually criminals, but I am speaking about the first offenders, what moral right -- never mind legal right, you had the legal right, I'm not discussing anything that is legal or illegal, I'm discussing from a moral point of view -- what right has the Attorney-General's Department to disagree with the magistrate. Yes, the accused has a perfect right to appeal the case, that's why they have the courts here and it's properly proper, but I don't think the Attorney-General, and I'm not speaking personal, the Attorney-General should appeal a case after it has been dealt with by the magistrate and after he had his own representative, his own lawyer from his own department have done everything possible to present the case to the magistrate of all the facts, personally I don't see any justice and I don't see any need for it.

I feel the Attorney-General's Department will do a better job if they would have in mind one thing, punish the man but don't punish him for life. If a man gets two years in penitentiary, or three years, and then the Attorney-General's Department appeals against the sentence, then all the court can do is give him another four years. Do you think that a man that stays in jail eight years, or four years will come out a better man or a worse? I think that there's a certain amount -- the department should not in my opinion assume the responsibility to argue with the courts. That's your own magistrate that you have selected, have tried him already, and your own lawyer from your department has done everything possible to bring all the facts before the magistrate.

The main point I'd like to bring to your attention is the very meager possibilities of anyone to get rehabilitated and they could only do it by the committees now who give their time to make an honest and a useful man of a man that commits a crime after he goes out of jail rather than make him by compulsion return. You know when you see a loaf of bread in a window and it says don't steal -- and he's hungry -- his mind is not on the "don't" but his mind is concentrated on the steal, and one more and I'm through.

I see there is \$1,000 given back, gratuities to the prisoners. The population changes there very rapidly in jail. I really don't know how many were, say during the same year discharged, for they were in the hundreds, and they only spent \$1,000.00. How do you expect the prisoner when he is let out from Headingley Jail to get to Winnipeg, if Winnipeg is his city, or get anywhere when he has even a dollar or two. How long will it last when he buys a meal or buys a package of cigarettes? He has nothing else to do, then his mind is occupied about how can he get a couple of dollars extra. We are responsible; we are pushing him to commit another crime; because \$1,000 for I don't know how many, but three or four or five hundred prisoners being discharged every year, so on an average we spend \$2.00 on a man that hasn't got any money to go out to the world in the cold weather in the winter, not well dressed and exist or spend with his family for a week or two and try and get a job. Most of them of course have no families. They are children of parents who, as my colleague the Honourable Member from St. John's said, for increasing the population and they are absolutely sometimes compelled to do it. I have records of hundred of cases while I was connected with the unemployment relief, and I remember a father came in, he says, "I have no money; I have no means to support a girl of eighteen years of age," and when we asked him what will become of the girl, he said, "I don't care. I cannot buy enough sufficient food for the rest of the children who are younger."

So instead of us helping them I think that we are somewhat responsible for their future behaviour. That's about all I can see. I'm not speaking legally -- I don't know anything about the law -- but I feel that things are not always right. I haven't got a direct remedy, but the Department should carry out the protection of the law but at the same time think about the human interest of those who are unfortunate, who have to go to jail and sometimes not through their own fault.

MR. SHOEMAKER: Mr. Chairman, I would just like to make a few brief comments on the Minister's salary. I guess I should start off by thanking my honourable friend very much for the answer that he gave me earlier today on Orders of the Day, relative to the application that was made for a liquor outlet at Clear Lake, because I think that here was a matter that was urgent, and it certainly appeared to the people in the area -- and it must have appeared so to everyone else in the province -- that someone was trying to railroad this thing through at a

(MR. SHOEMAKER cont'd) . . . . time of the year when there was nobody at the lake and there would be nobody there to register a protest or complaints if an application was made at this particular time of the year. So I want to thank my honourable friend for taking the necessary steps to delay for the time being the application and the procedure that immediately follows it.

I think too, Mr. Chairman, that everyone present, everyone in the House, would endorse what the Attorney-General had to say relative to one of his senior staff, Orville M. M. Kay, because I am sure that we all appreciate the excellent work that he has done under two or three administrations in the province. However, Mr. Chairman, having said that, I wonder if all departments of government are not spending too, or placing too much stress on encouraging people to remain at their posts long after normal retirement. I hear this complaint throughout the province that, well, why keep these old horses working anyway? We know they're good; we know they're good; but why keep them, why not turn them out to pasture if there are plenty of men available to fill their posts, and if there are not plenty of qualified men available, well then why, why are there not men available? Surely there are men that are coming along in every department that are qualified to fill these senior posts.

