

THE LEGISLATIVE ASSEMBLY OF MANITOBA
2:30 o'clock, Friday, May 21, 1971

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed, I should like to direct the attention of the honourable members to the gallery where we have a class from Beausejour under the direction of Mr. Kraynyk. Would they rise please? Thank you.

We also have 50 students of Grade 11 standing of Treherne High School under the direction of Mrs. Shaw. This school is located in the constituency of the Honourable Member for Rock Lake.

I should have mentioned the first school is located in the constituency of the Honourable the First Minister I believe.

MR. SCHREYER: I no longer have that pleasure. It's the Minister of Agriculture.

MR. SPEAKER: The Minister of Agriculture. We also have a further 35 students of Grades 9 to 12 standing of the Beausejour Collegiate. This school is under the direction of Messrs. Kraynyk and Phillips which I've already mentioned once. This school is located in the constituency of the Honourable Minister of Agriculture.

On behalf of all honourable members, I welcome you here today.

MOTIONS FOR PAPERS

Adjourned debate on the proposed motion of the Honourable Member for Portage la Prairie. The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'm very please to continue the debate on this issue, debate which I think is rather unfortunate it exists but is a very real debate in this House. It seems to have been getting rather light play in some circles but it's a matter which is deadly serious to a great many people in Manitoba. We've had since our last round of discussions on this topic all that has come available of the Attorney-General's communication with Mr. Meighen in Brandon, and, Mr. Speaker, this has to be one of the great low points in the relationship of any Attorney-General with any member of the community at large, let alone somebody from his own profession. How anyone in a responsible office, of Attorney-General in particular, can act like a school boy and talk off the top of his head without any fact whatsoever defies and staggers the imagination of anyone, let alone someone who is involved or has any knowledge of the legal profession.

Mr. Speaker, I want to read to you one paragraph out of a letter that went from the Attorney-General to Mr. Meighen, where he says - and there are many that may be more indicting than this one. He says, "Obviously, here is a man who held great political power in his region and whose imputation of motivation and so-called interference may well reflect his first-hand knowledge of such motivation exercised by him in the past." Now, Mr. Speaker, if the Attorney-General is right, he should be able to prove that he's right; but the Attorney-General, unless he can prove he's right, he does not have any business talking from the office of a Cabinet Minister of the government saying this to the citizens of Manitoba. Mr. Speaker, this is exactly the problem that is coming out of the present government, is that they're looking more like a gang than they are a government, because between the Attorney-General and the Minister of Highways we're getting this sort of off-the-cuff comments completely unjustified in fact, full of vindictive, full of vitriol, full of bias and full of suspicion that somebody else may be acting through the motivations that they actually feel themselves.

MR. SPEAKER: Order, please. I should like to remind honourable gentlemen that we are debating an Order for Return. The question is whether it's to be recieved or not to be received. I realize I must allow a lot of latitude as to what will be involved in that debate. I should like to point out to the Honourable Member for Riel that the letter has already been read in its entirety once before in this House. One of our rules is that there should be no repetition of debate. I would suggest that the honourable member contain his debate within the motion and stick to the pertinent point. The Honourable House Leader.

MR. GREEN: Mr. Speaker, may I respectfully remind you that we are now debating an amendment to delete Clause (5) from the Order, and I submit that whereby there may be some latitude on the subject matter of the original Order, certainly as to whether (5) should or should not be deleted does not permit the kind of debate that the honourable member is now indulging in.

MR. SPEAKER: The point is well taken. The Honourable Member for Riel.

MR. CRAIK: Thank you, Mr. Speaker, for your advice on this. The information that I was giving is reasonable background information and is the reason why we feel that the Order for Return should be accepted. We realize that Item (5) would name the people involved. We do not think that this is out of place to ask a deletion of this because of the involvement of private people in this, but certainly the remainder of the Order is one which under the circumstances is a legitimate request for information. Mr. Speaker, the House Leader is always exceptionally good at pointing out technicalities when they're in his favour, and I suggest that he maybe listen to some of his own advice when he's speaking in the House himself, particularly his own speech on this Order for Return last week.

MR. SPEAKER: A point of order by the Honourable Minister of Mines and Natural Resources?

MR. GREEN: Mr. Speaker, the honourable member also spoke on this Order last week, and when the honourable member spoke on the Order it was within the latitude of the . . .

MR. SPEAKER: Order please. The honourable member is stating an argument, not a point of order. The Honourable Minister of Mines and Natural Resources.

MR. GREEN: I state the point of order again, Mr. Speaker, that the honourable member referred to background information as to why the Order should be acceptable and I submit, with respect, that we are debating whether or not No. (5) should be deleted.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, last week we heard about the Lord's Day Film Society in the making of an argument.

MR. GREEN: Mr. Speaker, I rise on a point of order. Mr. Speaker, the honourable member is quite correct. I rise on a point of order in indicating that that speech was made in order . . .

MR. SPEAKER: Order, please. It's still an argument; it's a debate. I can quite judge whether the Honourable Member for Riel is going to stick to the point of order or not. The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I ask again that the Attorney-General look at the filing of this Order for Return without Clause (5), the deletion which takes off the names of the individuals involved. -- (Interjection) -- We're asking for (5) to be deleted, that's what the sub-amendment is.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, the honourable member again insists on speaking on the Order without Clause (5), as if Clause (5) has been deleted, and I submit that he should confine his remarks to whether or not Clause (5) should be deleted. He has already spoken on the Order itself.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'd just as soon listen to your rulings as I would to the House Leader's on the matter such as this. Anybody that's as capable of breaking them as he is shouldn't be offering that kind of advice now.

MR. SPEAKER: I hope honourable gentlemen will all adhere to the rules. I think I did indicate that the honourable gentleman should conduct his debate within the terms of reference, and it's true that before us is the motion with an amendment attached thereto. Now he should confine his remarks at the moment to the amendment, with whatever necessary arguments are necessary to extend that argument. The Honourable Member for Riel.

MR. CRAIK: Well, Mr. Speaker, I shall do that, but with the knowledge in mind that a motion amended is a new motion and that's the question at hand. However, I'll contain myself to the deletion of No. (5) and why names should or should not be included. We're willing to ask the deletion of the names, which is the amendment to delete the names, but I must point out that the Attorney-General has no hesitation in naming a name without facts to back him up when he attacks Mr. Meighen. And I ask you, what is the difference between naming the names in an Order for Return and naming an individual in a charge which is completely unfounded. Now if that isn't within the context of the argument, perhaps you'll advise me now.

This is the point at hand. The Attorney-General, in our efforts to get this information from him, we've had to back up and ask for the deletion of names, in spite of the fact that he's quite prepared to name citizens at large in Manitoba and make accusations that they are biased, they have a political bias, and many other derogatory terms that he's added in his letter which he has been unable to found and establish in fact, which can lead us to no other conclusion but

(MR. CRAIK, cont'd.) the fact that all of this that has been going on here for the last two or three weeks with regard to the Attorney-General's activities are well-founded.

What is bothering people about the Attorney-General's activities and the other activities would be charges that are coming from him, from the Minister of Highways, that people's names are being involved, being named by Cabinet Ministers. And this is one of the major concerns where the judicial system is being challenged. I don't think the public at large mind seeing this happen, I think they like to see checks and balances in the system. They like to see public criticism once in a while. They like to see people questioned. But when it comes repetitiously from two Cabinet Ministers they get concerned, because we do have people in this province who come here from Europe, eastern Europe in particular, who have great concerns about the power of government, about attacks on the judiciary system, about this being the first step towards totalitarianism. Those that live here in Manitoba don't always understand this because we're not exposed to it, but there are people here that have a very real heartfelt concern when they see our system of law and order attacked from within by the Cabinet.

Now we know that the Minister of Highways appears to have a high degree of intellectual honesty and he's a diamond in the rough and people accept it, but when it starts coming from the Attorney-General there's cause for concern. And this is what is happening. We're now getting it from the Attorney-General, and when the First Minister stands to his defence and makes the weak case that he did in his defence, except to say that he didn't think that there was anything very wrong, and the Minister of Mines and Resources raised a couple of hypothetical cases, one which is capital murder and the other which is the Lord's Day Film Society, you begin to wonder if there is any defence for the Attorney-General or enough evidence, Mr. Speaker, to suggest that this Order for Return is not only justified with the deletion of Item No. (5) but a complete review should be made of the Attorney-General's Department and, in particular, whether he's capable of running it.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, just two points I wish to make and I won't take too much time of the members of the House.

The first point I make, Mr. Speaker, in the original debate when I made the charge against the Attorney-General he was very indignant that I wouldn't identify the author of a letter I had. Well, Mr. Speaker, the Attorney-General has amply proved what would happen to someone if he could get ahold of him really. There would be no question that there would be vengeance taken. I refer to the letter that the Attorney-General wrote to Mr. Meighen where he made an assumption. In his letter he said, "I must assume that it was Mr. Meighen's letter which Mr. Gordon Johnston read to the Legislature." Mr. Speaker, we have the strange case in this province now where the chief law officer decides, without a shred of evidence, he makes an assumption and then he decides to punish. In this case he decided to punish by an open letter, using slanderous terms and derogatory phrases to attack someone.

I tell you, Mr. Speaker, through you to the Attorney-General, that in order to be sure that Mr. Meighen will no longer be persecuted in this way, that it was not him that wrote the letter to me, and I never ever will let him know who wrote that letter to me because he has amply shown the people of Manitoba how he will treat someone who he suspects has crossed him. And this is the chief law officer of the province who is to uphold the law, not acting on evidence or facts but acting on an assumption that he made within the dark corners of his own mind.

So, Mr. Speaker, I know the government will call on their majority to vote this motion down for giving information about the activities of a Cabinet Minister which in the eyes of the public are highly suspect and rightfully so.

MR. SPEAKER put the question on the amendment and after a voice vote declared the motion carried.

