

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Thursday, February 24, 1966.

Opening Prayer by Madam Speaker.

MADAM SPEAKER: Presenting Petitions

MR. JAMES COWAN, Q. C. (Winnipeg Centre): Madam Speaker, I beg to present the petition of Sydney L. Morantz and others, praying for the passing of an Act to incorporate the Rabbi Kravetz Foundation.

MADAM SPEAKER: Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

The adjourned debate on the Proposed Motion of the Honourable the Attorney-General. The Honourable the Member for Rhineland.

MR. J. M. FROESE (Rhineland): Madam Speaker, I adjourned the debate yesterday on this motion in order to check the lists of the committees that are being appointed under this report, and while I have no opposition or any objection to the committees as they are set up, I would however appreciate if I would get notice from the Clerk on any meetings of the Public Utilities and Natural Resources Committee in addition to the others that I am already on. If this could be done, if I could be accommodated in this way, I would greatly appreciate it.

HON. DUFF ROBLIN (Premier) (Wolseley): Just a short contribution to the debate, Madam Speaker, to remind my honourable friend that the notices of the committee are always published in the Votes and Proceedings, so that if he peruses that he will be informed of every committee that meets.

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

MADAM SPEAKER: Notices of Motion

Introduction of Bills

Before the Orders of the Day, I would like to attract your attention to the gallery where there are some 42 Grade 9 students from the Killarney High School under the direction of their teachers, Mr. Roehl and Mr. Hecht. This school is situated in the constituency of the Honourable the Member for Turtle Mountain. On behalf of all Members of this Legislative Assembly, I welcome you.

Also before the Orders of the Day, I would like to inform the honourable members of the Assembly that this afternoon in the Legislature of Prince Edward Island, the Honourable Allan McNaughton, former Speaker of the House of Commons, will be presenting a Mace to Speaker Myers of the Legislative Assembly of Prince Edward Island on behalf of all the Legislative Assemblies of this Dominion. Our province, together with the other provinces, had contributed to the cost of this Mace, and so on behalf of this Assembly, I have forwarded the following telegram to the Honourable Frank Myers, Speaker of the Legislative Assembly of Prince Edward Island, Legislative Building, Charlottetown, Prince Edward Island. The Speaker and the Members of the Legislative Assembly of Manitoba wish to extend to Speaker Frank Myers and the Members of the Legislative Assembly of Prince Edward Island, their congratulations on the occasion of the presentation of the Mace at the opening of the Prince Edward Island Legislature.

HON. GEORGE HUTTON (Minister of Agriculture & Conservation) (Rockwood-Iberville): Madam Speaker, before the Orders of the Day, I would like to report on the flood forecast of the Flood Forecasting Committee who held their first meeting in 1966 on Wednesday, February 23rd, - that was yesterday.

The committee met to review the situation covering flood prospects on the Red and Assiniboine Rivers. The committee reports that a stage at Winnipeg of about 23 feet city datum is indicated on the basis of average weather conditions prevailing between now and the end of break-up. However, the committee emphasizes the fact that weather conditions from now on are highly significant and that appreciable variation from the average would give rise to either a substantially lower or higher peak stage depending on whether subsequent meteorological conditions prove to be favorable or adverse. A large portion of the major dikes in the Greater Winnipeg area are constructed to a top elevation which corresponds to a stage of 26.5 feet city datum. The remainder of the major dikes are some four feet higher. On the Assiniboine River, the committee's conclusions are that spring peaks, although slightly above normal, will be confined within the banks along most of its course. Ice jams could cause some flooding between Portage la Prairie and Winnipeg.

The committee advised that a subsequent meeting will be held in March to again review

(HON. GEORGE HUTTON, cont'd) . . . the situation as regards flood prospects in light of conditions existing at that time.

The following information was available to the committee for its appraisal of the situation.

(1) The results of a snow survey made by the Water Control and Conservation Branch during the period February 14th to 17th in the basins of the Red and Assiniboine Rivers in Manitoba and Saskatchewan. (2) A soil moisture survey made by the same branch at freeze-up last fall. (3) Records of fall and early winter flow in both streams as reported by the Federal Water Resources Branch. (4) Meteorological information on fall and winter precipitation obtained by the Meteorological Service of Canada at stations in the watersheds of these rivers in Manitoba and Saskatchewan.

I would ask one of the page boys to convey copies of this report to the Press Gallery.

Just a word of comment. I think that the members will recall that in the spring of 1965 the Red River peaked at a level some two feet below what is forecast at this time as the peak flow for the Red in the spring of 1966. The significance of this report is that, as conditions exist at the moment, we will have to be on the alert in case we do experience adverse meteorological conditions from now until the end of the break-up.

MR. DOUGLAS L. CAMPBELL (Lakeside): Madam Speaker, with regard to the statement that the Honourable Minister just made, and in connection with being on the alert, has the department concerned continued the practice of stock-piling materials in case there should be a threat of a flood, that emergency dikes can be built on top of the present ones?

MR. FROESE: Before the Minister gets up to reply, I would have a question that concerns the matter of flooding as well. There is a considerable amount of snow being put into the Red River and this is pressed, and I'm just wondering whether this could not contribute to flooding and ice jamming in the Red River right here in the City of Winnipeg. Does the Minister have anything to comment?

MR. HUTTON: Madam Speaker, in reply to the last question, I think that aside from jams that might occur early in the spring, that the correlation between the problem that the Honourable Member for Rhineland is talking about and our major flood problem is not very high. Even in the case of the danger of ice jams and constricted flow in the early spring, the practice of dumping snow on the river banks is not pursued to the point where it is a significant factor in this problem. The problem of flooding on the Red from ice jams is one that is associated with the break-up of the ice rather than the amount of snow that might be left on the river bank.

In reply to the Honourable Member for Lakeside, I would say that we maintain minimum reserves, but certainly one cannot rely on these if indications point to relatively high peak flows in the Red River, and in the circumstances as they now exist and in view of this - well I shouldn't say pessimistic report, but one which would I think caution us to be ready - that we will have to start early to make sure. Certainly if the subsequent report in the month of March confirms what seems to be indicated here, I think it can be taken for granted that adequate emergency steps will be taken so that we will be in a position to deal with the problem, if and when it should arise.

MR. S. PETERS (Elmwood): Madam Speaker, before the Orders of the Day, in view of the statement made by my colleague the member from St. John's yesterday regarding bread prices, and in view of the statement that the Minister of Industry and Commerce made that the government would take it under consideration, I would like to draw to his attention, on account of the publicity that this story received, I had quite a few calls from some of my constituents telling me that one bakery had increased the price of bread three cents, and I would like the Minister to take note of this when they are giving consideration to it.

MR. GORDON E. JOHNSTON (Portage la Prairie): Madam Speaker, I would like to address a question to the Minister of Agriculture regarding ice jams on the Assiniboine River. Last year, according to one of the Rural Municipality of Portage la Prairie councillors, he had quite a bit of difficulty in obtaining co-operation from the on-the-spot officials with respect to blasting by dynamite - ice jams - and he was told on two occasions that the person on the spot from the department did not have the authority to blast ice jams without word from Winnipeg. So my question is, will the Minister give on the spot authority if the necessity arises this year for members of his department to blast ice jams immediately they are forming?

MR. T. P. HILLHOUSE, Q.C. (Selkirk): Madam Speaker, I wonder if you would permit a further question. In the event of the levels of the Red reaching a higher stage than is anticipated now, would it be possible to divert any of these waters into the Floodway in its present

(MR. HILLHOUSE, cont'd) . . . condition?

MR. NELSON SHOEMAKER (Gladstone): Madam Speaker, before the Orders of the Day are proceeded with, I too would like to ask my honourable friend a question or two in respect to flooding, not on the Assiniboine or the Red, but in consideration of the fact that the government last year on May 1st assumed responsibility for all drains of three orders and over, is the government this year going to assume responsibility for flooding on all of the drains of three and over and the damage caused as a result of flooding on such drains?

MR. HUTTON: To answer the question of the Honourable Member for Portage la Prairie, without in any way confirming that last year the engineer representing our department and stationed on the Assiniboine to help in any emergencies that arose, without confirming that he lacked that authority, I can assure the Honourable Member for Portage la Prairie that whoever is there in 1966 will have authority, but I am not certain that the gentleman referred to by the honourable member did not have the authority at all. I can't admit to that at all because I believe that is not the case. I think when we put somebody in the field that they have the authority to do those things which are necessary to avoid flooding and disaster. The Floodway will not be ready for use until the spring of 1968. We set the construction schedule three years ago; we still have two years - construction seasons to go before the Floodway is completed.

In respect to the question about the government being responsible for any damage arising out of the flooding of these channels, I would say no, the government does not assume responsibility for flooding out of those channels or the rivers, except that we have assumed, or have been willing to offer financial assistance to people who were unfortunate enough to sustain damage to their property as a result of the overflowing of the major rivers and streams in Manitoba. But this is not, in a sense, taking responsibility for it - in any sense of taking responsibility for it. After all it is an act of God, not of this government, that we have floods, but we do offer financial assistance to help those who are unfortunate enough to be affected - adversely affected - in terms of damage to their homes and buildings.

MR. JOHNSTON: Madam Speaker, I'd just like to inform the Honourable Minister of Agriculture that the councillor's name who made the complaint to me was Councillor Omichinski, and he was very concerned about the two-day delay. He had asked twice to have the ice blown and the person he asked did not have the authority and had to check with Winnipeg.

MR. FROESE: Madam Speaker, before the Orders of the Day, I'd like to ask a question of the First Minister. Is it the intention, or is the government contemplating issuing and quoting a parity bond again sometime this year and, if so, at what approximate time?

MR. ROBLIN: Madam Speaker, consideration is being given to the proposal my honourable friend mentions but I am not in a position at the present moment to say what exactly will be done or when.

#### ORDERS OF THE DAY

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

MR. LEMUEL HARRIS (Logan): Madam Speaker, I move, seconded by the Honourable the Member for Seven Oaks, that an Order of the House do issue for a Return showing: 1. The total amount paid by the Government, its agencies, boards, commissions, etc., for legal counsel (outside of the Government Civil Service or those employed by governmental agencies, boards, commissions, etc., on a full time basis) in the calendar year 1965. 2. The total amount paid by persons dealing with Government agencies, boards, commissions, etc., to solicitors appointed by the Government of such agencies, boards, commissions, etc., for work done as solicitors for such boards, but for which payment is made by private parties. 3. The amounts, in 1 and 2 above, if any, so paid showing: (a) the amounts paid to each individual or firm: (1) as fees, (2) as disbursements; (b) the purpose for which such legal counsel was retained.

MADAM SPEAKER presented the motion.

HON. STEWART E. McLEAN, Q. C., (Attorney-General) (Dauphin): Madam Speaker, we are happy to accept this for those payments which are within our knowledge.

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

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 7. The Honourable the Member for St. Boniface.

MR. ROBLIN: Madam Speaker, I wonder, as it is government business today, whether I might suggest we go at once to the resolution dealing with the rules. I have been told by the

(MR. ROBLIN, cont'd) . . . whips that they'd like to get that disposed of, and in that case, I would ask you to call the amendment that stands in respect to concurrence on the rules.

MADAM SPEAKER: The adjourned debate on the proposed motion of the Honourable the Minister of Mines and Natural Resources and the proposed amendment thereto by the Honourable the Member for Rhineland. The Honourable the Minister of Industry and Commerce.

HON. GURNEY EVANS (Minister of Industry and Commerce) (Fort Rouge): Madam Speaker, I took the adjournment to keep the debate going so that the First Minister could take part in it. My understanding is that he does not wish to speak on the amendment but would prefer to speak on the main motion.

MADAM SPEAKER: Are you ready for the question?

MR. ARTHUR E. WRIGHT (Seven Oaks): Madam Speaker, I just want to put on the record that I seconded the motion of the Honourable Member for Rhineland in order for him to get it before the House, but I do not agree with his motion.

MR. FROESE: Madam Speaker, in that case, I beg to move, seconded by the Honourable Member for St. John's, that the debate be adjourned.

MADAM SPEAKER: Your motion is out of order. Are you ready for the question?

MR. FROESE: Madam Speaker, on a point of order, how am I out of order? I hadn't spoken to the amendment.