Now Mr. Chairman, somewhere in the Magna Carta, I think, and you will know surely, there is a mention made of delaying justice, and I think there is the comment that says that "justice delayed is justice denied" or words to this effect. It seems to me that in many cases -- altogether too many cases -- where a judge has deferred decision, that he neglects -- I think that's the word to use -- neglects to make a decision in a reasonable length of time; in a reasonable length of time. Now I know of a particular case where justice was delayed, if you want to call it that, for about two years; for two years. And this cost the one individual a great deal of money, delaying justice for two years. Cost a lot of worry and a lot of money. I can see no reason at all why in this particular case, and in many cases, why justice has to be delayed and delayed for two or three years. I don't know whether there are any provisions in our present statutes that limits the time in which a decision must be made. I don't know. I would like my honourable friend to inform me on this subject matter.

I had hoped, Mr. Chairman, that we would have the particulars on what the government has in mind in the way of an ombudsman, before the House, before we reach the estimates that are presently before us, because I understand that one of the duties of an ombudsman is to deal with judges, and I have nothing in particular against judges any more than what I have said. I'll probably have to deal with one or two if I keep on in my present, in my present form here, but just recently in the Free Press on March 18th last, there is a nice story there that I hope my honourable friend has read, headed "The Duties of an Ombudsman" -- on the editorial page of the Free Press -- and I commend it to him. It outlines some of the duties of an ombudsman and I want to quote for my honourable friends that don't subscribe to the Free Press -- although they should subscribe during the session because the subscription price is nil and they can well afford it.

"The duty of the ombudsman is to protect the public from bureaucratic arrogance, stupidity or errors of judgment, and indeed no government official is safe before the Swedish ombudsman. He probes into every corner of government service, be it a government department, a hospital, a prison or a court of law. A judge who loses his temper with a witness may be fined \$300.00. In addition, the judge's name will be published in the ombudsman's annual report, a black book this, of bureaucratic misdeed, and in the newspapers which avidly follow the ombudsman's activities. One of the most powerful weapons of the ombudsman is the correspondent of the Swedish news agency who comes daily to his office, sits at a desk set aside for him, and goes through the day's files. Anything that has the making of a good story he then puts on the wire and distributes to all Swedish newspapers." And I think this is a good idea, so I will look forward with a great deal of interest to see what teeth that my honourable friends intend to put into -- or give to the ombudsman when they appoint one, or elect one in this province in the very near future.

Now Mr. Chairman, there is another matter on which I would like to ask a question, and I hope I will get an intelligent answer, and that is, I wonder if he could tell me in some detail what are the qualifications of a Justice of the Peace of this province and how are they appointed? Now I would like to know that. I think it is most important that this is brought to light, and I want to tell you a little story that happened last week; last week, and I'm not going to tell you -- I'm going to say this. It didn't happen within my constituency and that's all the information that I'm going to give you in this regard, but it did concern a Justice of the Peace.

About November 18th last, a chap received a registered letter from the Motor Vehicles

(MR. SHOEMAKER cont'd) . . . Branch simply advising him that he, because of the fact he had failed to report a one-car accident and the damages exceeded the hundred dollars -- I think that was it -- that his license was to be suspended, and to kindly forthwith send in his license plates, if he had any, and his driver's license. Prior to that he had appeared before a Justice of the Peace; he paid his \$25.00 for failing to report within the required time -- I'm not certain whether it's twenty-four hours or forty-eight; I think it's one or the other -- and this chap rather blamed me, "because," he said, "I didn't know I had to report on a one-car accident. I didn't know I had to report." However, he paid his \$25.00 and pleaded guilty before a Justice of the Peace, and he like thousands in the province believed that the best thing to do to save a lot of trouble is to just walk up, plead guilty, and pay your fine. As a matter of fact, Mr. Chairman, I say that too many people are encouraged to do just that.

However, the chap brought his registered letter in to me, I read it over and I said, "Well I'll see what I can do. It looks as if you're going to have to file a proof of financial responsibility certificate." I immediately enquired of the insurance company, and I suppose by reason of the fact that the policy was in the claim file rather than in his regular file it got mislaid for a couple of months and I never got a reply from the insurance company, and my friend heard no more from the law until about ten days ago when two RCMP landed in his yard one day and said, "We want your plates and your driver's license right now and we're not going back without them." So they got them, because he had failed to reply to this registered letter. Well, I had the registered letter in our files.