MR. SPEAKER: Are you ready for the question as amended? The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Speaker, I have listened with interest to the criticisms that have been levelled against me personally and the suggestion that I have somehow been exercising my office in an unfair and arbitrary fashion, singling out . . .

MR. SPEAKER: Order, please. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Is it not correct that the member who is now speaking has spoken on the motion?

MR. SPEAKER: The honourable member, if my recollection is correct, spoke on the main motion. The motion now is amended and therefore it is a new motion. The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Speaker, I would first of all like to deal with the comments that have been made by the Honourable Member from Morris who spoke very strongly, and in his own mind I'm sure very eloquently and with great gusto, charging this person with great and terrifying and terribly irresponsible acts. You know, Mr. Speaker, the Honourable Member from Morris has called me a pipsqueak. Well, I take that sort of criticism on the basis of a little bit of frivolity on the part of the Member from Morris, who after all I think could be very aptly called the "Mighty Mouse from Morris". He styles himself as somewhat of a pale image of a much more effective debater in the House of Commons, but be that as it may, let's look at the irresponsible but heated noise that has emanated from the source of the honourable member and go into the matter. He has charged that I have been irresponsible, that I have been persecuting Conservatives in the province, and been very fair or over-generous to New Democrats. Basically, Mr. Speaker, that's the innuendo, that's the charge and that's the smear that has been emanated from the Opposition benches by those who have spoken.

Well first of all, Mr. Speaker, I would like to elaborate on the cases that the honourable members have raised, it wasn't simply the Honourable Member from Morris. I won't confine him with the complete charge for all the irresponsible statements that have been made. But he did refer you, Mr. Speaker, to a case in Swan River involving someone who apparently is a member of the Progressive Conservative Party, I don't know. I have no personal - I have no personal knowledge, I have no personal knowledge of that, Mr. Speaker, and I have never made it my business to determine the political affiliation or otherwise of any person who is charged with an offence in Manitoba. Now that may sound - that may not be accepted by the Honourable Member from Morris but that is truth, and I say that without fear or equivocation; I say that with clear conscience and as a responsible Attorney-General.

The fact of the matter is Mr. Speaker, -- (Interjection) -- Well, we'll come to my treatment of Frank Meighen in just a moment. The fact of the matter is Mr. Speaker that in the town of Swan River -- and I wish the honourable member for Swan River were here -- they had some concern with people going in excess of the speed limit within the town, and so the majority of the town, the town council, requested the RCMP to establish, or to obtain radar equipment, install it in the town and try and reduce those who are breaking the law within the town. Such was the case, the town council approved and obtained from the RCMP the use of radar equipment which had been utilized effectively in the Town of The Pas; the same equipment, same personnel, so far as I am aware. This equipment was set up in the Town of Swan River and the chairman of the police commission for the Town of Swan River was the person who among a very large number of people, was apprehended and suggested by the RCM Police that he had violated the speed limit. And the radar equipment has been used throughout the length and breadth of Canada with great effect in this and with great accuracy in respect to speed violations. But in this instance, the chairman of the police commission for the Town of The Pas, was the only exception to all those who had pleaded guilty.

When his case came onto trial, evidence was led in connection with the proof of the charges; two very experienced policemen gave evidence; the accused himself gave evidence, indicating some story that he had not been speeding. The magistrate accepted that there might be some doubt about the radar and acquitted. One of the unusual features of the case, Mr. Speaker, was that the Crown Attorney did not cross-examine, did not ask the accused a single question. This is a substantial departure from what normally is the course of conduct of Crown Counsel in attempting to establish the Crown's case in any given instance.

The fact of the matter is that upon a perusal of the police report there was a real concern in the Town of Swan River that a system that was advocated, a system to arrest violations of the law, within that town, was placed in jeopardy by one man who was the chairman of the police commission, who had suggested that the equipment was wrong and placed into question not only the fairness of the equipment, but the accuracy and the responsibility of the police in the area. So on the basis of that and that alone, I urged, and when the file was brought before me and I read it and I consulted with my staff, I suggested that I think that there ought to be an appeal on that case.

Well what happened on the appeal? A new Crown Attorney, one who had been - and we have new Crown Attorneys, we don't - unfortunately, Mr. Speaker, Crown Attorneys don't stay

(MR. MACKLING, cont'd.) with the province for 20 or 25 years, they get training often, and other pastures look more greener, they go into private practice, and we have always had, in the Attorney-General's department, a relatively high turnover of staff. And there's nothing alarming about that, you can't request people to stay in one particular sphere of law for an indefinite period of time. The fact of the matter is that when this case was taken to appeal before a county court judge as a trial de nova, that's a new trial, and the evidence was heard all over again, I'm sure that the evidence was satisfactory, the record of the hearing indicates that, but there was a failure on the part of the Crown to produce for the satisfaction of the court, a regulation confirming that the equipment was properly authorized by the Crown to be used. Now this type of equipment has been authorized and regulated and in being all over the province but the Crown Attorney, a relatively young man new and inexperienced, wasn't able to produce the regulation so on the basis of that, an acquittal again was registered.

Well that's the story of that case, Mr. Speaker, and I have no shame no concern, no misgivings about it.

MR. SPEAKER: Order, please. I have allowed a certain amount of latitude on this debate as well, because that case was mentioned before but I should like to inform the House that we are debating whether we will accept or not accept the amended motion at the present time. Would the honourable Attorney-General conduct himself accordingly. The Attorney-General.

MR. MACKLING: Well, Mr. Chairman, I will endeavour to stay within a fairly tight confines of your concern, not to be repetitive of argument that has preceded earlier, however there have been certain requests that I amplify and I would like to do that so far as I can.

I would like also, Mr. Speaker, to clarify one thing that the Honourable Member from Morris had raised the question that apparently someone in that same area, in the Swan River area, had been charged with an offence but apparently because he was a New Democrat, I believe that was the suggestion, there was a stay entered, and I recalled to the best of my ability, immediately following his contribution on this matter, a case that involved a road grader, or what we can call a road patrol, that was involved in an accident and I believe that that was the case that the honourable member was talking about. When I did get the file I didn't look at it that carefully, but I find that obviously that wasn't the case that the honourable member was talking about, or at least the case that I was able to find in connection with the name that he gave me involved a gentleman who was driving a car on a highway and had come up a hill and came onto a survey crew and had to brake rapidly and lost control of his vehicle -- and I believe in that case he was charged with careless driving. The fact was that apparently there were no flagmen present and these people were just over the crest of a hill, and on the strength of an analysis of the facts in that case, there was a stay entered. I don't know, Mr. Speaker, what the political affiliation of that gentleman is, and I couldn't care less.

Now, Mr. Speaker, the insinuations are that the Attorney-General, and this government, are concerned first when they consider the administration of justice, what are the political thoughts or views or affiliations of a person that comes before the court, or that may not come before the court? The fact of the matter is, Mr. Speaker, that I would like the Honourable Member from Morris and the Honourable Member for Riel, who has now left the Chamber, to reflect with me for but a moment, on the composition of some of the boards and some of the people that they so often criticise us for.

The fact of the matter is that within the Province of Manitoba the President of the Progressive Conservative Party has carried on the same sort of insinuation that the honourable members opposite have; they have accused this government of being a pork barrel government and masters of patronage and so on, but the fact of the matter - what are the facts, Mr. Speaker? Just the other day, just the other day I signed an Order-in-Council in which Robert Smethurst, Q.C., was named as one of the uniformity commissioners to continue, to continue in a program which he had been involved with the previous administration in a concern for the study of various laws to make sure that where possible our laws, reasonably conform to the best standards elsewhere. The fact of the matter is that that honourable gentleman, and he is an honourable gentleman, and he's learned in the law, was appointed on my recommendation to the Law Reform Commission. A Law Reform Commission that pays an honorarium to the members, and he's an avowed member of the Progressive Conservative Party, and a fairly effective one. Not only that, he is a partner with the President of the Progressive Conservative Party of Manitoba,

That's rather astonishing isn't it? That this government would recognize people for the merit of those people; would not discriminate against them simply because they were prominent

(MR. MACKLING, cont'd.) within a political party that was opposed to our party. Now that's a departure that the honourable gentlemen across just can't understand and appreciate, but we have done that because I for one, respect any honourable member, whether it's in this Chamber or outside, who stands for something and just doesn't represent himself to be a political unit but continues to carp about the system under which we live. The fact of the matter is I respect people, and this government will utilize the talents of lawyers, other people in society, without always weighing and considering whether or not they are going to be an embarrassment to this government by virtue of the fact that they have opposed this political party or do have an affiliation in the past with a political party that is opposed to this government.

The fact of the matter is, and I'd like the Honourable Member from Morris to harken to this, that this government has placed in office, in important office, people who have stood for office against the CCF members and New Democratic Party members, and they have given them those responsible positions without a concern as to how they are going to embarrass this government. The fact of the matter is . . .

MR. SPEAKER: Order, please. I do think the Honourable the Attorney-General is straying far from the topic that we have before us. The Honourable the Attorney-General.

MR. MACKLING: I would like to conclude if I could, Mr. Speaker, by pointing out that recently our government placed in office, as a judge a very able woman, a very able woman who stood for office as a Progressive Conservative Party candidate, not once but many times, in opposition to one of my colleagues who sits here in this House. And that didn't dissuade us from recognizing her ability and appointing here to this post. Now is that the act -- and that was on my recommendation. Now I ask you, Mr. Speaker, and honourable members of this House, is that the act and the recommendation of someone who is blinded by political motivation in the administration of justice? And that, Mr. Speaker, is the kind of irresponsible charges that have been made in this House with a false sense of sincerity.

The fact of the matter is, Mr. Speaker, that not once but many times, and I can go on but I know, Mr. Speaker, you want me to confine my remarks in a more precise form to the concerns of the Order for Return. The fact of the matter, Mr. Speaker, is that political motivation and political considerations do not enter into the office of the Attorney-General, and never shall.