MADAM SPEAKER: You moved the amendment.

MR. FROESE: I spoke and then I moved the amendment.

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

MR. CAMPBELL: Yeas and nays please, Madam Speaker.

MADAM SPEAKER: Call in the members.

MR. FROESE: Madam Speaker, on a point of order . . .

MADAM SPEAKER: Order please, order. The question before the House: the proposed amendment of the Honourable the Member for Rhineland.

A standing vote was taken, the result being as follows:

YEAS: Messrs. Barkman, Campbell, Desjardins, Froese, Guttormson, Hillhouse, Hryhorczuk, Johnston, Patrick, Shoemaker, Smerchanski, Tanchak and Vielfaure.

NAYS: Messrs. Alexander, Baizley, Beard, Bjornson, Carroll, Cherniack, Cowan, Evans, Groves, Hamilton, Harris, Harrison, Hutton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McDonald, McKellar, McLean, Martin, Mills, Moeller, Peters, Roblin, Seaborn, Shewman, Smellie, Stanes, Steinkopf, Strickland, Watt, Weir, Witney, Wright and Mrs. Morrison.

MR. CLERK: Yeas, 13; nays, 37.

MADAM SPEAKER: I declare the motion lost. The adjourned debate on the proposed motion of the Honourable the Minister of Mines and Natural Resources.

MR. CAMPBELL: Isn't there the motion -- I think we are voting on an amendment, are we not?

MADAM SPEAKER: I have called the main motion. We have disposed of the amendment. I have now called the main motion.

MR. CAMPBELL: I thought you had called an adjourned debate.

MADAM SPEAKER: I did. The proposed motion of the Honourable the Minister of Mines and Natural Resources.

MR. ELMAN GUTTORMSON (St. George): Madam Speaker, I move, seconded by the member for Gladstone, that the debate be adjourned.

MADAM SPEAKER presented the motion.

MR. ROBLIN: Madam Speaker, may I just ask the indulgence of the House to make an inquiry here. I was . . .

MADAM SPEAKER: Has the honourable member permission of the House to make an inquiry? Agreed?

MR. ROBLIN: No? All right, I won't make it.

MR. GUTTORMSON: . . . . . if he wishes to go ahead.

MR. ROBLIN: I was informed by the whips, I believe, that they wanted to get on with this thing today. Is that incorrect?

MR. GUTTORMSON: Madam Speaker, with the permission of the House, would the First Minister agree to just let this matter stand until a little later on in the afternoon? The Leader of our group was called to a funeral and he will be back, so we'd be quite prepared to proceed this afternoon.

MR. ROBLIN: Madam Speaker, in that case my honourable friend might let me say a word or two at this stage of the debate, and instead of adjourning it if we could have it stand, then, with consent, the Honourable Member for Ste. Rose might then speak when he comes. But as I unfortunately will not be in the House later on today due to business, I think perhaps I might take the opportunity of saying a word or two about this question of concurrence in the proposed new rules because I think it's a matter of no small importance.

I'm not sure whether I have correctly gauged the sentiments of the Legislature in connection with these changes. From what I have heard, I got the impression that while members in various parts of the House had reservations, some of which have been stated, and while indeed there was one serious objection taken to the rules as proposed, upon which we have just voted, that in spite of those facts there seemed to be an impression that we might try these rules and see if they will work.

Now this is a matter which is not a party affair. The government does not propose - and I want to make this clear - the government does not propose at this time to insist on having its own way as a matter of government policy with respect to rules, because when we are studying the rules in their entirety as we have been doing, and when we are giving consideration to changes which are quite a departure in some respects from our previous custom, it is a matter which concerns the House as such. It concerns the operation of a deliberative and legislative body as ours is, and changes of this kind in the rules are not likely to be disposed of.

I think it is perfectly clear that unless there is a disposition on all sides of the House to try and make these rules work, then they won't work; and I think they can only be considered if the House wants to try them. I think they should only be proceeded with if there is a reasonable measure of support around the Chamber, and if it turns out that I am incorrect in my assessment of the situation and that there are serious objections, which will be expressed when the vote comes, that we should give some serious study to that situation before proceeding to implement rules of this kind.

I think we need a basis of agreement; I think we need a consensus of opinion before taking a step of this kind; and as far as the government is concerned, I think we shall seek that consensus before we attempt to make these rules part of our proceedings or insist on them being adopted in the Chamber. Because after all, while it is desirable to have rules which we think are conducive to the efficient conduct of business, it is not desirable to have rules which a substantial body of members think infringe on their rights to speak and to express their views and to deal with the public business. So it is against this background of consideration that I approach this matter.

As for the changes themselves, personally, they seem to me to be sensible. There is a better arrangement of the hours of sitting - some might call it a little more civilized. It is true there is a reduction in private members' time, but I don't think that it is a substantive reduction because if Tuesday is any example - last Tuesday, and I think it is representative - we were pretty well finished with private members by the time the evening hour of sitting came along. So that the reduction in private members' time will not, I think, seriously infringe on the opportunities open to private members to present resolutions. We have a record number, I think on the Order Paper at the present time, and yet so far we've been able to handle them fairly comfortably within the time allotted, not by the old rules but by the new rules if they were in effect. So while there is this reduction in private members' time, I really do not think that it is substantial or that it will seriously impede the freedom of debate of private members' resolutions, which I regard as important.

The real nub of the changes, and I think basic to the whole idea of reforming the hours, is clearly the Committee of Supply, because in our view it would not be practical to proceed with the other reforms if we did not also have a consensus about the work of the Committee of Supply, and that is limited to 80 hours as it stands at the present time. I believe that it is sufficient time to dispose of the matter before us, particularly when one considers what this House has done in days gone by, though frankly not in the recent past, and also when one considers the time given in other Chambers which have much more business to do than we in the Committee of Supply. So that it is proposed that this regulation for 80 hours is one which is possible of being employed without any detriment to the conduct of the public business, but I repeat this concept of 80 hour limitation in Committee of Supply is the key to the change, and if it won't work, then the other changes certainly will hardly stand by themselves.

Now this is vital. The question is, what can we do if we decide to give these new rules a trial? What can we do to make the Committee of Supply a success, because it would be most

(MR. ROBLIN, cont'd) . . . unfortunate, and as far as we are concerned we would have nothing to do with it, if the Committee of Supply so conducted itself that the 80 hours elapsed without the public business having been adequately dealt with. It is easy to see that one member of the Legislature could sabotage the whole idea if he wanted to simply by talking in the Committee of Supply - and if members will allow me to present these thoughts to them in a friendly vein - if the Honourable Member for Gladstone is going to give us the Gladstone Press every day in the Committee of Supply; or if the Honourable Leader of the New Democratic Party, who I'm sorry to see is not here, I understand he is not well, were to allow himself to extend his remarks the way he sometimes does; and if the Honourable Minister of Agriculture and Conservation and the Honourable Provincial Treasurer were - well I'll take his part today - were to indulge themselves in the liberty of extensive discussion in the Committee of Supply more than was needed to deal with the question; then either the member for Gladstone or the member for Radisson or the member for Rockwood or the member for Wolseley, could any of them or all together make it impossible for the Committee of Supply to work in the way that's envisaged.

Now there's no sense burking that fact. We have to face it, and if we are thinking of trying to make these rules work we must know and understand the situation, because as I say it would be wrong, it would be harmful to our reputation as a deliberative body, if we were to so manage the Committee of Supply that 80 hours found us still working on the salary of my honourable friend or halfway through the business without having given proper consideration to the remainder. So this is a hazard that must be clearly understood and faced, and if members do not think that we can so manage the business of supply as to get it done in the time allotted, then they should I think make their position clear; and if we find that there is a substantial body of opinion which does not think this proposition a practical one, then I very much doubt that it should be proceeded with.

If, however, there is a disposition to see how we can get along, I think we will have to take a definite measure to ensure that it happens, and the proposal that I would make would be this, that if this resolution should be concurred in with a reasonable degree of consensus today or whenever - let's say today - that the new rules could be introduced say on Monday, but that before that time, particularly before the Committee of Supply is called, the Leader of the Official Opposition, the Leader of the CCF, myself and the respective Whips of the parties, should meet and should discuss the operation of the Committee of Supply. I for one would be quite willing to say to the Parties in Opposition, we would be happy to have you allocate the time as between the different departments in the Committee of Supply. You know the ones that you're anxious to debate and you know the ones which perhaps are not so interesting this year, and we would invite the Leaders of the Opposition Parties to propose how the time in the Committee of Supply should be allotted so that the business would be finished in the time allotted.

Then of course it would be incumbent upon member generally to bear these limitations in mind, and I think they should be publicly known when the business of supply is being conducted and to honour, within reasonable limits, the allocations of time that are arrived at. It would be my proposal that this committee could unofficially consider this matter and make these arrangements which could be made known to all members of the House, and we try it, and then we find that halfway through the 80 hour period or something like that that the schedule is falling apart, that we can't keep it, that members are - and I'm not being critical of this but I state it as a possibility - that members are speaking more than they should if there's going to be any hope of meeting the time scheduled, and it appears that the Committee of Supply business won't work, then I for one am in favour of throwing the whole thing up and going back to where we are, because I do not believe that the House would like to go to the people of Manitoba at the end of the 80 hour period and say, "We were 80 hours in Supply but we only got half the business done," or whatever. I myself do not want to be a party to that.

So it would be necessary in my view that if there is a consensus of opinion that the rules should be tried, that the Party Leaders and the Whips should endeavour to allocate the time; that the Opposition should have the privilege in my view of making the proposals as to how much time for each department; we let that news be generally known and trust to the good sense of members to try and observe it within reasonable limitations. If it works, fine and dandy. If it doesn't work, then I propose that we should abandon the effort to use these rules and go back to the old ones because, as I have said, regardless of any views about efficiency or getting the work done expeditiously, the first consideration must be that the public are satisfied that the work is done adequately. I myself say, and repeat, that it can be done adequately within the Committee of Supply if members wish to do it. If they do not, then of course the idea won't

(MR. ROBLIN, cont'd) . . . work at all.

So I thought that I would as candidly as I can place this problem before members of the House before the vote is taken, so that they may bear those considerations in mind when deciding their attitude towards this question. I regret very much that the Leaders of the Official Opposition and the New Democratic Party are not here because it is rather important that they should be aware of what I have said and have a chance to make their observations upon it, but unfortunately it's necessary to make these remarks in their absence. Nevertheless, I know that adequate representation is here to convey the sense of what I have said to them and to others who may be interested.

So that's my view of the new rules, Madam Speaker, I do recommend them to the House but I warn the House of the problems we face and I solicit the co-operation of members in making these ideas work adequately in the public interest.

MR. GUTTORMSON: Madam Speaker, on a point of order, could I have the permission of the House to withdraw my motion to adjourn the debate and let the matter stand. I don't think it will be too long - till a later time this afternoon.

MR. LAURENT DESJARDINS (St. Boniface): Madam Speaker, I don't know if it would be advisable. I agree with what the Premier said that the Leaders of the Party should have a chance to be made aware of this, and I don't think there's any point in rushing it. If the Leader of the House will not be here later on and if our Leader comes in, maybe he will have a chance to know what has been said, but I think that we should go ahead and adjourn it and be ready for tomorrow.

MR. PETERS: If I might say a word without exhausting my right to speak again, I would like to make this statement, that my Leader is sick. He's not here today and it's not very likely that he will be here tomorrow, but I will be going to see him and inform him of the Premier's statement and will pass it on.

MR. FROESE: Madam Speaker, on a point of order, I have to abide by the rules and I think that other members of this House should as well. Therefore, we should have a motion of adjournment.

MR. DESJARDINS: Madam Speaker, I would move, seconded by the Honourable the Member from Gladstone, that the debate be adjourned.

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

MR. ROBLIN: Madam Speaker, perhaps we could now revert to the regular order of business and proceed with the adjourned debates on the second readings and then on down the paper.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 7. The Honourable the Member for St. Boniface.

MR. DESJARDINS: Madam Speaker, I beg leave of the House to have this matter stand.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 14. The Honourable the Member for Wellington.

