

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Tuesday, March 25, 1975

INTRODUCTION OF GUESTS

MR. CHAIRMAN: Before we proceed this evening, I'd like to draw the attention of the honourable members to the gallery where we have 12 members of the Winnipeg Girl Guide Company No. 15 under the direction of Mrs. Cameron and Mrs. Nicolas. This Guide Company is located in the constituency of the Honourable Member for Fort Rouge. On behalf of the members of the Assembly, I bid you welcome this evening.

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MR. CHAIRMAN: I refer honourable members to their Estimates books, Page 9, Resolution 20 (a). The Honourable Attorney-General.

MR. JORGENSEN: I was wondering if the Attorney-General was going to answer at least some of the questions that had been posed prior to the . . .

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, reference was made to the number of reassignments, and it was suggested that inspectors were being assigned from one area to another, and that this in fact was unfair to the inspectors that were involved in this, what was said to be a repetitive, repeated type of reassignment. I'm informed by the Liquor Control Commission that if we peruse the 47th Annual Report and examine the inspectors, that we will find that the new inspectors mentioned are those that had come about as a result of the decentralization of inspectors to areas outside of Winnipeg. For instance, there is now one inspector, in Thompson, one in The Pas, an additional inspector in Brandon, and one in Gimli, and there is one that is also going to Portage la Prairie.

Now, these inspectors were not so located prior to, and if the honourable member would refer back to earlier reports, he will note that these are new positions. The Liquor Control Commission, insofar as decentralization of inspectors to areas outside of Winnipeg, I'm advised that in the past five years there has only been one person that has been moved twice - that is an inspector - in the areas outside of Winnipeg. So that I think in an examination of the list of district inspectors, one will find that most of the new names involved in changes are as a result of decentralization of inspectors to districts, district areas.

The Member for Birtle-Russell raised questions in respect to the increase in price, and suggested that, well, maybe under our present policy dealing with fortified wines, all one need do would be to raise the price and then the higher alcoholic content would be sold with the higher-priced wine. The Liquor Control Commission has sought over the past year, according to its formula, to true-rate the prices of wines according to alcoholic content. So that one will find, in respect to the lower-priced alcohol wines in Manitoba, the lower alcohol content. The more alcohol content, the higher is the price. So that it's true that as you elevate, as you move up in the alcoholic content, the price of wine increases accordingly. But this is an area, Mr. Chairman, where I think that we could not criticize as being an improper course of action. Surely one ought to encourage the purchase of lower alcohol content wines, and surely it is a fair system to charge for alcohol based upon the percentage content of alcohol that one is purchasing; in fact that is what the formula is doing.

I would also say to the honourable member that the \$1.85-\$2.00 wine, high alcoholic content wine, that was delisted, is now being carried in the Liquor Control Commission at 13 percent alcoholic content.

The Honourable Member for Charleswood had made reference to what really is a very serious charge, that there's frequent purchase, as I understood it, of liquor in our Liquor Control Commissions, and then that liquor is being exchanged in the parking lots, being sold to minors and to under-aged. This is the first occasion that the Commission chairman or myself has heard of this type of occurrence, and certainly we would appreciate any reporting of any regular occurrences of this type of practice in any Liquor Control Commission store that is operated, if this is in fact a regular occurrence or whether this was a very isolated occurrence of activities outside a Liquor Control Commission store.

Mention was made, in addition, by the Honourable Member for St. Vital in respect to the mickey-size bottles of vodka, and the suggestion that in fact those bottles were removed from the--(Interjection)--I'm sorry.

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MR. D. JAMES WALDING (St. Vital): I'm sure the Minister wouldn't want the wrong name to remain on the record, Mr. Chairman.

MR. PAWLEY: My apologies to the Member for St. Vital . . . The Member for Riel, that the mickey-size bottles of vodka were removed from the shelves of Liquor Control Commissions due to their availability to high school students. I questioned the Chairman of the Liquor Control Commission about this during the supper period, and he advises me that he is not aware of this alleged action, and as far as he knows it has not taken place and there has not been a removal of those bottles of vodka for the reasons indicated.--(Interjection)-- Pardon? Well, I haven't had a chance to go out and check it out myself.

Also, considerable reference was made to suggested problems in our high schools. I want to simply indicate to honourable members that the Liquor Control Commission, the Chairman and I have also checked in respect to my own correspondence and we have not received complaints that this is a problem insofar as our high schools are concerned, the abusive use of liquor in our high schools by students in the high schools. And again, let me say that the Commission did not have a record of complaints in this respect. I certainly have not received complaints in my department, nor have there been reports brought to me by the RCMP, and in checking the report from the Deputy Commissioner of the RCMP, I see no reference by him to this being a problem in respect to our high schools. I'm sure that from time to time there have been instances of this occurring, but insofar as it being a pattern or a widespread problem, I don't really think from information that I have on hand - it doesn't deal with high schools, students in high schools - that that is a problem.

The Honourable Member for Roblin asked me to read the report about juveniles. I referred to the report this afternoon and the references that were made in the report in regard to juveniles - and I don't de-emphasize for one moment that there is a problem in Manitoba in respect to the abuse of alcohol by juveniles as well as mature drinkers in Manitoba. In fact, I hesitate to suggest that younger drinkers in Manitoba are any less abusive of alcohol than older drinkers in the province, but certainly it is a problem, and my remarks were in relationship to high schools.

The Member for Rock Lake had mentioned, or asked information in respect to the amount of stock that is required in respect to a vendor, and the information which I have received is that there is no particular dollar sum that's involved. The Commission does expect, though, that the merchant or the businessman that is receiving the licence will have a reasonable amount of products for sale so that it's not just a liquor store but in fact it is only a secondary aspect to his store, that he does carry on a good-sized business serving a number of needs in addition to the proposals in respect to a liquor vendor.

I believe, Mr. Chairman, that deals with all the questions that I have notice of here.

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

MR. GRAHAM: Thank you, Mr. Chairman. Mr. Chairman, I'm looking for a little bit of advice at this time. I was just wondering if it might not be more practical if we could have the Chairman of the Liquor Commission down here right beside the Minister. I know that it's somewhat maybe different, but I believe in the past we have made special exceptions in this case. I'm just wondering if it's possible, to facilitate the Minister it might be more advisable to have him right in the Chamber. I know the note system is a somewhat delaying method, but it is essential that the Minister be given the information, because questions that are asked from this side are not asked facetiously, they are asked for information purposes, and I know the Minister is quite concerned about getting the answers back to those that ask questions. So I was just wondering if it's agreeable with members of the House. Well, we hear words to the other effect, so I guess we'll have to continue on the present rules.

MR. PAWLEY: Mr. Chairman, I was wondering exactly what the rules are, because there was some confusion the other evening. Last year I recall that during the debate in respect to the Ministerial Salary, the officials came right in and were present during the Ministerial Salary debate. That was last year and I gather there's been a change in rules this year, that that cannot take place. Now last year was the first time that was done, and the House Leader of the Conservative Party - because my own House Leader's not present - who sits on the Rules Committee, could comment on that.

MR. CHAIRMAN: Order please. I will read to the Honourable Minister the new section of the Rules 64.4. "In Committee of the Whole House, such officials of the government as

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(MR. CHAIRMAN cont'd) required by the Minister may be admitted to the Legislative Chamber, and shall be permitted to sit at the table placed at the floor of the House in front of the Minister, but this rule does not apply during the debate on the Minister's Salary in the Committee of Supply."

MR. JORGENSEN: Mr. Chairman, you have relieved me of the task of having to explain that particular rule to my honourable friend the Attorney-General. However, as everyone knows, by unanimous consent the House can do anything, and if there is unanimous consent of the House, there is nothing preventing the Chairman of the Liquor Control Commission appearing in the Chamber before the Minister and supplying him with the answers to the questions that are being asked on this side. But that can only be done by unanimous consent.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I have by letter been in touch with the Attorney-General re the matter that I'm going to raise, and that's the matter of the price that the Liquor Commission charges for pure alcohol to the government and to the hospitals and to the druggists, and there is quite a wide discrepancy in the price range of those prices, and I'm sure the Honourable Attorney-General understands, through the correspondence we've had, that it is of some concern to the druggists and to the hospitals in this province why we can't all enjoy the same price. So maybe in the Honourable Attorney-General's remarks he can give us some idea why it can't be one price for all.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, if it'll expedite matters and provide information - and I'm not sure, I'm trying to ascertain whether the Chairman of the Liquor Control Commission is here - but if he is, from my point of view I would not be unhappy to have him available in order to answer specific questions.

MR. CHAIRMAN: Is it agreed? Not here? The Honourable Attorney-General. The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, possibly the Attorney-General has not had time over the supper hour to look into the question of Section 159 of the Act, which I asked him about earlier, whereby I felt the Liquor Commission was making rules and regulations and presenting them to the outlets, which were really contrary to what the Act says. I would hope that we could get that answer some time. It isn't necessary tonight.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, it's my understanding that where there are complaints in respect to Section 159 of the Liquor Control Commission, that relates to the rule pertaining to only one bottle of beer or one glass of wine, that it's very rare indeed that a customer orders two glasses of liquor to be brought to him at any one time, because of ice, etc. Unfortunately, Mr. Chairman, I'm not the greatest expert on these matters, but that is my understanding. Now, as I indicated, I believe the Honourable Member for Sturgeon Creek was not present later in the afternoon when I indicated this was a section of the Liquor Control Act that we're looking at very closely, and there will be . . . and please don't listen to the Honourable Minister of Tourism and Recreation because he has some very distorted views in connection with the Liquor Control Act, but that particular section is being examined very closely, and there will be amendments forthcoming later this session. We may have opportunity to debate that section at that time. But it's my understanding that the complaints that have come forth in respect to that section and suggestions that the section is being enforced too rigidly or too unreasonably, has in 95 percent of the cases been to do with that dealing with one glass of beer and one glass of wine, that insofar as two glasses of liquor it's very rare indeed that one does in fact order two glasses at one time.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I just want to clear up something that I said earlier. The trouble with the regulations, or with the rules that seem to be being put down by the Liquor Commission was, as I mentioned, if there are two people in a bar and they both have a drink and one drinks faster than the other, and that person who does drink faster orders two more drinks, the waiter comes along with the two drinks and he will not put it down, so that makes the other fellow gulp his drink down. To me that's not a good drinking practice. So really it says you can have two in front of you rather than gulp it down.

A MEMBER: You choose your drinking partners.

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MR. F. JOHNSTON: Possibly.

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: In order to minimize debate in respect to this section, I think that you heard the views by the desk thumping of the Minister of Tourism and Recreation. You know where he stands. I want to tell the Member for Sturgeon Creek that his point of view has also been presented rather forcibly by some of the other members behind me, and that it might happen that there will be some legislation that will deal with the problem that he has outlined later in the session.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Well, Mr. Speaker, regarding the question that I raised earlier, and I'm sure the Attorney-General hasn't got the answer tonight, but it's a very important question that has been raised to me by hospitals and druggists . . .

MR. CHAIRMAN: Just a little bit less noise. It's very difficult for the Chair to hear what's going on, and I don't want to sit with this hearing aid on. --(Interjections)-- Order please. I would ask also the members of the press to co-operate. It makes it very difficult for the Chair here to hear what's going on. (Hear. Hear) The Honourable Member for Roblin.

MR. MCKENZIE: Well thank you, Mr. Chairman, and I'm sure that the Honourable Attorney-General maybe he does not have the answers for the matter, but I think their argument is very valid and it's one that we should examine, that it is a Crown corporation or, I don't know how you could explain it, as a monopoly on the control of alcohol in this province and so the hospitals and the Government and the druggists should all enjoy the same price.

The other question that's come to my attention: Where under regulations do you draw the line on the quality of carpets in these various rooms? I've had people from hotels and restaurants out in the area of rural Manitoba come in and say that, you know, there's a lot of places in the city here that carpets are wore through the floor. When do you have to say, throw that carpet out and put another one in, or go back to, which the restaurant people basically say, go back to the tile which they can keep spotlessly clean, waxed, and enjoy all what the Health Department is trying to influence, what you can't do with a dirty carpet.

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

MR. GRAHAM: Thank you, Mr. Chairman. The Member for Roblin has raised a point. I don't believe he has brought out the entire point though that has caused a great deal of concern in rural Manitoba especially, and that is some of the enforcement that is carried out by the Liquor Control Commission in fields that to me, quite frankly, sir, I feel may more properly lie in the field of health.

It is my understanding that the inspection of premises by a Liquor Inspector involves not only the beverage room, they involve the kitchen, the dining room, and the bedrooms as well. Now, Mr. Chairman, there is also in the field of the motels in the province that the Liquor Commission has no jurisdiction over motels at all, and that falls under a completely different department. I think that probably we should look at the entire jurisdiction of the Liquor Commission. Whether they should be involved only in the premises that actually sell liquor, and leave the rest of it to those that are concerned with the hotel accommodation as such throughout the entire province.

I know that it has been brought to my attention that the Liquor Commission in many small hotels, with maybe only five or six rooms, have now come out and insisted that they have a feature wall on every bedroom, that the four walls in that room cannot all be the same, they must have a feature wall. And if there is a sink in that room it must have chrome legs under that sink.

Mr. Chairman, I point these things out only to bring to the attention of the Minister that I feel perhaps the Liquor Control Commission is exceeding its authority. They also insist that they have to have carpeting upstairs as well as in the beverage room, and I don't argue with the Commission having jurisdiction over the beverage room. But I think perhaps they are going above and beyond their field of activity in dictating to hotels, fields which I honestly believe are beyond their jurisdiction.

Mr. Chairman, at the same time they extend their jurisdiction outside the hotel to the parking lots that are adjacent to the hotels. I know in some areas in the city parking is a

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(MR. GRAHAM cont'd) problem, and I am told that they have issued instructions to hotel keepers in the city that they must try and provide parking, if not immediately adjacent within a reasonable distance, say within a block or something, or they must avail themselves of parking space, which in the city is fairly high priced parking space, and also, sir, it may very well contravene some of the by-laws of the city, and the zoning by-laws, on the use of land within the city limits. I think that the use of land and the zoning quite properly is a field for the city fathers to engage themselves in and I wonder whether the Liquor Commission has taken into consideration in some of their recommendations to hotel keepers, if they have taken into consideration the zoning by-laws that exist in that area. We find it somewhat perplexing, sir, to find recommendations for paved parking lots in towns and villages where no pavement exists in the rural areas. And, sir, I think that there has to be a certain amount of discretion, and I feel that recommendations from the Liquor Commission must be consistent with the practices that exist in the community which they are inspecting.

