

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock Friday, February 18th, 1966.

MR. CHAIRMAN: Department of the Attorney General. Resolution 21.

MR. McLEAN: Mr. Chairman, this, as Members know, is not one of the larger departments in terms of expenditures, but is what we like to call "a working department" in the government. Members will note that we are asking for approval for total expenditures of \$8,783,291 as compared to \$6,987,958 a year ago. That is a modest increase covering the increased activity as well as the increased cost of the continuing activities of the Department.

When I presented the Estimates for the Department last year, I made reference to the fact that the then Deputy Attorney-General Brigadier Kay would be retiring during the year, and he did retire at the end of May; and we of course would all want to say that we miss him very much, but I am happy to tell his many friends in this House that he is enjoying his retirement and is in good health and has a very keen and vigorous outlook on life as he always had.

Mr. Kay was succeeded as Deputy Attorney-General by Mr. Gordon Pilkey who had been with the Department for a number of years in various posts of increasing responsibility, and was the Assistant Deputy Attorney-General during the latter years of Mr. Kay's occupation of the post of Deputy Attorney-General, and he was appointed to the post of Deputy Attorney-General and I should like to say that he has been discharging his duties in a very commendable fashion, and to express to him and to all the members of the staff of the Department the sincere appreciation of myself and, I am sure, of all those who have occasion to deal with them from time to time. I believe that the staff morale is high and the work is carried out in a proper, effective and efficient way.

A year ago, on the 1st of April 1965, we instituted a revision or change in the staff organization by dividing the work, or regularizing the work of the Department in six branches under Civil Litigation, assigning to that branch the responsibility of the advising other government departments and the whole host of activity which is carried on in the way of drafting documents, advice, and that sort of thing which is carried on under a director of that branch, Mr. Leif Hallgrimson.

The criminal prosecutions are under a branch known as Criminal Prosecution, and they are responsible for the conduct of the criminal cases that are prosecuted by the Department. I suppose that in a sense the general public hear more of those who are engaged in the Criminal Prosecution Branch than they do of the others, simply because there is more publicity attached to their work and they more frequently appear in the press, but their work is, while important, no less important than that which is carried on by the Civil Litigation Branch. Indeed one of the interesting aspects of the Attorney-General's Department, I would think, over the years has been the fact that while at one time the responsibility for the conduct of criminal prosecutions was sort of the primary reason for existence, there has been a vast change in that and we have many other activities which, while not necessarily more important, have an importance which is equal I am sure to that with regard to criminal prosecution. The Criminal Prosecutions Branch is under the leadership of Mr. Sarchuk as the Director.

We established a new branch called the Administration Branch, which has the responsibilities of the general administration, accounting, personnel and similar matters, as the term would indicate, and this is under the direction of Mr. Graham who is the Director of Administration and who has been with the Department a number of years carrying out responsibilities of that nature, I believe, during all of the time that he has been with the Department.

Another branch is known as the Corrections Branch and it has the responsibility of superintendence of the jails, all of the custodial institutions, the probation service, and the sort of work that one would associate with the term "Corrections," and more and more we are coming to use the expression "Corrections," and I'll have something to say about that during the presentation of these estimates - the use of the expression "Corrections" in place of expressions which have perhaps had more common use during earlier times. Shortly before the presentation of our Estimates a year ago I announced to the House that Mr. Slough, who had formerly been in the government service in Saskatchewan, had joined the staff as the Director of Corrections, a position which he holds at this time.

Then we have our Land Titles Office system under the direction of the Registrar-General, Mr. Harold McKay, known I am sure to all of you, with the responsibility of the work concerning the Land Titles Office. Then last, but certainly not least, the Legislative Counsel who has responsibility for the drafting of legislation and all the matters pertaining to that, and regulations

(MR. McLEAN, cont'd) . . . which fall under legislation, and associated with the Legislative Counsel, who is Mr. Tallin - and he by the way is the Law Officer of the House - is Mr. Rutherford who formerly held that position and who continues to render excellent service to the people of Manitoba in a position which we call Revising Officer, his primary responsibility being that with respect to the revision of our statutes. So, as Members will see, operating under the direction of the Deputy Attorney-General we have six branches within the Department, each carrying out its specific duties for either other departments or within the department itself.

I have mentioned that we have a Civil Litigation Branch and we have been able and are able to provide additional legal services for government departments, and we believe that the system now being followed is satisfactory and is giving good service to the various departments of the government. Among the additional money, or for the additional money -- some of the additional money that we are seeking at this time, we are proposing to add to the probation staff, and this is in continuation of the policy which has been followed now for a number of years, of each year adding to the staff of probation officers. The additional staff that is requested this year will provide staff - that is, additional staff - at Winnipeg, Selkirk, The Pas and Morden. I can report that in our Land Titles Office system we have secured the services of two new district registrars who have replaced district registrars who, after a long time of service to the province, have retired and this matter of district registrars had been one of some difficulty but we are now in excellent shape. The staff is right up to the full complement.

I mentioned the use of the term "Corrections" just to say that in connection with our jails, which we now call "correctional institutions," we have changed the name of the people who were formerly known as "guard officers." They are now classified as "correctional officers," and whether for that reason or others there we have been able to make substantial increases in the salaries paid to them and we believe that the salaries will be more comparable to salaries that may be earned by people of their experience and training and qualifications elsewhere, and that it will attract and hold good men in our correctional institutions.

Borrowing a phrase from my colleague the Minister of Education, I can report that we are about to launch on Phase II of our staff training in our correctional institutions. The first period of the training has been a sort of orientation course for correctional officers and we are now asking the Legislature in these estimates to provide funds with which we will add a supervisor of staff training, and a more intensive program of training will be instituted for correctional officers, and we are at the present time working on the curriculum of training that will be used in the training there.

An interesting and worthwhile innovation that we have been able to start this year again with the assistance of the Department of Education has been the first class known generally as "upgrading class" for inmates at the Headingley Correctional Institution. This is the same type of training that was instituted through the Department of Education some three or four years ago for people who had dropped out of school, perhaps at Grade 2 or 3 or somewhere, and required additional training in the basic subjects in order to enable them to perhaps go on to trade training or whatever might be the case, and we had been anxious for some time to make this kind of training available to inmates of our correctional institutions, and we began our first class at Headingley during the past year. It was quite successful and we are now launched on our second class. We were able to re-arrange our accommodation so as to provide quite an adequate classroom, schoolroom or classroom for this purpose; the Department of Education arranged for the teacher, and the matter has been going on quite satisfactorily, and it is our hope of course that we may be able to extend it as time goes by.

Three new rehabilitation camps have been established during the past year, two of them in connection with our adult offenders, one at the Birds Hill Provincial Park, which camp is established and has been operating for some months. They will be performing useful work there in relation to the development of Birds Hill Park. The other camp is really the more dramatic in some respects. It was the first mobile rehabilitation camp and was established and is presently at Lake Adam in the Turtle Mountain Provincial Park close to the International Peace Gardens. It's mobile because the buildings that were obtained are trailers. Three trailers were secured and they are set up in such a fashion as to provide -- one of the trailers is the sleeping accommodation, one provides for the storage and eating and cooking facilities as well as the washrooms, showers, and that sort of thing; and the third provides the living accommodation for the officers and a small private office for the officer in charge of the camp, and a private counselling room as well. And these are arranged in such a fashion as to make use of the space between them. They are placed a distance apart, two of them, with a floor connecting

(MR. McLEAN, cont'd) . . . and a roof connecting and of course a doorway, canopy at one end, and it makes a very excellent common room in which the inmates may use the television set that is there and engage in recreational activities. This is our first venture in this regard and I must certainly say that it is the most delightful accommodation. In fact, a number of the people who saw it, Mr. Chairman, when we opened it, were anxious to know what they could do or how they could get the privilege of being there. The whole arrangement was most comfortable and pleasant and well-ordered.

We have embarked on this project because we visualize this camp as being one which can be moved from time to time. It is established in such a way that in a relatively short time the trailers may be prepared for moving, and may be moved and may be set up in the same way in another location with a minimum loss of time. This camp is related to the Brandon Jail and will be kept in the Western Judicial District, and it is anticipated that when the work which they are now doing at Adam Lake is completed that the camp will be moved to the provincial park which it is proposed to establish at the site of the Shellmouth Dam. This is, as I say, an interesting -- and been rather more dramatic than the other establishments of this nature that have been established.

The third camp is that having to do with the Home for Boys, and this is being established in the Spruce Woods Provincial Park and is related to the Home for Boys at Portage La Prairie. This is not completely established at the moment. The site is selected, the buildings are there, and a number of the boys are there, and it is being put into final form although we have not reached the point where we can say that it is in full operation. This is something about which I spoke last year and looked forward to because I believe that this is a most worthwhile venture. It will provide an excellent opportunity for the boys who are in the Home to get useful experience in the woods, to perform useful work, and we hope to speed and strengthen their rehabilitation and their return to life in the community.

I may say that we are proceeding with our plans respecting the Magistrates Court Building and the Juvenile Detention Centre and Family Court. The planning has taken a good deal of time but I think that the time spent will be worthwhile.

Finally - perhaps not finally - one of the perhaps more important matters which will come, so far as this department is concerned, from this department this year is the new Corrections Act, of which notice has already been given to the members, in which we will endeavour to set out and define the full role of corrections and to give a new emphasis to that aspect of our work. As I have already indicated, it indicates the changing emphasis of the responsibility of the Department of the Attorney-General. We will, of course, have another opportunity to discuss and consider in more detail the provisions of that Act.

Finally, Mr. Chairman, we have gone into the publishing business in the Attorney-General's Department, and it will interest the members here other than the Member from -- perhaps I should say it will startle the members here, other than the Member from Pembina, to know that we have published a booklet - it's really a republication, revision of a booklet known as "Laws of Interest to Women." That's not really so startling; what the startling part of it is, is the tremendous response we have received for the booklet, and we're literally being deluged with requests for copies of the booklet. I'm not sure, Mr. Chairman, what that means for those of us, for the male population of Manitoba, but certainly the ladies are showing a real interest in knowing about the "Laws of Interest to Women."

MR. PAULLEY: Can males get a copy?

MR. McLEAN: . . . be glad to. In fact, I think it would be advisable just so that everyone would know what it is the ladies are reading in connection with the laws of the province (Interjection) I think that's a good idea.

Mr. Chairman, that would be all that I would propose to say by way of a general introduction. I'll do my best to answer the questions and I have no doubt there will be some problems that I won't be able to answer but we'll do our best to provide the information for the members as we go along through the individual items.

MR. MOLGAT: Mr. Chairman, I want to thank the Minister very much for his review of his department. I won't by any stretch of the imagination attempt to cover all matters in the department. I have a number of various fields that I want to investigate as we proceed.

I'd like first of all to ask him about the field of the juvenile. This, it seems to me, is one that over the years we have not paid sufficient attention to. It's all well and fine to put people in jail and when they are in jail to try and do everything we can to make sure they don't return to jail later on. In this regard I think that the work camps are a forward step. They do mean that

(MR. MOLGAT, cont'd) . . . people can move -- the transition from jail back to civilian life is much easier. It seems to me that our efforts in the field of the juvenile is still lagging behind, because surely here is a place where we should be putting the most of our emphasis. If we can stop the young people from getting into trouble, surely we should be reducing our adult jail population.