MR. RICHARD SEABORN (Wellington): Madam Speaker, I adjourned the debate for the Minister of Municipal Affairs. Of course the members will realize that if he speaks the debate will be closed.

MADAM SPEAKER: Any other member wishing to speak? The Honourable Minister is closing the debate.

HON. ROBERT G. SMELLIE Q. C. (Minister of Municipal Affairs) (Birtle-Russell): Madam Speaker, I felt that the remarks that were made yesterday by the member for St. John's did require some comment on my part before this debate ended, because he cast some doubt on the attitude of the government in this field of public housing and urban renewal.

I think that, first of all, it should be said that the amendments that are before the House are not directed at producing more studies. The whole Act is directed to enable the province to take advantage of the legislation that has been passed under the National Housing Act by the Federal Government and to permit the province to assist municipalities to implement urban renewal schemes and to create public housing. I think we must say at this time that most of the municipalities in the province have been very slow to take any advantage of this Act and that the province has found it necessary to take some steps to make municipalities aware of the action that they could take and the assistance that is available to them. The study that my honourable friend referred to yesterday - and from which he quoted statistics in the House - this was just one of the means that have been followed not only by this government but by the

(MR. SMELLIE, cont'd) . . . Metropolitan Government to indicate the need for action by Municipalities under this legislation.

The study that he referred to was an interim report; the study has never been completed. It is at the present time being worked upon to give an actual picture of the housing needs in the whole area of Metropolitan Winnipeg at this time, and the figures that he quoted were estimates based on the extent of the present study and the Dominion Bureau of Statistics census information, and I would hope that it will not be necessary to continue to make studies to find out how many deteriorated houses we have in the metropolitan area. The program that we need now as the honourable member pointed out is one of action, and there are some signs that we are getting some action, particularly in the Metropolitan area, but elsewhere as well.

It isn't possible to give a picture here of the number of deteriorated houses that have been demolished since the study that he referred to was completed -- or the interim report was completed. Private investment has been responsible for the demolition of a large number of houses that were no longer satisfactory and this trend will no doubt continue and increase as public-sponsored programs proceed and as the urban renewal programs, in particular in the Metropolitan area, begin to renew our central city. The factual information that we have can only show what has already been completed or what is under way at the present time, and I think the House is readily familiar with the Burrows-Keewatin project which provided 165 housing units and that accommodates approximately 895 persons.

The Lord Selkirk Park area is being cleared. The clearing at this time is something over 60 percent complete. There were 260 properties to be acquired, making up a total of about 40 acres. To date, 161 properties have been acquired and cleared. This has involved 672 households. Of these 672, 57 of them were housed in the Burrows-Keewatin project and the remainder were housed or are being housed in other accommodation in the City of Winnipeg.

At this time, architects are progressing with their plans or proposals for a low income housing project to be located in the Lord Selkirk Park area itself. Agreements are now being negotiated between the City of Winnipeg, the province and Central Mortgage and Housing Corporation, for the financing of this project. It is hoped that if things go smoothly, construction of the project will start in the fall of this year. At present, it would appear that the project will comprise approximately 340 units. The urban renewal in the Lord Selkirk Park area provides also for the relocation of the existing commercial and industrial enterprises in that area and we hope will provide a much more attractive environment for these businesses and induce new commercial enterprise in that area of the city.

Winnipeg, the province and Central Mortgage and Housing Corporation are also negotiating for the preparation of two additional urban renewal schemes. Each of these schemes - I think the House is probably familiar with these as well - there is one east of Main Street in the Point Douglas area and one west of Main Street. Each of them covers something in excess of 300 acres.

The area east of Main Street that was referred to yesterday by the Provincial Secretary has a relatively small population. The last indication was that it was -- the last census indicated about 1,500 in this area, but our indications now are that the population in that areas has decreased in the interval.

The area west of Main Street is a different situation altogether and this involves a population of some 10,000 people. Although there are 10,000 people in that area involved, this will not mean a relocation for all of those 10,000 people, because of the new legislation of the Federal Government and that we want to take advantage of in the proposed amendments, it will not be necessary to move the people out of the area or to demolish the buildings, but many of the buildings in the area that still have a considerable useful life will be retained. In some cases it may be necessary to renovate these buildings in order to make them satisfactory for the purpose, but the sound dwellings in those areas will be left and in many cases the ownership of the buildings will not change either. However, the fact that these buildings are included within an urban renewal area will bring other benefits to the owners of the buildings themselves, because then under the provisions of the National Housing Act, the owners of those buildings can themselves enter into a program of rehabilitation of their buildings on terms much more attractive than they could in some other area.

Undoubtedly it will be required that there would be another public housing project in this area and that public housing project can utilize buildings that are already in the area or new buildings, but for the first time in any project in this province we are attempting to make certain that the city and the two senior governments, when preparing their urban renewal scheme,



(MR. SMELLIE , cont'd) . . . should take into account factors other than merely the land use control planning, the planning for physical assets, for the provision of services to the area.

Now we believe it is important that you must also consider the sociological impact upon the people in the community where the urban renewal is going to take place, and it is my hope that organizations such as the Community Welfare Planning Council will be consulted, not after the scheme has been prepared, not after the plans are already drawn and in the process of implementation, but before the plans are prepared so that they may take an active part in the planning for the sociological effect that urban renewal must have. This is necessary in my view to ensure that this area or any other area where we are contemplating urban renewal will become socio-economically viable, compatible with the rest of the community. This is not something that you do overnight, and I'm sure that my honourable friend is not one that would urge precipitative action without reasonable planning before the dollars start to be spent on demolition or on bricks and mortar to rebuild.

At this time I would like to say that the housing and urban renewal proposals are not limited to the City of Winnipeg alone, that we have had proposals from other areas of the province as well as from the metropolitan area. We are of course aware of the proposal that was under consideration in the City of St. Boniface, and if my information is correct, they have completed a study. Now this study was done by the city or for the city themselves. This was not a partnership arrangement. The province and Central Mortgage and Housing Corporation, to my knowledge, had nothing to do with the study prepared for St. Boniface. I believe however that they will in due course be approaching us to be a partner with them in an urban renewal scheme in St. Boniface. I know that their council is studying the matter now and I expect that as soon as they are ready to proceed they will ask for our assistance, and I expect that on the usual terms it will be granted.

In the City of Brandon, we have already executed an agreement with the City of Brandon and Central Mortgage and Housing Corporation to produce a study of their urban renewal requirements. The consultants have been selected and are at work. It is hoped that this study will also result in an urban renewal scheme for the City of Brandon in the very near future.

An agreement has been approved for an urban renewal study in the Town of Altona, and there also the Consultants have been selected but I believe that their terms of reference have not yet been approved by Central Mortgage and Housing Corporation.

We recently had a request for a study from the Town of Flin Flon. The principle has been approved but as yet no agreements have been signed and no concrete action has been taken. However, this is being done just as speedily as possible and I would like to advise the House that there is considerable interest in that community for an urban renewal scheme and it is expected that it will proceed in the very near future.

In an attempt to make the various communities of the province aware of the need for urban renewal and to advise them of the assistance that is available under both provincial and federal legislation, the province in co-operation with CMHC are sponsoring a number of seminars throughout the province. We would hope to hold these in some of the larger centres and make them available to all persons in the surrounding communities who have any interest in urban renewal. Municipalities in the area where the seminar is to take place will be notified in plenty of time and invited to participate. The first of these seminars is tentatively scheduled for the Town of Flin Flon who have requested it, because there are many people in the community who still are not aware of what assistance is available to them through legislation both of the Federal Government and the province.

We would propose that when these present amendments are passed, that it may be possible to publish some literature which would explain in layman's language just what the legislation can do for them in the Province of Manitoba. This information would be placed in the hands of all municipalities and any other persons or groups who were interested in making a study of it.

I would like to say at this time, Madam Speaker, that the municipalities that have gone into this scheme, who have undertaken either studies or the preparation of schemes for urban renewal, are to be congratulated, because it's not always easy for a municipal council to recognize the benefits that may accrue to their community from a program such as this, particularly when it involves the expenditures of rather large sums of money, and in most cases they have approached it rather timidly. But once they have recognized what the benefits can be to their community, once they have recognized the assistance that is available to them, particularly under the federal legislation but also under provincial legislation, the interest that they have

(MR. SMELLIE, cont'd) . . . shown has been most encouraging.

My honourable friend went on to suggest that this is the responsibility that should be given to Metro in this area, and here I would have to disagree with him wholeheartedly. When Metro was established, it's true that one of the most important areas of responsibility that was given to Metro was the area of planning. They were required to provide a master development plan for this community; they were responsible also to prepare an over-all by-law for land use control; and in my view these were two of the most important responsibilities given to Metro. It is now approaching six years since Metro was established. We have not yet got the master development plan; we have not yet got the comprehensive land use control that they were asked to undertake; and I would suggest to you, Madam Speaker, that until Metro can complete this responsibility, the time is not yet ripe to give them additional responsibility in the field of urban renewal.

MR. SAUL CHERNIACK, Q. C. (St. John's): Madam Speaker, would the Honourable Minister permit two questions? Firstly, is it still then the policy of the government that the initiative must come from the municipalities; secondly, has any study been discussed, planned or otherwise devised in connection with Brooklands?

MR. SMELLIE: Before any scheme is entered into, a municipality -- or before any study is entered upon, a municipality must request that the study be made, under the provisions of our legislation. But I must tell the honourable member that the province has on more than one occasion approached municipalities and asked them to ask us to help them. Now if that is what my honourable friend calls the initiative of the municipality, then that's what is required. But the province has, where conditions warrant, approached a municipality and asked them to do something about it.

As far as the Village of Brooklands is concerned, I don't believe that the Village of Brooklands could, under present circumstances, undertake an urban renewal scheme that would be meaningful in that community because the Village of Brooklands has very serious problems as my honourable friend knows. But I think that this is one of the areas where perhaps there is a need for some reorganization of municipal structure within the metropolitan area, and it would be my hope that if this House agrees and a boundaries commission is established, that this is one of the problems that they should look at first of all.

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

MADAM SPEAKER: The second reading of Bill No. 28. The Honourable the Member for Emerson.

MR. JOHN P. TANCHAK (Emerson): Madam Speaker, I would like the indulgence of the House to have this matter stand.

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Provincial Secretary. The Honourable the Member for La Verendrye.

MR. ALBERT VIELFAURE (La Verendrye): Madam Speaker, I adjourned this debate for the Honourable Member from Carillon.

MADAM SPEAKER: The Honourable the Member for Carillon.

MR. LEONARD A. BARKMAN (Carillon): Madam Speaker, I want to thank the member for adjourning it for me. I had to be out of the House and I will assure this House that I don't intend to be long, but I was also on the committee and I would agree with the others that we hope sincerely that some of the things that were advocated in the recommendations will also soon be law.

However, Madam Speaker, I was not one of those that felt as strongly as some others that so much is wrong. I think you will note by the report that the credit climate, generally speaking, is considered in a fairly healthy position. Also, I hope that you have noted that the conditions of consumer credit are in fairly good shape or well in hand.

Madam Speaker, I certainly agree though with the Honourable Member of Lakeside, my colleague, as he pointed out from the report that -- and I wish to quote part of that, on Page 5: "At the present time, education in the enlightened use and application of credit appears to be of much greater importance than the need to houseclean the credit granting industry. The main problem is the unwise use of credit, both by the consumer and by the credit grantor. There is still too high a proportion of persons who are unwittingly seeking and being granted credit in spite of their inability to meet their obligations -- a fact which, if not obvious to the consumer, should certainly be obvious to the retail establishments, or loan companies, who continue to permit the situation to exist." This, of course, is particularly true when you have heard the different people that were before this committee. I think this is particularly dangerous

(MR. BARKMAN, cont'd) . . . for the consumer if the credit grantors are some of these fly-by-night operators, and I agreed with the committee that naturally this was part of the operation that we wish to solve.

I think however, Madam Speaker, that it would be fair to say that the percentage of people involved in the concern of this consumer report or on the consumer committee, or for that matter the percentage for basic concern in all of Manitoba, is probably less than one percent; and I think this percentage is relatively low, when we consider all conditions, that there is only a delinquent percentage of only one percent and possibly even less. And I think it is fair to say that things are in fairly good condition, but naturally I certainly agree with the rest of the committee that it is wise to keep on studying these things and possibly improve on it.