Furthermore, sir, I want to also bring to the Minister's attention some other regulations and recommendations. I know I have one, and I have asked the hotelkeeper for his permission, and he has given me his permission to use his hotel and his name, and that is the hotel in the unincorporated Village of Foxwarren, where we now find that the Commission has recommended that he spend several thousands of dollars in his kitchen, which means that he must upgrade his kitchen to the standards of the Liquor Commission, when in effect he sells maybe \$100 worth of meals per annum. In this particular case there is a restaurant, a cafe, right across the street where the hotelkeeper has a very good relationship, and is very interested in keeping a good relationship in the town, and realizes that that cafe must have most of the business in order to survive. So it seems somewhat ironical, to say the least, to find the Liquor Commission insisting that he put very expensive grills and deep fryers, etc., in his kitchen when he will in all likelihood never use them.

Sir, I bring these things to the attention of the Minister at this time just to plead with him to bring some sort of order out of the chaos that exists today in the operation of the Liquor Commission.

MR. CHAIRMAN: Resolution 20 -- Passed. Resolution 21, (a)(1) -- passed; (2) -- passed; (3) -- passed; (b)(1) -- The Honourable Member for Birtle-Russell.

MR. GRAHAM: When we're dealing with criminal prosecutions can the Minister indicate to us whether there has been sufficient increase in his staff to handle the Crown Prosecutor's duties in such a manner as not to inordinately delay court cases in the province?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, the information that I have is to the effect that the number of Crown Attorneys that are on staff at the present time is sufficient. That in regard to issues of delays that have occurred in our courts in the province, and certainly there have been a number, have come about because of the abuse of the process of requesting remands and uttering guilty pleas or not guilty pleas, and then changing them later on and tying up courtrooms and other facilities unnecessarily. But insofar as staff is concerned, the information that I have is that we have presently adequate staff.

MR. GRAHAM: Well, Mr. Chairman, I accept the Minister's assurance in that regard and we'll have more to say on the other when we get to the proper item.

MR. CHAIRMAN: Resolution 21 -- Passed; Resolution 22 (a) (1) -- The Honourable Member for Birtle-Russell.

MR. GRAHAM: Dealing with the Law Reform Commission. Last year, I believe it was that I brought to the attention of the Attorney-General what I considered to be a rather important item, and that is the reverse-onus clause that exists in many of our statutes today. I know I discussed it with the Chairman of the Law Reform Commission, and I believe that in their report last year they did have it on their agenda as one of the areas in which they were going to do some further investigation. However, they did admit that it was fairly well down on their list of priorities, and I wonder if the Minister could inform us of what the activity of the Law Reform Commission is in that particular field at the present time.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Chairman, I wonder at the same time I might just pose a further question to the Attorney-General, and ask him if he could advise the House just how far the investigation by the Law Reform Commission into the question of electoral reform has

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(MR. JORGENSEN cont'd) progressed, and if we can expect a report from the Commission very shortly.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: I was hoping that there would be some longwinded speech in the meantime. Mr. Chairman, I know that the Honourable Member for Birtle-Russell is very concerned in respect to the study that is being done by the Law Reform Commission in regard to reverse onus. It's a matter that is presently under study by the Law Reform Commission. As to when we can expect a report from them I couldn't guarantee to the honourable member, except that I would think that the concern mentioned in this Assembly about the need for that report to be completed will be transmitted to the Chairman of the Law Reform Commission. I want to say on their behalf that they've been very deeply involved in preparation and completion of the study in respect to Family Law and the administration of justice, a general over-all study that has been done in those regards.

The Honourable Member for Morris asked in respect to another study. . .

MR. JORGENSEN: Electoral reform.

MR. PAWLEY: . . . Electoral reform. Certainly it's a matter that's certainly very much active and before the Law Reform Commission. We're going to have to find out from the Law Reform Commission just when we can expect the results of that study. I do know they've been working on it.

MR. CHAIRMAN: Honourable Member from Morris.

MR. JORGENSEN: Mr. Chairman, just on that same point. I would hope that the Attorney-General could find out from the Commission just when we can expect to have that report submitted to us because I would be somewhat concerned if that report was delayed to the point where its implementation took place just prior to the next election before members of the Legislative Assembly had an opportunity to fully examine it. I'm a little bit concerned about people who have never involved themselves in elections before as participating candidates, making electoral form for people who have been involved in for a good number of years without us having an opportunity to have something to say just what kind of reform that we're going to have thrust upon us. And I hope that the Minister can give the assurance to this House that we're going to have an opportunity to examine it very carefully before any final legislation is being drafted.

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker, I would like to ask the Minister in view of the number of referrals that have been made to the Law Reform Commission, that in addition to the proposal on property rights and the electoral reform proposals there is also the Bill of Right proposal, there is the proposal for housing warranties, and I would really like to know whether at this point the staff and research and resources available to the Law Reform Commission is sufficient for the task that the government is referring to it, or whether in fact it is becoming a way of simply ensuring that a number of these fairly critical issues simply get held up or forestalled because the Law Reform Commission simply doesn't have the resources that it needs to properly execute the large number of very crucial issues that are being passed on to it.

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

MR. PAWLEY: Mr. Chairman, I'm rather pleased by the turn of events here because after I sat down when questions were raised in regard to the number of staff in the criminal division I kicked myself that I didn't complain. Maybe a few SMY could be added.

A MEMBER: Oh, no.

MR. PAWLEY: And I trust that my colleagues are listening very intently here. I think that it is true that the Law Reform Commission could do a more effective job if there was extra SMY in the employ of the Law Reform Commission. I think if the Chairman of the Law Reform Commission was here he would certainly indicate that they have been handicapped in this regard. We of course are faced with the situation that in attempts to restrain growth in different areas of government that the Law Reform Commission is one of those areas that there's been a limitation place insofar as the extra SMY, the extra money that is required. I say that with certain pangs of conscience as to the situation, the Minister of Labour is watching me very closely here, but certainly more staff would be useful, but it's a general overall problem that we have in every department and agency I believe of government

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(MR. PAWLEY cont'd) in order to ensure that growth doesn't get out of hand.

The member referred to the Bill of Rights, and as the member is aware the study in respect to the Bill of Rights has now been made available to the public and response is being encouraged from members of the public as to their position in connection with a Bill of Rights Act, and I think we have very sharp differing points of view in regard to the usefulness of a Bill of Rights.

The same in respect to the study in regard to home warranties. I know the Chairman of the Law Reform Commission has been involved with Manitoba Housing and Renewal Corporation I believe and also Consumer and Corporate Affairs in connection with his studies in home warranties. And I would be very disappointed, Mr. Chairman, if we do not see some legislation in that area, but it may take place at the Federal level because of certain developments which have occurred there during the past six, nine months in interest at the Federal level in a uniform warranty program for homes across Canada.

MR. CHAIRMAN: Resolution 22(b). (a)(1) pass. (b) . . The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, I just have one question of the Attorney-General. Is the Administrative Practices Act now being considered by the Manitoba Law Reform Commission? . . . Administrative Practices. Well, I wonder can you indicate how long this has been before them, I think it's several years if I'm correct, and has there been a preliminary report?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: It has been before the Law Reform Commission for some time. We'll find out just how much longer it can be expected that it will take.

MR. CHAIRMAN: 22(a)(1) pass. (2) pass. 22(b)(1). The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Chairman, I heard the Minister a moment ago saying that he'd like some more money for the Law Reform Committee. I would suggest that he take it from the Human Rights Commission. I see, Mr. Chairman, that salaries last year were \$155, 000 and they're going up \$28, 000 this year.

I've waited some time to bring before the House what I feel is very high-handed activities of this particular commission. It seems that last summer, and I feel that the Minister should be made acquainted with this, that there was a family had a house to rent. There was a knock on the door one day and this man said, "I see you've got a house to rent", and she said, yes, she had, and this lady is something in the neighborhood of around 76 years of age, and her husband in the extended care home having had a stroke, will never speak again, and he said, "Could I see the property", and she said "Yes". She gave him the keys and he came back and he said, "We'll take that house". And she said, "Is it for you?", and he said "No". And he was from the Indian Metis Centre. I'll stop there. He said, "Have you got a rent receipt book?" and she said, "No, if that house is not for you and it's for the family you're suggesting they can't have that home".

Mr. Minister, these people were Ukrainian people that came to this country, worked in the land, and she worked in her bare feet and has reached this extended age, and she was terribly abused by this young man in the Indian Metis Centre; and it was at that time that neighbors called me in. And I found that this man had communicated with Winnipeg and this Human Rights Commission, they had a man there in no time flat in a Manitoba plane. The whole matter was looked over and he was to come back the following week. This dear old lady, sir, was suffering from high blood pressure and I came out of that house and I just didn't know what to do. I finally made up my mind that I would go to the "Fountain's Head" and that's exactly what I did. And he said "I'll be up Thursday." I said, "You'll be up tomorrow. This lady may be dead Thursday with the attitude she's taken from your remarks", or from the remarks of that young man. He was there the next day, Mr. Minister, and I was there too. You should have witnessed that situation. I don't think those kind of people deserve that kind of treatment. (Hear, Hear) And I think that these people in this Commission are going far beyond what was intended by the legislation of this House, if they treat a person such as her in that manner.

The whole matter was, I'm happy to say, satisfactorily concluded and the commission representative said, "As a field man I can give an understanding that there's no problem

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(MR. BILTON cont'd) here. I've investigated it personally and I can understand how these people feel and that's fine". I said, "Very well, would you be good enough when you get back to Winnipeg to write a declaration, put something in writing to this lady to clear her mind and that of her husband?" "Yes, I will do that". "Send me a copy for my file." Mr. Minister a month later that letter had not come and I took it upon myself to phone them. You know what I was told? The Commission hasn't dealt with this subject. And it was two months later that that letter was issued. The whole matter is cleared and I merely bring that to your attention to suggest to these people to be a little more human when they're talking to people in advance years, the very people that made this country what it is today . . . That I think these people should be a little more human and not ride in like herdsmen. Those people didn't deserve that, Mr. Minister, it was entirely uncalled for, and I would hope there would be a little more human approach to people under such circumstances throughout the Province of Manitoba in the future.

MR. CHAIRMAN: 22(b)(1). The Honourable Member for St. James.

MR. GEORGE MINAKER (St. James): Thank you, Mr. Chairman. I'd like to raise a question at this time to the Attorney-General in regard to the extremes that Human Rights has gone to it appears in our province to protect the individual, and I cite - it might sound humorous, but I think it's an example of how far we have gone to protect the individual in the case that occurred last Christmas when a retail store had an area to allow men shoppers to shop and buy women's clothing in the privacy amongst men, and I understand from reports that I had received that a single individual, I understand, of female gender complained about this situation and as a result the store in question had to remove this shopping area.

I know one of my constituents called me and talked to me for several minutes on this concern, that the fact that a store or retail outlet had come up with a service to allow people - and believe it or not I guess there are men amongst us in our society today that are still shy and like to buy things for their wife or girl friend in privacy amongst men and not be embarrassed with a mixed crowd. So I listened with care to my constituent and I saw - and I have to say it was a women that called me on this matter - her concern that there still are people in our group that would like to buy certain things in somewhat privacy amongst their own gender, and one starts to wonder what will happen next. Will a woman phone up tomorrow and say that men's change rooms in a retail store should not be allowed, that they should be mixed? Because this is the kind of extreme that I would think, Mr. Chairman, that it could lead to, and I just wonder if the Attorney-General could answer if in this particular case where the store was required to remove this particular service for its customers, whether it was just one complaint or several complaints that was received in this particular matter, and is this the general policy of the department, that if they do receive one complaint such as this that they enforce the Human Rights Act and make the necessary changes, even though it might be beneficial to a majority of people who would like to utilize such a service?

MR. CHAIRMAN: The Honourable Member for Fort Rouge.

MR. AXWORTHY: Mr. Speaker I'd just like to speak for a moment to the Attorney-General based upon the remarks that were made by the Member from St. James. I'm first somewhat puzzled by his opening statement because I've been listening to various members of his party sort of complain in extreme about the lack of rights of the individual and the onerous burdens placed upon it by big organizations, I mean government. Now we're told that we may be in fact pursuing the rights of the individual to an extreme. It reminds me of that famous statement that was made during the Goldwater campaign several years ago about the pursuit of liberty, but I won't dwell on that.

The member raises I think an important point about the need to establish a clear set of definitions of the area in which rights have to be exercised, particularly when it gets in to a new area of social change, and I think certainly this is one where we are entering into where we're trying to define more broadly the rights of women in society and I would ask the Minister if the government has looked at the new Human Rights legislation that has been introduced in the British Parliament where they have attempted to establish a set of very strong protections and guarantees for the rights of women in a number of capacities, in employment, in rights of social sort of activities, in the whole area of rights of private memberships in clubs, but have designated within that Human Rights legislation itself certain areas which are obviously reserved for different sexes because of the particular capacities or requirements of those

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(MR. AXWORTHY cont'd) sexes so that there are obviously certain jobs - you don't have a - I hate to use the example, but it's sort of a female attendant in a male steamroom or something of that kind of extent - at least not generally. But they have made an effort to set those guidelines out and I think it would be of major assistance in the operation of the Human Rights Commission if rather than trying to interpret some --(Interjection)-- that's right, if we could - the definition of these rights so that they have a better set of guidelines to work with, and furthermore that the public with whom they're dealing also are able to understand more clearly what the role of the Human Rights Commission is. That I think we are in fact perhaps placing an unfair burden on the Human Rights Commission to continually be making judgment calls in a number of situations without any guideline set for them; that they really are being asked to make decisions on an ad hoc basis in the heat of a situation which may have a lot of conflict attached to it.

I would simply like to find out from the Minister to what degree he and the members of the government and his department have sat down with the Human Rights Commission and worked out a proper set of guidelines or definitions where they can exercise their prerogatives and it would be very useful if that kind of information was made available to members of this House so that when questions like this do arise, as they do in the case of the Member of St. James, and I had similar kinds of representations, you could provide better information on it again. It may be that the Human Rights Commission knows what they're supposed to be doing but no one else really does, and I think that that would help if we could have a clear understanding of what kind of internal direction has been given to them.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, the points that have been raised by the Member for Fort Rouge and St. James, I think that basically the Commission of course refer to their legislation as the basis for which they are to proceed. And certainly the Commission does have a great amount of latitude insofar as the discretion to which it uses in working with the legislation.