Over the years we've talked here about the Vaughan Street Detention Home. On several occasions I have brought to the Minister's attention, and to his predecessor, the total inadequacy of that facility; the fact that that particular facility which was designed for pre-sentence detention is not adequate; the fact that the facilities for holding the juveniles after detention are not adequate either. In the past I pointed out to the Minister that I was sure that the space in the Vaughan Street Detention Home, the Boy's Section, is less in size than the office of my honourable friend and that of his secretary. If he takes the square footage of his own office in this building and that of his secretary, it is less than all the space that is allocated at the Vaughan Street Detention Home across the way, and yet on many occasions the number of boys that we are keeping in that space will run as high, I am told, as 30 and 35. Some of them may be only there overnight but others are there over a long period of time. Last year when we discussed this matter under estimates, the Minister said to us that he was going to do something about it. But it wasn't in his estimates, as I recall it, but that he would do something about it and it certainly was one of the priority matters that he considered. But nothing that I know of has happened since then. We are still using the same Vaughan Street Detention location. There's no more space available than there was, to my knowledge, a year ago.

This fall I went on a personal tour of the facilities myself, along with the Member for St. Boniface constituency. I will admit that the facilities were clean; that insofar as what the staff that is there had to work with, they were doing the very best that they could. But the day that we were in there, as I recall, and it was rather difficult to count because there were so many people milling around that you could hardly keep track of them, but I think there were 28 boys in that particular facility. This is in, I believe, something like four rooms for sleeping and one large common room which is used for feeding, for recreation, for study, for any of the activities that go on in that Home. And on many occasions because of total lack of space in the three or four dormitories that are supplied, they must sleep in there as well.

Now, Mr. Chairman, this has been at least the third or fourth session at which I have spoken about this matter. Last year the Attorney-General gave us an assurance that this was one that he would give high priority attention to, and yet nothing has happened since that time. I believe that he has been reminded of this by some of the judges who are involved in this, who see the difficulties, but we don't seem to be getting any action.

Now we come along then to the post-sentence situation. Apart from the fact that there's going to be a camp for the juveniles out of the Portage Home, I believe that there has been no further steps taken for proper segregation of youngsters, particularly those who are sentenced for the very first time. I would like to know from the Minister, for example, how many juveniles this year have been sent to Headingley Jail; how many were sent there because we had no facilities to put them elsewhere; how many were sent there to be mixed with criminals, with people who have had long records, without any possibility of segregation; putting them, in effect, in what might be termed a "school for crime" rather than segregating them and trying to isolate them at the very beginning, getting them away from their bad ways. Similarly, at the Portage Home, I receive consistent complaints from parents about the operation of the Portage Home. I am told that it is more of a military institution than it is a rehabilitation institution. Now surely it is in the field of these young people that we should be putting our very first efforts. I don't believe, in spite of the statements of the Minister, that action has been taken in this field - I think we have been lagging behind. I would like to know from the Minister how many juveniles this year were sent to Headingley; how many were sent to Stony Mountain; what has been the record at the Portage Home insofar as those who have been sent there, released and then eventually got back into trouble; because I don't think that we are accomplishing in that field what we can accomplish.

But to go on then to another subject, Mr. Chairman. That's the question of bail. Bail. This again is a matter that has been brought up in this House on a number of occasions by members on this side. It seems to me that we are not following here a consistent practice that gives every person in the Province of Manitoba the same opportunity. If you are a resident of an area where there is a magistrate, you can obtain bail reasonably quickly, because the magistrate is available. You appear before him and if he decides that bail is warranted, then you are

(MR. MOLGAT, cont'd) . . . given a change to get bail, and if you can raise it you can get it. In many of the rural points, on the other hand, there is no magistrate available, in many cases no Justice of the Peace, and an individual may have to be incarcerated for a length of time before he can actually be recommended for bail. It seems to me that the whole matter could be simplified very much by giving the police authority the right to decide on bail. Now, at the moment, in most of rural Manitoba the RCMP are the police officers. If they arrest someone, they have the choice. They can make the decision whether or not they should lay a charge, this is within their jurisdiction. They can let the man go free or they can lay the charge; it is their decision to make. They can decide if they want to lay a charge, whether or not he should be detained, or whether he can be called upon at a later date. I understand that this is within their discretion. But they are apparently not able to decide if, in their opinion, he should be detained, whether or not he is eligible for bail. Well surely if they can make the decision in the first place to lay or not lay the charge, and in the second place to detain or not to detain, then it shouldn't be impossible to give them the right as well to decide whether or not bail should be granted or not granted. This doesn't seem to be as much of a decision as the first two decisions they must make, that is, whether or not to charge and whether or not to detain. And if this were done it would simplify the bail situation for many of those who are charged in rural parts. It would mean that people might not have to sit in jail over long periods waiting for the next time the magistrate happens to be in the area.

It seems to me as well that there are other factors in allowing bail that could be considered. Why does it have to be property? Why can it not be cash? If people can raise sufficient funds, why is this turned down? Why can't it simply be on the basis of cash? There are a number of cases where property cannot be used. This is particularly so with many of our Indian people who live on reservations, because they do not have title to a piece of property as they are residents of a reservation. Therefore, if you insist on having bail set up on the basis of property, they are not allowed to get bail and yet they might well be in the position where they could raise the cash to allow them to get bail. There are these other matters, then, in the field of bail which I think could be simplified, I am sure with no extra risk insofar as the law is concerned, and certainly a great deal more convenience and, I think, justice for those who are charged.

Moving on to other fields, Mr. Chairman. Yesterday the Attorney-General read to the House a statement regarding the appointment of a judicial inquiry regarding land purchases insofar as the Portage Diversion is concerned and Totogan Farm. Now this was not proceeded by the Attorney-General with any indication as to why the inquiry was required. It seems to me that now that we are in the Estimates of this department, he might be in a position to give us complete details as to why the department and the government should decide that an Order-in-Council was required to investigate this matter. Have there been payments made? If so, how much? On what basis is the whole of the inquiry proceeding?

I'd like to know from the Attorney-General as well, Mr. Chairman, the position of the government here insofar as two items that came up at the Conference of Justice Ministers earlier this year or late in the past year. I understand that when it came to matters of the abolition of capital punishment, the statement that the Minister made - if he is properly quoted - was that neither he nor his government had a firm view on the question of the abolition of capital punishment, which surprises me from the chief law officer of the province. One would expect that, as Attorney-General of this province, he would have a view on the subject in one way or another. Surely this is a matter in which there should be some indication as to what the views of the government are, but according to the quotation, neither he nor the government had any view one way or the other on this subject.

There was indication, however, from the Minister that he wanted some changes made in lotteries, and I would like to know from him, on what basis at the moment does the government decide when to charge and when not to charge people who are considered to be conducting lotteries? During the course of the Fall there was a case that came to the Minister's attention; it was held over for a long period of time and I understand that he finally decided not to charge the individuals involved. Well there is no question about it, I think, insofar as the legal situation; the Attorney-General has the right to do this. I think legally he has the right to make that decision. But I think the people of the province have equally the right to ask: on what basis are these decisions made? Is there a law for those who have influence and is there a law for others who don't? Who is being charged on this bases and who isn't? The Attorney-General says, "Well, if we were to enforce this, if we were to charge all the people who are guilty, we'd be spending all our time doing this." Well then, Mr. Chairman, the first thing to do in that case

(MR. MOLGAT, cont'd) . . . is to change the law. If the law is wrong, let us change the law. But is there any justification for decisions made on no-one knows what basis except the decision of the Attorney-General himself - unless he can provide us now with some other basis on which he makes his decisions - but apparently now it's strictly up to what he wants to do. Surely this is not a proper way to have the law, and I would like to know from the Attorney-General, who is charged when there is an infraction of these and who isn't. How many cases have there been that have come to his attention that have not been charged? How many of them have been charged? I think there's a fairly widespread view in the province that there should be a change in the law, but in the meantime there must be an assurance to the people of the province that there is no discrimination in the application of the law and that there is fair and equal treatment for all those who contravene the law. And under the present basis, there are certainly grounds for some fear on the part of certain Manitobans as to whether or not this is so, when the law is being applied in the way that apparently has been the practice under the present Attorney-General.

MR. PAULLEY: Mr. Chairman, I too welcome the statement of the Attorney-General regarding his department, and while I note that there has been some increase in the proposed expenditures for the department, it seems to me, at least by the remarks of the Attorney-General, that the government is still not conversant with the problem of correction and probation in the Province of Manitoba. I think it is regrettable, Mr. Chairman, that we as members of this Legislature have to await each year a verbal report from the Attorney-General as to the state of the administration of justice in our province. The only document that we get to indicate to us what is happening, is the report on the jails which is tabled in the Legislature. We get reports from the Department of Health, the Department of Welfare, Industry and Commerce, Labour, Agriculture, Public Works and other departments. I would highly recommend to the Attorney-General that he give consideration to providing the members of the Assembly with a comprehensive report as to the activities of his department, because those of us who are in opposition must attempt to listen very intently to the report of the Attorney-General on the introduction of his Estimates, and to try at that particular time to arrive at some basis of asking him questions insofar as the administration of justice is concerned in the province.

Now I appreciate and I realize that there are many aspects of community life that are contained within the Department of the Attorney-General, such as the Land Titles Office, Law Courts Revision of Statutes, and the likes of this. But to me, Mr. Chairman, these are of a general routine nature and are going on day by day in any case, but I do think that the Attorney-General owes it to the members of this House to give us a more comprehensive report as to what is happening in the field of the administration of justice rather than a verbal report, as I say, at the start of consideration of the Estimates of the department.

I also, Mr. Chairman, want to lay another complaint to my honourable friend the Attorney-General. The other day he made reference in a statement, or a resolution to the Assembly that he was going to introduce legislation dealing with a change in the corrections picture in the Province of Manitoba, changes, as I understand it -- already one matter of a specific nature is changes in The Summary Convictions Act. My honourable friend has also indicated to us, by way of resolution, that eventually we will be asked in this Assembly to consider new ventures in the field of correction through legislation. It is true, Mr. Chairman, that the Attorney-General can say to me. "Well, when the proposals are before you then you will have opportunities to debate . . . and consider . . ." I suggest to you, Mr. Chairman, that such is really not the case, because it is only when we are in the Committee of the Whole or considering the estimates of the Department that we have the full freedom of debate so that we can extract from the Minister of the Department concerned, the information that we are actually seeking on a more proper basis.

So I say, first of all, Mr. Chairman, that we should receive a report from the Department of the Attorney-General as we do from the other departments, so that we can consider the past record of the department over the year for our consideration. I noted the other day, Mr. Chairman, that there is another committee who have been investigating into the problem of corrections, the problems particularly of juvenile offenders, and I confess offhand I haven't at my finger tips the name of the Commission that has just recently reported in this field. And before we have an opportunity actually of taking a look at this document we now have to deal with the Department of the Attorney-General.