So I made a little inquiry, and the chap told me, "well," he said, "you know the Justice of the Peace could have recommended had he wanted to, that his license not be suspended, that is he could have paid his \$25.00 and the Justice of the Peace could have written the Motor Vehicle Branch and recommend they return his license if he had been forced to send them in." So I phoned the RCMP because I couldn't get hold of the J. P. -- he didn't have a telephone -- and they said, "well we'll go over and have a chat with the J. P.," and about a week later everything was all fixed up. The Justice of the Peace admitted he did not know that he had this authority. He really didn't know. He thought his authority was limited to levelling fines I suppose and collecting them, and if he got a fee, putting that in his pocket. I don't know how they're paid even.

That's another matter I would like my honourable friend to report on. How are they paid; how are they appointed; what are their qualifications; and everything else in regard to the setting up of this part of law and order. I know of a couple of J. P. 's favourably -- favourably -- but I know that about 50 percent of their waking hours is spent in the pub, and I don't know when they get around to determining justice.

Now, Mr. Chairman, I think that my honourable friend -- he's taken a lot of notes there now and he'll probably be able to tell me what the qualifications are, and how you make application to become a J. P. I would like to have it if he could supply me with an application form that is submitted, and the test -- the tests that they have to take in order -- (Interjection) -- well, there must be some -- examination perhaps -- the examination, the examination that a J. P. must pass in order to establish that he has the necessary qualifications.

MR. HRYHORCZUK: Mr. Chairman, I don't very often disagree with my honourable friend the Honourable Member from Gladstone, but in his recommendation that we do not extend the services to men who become a certain age, I disagree most heartily. I feel that the experience that some of our men gain throughout the years and their honest and sincere application to their jobs are very much more important than their age, and in particular insofar as the Deputy Minister of the Attorney-General's Department, Mr. Kay is concerned. If his health permits and he is willing to continue in his job, I think he'd be doing a great service to the Province of Manitoba. I've had the pleasure of working with the gentleman for several years and I only have the highest of esteem for him, and feel that it would be very good for the department if we had many more like him serving the public as he does. So in that regard I disagree with the Honourable Member from Gladstone, and it's not altogether a serious disagreement, but I think it is only fair that I state my opinion on that particular subject.

Now I don't relish criticizing the Attorney-General or this department because I for one know the difficulties that one finds every hour of the day in administering this department. It is a thankless job, because if you do anything you're doing it for the people who are considered by the majority as the wrong people to be doing something for, and it makes it extremely difficult to do the kind of a job that one would like to do. At the same time, Mr. Chairman, I am very disappointed with the manner in which the number of our offenders keep continually climbing.

(MR. HRYHORCZUK cont'd) . . . I think that we've just about doubled the number of offenders in the last six or seven years.

In fact in one article, one of the city magistrates figured that the juvenile delinquency had tripled in the last ten years. We continue to build more institutions; continue to increase the numbers of our staff; continue to add to our probation services and our parole services; and I doubt, Mr. Chairman, whether we'll ever be able to catch up with the demand for these services and these institutions. I don't think it's anything that this department can be proud of. There's no doubt that the institutions and the staffs are necessary to meet the problems of the day, but the very fact that we can spend all the money that is being spent and still not meet that problem, I believe that after the institutions which the honourable minister mentioned this afternoon that they intend to build, when he's through building them he'll find himself very little ahead of his situation today, if ahead at all.

I'm wondering, Mr. Chairman, whether we are maintaining the respect for law and order and for our enforcement officers that we should be. From some of the complaints that we heard in this Chamber this afternoon, it would appear that there are matters that should receive our very serious consideration, and I believe that one of the most important ones is to see that we have the calibre of men in the offices of the administration of justice that those offices call for. I think that we should use continuous vigilance to see that any members of either the enforcement forces or the personnel of our courts are such that they will demand and receive the respect of our people.

Probably the ever-increasing crime "delinquency" could be in part due to the fact that we may have a few servants in these offices that create disrespect. I noticed in the newspapers this past year, towards the end of the year, where the Attorney-General got himself into quite a hassle here in Winnipeg with the police commission and the Chief of the Winnipeg Police Force in connection with one of the magistrates, and I'm sorry to say that I don't think he handled that thing too well, because it's matters of that nature that cause some of our people to wonder just what is happening to justice.