The fact of the matter is, Mr. Speaker, that I have been accused from outside of this House of false charges. If I react with anger; if my words are overly strong in the letter to my honourable friend Mr. Meighen, and he is an honourable gentleman, I take nothing away from him, his role in society. The fact of the matter is - you just listen - the fact of the matter is that that gentleman, that gentleman launched an unprecedented attack on the office of the Attorney-General and my response was in kind. Now perhaps, perhaps the honourable gentlemen won't appreciate that from time to time people can get annoyed when they are attacked unfairly. Well the fact of the matter is that I think that's - if that's human frailty, then I'm part of it.

But nevertheless, Mr. Speaker, I want to say that Mr. Frank Meighen, Q. C., is a very able attorney, and so far as I know, and so far as I know about that honourable gentleman, he served with distinction for this province as a Crown Attorney. But the difference, Mr. Speaker, is that Mr. Meighen was a part-time Crown Attorney. He was an experienced counsel when this province under a previous administration, utilized his talents. But you see, Mr. Speaker, before my time, long before my time, there were efficiencies introduced into the office of the Attorney-General, there was a Director of Prosecutions office established many years ago and the role of the Director of Prosecutions was to counsel and aid junior Crown Attorneys in the decision that had to be made, the judgments that had to be made by Crown Attorneys in many many cases that come before them.

I want to take a moment, Mr. Speaker, to indicate the nature of the judgments that have to be made by people before cases come to court. Mr. Speaker, when there is an incidence in society where a peace officer is involved - when something like that happens, you have your first judgmental situation. Oftimes the police will make an assessment that there is a breach of the law, but it's a technical one, and they will merely admonish or cajole the citizen to be more careful in his conduct, either in driving a vehicle or in his conduct in society. But that's a judgment that the police officer must make. And when I have from time to time have been heard to say that we must have higher and higher standards in our police forces, that's one of the basic reasons, because the peace officer makes a judgment, sometimes on the spur of the

(MR. MACKLING, cont'd.) moment, that may be all important to the individual with whom he deals, and it's very important that the peace officer have the degree of sophistication, Mr. Speaker, and the understanding about the law and the frailties of those who are dealt with under the law, to be able to appreciate when it is proper and responsible to take that person into custody, and when formal charges should be laid. Even after a decision has been made to take someone into custody, then there can be a reconsideration on the part of the police and the accused person, or the would-be accused person, can be allowed to return home. And this happens -- and it doesn't happen once, it happens frequently. There are other instances where the accused has been detained and charged but upon an evaluation by a Crown Attorney, he is released. Many many instances, Mr. Speaker, there are innumerable instances where persons are charged by the police, they have been held in custody, when the Crown Attorney has examined the facts they are released and the charges are stayed. And this goes on every day. And the fact of the matter is, Mr. Speaker, that we have a system where we have Crown Attorneys throughout the province, some of them are but a year or two after graduation from law school, and we had a relatively young Crown Attorney in the City of Brandon, but a very able Crown Attorney, one whom I'm proud of, who according to the reports I've had has done an excellent job, but young Crown Attorneys not having had the experience don't always respond to situations the same as a much senior person. In this case there were representations made -- there are many times representations made to senior counsel suggesting there ought to be variations in the charges that are laid. And it was these representations that were made to me. I never saw the letter. It goes -- most of my mail goes to the departmental staff to be processed. In this instance the letter that was addressed to me from the defence attorney was processed by the Director of Prosecutions and he considered all of the argumentation and made recommendations on my behalf to the junior attorney in Brandon.

Now the problem there -- I don't think I need to go into -- there was some, apparently there's a bit of a personality clash, or was between the defence counsel and the Crown Attorney. But be that as it may, a very unusual thing happened in that the Crown Attorney did not volunteer the kind of suggestion as to the handling of the case that the Director of Prosecutions had prepared for me as a departmental matter, and so all of this rucus has come about. But the fact of the matter is that this happens -- I don't say every day in respect to the letter writing and communication to junior attorney, but reasonably constantly.

There's some suggestion -- there has been in the past -- about the office of the Attorney-General being used improperly, deals being made. Charges were levelled in this House years ago before my time from members from the opposite side of the House, when the Honourable Sterling Lyon was a member, was the Attorney-General, and when the Honourable Stewart McLean, that was then the Honourable Stewart McLean was Attorney-General, charges that there were deals made in all sorts of things.

But the fact of the matter is, Mr. Speaker, that up until the time the case is placed before court there is frequently a review and adjustment of charges that are laid, and it's nothing improper, it's nothing corrupt or indecent for defence counsel to use every type of representation they can to the Crown Attorney, to the Deputy Attorney-General, to the Director of Prosecution, and even to the Attorney-General, trying to dissuade him from a course of action on the part of the department that they believe would be irresponsible on the part of the department. And I've had numbers of representations made to me and it's not made on the basis of political affiliation of persuasion, it's on the basis of justice and the rights and fairness to individual citizens in the province. And that's the only way it can be dealt with. Now those are the facts, Mr. Speaker.

I don't know why honourable members continue to harangue about this question. They want to embarrass the Attorney-General. Well, I'm fair game, but what they don't seem to realize is that in their attack, they attack the whole basis of the administration of justice and a procedure which is not novel to me, but has been ongoing for decades; and the fact of the matter is that we have a Director of Prosecutions whose responsibility it is to oversee and advise junior counsels who are engaged by us and have the responsibility of making those decisions which can affect the whole course of life of an individual who has been accosted and put into detention for some breach of the law. And these are very very important decisions, and to suggest that the individual Crown Attorney no matter how inexperienced must be left completely on his own without advice from senior Crown Attorneys. And that's the suggestion that the Honourable Mr. Meighen made, and it was all right for him because he was an experienced and

(MR. MACKLING, cont'd.) able counsel. But to suggest that a first year man, one year out of the law school as a Crown Attorney should be left to find his own way in the maize of the law and the intricacies of the cases that come before him is totally illogical and irresponsible. Representations are made from time to time, and consideration has to be given to those representations. The fact is, Mr. Speaker, that we're not always perfect. We don't live in a perfect society. We don't have a perfect administration of justice. We have Crown Attorneys that make mistakes; we have judges that make mistakes. When the judges make mistakes the person has to go to a higher court. The fact is, Mr. Speaker, that this is an old and established traditional system that's been working for decades, and I for one respect it; I implore other members of this House to respect the administration of justice. Don't hurl charges on the basis of whim or caprice or vengeance to try to embarrass the office of the Attorney-General. Embarrass me yes, personally, yes, but don't attack the administration of justice, and that's what these charges have amounted. I want to say, Mr. Speaker, that notwithstanding all the heat of this debate, that I'm prepared, I'm prepared to accept - and I don't know whether the honourable members will be satisfied with the Return, but I'm prepared to accept this Order for Return in its amended fashion.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, the words of the Attorney-General on this occasion seem to me to be . . .

MR. SPEAKER: Order, please. I'm sorry, I must - I wasn't aware of it, I just glanced at it. The honourable member made the amendment, therefore he has spoken on the amended motion as such. -- (Interjection) -- Very well. The Honourable Member for Morris.

MR. JORGENSEN: Thank you, Mr. Speaker. The Attorney-General in attempting to put up what can only be described as a facade for defence on his actions as an Attorney-General, started out very bravely in words that were loud and condemning and wound it up in a whimpering tone - whimpering because he found that the kind of defence that he presented on his own behalf was not sufficient to convince anybody in this Legislature that his actions can be justified and certainly not sufficient to convince anybody outside the Legislature, and particularly those members of the legal profession, that his defence was worthy of a man who belongs to the legal profession. All I can say, Sir, that if I ever had to be defended in a court of law, I would hope that I would get something better than the present Attorney-General as my defence counsel, because if the case that he put up for himself today is typical of the kind of competence he has in defending clients then I don't want any part of that kind of a defence.

His case, Sir, rests on the argument that throughout the years there has been interference on the part of Attorney-Generals in cases that have been brought before the court. Sir, let me point out, because I don't think the Attorney-General - I was going to say the undertaker - but I don't think that the Attorney-General even understands that himself, that the purpose of the courts in this country is to make sure that the citizens of this country have a court of last resort, even against the heavy-handed application of the law on the part of the government. There's a last resort against even governments, but his continued interference seems to indicate that what they want to do away with is the resort to the courts on the part of the people of this province when their rights have been interfered with by the government.

And the Attorney-General can talk all he likes about how fair he is in the administration of justice but the words contained in his letter to Mr. Meighen condemns him; and the words of the Minister of Highways condemns him. And once more, Sir, I'm going to put those words on the record for the benefit of the Attorney-General because he glosses over them. He doesn't want to recognize the statement that was made by the Minister of Highways, and at no time did he ever raise it during the course of his defence, and I would like him to explain how he accounts for the words of the Minister of Highways when he said the only reason that that case in Swan River was reconsidered because: (1) the judge was a Conservative; (2) the Crown prosecutor was a Conservative; and (3) the defendant was a Conservative. And according to the Minister of Highways, what else do they require in order to have a case appealed - all the evidence they require. And yet the Attorney-General has the audacity to stand up in this House and try to tell us that those words were never uttered when we know they were. In his letter to Mr. Meighen, he has this to say: "To me all . . .

MR. SPEAKER: Order, please. -- (Interjection) -- I asked for order, please. The last statement of the honourable member is not on record. I would like to caution him, as I have cautioned all other debators this afternoon, that we should try to keep our repetition down.

(MR. SPEAKER, cont'd.) That letter has been read about three times now and I would like to suggest to the honourable member that it may not be necessary for his part of the debate. The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, with all due respect, and I certainly will attempt to abide by your ruling, that the other occasion that this letter was put on the record was during the course of the Budget debate and had nothing to do with the particular motion that is now before the House.