I for one was very happy on this committee to - and agree on this - to see a standard form of conditional sales contracts. I think this is a great improvement, especially when we see so many today. You can think of implement companies, either International Harvester, John Deere, any of the others; you can think of retail stores such as Eaton's or Simpson Sears or a lot of the others. There seems to be such a variation of conditional sales contracts, and I am sure that this should be a great improvement. I feel certain that a uniform type of conditional sales agreement is something that a lot of people have been looking for and should certainly eliminate some of the inconsistency and some of the uncertainty that seems to be involved in some of the contracts today. A lot of them, we know, have either been hurriedly or some even ignorantly drawn up, and I think that this is a great improvement.

I wish to say a few words about the Central Registry, especially as far as the Garage Keepers' Act is concerned. I don't think that you would expect me or the Honourable Member from Lac du Bonnet, who was also on that committee, that we would not agree with this, but I thought it was noteworthy that the committee did study this and heard recommendations under it, and on Page 9 - and I quote: "Under Manitoba procedure, if a garage keeper releases a vehicle before it has been paid, he loses lien rights against the vehicle. Often, it was submitted to the committee, if he retains the vehicle until payment, he loses the customer. Additionally, the retention until payment by the garage keeper works a considerable hardship on those who require their vehicles to earn their livelihood, and who would be paying for the repairs from these earnings. The recommended procedure requires the establishment of a province-wide central registry" - and it goes on and on. I shall not read more of that, but the result of course is that the garage keepers will have a little longer time and the consumer will have a better set-up in regards to making arrangements and also give him more time.

Madam Speaker, it has been said in this House - and I forget by which speaker - but I would agree with the thought that a lot more could be suggested, and I hope if this committee should continue a lot more will be suggested, but I thought in one respect we might have gone a little bit further and that is - and possibly they will later on, or we will later on - and that is in the suggestion of an agency or a central agency, or call it a central registry, that would have a record of all the welfare cases of Manitoba, thereby checking the credit given to people who already find themselves loaded down with a financial burden. I know that possibly this will be under consideration but I think this could be of great value, because while some may be thinking that possibly this even suggests discrimination, I do not feel so because I think that this agency should only disclose the needed information to the credit grantor and no more, and possibly if it was even handled by the government, I think it could be kept on a level where it could protect any embarrassment to the people.

So in conclusion, I feel the people of Manitoba, as a whole, are fortunate that our credit situation has not deteriorated to any extent where it cannot be remedied or cannot be repaired.

HON. MAITLAND B. STEINKOPF, Q. C. (Provincial Secretary) (River Heights): Madam Speaker, if there is no more debate on this, I would just like to say one word in closing the debate, that the comments that have been made by the members that have spoken - and most of them have been members of the committee - I feel it has been very constructive and indicates the spirit in which we worked in developing this report and how serious everyone takes this matter of consumer credit from all aspects.

The fact, as the last speaker stated, that the climate for credit in Manitoba has never enjoyed any more favourable position than it has today, notwithstanding the fact that there is more credit and more various forms of credit being issued every day, today, tomorrow, than there has been in the past, and yet we seem to be enjoying this time of reasonably few problems. However, I think that if we ever were to give up for any short period of time and not be as vigilant as we are right now, we might be considered an area that would be rather easy to

(MR. STEINKOPF, cont'd) . . . operate in in the field of the unscrupulous issuers of credit, and so I think that the action of this committee in letting it be known that we're on top of the job and that we're not a soft touch is going to go a long way in keeping the climate the way it is.

So I'm very pleased that the report has received the concurrence in an amiable spirit and I hope too that within a very short period of time we will be able to implement all of the recommendations that the report has put before us.

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

MADAM SPEAKER: The adjourned debate on the proposed resolution of the Honourable the Provincial Secretary. The Honourable the Leader of the Opposition.

MR. SHOEMAKER: Madam Speaker, in the absence of our Leader, I wonder if the House would give permission to have the matter stand.

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

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

#### COMMITTEE OF SUPPLY

MR. COWAN: The Department of the Attorney-General.

MR. McLEAN: Mr. Chairman, if I may just expand a little on some answers that I gave the Honourable the Member for Ethelbert Plains yesterday concerning the jail for women at Portage la Prairie and also the jail for women at The Pas. I have checked the reports with respect to the jail for women at Portage la Prairie and find that in 1965 the lowest number in custody on any one day was 33; the highest number, 50; and the average, 43.6; and I just point out that this compares to the number formerly which ran between a low of 60 and a high of 80.

This change, the change that is indicated, arose because of the provision of the jail for women at The Pas. I'm recognizing of course what was said respecting the condition of the building itself, that is to say that it is an old building and certainly not a modern one. I have visited it of course and other senior officers in the department. There is ample space in relation to the number of persons detained there. It is clean and well kept, a good spirit prevails - that is as much as one may anticipate in an institution of this nature. We've had no troubles during 1965 and there is a program - as the Honourable the Member for Ethelbert Plains will know - there is a program of handicrafts carried out at the jail at Portage la Prairie and the people there turn out some beautiful work as perhaps many may have seen. We have on the staff a handicraft supervisor whose job is to supervise this work which is done by the inmates. The meals are good and my information is that things work along rather well there.

The jail for women at The Pas, the highest number there on any particular day in 1965 was 42; the lowest number, 9; and the average daily population, 20.14. The length of sentence rather tends to be shorter at the jail for Women at The Pas and I notice that in 1965 there were only five persons whose terms were in excess of three months, and all of them much less than that, the larger number in the area of 15 days to one month, so these are short-term people.

They carry out quite an extensive program there in the way of social functions, that is Hallowe'en and Christmas party and games and picnics in the summer time. The inmates are taken into town for shopping - that is for both personal shopping and family shopping - and then classes are given by the wardresses - that's the official name of the people who are in charge - in reading, writing, baking and cooking, crafts, hygiene, first aid and gardening in the summer-time. These are programs which are carried out by the institution, and may I just pause here to say that on the occasion of my two visits since my appointment as Attorney-General, I found what I would think was a very happy atmosphere. There's a rather large common room or room where - it's quite bright and cheerful - where they carry out much of the work that they do and everyone seems to be quite contented.

There are programs also carried on by outsiders from the Indian and Metis Friendship Centre which provides entertainment, and the two groups have given concerts of carols and music during the year, and the inmates held a bazaar and tea on May 8 and December 3, 1965. So they seem to be having a reasonably productive time of it while they are there.

Mr. Chairman, perhaps I might touch on another matter, because by the time we had reached this item yesterday the Honourable the Member for St. Boniface had left and I didn't wish to give the information in his absence, but I did want to give in some detail the circumstances

(MR. McLEAN, cont'd) . . . surrounding the matter of the charge which he drew to our attention and to indicate how the matter - this seems to be pretty standard - this is the standard procedure and I find that in this instance the proper procedure was followed, and it serves to indicate the method in which this type of thing is dealt with.

On November 26, 1965, the alleged offence took place. On December 9, the honourable member appeared before J. D. Van Iderstine, Justice of the Peace in St. Vital, and indicated that his plea to the charge was a plea of "Not Guilty." And I just interject there to again say that he's not only entitled to do that but I commend him for doing so and that is very proper and indeed to be encouraged. The Justice of the Peace then informed him that under the circumstances the matter would be transferred to the Magistrate in what is known as the Provincial Magistrates Court in order to be disposed of, and also informed the honourable member that the plea that had been entered before the Justice of the Peace would have to be re-entered when he appeared in the Magistrates Court. In other words it would be necessary, having arrived at the Magistrates Court, to again enter a plea of "Not Guilty" in order that the court would be properly seized of the case.

At the same time, the Justice of the Peace - and he remembers this quite distinctly because I gather he is well acquainted with the honourable member - remembers telling the honourable member that in the first instance the case would not go on in the Magistrate's Court but would rather be an occasion for entering the plea of "Not Guilty," and a date for the trial would be set subsequent to the first appearance. On December 21 - and the date was given to the honourable member - and on December 21 the honourable member did appear in the Magistrates Court and entered his plea of "Not Guilty" as was anticipated, and the date of the trial was set for February 15.

Now just here I interject to say that there were a number of alternatives that were open at that time. If an accused person in these circumstances had retained counsel, counsel could have appeared in the Magistrates Court and indicated a plea of "Not Guilty" in order to avoid the necessity of the accused himself appearing; or, as more frequently happens, the counsel or solicitor telephones the Crown attorney in advance and informs him that there will be a plea of "Not Guilty" and will be good enough to get a date - "I won't be there myself but will you get a date arranged for the trial;" or the accused himself - and in this case the honourable member - could have telephoned the Crown attorney and arranged it. I don't suppose there are too many times when accused persons are aware of the fact that they can telephone the Crown attorney and arrange it without the necessity of personal appearance, but that might have been done. The date was set, as I say, adjourned until February 15.

Then as the honourable member had pointed out in his comments, on the day before the 15th, that is on February 14, the counsel for the honourable member advised the Crown attorney that he would be unable to appear on February 15 for reasons which were stated. It was agreed that a new date would be set and on the 15th, no person appeared - that is neither the honourable member nor counsel - and the Crown counsel arranged for a new date, March 17, as a matter of fact, which was the date which was agreed on between counsel for the member and counsel for the Crown.

Now I think that those are the facts relating to that and I must say that under those circumstances I can't really find any fault to be found with anyone, that the procedure that was followed is the regular procedure that is understood, I think pretty well by everyone, and I would be of the opinion that there was the minimum inconvenience to all concerned and I see nothing here that would indicate that this is something that is difficult or in any way prejudicial to the fair trial of the subject matter which is before the court at the present time.

MR. HILLHOUSE: I hope I will not be accused of delaying the work of this committee but there is a certain subject matter in respect of which I have taken a great deal of interest - still have a great deal of interest - and perhaps would have been prepared not to deal with it again this year had it not been for the fact that the Honourable the Attorney-General in introducing his Estimates appeared to adopt an inflexible attitude of not doing anything in respect of the matter which I raised last year.

Now I am referring to the role of a magistrate in the Province of Manitoba, his salary and his status. Now last year when I dealt with this matter I went into it rather fully, and at that time I stressed the following facts. First, the administration of justice, and particularly of criminal justice, is a matter of vital concern to every person in the country. While the actual work of administering justice falls into the hands of the police, the lawyers and the judges, the manner in which the work is done and whether or not any improvement may be made in it, is of utmost importance to everyone.

(MR. HILLHOUSE cont'd)

Secondly, the magistrate's role in the administration of justice is perhaps the dominant one in maintaining public acceptance of, and respect for, the law. As a consequence, he, more than any other member of the judiciary, must continuously strive to earn the respect of our citizens and their support for the preservation of our way of life.

Three, this is so because magistrates in a very real sense, so far as the general public are concerned, represent the judicial process. By far the largest number of citizens who run foul of the law make a first, and in many cases their only direct acquaintance with the law, through a magistrate. He tries over 90 percent of all criminal offences in Canada, and if we add to that amount the provincial offences and the municipal offences which he tries, he deals with 95 percent of the cases that come before our courts. It may be truthfully said that the public image of the process of law in action is determined by the individual and collective actions and decisions of magistrates.

Five, he is a very important person. When trying an accused, he is the sole judge of the law, decides the guilt or innocence of the accused, and decides the sentence to be imposed. The only punishment under the criminal code which a magistrate cannot impose is that of the death penalty. With a responsibility so great, there is distinct value in maintaining a continuous two-way communication with the general public. In a sense, the jurisdiction of a magistrate in trying an accused is greater than that of a Queen's Bench Judge who presides over a trial that is being conducted before a jury. A judge trying a case with a jury instructs the jury on the law and passes sentence if the jury finds the accused guilty, but the judge himself has no jurisdiction to determine the innocence or guilt of the accused except to tell the jury whether or no there is any evidence to go before them and withdraw the case if he finds there is no evidence. A magistrate trying an accused is the sole judge of the law and of the facts, and he decides the guilt or innocence of the accused and decides the sentence to be imposed.