I want to ask my honourable friend one or two specific -- I want to know from him how many conferences have been held between the various justices, the various magistrates,

(MR. PAULLEY, cont'd) . . . regarding the administration of justice and penalties imposed under the law. It seems to me, Mr. Chairman, that if newspaper articles are correct, there is a widespread variance in the sentences that are meted out by magistrates in the Province of Manitoba. It seems to me, Mr. Chairman, that some magistrates in the Province of Manitoba are not fulfilling the obligations and the duties that they hold and should hold as administrators of justice in the Province of Manitoba.

I do not verify as to the correctness, Mr. Chairman, of the article that I have in my hand, but we have become accustomed in this House and generally in our democracy in relying on press reports. I have in my hand one date Thursday, February 3rd, of the Winnipeg Tribune dealing with the question of a sentence being imposed on an 18-year old youth - this year; 1966 is the year - a sentence imposed on an 18-year old youth. This individual was given a two-year suspended sentence by Magistrate Isaac Rice because apparently he got a haircut. I think, Mr. Chairman, it's a serious business, that if a magistrate can differentiate between a suspended sentence and an actual incarceration because the individual got or did not get a haircut, it's certainly not the carrying out of justice in the normal British tradition. I wonder if my honourable friend would suggest that the Beatles, who so recouped the Treasury of the British Isles through their ventures in America and elsewhere, who have long hair, are wrong, and whether had perchance the Beatles appeared before Magistrate Rice and lost their hair whether it would have resulted in the loss of thousands, nay, hundreds of thousands of pounds to the British Treasury.

So I say to you, Mr. Chairman, and I regret very much that as a representative of this Assembly that I feel that it is incumbent upon me to draw to the attention of this House apparent indications of sentences being based on whether an individual has close-cropped hair cut like my friend the Minister of Agriculture, or he may have hair down to his ears like the Beatles.

I also say, Mr. Chairman, that it seems to me that in other instances which we are aware of from time to time by certain magistrates, and the references in the courts to do-gooders", Mr. Chairman, from what I have read in many reports - again I don't vouch for their accuracy - but reports from our courts where the social workers of the Province of Manitoba are raked over the coals because they appear in court on behalf of individuals, that where representatives of religious orders and organizations are called "nothing but a bunch of do-gooders," this to me, Mr. Chairman, I do not think is the administration of justice in its proper form. I am prepared to be called a do-gooder -- yes, I feel that I'm more of a do-gooder than my honourable friend the Member for St. Boniface because, Mr. Chairman, I'm prepared to stand up here and be counted. I say that there's no relationship between some of the sentences that are meted out because of long hair or short hair in our courts. There's such a wide variance of sentences within our magistrates courts for what appear to be similar instances that I think that it is incumbent upon the Attorney-General to cause a full investigation into this matter. If memory serves me correctly, it wasn't too long ago that we were informed that there were going to be conferences of justices in respect to trying to bring about more uniformity in sentencing in our courts in Manitoba, and I think this is necessary from all of the reports that I have been receiving.

So I say, Mr. Chairman, I welcome very much the opening statement of the Attorney-General. I deplore the lack of information, despite his introductory remarks, of actually what has happened over the past year, what he contemplates for the future. It is true as we look at the comparative staff figures that the department will be increasing the Directorate of Probation and Parole from 40 to 44 members. It's also interesting to note that the Juvenile and Family Court personnel will be increased from 42 to 46. I also note, however, that the staff in our jails will increase by three; the staff in our law courts will increase by ten. I would like to hear from my honourable friend more than just a brief outline as he gave to us. What has he got in mind in the field of correction? What has he got in mind in the field of probation? These are the important questions that thus far the Attorney-General hasn't imparted to the members of this Assembly the information that we should be obtaining from him.

It seems to me, Mr. Chairman, I have had the honour of being in this Assembly since my election in 1953. While numbers have increased, it doesn't seem to me that there has been a very real change in the basic approach to corrections to probation. It might be that my honourable friend the Attorney-General is awaiting the opportunity to read more reports, more recommendations from committee and commissions. This, of course, I do not know. I would like to hear from my honourable friend what is happening insofar as the Fauteux Report is concerned and the areas of jurisdiction between the federal and provincial authorities. It seems to me that

(MR. PAULLEY, cont'd) . . . many years ago this matter was given a considerable amount of publicity; it also appears to me that it sort of bogged down.

I trust, Mr. Chairman, you will forgive me for these somewhat rambling remarks. Other questions will arise as we consider the estimates of the Attorney-General, questions both from myself and my colleagues. I do want to say to my honourable friend the Attorney-General, however, I join with him in an expression of appreciation to Brigadier Kay. I'm glad to know that he is enjoying himself in his hard-earned rest, and may I suggest to the Attorney-General that he not rest until there has been a considerable improvement in the state of the administration of justice in the Province of Manitoba and to do it while he has the opportunity because it may not be long that he has that opportunity.

MR. DESJARDINS: Mr. Chairman, few minutes ago the Attorney-General said that as far as this department was concerned, as far as he was concerned, they didn't spend too much, but they were doers; they accomplished something. Well this is debatable, not the first part apparently, maybe they don't spend too much according to some of the magistrates and the judges who felt that they should be better paid, that they could not exist on the salaries that they've had. At a meeting that the Attorney-General held with these gentlemen, the magistrates, they asked that they should be paid up to \$16,000 for full time. Now he was very clear and he felt that this was too much. Now I would like him to tell us what he feels is a fair salary.

Now we were told that he was a doer, that this department acted. It has been requested now for umpteen years that we do away with part time magistrates. Every year we are told that this is something that is being studied, something should be done, something will be done on this, but nothing. Now we have an embarrassing case where one of the magistrates himself is under the gun for supposedly, that is not -- I don't know anything about it except what I read in the paper -- for supposedly having neglected his own practice. Now if this is the case, it is also possible that a magistrate can neglect his work as a magistrate. Maybe he is not to blame but I feel that this is something we shouldn't brag about, how little is being spent; it's when the money is spent for nothing. But this Attorney-General's Department as far as I'm concerned should not be a department that should bring revenue to the province, it should be where we will take care of justice.

And at a meeting -- the same meeting that the Attorney-General held with these magistrates -- now he told them that they should not discuss these things in public, that this could come back. Mr. Chairman, the Attorney-General seems to be puzzled, so I'll just quote from the Tribune of May 28th, '65 -- he might be misquoted again, he's often misquoted -- (Interjection) -- Yes, it is in quotation marks and my honourable friend from Neepawa will probably explain this to you on Monday. But "It is not in keeping that these matters should be aired in public. It creates embarrassment and controversy in which everyone loses." Well maybe this is right but when there's something wrong with law enforcement with these things, I think that we should know. I think that the public -- this is the only thing. We won't have an ombudsman; we don't believe in this. Well then let the public know, because the public will demand certain things.

Now it is very clear that at this meeting, none of the magistrates had anything good to say about the "boss," about the Attorney-General or his department. I'll have some of the quotations that we're "First of all the County Court Judge, Irving Keith was invited to look at the magistrate but he swung around and looked at the Attorney-General instead, accusing him of delaying justice. We can do only two speedy cases and appeals a week because that's all the time the Crown Prosecutors have said Judge Keith. Why can't the government provide another Prosecutor to speed things up? And I think that this is something that's been mentioned in this House the last two or three sessions also, and this is something that the same learned judge says, and I think that we all agree with him, "as far as I'm concerned justice delayed is justice denied." And he's talking about somebody who has been in jail for a number of months because they could never take his case.

As soon as it swung to this, as soon as -- instead of talking about the magistrate, the magistrate started to talk about the Attorney-General, the Attorney-General wanted to stop the meeting. Mr. McLean told the magistrates he didn't know if their conference was of any use to them at all. "People are having conferences on everything these days" he said. "I'm known as a reactionary old Tory but it seems to me that 75 percent of all these conferences are a waste of time." It would have been all right if they would have talked about the magistrates but when they swung around, the meeting was of no purpose at all.

Well one did not agree, Juvenile Court Judge Stringer, rising to his feet, "We must be a

(MR. DESJARDINS, cont'd) . . . pretty dumb bunch of magistrates because the conferences are successful in other provinces." And Mr. Rice said, "even in Quebec." So you can just imagine if "even in Quebec," these must be very valuable conferences. Now Magistrate Macdonald from Portage La Prairie said, "the eyes of the government seldom get beyond the perimeter road." I didn't know the perimeter road meant to keep the justices and all the law enforcement, and so on here, but apparently this is what Magistrate Macdonald says. "Now and again of course the salaries come up and we are the poorest paid magistrates in the country." I would like to know if this is the case. Now I don't know. The Attorney-General says that \$16,000 is too much. It might well be. I don't know. Maybe we can make a case for this and I admire them -- he's not going to just give people whatever they want, even if it is too much, but I think that something should be done about this and I think that we have to have full time magistrates and magistrates that can do a job.

Well there's quite a few - nearly all the magistrates had something to say about the Attorney-General. This is something that you should keep for your clippings also, Sir. This is the Tribune of May 28th, 1965. It is very, very interesting.

Now there is something else that I think is very important, but first of all I'd like to know if the Attorney-General will tell us once and for all, because there's a conflicting report now -- I'd like to know if he is in favour of lotteries or if he's against? On Sunday, on Monday I think he was, and on Tuesday he wasn't and on Thursday he was again. I'd like to know a little more about these lotteries, because I think we should be ready if we are going to have lotteries here in Manitoba. This is something that seems to be the only thing they talked about, or the Attorney-General of Manitoba talked about in this Federal-Provincial Conference of the Attorney-General.

Now one thing that is very important, very serious, is the crime syndicate. And I'm told that the rumours are, the reports are from the RCMP that this is growing in Canada. I'm not saying Manitoba, but this is growing in Canada, and if it's growing in Canada it stands to reason that it will grow one day in Manitoba if something isn't done. Now I wonder -- I don't know if this is top secret, but this is something that I'd like to know -- what is being contemplated? The people of Canada are, and I'm afraid of this because as I said before, the day that the crime syndicates really take over in Canada, it's good-bye democracy. And if you were to visit some of the cities in the United States, I think you would agree with me that there is a sad state of affairs in many places when these people, the people that are -- this country, which is supposed to be the leader in the free world -- and they have people fighting all over the globe, as I mentioned a few days ago -- and you cannot even go for a walk in Central Park, or in the parks even in the daytime. Well this could happen here. Now I think -- I was very very surprised and disappointed that the Attorney-General did not say anything about this, because this is a question that is on everybody's mind right now. We have a chief of police, a former chief of police who tells us that the Mafia exists here, the Mafia syndicate exists, and the Attorney-General says No, and there's a public debate - Taft blasts McLean for Ottawa pop-offs - and these are the things that we get. This is very important and I think that the public should be reassured, not only reassured, say it's nothing, close your eyes that nothing will happen. This is very important and if there is anything here in Manitoba I think we should do something about it now and if there isn't in Manitoba, I think we should co-operate with the Attorney-Generals of B. C. and Quebec and so on, to have either the RCMP or another policy force that will be a Canadian Police Force in this and that will be able to stamp out crime and chase these syndicates and the Mafia people back to the States, or wherever they want to go, but get them out of Manitoba. I think that this, in this department, to me should be right at the top of the priority list because if we lose the battle now, if we don't do this now, it will be too late and I'm not joking. Look at New York for instance, all the money they spend. It's no use waiting until this happens because then it will cost you more than it would the money they put in their wars and they can't win out there. And this is happening in lots of places in the States and we are that close to the States that we can't afford to let this happen here. -- (Interjection) -- That might be, that might be. I respect the man. I don't know what kind of a politician he is, I think we have been very very fortunate in having in Greater Winnipeg and Winnipeg the man that is considered, probably considered the best police chief in the country. I think that you can say what you want about Taft, I think that the man has done an awful good job for Winnipeg and Manitoba and I think that we have to give him his due. -- (Interjection) -- Well maybe we needed people like him. Maybe we needed people like him. Maybe he could take care of the Banks and Rivard and those fellows. I think that might be possible. But that doesn't change anything. This is

(MR. DESJARDIN S, cont'd) . . . what I want - I'd like to tell the Leader of the NDP, I want to keep Rivard and Banks out of Manitoba. I'm not too wary right now. I think that we should start with Manitoba and this is what I'm interested in and the Attorney-General hasn't said anything about this although the public of Manitoba has been the witnesses of a battle, a battle from the press between different people, between Wagner of Quebec who has accused the other Attorney-Generals of being weak-kneed, or something to that effect; a battle between Taft who has said that McLean should not pop-off before discussing this thing with him. I think that we should have something on this.