I think in all fairness to the Minister I should refer to at least some of the articles, and the manner in which he took up the challenge. And quoting from the Free Press of December 8th, 1964, this was about a meeting that was held here in the City of Winnipeg, and I quote: "At the same meeting, Alderman Lloyd Stinson charged that Manitoba's Attorney-General, Stewart McLean, was evading his responsibility by failing to back up the independence of the courts." I am inclined to agree with that statement.

Then again in the Free Press of December 9th we find the following statement, and I quote: "Some aldermen had said it was wrong for Mr. McLean not to make a strong statement supporting the independence of the magistrate's court." Well as I understand it, the Minister thought it best to say nothing and not become involved, but in the Free Press of February 10th, we have this news item: "New Court Deal", and I quote: "Moves to ensure the independence of the magistrates courts in Manitoba have been announced by Attorney-General, Stewart McLean". Mr. Chairman, I don't think it was the right statement to make. I don't think it was necessary for the Minister or anybody else to ensure the independence. That's an admission the independence isn't here. I think it's wrong, because if you're going to leave the public with the opinion, especially when it comes from the Attorney-General of the province, that our magistrate courts are not independent, how do we hope to build up the respect that we would like to see. This is a department in which you've got to be pretty careful because of the very nature of the department.

I hope I'm not sounding too critical, but I am, Mr. Chairman, very much disturbed with the direction that the behaviour of our people in general are taking, and I think something has to be done about it. I have on many an occasion in this House stated that it seems hopeless to be forever building institutions and trying to rehabilitate men after they've gone wrong. Probably I'm hammering my head against a stone wall and I'll never get anywhere with it, but after practical experience in these matters, and being very much personally concerned with them, I'm still of the opinion that we're approaching this whole problem from the wrong end.

I do honestly believe, Mr. Chairman, that if we put as much effort into prevention as we do into the cure, that we would see the trend reverse itself. Within our time, we would see a lessening of the numbers that appear in our criminal courts, and our juvenile delinquent courts. I think that we could expect a reversal. I haven't seen anything done in the last six or seven years by this government to try and approach the problem from that particular angle.

There have been many people in the City of Winnipeg who are very much interested in the



(MR. HRYHORCZUK cont'd) . . . welfare and the future of our children that have been hammering at this door with no success, that it is time that we set up machinery whereby we could keep our children from becoming delinquents, because generally speaking it is the delinquents that make the future criminals. I do not say that we can find a program that will entirely wipe out delinquency, Mr. Chairman, I'm not suggesting that by a long way but what I am suggesting is that there must be, there simply must be, means and ways in which we could save a lot of potential delinquents from becoming delinquents.

I want to say again Mr. Chairman that I recommend and request, recommend to and request the Minister that he spend a little bit of time on this angle and see if he couldn't take a first step which is always the hardest towards creating a body which would take upon itself this particular work. Again Mr. Chairman, I want to assure him that he will get assistance from every corner of Greater Winnipeg as well as from every corner of the Province of Manitoba. I say that because I know that I received that very assistance when I asked for it. I was very pleasantly surprised when every voluntary association, when every organization that was concerned were only too glad and too willing to give every help and assistance both in manpower as well as otherwise towards a project of this nature. I can only say to the Minister that he could do much worse than to follow that suggestion.

Now as to any other matters, I don't know whether the Minister would like to reply to some of the questions that have been asked today. He probably would. There may be other matters that there will be questions on. I don't intend to go on any further in this particular vein, but Mr. Chairman, I want to repeat again that the sooner we realize that prevention is the answer to most of our problems today, the better.

MR. McLEAN: Mr. Chairman, perhaps in the few minutes before 5:30 I might make a comment or two on some of the points that have been raised, just with respect to the matter of prevention which the Honourable Member for Ethelbert Plains has referred. I'm certain that I would join him, indeed we all would in the importance of preventing the wrongdoing by juveniles or adults and of course recognizing that one oftentimes leads to the other. That responsibility of course of prevention doesn't necessarily fall on the Attorney-General whose particular task it is to -- the department's task it is to enforce the law, but it is a responsibility that as far as it can be done falls upon the government. We are working however under very rather difficult circumstances when one considers the urbanization of our society and the changing patterns of our social life and ways and means of getting an education and earning livelihood and I am afraid that I would be one of those who is rather pessimistic about the possibility of really accomplishing very much by way of prevention because we're working under those difficult circumstances. However, that's not to say that it ought not to be attempted and that every effort should be and so it is that the efforts particularly of the people in education, the efforts of those in welfare are especially directed in that way.