MR. SPEAKER: I'm not debating the point with any member of this House, but one of our rules is there shall be no repetition in debates, and I think that applies to all questions for that particular sitting. The Honourable Member for Morris.

MR. JORGENSON: Thank you, Sir. The Minister had suggested that there would be no fear or favour in the administration of justice in this province, and yet he has condemned a man in this province, not because of any overt action that he took, not because of anything that he said, not because he violated in any way the administration of justice in this province, but because he bears the name of a man who is a known Conservative, the Right Honourable Arthur Meighen who was once a Prime Minister of this country. And on the strength of that and that alone, he has condemned him. Well, Sir, if you were to do it on that basis what does that make the brother of the Member for Arthur? -- (Interjection) -- Well, the Minister of Mines and Resources says that he's a good fellow. So it all depends on how they look at it, Sir. All depends on how they look at it. If they want to condemn somebody without any evidence, and the Minister has done that, then they go ahead and condemn them. And I suggest again to the Attorney-General that if he is sincerely interested in the administration of justice in this province, then he will first of all withdraw that charge that he made against Mr. Meighen first of all, the charge that he has had extensive political affiliations -- (Interjection) -- Well, it may not be a crime, but in the Minister's eyes it is a crime because he's condemned on that basis, and that is the burden of our argument, that because of the fact that he assumes that he carries with him a certain political affiliation that he must be condemned in the eyes of the Attorney-General. That, Sir, is the point that is continuously overlooked by the Attorney-General.

I suggest, Sir, that the Attorney-General in attempting to create a defence for himself, has glossed over the important points that were raised during the course of this debate. And then he's raised the Swan River case and tried to create the impression that it was only in the course of the carrying out of the administration of justice that what took place up there had taken place. But what does the Minister of Highways say -- and I wonder if the two honourable gentlemen would not want to get together and compare notes and bring in a case before this Legislature that will stand up rather than the piteously weak argument that he presented before the House today.

And then he threw that red herring across the trail in trying to suggest that we're criticising the boards and the commissions and the people that are set up in this province, or appointed to carry on the administration of justice. And, Sir, that is a falsehood on the part of the Attorney-General, because nothing was ever done in that light in this House insofar as the administration of justice is concerned. We have criticised the Minister's actions and we've criticised the motivation behind the Minister's actions, and up to this point the Minister has not given the House any reason, any reason whatsoever to doubt our initial response to the action that he took in the case at Dauphin and in the Swan River incident. We still believe, and we will continue to believe unless the Minister can prove otherwise, that there has been undue political interference, and certainly interference on the part of the Attorney-General himself in the administration of justice, and Sir, we don't intend to let that go by, because as long as the people of this province have the right to access to the courts and that right to the access of courts is not denied them, we can be assured that people in this province are going to be able to defend themselves against the heavy-handedness of this government. And it seems to me, Sir, that what they're attempting to do is to reduce the courts to mere puppets of this government and we are not going to stand idly by and watch that happen as long as we're the official Opposition of this province.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for Charleswood. The Honourable Member for Charleswood.

MR. ARTHUR MOUG (Charleswood): Thank you, Mr. Speaker. The Order really is quite simple - it's just a matter of wanting to find out what the new bill the Age of Majority Act

(MR. MOUG, cont'd.) has done during its - being brought into effect since 1970. It brings a new group of people that has moved into the welfare offices, in the age group of 18, 19 and 20. They find themselves in a position where they can't find work and have no alternative but to ask for assistance.

MR. SPEAKER: Order, please. The Honourable House Leader .

MR. GREEN: I just wonder whether there has been a response from the government benches with regard to this Order. I can't recall.

MR. MOUG: Well I had to get up and ask for a response to the government and they won't give me one.

MR. GREEN: Oh well, that's exactly why I'm getting on my feet because I was wondering if the honourable member was aware of the -- Mr. Speaker, the No. 1 can only be answered insofar as that portion which is paid by the province; No. 2 can be answered in total. And if the honourable member accepts that, then the government accepts the Order.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for La Verendrye. Just one moment. Before we proceed, one of the problems to the honourable members of the Assembly is when a motion is stood over and left open, that this is the only procedure the Chair has to call upon the one who has moved it. Now if we could have motions adjourned when they are going to be answered one way or another, then we would have a better indication of what will occur in this House. If I may suggest that to the House.

MR. GREEN: Mr. Speaker, on the point of order, I accept responsibility for not answering but the difficulty with moving an adjournment is that a person has then taken the debate and the response to an Order for Return can be made without a member assuming the debate. I assume responsibility for not getting up and answering earlier but I think that the procedure in its present form is acceptable provided we do our jobs and I regret that I did not do what I was supposed to do.

MR. SPEAKER: On the proposed motion of the Honourable Member for La Verendrye. The Honourable Member for Pembina. The Honourable Member for Morris on the point of order.

MR. JORGENSEN: I think that at the time that the Honourable Member for Pembina took the adjournment on that debate, the understanding was the Minister of Agriculture was going to review that particular case and bring before the House some definite answer as to what was going to happen with the disposition of this particular Order for Return and so I would wonder if we could just allow this to stand.

MR. GREEN: . . . the House that the government is prepared to accept the Order. We can let it proceed if you wish.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for La Verendrye which stands open by leave. The Honourable the House Leader.

MR. GREEN: Mr. Speaker, I believe that the government is in a position now to make a response to this but it will be done by the First Minister so I wonder if we can have the matter stand. (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Member for Fort Rouge. The Honourable Member for Logan. (Stand)

And the further -- the next one I have a comment I would like to make in regard to this motion. I can't seem to locate it in my papers. I would like to say that I have had further information after investigation from authoritative sources and the question is before the courts and therefore I would suggest that in view of that, we should not debate the motion before this House while it is being proceeded through the courts. Would the honourable members agree to that? (Agreed)

PRIVATE MEMBERS' RESOLUTIONS

MR. SPEAKER: On the proposed motion of the Honourable Member for River Heights. The Leader of the Opposition, open in the Honourable Minister of Finance's name.

MR. GREEN: Mr. Speaker, I'm quite sure the Honourable the Minister of Finance is prepared to speak. I wonder if . . .

MR. SPEAKER: We still have five minutes to go. Shall we wait for it?

MR. GREEN: With the leave of honourable members we can proceed to the next motion

(MR. GREEN, cont'd.) if we agree to come back. (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Member for Gladstone. The Honourable Member for Gladstone.

MR. FERGUSON: Thank you, Mr. Speaker. I've already spoken on this resolution, however there were a few questions raised by the Minister of Agriculture and the Member from Ste. Rose, neither of which are in their seats, and to continue possibly I could explain a little bit more of this - of the resolution. One of the features that both members brought up was the fact that this was going to be a compulsory check-off. This in no way is what it is at all - it's strictly a voluntary with refunding to those who do not wish to contribute providing the request for the refund is showing sale within a specified period.

Another question that was raised by the Member for Ste. Rose was who would benefit, and one of his arguments were that a small producer would be paying, he wouldn't apply for the refund because he wouldn't have enough involved in it. To this I would say that if he didn't apply, that possibly he would be in a position to get a lot of free advertising for nothing.

Now the check-off - another thing was who would control it, and definitely the check-off would have to be controlled by the livestock producers, democratically elected by the contributors.

Another one of the facts brought up was the fact that playing one segment of the industry against the other, livestock against hog producers. Now to answer this I think that we can go back to a news release of April 30th from the Department of Agriculture which states that the task of promoting Manitoba's pork products and enlarging markets for this province's pork producers, is going to be undertaken by a new committee involving all segments of the industry. Says John McKelvey, Head of the Provincial Department of Agriculture's Marketing Branch. Now, I don't think that the wheat producers have any argument whatever with this bit of advertising, free promotion by the Department of Agriculture for the province, and I think they're quite prepared that if this resolution went through and the money used which would be out of their own pockets, not subsidized by the Province of Manitoba, that they're quite willing to compete and further their own aims if possible.

Now Manitoba Stock Growers Association have done considerable work along the line of the check-off. They have made arrangements with the public markets and packing houses to make deductions providing it is kept simple and deducted from all markets on the basis of the 1966, a check-off would raise about roughly \$68, 000 and today I would imagine would be in the area of 75 to 90 thousand dollars.

Another question brought up was how the funds would be broken down and briefly as suggested by the stock growers, research would account for 40 percent; promotion of the product would be 25 percent; education of the consumer 15 percent; and 3 percent held for reserve and other miscellaneous.

Now we have made one very small break-through in the cattle industry to Japan. It's very small I'll grant, whereby 40, 000 pounds of beef were sold to Japan, and to quote the Country Guide "Canada has scored its first beef sales to Japan in 20, 000 pound shipments of choice showbeef arranged by Canada Packers Limited and the Federal Department of Industry and Commerce. At last our beef is recognized on the Japanese market. Promotion has played a part here too. The first shipment was introduced to the Japanese retailer that's in Tokyo. Second shipment was displayed in food stores in both Tokyo and Osaka.

Now we're facing a market here in the vicinity of 90 to 100 million people. We have drove the small end of the wedge into that market. I believe that with a little bit of promotion, which can be done and would be done by producers -- \$100, 000 of a budget might not be this big a budget to start out with but I think it would go a long ways towards developing this market. Producers are quite anxious to do it. I think, Mr. Speaker, that this will be all I'll have to say on this today. Thank you.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Gladstone closed the debate. -- (Interjection) -- Is there amendment thereto? The Honourable Member for Roblin.

MR. MCKENZIE: Thank you, Mr. Speaker, you scared me, Mr. Speaker, on that ruling.