Now I don't know if I'm wrong but I was under the impression that justice came under the Attorney-General's Department. I'm not holding him responsible for all this but I think that something should be done. I was shocked, Mr. Chairman, when I saw in the same paper - during this the last summer - on the front page of the Free Press, in a little clipping there was 21 days for a \$1.50 theft. Twenty-one days in jail for a \$1.50 theft. And then fines of \$5,000 and \$6,000 for people who had really organized a scheme to rob the Treasury of a country of \$200,000 by evading, by not declaring taxes. This was a well organized instance where they had different -- I think it was receipts or bills, two sets printed and so on. This was really - had a lot of thinking and these people had been fined \$5,000 or so, and this poor fellow 21 days for \$1.50 theft. This, Madam Speaker -- Madam Speaker. This, Mr. Chairman -- I wasn't suggesting anything by this. This was just a slip of the tongue, I'm very sorry. Well, Mr. Chairman, this is not a complaint, I'm not criticising, I mean we can't put all the blame on the Attorney-General. We know that there's enough on his shoulders now anyway - He'll never get out from under it. But I think that there again there should be a try anyway - an honest effort to see that we have an equal law for the rich and for the poor. And we even have magistrates, we even have magistrates who are saying the same thing - that there is a law for the rich and a law for the poor - a practising magistrate here in Manitoba who publicly said that there was a law for the rich and a law for the poor, and this is rather unfortunate. I thought that I'd have something ready for this Session, I wanted to find out first hand, how certain people were treated.

I have, since I've been elected to this House, I've been told many times that all of a sudden your licence is suspended because of an offence and you don't even know anything about it. I have a few people - I have one now that is worried; he needs a license to earn his living and all of a sudden he had one accident. He feels he wasn't guilty but he wanted to plead guilty because it would take too long and too costly for him, so all of a sudden he is notified that he has lost his license. I'm talking about accident cases now. I had an accident myself. On a very slippery street, I hit a car from behind a car that stopped right in the middle of the street. All right - This is not a question of if I'm guilty or not guilty. By the way, my lawyer did me a favour. I was all set to go a few days ago but all of a sudden I found out I've got to wait another month - and I'm shaking, because I am really nervous about this. You see, this has been going for a long time. It happened last November and I didn't sleep - first of all I reported this; I reported this accident. I told the fellow that was involved - no witnesses at all - I asked him if he had been injured and so on, and I suggested - I asked him if he would report it. And he says, "Well I don't think so." And I said, "Well, protect yourself." You see I was real smart - "protect yourself; go and report it." And then I got in trouble because he did report it and I did too. Now, some fellows sitting in a police station, either a Justice of the Peace or an Inspector or the Crown Prosecutor in certain cases I am told, decide they'll look at these reports. "Well, summons this guy. Not this one - this one." And that's it. And all of a sudden, I got a summons. Well this was quite embarrassing and I was really nervous to get it. I had to wait on a certain day. Not before and not after, I had to appear in the police station. I did, at 7:30 in the evening, as I was told. Well, I thought we were conducting a bingo or something, a bingo game or something, or money changing. The Justice of the Peace was all set, writing the receipt before even I had a chance to read the charge against me. The charge was read and I said, "Not guilty." Well, the inspector dropped the charge, he was so surprised, and the Justice of the Peace did the same thing with his pencil, and then I was told, well, gosh, it would have to go to the provincial court and it would be a long delay, and so on. I said, "Well, I'm not guilty." Then the fellow - I should have said this, the fellow in front of me had exactly the same charge; it cost him \$5.25. I didn't believe -- if I feel that I'm not guilty, I don't believe that anybody should force me to say that I'm guilty. Now, I was remanded; I went to the provincial court at 10:30 a certain morning about a month after; I waited fifteen minutes or so before the magistrate came in with a selected group of people who were waiting for the magistrate also,

(MR. DESJARDINS, cont'd) . . . and then I was told that I should come back. The charge was read again and again I said, "Not guilty." I was told that I should come back again.

Well Mr. Chairman, the ordinary thing, the easiest thing - and everybody knows this - is to say "Guilty" and pay the \$5.25. But is that right? Is that right? I have never been found guilty, and yet, I brought in the report on my own: I went to the local police station at a certain time; I returned to the provincial court not once but twice - and my lawyer couldn't be there the second time so I've got to go another time. All this, how much will that -- I did it purposely. I wanted to see what steps the people had to do or to take. Now is that fair?

As I say, this case is not decided. Let's say that it's . . . not guilty or that somebody else in the same instance. They would have to miss three days, three days or three mornings, or two mornings and an afternoon of work. All this trouble, have to wait - a lot of these people are nervous and so on - just to say they're not guilty. Well I don't think that this is justice. I know there's a bill dealing with this now. I haven't got the answer. I am not a lawyer or a judge but I've got only this feeling that there's a lot of people in Manitoba who feel the same as I do. There's a lot of people who are forced - there is no other word than this, Mr. Chairman - a lot of people are forced to plead guilty to get it over with and to go back to work but they don't realize at the time that they might get a letter later on and say all right, your license is cancelled.

Why should somebody sitting in an office, a retired lawyer who is working part-time, decide that a summons should be issued? I can never understand it. And if this is the case, why should a person be dragged from one court to the other? Why make it so hard for a man to prove that he is innocent on something like this? What are you going to have? You are going to have people that are going to cheat, that are going to lie; you're going to have hit-and-run drivers because of these things. This is not fair. This is not the right way. The people will just say "guilty" and then this offence will be on their shoulders for a long time because they'd sooner pay the \$5.25 than be dragged to all the courts of the province for two or three times. I think that this is something . . .

Now, another thing that came to my attention that I thought was kind of odd. I think that it is the custom in different places such as motels and maybe beer parlours and beverage rooms and so on, to request a character reference, or a report from the fire chief and then police chief, or the police department. And there is the case of a motel, and all the gory details were in the press for two days where every single police officer stated that this place was not fit, should not have a license. There might be a reason; mind you, I don't understand all these little points of law. I'm just an ordinary layman and there's a lot of people that feel the same as I do. This was reported in the . . . that even though every single police officer said that this place and this person was not fit to operate a motel, the judge turned around and said, "You can have your motel." I don't know; there must be a reason.

Then there's another thing that I -- I don't recall, I don't think that the Minister has said anything about this. This is all important as far as I'm concerned because it is providing leadership. It is something that the people will not only spend their time studying delinquents, what makes a delinquent, but they will try, instead of looking at the leaders and trying to develop somebody that will help -- I am talking now about the Youth Squad. This has been advocated. The City of Winnipeg is ready to go ahead if the province would share the cost. Now I don't know if the Minister said anything about this; I had to be absent for awhile. But I would like to hear something about this. This is something that has been discussed for quite awhile. It seems to be something worthwhile. It seems to be using some of our better citizens to go ahead and help their fellowman, and I think it's much better to have people like this who will be aware that the police department are there to help them, are their friend, instead of looking at the police department the way they do in certain places in the States and let them get beat up and so on, and nobody will lift a finger because they don't want to be accused of being cop lovers. I would like the Minister to say something about the Youth Squad.

Earlier today when I brought in a motion requesting a new department, Department of Youth, Leisure and Recreation, this is what I had in mind, something like this. Of course I was out of order so I can't say too much about this, because there is an agency that's going to be named and this agency, that is something pretty important and I'm sure that something will come from them. If I want any proof, all I have to do is go back to May 9, 1961, and I have a little clipping here that will explain to me why I shouldn't have worried about this department because I'm sure the agency will take care of it. "The Attorney-General Sterling Lyon has abandoned plans to set up a co-ordinating committee on youth to deal with the problem of juvenile delinquency,

(MR. DESJARDINS, cont'd) . . . and he has asked the Manitoba Committee on Youth to return what is left of the \$6,000 grant" - you see, they didn't spend too much money in those days either - "the \$6,000 grant it got four years ago to study the cause and prevention of delinquency. The committee was established in 1957 by the Attorney-General, then Mr. Hryhorczuk, to begin its studies, but by '57 it found it hadn't the resources to do the job it thought was needed. It recommended that the government immediately take steps to set up a Youth Commission or similar agency whose function would be to advance the moral, physical, mental and social well-being of the youth of the province including the prevention and control of juvenile delinquency. The committee heard no reply from the government that year, but last year Mr. Lyon told members he was contemplating establishment of an Attorney-General Advisory Committee on Youth. The next they heard was when the government asked for its money back."

Well, Mr. Chairman, I hope that this agency will do a little better than this. I hope that it is not something just to block this announced resolution that I've had, something that I've talked about and something that the Attorney-General, present Attorney-General, had followed me in one of the speeches I made, I think in 1961, advocating something like this, and he felt that there was some merit on this. But again there, I don't know what the technicality was but apparently he felt that I was out of order. This time the Speaker had said, "Go ahead" but the present Attorney-General told me that I was out of order.

Well, there's certainly a lot of other things we could look at, but I don't want to take all the time. I know that a lot of the members here are wide awake and I am sure that they are very interested. They'd like to ask the Attorney-General many questions and he is just dying to stand up and give us some of the answers.

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MR: CHERNIACK: Mr. Chairman, I'd like to first endorse the request or suggestion of my leader that this department adopt the policy of other departments and give us a printed report for the year so that we would have information before us rather than have to ask so many questions of the Honourable Minister in the expectation and knowledge that he must have all these facts at his fingertips and can give them to us. It would be of benefit to us to be able to review a report and study all the statistics which must be available in the department as to types of prosecutions, numbers of complaints made, numbers of convictions, numbers of releases, numbers of people in jail, and all the statistical information that could come from it.