Now we've heard a great deal about sentences in this Chamber since this committee has sat, and I don't think there is a member here who doesn't realize the importance of sentence in determining the respect which the public has for the magistrate in question. Now it's true in Canada that we have other criminal courts that try criminal charges, but a Magistrates Court does try approximately 95 percent of the criminal charges or quasi-criminal charges that are laid.

Now in 1950, 2.5 percent of all criminal charges were tried by juries; 6.6 percent were tried by way of a speedy trial, that is a judge without a jury; but 90.9 percent were tried before a magistrate. Now if we take the year 1954 we find that only 1.7 percent of the cases were tried by jury, 3.9 percent were tried by way of a speedy trial, and 94.4 percent were tried by magistrates. I haven't taken the trouble to check criminal statistics since that date but I am quite satisfied from the articles that I have read that the percentage of cases that are being disposed of before magistrates in Canada today is greater than it was in 1954. Now I think from the above figures that I have quoted, every member of this committee must realize the importance of the magistrate in our judicial system. That importance has from time to time been realized and recognized by the lawyers of Canada.

At the 1960 annual meeting of the Canadian Bar Association, W. B. Common, Q. C., Deputy-Attorney-General of the Province of Ontario, was Chairman of the Criminal Law Section, and at that time the following resolution was passed, which I will read to you, and this resolution is found in the 42nd Annual Meeting of the Canadian Bar Association held at Quebec on September 5 to 10, 1960. On Page 58 - this is the resolution which was unanimously passed by a group representing the lawyers of Canada and the judges of Canada - and the resolution reads as follows:

"(1) That wherever possible no person be appointed a magistrate who has not been in active legal practice for at least five years.

"(2) The salaries approximating those paid to district or county court judges be paid to full-time magistrates." Now in Manitoba we have no district court but we have a county court.

"(3) That magistrates be compulsorily retired at the age of 75 on a pension basis comparable to that applicable to county and district court judges.

"(4) That the power to dismiss a magistrate, excepting one appointed for a fixed period, be taken from the Lieutenant-Governor-in-Council and be vested in the Superior Court to the Court of Appeal.

"(5) Increase the number of magistrates so that the number of cases brought before each

(MR. HILLHOUSE cont'd)... of them may be reduced and so that they need not work under constant pressure as they must now do, having regard to the heavy dockets constantly presented before them.

"(6) That suitable and dignified places be provided for the holding of trials by magistrates and that they be supplied with stenographic help, that every magistrate have a clerk and a court reporter, who may be one and the same person, to do the clerical work associated with the office, collect and remit fines.

"(7) That Justices of the Peace be empowered to swear informations and complaints and issue summons or warrants and grant bail and adjournments in criminal cases, but that they be deprived of jurisdiction to try any criminal case." And in connection with that No. (7), I would like to say this, Mr. Chairman, that I don't think that a Justice of the Peace, who is not a lawyer, should be vested with jurisdiction to try any case other than to accept a plea of "Guilty". I don't think they have the qualifications to deal with these matters.

"(8) That the accused have the right to waive the preliminary hearing in case he elects to be tried by a judge without a jury.

"(9) That the word "police" be eliminated from the title of magistrate wherever it is still used." In Manitoba we have deleted the word "police" from the name of a magistrate.

"(10) That the office of magistrate be regarded as an office of dignity and the holders of that office, as a member of the judiciary, be treated accordingly."

Now that resolution was moved and it was carried unanimously. Now listening to the Honourable the Attorney-General the other evening, it appears to me that he does not accept that resolution which was passed by the Canadian Bar Association in 1960.

Now I'll go on to the meeting of the Canadian Bar Association in 1961 which was held in Winnipeg from August 28 to September 2, 1961, and on Page 189 of the minutes of that meeting we find that the present Mr. Justice Nitikman was the Chairman of the Criminal Law Section at that particular meeting. And at that particular meeting the following resolution was moved in the Criminal Law Section and unanimously passed, and the resolution reads as follows:

"WHEREAS the vast majority, about 95 percent of all persons accused of any crime against the laws of Canada, or of any province thereof, are tried in courts presided over by a magistrate appointed by provincial authority, it is resolved:

"(1) That in all provinces of Canada the office of Magistrate is an office of great importance and dignity and the holders to that office as members of our judiciary are entitled to adequate salaries and pension and to security of tenure of office, so as to insure that highly qualified and experienced persons may be available to accept such appointment and that appointments be limited to qualified and experienced persons.

"(2) That the constant pressure, under which some magistrates because of heavy dockets are obliged to work, be removed by a substantial increase in their number.

"(3) That suitable and dignified places where not now provided, preferably removed from Police Stations, be provided for Magistrates Courts with adequate stenographic and clerical help, and that magistrates be relieved of any responsibility for collection of fines in the cases where they are doing so now."

That Resolution, as I say, was also unanimously adopted by the Canadian Bar Association's meeting in Winnipeg in 1960. Now evidently from the remarks of the Honourable the Attorney-General he does not accept that resolution nor does he accept the other. As a matter of fact, when he spoke here the other night he made it quite clear that he was satisfied in the first instance with the salaries being paid magistrates. He stated so on Page 328 of Hansard, wherein he said, "This is a difficult problem but I want to say this - I suppose I might as well be frank, I'm going to be reported anyway - that I believe that the magistrates of Manitoba at the present time are being adequately paid in relation to the work which they are doing and in relation to the salaries which are paid to people who have similar responsibilities in the public service."

Now, Mr. Chairman, what people have similar responsibilities in the public service? I submit that the only people who have similar responsibilities in the public service are judges in our County Courts and judges in our Court of Queen's Bench. They are the only people who exercise similar duties to those exercised by magistrates, and what do we find if we compare the salaries paid magistrates in Manitoba with the salaries paid to County Court judges or Q.B. judges.

Now the salaries paid to magistrates in Manitoba range from \$5,076 a year, and I presume that is a part-time magistrate, to \$12,600. And what are the salaries paid in the

(MR. HILLHOUSE cont'd). . . . Court of Queen's Bench. Now I'm not suggesting for one moment that the salary of a magistrate be brought up to the line of that of a member of the Queen's Bench. The Chief Justice of the Court of Queen's Bench in Manitoba gets \$25,000; a puisne judge gets \$21,000; a County Court judge, including the Surrogate Court fees of \$2,500 that he gets, receives a total salary of \$18,500.

Now I would suggest to this committee, Mr. Chairman, that the only comparable public service to a magistrate is that of a County Court judge. Now if we eliminate the \$2,500 that he receives for acting in the capacity of a Surrogate Court judge, that would leave a salary of \$16,000.00. Now the highest salary paid a magistrate in Manitoba is \$12,600.00 Now there's quite a range between \$16,000 and \$12,600.

But the thing that disturbs me more than anything is the fact that we have not in this province yet realized the importance of drawing guide lines of principles which we can follow in building up what I refer to as a magistrates corps in this province. We have been doing things piecemeal; we have been temporizing; we have been resorting to expediency. Now what magistrates have we appointed in this province during the past three years? Now in mentioning this subject I want to make it perfectly clear that the three individuals to whom I am referring, I have the greatest personal respect for them; I have the greatest respect for their knowledge and their ability as lawyers; but I only mention that to show that we are not building a corps of magistrates because the three individuals to whom I refer - one has since died - were men who were retired from the Civil Service.

Now in my opinion we should be starting from the bottom - we should be starting to build a corps of magistrates recruited from some of the younger lawyers in this province who have had anywhere from five to ten years experience in law; because we do not teach magistrates in this province or in any other province the duties of their position. They know what their jurisdiction is from the Criminal Code; but as to how they're to handle their job that is something that they have to learn the hard way. They have got to learn it through getting their knuckles rapped in the Court of Appeal; they have got to learn it through the application of common sense to the cases that come before them. We cannot take lawyers out of a law school and put them in to act as a magistrate and expect that we are going to get the type of justice that the people of this province should expect and are entitled to.

So I therefore say, Mr. Chairman, that we have got to do something in this province to raise the status of our magistrates and the sooner we start the better. We have in the past been appointing Justices of the Peace and there is one place where I think that we are making a terrible error. I think that we have appointed Justices of the Peace in the past, who were also secretary-treasurers of municipalities or assistant secretary-treasurers. Now where a municipality has its own police force it collects its own fines and I think it's most inconsistent with the most elementary principles of justice to have any individual acting in a judicial capacity where his employer is going to benefit from the fines that he imposes in the carrying out of the duties of his office. I deplore the fact that we are, at least the trend seems to be, to replace our magistrates and justices of the peace with cash registers; and I think the sooner we get away from that and the sooner we get away from the principle of allowing justices of the peace to try cases where there's a plea of not guilty, the sooner we will get on the right road. And I know what that's going to mean. It is going to mean increasing the staff of magistrates in this province; but that's got to be done.

In order to encourage the best of the young lawyers that we have in this province, to enter that profession, we must first of all, give it a dignity, give it a status, give them a security of tenure of office, pass a Judges Act in Manitoba, which will be applicable to Magistrates the same as they have in other provinces. When we take that step Mr. Chairman, I submit we'll be on the right road; but so far we have done nothing to show that we are interested in even making that first step. So I therefore urge the Government of Manitoba to do something with this problem before it's too late, because in the words of an old Chinese proverb, it's later than you think.



MR. DESJARDINS: Mr. Chairman, first of all I might say that I'm very impressed with what the Honourable Member from Selkirk said. I think it is certainly true. It is something that he and other members, especially the Member from Selkirk, have spoken about this on two or three last sessions and I think that it is high time that the Attorney-General took notice of his suggestions. Also, and this is not quite on the question of magistrates but I think there is something that is also, you might say, equally as important is the question of Crown prosecutors. I think that the Crown prosecutors, I think it is obvious that we have a shortage of Crown prosecutors and also that we have lost a lot of good young Crown prosecutors and that we will lose some more. We were very fortunate in the past, and in the present, that we had the type of people that we have now acting as Crown prosecutors but these people cannot think of making a career out of this with the way that they are underpaid, and I think that if you want to compare these people with any other people doing the same work, I'm sure that you will agree that they are underpaid - maybe not to start, but the limit that they can reach - it's much too low; and I think that if something is not done soon that we will lose these people. We might not always be as fortunate in having the class of young lawyers that we have now.

Now I was wrong - and I'd like to apologize to the Attorney-General - I was wrong the other day when I said that he purposely misunderstood the point that I was trying to make when I talked about the case that I was involved with. I'm convinced that he misunderstood, yes, but not purposely. The second time around, a few days ago, he made a real effort to discuss, to grasp the problem that I was trying to present, and he convinced me today; he had research made and he went to a lot of trouble. I'm sure that he really tried to get to the bottom of this.

Now everything that the Attorney-General has said today is true, from the date of the would-be offense, from what he said that the Justice of the Peace said. This is all true. It is also true that the charge -- everything has been very proper. I agree with this and I've never -- and I want to make it clear now that I don't think that justice will not be done in my case. This is incidental. I'm ready, I'm convinced that I'm innocent. It's not a crime, it's not the end of the world. If I'm not innocent I'll take my pill. This is not the point at all. I said that everything is proper, but this is the point that I'm trying to make. Everything is proper under our present system. I purposely wanted to go through every single step, and when I say ordinary person I mean somebody that is not an MLA, just a truck driver or anybody else has to do, and this is what I have -- well they could be a truck driver and an MLA, that's right - but one that isn't. And it's the system. This is what we are here for. I wouldn't waste the time of the Committee to discuss what's worrying me. It's incidental, what's going to happen. I'm either going to be guilty or not guilty, but I wanted -- we were told not too long ago that we were ombudsmen. Since 1959 every year I have people that come to me and they say, "Well, all right; I had this charge. I couldn't afford the time." The other night the Attorney-General said, "Well, maybe you'll pay the same fine." This is not the only thing; it's the time lost, for one thing. Now these people say, "I can't afford the time; it's going to be too long, and so on; so I plead guilty." First of all, they are not told then that this might - of course the J. P. doesn't know - that this might go against their record. They pay the \$5.25 or \$10.00 or whatever it is, and a month or so after they get a letter. They are told that their licence is suspended, at time, not automatically, and this is what I'm trying to say. It's not the proper and it's not the ..... of the Member for St. Boniface. I was using myself as an example.