Mr. Speaker, I just have a very few remarks in regard to this amendment and I feel sorry for the new Member from Ste. Rose. You know, cattleman, agricultural, you know, really something that has some tangible evidence that there is a government that thinks about farmers and he gets shot down in flames with a simple amendment such as this; that give

(MR. MCKENZIE, cont'd.) consideration to the advisability of the old six month hoist and there goes a resolution that has a lot of value. It's policy in British Columbia, it's policy in Alberta, it's policy in Saskatchewan. What more evidence does this government want, or the Minister of Agriculture want. No, Mr. Speaker, I suspect he wants to get the Bill C-176 approach to this; he wants to make it compulsory. This is a voluntary, a simply little voluntary bunch of beef producers asking for this beef check-off. It's not going to cost nobody anything, they want to run it themselves. And that's the kind of a marketing board I support.

I think this is a most healthy thing that could happen to the beef producers. Have their own change to do their own thing, to do their own advertising. No bureaucrats, no government intervention, just a simple little resolution, and we get the six month hoist. Where the agricultural problems of Manitoba today are in dire straits -- and here we have an industry that's healthy. The beef producers, they're healthy. There's been no problems in the beef industry -- the market price is reasonably good, the beef prices are not that bad, and they've never had no bureaucrats around chasing them telling them how to run their beef industry. They've done it themselves. And they come here, Mr. Speaker, with a simple little resolution and ask for a check-off. And the Minister of Agriculture tells this new farmer, the Honourable Member from Ste. Rose, give it the six month hoist. Give it the six month hoist. And I've no doubt, Mr. Speaker, he wants to make it compulsory.

And again, I'm alarmed, I'm alarmed by this Minister, and I'm alarmed by this government, by giving -- this resolution that has a lot of merit, a lot of common sense, that beef producers asking for a voluntary check-off. Voluntary. And the government turns it down and says, give it the six-month hoist. I regret very much, Mr. Speaker, the decision of this government with this resolution.

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, I don't know whether I ought to respond to the Honourable Member for Roblin but I think that to clear some of the air as a result of the comments that he's made, I think I should take a moment or two.

The honourable member has mentioned that the amendment means a six-month hoist, and I suppose that would be a new interpretation on his part as to those kind of amendments, or the meaning of them. I have never thought that that kind of amendment was in the negative sense, I always thought that a -- that giving consideration to a proposal is a very positive thing. That is my approach. Now I know my honourable friends opposite in past years used to draw very clear lines. You either proved it then and there or else you were opposed to it. And there was no time to give consideration to. It was either yes or no on the spot. And you know, I think that's a bit irresponsible. I think measures such as suggested here have far-reaching ramifications that require a bit of consideration and therefore it isn't accurate to say that amending the resolution to consider the advisability as being a negative thing, and as being a six-month hoist, as my honourable friend from Roblin would like to put it.

I think that we are very seriously going to give consideration and if we can arrive at a point wherein the various interested groups want that kind of measure by and large, then I think we can proceed in that direction. And I think one has to recognize that we had no fixed position on this point because only recently we had held a referendum on the question of whether there ought to be a check-off for a poultry people, and the referendum carried by some 79 percent in favour. And they are now involved in setting up the machinery to set up a check-off which will be used, the funds from which will be used for purposes of promotion, and sales, and what have you. So there is no fixed position on the part of the government on this question at all. -- (Interjection) -- Now there's the key difference. Let's pass it now.

My honourable friend wasn't listening, Mr. Speaker, because I just pointed out that others have been given this consideration by virtue of going through the motions of a referendum to determine the support. And I say that this is the way in which we can consider this kind of proposition, to find out whether there is sufficient support for the measure. And if there is, there is no problem. But I want to remind my honourable friends opposite, in particular the Member for Roblin, that there has been a division of opinion as to (a) whether there should be a check-off; (b) if there is one, who should administer it? And where should the funds go? These are the areas where there are differences of opinion as between the stock growers, farmers union, farm bureau and farmers belonging to no organization.

And you know I had a clipping on my desk the other day -- it's probably in my office at the moment. It would be most appropriate to have it here right now, Mr. Speaker -- but it

(MR. USKIW cont'd.) did indicate that the stock growers, or the Cattlemen's Association in Alberta, were very pleased that they had the resources of their check-off in order that they could fight Bill C-176. Now there are many people that don't want to fight Bill C-176 from whom you would deduct whatever amount of monies through your check-off system for heads sold, tonnage, or whatever it was. So therefore you do have a difference of opinion as to what the utilization of that Fund should be and who should administer it.

And I quite frankly don't see that we've arrived at a point at this time that we can say, quite clearly that there is enough support for a check-off to promote the sale of beef products or beef and pork. Let's separate the pork and the beef industry for a moment. We have a marketing commission that handles hogs, the sale of hogs, which has all the authority it needs to promote and to find new markets, so that one doesn't need another agency, and another promotional group, to do just that very thing. It is already built into the present terms of reference at the Manitoba Hog Marketing Commission. There is no reason in the world why you ought to have another referendum or another agency introduced to have another check-off. We have a check-off now at the Hog Commission, 30 cents a hog, and if they want to spend more money on promotion maybe it should be 35 or 40. We don't need another vehicle. So this resolution, while it's interesting and perhaps quite positive, does need a bit more support before it can get the kind of legislative authority that is required, and when I say that we are prepared to give something consideration, I want to assure my friends opposite that that is not a six months hoist but a sincere endeavour to find out whether or not something of the nature proposed in the resolution can be at all adopted in legislative form at some point in the future, and I would hope that between now and the next time we meet here, that we might be in a position to more clearly decide whether there is sufficient support for that kind of measure, but at this point I have to say that the amendment put before the House is most appropriate.

MR. SPEAKER put the question on the amendment and after a voice vote declared the motion carried.

MR. SPEAKER: On the motion as amended, are you ready for the question?

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

. . . . Continued on next page

MR. SPEAKER: We'll return to the motion of the Honourable Member for River Heights, the Leader of the Opposition, The Honourable Minister of Finance. He has twenty-five minutes.

MR. CHERNIACK: Thank you, Mr. Speaker. I apologize for being absent at the moment when this matter was called. I appreciate the courtesy of the House in standing it over for my return. I was in the process of discussing the resolution by the Honourable the Leader of the Opposition and had just concluded my comments regarding some of his statements about taxation in Manitoba and its comparability with that of other provinces. I had concluded that and was about to deal with value-added tax when the time came to adjourn the House and therefore I propose now to deal only with the question of value-added tax and the comments made by the Leader of the Opposition in regard to value-added taxation for Manitoba.

Of course, there is no reference to that at all in the resolution; there is no suggestion of that kind of a consideration; but the honourable member did make extensive references to the subject in his speech and I thought it worthwhile commenting about it.

I believe that this form of taxation should be fully investigated and analysed regarding its potential effect upon implementation in this country, but surely, Mr. Speaker, to suggest, as the Leader of the Opposition has suggested in his speeches, that we can easily introduce such a tax in Manitoba and reduce personal income taxes, corporate income taxes and real property taxes as a result, represents to me the height of absurdity and ignorance, not only of the effects of value-added taxation but of general taxation powers in Canada. Now he is vigorously shaking his head and I know why, Mr. Speaker. Because he and I appeared on television together one evening shortly after he made his speech on this resolution, and I had not heard it nor read it, and I took from the newspaper report the conclusion, the inference that he was suggesting a value-added tax for Manitoba, and I stated, I said that I took that inference from what I read in the newspaper report and what I was told by one or two reporters. At the TV discussion, I stated then that it was an impractical or impossible tax, really, at the provincial level and he agreed with me and said, "No, I was talking about national."

I accepted that statement but then I went back and I read Hansard, and I read Hansard as carefully as I could, and I believe that the way it was presented in Hansard drew me back to my original conclusion and that is that he was talking about it as being a proposal for Manitoba. That buttressed or coupled with the fact that the resolution itself deals with Manitoba taxation and deals with the kind of stimulus that this province can give to developments and investment, and therefore the whole tenor of the resolution deals with Manitoba - this speech, as I read it in Hansard, of the Leader of the Opposition makes no recognition that I could see, of this tax being confined to a country like Canada rather than to a province, and the member continues to insist that it does, but I am absolutely correct in saying that my reading of it does not support his statement that it does. Therefore I had to conclude that other people reading his speech and other people reading press reports and other people hearing reports of what he said, believed that he was talking about a tax of this nature for Manitoba.

Therefore, I will deal with that, Mr. Speaker, and I will ignore the interruptions by the honourable member. And I think we should clarify it for the record. Whether he now apparently knows or not that a value-added tax does not apply to a provincial jurisdiction, I think that for the record it should be clarified that, under the BNA Act itself, there is a prohibition against provinces collecting taxes of this nature. They are indirect taxes and are not within the scope and jurisdiction of the province. But even if Ottawa in a moment of utter madness were to allow Manitoba to introduce a value-added tax, it would neither be sensible nor rational for one province to introduce this tax, and I suspect now that the Leader of the Opposition agrees with this statement, although I'm not sure he would have agreed with it had he said so at the conclusion of his speech. All I can do to try and still my honourable friend is to ask him to read his own speech and then conclude as to whether or not I am right in my assumption or what I inferred from his speech. As a matter of fact, he also referred to this in the Budget address, and I again listened carefully and I believe again that he gave the impression he was talking about a value-added tax in Manitoba, and now I must ask him just to keep quiet and to let me proceed with what I am about to say because there is no way that I'm aware of that he can really stop me. So, rather than interrupt me, he should let me complete it and it will be on the record and it will be over that much more quickly.

Now, dealing with the conclusion I've drawn as to the style of his speech and what he appeared to me to be saying, I would want to point out, and again for the record but not for him, because he obviously would agree, at least I assume he would agree with what I'm saying,

(MR. CHERNIACK cont'd.) so for the record we could say that the value-added tax, if imposed in Manitoba alone, would cause imports that are not similarly taxed to become cheaper in Manitoba than other goods with which they are competing produced in Manitoba, and if there were no other upsetting compensations it would more significantly act to the disadvantage and to actual disincentives for the development of Manitoba's economic enterprise in the manufacturing and multiple processing industry, and I think that it should be reassuring to people who read of his position and mine, to see that apparently we can now agree that it would be disadvantageous.