When I was discussing this with my Leader, I learned for the first time that there is a document which is handed out but handed out apparently only to the leaders of parties, and I must say that if my Leader was able to read this, then it is a sign that he is youthful, in his eyes at least, because I have difficulty in reading what must be the tenth or eleventh carbon copy of a document which deals with an annual report as to jails. I am informed by the Honourable the Leader of the Social Credit Party that at that, this is a better copy in my hands than the one which he has in his hands.

This report has a great deal of statistics in it. There are separate reports, one for each jail, and to be able to collate them would be quite a job, and when one is through I'm not sure if we would know very much more than the production in the work camps, the number of trees planted and that type of information - which of course is of interest - of yes, vegetable crops in pounds, the number of pounds of turnips, tomatoes, swiss chard, radishes - we have all that information here -- (Interjection) -- Rhubarb? Yes, there's rhubarb - 565 pounds for the information of the member for Burrows who is interested in rhubarb.

I do comment only - I'm not saying there's too much information here, but having just received this about 20 minutes ago, I was leafing through it very quickly and looking for some report as to the number of probation officers that were involved. I couldn't find that. I see a great deal of reference to the number of officers, but I assume that they are people in the protection field. I don't know from this report what the auxiliary services are available in the jails, so although it is an interesting looking document - and I'm sure other members might be able to read it if they are younger than I am - and therefore I would request that the Minister give consideration to requesting this House to increase his budget to make it possible for him to publish an Annual Report which I am sure will be of value and which I can assure him will be of interest to members of the House.

Now I mentioned the probation officers and the fact that -- and the Honourable Minister mentioned that there has been an addition to the staff. I have not found the figures in this jail document on probation officers and possibly he can tell us how many there were and how many there are, what their qualifications are and whether they conform to any standard which the Honourable Minister has in mind that there ought to be per number of persons charged.

I wonder if the Honourable Minister can give us some clarification on how the probation officer works at a pre-trial matter. Does he give a report in all cases or does he decide which case merits his report, or does he have to wait until a magistrate decides to request a report from him? If the latter case, what effort is made to acquaint the magistrate with the value of the services, and are the magistrates making use of probation officers' reports or are they useless in that respect? Does the Court of Appeal see the probation officer's report? Does the person involved see the probation officer's report? This is the type of information that I would have looked for had we had an Annual Report presented to us.

The Honourable Leader for the Liberal Party mentioned the question of bail. We discussed this at length last year and I don't want to review all that we discussed. I am not taken by the suggestion that police officers who lay the charge should also be the persons to set the bail. I do not think that they are as objective as would be a Justice of the Peace or police magistrate, but it may well be that in those cases where a magistrate is not available, that a police officer could be permitted to set the bail only temporarily until a Justice of the Peace or magistrate could be located; but if that would delay the proper setting of bail by the person properly responsible for it, then I would say it is not a good idea.

But the question of bail is one that does need review and I would remind the Honourable Minister, in case he needs to be reminded, that he agreed last year that this question was a serious one and that it was one that required continued study. I find that in Hansard, Page 1138 of last year, he stated as follows: "Maybe, as the Honourable the Member for St. John's says, we are backward in our approach to the problem of bail. I see the force of the argument which he has made and it is true that our society has changed since our rules and our laws

(MR; CHERNIACK cont'd)...respecting bail were originally developed. I don't take any serious quarrel with him and perhaps this whole matter of bail ought to be very seriously looked at to ensure that it is satisfactory in the light of present day circumstances."

Well at that time he said that "perhaps it ought to be looked at." But later on in the month, on Page 1515, he stated, again dealing with the question of bail: "This is not to say that the investigations which the Honourable Member for St. John's said ought to be held shouldn't take place. I'm quite willing to do that." Having then decided from the first time when he said perhaps it ought to be studied, that he is willing to make the investigation, I would very much look forward to hearing his comments about his investigation and the results, what policies have come about within his department, which of course does not set bail but which is very much involved in the question of recommending to the magistrate the nature of the bail that ought to be granted. The danger of course is that people will be kept in jail who ought to be out on the streets, people who are not yet found guilty, who could be providing for their families, who are responsible people but might be kept in jail as a pre-sentence punishment or because there is a habit of setting bail which some of them cannot meet. I'm wondering what routine checks are made by the department to make sure that no one is kept waiting trial too long. I'm speaking mainly of people who are in jail and could not raise the bail.

Now there was a suggestion made by one of the earlier speakers today that justice is being delayed because of the inability of the Attorney-General to provide sufficient staff to carry on speedy trials. I don't know if that's true. I'm just repeating the statement that was made in order to ascertain from the Attorney-General what his staff is - I mean of Crown Attorneys - what their case load is. Is it still the history of his department that there is a constant change-over in personnel? The Attorney-General's Department of the Province of Manitoba can say with pride that it has produced a large number of excellent lawyers who practice in this province, but sometimes I wonder whether the Attorney-General's Department ought to be a training ground for these large number of very good lawyers. I'm wondering whether there wouldn't be some value for the Province of Manitoba to have these excellent lawyers stay within the governmental services and continue to work in what is one of the most important parts of the Attorney-General's Department, and that is the enforcement of the law and the proper carrying out of the judicial process.

The Honourable Leader of the Liberal Party referred to the Vaughan Street Jail and I don't want to repeat what he said. I agree with what he said. My question would go - had I spoken on that point, on the construction or reconstruction or replacement of the Vaughan Street Jail - I would then have asked the corollary question: What about the Juvenile and Family Court? When will that have a new roof over its head and new walls to support that roof? When is it that this City of Winnipeg, or the Winnipeg Magistrates Court, is going to be opened, or can it be that it's going to be in the Safety Building?

As I recall it last year, the Honourable the Attorney-General said, and I agree with him, that it would be best to have a separate building and it seems to me he announced that there would be one. I find that on Page 1091 of Hansard last year, he stated, and I'm quoting, "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" -- it doesn't say 'phase' it says 'project number two' -- "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." And he says a few sentences down: "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," and then he says because the year before that he had thought that the first order would be the Juvenile Detention Centre. He says on Page 1091, "It would mean that change, but the matter of time - that is the elapsed time - is very minor in actual fact."

Well I remember being called, together with the public, to help start the work in a free way for the Art Centre facing the City Hall. I do not remember the invitation to the sod-turning ceremonies for any of these buildings which seemed last year to be about to go up - the Magistrates Court Building, Juvenile Detention Centre, and the Juvenile and Family Court.

The Court House itself, right on Broadway facing this building, which is a beautiful building, is -- I'm sure the Attorney-General knows -- a very crowded building. I had the

(MR. CHERNIACK cont'd): occasion to appear in court not long ago - and it's seldom that I do go to court - and I was chagrined to find that our trial, which was a Court of Queen's Bench trial, was being held in, I think it was the Judges' Library, a place that had all the dignity of the court only because the judge brought the dignity with him. Other than that the room lent nothing to the dignity of the court. The former County Court major No. 1 courtroom is now a very small courtroom, made smaller to provide room for a private office, which was necessary of course for a fifth County Court judge.

The Law School is bursting out of the seams to such an extent that if one comes to the third floor of that building one finds the hallways strewn with the coats and hats of the students who apparently have no other place to put them. It's a disgrace, I think, to have people come to THE court building of this province and see the crowded situation that exists there. So there should be, there ought to be very substantial provision made in the budget, be it current or be it capital, for a building program, and I suggest that the Attorney-General has to get busy and see to it that the money is provided so that the work is proceeded with.

May I raise the question to the Attorney-General of the "battered baby" problem. Last year when I raised it, he stated that it was a new problem as far as he -- it was new to him, but that after consultation with the Minister of Health and the Minister of Welfare, it was felt that legislation was not needed but that certain practices or procedures would be evolved whereby the problem could be dealt with. I don't think I have at hand, but I did have a clipping where - and I don't have it available - where there was mention made that this still appears to be a problem, and it's not a problem peculiar to Manitoba, it's a problem all over the world.

I'm wondering now if I may ask the Attorney-General whether there is any different program or policy of his department in dealing with sex crimes? What attitude does the department take insofar as these crimes are concerned as compared with other crimes with which his department deals. Does he recognize that this is a different sort of problem, carrying with it a different background of the person involved, with probably medical problems which need special type of treatment. Is there a special treatment provided, either in the investigation, the laying of charge, the speaking to sentence, and the incarceration itself -- or the punishment itself. Does his department and do his Crown Attorneys have some sort of attitude which is a departmental one in the way they address the court when they deal with persons charged with various types of sex crimes or do they treat them in the same routine fashion that they would burglaries, car thefts and the like?

I spent part of the evening whilst listening to other speakers reviewing Hansard for last year, and I found that the Honourable the Attorney-General did us the service of bringing the Community Welfare Planning Council recommendations of 1963 into this Chamber, reading the fifty recommendations there and reviewing one by one the progress that had been made. Prior to that time he had put a \$17 million label on the recommendations but last year he found it possible to indicate what he thought was substantial progress, and when I say "What he thought was substantial progress" I think too there was substantial progress. Possibly he could do us the same service this year by reviewing those recommendations which were not settled last year and bringing us up to date on that program.

I wonder too, Mr. Chairman, about the Law Reform Committee of which we heard quite a bit about two years ago. Last year we heard much less and yet apparently it was still in existence last year. The Attorney-General last year was answering a question I had asked about The Limitations of Actions Act. It appears that in 1964 that Act was being discussed, and from the newspaper report it seems to me that problem is going to arise again by way of private bill before this Legislature, and as was stated then, the Law Reform Committee, which I assume or understand is a committee which is set up to advise the Attorney-General and has no status insofar as this legislative body is concerned, that it was dealing with The Limitations of Actions Act in order to bring a new one - or consider bringing it - and the Honourable Attorney-General stated then on Page 1115, "We are continuing our work. It is my hope that we will have a new Statute. I am very anxious to have it." -- I'm just looking to make sure that that was -- yes, that was the Attorney-General and I'm quoting it out of Hansard. "I am very anxious to have it. I assure the members we are not endeavouring to hold it up. It's just that we want to be certain that it meets with the widest possible approval." Well, I presume that it will be on the Order Paper fairly soon.

May I conclude by asking the Attorney-General how the Revised Statutes are coming along? I'm wondering if there's a target date and if there was a target date last year, and if

(MR. CHERNIACK cont'd) there was a target date the year before. I'm wondering whether there is sufficient staff working on that. It seems the man who is charged with the major task is a person who is so valuable for the knowledge that he has and the opinions he gives, that he is probably being taken away from that task frequently and given other jobs. Possibly the Attorney-General is not asking for enough money to provide him with an adequate staff to get this done, but anybody who has to look in our Law Books - and all of us here do - realizes the problem one has when one has to go to the old Revised Statutes and then start going through all the annual statutes to find out what the real situation is, and woe for the man who happens to miss a Statute Book that might be crucial to his case. Certainly it is high time I think that the Revised Statutes should be completed -- the revision should be completed and the books published.