Now there is something that I must admit. I did not know until just shortly that it was permissible to phone and to say, "Well, I won't be there; give me another date." And the Attorney-General himself admitted that most of the people don't know that. Well, this is wrong. Let's give some publicity to this fact.

Now there's only one thing that I could do in the same courteous way that he did today and the other days in treating with this case, I can make some suggestions just to try to show the point that I'm trying to bring out. First of all, the summons. Who decides -- or the charge; who decides? I think that this should be reviewed. Is it the J. P., who often is not a lawyer, who is not trained but ..... somebody working for a certain municipality? Is he the one that decides if they're going to lay a charge or not? This is one thing that I think should be looked into. I think we could find a better way.

Now, after receiving the summons, especially if a person is going to plead "Not Guilty," why should he have to wait till a special time? Because something has been done for years we can't change it and we say this is the proper way under the present system, but I think this present system should be looked at. In other words let's not make it practically impossible for a man to say, "I'm not guilty because this is going to drag too long."

(MR. DESJARDINS cont'd).....

Now this is another thing: if at any time, or if he could inform the J. P. that he is not pleading guilty. So far this man has not been proven guilty. And then if -- .... this is being transferred to the Provincial Court, if the Provincial Court, after studying the case, states that he feels he is not guilty, the Crown Prosecutor feels that no charge should be laid, this is the end of it, but if he decides that they should proceed with the charge, he should be informed that they already know that he says he's not guilty, so he should be informed that on such a day to be there. Well there might even be some better way. But this way a man who might not plead guilty will have his day in court, like the Attorney-General said, and all right, he has to go through with it, that's fine; but at least this would be one day. He wouldn't have to worry going -- if he says "I'm not guilty" he can get in touch with him or stop any time so they could make a note that he's not guilty, that he pleads "Not Guilty," that it's his intention to plead "Not Guilty" and then he goes directly to the Provincial Court. I'm not a lawyer. Maybe this is impossible. But I think we should look into that and if it's impossible now, let's change it. Now this way this person would go and they would be ready for him and they could decide once and for all, and it would be one time; I think that this is important. This is the point that I was trying to make. This is why I went through this.

Now I want to make this clear. After listening to the Attorney-General today I'd like to make this something else here. We had a little bit of fun the other night with the Honourable Member from Roblin. I wish to say, now that I have been involved maybe a little more than I expected to on this, I'd like to say this; that I have never seen, talked with, or seen him since then, the Justice of the Peace. I had heard his name, that's all, and I never mentioned anything but my own personal name. The same thing with the magistrate, who I'd heard an awful lot reading the paper, and the Crown Prosecutor. I didn't know any of these gentlemen and I haven't seen any of those gentlemen since then. And I want to make it real clear that I've nothing against these people at all. It's the system that I'm talking about. It's the system.

Now I had the Honourable Member from Roblin guessing the other day when I said I could beat the rap. Right away he figured that somebody had to be bought. Well, I'll let him guess. I won't give him all the answers now, but I can tell him, no it's not necessarily so, because there's a lot of people now -- I've given just one of the ways and he can have some fun thinking about the others -- he can suspect what he wants. But there's a lot of people now because of all these things -- the law says that we have to bring in a report, so I'm told, if we're in an accident, and now they have to pay anyway, and this was the same thing in my case. It is very easy, and this is being done -- mind you, some people are sorry later on, but this is being done, that people will say, "Don't say a word. Tell me how much it costs and I'll fix it and we don't report it." Now this is one way that they wouldn't have to go through all this.

Well, I don't want to belabour this too long. As I say, I hope that this time -- because I'm not going to come back on this -- I hope that the Honourable the Attorney-General realizes what I am talking about. It is incidental what happens to me. I shouldn't be treated any better, or any worse for that matter, than anybody else, but I wanted to take all the steps, and I did, and I think that this is not fair and the main point that I'm trying to make, we're practically forcing the people to plead "Guilty" because they cannot -- not only the cost of the lawyer, not only the fine if he's judged guilty, but all the other trouble that he has to go through and all the time, work that he misses; and this is what I was trying to bring out.

Now Mr. Chairman, last year during the Attorney-General's Estimates, I suggested that the Attorney-General and the Law Society should perhaps get together and come up with some regulation that would control the minority of the members of the law profession whose standard of ethics did not attain the high level desired. The Attorney-General did not think too much of my idea. I said then that if I did not hear of any work being done in that respect, I would introduce a resolution dealing with the matter. Mr. Chairman, I have been working on such a resolution and I propose to introduce it during the course of this session. I gave this much thought, however, because I realized how serious it was. I realized that there was a real danger that such a resolution might be misunderstood. It is true that I felt that I had some points that could apply to many lawyers, but the more serious points were aimed only at a small minority. Mr. Chairman, after weighing everything, I decided against the introduction of the motion. Instead, I will at this time read my proposed resolution and make the necessary comments.

My purpose for doing this is threefold. (1) I wish to encourage a frank discussion in this House and I hope amongst the lawyers. (2) I'd like to give the Attorney-General, the Members

(MR. DESJARDINS cont'd). . . . . of this House, the Law Society, the Bar Association, and any other lawyers or individuals, an opportunity to come up with some answers and therefore enlighten the public. And I am sure that some of my fears and those of the public might be proven wrong. And the third purpose is to enable the law profession to clean up a few things and I hope revise their code of ethics so as to eliminate the undesirable in the profession.

Mr. Chairman, I wish to state that these are my views, not necessarily those of the members of my Party. I wish to emphasize that I am not making a blanket accusation against all the members of the law profession - far from it. I have too much respect for too many lawyers, and I have too many good friends amongst them whom I consider to be honest, sincere, responsible and conscientious.

You might have noticed, Mr. Chairman, that I find this extremely difficult to do, but I believe if we can single out one profession, a group of people as the defenders, the architects of democracy, it is these people. We expect much from them, and if the public cannot have complete confidence in their solicitors, who can they believe in? You could say that then all our democratic system will crumble. They cannot allow a few of their members to give the profession a bad name. I have discussed this with many people. I took this quite seriously, discussed this with many lawyers. I was warned that it wouldn't be popular at all. I expect this, that I would not be popular. But I was encouraged to go ahead and I was assured that these things just had to be said some time by someone. In this House we should do and say what we believe to be right, to be for the good of the people we represent. We should show no favour-ites. The lawyers are usually left alone, Mr. Chairman. No one interferes with them, and although some of them can be found on all the boards of management, councils, committees, commissions, what have you, they have their say in the control or management of nearly everything. Therefore I think that they should let an ordinary layman make some suggestions anyway.

Mr. Chairman, this is, as I want it understood again, I am not making a resolution but this is the resolution that I had prepared and I wish to read it.

WHEREAS the Tallin Commission has made certain recommendations concerning the duties and conduct of solicitors; AND WHEREAS certain actions of a small percentage of the solicitors of this province have not inspired public confidence, (and I'd like to emphasize here that, say, a small percentage of the solicitors); AND WHEREAS in most cases the public is not sufficiently informed regarding fees charged for legal services; AND WHEREAS in some instances these fees have been excessive; AND WHEREAS in recent years more cases of solicitors misusing monies held in trust for their clients have come to light; AND WHEREAS too often clients have been subjected to unreasonable and unwarranted delays by their solicitors; AND WHEREAS it is recognized that many lawyers in their individual capacity and through their associations, such as the Manitoba Bar Association and the Law Society, have made a great contribution to the community in general and the protection of citizens' rights and the administration of justice; AND WHEREAS the control exercised by these worthwhile bodies appears to have insufficient control of a minority of the profession whose standard of ethics and their capacity do not attain the high level desired; THEREFORE BE IT RESOLVED that a non-partisan committee of the members of this House be established, not more than one-third of total membership to be solicitors, to investigate all phases of law practices in our province. (No this is not a resolution.)

Well, I would like to inform the Attorney-General, Mr. Chairman, that I find this difficult enough to bring in, that I don't consider this to be a joke at all, and I would like to look at some of the points, some of the reasons why I think that these unpleasant things should be said. First of all, I think that we could look at the report of the Tallin Commission. "The Tallin Commission from the time of its appointment received very many" - I'm quoting now, Page 5 - "complaints from persons who believed they had suffered unjust treatment of the kind which the Commission had been authorized to investigate, and one of these complaints was the excessive fees charged for legal services." I'm quoting from the Tallin Commission. Then we have some of the things that were prepared by the solicitors of some of these companies that were swindling the public - this is in there. And then also the evidence found by the Tallin Commission, and on Page 10 I'd just like to read part of it: "The evidence in several cases was that the attendance at the solicitor's office lasted approximately half an hour, during which time all the documents and necessary supporting affidavits were signed and executed. In some instances the attendance was in late afternoon or evening, when the solicitor, according to the borrower's evidence, appeared to be in a hurry to get home. In some cases the borrower stated either that he had read or had not read -- had read . . . . . portions of the documents he signed. It appeared

(MR. DESJARDINS cont'd). . . . . to the Commission that in almost all cases, if not in every case investigated, the borrower signed the documents with only the vaguest understanding of their meaning and in the belief that the lender and his solicitor were acting in accordance with normally accepted business procedure in such transactions and in accordance with what he understood he had agreed to."

A little further down: "It should have been readily apparent to the lender and his solicitor that in many of the cases investigated the borrowers were persons of little experience, in some cases with a very imperfect knowledge of English," and so on. And then there is a special page that you can read yourself - you probably did, Mr. Chairman, on Page 11 - the report by the Solicitor.

Now again, this is not a large group, but these people are still in business and we could read here, I'll quote it if you want, on the Barr case, the Rochelle case, La Freniere; in most of these cases these people all say the same thing, that they were rushed into it or that the solicitor certainly lied because he tried to give them the wrong impression.

Now this is not all the solicitors - that is agreed; and I want to, as I say, emphasize this but nevertheless these people cannot differentiate - a lot of these people - between those that are supposed to be honest solicitors and those that aren't, and there's only one way, it's to get those people out of business, even if there's only one. And to add insult to injury, Mr. Chairman, in all these cases you see legal fees. The people that are being swindled are paying to get swindled. Most of the fees they are paying, the legal fees are \$100.00, and this man is in cahoots with some kind of a racketeer to go ahead and beat them.

Now this is serious, Mr. Chairman. This is serious and there is only one thing, this does not say that everyone in this profession is like this. We find some, as I said, many times; and for the information of the Attorney-General if he wasn't here I have something to say about the people in my profession. I said before that there's no such thing as a bad profession; it's the people in it; and when you are dealing with individual people that know so little, what are you going to do if you don't protect these people? They are paying - they are paying to be swindled. This is really adding insult to injury. Now this is true - I know I shouldn't say every one of them, maybe I'm more gullible or maybe I'm not as smart as the rest of them here, but I've gone to lawyers many times and I went ahead and I signed when they said "sign here and here" and they had a bunch of documents, because I had confidence in this man. This is the accepted practice, I think, by a lot of people, but you have got to have people, you've got to be able to say "I have confidence in these people."

Now most of us will choose their solicitor. They know him and therefore everything is well. But some people will have need of the help of a solicitor for the first time and something might happen. Now I don't know how this can be done but I certainly think there's no rule for these people and I think that one case like this is enough, that a lawyer -- I don't even know the name of these lawyers that acted in this -- there are not names in here, but I don't think that these people have any business at all being members of the law profession and I don't think that they should have a license to steal, because if those people are allowed to continue this is what they are doing. They're in cahoots and this is probably one of their means of revenue. Now this is not -- the main thing, and I don't have to apologize for bringing this, because Mr. Chairman, this is to the advantage of the members of the Law Society to get rid of those people, because they are giving them a bad name.

Now this is not a layman that -- this you can find all this - and I can give you the quotation and the page - in the Tallin Commission. This is one, the learned gentleman himself.