In the particular case that was mentioned of the Hudson Bay Store, it was not a matter of forcing the issue to a head at the particular stage that it was dealt with. A complaint was given to the Human Rights Commission, and then the Human Rights Commission indicated to the store that it received this complaint and was looking into the matter. As I recall the facts of this matter, that within a day or two the store voluntarily on its own proceeded to rectify what it felt at that time to be a possible violation of the Human Rights Act. Certainly it never went beyond the point of a field worker at the Commission level itself. If it had gone beyond the field level, then it would have been a matter of concern for the Commission as to the particular complaint that they were dealing with, and whether the complaint was worthy of reconciliation between the parties, or whether it was a complaint that should be followed through to a board of adjudication and enforcement in respect to any alleged violation of the Act. So here the store very voluntarily on its own upon the filing of the complaint with the Commission, and realizing that it appeared from the legislation which the Commission was working with, and which the store was working with, withdrew this particular segregation.

I want to say too, to members that all across Canada, I believe every province without exception, we would find a similar provision as that in Section 4 of the Human Rights Act dealing with the prohibition of discrimination in occupancy of commercial unit or housing accommodation. I doubt whether one would find many, if any, exceptions to this particular provision across Canada.

The Member for St. James made reference to common change rooms. I would like to just indicate to the Member for St. James that that concern, and also the one that was raised by the Mayor of the City of Winnipeg when he suggested I think humourously, I doubt whether it was with serious intent at the time, that we might end up with washrooms that would have scrawled across the front of them, "Unisex" because of Human Rights' legislation, is of course just not true, because Section 3, subsection 3, of the Human Rights Act states that the legislation does not apply to prevent the barring of any person because of the sex of that person from any accommodation services or facilities upon the ground of public decency. So a change room is very clearly included within the ambit of the legislation itself. And concerns such as that really are only, I think, furthering a fear that need not be encouraged within our community.

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(MR. PAWLEY cont'd)

The Member for Fort Rouge has made reference to the British legislation. I've not had an opportunity to see that legislation. I would certainly look forward with interest to examining it.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Chairman, I have not entered into this debate thus far, and I really don't want to, but I can't help but make the observations that it's a sad day that in the Province of Manitoba the mere thought of the heavy hand of government acting was sufficient to have whatever male chauvinish still exists in this province, quiver and retreat in advance of that, you know, unbeknownst government act, and shops close their doors, and stores, you know, the male sanctums, inner sanctums are no longer permitted. And you know, that says something for the manner and way in which I suppose the Commission has operated in this way. Perhaps in a little different way than the Honourable Member for Swan River has indicated here earlier, but nonetheless in its own way it shows what massive respect the citizenry of Manitoba are beginning to have for the heavy hand of this government.

MR. CHAIRMAN: Resolution 22(b)(1) . . . The Honourable Member for Fort Rouge.

MR. AXWORTHY: Yes, Mr. Chairman, I have no desire to add to the fears or shaking and trembling of the Member from Lakeside, but I would like to ask the Attorney-General . . . --(Interjection)-- That her unfortunate . . . It's purely a matter of opinion.

I would like to ask the Attorney-General though about the operation of the Human Rights Commission based upon one of his comments, where he says that in the legislation the Human Rights Commission has a requirement to protect and defend against any discrimination in occupancy of either residential or commercial buildings, I think was the quote he used. And the question I have for the Attorney-General in the operation of the Human Rights Commission, is whether it operates simply on the basis of being a passive, responsive agency where complaints are registered and it takes the action, or whether it takes a more positive, and perhaps even aggressive stance, to test out the degree to which there may be areas of discrimination based upon ethnic or racial, or even sex terms, and actually goes about testing these? And I can only think of the example of the U.S. Human Rights Commission dealing with the problem of discrimination on housing based upon race and colour, and to what degree of the Human Rights Commission in this province simply again acts as a repository of complaints which have been in . . . and sets the Member from Lakeside trembling, or in fact whether it has a program that annually it initiates to determine to what degree are there areas within the province where there may be acts of discrimination, implicit or otherwise, and actually goes about determining to what degree they are in existence; and I think in particular in the field of housing where there has over the years been a number of complaints about housing discrimination for native people in certain parts of the inner City. There has also been discrimination on the basis of age of people on both ends of the spectrum, either young or old. So my question is really, how does the Human Rights Commission interpret its role, in a passive responsible way, or does it in fact go out to determine and aggressively pursue the advancement of rights of individuals in this province?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I think that the answer to that has to be examined in relationship to the history of the Commission. I think that it can be said that there was a period in the life of the Commission that it attempted to probably become a little bit more involved than what was necessary in respect to certain cases; and that on the other hand there have been other times when the Commission can be too passive. I think that the Commission sees its role as one of preventatives, educational, attempting to acquaint Manitobans in all walks of life and areas of endeavour, the provisions of the Human Rights Act in order to prevent the development of areas of discrimination, whether it be in employment or occupancy of commercial or dwelling units, or in any other areas which pertain to the Human Rights Act.

Educational: The providing, for instance, of speakers to schools and then before groups, whether it be Chambers of Commerce or Hotel Association meetings, in order to deal with the provisions of the Human Rights Act as it pertains to those groups.

Secondly, of course, with in mind a preventative and educational program, to receive complaints. Now the Commission takes the complaint, a field worker investigates same, and

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(MR. PAWLEY cont'd) then brings back his report to the Commission. The field worker and the Commission undertake every effort that is possible to reconcile the complaint, to reconcile the complaint insofar as the parties are concerned. And I would say to the Honourable Member for Fort Rouge, that during the past year I would say, and I think I could say very safely that 98 percent of the complaints have been reconciled insofar as the parties that are in conflict. In fact I stand to be corrected, but I doubt whether in the past year there have been any instances where the complaint has reached the point of being dealt with through a board of adjudication or through court process.

The Member for Fort Rouge might be able to indicate that that could be a sign of weakness, that there may be instances where the Commission should be more aggressive than it has been during the past year. But certainly its emphasis has been on attempting to reconcile complaints. It has been largely successful in this connection, but certainly the legislation is there if the area of conflict continues to bring the matter to a head before a board of adjudication, and other enforcement provisions of the act.

MR. CHAIRMAN: Resolution 22(a)(b)(1) . . . The Honourable Member for Roblin.

MR. McKENZIE: Mr. Chairman, I don't know whether to deal on the subject matter on this item or when we flip the page. But I'm wondering under the Human Rights Commission, how come that the lottery tickets, the Olympic Lottery tickets were not available in this . . .

MR. CHAIRMAN: Order please. The item I think would be dealt with more favourably under (f).

MR. McKENZIE: Okay. Well, I don't think - can I deal under the Human Rights Commission when we get to that item, Mr. Chairman, because I think that was a right of the citizens of this province to have access to the lottery tickets which we were denied by this government and the Minister, and so I will not be able to deal with them on that subject when we turn the page over.

MR. CHAIRMAN: I think that item that the honourable member is referring to would be more likely dealt with under the Department of Tourism and Recreation. The Honourable Member for Swan River.

MR. BILTON: Mr. Chairman, I hesitate to rise again, but it may have missed me, but I don't think the Minister answers my problem. My problem is simply this, Mr. Minister, that the situation that I outlined to you, if I may be permitted to say so, just electrified the entire community that the government would tolerate that sort of thing. That gentleman in Swan River had the right to phone the Human Rights here in Winnipeg, make the complaint, and cause the Human Rights' people to come out from Winnipeg to take care of this matter. And I am appealing from a human point of view with regard to this old couple, whose years of activity are long since spent, didn't have the privilege to determine as to who would go in their house at that particular time, and the activity of the man in Swan River and the Human Rights, and the time between the original call and the final conclusion of the whole matter could have very well put that woman in her grave. And all I'm asking, Mr. Minister, is that you prevail upon those people in the Human Rights Commission to use a little humanity when they're dealing with people in remote communities, such as mine, so far removed from the City. I would like to hear the Minister's comments to the effect that he agrees with what I'm attempting to say.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I think that in the particular instance that the Honourable Member for Swan River has recounted, and one is at a disadvantage unless one has in front of him all the facts and particulars of the case, but if the complaint that was filed with the Human Rights Commission in Winnipeg from my representative - I gather the Swan River Indian and Metis Friendship Centre - related to an actual complaint in respect to refusal to rent based upon racial grounds, then certainly I think the field worker had no alternative but to attend in Swan River to look into that matter, otherwise he'd be certainly very much in remiss of his duties. If upon investigation of that matter he was satisfied that the elderly couple that the honourable member refers to never had any intent, and I gather from what the honourable member states, never had any intent to discriminate based upon race, but their concern was in respect to certain behavior characteristics of a particular family

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(MR. PAWLEY cont'd) that had nothing to do with their race, I assume that those are the facts. Because certainly if it related to the race of the family, then I think we're dealing with an entirely different subject matter, and one that, regardless of one's status or age, I think that we would want to not look the other way to instances of discrimination. But I gauge from what the honourable member said that this particular family were not objecting on the basis of race but were objecting because of knowledge of a particular family, and because of that particular family's characteristics as to their ability to pay rent, or for some other reasons, then I think that the field worker should have as soon as possible certainly put the mind of the couple to rest, should not have prolonged it unnecessarily, once he had satisfied himself in the investigation that race had nothing to do with the complaint.

MR. BILTON: There's just one point I would like to make. I wonder if the Human Rights Commission in their wisdom realize that in many parts of rural Manitoba there are people still living that came over from Europe, many of whom, and in my particular area anyway, still do not talk English, or understand English, many of them still talk their native tongue, and are somewhat confused when they're confronted with legislation such as this, legislation that is relayed to them by a layman who is in the employ of the Government. It creates a feeling of uncertainty with these people, Mr. Minister. I don't want to labour the point, but all I'm trying to say is, that I hope the Human Rights Commission realizes that in my area you've got Russian, Ukrainian, Chinese, Polish - and somebody said a Yorkshireman, and I'm the only one that's there, so there's no problem there. But what I'm trying to say to you, Mr. Minister, is that in your wisdom if you would convey to the Human Rights Commission that when they go far afield from the City of Winnipeg, that they have these people to deal with, and to be a little more human toward them. They talk about a Human Rights Commission, let them be a little human when they're dealing with the people that don't quite understand what this legislation is all about.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Chairman, on the very same theme that my colleague the Member from Swan River has raised, some of the members of our caucus were at Nelson House not very long ago, and those people were informed last August they're going to get 30.5 feet of water, and the conversations were in Cree. Now I wonder if the Human Rights Commission would go in and help those people to solve that 30.5 feet of water which they got notified last August they were going to have this November.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Chairman, the Minister when he described the activities of the Human Rights Commission put them in their most favourable light, and that's quite natural. I wonder however if the Minister would be able to advise the House - and I'm not sure whether that provision is contained with the legislation or not - but if he would advise the House if the Human Rights Commission have examined all the existing legislation to ensure that none of that legislation violates any of the provisions of the Human Rights Act. If I remember correctly that was contained as a provision in the Bill of Rights, and it was necessary for the law officers of the Crown to examine all of the existing legislation to ensure that none of the provisions of the existing legislation were in violation of the Bill of Rights.

My experience, and it has been somewhat limited I admit, with the Human Rights Commission seems to lead me to believe that they're very reluctant to move into areas that are unknown. It seems to me that they will only venture to examine any particular instance if that instance is brought to their attention in triplicate, or whatever the case may be. You have to get a form from the Commission, you have to have it duly filled out and signed, and then they will send out a field officer, as the Minister explained, to examine whether or not there is any justification for pursuing the particular complaint and then, and only then, will the Commission take any action. The particular case that I brought to their attention is one that I think is of some longstanding duration, and it seemed to me that the request that I made of them was a perfectly legitimate one, and one that at least they would have taken the trouble to examine, if for nothing else to allay my fears that there is a violation of the Human Rights Act within this province. However, they told me that the only way I could get that particular thing investigated was to fill out a form in triplicate or quadruplet, whatever the case may be, and have it duly signed and duly recorded. I won't do that. It is not necessary for me to do that. I thought that a simple request to the Commission to examine

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(MR. JORGENSEN cont'd) the provisions of a particular statute to determine whether or not it was in violation of the Human Rights Act would be sufficient. However apparently that is not so. I don't want to belabour that particular point either, I just want to tell the Minister that I think that the Human Rights Commission are not quite as aggressive as he might have painted them to be in determining whether or not there are violations of that Act at the present time.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, certainly I think that a request as to whether a particular statute is in violation of the Human Rights Act should be one that shouldn't require forms in order to obtain. It's not a complaint per se.

I would draw attention of members to the legislation in the Province of Alberta, which was enacted by a government of the same political stripe as the honourable members across the way, that their legislation, I believe and I believe it's the only legislation in Canada, has a section which makes their Human Rights legislation primary, that all other legislation in the Province of Alberta is secondary to the Human Rights legislation. So that in the event of any conflict between the Human Rights Act in Alberta and any other legislation, the other legislation is secondary to the Human Rights legislation, primacy legislation.

So that in respect to - I suspect the honourable member is referring to provisions in the Liquor Control Act. Certainly that is one that I can think of at the present time that provisions exist there that on a reading of the Human Rights Act, would be disallowed if the Human Rights Legislation was primacy.

MR. CHAIRMAN: Resolution 22 - The Honourable Member for Roblin.

MR. McKENZIE: Mr. Chairman, I don't want to elaborate further on the Nelson House case but I'm prepared to stand here and debate for hours in fact . . .

MR. CHAIRMAN: The honourable member will only debate 30 minutes at a time.

MR. McKENZIE: Well, 30 minutes, and I'm prepared to go farther on 30 minute basis. But I think if there ever was a case for the need for the Human Rights to go in a help some people that need some help, is the people of Nelson House who - well for some unknown reason - and I'm not going to go into all the rat race of why it happened, but nevertheless it's there. Last August those people were notified as of this November they're going to have 30.5 feet of water. They're without legal counsel. --(Interjections)-- Mr. Chairman, the Honourable Minister of Mines can talk all he wants but the conversation that we had with those people we had to have an interpreter because they're talking in Cree.

Well but if there's ever need for the Human Rights Commission to go and do something that's useful, to go and --(Interjections)-- No those people at Nelson House have the same rights as the Honourable Minister of Mines and Natural Resources and I have. And they have right to legal counsel, and they have the right to the advice of this Government. And I'm just asking the Attorney-General do --(Interjections)-- there we have the vehicle, the Human Rights Commission, to go up there and help those people defend themselves who now find as of last August they're going to have 30.5 feet of water this November. And if the Human Rights Commission isn't going to go in there, who is going to go in there and help those people, because it isn't going to be that government.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: I wonder if the honourable member could illustrate to me, because I must admit that I'm at some loss as to the honourable members comments. If he could disclose to the House just what section of the Human Rights Act he feels the Human Rights Commission should operate under in order to satisfy . . . --(Interjections)--

MR. GRAHAM: Mr. Chairman, the title, the title of the Commission, Human Rights, what does it mean to the Attorney-General? It means to me we defend the human rights of the people in this province, and I challenge this Government to go up there and give those people the rights that they're entitled to, and they're not getting them today with this Government.