The Honourable Member for Ethelbert also referred and said he didn't think that the Attorney-General had handled the matter of the magistrate, the criticism of the magistrate too well and a number of others referred to matters of that general nature and I just happen to have Mr. Chairman, my speech that I made on the 10th of December, 1964 -- and while I don't normally quote myself very often, I thought that on this occasion I might do so because in that particular address, I was speaking to the Manitoba Bar Association, this being the 10th of December 1964 -- I had some things to say which I think would fall on the point that has been made by a number of the, practically all of the members who have spoken beginning with the Honourable the Member for Selkirk. On that occasion I was speaking about the provision of the new magistrates court building and I said in part, I had this to say, and I am now quoting Mr. Chairman: "the provision of this separate court accommodation will I trust emphasize what to me is an important concept, namely the complete separation of the policing functions and the judicial functions. I think it is most important to emphasize this separation and I believe that it is important not only that they be understood to be separated but that they appear to all concerned to be completely separate and independent one of the other." And then if I may just leave out a paragraph which is not relevant to the discussion here, and again to quote, "in making this announcement I would like to reiterate something I said some months ago that in my opinion the time has come to stop using the terms police courts and police magistrates. I much prefer the use of the terms Magistrates Court and Magistrate. While I would not at the present time suggest what is being done in at least one other province of calling the Magistrate, Judge, I certainly think the proper terminology to be applied is that of Magistrate. The use of this terminology would assist greatly in making abundantly clear the respective responsibilities and

(MR. McLEAN cont'd) . . . . functions of the police forces and the judicial officers. Would you also permit me to say a word which relates to the general topic of this announcement. I would like to emphasize the absolute importance of recognizing the judicial independence of all courts. In the term "courts" I include as an important court, that of the magistrate. Indeed there is much argument to support the thesis that the magistrate court inasmuch as it deals with a much larger number of people than most other courts is the most important from the standpoint of the general public. May I say that so far as I am concerned the judicial independence of the courts, including the magistrates courts, will be respected and there must not be, and there will not be, any interference with this judicial independence. I trust this point is abundantly clear to all concerned. In the nature of things judges and magistrates being human errors may appear to be made from time to time. Happily there has evolved over the years a splendid system of appeal courts which exist to correct errors when and if they may be thought to have occurred. It is the function and the responsibility of the law officers of the Crown in respect of criminal and quasi criminal matters to review decisions which may appear not in conformity with the precedents and practice and good public policy and to bring appeals where they seem to be warranted. The fact that an appeal may be taken by either the Crown or an accused person is no reflection whatsoever upon the judge or magistrate who made the original decision and under no circumstances is to be considered as a warrant for interfering with the judicial independence of the magistrate or the court in the first instance or any subsequent court." I leave the quotation there because the balance was just the concluding part of my address.

I think, Mr. Chairman, that that will indicate my own views in this respect. I believe most sincerely in the principles which are enunciated in that statement and I would think that I could agree with those who have urged the importance of the magistrate, the importance of the magistrates court, the importance of the independence of the magistrates and the magistrates courts in order to carry out their functions. It would have been interesting, and I made a decision at the time not to become involved in the rather interesting public discussion that went on about what was said and where it was said and who said it, and I think perhaps in the interests of public policy it would be best that I should remain silent on that topic. I never thought at the time that the debate or the discussion contributed one iota to anything and that my intervention in it wouldn't have contributed anything. It wouldn't have contributed anything then and it won't contribute anything now and I think that my recollections and my remembrances and my thoughts and my views are better left unsaid. Although it leaves it open, certainly and very properly so to the Honourable the Member for Ethelbert Plains to say that the Attorney-General hasn't really discharged what would be his proper role. Well that's a matter of judgment in which I respect his judgment but would say that I believe that all things considered that what I said on the 10th of December was perhaps the only thing that needs to be said by the Attorney-General and that that sets the whole matter in its proper perspective as far as the Attorney-General is concerned and the administration of justice from our point of view.

Now Mr. Chairman, it is almost 5:30 and -- there are a number of other points that I will be glad to discuss and perhaps you might wish to leave it at that point until we resume again.

MR. EVANS: Mr. Chairman, I move the Committee rise.

MR. CHAIRMAN: Call in the Speaker.

#### IN SESSION

MR. CHAIRMAN: Madam Speaker, I wish to report progress and ask leave that the Committee sit again.

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Member for Pembina, that the report of the Committee be received.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried.

MADAM SPEAKER: It is now 5:30. The House will now adjourn and stand adjourned until 2:30 tomorrow afternoon.