I hope that the Attorney-General will give us a target date and tell us so that the public will know when we can expect it, and then I'm sure that having set for himself this date, we will all know that it will be produced on that date, just as I expect that any day now we will be opening these new buildings of the Vaughan Street Jail and the Juvenile and Family Courts and the other buildings which the Attorney-General agreed were very urgent.

MR. HILLHOUSE: Mr. Chairman, I must apologize for not having been here when the Honourable the Attorney-General introduced his Estimates, and it may be that in the remarks that I pass I may be dealing with matters that have already been dealt with by other members of this committee. My leader tells me not to worry about that, that's a common failure in this House.

First of all, the Honourable Member for St. John's referred to the Law Reform Committee. Now quite frankly I'm at a loss to know to whom we are referring when we mention that committee because there hasn't . . .

MR. CHERNIACK: A private Advisory Committee.

MR. HILLHOUSE: Well I don't know how many private advisory committees they've got, for the simple reason that I understand that there was one large committee which was part of the Law Reform Committee which was set up to revise The Companies Act. There's another branch of the Law Reform Committee which is working on The Expropriation Act; there's other branches that have worked on The Law of Partnership, on The Law of Mortgage Brokers, Real Estate Brokers and so on and so forth. Now I don't know whether that is the Law Reform Committee to which the Honourable the Attorney-General's predecessor referred to back away around 1957 or 1958, but there's one thing that I do want to say and that is this, that I think that this House and that the people of Manitoba owe a great debt of gratitude to these lawyers who so unselfishly gave their time freely and voluntarily to assist the various departments of this government in bringing their laws up to date -- (Interjection) -- That's a fact. We have a Companies Act which has been streamlined and modernized and we wouldn't have had that Companies Act had it not been for the voluntary service given to this province by public-spirited lawyers. -- (Interjection) -- You know there's one strange thing, Mr. Chairman, There's two subjects upon which all people seem to be able to discuss with a great deal of authority, one is money and finances and the other is law. Now that we have got the question of the Law Reform Committee settled, let's move on to some other matters.

Regarding the Juvenile Detention Home, I think it was back in July 1961, wasn't it, when we all visited that bastille on Vaughan Street? When we saw what the bastille of Paris looked like in the year 1789 - no improvements made in it at all - we were promised by the then Attorney-General that immediate steps would be taken to get a new Detention Home which would be more in keeping with modern standards of crime prevention and crime treatment, but so far we haven't got anything. Now I think, Mr. Chairman, that it's a must for us to bring our Juvenile Detention Homes up to date, and I do hope that within this year's estimates will be an item to cover that particular project.

Respecting the new Criminal Court or Magistrates Court which was going to be established or built, I wonder whether the plans for the building have been completed? It was originally my view in the matter that what we should have in the Greater Winnipeg area was something in the nature of a Metropolitan Court where all cases in the Greater Winnipeg area of a criminal or quasi-criminal nature could be tried. By that means we could have all of the officers of the Crown active in crime prevention, crime detention, or in any aspect of crime to be present, because I think one of the greatest weaknesses we have in our system today is this: we have probation officers who are rendering a very very valuable service, but I think that there is a complete lack of liaison between the probation officers and the magistrates. In other words, a

(MR. HILLHOUSE cont'd): magistrate will place an accused person on probation, but I know of no case where that magistrate follows up and sees what's happening to that person who has been placed on probation.

Now I believe in England that there is -- I don't know how often they meet, but there are regular meetings between magistrates and probation officers wherein they review the progress that is being made by an accused person who has been placed on probation, and I think that one of the most important aspects of probation is to see not only on the part of a probation officer that the accused person is carrying out the conditions of his probation, but I think it's of great assistance to the magistrate too if he, through meeting that accused person from time to time, can appreciate and realize the benefits of that system. I think that that is something which we should do in Manitoba but we have never done it, and I hope that steps will be taken to do it shortly.

Now I know in the Attorney-General's Department that there has been a great turnover of personnel, and I think perhaps from now on the cheap source of labor which the Attorney-General's Department has relied on has dried up owing to the change of system in the Manitoba Law School. They can no longer take articulated students in and train them to become qualified lawyers, and then the minute they become qualified lawyers they can leave, so I wonder what the Attorney-General is going to do now to supplant that source of labor which is going to be lacking in the future?

I wonder too what steps are being taken by the Attorney-General's Department to bring their complement of prosecutors up to its full capacity, because I have the greatest respect in the world for the members of your department who are on circuit in Manitoba. I think that they are the most over-worked people in your department and I don't think that the public fully realizes and appreciates how much work these fellows do. I know of cases where a Crown Prosecutor working out of Winnipeg would perhaps be on the Ashern Line and stay up there all night; come back in the morning on the train; go to the Court of Appeal of Manitoba and plead a case there; go down to Morris or Emerson in the afternoon; and then maybe back into Transcona at night to take an inquest. Now that was the usual routine of some of your Crown Prosecutors, and I don't believe that their work load has been cut down much since. I know that there are boys in your department who are in their offices maybe three nights a week, keeping up their office work on account of the time that they're spending in court, and I think that everything should be done to encourage more recruits into your department so that some of these boys can get a breathing spell.

Last session I dealt rather fully with the question of magistrates in this province and I intend to deal with it again, but I will deal with it when we come down to the administration of justice.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, my remarks this evening will be very brief. Earlier on this evening I was out of the Chamber and I didn't hear the Minister make his introductory remarks and also some of the previous speakers who spoke this evening. However, I would like to place a few questions on the record here and probably get some information on this.

I notice from the report, which is a calendar year report for the year 1965, that the number of prisoners admitted during the year 1965 was 3,658. Then I noticed that the number of prisoners discharged during the year was 3,657, which is just one less than those that were admitted. However, we see that the number of prisoners in jail as of December 31, 1964, was 446 and the number of prisoners discharged -- or the number of prisoners in jail as of December 31, 1965, was 447, one more than the previous year end. Now what does this mean? Does this mean that we're going to carry these prisoners indefinitely year after year in the same number? Are these people there that will stay on indefinitely? What are we doing to have fewer people of these type in jails? I think something should be done, and I think we've heard in past years where the Attorney-General has made statements to the effect of the things that we're trying to do in Manitoba to have fewer people in jail. Maybe he could inform us to how this is coming about, that we have the same number of people in jail year after year.

Then on Page 7 I note that we have two cases where there was a breach of The Income Act. I would like to know from the Minister, are we assisting the Federal Government in policing the Income Tax Act? Does the Provincial Government have any inspectors out since the Federal Government is now collecting the tax for us? Are we in any way indebted to them or are we doing any work for the Federal Government in this case?

Also, a little further down we have two cases where there was a breach of The Gas Tax

(MR. FROESE cont'd) Act. I take it that this is the one that refers to the use of purple gas. If this is the case, that we only have two people that were caught or that were taken to court and convicted, I think this is a very good record. However, at the same time I would like to know how many inspectors did we have out last year checking people, and is this the actual case or how many cases were there that were probably suspended or did not necessarily go to jail and were probably just fined. I think this is something -- or some information that I'd like to know a little more about.

I will have something later on on the other Acts that come under the jurisdiction of the Attorney-General in connect ion with the Liquor Commission Report, but at this time I would like to hear what he has to say in answer to the various other questions that have been put by other members of the House.

MR. McLEAN: Mr. Chairman, may I say in the beginning to the Honourable the Leader of the New Democratic Party that I always get a little nervous -- I'm quite sensitive when somebody starts talking about hair. I suppose the best way to deal with the points that have been raised would be to just follow along my notes and the various questions that were asked and begin at the beginning.

I would be inclined to agree with the Leader of the Official Opposition that perhaps we don't pay sufficient attention to juveniles, although what is sufficient attention might be a matter of opinion. I think that a great deal of time and a great deal of effort, and a large number of people spend their time dealing with the problems of juvenile offenders, but one can never be certain that enough is being done. And while I couldn't argue that more couldn't be done, it does come to the question or it has a bearing, a very important bearing on the detention facilities which we have, and while I don't think that the Vaughan Street Detention Centre is as bad as is sometimes painted, I would on the other hand not argue that it's a modern 1966 facility by any means. Indeed that's one of the reasons why we are anxious to replace it with a modern and adequate detention centre.

I am under the impression, because we have watched it carefully, that the number of juveniles in detention has not substantially increased this past year over the previous year, but I am unable and I will have to reserve answering this question of the number of juveniles sent to Headingley Jail because there was no room at Vaughan Street Detention Centre. I would be inclined to think that it is a small number, if any, but I would just say that that number I will have to get and report to the House later.

I am aware that there are sometimes complaints made about the Home for Boys at Portage la Prairie, although when you have a group of boys who are there because they have been involved in some misdemeanor - perhaps several misdemeanors - you are not likely to have a group of contented people nor are you likely to have a situation where everyone is completely happy and there will be problems. I am myself of the opinion that a good job is done by the people at the Home for Boys in Portage, that they are dedicated and anxious to do their best. When I see the work that they do with their band, with their cadet corps and many other activities that they carry out there, I think that one would have to perhaps object to the suggestion that it is being run like a military institution, although I know that they try to enforce strict discipline. It is not easy and it's not easy to know, and certainly I don't know where the proper line lies between making it a place that everyone is completely happy and a place that is run with proper discipline.

On the subject of bail, we remind the Honourable the Leader of the Opposition of course that the famous Rivard case started over bail and I don't think -- perhaps I can just say this about bail, that I think it is not correct that we are not following a consistent policy. I believe that I would be surprised if anyone can point to a situation or a case in rural Manitoba where there's been any particular difficulty in obtaining bail. We watch this, and we have watched it, and I carried out in a sense what I thought was my undertaking of a year ago to watch this matter of bail very closely during the past year, and we have a system of weekly meetings of people on the staff concerned who report every week the number of people who are in custody awaiting trial because they have not been able to secure bail. The number is very small and I think we can justify every case where people are actually in custody awaiting their trial, and then of course concurrently with that we do everything possible to ensure that the trial is held as quickly as possible and we give those cases preference in terms of arranging dates for the trials; and while I would not claim perfection, I think we could say that a reasonable job is being done.

It is interesting to know that the vast majority of persons who are accused of offences are

(MR. McLEAN cont'd) released on their own recognizance, and by and large the requirements of bail are not onerous. We don't follow any policy that there must be property bail because I'm confident that there are instances where cash bail is accepted, and as I have already indicated, more frequently where no security at all is provided other than the accused person's own recognizance that he appear for his trial.

The primary consideration in the matter of granting bail is fairly clear. First of all, that every person charged is innocent until the court has found them to be guilty and that they are entitled to bail and that the only consideration is to ensure that the accused person will appear for his trial. Now obviously there will be many instances where by reason of antecedence or conduct, previous conduct or some other factor, the presiding magistrate or justice before whom this matter is heard will be not convinced that the person will appear, and there are instances where they don't even when they're allowed on bail - not too many but the odd time that it does happen and where therefore bail ought to be refused in the public interest, because after all we must assume that the person concerned is not in custody unless someone, probably several people, have formed the conclusion that an offence has been committed. That is not to say that they've decided that he's guilty, but at least they believe that there are circumstances indicating that an offence has been committed, so we are under obligation to ensure that that person appears for his trial and is dealt with according to the law.