Now I'd like to read an article that appeared in the Tribune of October 11, 1965: "Wagner Offers Code to Lawyers." The Attorney-General, a lawyer himself, of the Province of Quebec, had this to say: "Quebec Justice Minister Claude Wagner Sunday called on lawyers in the province to spurn the sort of shady practices which he said had deprived the legal fraternity of much public respect." Let's not kid ourselves, Mr. Chairman, this is true. "He said the Quebec Bar has frequently served as a wall behind which a good deal of hypocrisy has sometimes been going on. Mr. Wagner said a knot of undesirables is to be found amongst lawyers in the Province." I know that this is Quebec but I think that probably this exists in all the provinces. "There is some reason for widespread loss of respect for lawyers and judges," he said, "and the legal fraternity by our collective conduct has provoked sarcasm and bitterness." The Minister told the Convention of Quebec rural lawyers that a resurgence of vitality in the Bar is in sight. He urged a stepped-up effort by lawyers in the fight against organized crime and for the cause of truth. He urged each lawyer not be: (1) The lawyer on annual

(MR. DESJARDINS cont'd) . . . . . hire to big mobsters he knows as such are available at all time to serve such people, a contributor to the working of fraudulent bankruptcies, crooked rings, smooth-working shysters; the lawyer who suggests to his clients that they twist the truth and lie and perjure themselves; the lawyer who, with a knowing smile, advises and prepares a phoney alibi for the killer or armed robber, and who hires on a part of his job, directly or indirectly, cheap bandits, prostitutes and \$50 to \$100.00 a shot perjurers; the lawyer who by shady manoeuvres gets people to hand over the list of jurors set for a session, . . . . . in order to directly or indirectly and through the intervention of hirelings or . . . . . influence the future jurors."

Well I'm not making any comments on this. I'm reading this because this is something that was brought to the attention of the members of the law profession in a province by a lawyer.

Then, the Crown Prosecutor at a trial of a 39-year old disbarred Winnipeg lawyer who pleaded guilty to a charge involving \$142,912.39, a Mr. Goodman who is well-respected and known as the Crown-Attorney had this to say. "Mr. Goodman, in dealing with the question of punishment declared that the special position of a lawyer in a community made it imperative that a severe sentence be imposed, even if, as in this case, the accused had a previous unblemished record. The previous good reputation of the accused in this case assisted him immeasurably in bringing a number of people to him as a solicitor and a person in whom they could place their trust." The people felt that this person, until this happened, was very honest. A lot of people had a lot of trust in him. Now this again is a lawyer that mentioned this.

Now at the time when the Attorney-General ordered an investigation in this particular case, the Chief of Police of Winnipeg also asked for this and this is what he said: "Chief Taft also requested an enquiry into the possibility that some members of the Law Society may have aided in the obstruction of justice by replenishing a depleted trust fund which has been handled by a Winnipeg lawyer." Again no comment. There's a lot of this I don't really understand as a lawyer, the working of these things, but I'm thinking as a member of the public that is a little worried.

Now the main thing is the monies held in trust. Now in the case of Gingera, which is a well-known case, this was even brought in as a defense because the counsel for Gingera said that Gingera was a victim of circumstance and wasn't acting in his capacity as a lawyer but as a financial agent, and this is something that we have heard many times, but I would say, Mr. Chairman, that the majority of the people, the general public, when they deal with a lawyer they think that they are working with them as a lawyer all the way through. They are going in his office and because he's getting the papers signed himself and so on, they feel that he is a lawyer. I'm not suggesting that the Law Society should be responsible for things that a man has done while not practising law, but I think that it might be a good idea to look into this and maybe we should license these financial agents, and it might be a very good idea for the Law Society to study, if they think maybe a practicing lawyer should not act in the capacity as a financial agent if he's not responsible.

Now people cannot differentiate, Mr. Chairman, in many cases. I know people that -- well, in the case of Gingera, they went to Gingera and they invested some money. He was the lawyer; he wrote everything; he prepared all the papers; they thought he was the lawyer, and they were left holding the bag. And in the question of the mortgage agent, well, many times the solicitor gets a percentage of each mortgage. I think that this is accepted practice; and oftentimes the same person gets a commission from the lender whose money he might have in trust, and a bonus from the borrower.

Now the people don't realize -- then I know that some people want a mortgage. They've organized everything on this mortgage. They've got all the mortgage, they look after it themselves; they just go to see a lawyer and they want him to just sign the proper papers, and oftentimes they are not told and they have to pay a percentage, a fee - a percentage of the mortgage, which was all arranged without the help of the lawyer, all he had to do was see to the legal procedure. Now I think that this is something that will not disappear if we sweep it under the rug. I think that this is something, this is what I was suggesting last year and this is something I would like to see is the Law Society look into this, and remember that I said this that one of the reasons why I bring this today -- maybe there are a lot of answers. I think one of the worst things is that the public is not informed. We are told that you can find out that the people don't know enough about this. I think that they should know. I think it is the general feeling of the public that they don't know these things.

For example, I have a friend of mine that sold a business. He had a certified cheque in

(MR. DESJARDINS cont'd).....his hand. Everything was finished but he had to -- he wasn't a lawyer, he had to have a paper signed. He went to the Land Titles Office. This was done; but they told him he had to have a certain paper signed. He said, "Where do you get those papers?" And he looked all over the place; in any stationery stores he couldn't find any. He had to go to a lawyer's office and the lawyer -- everything was set. All he had to do was show that everything was legal, that he could give a piece of paper to the purchaser, and this man wanted to charge him a percentage of at least \$200.00. These are the abuses that I'm talking about, Mr. Chairman, and all this..... Why should the lawyers have to be financial agents if they are not going to be responsible?

There is a shortage of lawyers because another thing that is often said is that oftentimes we have to wait so long; things seem to be so delayed; in fact it is a joke amongst the profession of this young solicitor that started this firm and saw all these files on the desk of the senior partner who was going on holiday. When he came back a week after - he was going on a trip - when he came back a week after, he said, "What happened to the things on my desk? And he said, "Oh that's all finished. I took care of everything." And he fired him because he said there's enough work there for a year. Well this is a joke. This is a story. But I think this would indicate that there is such a thing as this. In fact, you have the case of a magistrate now who's on the spot because he waited too long to do certain things and it's too late.

Now, this thing has bothered a lot of people. For the last few years I have been trying to discuss this. I remember at a cocktail party, the members of my own party, I was discussing with a lawyer the question of being bonded. Because this would be protection for the public - this wasn't too long after the Gingera case. Now this lawyer explained to me that it would be difficult, it would not be advisable, because then the Government would dictate, would see who would practice law in the Province of Manitoba, and that made sense so the thing was left in the air. What I suggested - well somebody should have an answer. "Why don't you people have an answer? You will have to do something soon." And he assured me that this was being looked after but there is no need for this question of bonding the lawyers.

Well Mr. Chairman I can't express the surprise I had a few months after, when reading the paper I realized that this same person that I was talking to, a vice-president of my own party, was in trouble for the same thing, the person that I had all the confidence of the world in. This is why I say that this is important Mr. Chairman. I can't explain any more, I can't, I've never done this in this House before, trying to show, because this is important for the public. I am certainly not intending to scare the people but I wish to heck I could scare the Law Society a bit into taking these things a little seriously, to get out of the ivory tower a bit, because I think that they have to make sure that maybe these extremes, maybe very few cases, should not happen again. I think that they owe it to themselves and they owe it to the public to see that these undesirable people in their own profession should not be allowed to stay and give sometimes the profession as a whole a bad name, and certainly would undermine the confidence of some members of the public anyway, in the law profession because of the action of just a few.

Now, as I said, I thought about this very seriously. I didn't want to bring in a resolution that seems to exaggerate - a resolution seemed to exaggerate these things. I had said last year that if there was no sign of an effort being done, I don't think that I've got the answer, definitely not, and I think that these people are certainly in a good position to be able to do this themselves. These things had to be said. I hope this time that the Attorney-General and the members of the profession will try to do something about it because it is quite conceivable that next time I would bring in a resolution. I think that something should be done, if nothing else, if nothing else - let's say that I'm wrong 100 percent - if nothing else but to inform the public. I think this is important. No doubt that there's certain things that I said, that as soon as I sit down some lawyer is going to stand up and say, "You were wrong." And I hope they do it because this will be information that the public will want, and I think that it is only healthy that we have a frank discussion on this as well as any other problems facing the people of Manitoba.

MR. GILDAS MOLGAT (Leader of the Opposition)(Ste. Rose): Mr. Chairman, I want to pursue some of the statements made by the Attorney-General in the comments so far in the Throne Speech Debate, particularly the one the other day regarding the matter of the Mafia in the Province of Manitoba, because a statement that he made at that time brings up a question in my mind which I would like to have clarified. The Minister at that time stated that he didn't really think there was a great deal of difference between his view and that of the police chief

(MR. MOLGAT cont'd). . . . of Winnipeg, and the newspaper reports certainly indicated that there was. The Minister indicated that maybe it was a question of terminology and he stated - and I'm quoting from Hansard - "that the Mafia is an organization that, among other things, sometimes engages in organized crime." Then he goes on to say: "But the Mafia per se does not necessarily denote crime." He went on to say that there was such a thing as organized crimes or crime syndicates, but that at the moment we have no indication of the operation of crime syndicates in the Province of Manitoba. This then led me to the question as to what exactly the Minister meant by saying that the Mafia per se is not necessarily only engaged in crimes. In other words, he was indicating, I gathered, that they engage in other activities; that crime is one of their activities but there are other activities as well. And I have been wondering what it is that the Minister is referring to. The obvious one, I would think, would be possibly the question of money. Was the Minister indicating by this comment that he felt that there were other manifestations of the Mafia here in the Province of Manitoba, for example, the investment of monies or the handling of certain of their activities through the Province of Manitoba, and if so, what steps are being taken in that particular regard, because surely if there are other manifestations of this organization, then the danger is that they will get either syndicated crime following behind these other manifestations or that there are some people in the Province of Manitoba involved in certain aspects of their operation which should be looked into. I would like a clarification from the Minister in that regard. Is that what he meant by the comment that they have other activities but that syndicated crime is not one of them in which they are presently operating in Manitoba?

MR. McLEAN: Mr. Chairman, just going back to the Honourable the Member for Selkirk, I have noted with interest what he has said concerning the status and the role of magistrates, and he made an excellent presentation and I don't disagree with him particularly. The only aspect of what he said with which I would disagree is that he said that I have an inflexible attitude. I think I would decline to accept that statement, and he also said that the Attorney-General does not agree with the resolution of the Canadian Bar Association or the resolutions, because he referred to two of them. That's not the situation at all. I have to deal with life and facts as I find it, and I have to try and deal with the situations that exist, while accepting in principle the high importance of the work of the magistrates, and I have no quarrel with that viewpoint at all. I agree with him with respect to the matter of the Justices of the Peace. This is a matter which has always troubled me very much and I'll be quite frank to say that the sooner I, or we, or somebody, can get out of perhaps some of the practices that are followed at the present time in this regard, the better I will like it. Again, one can't make a wholesale change just at one moment of time but what he has said regarding that matter is worthy of very careful consideration.

To the Honourable the Member for St. Boniface, just a small matter, I remind him that we now - and this is in deference to our late colleague, the Member for Inkster - we no longer use the expression "Crown Prosecutors." Crown Attorneys is considered the better usage, and I think, though, that we do not have a shortage of Crown Attorneys. We have lost some. I would anticipate that that would be the normal sort of thing that would occur in an Attorney-General's Department, just indeed as in law firms there are constant changes. It is one of the things that happen in the legal profession, and within certain limitations there will always be a large number of changes that will occur and I would expect that that would continue much and all as one would hope that it wouldn't. But I would like to say - and again I don't wish to be misunderstood. I'm not saying that the Crown Attorneys are paid all they're worth, but I do -- he referred to salaries and I would like to inform the members of the House the salaries of the Crown Attorneys because I believe that they are reasonably satisfactory and were substantially adjusted upward during the past year.

Our first position as Crown Attorney - and this is the beginning position - Crown Attorney I, the range is from \$6,000 to \$7,680 a year - that's \$500 a month to \$640 - a person just called to the bar can start with us at \$500 a month and he can go to \$640 by the means of the annual increments that he can earn. A Crown Attorney II is \$8,760 a year up to \$10,560, or the monthly rate is \$730.00 to \$880.00. And of course, most of the Crown Attorneys I get into the Crown Attorney II classification long before they have exhausted the various steps in the Crown Attorney I position.