Furthermore, if a value-added tax were imposed on goods manufactured in Manitoba but exported outside, the additional burden of the value-added tax, in addition to our already higher transportation costs on manufactured goods as opposed to those goods marketed in high population centers of the east and on the west coast where they don't have an added-value tax, would be unbearable, unless of course there were a complicated and expensive system devised to rebate in some way provincial taxation on exports. Of course, then we would lose both ways on the competition from incoming goods and the loss of revenue from export goods. But one other problem with value-added tax, and this time the Leader of the Opposition, who unfortunately is leaving now because I'm going into that area in which we probably do have some disagreement, the value-added tax is one that would be most beneficial for highly integrated manufacturing processes, which means that it would be at the expense of small developing firms. The highly integrated firms would be able to process their goods from the raw stage up to the completed or practically completed product, without having to pay the added value in each stage of progression because of the integrated form of the manufacturing process. As compared with that, a small firm, more like those we have in Manitoba, which only does one step of a manufacturing process, would have to take that tax on as it progresses with its work; that is, as it buys a semi-completed article it would have to pay the tax and then its costs, actually its cost of carrying the tax until it unloads it at the next step when it sells the partially completed goods to the subsequent supplier, would then become a burden on the small firm which is not integrated.

MR. JORGENSEN: That would be an advantage to the extraction and the processing of materials in this country rather than shipping our raw products outside the country.

MR. CHERNIACK: The Honourable Member for Morris should at least do his leader the courtesy of reading his speech, because he himself made the important point that a value-added tax would carry with it the rebating of the tax imposed on export goods in order to make the goods marketable outside of the country, and therefore the point that the Honourable Member from Morris makes, although completely rational, is one in conflict with the description of a value-added tax as it was proposed and as it generally recognized.

The point I was making, Mr. Speaker, was that the highly integrated firms which could take advantage and make good use of a value-added tax are really not in Manitoba. As a matter of fact, they are not far from Manitoba; they are in the golden triangle of Ontario, and I fear that a value-added tax - I'm talking now about a naturally imposed value-added tax - would be one that might be of greater incentive and greater use to that highly industrialized area where there is real integration of manufacturing process which might well be one that benefits, let's say, the golden triangle of Ontario or any other highly industrialized sector of the country; and knowing, as I believe the Leader of the Opposition knows, of the highly diverse nature of regional economies in Canada and that the value-added tax actually discourages development of new activities involving multiple stages in non-integrated industries, one would have cause to concern himself about the use of the value-added tax as beneficial to a highly integrated industry that is in more developed areas of Canada, which would in itself bring about a widening of regional disparities unless there were certain compensating factors. So, since we have already rejected the value-added taxes for Manitoba alone- and again I believe that the speech of the Honourable Leader of the Opposition did not do that but he now makes it clear that he intended it to do that, so we reject that - then we consider that tax for Canada, we must still, in talking about value-added tax for Canada, be sure that we have guarantees that the distribution of the tax revenues is based on full recognition of regional disparity and the fact that most of the benefits of the introduction of a national value-added tax would go to the rich provinces.

Now that doesn't mean that I quarrel with the principle of value-added tax but it does carry the analogy with what I have been proposing for some time, and that is that certain types

(MR. CHERNIACK cont'd.) of taxation should be national in character.

I have stated that I believe that corporation tax, estate tax, and I would add to it "tax on savings," because that was also thrown out as a proposal by the Leader of the Opposition and one which I think is most interesting and challenging, although I'll digress for a moment and say that I believe that he has already accepted the principle of capital gains taxation. I believe that he has accepted the principle of savings tax as being valid, and couples that, I believe, with the value-added tax and then has not rejected income -- he's bubbling again, Mr. Speaker, and I wonder if he wanted to interject something by way of a question. If he did I'll certainly hear it. No, he just wanted to percolate within his own seat and I'll let him continue to do so. So that, Mr. Speaker, I am bound to react to the statement that the Honourable Leader is so hung up, I presume, on that TV program which speaks about facts that he feels that you can always respond to an argument by screaming "just state the facts." What I was stating was my impression of his opinion. Now, I don't know what the fact is, whether my impression is a fact or his opinion is a fact, but certainly it's one that he can develop. I won't get into that discussion. But, as he was walking in and having missed the beginning of my sentence, I will repeat that I have been arguing with the Federal Government that it should undertake the taxing of capital gains and the taxing of estates (which is the inheritance tax and I will couple with it the corporation tax and the tax on savings) is the kind of thing that is best imposed on the national basis carrying with it, as it would have to carry, a full recognition of regional disparities and a full recognition of the need to redistribute the taxes so collected in an effort to equalize the disparities that now exist; and along that line, a value-added tax which would have merit on a national basis would have to have with it, for reasons I have already explained, the need to have a recognition of payment out of these funds in recognition of regional disparities.

Besides these difficulties I am informed that the value-added tax has not yet been fully adopted and accepted in the countries of Europe that have it, that there is not that much to indicate as yet that it is so favourable as to provide overwhelming support for its adoption in Canada. The European Common Market has found, as one could expect, that the higher the rates in a value-added tax system, the greater is the likelihood of an increase in the price of goods concerned, and I think the honourable member did say something about "in corporate taxes, you can usually pass your taxes on to the consumer." I would say that that is correct in a general way and maybe because of the fact that it's that corporation taxation above the \$35,000 mark is flat rated and therefore there is no proportionality involved, no progressivity, I'm sorry - involved in the rate of tax paid by corporations which makes it even more easy for a corporation to pass this tax on to the consumer. But in certain countries in Europe there is that problem, that the tax is just loaded back on to the consumer in its entirety. In the Netherlands the value-added tax has caused steep price increases; in Belgium, I understand there has been a price declaration system imposed which would compel the seller of the article to clearly state his cost and his price and the tax involved so that there could be some measure of control. So again, price increases would be passed on to those least able to bear them without controls, that usually carry a mark-up on the tax itself, because when one figures his mark-up he usually adds the tax as being a cost of production.

So I said to the honourable member when we were on the TV program, I say now, there is validity in the discussion of value-added tax. It is something one should develop more knowledge about and I am sure, from reading his speech, that he could do with a great deal more knowledge in that area; I admit that I, too, could, although it's a matter we've been studying for some time. There still isn't really enough experience available that I've been able to get to really accept it as being a worthwhile tax which could replace the progressive nature of income taxation, and that's really the point that the honourable member was trying to make. So that in concluding we repeat, and now I believe we have agreement, that for Manitoba alone it's inconceivable and impossible that the tax be introduced; in Canada as a whole I believe it may provide an equitable and more burdensome tax system and yet that doesn't mean that the thought is to be rejected as being one of the forms of taxation to be considered, but to have that replace a progressive tax, I think would be wrong. This seems to be a game that the Honourable Leader of the Opposition started to -- not started to, but did say that he would not cut out progressive income taxation but suggested -- and I think it was only in answer to a question by the Honourable Member for Crescentwood that he said, "Well, at least we could raise the exemptions on income taxation." He's shaking his head so I'd better check it because he wants the facts only, and -- well, now he says he did say that.

"What I'm suggesting," and I quote now from Page 377 of the current Hansard -- "What

(MR. CHERNIACK cont'd.) I'm suggesting is the introduction of a value-added tax and the raising of the exemptions of the income tax, not the elimination of the income tax nor the elimination of the corporation tax." So that he is not -- (Interjection) -- Yes, that was in reply to a question directed to him by the Member for Crescentwood, according to Hansard. Now if he wants to make a speech he can get up and close debate right now and I would be happy to hear that happen. At least closing the debate means that he would be talking on his feet, and he really does better, Mr. Speaker, and deserves consideration when he's standing on his feet than sitting on his dignity. So that, Mr. Speaker, I think that the speech, which is a lengthy one, was a nicely prepared introduction to a discussion, but only an introduction. There is no recommendation in the speech in regard to the final resolution form of his speech, no justification for the assumptions and the conclusions in the resolution itself but, as I say, I think it was an interesting and worthwhile introduction to a discussion that might yet have to take place on the question of taxation.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I'd like to move, seconded by the Honourable Member for Fort Rouge, that the debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for Birtle-Russell. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I adjourn this debate on behalf of the Honourable Member for St. George.

MR. SPEAKER: The Honourable Member for St. George.

MR. WILLIAM URUSKI (St. George): Mr. Speaker, I beg to move, seconded by the Honourable Member for Gimli, the debate be adjourned.

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

MR. SPEAKER: On the proposed resolution of the Honourable Member for Assiniboia. The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I should like to . . .

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: On a point of privilege of the House, I wish to make a correction. I notice on the resolution that I introduced and standing in the name of the Honourable Member for Morris, that in the third line there's a typographical error. It says "to project the inherent and fundamental rights." It should read "to protect the inherent and fundamental rights." I wish to make that correction.

MR. SPEAKER: . . . that error can be corrected? The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, I should like to make a few brief comments on the resolution that has been brought before the House by the Honourable Member for Assiniboia. In dealing with the question of fundamental rights, I think that we as legislators should begin to reassess our whole concept of what are the fundamental rights of people that we legislate on behalf of, and begin to re-examine the direction that we appear to be heading, which in my view will result in the complete abrogation of all rights of the citizens of this country, whether that be done intentionally or otherwise. The original Human Rights Declaration was intended to protect people against the encroachment of their rights to the fundamental freedoms of the freedom of speech, the freedom of religion, freedom of the press, freedom of assembly and association.