So I believe that the granting of bail is proceeding satisfactorily and that there are no particular difficulties other than the difficulty of the accused person of course establishing to the satisfaction of the person to whom the application for bail is made that he will appear for his trial. I have stressed -- I believe that the staff of Crown Attorneys have followed this carefully -- I have stressed that since our discussions here last year, that I regard this matter as of importance and I look to them to ensure that everyone who is at all eligible to be released on bail is released on bail, and I have no reason to believe that they are not carrying out that policy.

The Honourable the Leader of the Opposition asked me about the commission concerning Totogan Farms Limited and I am not too certain how much I need or ought to say, except to say that no payments have been made to Totogan Farms, no offers have been made and no payments have been made, and this inquiry precedes anything in the field of payment although the land has actually been expropriated, but there has been no payment of money.

The abolition of capital punishment. He was disappointed that I had no indicated the position of the government or myself. Well the plain fact of the matter is, Mr. Chairman, that so far as I am aware, the present Government has not, as a government, discussed the subject of the abolition of capital punishment nor has it indicated any position in the matter, and so for that reason I said nothing but the truth when I said we had not taken any position on it. With respect to myself, the most that I could have would be a personal opinion and I have some view that people occupying official positions ought not to express personal opinions which might be interpreted to be official opinions, therefore I said that I had no opinion to express. But over and above all that, Mr. Chairman, and now I'm getting into the expression of whatever you want to call it - official opinion or personal opinion - I am rather of the opinion that the question of the abolition of capital punishment, being of course a matter to be dealt with by Parliament and one that I understand is going to be discussed and debated and no doubt decided by Parliament, I am not too certain that it is proper nor does it make much difference that a member of another legislative body should be disturbing himself to express an opinion because I'm not going to be asked to vote on it. My opinion is of no particular consequence. I don't have to decide the issue and that is a matter which is properly within the competence of the Parliament of Canada, and as far as I'm concerned, that's a satisfactory place in which to leave it. If it were something that we were to decide here, then of course that becomes a different matter. So without knowing whether or not I was quoted correctly or not, it is really in my opinion not a matter which is of any direct concern - concern yes, to us as individuals - but not concern to this Legislative Assembly.

The subject of lotteries is a difficult one and I could give you my full speech except that the House rises at 11 o'clock. The law which prohibits lotteries is of course a federal statute; it's part of the criminal code. The administration of the law is a provincial matter and under the jurisdiction of the Attorney-General, and for a long time now Attorneys-General, and not only the Attorney-General of Manitoba but others, have found this a rather difficult law in which to know what is the right approach to take. I am told, although I cannot verify this, I am told that in some provinces the Attorney-General has made a flat out statement that he will not

(MR. McLEAN, cont'd)... prosecute in lottery cases. I emphasize that I have not verified that information. I am also told that in many provinces there have not been prosecutions in lottery cases. So far as there being no discriminations in Manitoba or everyone treated on the same basis, I can report that that's the case, because, since I've been Attorney-General at least, there have been no prosecutions in lottery cases, so everyone has obviously been treated on the same basis.

The great problem with regard to lotteries is that many of them are of what one might call, I suppose, charitable or public service matters. I'll be at a function, Mr. Chairman, tomorrow afternoon in my constituency, and if I were permitted to make a bet, I'd be prepared to bet a dollar that I won't be ten feet inside the front door when I'll be offered a ticket on a chicken dinner. As a matter of fact, I once won the chicken dinner on a previous occasion. That was before I was the Attorney-General of course. So what do you do? These good folks are doing this and I don't advocate this method of raising money for public or charitable purposes, but certainly that's why they do it. Well am I going to prosecute them? There is the dilemma that one faces. In the particular case which received some attention a few months ago, while it was on a slightly larger scale than the one that I'll be associated with tomorrow, it was for a public purpose, that is to say the results were used for what I would think would be regarded as a very worthwhile service. So there is the dilemma and it's a difficult thing to know what to say.

Now for a long time - for a long time - before I ever became the Attorney-General, Attorneys-General have been asking the Minister of Justice of the Federal Government, both privately and by letter and at meetings which they have had, to change the law with respect to lotteries to take care of the situation, the practical situation that exists, so far without results. Now I did at the meeting that we attended in January of this year, I raised the matter and said - and I was only saying what had been said by others before me - that something ought to be done to regularize the position of these charitable lotteries or public service lotteries. I made it quite clear - made it quite clear - that I was not advocating the legalization of lotteries per se; and secondly, that I was not advocating state lotteries. I think state lotteries are a delusion; they don't raise money that people think they do; and in any event, if there is something that we're responsible for supporting as society, then we should support it in the regular way by taxation and not by some hit and miss method of raising money by way of lotteries. So on those two points I tried to make my position quite clear, that I was not advocating the legalization of lotteries and I was not advocating state lotteries, but rather that there ought to be some method of dealing with these small lotteries.

Now I also pointed out, and I say to the committee, Mr. Chairman, that that's an easy idea to state, but you just think of the problems that would arise when you would come to do it. I am not unmindful of the difficulty which the Minister of Justice and the Parliament would have when coming to consider how that might be carried out, because the great danger is that while many of these that are conducted now on a small scale, if you did have some permissive arrangement, it might be that those who would wish to make a business of it would move in and take over and it would cease to be charitable and become a business, and so we must always recognize that this is a very serious aspect of this and I confess quite frankly to the problems that would be involved. (Interjection) Yes, well that's very true. In any event, that is the situation and I will still be probably buying that ticket tomorrow afternoon.

The Honourable the Leader of the New Democratic Party suggested, and the Member for St. John's, that there ought to be a report on the activities of the department - a printed report. I have noted it; I give no encouragement to the idea. I am one who believes that we produce in our society a lot of useless reports that are never read by anybody except the fellows that want to ask you embarrassing questions about what's in them. This has not been the practice, and other than just to say that it is something that could be considered, but I give no indication that it would receive favorable approval.

The Committee on Juvenile Offenders just very recently issued its report. We telephoned the day after reading the press report and were fortunate in being able to have a copy come immediately, and that is being analyzed at the present time in the department. We were only able to get one, although if the honourable members will remind me, I'll find the address from which they may be obtained.

One of the officers in the department however who did look at it, said that it was his opinion that we were already carrying into practice in Manitoba many of the recommendations of this report, and that's as good a note for me to try and leave it on as possible. Now I don't

(MR. McLEAN, cont'd)... think that the -- (Interjection) -- I think not, Mr. Chairman. It's a thick heavy blue-covered report.

MR. PAULLEY: You know there's been so many we can't keep up with them.

MR. McLEAN: Well that was exactly my point, Mr. Chairman, there are so many reports that it's difficult to keep up with them and I'm not anxious really to add another report to the ones already existing.

The Honourable the Leader of the New Democratic Party asked about the conferences between justices and magistrates with respect to the administration of justice. I'm not too certain the use of the term -- "justices" may mean the senior court judges -- and of course they're all together pretty well, but we did have in May of this year, as has been so delightfully reported to the committee by the Honourable the Member for St. Boniface, we had a meeting of the magistrates. One of the very important matters discussed was the matter of sentencing. That didn't find its way so much into the press as did the comments about the Attorney-General, and also they discussed the matter of bail because those were two matters which we asked.

Now I think that one of the difficulties with regard to what sometimes appears to be a variation in sentences, is that of course we are looking at it from the outside without being in full possession of the facts, and I would venture the opinion that if we were, any one of us, sitting in the position of the magistrate, that probably the sentences meted out would not be too different than are given and that they would appear just as much at variance with one another to outsiders reading about them as they do at the present time. In other words, it isn't always possible to -- these things don't go into a computer. There are variations which have to be taken into account by the presiding magistrate and the sentence is given accordingly. We always hope that magistrates will deal justly and humanely and with good commonsense in this matter of sentencing, and I have no reason to believe that they don't. We assist that process to the extent that we are able to have meetings of magistrates to discuss this matter, so that they will have an understanding of each other's thinking with regard to these things, but then we do something perhaps which is much more important, and that is that -- members will remember that I mentioned the fact that we had had the department set up in branches, one of which was under a director responsible for Criminal Prosecution, and within that branch of the Department every case is reviewed by a Crown attorney, and where there are sentences which are out of line, and most commonly they are sentences which are not severe enough -- that is to say, that the tendency may be to have a sentence that is not severe enough in our opinion -- we will make an appeal and it is the Appeal Courts which, of course, give us that general basis on which we are able to operate and which sets the precedence for the charges. But this is an important thing in that we ourselves within the department watch this, to try as far as we can to see that the sentences are not too much at variance in relation to the criminal offence committed and the facts of the particular case. I am inclined to think that the haircut really didn't have very much to do with the magistrate's sentence. That was the sort of remark that people sometimes make, I suppose, like a certain fellow that made a remark at a certain meeting about a certain tax and has been quoted quite frequently since. Well you know how it is -- picked out of context; maybe a word or two left out; who knows? I don't really feel that that had a real bearing on that particular case.

The Honourable the Leader of the New Democratic Party touched on what appears to be a problem with regard to sometimes the social workers and others being criticized. I would have to be frank and say that I acknowledge that this sometimes occurs. I hope that we will be able to see that it doesn't happen too often, although I suppose that even do-gooders like the Leader of the New Democratic Party and myself, have to be sometimes criticized just to keep us in line.

He said what have we in mind in the field of correction, and there is no basic difference in the approach to correction. Well, here again this is perhaps a difficult item or a difficult question to answer just specifically. I believe that our thinking in terms of correction has changed greatly and that we are using probation. The fact that we've increased our probation staff, and are using probation much more than has ever been done before, indicates the change in thinking that has taken place, and that in viewing the importance of not only protecting society from those who have been found to have broken its laws, but of doing what we can to insure that these folks have an opportunity of rehabilitation and a useful life, and the illustration of that is, of course, the establishment of the rehabilitation camps and the expansion of them and the splendid opportunities which are available to them for the upgrading classes and

(MR. McLEAN, cont'd)...these I mentioned earlier, in schools. So all of these things are indications I think of our good intention, and if you want to know what our approach is, well that's our approach.

Now when you see -- I'm not too sure, Mr. Chairman, whether I can say this or not, but when you have the Corrections Act before you, you will find that we are moving even further in this field by providing for a work release program, or some of you who have studied the matter will know the name Huber Law which is the name that's attached to this type of thing in some of the American States. Well, we're getting ready and providing for it in our Corrections Act, and I think that's a pretty good idea and that it indicates again the approach that we are taking, which I think is good.

The Corrections Act also, when members examine it, is also going to have certain aspects with regard to probation that are advancements on the policies which are followed at the present time.

He asks what is happening to the Fauteux Report, and I can say rather briefly that nothing has happened. I don't know if the question was raised at this meeting in Ottawa that I speak of, and there was a suggestion that it was going to be looked at. I think, if I remember correctly, I saw some report about it but really nothing has occurred and I myself am not really inclined to wait for the Fauteux Report to be implemented. I am rather of the opinion that we have to go along and do the best we can in our own respective fields of responsibility.