MR. CHAIRMAN: Resolution 22, (b) to (d) -- Passed. (e) -- The Honourable Member from Birtle-Russell.

MR. GRAHAM: I want to say a few words on the Board of Review, and I want to go back a little in history to the changes that have occurred in the reporting of the Estimates of the Attorney-General, and we find that in the year ending March 31, 1973, that boards and

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(MR. GRAHAM cont'd) commissions were then listed for the first time in the Minister's Estimates. At that time the Board of Review had a budget of \$20,500; in 1974 it dropped to \$3,000; last year it was 5,000; and this year it's proposed to be 5,600. I don't know whether we have in that period suddenly solved all the problems of our mental institutions in the Province of Manitoba. Somehow I doubt that. But the Board of Review, which has the responsibility for reviewing cases, seems to have had its budget cut drastically in the last two or three years. And I don't know, perhaps it's the intention of the government to keep as many people in mental institutions as they think possible, or whether they want to review in a responsible manner those cases that are in the mental institutions.

Sir, I believe it was this afternoon we had - at least I had a letter delivered to me, and I believe most members on this side of the House had a letter delivered to us, dealing with the case of a particular young individual who is now 18 and has a severe mental problem, is considered to be a mental retardate. It's quite conceivable that his case - he could end up in a mental institution. I wonder how long it would take a Board of Review to examine that particular case. So if the Minister could give us some information on the activity of this Board, it would certainly be appreciated because we want the assurance that this Board is operating continuously, and the rights of individuals are being protected.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I would just point out to honourable members that the reason for the reduction here - and I want to again repeat that I am very pleased with the tenor of the debate, because this is the third occasion really that reference has been made to less expenditure than maybe we should have, so that I'm going to keep this in mind come next year when I return.

MR. GRAHAM: Mr. Chairman, all I want is the assurance that the work of the Board is being done adequately. If it can be done with this money, that's fine. I want the assurance that the work is being done properly.

MR. PAWLEY: Mr. Chairman, there is at the present time apparently only ten inmates in our mental institutions that are held at the pleasure of the Lieutenant-Governor-in-Council, compared to 25 when the Review Board was first established five and a half years ago, so we've had a substantial reduction. And of course the only ones that are held at the pleasure of Cabinet are those that have been confined due to commitment as a result of a criminal trial.

MR. CHAIRMAN: (e) passed, (f) passed . . . The Honourable Member for Roblin.

MR. McKENZIE: I raised this question about the Olympic Lottery tickets being sold in this province a couple of years ago, and the answers were kind of a vague - I never did understand what the reasoning was. And now of course the Member for St. Boniface is back in his seat in this House, and he has made the public announcement that now the people in this province have the right to buy the lottery tickets. So I didn't know whether to raise it, Mr. Chairman, under the Human Rights' section of the Attorney-General's estimates, or to raise it now. Why were we denied, the people in this province having to go and clip it out of a magazine, or clip it out of a newspaper, to buy a lottery ticket and mail the money down to Quebec, now that this government or the Minister of Health for some reason - I don't know why, he's in charge of the lotteries, it's not the Minister of Tourism - but anyway we are now given the right in this province - and we're all Canadians and we're all for the Olympic Games, and we're all for them to have enough dollars, if they're going to do it through a lottery system, which we support in this province by legislation, but for some reason we were not given the privilege - now we can, but for the last two years we haven't. So maybe the Attorney-General would explain that how come that for two years the people of this province have been denied the right to buy through the agencies in this province, they had to do it through a coupon, and mail it through other channels to buy a lottery ticket.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: I think that if I commence to discuss that, I'd be infringing upon the responsibilities of the Minister of Health and Social Development, because the Lotteries Commission, WesCan Lotteries come under his responsibility. My responsibility only deals with the licensing ofingos, lotteries, etc. by individual clubs.

MR. McKENZIE: I just asked the Attorney-General, why was the license denied?

MR. CHAIRMAN: (f) passed. Resolution 22 passed. Resolution 23(a) . . . The Honourable Member for Birtle-Russell.

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MR. GRAHAM: In the past two or three months, Mr. Chairman, there has been a committee of the Legislature holding hearings throughout Manitoba dealing with land use, land ownership, and supposedly expressing some concerns about foreign ownership. At those hearings on numerous occasions, there was questions posed about the difficulties that exist in the Land Titles Office, the difficulties that exist in proving ownership, and the lack of availability on a ready basis of the registration of ownerships. Now we have also heard the Attorney-General on other occasions express concern that - I believe he has said that there is a revamping going on in the registrations at the Land Titles Office, or there's proposed changes being brought forward in the registration of titles, etc., and I was wondering if the Minister could bring the House up-to-date on that particular issue.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: Mr. Chairman, without wishing to take up too much of the Committee's time, there was one matter I wanted to bring to the Minister's attention pertaining to the Land Titles Office, and it was a matter referred to me by a constituent recently, with a comment that the matter goes back almost four years, and it seems to him a simple matter, but one that had not yet been resolved, and he asked me to look into it. I found in checking back, Mr. Chairman, that it had been dealt with, or considered by several officials, starting with the Ombudsman, in 1971, the Registrar-General and his assistant at the Land Titles Office, the Law Reform Commission, and at least one official in the Attorney-General's Department.

It would be perhaps easiest understood by other members if I read the first part of what the Ombudsman had to say about the case, and if anyone wants to read it in full, it's 71/110/9 of the Ombudsman's report of 1971. And it begins: "The complainant wrote to me in June 1971. In April of the same year, his mother had passed away and the house which had been registered in her name was willed to the complainant's brother. The matter was placed in the hands of the family lawyer. Before transfer of title could be completed the Land Titles Office notified the lawyer that the transfer was held up because of a hospital aid lien filed by the City of St. Boniface in the amount of \$120 against a person who had a similar name to the complainant. The complainant was not the person named in the lien. The lawyer was involved in a certain amount of legal work because of this lien and he lists the - there's a number of items - total extra legal expenses incurred \$25, 00, quite legitimate expenses for professional services rendered that the complainant was put to this expense to prove that he was not the person named in the lien. This was unjust." That's the opening remarks by the Ombudsman to this case.

He later reports on his interview with the Deputy Registrar and this is what he had to say about the proceedings: "Whenever a document is registered the staff of the Land Titles Office search the general register to see if there are any judgments or liens registered against the name. If there happens to be a lien or judgment registered against a person of similar name to the applicant then the staff of the Land Titles Office attempts to clear the name by double checking their own records, reference to the City Director, etc." He says a little later on in a letter to the Registrar-General: "I therefore return to my original suggestion that judgment creditors and lien holders should be required to be more specific in identification of debtors and for your convenience I reproduce Item 1 of my letter dated August 9th, 1971. The onus should be shifted from the individual aggrieved person to the judgment creditor or lien holder, whatever the case may be, to the fullest possible extent and this could be perhaps done by stipulating that a judgment creditor or lien holder whenever possible should place on the form of judgment or lien registered in the Central Registry, the birth date, social security number and any other pertinent material. It is my view that a judgment creditor such as a major department store and certainly a municipal corporation would have the above information. I recall whilst in your office being shown a document, I believe it was a Certificate of Judgment; it was in favour of a bank. The debtor had a quite common name but even his two christian names were given as initials. How on earth an institution like a bank is allowed to get away with such flimsy identification is beyond me. The identity of customers especially those who borrow should be part of their stock in trade."

And he goes on in similar fashion, Mr. Chairman, to make the point that the staff of the Land Titles Office is put to considerable time and effort involved in trying to confirm that a person's name is not someone who has a lien registered against him.

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(MR. WALDING cont'd)

The Ombudsman found that **really** nothing could be done as far as the \$25.00 in extra legal fees was concerned. He felt that it was not the fault of the lawyer that the \$25.00 was incurred, nor was it the fault of the office itself and nor could the government itself be in a position to refund this amount to my constituent.

The matter was referred to the Law Reform Commission which replied to the Ombudsman in a letter dated May 16th, 1974 - and I don't intend to read it. It runs to nearly three pages. But what it boils down to is a number of reasons why nothing could be done in this particular case.

I understood from the Law Reform Commission and the Ombudsman that the matter had been referred to the Attorney-General's Department and that nothing had transpired since that time. The Ombudsman felt that he had done all that he could under the circumstances and his disposition of this case is shown as "recommendation".

Mr. Chairman, no one I'm sure would expect that my constituent would be refunded his \$25.00 in excess fees and he really doesn't expect it. Nor I would expect would anyone wish to see a thorough overhaul of every lien that is filed with the Land Titles Office. That would obviously entail far too much work. But it seems so simple to require a much more accurate identification than is apparently being asked for now, whether it is a matter of a Social Security number, whether it is a matter of date of birth, full Christian names, and as far as Manitoba is concerned every adult Manitoban has a number issued by the Health Services Commission. That is another form of identification that could or should be required when filing a lien. This would of course not cure the problem overnight but it would I suggest gradually reduce the problem in the future and it would save time for the staff of the Land Titles Office. I would be interested to hear what the Attorney-General has to say on this particular matter.

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MR. CHAIRMAN: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Chairman, in this department I'd like to ask the Minister how long does he figure a properly completed document should sit in the office of a Land Registration office before it's returned to a customer, because I know there has been many many lengthy delays in a few areas and I can understand that these people can't be just sitting there waiting for one to come in, but what is a reasonable delay for a title in a Land Titles office before it goes through if everything is in order?

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. ARNOLD BROWN (Rhineland): Thank you, Mr. Chairman, I would again like to refer to a matter which I raised a couple of days ago in the House. This is with the plan of registrations as far as land acquisition is concerned. As you know, there are three departments involved which is the Department of Public Works, the Department of Mines and Natural Resources which do the surveys, and then the Land Titles Office which is under the Attorney-General's department.

In this instance these people have been waiting seven years for a settlement along the Hespeler Drain. I understand that Land Acquisition has done their job, the Department of Public Works have done their job, the Department of Mines and Natural Resources have finished their job, and at the present time the Plan of Registration is at Land Titles Office, it has been there for many many months and we're not receiving any action on this. I'm just wondering is there any way in which the Attorney-General can apply pressure on the Land Titles office to hurry-up these registrations?

MR. CHAIRMAN: The Honourable Member for La Verendrye.

MR. BANMAN: Thank you, Mr. Speaker. I have a question also to ask of the Minister. I'm wondering with the metric conversion that we are faced with now in Canada what kind of problems that will pose as far as the titles already registered in the Land Titles office and has the Minister got any projected costs as to the cost of implementing the new system as it concerns the Land Titles office, and also will there be any hardships or any difficulties caused with titles presently registered under the old system, will they all have to be renewed or will they receive the different metric conversion when they are once again re-registered either through purchase or when a transaction occurs?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, first, dealing with the issues raised by the Honourable Member for Rhineland. When the member raised this matter the other day I had indicated that I've had some similar examples brought to my attention and I do say that I think it's unjustifiable when a farmer has to wait six, seven years in order to obtain payment. I know the Honourable Member for Rhineland is quite correct because I know of another instance where that has happened. I requested an examination to ascertain just what the reason for that type of delay is, and I've just received this report today in regard to the particular example that I'm aware of.

The problem would not relate to delays in the Land Titles office. The problem would be more likely to relate to delays in obtaining surveys. I should also of course mention that the delay in regard to payment involves the final 15 or 20 percent, that the bulk of the moneys are paid quite early in the transaction, but it is the remainder of the moneys in most cases because we're involved with a small acreage, a small strip of land that's being expropriated for drainage purposes. It's usually not a large sum of money but it is still inexcusable. The honourable member has an example of that in his constituency of Rhineland, I have an example of the same thing in my constituency of Selkirk. So it's a matter that's very fresh at the present time in attempting to find out just why there's this problem, there's two, three government departments that are involved and not for a moment am I going to attempt to excuse it.

To the Honourable Member for La Verendrye, there are no projected costs insofar as the conversion to the metric system is concerned. I do have to say that it is going to create considerable complication to us. This partly answers the question raised by the Member for Birtle-Russell. The conversion to computerization will be delayed because of the conversion to the metric system in our Land Titles office. That conversion could be delayed for several years because of the metric system conversion, and I suspect that it will be expensive. We don't have any projected costs as to what will be involved but needless to say we're going to be

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(MR. PAWLEY cont'd) . . . involved in substantial sums of money in that regard.

The Member for St. Vital, or should I say the Member for Riel, has spoken to me on several occasions in regard to his real concern and annoyance that at the present time those purchasers or vendors, at no fault of their own, whose names happen to be similar to another person who has a judgment or lien against him end up having to pay considerable sums of money to the legal profession in order to obtain the release of a document of conveyance from the Land Titles office.

We received a report from the Law Reform Commission. The Law Reform Commission report is not too optimistic as to how we can go about to resolve this problem without creating risk insofar as the insurance fund is concerned because if a transfer is processed a title is issued. When in fact there is a judgment against the person that is the purchaser, the vendor, then the insurance fund can be held accountable for payment of moneys as a result of damages. So there is a real concern in that connection. I have requested as a result of submissions from the Member for St. Vital from the Law Reform Commission, requested other staff people to take another look at this to ascertain if there is not some way that a proper balance can be obtained here in order to obtain the objectives of the Member for St. Vital and the same time protect the insurance fund in the Land Titles office.

The Member for Pembina dealt with the issue of what type of delay should we reasonably expect in our Land Titles offices in the province. They vary considerably in Manitoba from Land Titles district to Land Titles. I believe it can be safely said that in the Brandon Land Titles office district the delay is the most minimal in the province. I've been told that a document can be transferred in a day, or two days, 48 hours, in the Brandon Land Titles office district. I gather there are other districts in Manitoba where the delay is longer.

But I want to also say this in defence of the Land Titles office system. That sometimes lawyers have a tendency, Mr. Chairman, when they're under some pressure from clients and when trust moneys are held up and clients are demanding release of these trust moneys, to blame everything on the Land Titles office and say, "Well, that's the Land Titles office with all the red tape". But usually the District Registrar is handicapped by the fact that he's received documents that are incomplete or sloppily drawn up or have been presented without proper consultation on matters of some complexity. So that often the Land Titles office is blamed for problems that really rest with the lawyer in the first instance.