I was fortunate in being a member of the House of Commons when the Canadian Bill of Rights was introduced into that Assembly, and listened with a great deal of interest to the debate that ensued as a result of the introduction of that legislation in 1960. At this time it perhaps might be interesting to recall some of the words that were spoken by people on various sides of the House in connection with the introduction of this bill, and in particular I want to draw attention of the House to a statement made by the then Leader of the Opposition, the Right Honourable Lester Pearson, when he was quoted on Page 5661 of Hansard of July 4, 1960. He said this, and it seems to me that his statement at that time is in direct contrast to the direction that we have been going and to the stated intentions of that Bill of Rights. Mr. Pearson said this: "Freedom from want and freedom from the demoralization and deprivations of unemployment is an important part of the whole concept of freedom in our modern age," and how these words must come back to haunt the government in Ottawa today, having uttered that phrase and

(MR. JORGENSON cont'd.)having suggested that it be included in the Bill of Rights and then subsequently watching the deliberate actions on the part of that government in the course that they're pursuing today. The fear that I have in the suggestion that was made by Mr. Pearson at that time was that that course led us straight towards totalitarianism.

But I also want to quote from a statement made by the then Leader of the CCF at that time - they were not known as the NDP Party - and the Leader of the party at that time was a fellow by the name of Hazen Argue, and he's quoted on Page 5671 of Hansard as saying - and he's quoting actually from Professor Frank Scott who I'm sure honourable members opposite have more than a nodding acquaintance - and Professor Scott goes on to say this:

"If we are going to put anything into the constitution, I hope we shall put in economic and cultural rights as well as the basic freedoms. We live in an age of the positive state, not the negative state, and it is important that we keep before us the democratic goals towards which all state powers should be aimed."

Then on Page 5672 Mr. Argue goes on to say this: "This bill fails to enumerate in any basic economic rights that thinkers are now saying should be included in any modern Bill of Rights. Though the suggestions made at that time were that not only should be included in any Bill of Rights the guarantee of the fundamental freedoms, that of freedom of association, freedom of speech, freedom of religion and freedom of the press, but that governments should assume a far more all-encompassing role in their legislative programs."

We, Sir, have had an opportunity now to analyze and to see the results of that direction in which we have been heading. Government's interference in economic matters, wherever it has been applied, has created more problems than they've ever been able to solve, and with the benefit of that kind of hindsight, I think that we should begin to re-evaluate our whole position as to the kind of power that government is assuming on behalf of the citizens and the kind of control they're beginning to exercise over the people of the countries in which they are governing.

I was struck by the words of Chief Dan George in accepting a Canadian Council of Christians and Jews' award some time ago, and his remarks are contained in the CCCJ's newsletter. Chief Dan George had this to say: "In the long 100 years since the white man came, I've seen my freedom disappear like the salmon going mysteriously out to sea. The white man's strange customs, which I could not understand pressed down upon me until I could no longer breathe. When I fought to protect my land and my home, I was called a savage; when I neither understood nor welcomed this way of life, I was called lazy; and when I tried to rule my people I was stripped of my authority."

I think Chief George's words eloquently express the kind of thing that I fear is beginning to happen, not only to the native populations of this country, but to all the people of this country. The assumption of greater and greater control and greater power on the part of government, will inevitably lead to the loss of freedom of the individual, not only the loss of the freedom of those fundamental freedoms that I mentioned earlier, but the loss of the economic freedoms that we have which have become part and parcel of the fundamental freedoms, because if one attempts to control production, it inevitably leads to the control of men's minds. The Indians have found this out, and today we hear more and more people complain because the government has been unable to solve the unemployment problem, because the government has been unable to solve the financial problems, because the government has been unable to solve the housing problems, because the government has been unable to solve a myriad of problems that are now resting on the doorstep of the government, and I think that it's time we began to recognize that the government cannot solve all those problems. In my view, there should be some effort made to curb the power of government in the interference, in the basic and fundamental freedoms of the individual.

I'm reminded of the paradoxical words of the Minister of Health and Social Services when he spoke on Bill 56 during the course of the last session. I could not help but be struck about the manner in which he was attempting to put forth his argument and how completely that argument fell short of meeting the goals that he had ascribed to it. The Minister said this on Page 2309 of Hansard of 1970: "I know personal initiative can be a good and productive quality," as if he was making a big discovery or a great concession; and then he goes on to say: "I have no wish, Mr. Speaker, to reduce or discourage it," and at the same time he's speaking for Bill 56. "I reject the implications of those critical of Bill 56 that the bill is in some sinister way detrimental to the quality of personal initiative in Manitoba." I don't know how one could

(MR. JORGENSON cont'd.) possibly conclude otherwise. I say this, because in order to demonstrate personal initiative, one must first have personal liberty; but Sir, what he fails to recognize is that the way you have personal liberty is when you have personal freedom, and personal freedom does not just necessarily contain the four fundamental freedoms. It contains economic freedom and the freedom to produce or contribute to a society in a way that one feels best able to do so. The very nature of the Federal Government's proposal contained in Bill C-176 and supported by this government, is if carried to its logical conclusion, Sir, nothing more than an attempt to control men's minds, and once government has assumed control over men's minds, we indeed have a totalitarian state.

The Minister goes on to say this: "It is my view that it is a key responsibility of the government in its institutions to permit, promote and protect the personal liberties of its citizens." I ask you to remember again that this is speaking on Bill 56. "Personal liberty is the responsibility of a democratic society but the question must be asked, personal liberty to do what? Certainly it is not the personal liberty to murder or steal or abuse a child, and no one can disagree with that. But the Minister, in those remarks, what seemed to escape the Minister in those remarks was that the kind of liberty that is necessary in order to keep men's minds free, is a freedom of intervention, direction and control on the part of the government. And we have seen evidence of the attempt on the part of this government to set more rules, more regulations, more restrictions, all in the name of an attempt to control the economy. And, as they put it and as I've said earlier, I have no quarrel with those objectives, the objectives of a better quality of life for all Canadians. That's, I'm sure, all our objectives.

But the way it can be achieved is not by the control of men's minds, which seems to be inherent in the attitude of the present government. Indeed, Sir, not only is it obvious that they intend to control men's minds through the control of production, but the Minister of Highways now sets himself up as a power of the church in the establishing of morals. In his words, he states that he felt that his election to government or his election to this House, gave him the authority to set moral standards for the nation. Well, I can tell you, Sir, that from what I have seen of some of the standards the honourable gentleman has set I don't want his moral standards. There is nothing wrong, I do not quarrel with the Minister's right to set his own moral standards, but for him to set himself up as a supreme being capable of setting standard for everybody in this province, seems to me a little bit self-righteous on the part of the Minister. Maybe he has missed his calling.

Sir, I'm also reminded of a statement that was made by the Minister of Mines and Resources during the course of a debate not long ago when we were criticizing the government for their heavy-handed application of the law and for their assumption of greater and greater power over the individual. The Minister of Mines and Resources made a rather interesting comment, and it wasn't recorded on Hansard because it was just one of those remarks that came across the Chamber. He said -- (Interjection) -- Well, I heard it and I'm going to repeat it. -- (Interjection) -- He said, "Isn't government people?" said the Minister of Mines and Resources - and the Member for Radisson says it's true. What I would endeavour to do, Sir, is to point out how untrue it really is, because it seems that the ordinary individual, who goes about minding his own business in his own community and carrying on his responsibilities as a citizen, will adopt one set of standards as a citizen of this country and when he gets into power, then begins to assume an entirely different set of standards. And I ask you, Sir, to look at the case of the individual who in his own community wouldn't think, wouldn't think at the point of a gun literally, or at least under the threat of penalty, compel his neighbour to contribute to and support people in another country, . . . of other people in far-off lands. Wouldn't think of doing that. He might go to him and ask him for a contribution to assist, and in all probability that individual would gladly assist.

And we think of the things that we attempt to do in helping people in other lands, and I want to say, Sir, that I don't know of any government organization, whether it be the Youth Corps, whether it be the Peace Corps or whether it be -- what others are there? There are any number of them. All sponsored by government. I don't know of one of these organizations that has contributed to and done as much as the voluntary committee that is set up in this country by the Mennonites - the Mennonite Central Committee. As a matter of fact, Sir, all of these other programs were patterned after the Mennonite Central Committee, and yet not one of them has been able to emulate the kind of service that they provide to people in distress. When there was a flood in Morris on two occasions, who were the first people to offer

(MR. JORGENSEN cont'd.) assistance? Not the governments; it was the Mennonite Central Committee were there with men, with trucks and with money. When there are tornados in the southern States, in Nebraska and thereabouts, who are the first people to offer to move down there and, not only at a distance offer help, but to move right into the area and work to assist people? It's the Mennonite Central Committee.

I had occasion to be closely identified with the Mennonite Central Committee while I was in Ottawa, in the kind of work that they were doing in countries such as Greece, in Korea and other countries where there was great distress. And every bit of the work that these people were doing was done on a voluntary basis. The money they raised was raised voluntarily. Nobody was attempting to put the gun at the head of anybody in order to compel them to assist other people. I said the other night and I'll repeat that again: Concern for human distress does not necessarily manifest itself in the form of a gun pointed at the wallets and earnings of your fellow men. Also, would you compel your neighbour to support -- supposing that you were interested in the arts, supposing you were interested in the Symphony or the Ballet and the theatre, and just because you believed them, would you compel your neighbour, who perhaps preferred to watch hockey and baseball or the fights, to contribute to those things? You wouldn't. You wouldn't -- not as an individual; not as an individual. But the minute you get to be the government, then you do those things. And the Minister of Agriculture has missed the point that I'm attempting to make. I'm attempting to point out the difference between an individual when he's a citizen and when he gets to be the government.