The Honourable the Member for St. Boniface asked what is a fair salary for a magistrate, and I want to say to him that if he can tell me, I'll be eternally grateful to him, and I'm on notice that I'm going to get some advice in this direction from the Honourable the Member for Selkirk.

This is a difficult problem but I want to say this - I suppose I might as well be frank; I'm going to be reported anyway - that I believe that the magistrates of Manitoba at the present time are being adequately paid in relation to the work which they are doing and in relation to the salaries which are paid to people who have similar responsibilities in the public service. Now this is not to say - all of us would like to pay, naturally, large sums of money. It would be nice to do so; but I believe that the magistrates are being reasonably well paid. This, I think, if I may say so, is particularly the case with those who are part-time magistrates. We're constantly reviewing this matter. Hardly a month goes by that we don't increase the remuneration paid to a magistrate when he can show us it is warranted, and I am of the opinion that we are not too far out of line. Now, this doesn't deal with the question that all magistrates should be full time and I recognize that that's another point of view and it will have to be dealt with, but I am of the opinion that by and large the magistrates are fairly paid at the present time. As I say, this is not to say that it wouldn't be nice to pay them much more, but there you have it.

He referred, with delightful quotes, the Honourable Member from St. Boniface, to the press reports of the Magistrates Conference - I must say that I really didn't come off with any particular laurels out of the conference. I made a short address of welcome which was described by one magistrate as being a lecture, so I suppose that set the tone and from there on we were in business. He wanted to know whether or not I was in favor of lotteries. Well, I have mentioned that.

..... continued on next page.

(MR. McLEAN, Cont'd.).....

The question of crime syndicates, I would have to say I was always sorry that I ever said anything about the report of the Chief of Police, because of course there was in fact no particular difference between he and I, and that was disclosed, I think, reasonably well in the discussions which I had with him concerning it. What he said was that there are - he used the expression "Mafia" which is really not perhaps the right term. The Mafia is an organization that among other things sometimes engages in organized crime, but the Mafia per se does not necessarily denote crime. But there is such a thing as organized crime, or crime syndicates; we have been alive to this, and I have been in the closest communication at all times with the RCMP who are the Manitoba Provincial Police, and they are the people to whom we turn in these matters for advice and information. Of course it isn't possible -- it wouldn't be, I think, Mr. Chairman, it would not be proper for me to tell this House the way in which the RCMP is watching this and the steps that they are taking, because of course, if there was public disclosure, the effectiveness of their work would cease immediately, but I simply say to the Members of the Committee, Mr. Chairman, that I am confident that the RCMP are fully aware of the problems in the field of syndicated crime in Canada, and if we were permitted to hear the information that they have, to see the documents that they have, that the members would accept that statement. I don't really believe that, other than strengthening their services, that there is any criticism that can be directed toward the RCMP, and it is with them that I, as the Attorney-General of Manitoba, consult and keep in closest communication at all times.

In this matter, the indications are of course, and one would be foolish to suggest otherwise, the indications are that there is a growing of syndicated crime in Canada, but there are no indications at the present time that syndicated crime is active in the Province of Manitoba, but, we have to be on our guard, and that I assume is the responsibility of the Attorney-General and the Department of the Attorney-General in co-operation with the RCMP, and I say that I believe that we are carrying this out and we will continue to do that. We have, however, done one other thing in this field, and that is that I had some months ago asked and appointed Mr. Arpin, the same Mr. Arpin who was referred to in connection with the matter yesterday of Totogan Farms Commission, to act as special counsel to myself on this matter, and his responsibility is to be especially watchful in this field, to work with the RCMP both here and their national headquarters at Ottawa, and with other agencies - and I think perhaps it's better that I not - I don't want to describe it in detail, because here again it would affect the effectiveness of the work which he is doing - in order that I won't be relying simply and solely on what we are able to do ourselves but that we will have an added person whose concern lies in this field.

Perhaps I've said enough simply to indicate that, first of all, that we have at the moment, we have at the moment no indication of the operation of crime syndicates in the Province of Manitoba. We are aware that there are crime syndicates operating in Canada, in other parts of Canada, and common sense tells us that we must be extremely vigilant in Manitoba, and that is what we propose to do.

The Honourable Member for St. Boniface also mentioned the matter of some person receiving 21 days in jail for a \$1.50 theft. Well here again this comes to -- I don't know the particular case of which he speaks, but I would be inclined to think that there are some background circumstances which would explain that matter because -- well, I'm certain that there must have been some special circumstances that would warrant a sentence of 21 days.

He said the law should be equal for the rich and the poor. Mr. Chairman, I think this is a very much overworked statement that there's one law for the rich and one for the poor. I don't believe it. It is not a fact, and I think the sooner we recognize that the better. We do many things to ensure that people are dealt with justly, and under our present society there is really no justification in my opinion for saying that there is one law for the rich and one for the poor because I don't believe it, and I don't think it's a fact at all.

I noted that the Honourable the Member for St. Boniface had a problem concerning his appearance in court. I'm sorry to hear of that, and I watched carefully his presentation and I can detect that there was one occasion, one of the adjournments for which we were responsible and I express my regret and say to him that the matter will be investigated first thing on Monday morning, but this sort of thing does happen and I regret it more than I can say, when a person is called to court and finds that through no fault of his that the court is not ready to proceed. The first appearance, of course, is obvious because that would be the time when he would indicate that he was intending to contest the charge, and obviously until he has made that

(MR. McLEAN, Cont'd.) indication no one is in a position to do anything about it. The next time round, however, we ought to be ready to proceed unless he has been notified otherwise or unless he, through his lawyer or otherwise, has requested an adjournment, and I notice that in the one instance he said that his own lawyer was unable to be present and I'm sure he doesn't consider there's any responsibility attaches to us in that connection. But this is something that we do our very best to avoid and I am happy that he's drawn it to my attention and the matter will be investigated. Indeed any -- some of you are very good to call me on the phone when you hear of this sort of thing happening and we deal with it as quickly as we can.

What about a youth squad? I would say that a youth squad is part of the police protection, and as such I am inclined to the opinion that it is part of the policing responsibility and that there is really no justification for the province participating in the cost of a youth squad than there would be in participating in the cost of the police force itself. Now, I'll be immediately challenged about that, that a youth squad is somewhat different, but in effect it's a special detail of police who are specially trained to deal with offences or misdemeanors by youthful offenders, and as such is in principle the same as the responsibilities of the police.

Turning to the Honourable Member for St. John's, he asked about the number of -- he also spoke about the printed report that dealt with that -- he asked about the number of probation officers and their qualifications. We have at the moment a total of 38 probation officers; we will have 42 if we get our estimates back; and these are, with regard to their qualifications -- that is to say, their educational qualifications are as follows: we have eight who have their Master's Degree in Social Work; we have seven who have their Bachelor's Degree in Social Work; 19 with their Bachelor's Degree in Arts; four who have completed the in-service course which is given through the University of Manitoba, and if that doesn't make 38 there are a number that are actually on educational leave at the present time. One of the things that we do in regard to our probation staff is we give them rather ample opportunities to complete, or to advance their educational training by giving them leave of absence and providing substantial bursary assistance, financial assistance, to allow them to do so, so that at any one time we always have a fair number that are on educational training advancing towards their Bachelor of Social Work or their Master of Social Work degrees.

How does a probation officer work? This is a difficult thing for us lawyers to understand sometimes but I think I have finally, I do understand it. After a person has been found guilty of an offence, and not until then, because bearing in mind the principle that a person is innocent until he's been proven guilty the first job that has to be done is to determine the guilt or innocence of the accused person. But assuming that he's been found guilty, the probation officer comes into the picture, and it is by way of a request from the presiding magistrate or justice for a report to assist him in passing sentence on the accused person. I would say that magistrates are making a great deal of use of the probation officers. In fact, there are some who won't pass hardly any sentences at all until they've had a report from the probation officer, and all of them are using the probation officers including the magistrates in the non-Metropolitan Winnipeg areas, and indeed this is one of the reasons we keep adding to our staff and one of the reasons why the probation officers keep telling me that they're overworked, because they do find that they are involved in -- practically in almost all cases now the magistrate asks for reports of the probation officer to guide him in passing his sentence. The Honourable Member will be glad to know that this is also the case with the judges of the Court of Queen's Bench and the judges of the County Court and the Court of Appeal in cases which come to them, but of course in the case of the Court of Appeal, generally the probation officer's report has been made at some point prior to it appearing in the Court of Appeal and that report is available to them.

The Honourable the Member for St. John's asked about the staff of Crown attorneys. We have seven departmental solicitors, nine Crown attorneys working in Winnipeg and the Eastern Judicial District, and five Crown attorneys employed in the other judicial district. We have no way of determining the case load of the Crown attorneys and we have no shortage of Crown attorneys. Our staff is up to strength and we don't have any cases that are at the present time held back because of a lack of Crown attorneys. This is not to say that they're not all busy and they're working, but I believe that our staff is in reasonably good shape. I acknowledge that there is a change-over and we have lost a number of -- three, I believe, this past year. That's because, Mr. Chairman, they see how well people like yourself and the member for St. John's and the member for Selkirk are doing in the practice of law and they leave for what may appear to be greener fields. That's unfortunate, but I think it's something that we must anticipate and

(MR. McLEAN, Cont'd.) we are hopeful that we will always be able to replace them with suitable people and so far in my experience we have been able to do so.

And while on this point, may I say to the Honourable Member for Selkirk that he creates a wrong impression, a totally wrong impression, if he will permit me to say so, by suggesting that we are relying on law students to do our work. No such thing! It's true we have, I think, two or three law students. As a matter of fact the only vacancy we have on our staff is we are lacking a law student, but we do not rely on the law students to do the work of the department.

MR. HILLHOUSE: Mr. Chairman, I said that they will not be able to get law students now that they used to be able to get.

MR. McLEAN: Well, it is true that there will be some change in the situation concerning law students, but I believe that we will not be in too serious a difficulty if the number of students is, as has been indicated, the total number, and they'll be available.

The Honourable the Member for St. John's asked about the Magistrates Court Building and the Juvenile Detention Centre and the Family Court. I agree they are not built; we haven't invited him to the sod-turning ceremony. If the Leader of his Party is correct, I may not even be here for the sod-turning ceremony myself, but we've had a bit of a problem with regard to -- not a problem, but as members may know, the plan was to have the Magistrates Court Building in the general area of the cultural centre, and it is now getting into a position where the land will be available to start the building. In the meantime, however, we have not been losing any time; we've been proceeding with the plans themselves and the Deputy Attorney-General and the Director of Administration recently made an extensive visit to other facilities of this nature in order that we would have up-to-date information.

I see my colleague the Minister of Industry and Commerce is squirming around in his seat, Mr. Chairman, and he may feel that I have said enough. I haven't covered all of the points and will be glad to carry on here when we are next in session.

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

MR. CHAIRMAN: Call in the Speaker.

IN SESSION

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

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

MR. EVANS: Madam Speaker, I move, seconded by the Honourable the Attorney-General, that the House do now adjourn.

MADAM SPEAKER presented the motion and after a voice vote declared the motion carried, and the House adjourned until 2:30 Monday afternoon.