Of course lawyers are not known to fall into that type of category and I'm not suggesting for a moment that that's the legal profession in general as the Member for Pembina who is one of the great supporters of the legal profession knows. But that happens from time to time. But two weeks I think would be a reasonable period of time, ten days to two weeks, that that's what we should aim for and it's my understanding that in the Winnipeg Land Titles office we've finally reached the point where documents are being processed in ten to fourteen days. If we get over fourteen days because of Land Titles office work then I think it's altogether too long because sometimes thousands of dollars can be held up in trust while the documents are being processed.

The questions raised by the Member for Birtle-Russell in regard to registering ownership. I gather that the report by the committee which was dealing with land ownership is forwarding a report to us requesting that we in fact report as to ways and means of indicating ownership and the registration of documents, and we'll be examining that and we'll be reporting in due course as to what technique can be used in order to designate ownership in respect to documents as per the report of the committee. I believe that answers the questions asked.

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

MR. GRAHAM: Thank you, Mr. Chairman. You know when we hear the Attorney-General talking about the Land Titles office, he has the responsibility for that. When he talks about the Law Society maybe being somewhat laggard in their responsibilities, he has the responsibility for that. When we talk about zoning or municipal board and surveys, he has the responsibility for that as well. I would hope that the Attorney-General can maybe get all of these various factors together and knock their heads together and maybe get a little action. Because we have been told that the changes in the Land Titles office are going to improve, we have been told that the registration is going to improve things, we know that we are heading into a computer age and it may be delayed somewhat, its coming into being, but at the same time I want to ask the Attorney-General when we go into the computerized program, we realize that

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(MR. GRAHAM cont'd) . . . computers are not supposed to make mistakes, it's people that make mistakes. And if mistakes are made, what chance is there going to be of rectifying those mistakes. How fast can it occur that a person can yank a particular title out of the computer and do the necessary job manually rather than going through the computer process. Because other aspects of society both government and private business, I find that once a computer's mistake is cranked out that it seems to repeat and repeat itself before anyone finally presses the panic button and does the job correctly manually. So I wonder if there are going to be sufficient safeguards built into the computerized program to allow those changes to be made rather than have the continual same mistakes being cranked out and further delaying the process that we all hope never occurs.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, certainly with our experiences with computers I wouldn't want to imply for a moment that we're not going to have problems. Most of it of course relates to what is fed into the computer by the human animal rather than the computer itself and there will be problems, but certainly in the overall picture we would expect that the utilization of the computer will streamline and expedite the processing of titles.

MR. CHAIRMAN: Resolution 23(a)--passed; (b)--passed, Resolution 23 . . . passed. Resolution 24 - oh, beg pardon. The Honourable Member for St. Vital.

MR. WALDING: Thank you, Mr. Chairman. I got up before you left Resolution 23, I believe, I wanted to go back to what I was saying before, or rather the Attorney-General's reply to it, I'm not sure that I understood his reference to an insurance fund. I wonder if he would clarify that for me, please.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, there is an insurance fund in Manitoba that if a title is issued from the Land Titles Office when in fact there is a lien or judgment or other encumbrance against that title and when the purchaser expected to receive a clear title but because of negligence on the part of an employee in the Land Titles Office because he didn't catch some judgment or some lien or some other tax sale etc., then the Land Titles Office through to the government is responsible through an assurance fund of remedying the damage.

MR. CHAIRMAN: The Honourable Member for St. Vital.

MR. WALDING: Thank you, Mr. Chairman, I think that bears out what I was saying before. That if the suggestions of the ombudsman are followed it would make mistakes less likely to happen and there would be in that case less call upon this insurance fund.

MR. CHAIRMAN: Resolution 23--passed, Resolution 24(a) (1). . . The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, I think the best place to raise this is under 24(a) because it - while I could wait until we got to 24(f). I want to talk about the administration and the machinery and the degree to which it is operating efficiently in the administration of justice in the Province of Manitoba.

And if I may, Mr. Chairman, I want to refer to an article in the Winnipeg Free Press of March 14th of this year written by a Mr. Glen McKenzie, a Free Press Police Reporter, and I here quote from that article: "The backlog of cases in Winnipeg's Provincial Judges Court is getting out of hand, senior crown Counsel William Morton said in an interview Wednesday. Although indicating many factors play a part in the problem, Mr. Morton believes the major cause has been the legal aid system which provides lawyers to those who can't afford private legal services. In January and February trial dates were often set for June or July and are now being scheduled for August; a five or six month waiting period that has not been uncommon for the past two and a half years." Then I'll skip quite a bit here, Mr. Chairman, in the sake of being brief and go down to a further quotation. "County Clerk George C. Parkin said in an interview Wednesday there are about 1200 cases set for trial already this year."

Mr. Chairman, I believe last year the President of the Provincial Judges annual conference sent two resolutions to the Attorney-General; one was dealing with probation services and the second one was a resolution to improve the utilization of courts by having defence and prosecution confirm at least thirty days prior to trial date that in fact the case will proceed.

I believe that that second recommendation is already in effect or is in the process of being implemented, but, sir, it is disturbing to me, or to anyone for that matter, if they go

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(MR. GRAHAM cont'd) . . . over to our Law Courts buildings and see the number of cases that have been scheduled, to take a look at the docket and then look at the empty court rooms. We have very valuable space, we have judges, we have prosecutors, all the machinery I believe is there. The machinery is there to do the job but it's not being done. And some place along the line in the administration process there seems to be breakdowns and we're finding that we are not fully utilizing our court rooms, we're not fully utilizing the services of the judges that are being paid and the backlog of court cases is growing. I would hope that the Attorney-General can give us a full explanation, and in fact maybe carry out an inquiry of his own into why this is occurring, because justice delayed is almost justice denied, and I don't think we can afford to have this carrying on much longer in the Province of Manitoba.

MR. CHAIRMAN (Mr. Walding): The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, very briefly. I think that one cannot for a moment downplay the very real problems that all those that are involved in the administration of our courts are faced with. Certainly for instance, there is problems created when counsel appear before the day of the court and then decide that the court case should be remanded. The court has a difficulty at that time knowing - they have no choice but in most cases to remand the matter for hearing later on, so there is an empty court. Or for counsel to change their minds sometimes a day or two or shorter than that prior to the matter being heard and decide to enter a guilty plea rather than to continue on with the not guilty plea, and again an empty court. So real problems are being encountered and we'll always be faced with that sort of situation where we have empty courts because of last minute or near last minute changes insofar as arrangements are concerned between opposing counsel. I think there are a number of remedies that can to some extent resolve some of the difficulties which we are faced; certainly one centralized court building will assist. Certainly the provision in respect to the Provincial Judges in insisting upon a 30-day notice will help to some extent, but it will be a problem of enforcing, because what happens if the 30 day notice is not given. Is the client going to be penalized because his lawyer did not provide a 30 day notice. There are real practical problems that occur.

Certainly the legal aid system has brought about many more cases in our courts, but I think that in itself is the health of the present system. That certainly the courts would operate much more expeditiously, much more quickly and much more smoothly if there were no cases and everybody entered a guilty plea. The legal aid system has made it possible that many that would otherwise enter guilty pleas, enter not guilty pleas and contest the case before them. I think that is something that everyone in this assembly would acknowledge is the right of each accused individual regardless of financial circumstances to have his day in court. So there's strength I think in that. The real problems, I think that we've attempted in some small way to deal with some of the difficulties raised.

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

MR. GRAHAM: Well, Mr. Chairman, can I then ask the Attorney-General - and by asking these questions I do not want to infer that Legal Aid is responsible for some of this backlog. Is there a fee in the legal aid system that for every time they appear and have a remand that there is additional money paid to the lawyer? If that is the case should we not then be considering a sort of fixed fee system? This might be a deterrent to constant remands. I'm not a lawyer, I don't know the legal implications of this. Could the Attorney-General give us some advice in that matter?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, it is my understanding that the fee is limited insofar as the remands are concerned to a limited number of remands, so that it isn't possible that a legal aid lawyer on the legal aid roles exploit it by constantly appearing for remands and then charging legal aid for the fee accordingly. Limited to a certain number of remands and those remands must certainly be justified and it's within the discretion of the taxing officer as to whether or not it appears to the taxing officer that the remand request was justifiable in the circumstances. It's limited and also the discretion of the taxing officer is involved.

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

MR. GRAHAM: Well then, Mr. Chairman, can I bring a suggestion to the Attorney-General that not only those lawyers in Legal Aid but the entire legal profession I think should be made aware of the problems that are existing here and if there is anything that the entire

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(MR. GRAHAM cont'd) . . . legal profession can do to expedite it, I believe that the judges certainly have made an honest effort in their conference to suggest ways of expediting court proceedings. I was wondering if the Attorney-General could bring it to the attention of the Legal Society as a whole and probably with their co-operation we could get the machinery of the courts operating in a more efficient manner. Because, sir, again, I say it is a real concern to me that if we have all the necessary judges, all the necessary court rooms, all the necessary Crown prosecutors, if we have sufficient court reporters, why is the system not working to its maximum, and surely we should be able to get a better degree of productivity out of it than we are at the present time.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, it is my understanding the Law Society has a standing committee to deal with court procedures and to deal with issues involving delays in the courts, that that is a responsibility of that committee; that the committee consists of representatives from legal aid, the judges and the private bar, and they are constantly attempting to read the situation to ascertain ways and means of expediting the processing of cases in the courts.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Chairman, when there is remands, how come that they have to appear at court so many times before there's remands. Why can't this be arranged so's the people don't go down to court and then find out there's a remand?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, of course again it depends upon the circumstance. Sometimes I think the lawyer acting for the parties, the defence counsel doesn't inform his client. Certainly the first time that the accused is to appear he has to appear in person and a number of different circumstances can enter into the picture. It may be that legal counsel at the last minute upon arriving at the court room will determine that certain facts that then come to light cause a change in plea or a further postponement of the hearing and client and witnesses are inconvenienced. A number of things can occur in order to create this inconvenience that I know at times is a very real one in our courts.

MR. CHAIRMAN: (Resolution 24 (a) (b) (c) passed.)

The Honourable Member for Pembina.

MR. HENDERSON: I believe at some earlier time it was mentioned that the County Courts were going to possibly consider raising the fees, that they might collect it through these County Courts. I wonder could the Minister give us any information on that.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I'm not aware of any suggestions at this time to increase the fees. We are examining very closely the jurisdiction of the County Court and the Court of Queen's Bench to ascertain whether or not the areas of responsibility of the County Court should be enlarged beyond that responsibility that it now has. The fee schedule, I'm not aware of any proposals presently to increase those fees.

MR. CHAIRMAN: (Resolution 24, (d) and (e) passed.) (f) (1) . . .

The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Chairman, dealing with the Provincial Judges Court in the family division, I have a concern here that could probably be raised under the Department of Health. It can also be raised under this particular division, and that is dealing with the awards that are made in Family Court. As you know, Family Court is usually a closed court and we get very little information out of what occurs in Family Court other than personal cases that are brought to our attention.

Sir, it is my belief that in many instances Family Court cases are quite often very sticky-wickets, and in the awards that are made I wonder if the Minister would have any way of knowing how many people have been put on the welfare roles because of the decisions that are made in Family Court where a person, for instance, who may be on a relatively low wage scale, maybe \$400, \$450 a month, and because of an award of the Family Court where 50 percent, or even more, or awards of that nature, make it almost impossible for him to carry on his job and have sufficient income left to live on. Under the present welfare roles in this province that person, he or she, can derive a higher monthly income through the welfare roles than he could if he carried on on his present job and tried to live up to the judgments that are handed down by the Family Court.

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(MR. GRAHAM cont'd)

I would hope that the Minister might be able to undertake a study of what is occurring in this field. I know it would take quite some time, but I hope that he would be so inclined to carry out a study of that nature to find out whether in fact the awards of the Family Court are beneficial to the individuals concerned, and beneficial to society at large.

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. PAWLEY: Mr. Chairman, I would just mention to the honourable member that there are two areas that we have undertaken in the past year, year and a half, which, if anything, minimizes the amount of welfare that is inherent within our Family Court system. One is the adding of staff to the enforcement division of the Family Court to enforce the collecting of judgments and orders given in the Family Court that the defaulting parties have seen fit not to pay. Too often we find that those that receive orders to pay certain sums of moneys by way of support and maintenance ignore or neglect, usually often wilfully, to pay those orders. The enforcement officers have collected many thousands of dollars that would otherwise have to be paid by way of the public purse.

Too, last year we enacted legislation dealing with the Garnishment Act giving priority to the orders of the Family Court, and this too has contributed towards a lessening of the burden that would otherwise fall upon the public purse.

As to the size of the judgments, I think there we have to certainly trust the discretion of the Family Court Judge. If the discretion of the Family Court Judge is not exercised in a proper fashion, then the party or parties certainly have the entitlement to appeal, or to ask at a subsequent time the Court to vary or alter that order because of change in material circumstances that may be materially changed from the date of the original order. So that if an order is unreasonable, if an order is too burdensome for the party to pay, certainly he has techniques and means that are provided for him under legislation in order to lessen that burden if it's an unreasonable one.

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

MR. GRAHAM: Mr. Chairman, I heartily agree with the Attorney-General that we have last year, have certainly made it easier for the beneficiary of Family Court decisions. We have probably in that field saved the Public Purse a certain amount of money. But in the long term, and again I ask the Minister to think carefully about this, in the long term if in being successful in that field we force the source of that money into a welfare position themselves, then are we not doubling the number that are on welfare rather than removing, as we in our so-called do-good effort - I think, Mr. Chairman, that we should take a long hard look at this and maybe follow up some of the decisions. Take the past year for example and do a review and follow it up and find out just what has happened, because, sir, it's my suspicion that while we thought we may have been helping society and helping individuals, that in fact if we follow it up that we may not be - and I would ask the Minister to consider a further investigation in this field.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. HENDERSON: I want to bring up about where there's deserted wives and their husbands keep moving around and it makes it very hard for the women to collect their alimony or allowance for their children, has there been anything done so as the province would look after these payments and keep track of the men, shall we say, rather than have the women have to hire a lawyer or police to find the husband and to get him paying again?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, the request by the Member for Pembina would be an extremely costly venture for the province if it became involved in guaranteeing payments of these sums.

I think the most that we can do is by continuing to maintain and to possibly increase the staff of the enforcement officers in the Family Court Division to ensure that the payments are made and there is not default on the part of those charged with making those payments to the Family Court. That that's the most I think that should be expected of the province at this point to proceed to guarantee, or to make these payments on behalf of those charged with responsibility. To guarantee to those mothers that find themselves in that situation would involve quite a very substantial burden upon the province as a whole.