The Crown Attorney III position starts at \$10,800 - that's \$900.00 per month - up to a maximum of \$12,600 or \$1,050 a month. I might just note there that that's \$100.00 a month more than the salary that I'm trying to get approved here for the Attorney-General. And then,

(MR. McLEAN cont'd). . . . of course, above that we have our senior men - that is; the Director of Prosecutions, the Director of Civil Litigation, and of course others - the directors of the Department. Now, as I say, one's opinion may vary. I am inclined to believe, and in fact my full enquiries indicate that this remuneration is comparable to the money which a man might expect to earn in private practice now, give or take one -- you have to remember that you take the risk in private practice of collecting your money. You may have the work to do but you may not collect. You have the responsibility of carrying your overhead or your share of the overhead, and of course you do not have the pension benefits and the sick leave benefits in private practice that one has, and I am not making any argument that these things are of too urgent importance but they're all items that I am sure have to be taken into account. Now even with those salaries, there will be those who would like to make their way in private practice, and this is, I think, the reason some of our men leave.

Who decides the charge? Basically and according to the correct rules, the charge to be laid is always decided by a Crown Attorney. Now I have to qualify that by saying that not in every instance does a Crown Attorney actually have an opportunity of doing that and working arrangements are made as you become acquainted with experienced police officers, and often-times police officers certainly lay charges and we try to have some judicious exercise, but in the final analysis the Crown Attorney always has the right to say what charge shall be laid or if a charge which he considers not a correct charge has been laid, to make the necessary alterations, so that in that sense it's the Crown Attorney who makes the decision. Perhaps we are anxious to extend that and to strengthen that. I'm not too certain that maybe there are not some instances where maybe the Crown Attorney ought to be consulted in advance and he is not consulted - these are matters on which we are working - but the correct and the proper procedure is that the Crown Attorney, having reviewed the reports and the evidence available, says what charge or charges ought to be laid.

He asked about why waiting until a special time and the fact that the proceedings may drag on too long. I see his point although I perhaps fail to understand it in the same sense as he does, because the advice that I'm given is that more often than not, we - that is the Crown - is ready to go on before the accused or defendant is, and that in fact, many times and in many instances - not referring to the particular one about which we've been speaking - but that in many instances the delays are delays at the request of the accused persons, and from the standpoint of the Crown - and you will readily understand this - that, of course, the Crown is always anxious to proceed with its case because they don't want a lot of time to elapse when their witnesses will disappear or forget or something of the kind, so there is a tendency for the Crown, being anxious, within reason to proceed and get the case over with, and sometimes I think there are, by converse reasoning, there's a desire on the part of the accused person to delay it as long as possible in the hope that perhaps some witness will not be available and in other words that he would improve his opportunities of an acquittal.

One of the things that - and this bears directly on this problem - is the night Court which we have which operates in conjunction with our Winnipeg Magistrates Court but which of course is not available in the case of the provincial Magistrates Court, but this is to assist in those instances where people don't want to have to leave their work during the day in order to attend at Court, and the night Court has, I think, worked out successfully and as members know -- now I'm not too sure whether it was before my last report to this Committee but it was either a very short time before or just about that same time we increased the night Courts from one to two nights a week, and that is to take care of that situation. Now when and if we have our Metropolitan Magistrates Court, of course the night Court system will be applicable to all cases. It just deals with this problem because it's a real one and no one -- I'm not trying to suggest that it isn't a difficulty where people do have to leave their employment or work or their business in order to attend to a matter which is probably going to take an hour, an hour and a half, two hours, or lose a whole day and the night Court is designed for that purpose.

He frightened me - I don't know whether he will scare the Law Society by his proposed resolution - but he frightened the life out of me until I realized he wasn't really going to move the resolution about the Law Society. I really can't ask or say, make any useful comment. There is the problem about legislating honesty, but how do you ensure that a group of people engaged in a particular activity observe high ethics and honesty and so on. I think, however, if I may suggest this, and this is not in any way to take away from the seriousness of the matter that the member raised, that it would be wrong to think that the Law Society isn't constantly engaged in the scrutiny of these matters. We know about the cases where charges are laid and where there's a public hearing.



(MR. McLEAN cont'd).....

You would be, I think, interested to know that there are many, many times when the Discipline Committee of the Law Society investigates quite thoroughly, matters which appear to be not correct, in many instances find that the allegations are unfounded. But the Discipline Committee is certainly a very active committee of the Benchers of the Law Society and I would just like to say that I believe that they do a good job. Now this isn't to say that they cure all the problems, but I'm certain that they do their very best to ensure that any problems of that nature are dealt with.

About the Mafia. I am sorry now that perhaps I left a wrong impression. All I intended to say about the Mafia is that my understanding of the term "Mafia" is that that relates -- is it not, Mr. Chairman, a term that applies to a brotherhood of Sicilian people who engage in -- it is a brotherhood, as we understand that expression, and they have, I was going to say group insurance. I don't know whether they call it that or not, but what I wanted to say, that the Mafia, the term "Mafia" is a term which applies to a brotherhood of a group of people who have a common national origin and who engage in many quite proper and legitimate activities on behalf of their members, and I understand also engage on some occasions in the commission of organized crime. But none of this, as far as I am aware, is carried on in the Province of Manitoba. I'm not aware of the Mafia in any of its aspects being in the Province of Manitoba and I didn't intend to imply that. The only thing that we need, in my opinion, to concern ourselves about, is the question of -- the more proper term, as far as we are concerned, is the question of organized, or perhaps the more accurate term is "syndicated crime," the operation of syndicated crime in the Province of Manitoba or anywhere else, because even the word "organized" isn't a proper or very good term, because the Honourable the Leader of the Opposition and myself might make a plan to rob a bank, which would be organized crime. The problem about which we must be concerned is that what we call crime syndicates, in other words a group which, on a wide scale and perhaps in many fields of activity and over a wide area, engages in criminal activities. But I give that explanation and I didn't mean to imply anything with regard to the Mafia in the Province of Manitoba but I wanted to indicate that I thought that in the public mind the word or term "Mafia" may be misunderstood in this particular field and that we're really on more accurate ground to be talking about syndicated crime, if that's the problem that we're dealing with.

MR. MOLGAT: Mr. Chairman, I don't know if the Minister mentioned -- was it group insurance he said they are involved in? I can assure him I have no intention of applying for any of the type that they sell in any case, but I don't understand then how the Minister relates his statements to those made by the previous Chief of Police of Winnipeg, because it seemed to me from the statements made at that time (I'll have to go back and check them more carefully) that the City of Winnipeg Police Chief was indicating that there was definitely some manifestation here of Mafia activities. The Minister says that there isn't. Now, I don't see how then he can say that the two, that he and the Chief of Police agree. However, we can go back into that at a later date probably, or maybe the Minister will have something more to add.

I want to go on now to a matter that was raised by my colleague the Member for Lakeside, and that's with regard to the terms of reference of the Totogan Farms Enquiry. I think my colleague made the point, which is the only valid one in the whole thing, that unless there are indications that the individual involved, Mr. Christianson, used knowledge that he obtained as a Cabinet Minister, unless this is the case, then we can't see the purpose of the enquiry, because surely that is the basis of the whole affair. What a man does as a private citizen, as long as it is not illegal - and the making of money is not yet considered illegal in the Province of Manitoba - so the fact that he simply has purchased some land and then it is resold, provided that the price at which it is expropriated is reasonable and fair, provided that we have the assurance of that, then his activities as a private citizen are of no concern of this House. Therefore, the only logical basis is whether or not there was information used as a result of his having been a member of the Cabinet. Now this we don't know. We didn't call for the enquiry; the government did. It was their decision to do so. But surely this is the only basis under which enquiry should be called, unless it turned out at a later date that the price was wrong, the price had been over-inflated. That would be another question. But if any honourable member in this House has land expropriated from him, unless there are indications that he is improperly involved in this as a result of knowledge as a member, then surely it is no fault of his. So I wonder if the Minister would be prepared to extend the terms of reference of the Order-in-Council to include that essential point about whether or not there was information used as a result of the Honourable Member being a member of the Cabinet of this province.

MR. McLEAN: Mr. Chairman, I think no useful purpose would be served by my engaging in any further discussion on this matter. It was considered in the public interest to appoint the Commissioner. I'm satisfied that the terms of reference are wide enough to provide for complete enquiry and no words of mine would be of any assistance in that regard. It's regarded as being in the public interest and I'm satisfied that the matter is properly launched for that purpose.

MR. M. N. HRYHORCZUK, Q. C. (Ethelbert Plains): Mr. Chairman, I have a suggestion to make to the Honourable Minister which may help to solve the problem of the accused having to appear before a Justice of the Peace to find out that a plea of "Not Guilty" means that the accused has to go to another court. I think there is one way of evading this unnecessary loss of time and money by having the police officer find out whether the accused intends to contest the case, and I think in most instances they know whether he does or not. And if the accused states his intention to contest the case, there is no use of sending him to the Justice of the Peace in the first place, because that's where all the trouble arises. The accused doesn't know anything about this until he comes before the Justice of the Peace and then is told, "You're in the wrong pew; you've got to go some place else for this thing." I would suggest that in any case where there is any intention of contesting the case, that the accused be either summoned or told to appear on such and such a date before a Magistrate and that when he does that the prosecution be prepared to go ahead with his case, and if you do that you'll get away from most of the trouble that you're running into today and most of the complaints that have been raised by the Honourable Member for St. Boniface.

Now there's one other thing that I'll just touch on briefly, Mr. Chairman, and that is the Minister's insistence that there is no crime syndicate operating in the City of Winnipeg. I would only like to point out that he's not in the best position to know whether there is or there is not. If my information is correct, the RCMP do not cover the City of Winnipeg except in a very limited way. The City of Winnipeg Police Force are the ones who look after the criminal element in the City of Winnipeg, and I would like to say that the City of Winnipeg have one of the best police forces on the continent and they are in the position to know whether there is or there is not. Now generally, syndicates, their jumping-off point is gambling - is gambling; and I recall that in my time we did break up a ring of that kind, so if we broke it up then there is every possibility that there are tentacles into the City of Winnipeg, and I would suggest to the Honourable Minister that he desist from arguing with one that should know, whereas he himself is not in a position to know whether there is or there is not that type of crime in the City of Winnipeg. He doesn't make it any easier for the Winnipeg Police Force, in fact he makes it a lot harder; and I cannot state too strongly, Mr. Chairman, in cases of this nature, he should be giving every co-operation he can possibly give to the City of Winnipeg instead of making their job a lot harder than what it is and it's bad enough.

MR. CHAIRMAN: Resolution No. 21 passed.

MR. McLEAN: Just to take up the moment or two that is left, I think the Honourable Member for Ethelbert Plains has made a useful suggestion about having the accused indicate to the police and have the matter, when it appears before the magistrate, be ready to proceed. I alert him, of course, to the problem that would be posed by some who don't really believe that the policemen ought to be discussing with an accused person what his plea is going to be. In fact, that's one of the complaints that is sometimes made. However, I'm sorry that again - and I know I mustn't suggest that I was misquoted or misunderstood - but I didn't say that there was no crime syndicate operating in Winnipeg. I said, "on the basis of the information that we have at the present time, we know of no syndicated crime operating in the Province of Manitoba." But I went on also to say that we must be very vigilant in this matter, that I have tried to be vigilant, that we had taken all precautions, obtained all the information that we could, and I'm sure that we're more than prepared to co-operate with the Winnipeg City Police or any other City Police matter.

My present information is that the affair to which the Honourable Member for Ethelbert Plains referred, was the last occasion when there was known to be in actual operation what might be called syndicated or organized crime in the City of Winnipeg. That's not to say that it might not occur again next week or next month or any other time and our job is to insure that it doesn't. So far as I am aware, it is not at the present time.

MR. HRYHORCZUK: That is my point, Mr. Chairman, that he still keeps on insisting that he's not aware. Well he's not in the position to be aware, Mr. Chairman. And I don't think that he should continue in that particular vein because I honestly believe he's making a mistake.

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MR. DESJARDINS: Mr. Chairman, how can he say that he's not aware when the Police Chief of Winnipeg says there is?

MR. CHAIRMAN: I call it 5:30 and leave the Chair until 8 o'clock.