MR. HENDERSON: Mr. Chairman, do all other provinces handle it the same way as Manitoba?

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MR. PAWLEY: Yes. Well they don't, because I think that most provinces don't have the enforcement staff that we have attached to the Family Court to enforce payment. Most provinces don't even provide that type of assistance.

MR. CHAIRMAN: The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Chairman, I have a couple of questions. The former Minister of Finance has a real humorous picture here that got me in a . . .

Mr. Chairman, as a businessman at the end of the year I calculate the Accounts Receivable in my business. I wonder if the Attorney-General can advise the House what his Accounts Receivable are from the Courts that's listed under this section? What kind of moneys, or what kind of fines are unpaid today in this province, or has he any knowledge of any figures on that, because I'm quite familiar of many people that reside in my constituency that are owing moneys to the courts, and I'm sure there's lots of it you're not going to collect. And I'm wondering if the Attorney-General has a record of that, and how much is owing today?

My second question to the Honourable the Attorney-General is the matter of the juveniles. Is the Attorney-General satisfied that we don't have to list the names of juveniles for infractions of the law. In the papers that I have in my constituency, Russell Banner, Roblin Review, Grandview Exponent, Dauphin Herald, all the adults are listed on a regular basis for a certain infractions of various laws. You come to the juveniles and there it is, no names. And I'm wondering . . . and this has been an experiment that the local newspapers have started out a few years ago, and it has a certain deterrent effect the fact that they, the adults who are listed in there, if they do violate some law in there and the court is held, their names appear in the local paper. And I'm sure that it has a certain deterrent effect. But on the other hand, Mr. Chairman, the juveniles who break all the same laws, or under the same jurisdiction as their adults, they are not listed; their names are withheld from the public. And I'm wondering if the Attorney-General's Department, or the Attorney-General is satisfied that maybe that would not be a little bit of a deterrent if those names - now the legislation should be changed, and they should be, they should be publicized too, these people.

I'll even go farther, Mr. Chairman, and many parents have come to me and suggested that it is something that I should review this year with the Attorney-General, because they're satisfied and they wish that - their children are the ones that are violating the law, and it would maybe be a deterrent to have their names exposed to the public. But under the present setup those names are not and they're withheld. I'd just like to share the Attorney-General's views on that subject matter.

MR. CHAIRMAN: (f) (1) . . . The Honourable Member for Ste. Rose.

MR. ADAM: Yes, thank you, Mr. Chairman. I wanted to ask the Minister a question on that particular item (f) and it's similar to that asked by the Member for Pembina. I'm not sure whether it comes under this particular heading but I think it does. It has to do with in the event that there is a legal separation, or a divorce, and one parent is granted custody of the children - we'll say in this case perhaps the mother would be granted the children, and there would be visiting rights by the father or temporary custody of the children, and the father takes off with the children, is there any protection or assistance to the mother to find her children? I know there have been cases where the mother has to hire a private eye or a private investigator to . . . I know of one case where a little girl was taken away by the father and three months later the child was found in England. The father of the mother had to bear all these costs to find his grandchild in England.

MR. CHAIRMAN: The Attorney-General.

MR. PAWLEY: Re the references by the Member for Ste. Rose. We are introducing legislation, and I believe it has received First Reading, which is intended to attempt to come to grips with the type of cases mentioned by the Honourable Member for Ste. Rose. The extent to which the legislation is successful depends upon how many other jurisdictions enact the same legislation because it's reciprocal, but it's geared towards attempting to minimize the instances of civil kidnapping of the type of instances referred to by the Member for Ste. Rose.

The Member for Roblin dealt with names being published under the Juvenile Delinquency Act. I think that this is the time that the Member for Roblin might want to communicate with the Solicitor-General. It's his responsibility, the Juvenile Delinquency Act. At the present time he is requesting opinions from across the country dealing with changes to that legislation in his new Young Offenders Act, and this is the type of proposal that could very well be made

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(MR. PAWLEY cont'd) to the Solicitor-General at this time.

I want to say to the Honourable Member for Roblin that I'm not satisfied that to publish the names of juveniles might not create as much harm as it might remove. I think there are certainly two sides to the argument as to whether or not the publication of a juvenile's conviction, certainly at a tender age, and certainly sometimes if it's only a first offence, could not do a great deal of harm to the juvenile in that tender period of his life. So I would suggest that we consider that very closely.

Unpaid fines. I've checked and the amount would not be substantial. We don't have the amount that we could provide that information to the Member for Roblin. I guess it could be dug up if it was really sought through the Provincial Auditor who would have a record of the amounts of unpaid fines. Certainly sums have to be written off each year that are uncollectible. Generally, of course, a person, if it continues after a certain length of time, a person can end up in jail for non-payment of a fine. I am informed that it is not a substantial sum of money involved.

MR. CHAIRMAN: Resolution 24, (f) (g) (h) passed. (j) (1) . . .

The Honourable Member for Pembina.

MR. GEORGE HENDERSON: Mr. Chairman, I was still wanting to ask on (h) are sheriffs actually playing a very important role these days? Sheriffs and Bailiffs - it's under (h).

MR. PAWLEY: Yes, the sheriffs certainly perform a very integral part in the entire system of administration, the serving of writs, summonses, the seizure of assets, etc., for payment of judgments that may be realized. So certainly the sheriffs do perform a very substantial role.

MR. CHAIRMAN: (j) (1) . . . The Honourable Member for La Verendrye.

MR. BOB BANMAN: Thank you, Mr. Chairman. Personal Property Security Registrar, is that the registration of conditional sales agreements, chattels, and this type of thing? Would the Minister elaborate on this point.

MR. PAWLEY: Yes, the Personal Property Security Registry. We've had a weakness in our system in Manitoba, and most other jurisdictions, in that sometimes purchasers can acquire second-hand vehicles, for instance, and unbeknown to them at the time of purchase there is a lien against that vehicle. There is no place presently for the registration of a lien note on a conditional sales contract. There is certainly in the County Court, a depository for the registration of chattel mortgages and provision for renewal of the registration of the chattel mortgage, not for lien notes, so that there have been many instances of difficulties in this respect, and we are in the process now of developing a system for the registration of personal property security notes and our timetable for completion is July of 1977.

MR. CHAIRMAN: The Honourable Member for La Verendrye.

MR. BOB BANMAN: Would this be similar then to the present practice in Ontario and British Columbia where if you are concerned about a - for instance if you are going to buy a used car from a private individual, you could go down and pay a fee of \$2.50 and see if that car is indeed free of liens and encumbrances, such as conditional sale. Would it also force people who are taking conditional sales agreements to register these, and if these liens are not registered, or the conditional sales contracts are not registered with this particular agency would they then not be, should I say collectible in those terms?

MR. PAWLEY: Yes, and it would be a similar system to the one in Ontario, Central Registry System, one place of enquiry. The Ontario system still has a number of wrinkles in it, so we would hope to have an improvement in Manitoba upon that system, but the basic principle is the same.

MR. CHAIRMAN: (Resolution 24 and 25 passed.) Resolution 26 . . .

The Honourable Member for Morris.

MR. WARNER JORGENSEN: Mr. Chairman, there are a few comments I should like to make on this particular item, particularly since I indicated at the outset that on the Law Enforcement item would be the best opportunity to discuss a matter that has been discussed on and off in this Chamber for some time, and referring particularly to the Wabowden affair. And I suppose one should make some comments on this item if for no other reason than since 1970 the amount of money being spent in law enforcement has increased from above 2 1/2 million dollars to over \$8 million. But that is not the main purpose in me rising on this occasion.

SUPPLY - ATTORNEY-GENERAL

(MR. JORGENSEN cont'd)

I unfortunately was not in the Chamber last night when the Attorney-General spoke in response to statements that's been made on this side of the House by the Leader of the Opposition, but I have read the newspaper accounts of what was stated at that time and in gathering information from members who were in this Chamber I've had some idea of the contents of his remarks. And it is the contents of those remarks plus some of the statements made by the Member for St. Johns that I want to deal with.

There appears to be a tendency on the part of the honourable gentlemen opposite that the Opposition has no right to conduct any kind of an investigation into any matter that they feel is deserving of some investigation. If that has been the case --(Interjection)-- Yes, I am going to comment on the devious means if my honourable friend will just sit down and listen for a while. I'm going to comment on a good many things and my honourable friends are nowprompting me to do so with a great deal more vigour than I had intended. Had we taken the position, or had any Opposition in parliamentary democracy taken the position that they had no right to investigate the government, or to examine any facets of government that they felt was deserving of some examination, the revelations revealing the bizarre events that took place concerning the Rivard affair when the prison officials gave to Mr. Rivard a hose to flood a rink at 40 degrees above temperature, would never have been revealed. I daresay had it not been for the investigations conducted by Morton Shulman in Toronto, the dredging scandals would not have been revealed. And my honourable friends opposite try to create the impression that we on this side of the House have no right to carry on any kind of an examination that we choose to carry on.

A MEMBER: At our expense.

MR. JORGENSEN: And I might point out, at our expense, it wasn't the taxpayers that picked up the tab for Mr. MacDonald to go to Ottawa. My honourable friends, any means justify the end. Is go to another city and ask questions of somebody is wrong according to my honourable friends. Oh deception and trickery. My honourable friend, it must be aware that Mr. MacDonald identified himself before he even asked the first question of Mr. Hanly. Where is the deception in that sort of thing? He asked the questions and advised Mr. Hanly that he did not have to answer and the answer that he gave was of his own free will, and I daresay there were questions that he didn't ask. I'm not sure of the questions that were asked, and I'm not even sure about the answers that were given. --(Interjection)--

Well how can there be when you identify yourself in the first place and say the reason you were there. --(Interjection)-- Well my honourable friend the Professor of Industry and Commerce, you know, perhaps is pretty adept at what he suggests is taking place. Deception and trickery is perhaps one of his forte's in this House, because he practices on this Chamber a great deal when he presents his estimates before the House. Or even in answering questions that are posed to him in this House. He perhaps is an authority on that particular subject.

And another point that seems to be characteristic of the honourable gentlemen opposite --(Interjection)-- Oh, for God's sake . . .

MR. EVANS: Mr. Chairman, on a matter of privilege I believe I heard the member, and I hope I did not hear him correctly. Did the honourable member state that I used deception in answering members of this House? And if the honourable member stated that I would kindly ask him to withdraw that because it's an insult and I don't think it is parliamentary whatsoever, and the honourable member should know that.

MR. JORGENSEN: Well if my honourable friend claims that he does not use deception then I'll give him the choice. Then it is sheer ignorance on his part when he answers questions in this House. That's not unparliamentary. It's sheer ignorance of his own department that causes him to give the kind of answers that he gives in this Chamber to questions that are asked of him. And he is one that is adept at doing that sort of thing.

MR. EVANS: I want it clear. Does the honourable member withdraw his remark with regard to deception?

MR. JORGENSEN: Well it all depends I suppose, Mr. Chairman, on what you term as deception. If ignorance is deception then I will not withdraw it.

MR. EVANS: Mr. Chairman, that is just not acceptable. The honourable member is playing games with us. He's in his usual very insulting manner. In fact he's deviating entirely from the matter at hand and I'm sure he's just stalling for time and trying to confuse the issue. But I want him to withdraw categorically that statement.

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MR. JORGENSEN: Mr. Chairman, I have no intention of withdrawing any statement that I've made because I don't recall ever making a statement that is unparliamentary. The Minister cannot ask me to withdraw a statement just simply because he does not like the statement. It has to fall within the Rules of Parliament, rules that suggest that they are unparliamentary, and I suggest to him that because he is stupid and because I call him stupid, does not mean that the word is unparliamentary or that he's ignorant of his department.

--(Interjection)-- Well, just because I say it doesn't necessarily make it so either.

A MEMBER: That's right. That's right. We are very sure of that.

MR. JORGENSEN: That just happens to be an opinion of mine, and the Minister can take it for what it's worth. But it is not a question of privilege as far as I'm concerned. But the attitude of the government in dealing with this whole question is one that causes us on this side of the House, it causes us on this side of the House to question very much the attitude of this government, and questions very much their actions. You know, when the Minister gets up and suggests that we on this side of the House, because we are posing questions to the Minister, that somehow or other we're casting reflections on the Civil Service, has just got to be the dumbest thing that I've ever heard.

The fact is, sir, that we have the right to pose questions of the government and there is no way a reflection on the Civil Service. The Minister is responsible for his department, and if there's things that are going wrong it's not the Civil Service that take the responsibility, it is the Minister that takes the responsibility.

A MEMBER: Right on.

MR. JORGENSEN: And if there is someone within his department who has not conducted himself in accordance with what the Minister considers to be acceptable standards, then it is his responsibility to deal with that, not us, and we don't intend to. All we are suggesting is that in the Minister's handling of this whole affair there are a good many questions that have been left unanswered, a good many things that have been done that pose more questions than have been answered by the government themselves.

Now, sir, we have had occasions in the past where questions have been raised dealing with government activity, and I can name a few with respect to the previous administration, the Roblin administration. First of all there was accusations that were levelled in this House about flagmen up in the Emerson constituency. And accusations were levelled at the government for using tactics that were providing employment to the friends of the government. It was an accusation that certainly by implication had some reference to the Civil Service.

The government did not choose to hide behind the Civil Service on this occasion. They caused an investigation to be made. A public investigation was made and the government was exonerated. An accusation was made against the government on the Grand Rapids hauling contract. And an investigation was called for.

MR. CHAIRMAN: The Honourable Minister of Labour, on a point of order.

MR. PAULLEY: On a Point of Order, Mr. Chairman. I wonder if my honourable friend is not straying from the subject matter under debate which is a particular item of the Estimates which I conceive to be Law Enforcement.

I don't know whether or not the question of the flagmen - and I was here at that particular time and I'm quite conversant and I remember what happened. It wasn't a question of law enforcement at that particular time because the law was not called in. Insofar as Grand Rapids are concerned, there was an investigation into certain allegations made between two political parties at that time, and here again I question whether or not it related to law enforcement.

I ask you, Mr. Chairman, in accordance with the Rules of the House to decide as to whether or not the Honourable Member for Morris is speaking strictly, as I understand it, to Resolution 26.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: I submit that my presentation at the present time does deal with Law Enforcement. Because what we're talking about is an RCMP report, and that RCMP report has been made.

MR. PAULLEY: . . . on the basis that my honourable friend was not in the House at the time of the flagmen incident, I'm not aware, I do not believe that history will reveal that there was --(Interjection)-- Just a minute, will you please?

MR. JORGENSEN: Well, Mr. Chairman, there is no point of order that the Minister is raising . . .

SUPPLY - ATTORNEY-GENERAL

MR. PAULLEY: Will that be decided by you or the Chairman?

MR. JORGENSEN: I have the floor.

MR. CHAIRMAN: Order please.

MR. PAULLEY: Sit down. I'm on the floor on a point of order.

MR. CHAIRMAN: Order please.

MR. PAULLEY: Mr. Chairman, may I say in all due respect . . .

MR. CHAIRMAN: Order please. Order please. We can have just one member speaking at a time. The Chair will be able to hear what's going on and so will every other member. I believe the Minister of Labour was speaking on a point of order. The Minister of Labour.

MR. PAULLEY: A point of order is that in accordance with the rules of the House and the conduct, in parliamentary procedure when we're dealing and considering Estimates, all debate should be applicable to the item under consideration. My honourable friend, the Member for Morris dragged up the matter that was considered by this House some years ago dealing with the matter of flagmen, which had nothing to do with law enforcement. As far as I am aware, there was no RCMP investigation. It was an allegation by the then Leader of the Liberal Party against the Minister of Public Works and the government of the day. At that particular time I, as the Leader of the third party, suggested that there should be an investigation which was not carried through, so it was not a question I say in all due respect. Mr. Chairman, will you . . . --(Interjection)-- Yes, let's talk about the skidoos.

But the point is, Mr. Chairman, according to our parliamentary procedure, the debate should be relevant to the item under consideration in the Estimates, and I suggest that there's no relevancy with the flagmen referred to by my honourable friend.

MR. JORGENSEN: That, Mr. Chairman, has to be the most spurious point of order that I've ever heard. What I was attempting to do was to draw a comparison between the situation that exists now and situations that have existed in the past when similar circumstances have arisen. And I drew to the attention of the House these two instances . . .

MR. PAULLEY: They're not parallel.

MR. JORGENSEN: Well, my honourable friend says they're not parallel. I claim they are, I claim there is a parallel. I claim that when a government is under attack, when there is some doubt as to whether or not the government have acted properly under certain circumstances, they will move to clear themselves, and one way they can move to clear themselves is to call an enquiry to be made. The government has refused to do that. They called an in-House enquiry, but who knows if there's anything ever to come of that, because the report of that enquiry is never going to be made public, and we know that. And we don't know, and we never will know whether or not the government can be or will be exonerated from the charges that have been laid against them.

I want to draw just one more case to the attention of the House, and that's the question of Brandon Packers. Again an inquiry was called under those circumstances, which was a move on the part of the government at that time to clear themselves of any charges, to make sure that there was no doubt in the minds of anyone that there was any wrongdoing.

Then of course there was a couple of more instances, there were a couple of more instances. There is the question of CFI. The government moved very quickly to cause an investigation to be made into the CFI thing. They didn't hesitate at all. But that's because it was investigating somebody else. And what about the famous Dauphin Highway scandal?

A MEMBER: What about it?

MR. JORGENSEN: They sure moved in a hurry there, and the Minister of Highways at that time carried on his own version of the Nuremberg trials. In order to reveal what? Seventeen dollars. Seventeen dollars of a snowmobile repair, and the furore that was created at that time . . .

A MEMBER: RCMP investigation.

MR. JORGENSEN: And that was done, and that was done because there was a charge made by the Minister himself that somebody in the Dauphin area was guilty of some offences. I notice that this government are not very reluctant to act when an inquiry is going to be made into somebody else's activities, but they sure are reluctant to move when it comes to causing an investigation to be made into their own activities. And I question very much . . .

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I believe that the honourable member is certainly entitled

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(MR. GREEN cont'd) to deal with parallels, and I'm not raising a point of order, I'm asking him whether one of the items that he used was a parallel with regard to Brandon Packers.

There was no allegation against the government. There was a strike at Brandon Packers, and there was an inquiry appointed by the government to deal with all aspects of the labour-management dispute. I don't believe that there were any allegations against the government, that the government was being investigated. However, I just raise this by way of information and not by point of order, just to ask the honourable member whether he really would consider that as a parallel, because the Brandon Inquiry Strike Commission was a commission looking into a labour-management dispute, investigating the activities of labour and management, not government.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: The Minister is perfectly right in that instance, there was no charge laid against the government. But there were some clouds created as a result of that particular issue, and the government moved to make sure that the air was cleared. And that's the only point that I'm making. That in the past there has been no reluctance on the part of any government to make sure that their record is unblemished, that the facts are brought out into the open so that everybody knows what is going on. And if there's anything that the government has to be afraid of, then I wonder why the reluctance on the part of this administration to examine questions that have been raised from time to time, and very serious questions.

I'm not at all satisfied, and I have been relatively silent on this whole issue up to this point, I'm not at all satisfied that the answers that we have been given with respect to this issue are answers that we can accept, and we should be able to accept on this side of the House, because the whole concept of parliamentary democracy depends very much on that the Ministers give honest answers. And there have been occasions where Ministers have given answers that have not been in accordance with the facts - and I'm not saying that this is true only of this administration, but it has happened in other cases. As a matter of fact, I recall one in British parliament, not too many years ago, the case of Lord Perfumo I believe it was. You know, his misdemeanors were not the thing that caused him to resign his Cabinet position. The thing that caused him to resign his Cabinet position is because he falsely gave information to the House. He did not answer questions truthfully in the House. And that's the whole basis upon which parliamentary democracy works and operates. And the Minister of Agriculture is one that has given answers in this Chamber that raise a good many more questions than the answers.

MR. PAULLEY: So what?

MR. JORGENSEN: Well, the Minister says, "So what?" Does that mean that they are accepting the fact that you can give false answers in this House, misleading answers, or no answers?

MR. PAULLEY: You? Good Lord.

MR. JORGENSEN: The Minister of Labour appalls me when he suggests now that regardless of the kind of question that is asked in this House a Minister can give any answer he chooses, and that's the Minister's business, that he does not have to give answers that bear any resemblance to the facts at all, and that is acceptable? That's what the Minister just said?

MR. PAULLEY: I did not. I did not.

MR. JORGENSEN: That's just what the Minister has said now.

MR. PAULLEY: I did not.

MR. JORGENSEN: That we have to accept answers whether they bear any resemblance to the truth or not. And, sir . . .

MR. PAULLEY: I did not.

MR. JORGENSEN: . . . we will not accept that kind of an attitude on the part of the government. And if this means that we're going to have to persist in examining and questioning, then, sir, that is exactly what we will do in this Chamber. We intend to get to the bottom of this affair if it's the last thing we do.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable Minister of Mines.

MR. GREEN: Mr. Chairman, I will accept in substance what the honourable member has said with regard to investigations, with regard to enquiries, with regard to getting to the bottom of things, and I am going to try to submit that there is no parallel in the situations that have caused the Leader of the Opposition to feel that in some respects the Attorney-General's Department or my department, has in some way been less than responsive to what the needs of the situation were.

I believe that the manner in which the thing has been confused is an indication that the Leader of the Opposition has felt some desperation to have something come out of this which has no relationship whatsoever to what the charges were in the first place. And the way in which that has been done, Mr. Chairman, is to confuse two entirely separate issues and to try to lump them into what has come to be known by some as the "Wabowden Affair".

The Honourable the Leader of the Opposition made a speech in this House based on an affidavit by a disaffected employee relative to the government using a company in northern Manitoba for the purpose of buying votes by having the company loaned money, purchase material and distribute it to people in northern Manitoba. When the Honourable Leader of the Opposition made that allegation, I indicated that there was nothing on the surface that would appear to me to suggest the accuracy of what he was saying, but that it would be looked into; And that furthermore, the Communities Economic Development Fund staff would make themselves available to members of the committee and answer all questions and deal with all the points in the affidavit. That was done, Mr. Chairman, that was done. I'm not pretending that the members of the Opposition were satisfied with what was done, but that was done, and on the surface of those allegations, there was in our opinion no allegations against the government which had to be investigated. That there was no allegation of the government improperly using a corporation to buy votes; that the allegations that the company had been taken over by the Fund and that Mr. Kregeris was somehow being unfairly treated, were speedily dealt with, Mr. Chairman, by the Development Corporation first of all dealing with them; and secondly, suing Mr. Kregeris in court, who then counterclaimed. So that all of the issues between the government and Kregeris were available for examination, cross-examination and scrutiny. And I believe, although I'm not going to jump as fast as I did last time, I believe that those issues are still before the court. And all of the matters that were raised can be aired in that courtroom. That was the Wabowden affair.

Some time later, Mr. Chairman, and I hope I'm accurate with my facts as I am trying to be, the Communities Economic Development Fund had a defaulted loan by John Schmidt Cartage, which was a company in which a Mr. Lamirande was involved, in which Mr. Thompson was involved as an initial applicant, and which there was indication that Thompson had participated in actively after the loan had been made. Without prompting by my learned friend, the government took out a receivership against Schmidt Cartage, and the first that I recall the Leader of the Opposition dealt with that question, is he asked whether the employees were going to be paid because of the receivership, that some of them were still outstanding.

Mr. Chairman, there was never any suggestion that all of the circumstances with regard to Schmidt Cartage as distinct from the two other companies, were being investigated. I said that they were being investigated. The chairman appeared before the Fund and said they were being investigated. The Leader of the Opposition's own information indicates that they were being investigated. The Receiver's report - nobody suggested, has anybody suggested that the Receiver had been in any way inhibited in conducting his investigations. As a matter of fact his report states the contrary. His report states that he is making an investigation and that it will go further. And ordinarily, Mr. Speaker, that type of investigation is conducted without prejudice to the people who are involved. It continues in a normal way, just as the McIvor investigation is continuing. But because a radio station published that report and certain other matters which the Attorney-General has already referred to, a kind of a furore was created by one particular news media that somehow this receivership which was in conduct and being investigated was not being investigated.

And I tell the honourable member that with regard to Schmidt Cartage, that matter, distinct from the other, was under investigation, was continued under investigation, was intended to be continued under investigation and the Receiver had available to him all civil and criminal proceedings to deal with whatever matters he found. There was never any doubt about that.

SUPPLY - ATTORNEY-GENERAL

(MR. GREEN cont'd)

Now, knowing, Mr. Chairman, that the so-called Wabowden affair did not have the implications that were raised by the Leader of the Opposition, and having had some support that something else may be wrong in this other matter, the Leader of the Opposition chose to say that the whole thing constituted what he raised in the House as a charge against the government. Now, Mr. Chairman, that just isn't so. With regard to Wabowden, I felt that we had disclosed all of the material to the House; was available to the House, was available to the members. The honourable member says there were conflicting affidavits but the conflicting affidavits themselves did not indicate a criminal offence. And if you ask the RCMP to investigate every case of conflicting affidavits, regardless of whether I said that I was at a party last night and you said that I wasn't at that party last night, that it would not be a subject under investigation. I never heard of a government conducting an investigation on that point.

So with regard to that matter, we felt at the time, or I felt at the time - and I will accept responsibility - that we had disclosed everything that was available, that the public could see the entire record and they could deal with it. I had never suggested that there wasn't going to be further investigations into the Schmidt Cartage affair. As a matter of fact, the CEDF was doing exactly that, and what was disclosed was that we were investigated. Now the honourable member chooses to make this issue one, that if the investigations which we started and were in the process of reveal something, it's proof of wrongdoing on behalf of the government, and relates somehow to the other matter.

Well, Mr. Chairman, I understand that the Leader of the Opposition is in a difficult position. I say that he has become so distressed on this issue, Mr. Chairman, that when I was in Ottawa yesterday, I understand - and I'm not able to verify this - but I understand, Mr. Chairman, that Mr. Hanly, who is in Ottawa, received a call asking whether I am there to visit Mr. Hanly; that there is a desperation to try to demonstrate some indication that the government is trying to get to this Mr. Hanly.

Well, Mr. Chairman, who is trying to get to Mr. Hanly. Who is trying to get to Mr. Hanly. It seems to me that the Leader of the Opposition is trying to get to Mr. Hanly. And if we were doing that, he would say that this is a terrible thing. That the matter is under investigation, that the RCMP are conducting reports, and the government are trying to in some way influence somebody. But Mr. Chairman, that's what he's doing. Well, Mr. Chairman, if I spoke to Mr. Hanly, it would be the subject of some great disclosure. When his people speak to Mr. Hanly, it's proper, normal investigation, although the RCMP have the matter under investigation. I believe Mr. Chairman, that the Leader of the Opposition has a great stake in this matter. I believe, Mr. Chairman, to use the words of the well known - Mr. Chairman, I really, I know, Mr. Chairman that I have given this House accurate information. I'm aware of that because I know the information I gave and I know I had no reason to give inaccurate information, and even if there was some reason I believe that I would overcome that and give accurate information to the House. So I say I have no stake in this matter. But the Leader of the Opposition has a stake in this matter. He has staked everything on the basis that it will be shown that the government did something wrong.

Now let's Mr. Chairman, assume, you know I said that the Leader of the Opposition talks as if every time some charge is made an investigation should be made. If I said that there is you know, teaspoons being stolen from the International Inn, there should be an investigation, and the RCMP did such an investigation and investigated everybody in the Inn and checked on what everybody was doing and watched them and surveyed them and issued warrants. They may come out and say there are no teaspoons being stolen at the International Inn. Sugar is being taken from the International Inn. And then, I would say, you see, I proved it. Now that's what the Leader of the Opposition is trying to do. He is trying to say that now if anything, anything comes out of the investigation regardless as to how they are related to the charges or otherwise, it's an indication that the government was trying to hide something.

Mr. Chairman, I tell you that I am unaware of any criminal activities associated with the so-called R & M, JMK construction activity, I am unaware to this day. I am unaware, Mr. Speaker, of anything relating to John Schmidt Cartage which has not been made available to the House and which was not being investigated by the receiver to its ultimate conclusion, civil and criminal, because the receiver did, at least I'm advised, take two actions with regard to John Schmidt Cartage, or two civil suits; one of them I believe against Autopac. The other one

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(MR. GREEN cont'd)to recover some money. And indicated that he was continuing his investigation in the process, in the time sequence in which it was suggested that we were trying to hide something. There was nothing that we were trying to hide, the receiver was appointed in the John Schmidt Cartage affair in order to do everything that was necessary both of a civil and criminal nature to deal with the activities of the people in that Fund. I say that without any equivocation whatsoever.

I know now of no matters in which recommendations for criminal prosecution have been given, but I cannot say that in either of the two cases that one will not, if they examine everything that occurred, find that there is some activity which is contrary to what should be the case. That is the reason that investigations were continued, and an RCMP report was requested, and the Honourable the Attorney-General has given all of the reasons for that. The only thing that I can tell honourable members is that neither I, nor to my knowledge did the Attorney-General attempt to in any way hide the fact that anything occurred. That those things were all being dealt with. And if something comes out of them it will not be because of the prompting of the Leader of the Opposition. It'll be because we have dealt with these matters in the normal way.

And the same thing has occurred with regard to the Frank McIvor case that the honourable member brought up yesterday. That was a loan made, not to my knowledge by the CEDF, that Mr. McIvor is not a brother of the other Mr. McIvor, I understand that he is a cousin, I don't know what difference that makes but that is the case, that there is a default under his terms of payment, that a receiver was appointed and the receiver - and I believe all of these receivers were appointed through the court process. And the receiver has a responsibility to deal with the matter in accordance with trying to protect the Fund's interest.

So, Mr. Chairman, when the day comes, the long awaited day when it may be that something wrongful was done, if indeed that takes place - and I regret that the people involved are subjected to an airing of the case before that takes place because that is not the usual situation, the usual situation is that the report follows its course, subject to criminal investigation, and the fact that a private person in our society may be under investigation by the RCMP is not usually the subject of a discussion in the House. The only discussion is whether the Attorney-General has tried to impede an investigation or whether I have tried. I repeat, Mr. Chairman, with regard to R & M, JMK, or I don't remember the initial, I believe that I dealt with it in such a way as to answer all of the charges that were made. Conflicting affidavits were left but they did not deal with the basic charges, and I believe, Mr. Chairman, that the man who swore that affidavit has been to see people in the government circles since that time, he phoned me within a week of the affidavit being filed and I said, Mr. Chairman, that he has filed this affidavit and I will have to try and answer it. Because I know, Mr. Speaker, that if I spoke to Allison and had him to my office and dealt with him, that out of that office would come some suggestion that I was trying to influence or intimidate Mr. Allison, Because I know that type of witness, and therefore I did not. But I dealt with his allegation. But that's what would have come of it. But that he has been in this building and he has indicated that he had no intention of suggesting that the government was vote buying in northern Manitoba, that nothing in his affidavit suggests it, that really his argument was with Mr. Kregeris who didn't want him as the General Manager and the dissatisfaction of the Fund and his having had that arrangement terminated. Now I cannot swear to that because I did not speak to him in those terms. I'm suggesting that he has said that kind of thing to people in government offices. But what difference does it make? An investigation is taking place. An RCMP investigation of the most careful scrutiny.

I don't know when they have investigated a plot to overthrow the government by force with such care as they have investigated this business, that there has been an affidavit sworn in one direction and an affidavit sworn in another direction. That investigation will take place, the results of it I do not know, but I say that whatever the results of it, and if there is something that they have found, it will not be something that I am aware of as having been wrongdoing in connection with the Schmidt Cartage deal or the other deal. I am aware that in Schmidt Cartage the receiver had forwarded a report in which he raised suspicions which he was following up, and which we wanted him to follow up. We did not want him to hide.

So that being the case, I accept the Member for Morris' statement that a government should try to clear itself if there are serious charges made against it. We don't think that there has been serious charges made against the government. We think that if there is any criminality that will be looked into by the Police, that is what the RCMP have been doing, and that anything

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(MR. GREEN cont'd) that occurs will be dealt with. Does the member for Morris really believe that we would clear ourself with an inquiry? Let's assume that we had an inquiry. Let's assume that we appointed Mr. Justice Scott Wright to be the Inquiry Commission, and he conducted and he said the government didn't do anything wrong. The Member for Riel would say, Mr. Justice Wright and Mr. Sid Green are very good friends. He worked in his office. Therefore that inquiry should just be thrown by the boards. That's not an inquiry. The only inquiry that the Leader of the Opposition will accept is an inquiry which says that his allegations were correct, that he is correct, that the government is corrupt. And if the Inquiry Commission doesn't say that, it will be a corrupt Inquiry Commission. And we have seen proof of that by the Leader of the Opposition and several of his desk mates. We have seen proof of it, and in this case I would agree because an Inquiry Commission isn't always right.

But the Member for Morris will agree that the Spence Inquiry into the actions of John Diefenbaker, it deserves the characterization that was given to it by Pierre Sauve - I won't repeat it in the House but the Honourable Member from Morris remembers what it was. And I say that the Spence Inquiry Commission was one which cleared no air whatsoever. I still believe that Diefenbaker was right and Pearson was wrong, and will continue to believe that. And I believe that the Leader of the Opposition, despite any inquiry commission that is set up, will believe that he is right and the government is wrong. It will not clear the air. So there is an RCMP investigation. There is a suggestion that the law officers there of the Crown may recommend prosecution. I don't think, Mr. Chairman, that there is more that can be done and I don't think that the Attorney-General should be charged with trying to impede the Law Enforcement processes of this province. Because, if anything, Mr. Chairman, to use a famous phrase, "He has bent over backwards to try to do everything he can to satisfy the Opposition." I tell him that he won't satisfy the Opposition no matter what he does. The Opposition will not be satisfied.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. J. FRANK JOHNSTON: Thank you Mr. Chairman. I'd like to say that I appreciate the remarks of the Minister. I would like to say that we gave him the courtesy on this side of being quiet and listening, which is something that we don't often receive from the other side of the House. And it starts again. Mr. Chairman, I don't completely agree with everything the Minister has said regarding investigations. I personally feel that the best way to clear your name at any time is bring things into the open and have an investigation. I personally believe that if that was done the Law Enforcement process of the province would be in better shape at the present time, and if it had started long before this we wouldn't be in this position at the present time.

Mr. Chairman, there is one thing that did disturb me though. As a matter of fact I thought the Attorney-General during the debate on this subject was doing very well on his own, being very courteous, answering questions that were thrown at him by this side of the House, thrown at him by my Leader. I thought my Leader was doing exceptionally well in digging into a situation that this side of the House believes should be investigated and that we believe that we have that right to ask those questions. But last night, the Member from St. Johns stood up and pleaded with the Attorney-General not to answer any more questions and discontinue this debate and pay no more attention to the Opposition. When you get that thrown at you from that side of the House you wonder, you wonder what type of criticism you look forward to. We have somebody who used to be on the Treasury benches of this government saying to the Attorney-General while we're questioning law enforcement, don't answer any more questions or be part of this debate.

Mr. Chairman, the Member for St. Johns also related that law enforcement or investigations - he wondered why and he spoke to Mr. Roblin in the hall, he said, and asked Mr. Roblin why he felt responsible for Hydro, when Mr. Roblin had an investigation to look into the government, which is a comparison, and we are asking for that same type of an investigation for law enforcement in this province. So we have a Minister who used to be on the Treasury bench saying, I don't really believe the government can be responsible for Hydro or responsible for other corporations or committees or anything that is set up by the government. Basically what he inferred that he is saying that. So you wonder why on this side of the House after last night if law enforcement is going to be handled properly. And as I say, the Attorney-General was doing quite well on his own. So now we have a man who used to be on the Treasury bench

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(MR. J. FRANK JOHNSTON cont'd) advising him not to become involved in any more discussion.

Mr. Chairman, the Member for St. Johns indicated to this side of the House that only our Leader was encouraged or interested in investigation as to law enforcement in this province, and I'd like to assure this side of the House and the Member for St. Johns, that this whole side, or this Party is interested in law enforcement and investigation. And that there are questions to be asked, whether the Member of St. Johns likes it or not. And he made this great plea about law enforcement being a bad business, bad name for politics, or bad name for politicians. He better become aware that it isn't always the nicest business at the time, it isn't always the most pleasant when the Opposition has to go digging, or when the government has to go digging. But to sit back there like a little baby and say, please let's get on with the business of this House; saying that law enforcement or investigations is not the business of this House, makes us wonder on this side.

Now I said I don't completely agree with the Minister's statement just now, but I thank him for his explanation and the way he went through it. I thank the Attorney-General for standing up and staying in his place and answering questions, and I thank my Leader for asking them. But I don't expect a lot of "where's MacDonald, who's MacDonald" when we get into . . . which is babyiness. And that's what we've been getting from that side of the House when we ask for law enforcement.

MR. CHAIRMAN: The Honourable Member for Lakeside.

MR. ENNS: Mr. Chairman, I'm prompted to rise largely by the comments made by the Honourable Minister of Mines and Natural Resources. I find his entering the debate at this stage interesting and if I were to condense his remarks or at least the impression that he conveyed to me as I sat listening to him, it was I thought a very studied performance on his part, which essentially set out for himself the position that whatever an investigation may indeed unearth, that he wanted no part of it, and that he was carefully protecting his skirts from having any mud splattered on it. I think that's a position that's in keeping with the very cautiousness of the Honourable Minister from time to time in being able to stand up in the House, as he just did, in relating to us that he is very concerned about the accuracy of his statements, and I think the impression that he left, with me at any rate, was that that was precisely what he was doing now. The very moderateness in his tone and his speech conveyed these things to me as I sat listening to him.

Mr. Chairman, despite the comments that have been made on this subject matter to this date, and I operate from the inability of not having had the advantage of listening to the debate last night firsthand, particularly that of the Honourable Member for St. Johns and the Attorney-General, and that of my Leader last night in this aspect of the debate, what is apparent to all inside and outside of this House is the fact that very serious charges of possible purgery by senior members of the administration are there. Suggestions of fraud with respect to the use of public funds, whether it's missing trucks or vehicles, what have you. Suggestions of violations of statutes; missing funds; missing directors; companies that should have been incorporated but weren't incorporated; companies where somebody received signing authority, but from whom did he receive signing authority, because there were no directors listed in that company, because the company wasn't incorporated at that time. RCMP reports, but nobody knows what the reports contain. Suggestions of possible prosecutions but no direction from the Attorney-General. Knowledge that while the accusation is made, and cleverly made by the last speaker from the honourable members opposite, that there's an attempt made to combine unrelated incidents. But the fact seems to be fairly knowledgeable to all that when the RCMP was called in to investigate Schmidt Cartage, they were also asked at the same time to investigate R & M and J. M. K. - I don't have the companies names on my list - but in other words they were obviously - or those who asked for the investigation by the mere direction that RCMP should look at the whole matter seemd to imply precisely what my Leader is being accused of doing.

Mr. Chairman, these things that I suggest, missing funds, violation of possible statutes, missing directors, RCMP reports that we don't know where they're at, inactivity on the part of the Attorney-General's office in telling us, if they don't make a case for the suggestion to be taken seriously by this government to call for an open enquiry, no matter what their feelings are about how that inquiry will be accepted by all and sundry and in particular by the Opposition.

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(MR. HARRY J. ENNS cont'd) But if they feel that all these matters don't constitute the necessary prerequisite that generally results in this kind of inquiry, then I suppose we would have to leave the question where obviously they want to leave the question, namely, one of suspicion, one of growing distrust and one of growing lack of confidence in the present Attorney-General and in the manner in which he is conducting his affairs.

If this government is prepared in lieu of the kind of era of politics that we're in, the era of politics that the Member for St. Johns decried last night, that they want to leave it in that ball game, then of course that's their decision and there's no amount of pressure on our side that we can bring to bear to make them change their minds. We don't have the bodies, we don't have the number of votes to do that. But, you know, I really can't understand that attitude. I can't understand it in the light of past governments' performances in this particular incidence. I can't understand it in the light in several ways. You know, in the matter referred to by my honourable friend from Morris, the Grand Rapids inquiry, that inquiry not only exonerated the then government but in my judgment went on to destroy the then Leader of the Opposition, from which that party has never fully regained.

Now if it's a benevolence that you want to bestow on my leader and on my party that you don't want to do that to him, that you think that's better left in other hands, you know, then at least be honest with us in that sense. But I really don't suspect that that is the reason either. All I'm suggesting to you is that there has never been a more impressive list of reasons why an official inquiry shouldn't be instigated in. And if you want to spend your time in decrying the methods used, lack of resources that we have on this side, lack of doors that are open to us on this side, you should be the last ones to be doing that having spent most of your life as a party in opposition, and should be well aware of the means that are available to an opposition party to secure the kind of hard-nosed evidence that you obviously seem to think can only justify an inquiry.

Mr. Chairman, the Attorney-General can bring this to a conclusion much more rapidly. He can cut off the debate before it debases this House to the extent that the Honourable Member for St. Johns seems to think it is. I don't particularly agree with that judgment. I'm suggesting that it's in his hands whether or not he wants to move with some authority and with some speed in a matter that has now been before the people of Manitoba well onto - well, well onto a year. And the suggestion that RCMP reports are kicking around in his office and aren't being acted upon; the suggestion that other reports, receiver's reports, auditors' reports and what have you are being carried around in brief cases and not being looked at by him because he thinks it's judicious not to look at them, if he wants these kinds of innuendos and suspicions to constantly be raised in this Chamber and outside of this Chamber, then the results of that kind of activity are fully and squarely on his shoulders.

I'm suggesting, Mr. Chairman, that this Attorney-General has shown very little initiative in moving and in resolving this matter and the question that we have to of course ask, and will continue to ask, is simply, why?

MR. CHAIRMAN: (Resolution 26 and 27 passed) Resolution 28. The Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Chairman, I would like to just ask a question on 28. Regarding the \$2,249,900 on Legal Aid, it is my understanding, and I could be corrected if I'm wrong, Mr. Attorney-General, that legal aid funds come from lawyer's trust funds, some from the Federal Government because of the legislation or decision they had to help the provinces with legal aid, and some from the province. I'm wondering if the Attorney-General could give me a breakdown of how much is put in by each of those three people, if it's just three or four or how the total makes up from the other governments and ourselves?

MR. CHAIRMAN: The Attorney-General.

MR. PAWLEY: Approximately would be \$500,000 from the Federal Government; approximately \$1 million insofar as interest from lawyers' trust accounts are concerned, and the balance would be payable from the province.

MR. CHAIRMAN: (Resolution 28 passed) Resolved that there be granted to Her Majesty a sum not exceeding \$19,885,800. Passed. That concludes the Estimates for the Attorney-General.

Committee rise. Call in the Speaker. Mr. Speaker your Committee has considered certain Resolutions, asked me to report the same and ask leave to sit again.

IN SESSION

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

MR. WALDING: Mr. Speaker, I move, seconded by the Honourable Member for Gimli, that the report of the Committee be received.

MOTION presented and carried.

MR. DEPUTY SPEAKER: The hour of adjournment having arrived the House is adjourned and accordingly will stand adjourned until 2:30 tomorrow (Wednesday) afternoon.