Governments have a tendency to want to assume greater and greater authority. As an individual, you wouldn't endeavour to tell your neighbours what school he should send his children to and how they should be educated. Wouldn't think of doing that. But you do it when you become a part of the government. And if you were a farmer, you wouldn't dare to instruct your neighbour as to what crop he should grow or how much he should grow and when he should grow them. Why then do we do that when we become the government? And if you were a labourer, would you arbitrarily tell your neighbour that he can work only a few hours a week, a few hours a day, even if he wanted to work more? Should you tell him how long he should go on his vacation, and that he should stop working when you stop working. You wouldn't do that as an individual. But somehow there seems to be a change of attitude when we come into this place. And one could go on and on and recite case after case of the instances where we would not think of . . .

MR. SPEAKER: The Member for Wellington.

MR. PHILIP M. PETURSSON (Wellington): Many of these institutions that the honourable member is naming have been introduced by this particular government. How many were not in existence prior to the coming into form of this government?

MR. JORGENSEN: I'll be happy to reply to my honourable friend because I did not, I did not suggest -- if he would have been listening to me he would have said that "when we become -- when we get into this Chamber we assume power that we would not dare assume when we're private citizens." I wasn't applying it to anybody in general or anybody in particular; it's a generality and we've all been guilty of it because we've always -- we seem to be under the impression that the way to solve problems is greater and greater government interference and greater and greater government control and direction, and my . . .

MR. SPEAKER: Order please. The Honourable -- Order please. We are going to have an interlude with the Lieutenant-Governor at the moment. The honourable member will have an opportunity to carry on.

ROYAL ASSENT

DEPUTY SERGEANT-AT-ARMS: His Honour the Lieutenant-Governor.

MR. SPEAKER: May it please Your Honour, the Legislative Assembly at its present session has passed several bills which in the name of the Assembly I present to Your Honour and which bills I respectfully request your Honour's Assent:

MR. DEPUTY CLERK: Bill No. 2 - an Act to Repeal the Succession Duty Act

Bill No. 4 - an Act to amend The Country Courts Act (1)

No. 5 - an Act to amend the Court of Appeal Act

No. 6 - an Act to amend The Department of Tourism and Recreation Act

No. 7 - an Act to amend The Public Schools Finance Board Act

No. 9 - an Act respecting Local Government in Metropolitan Winnipeg

(MR. DEPUTY CLERK cont'd.)

No. 15 - The Lotteries Act

No. 16 - an Act to amend The Government Purchases Act

No. 22 - an Act to amend The Housing and Renewal Corporation Act.

MR. CLERK: In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to these bills.

PRIVATE MEMBERS' RESOLUTIONS (Cont'd.)

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Sir, . . .

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

MR. PAWLEY: Would the honourable member explain the difference between the philosophy which he has outlined, a philosophy of the refusal by governments to do that which individuals would not do collectively one to the other. Would he describe the difference between that philosophy and what is commonly known as the philosophy of anarchy?

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: The Minister of Municipal Affairs, you know, he has that kind of an attitude. He thinks that the only alternative to socialism is anarchy, and of course, as everybody knows, it's bloody nonsense. -- (Interjection) -- Well, the question can be easily answered. The question can be easily answered. Nobody is suggesting that it isn't the responsibility of government to do certain things, such as the building of roads, providing of public services, etc., and that is the responsibility of government and it has been accepted as the responsibility of government throughout the years.

But the control of men's minds are not the responsibility of government and it is on that particular point that I am objecting to the ever encroachment of government into the personal affairs of the individual. If we are to follow the direction that we now seem to be heading, the control of man's mind is not that far away, and we have even the Member for Crescentwood who suggests that the state should be involved in using whatever he calls -- how he calls it, a social surplus to build parks and recreational facilities and to do a number of other things that governments, in my view, have no right or no reason to become involved in. It would be a return to the days of despotic kings when they used the slaves to build pyramids and idols of worship, for indeed we would then be slaves to the system that he aspires to.

Sir, in any Bill of Rights, whether it be introduced in provincial level, and recognizing that there are constitutional problems in the development of a Bill of Rights that could encompass the entire country, because of a federated system of government, I would think that any Bill of Rights whether it be established on a provincial or a federal level should have definite limits to which the government can encroach upon the rights of the individual. There is one basic responsibility that a government has and should at all times guard, and that is the responsibility for the protection of the right of the individual, and reduced to its simplest terms that is the only basic responsibility of government -- and just awhile ago we were condemning this government because they were failing in that basic responsibility in protecting the rights of the individual -- and all laws that are passed should be passed on the basis of individual rights and their protection. I submit, Sir, that is not the direction that we are heading and I speak on this resolution in order to draw attention to what I think can result in complete totalitarianism in this country.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I suppose there is no one in the House I would rather listen to than the Member from Morris. He is a very sincere person and I think he speaks with conviction and this is why I find it necessary to rise at this time because as a rural member he does have some influence in the rural community in Manitoba, and people do listen to the Member from Morris.

There has been much said about individual rights and I would agree with the Member of Morris that the protection of individual rights is a responsibility placed on governments that I personally don't take too lightly, but I wonder just for a moment in considering individual rights if we couldn't think for a moment what we are actually talking about. We are talking about the basic concepts of freedom. Now I know much has been written and said about freedom but I don't think people really pay enough attention to what is implicit in the idea of freedom and that is responsibility, that in freedom it means that you're responsible for

(MR. BOYCE cont'd.) . . . yourself; you are responsible to and for others; and you are responsible for the consequences of your actions. Now what has this got to do with what the member was referring to? I don't think implicit in the idea of freedom or individual rights is an irresponsible over-production of a commodity. I don't think implicit in this individual right is a placing of a burden on one segment of the economy by another group that wants to behave irresponsibly. And I believe that this is what we are trying to do is devise a system which can be equitable in coming to some arrangement, some agreement between one segment of the economy and another, so that we can work out a return which is reasonable for the farmer; that the farmer because of his capital investment, because of his investment in time, that he is entitled in this modern so-called just society for a place in the sun.

Now the idea that somebody wants to go and control individuals' personal lives, I personally would fight against that, but I would also insist at the same time that people behave responsibly. If people insist on just going at things in a haphazard manner, as they have in the past, I would agree with the Minister of Municipal Affairs that perhaps such a path would lead to anarchy. I just happened to be sitting here listening to the Member from Morris, and I have a copy of the speech that was made by the Vice-Chairman of the Board and Chief Technical Officer of Motorola Corporation, who I had the pleasure to meet in Athens last summer, and this frantic fanatic or - I don't think he's a Socialist - but I would just like to read into the records of this House what this man says in this particular area. "At present we can't do very much about altering the trend dictated by the forces of inevitability, but it is my contention that we must sooner or later come to grips with the problem posed by our lack of control over our structuring - this is systems structuring, systems of government, systems on all levels of government. It seems to follow logically that since the forces of inevitability is a vector sum of a great number of random forces, we can only influence resultant directions by reducing the number of random forces involved." In other words, this means you must plan and control, and in his words, he says: "and even worse than that, it means governmental planning and control. Historically we don't have much faith in governmental planning and control, but if we must set goals for the development of our culture and activate selected forces to reach the goal, our free enterprise system will be substantially altered."

Now these aren't my words, as I said, Mr. Speaker. These are someone well up in the corporate structure of one of the large corporations of the United States. He is, among other things, the Chairman of the Advisory Board to Mr. Nixon. But one of the things that was driven home to me in the investigations that we carried out this past summer, spring rather, in the Agricultural Committee was the lack of planning and control of the random forces which are contributing to the rate of urbanization of people ill-equipped to cope with urban living. Perhaps C-176 isn't the answer to this, but take one thing as an example.

In southern Manitoba where they rely on the hand hoeing of sugar beets, the price that they pay per acre to the people who hoe sugar beets is rapidly reaching that amount which is going to pay these people to automate the sugar beet hoers out of existence. I'm thinking specifically of one family who apparently makes enough between the husband and wife and the two older children to sustain themselves with their income from the summer hoeing of sugar beets to sustain themselves all winter. Now, if the farmers automate these people out, they have absolutely no other alternative but to go into an urban centre and go on welfare. Now I take as my responsibility, as a representative of people in the urban areas, that to suggest to my constituents that it must be much better if we paid 13 cents a pound for sugar rather than 11 so that we can get that money back to the farmer so he can pay to keep those people hoeing sugar beets until we can build systems and programs so that when the people do come into the urban areas they can live in dignity.

The Member for Morris - I'm sorry he has left, but he said the other day that four cents of a loaf of bread went to the farmer, twelve cents went on various and sundry taxes. So this is 16 cents, 28 cents I think is the price of a loaf of bread today. I think, as I mentioned earlier in an address on agriculture, that it would be better for my constituents if we could develop some system to get eight cents a loaf of bread to the farmer, and I for one would work in that direction. But to listen to the Member for Morris who says -- it completely distorts and misunderstands the whole concept of socialism, the whole concept. That the control of people through governmental agencies is what we're after, you know, is to really try and mislead the people because we, for one, all we're proposing and asking and suggesting, at least that I have heard in support of C-176, is that the farmers themselves control themselves, that

(MR. BOYCE cont'd.) . . . they behave responsibly, and I'm sure that if they produce that which is needed, there will be no problem in marketing that which is needed and I think that they can, if they use this approach, realize a return on their investment and a return for their labour.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Point Douglas.

MR. DONALD MALINOWSKI (Point Douglas): Mr. Speaker, I beg to move, and seconded by the Honourable Member for Ste. Rose, that debate be adjourned, please.

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

MR. SPEAKER: On the proposed motion of the Honourable Member for Morris. The Honourable Member for Souris-Killarney. Absent? Stand? (Agreed)

On the proposed motion of the Honourable Member for Fort Rouge. The Honourable Member for Radisson.

MR. SHAFRANSKY: Mr. Speaker, I adjourned debate on behalf of the Honourable Member for Osborne.

MR. SPEAKER: The Honourable Member for Osborne.

MR. IAN TURNBULL (Osborne): Mr. Speaker, this resolution that we have before us is one that would have an effect on thousands of people living in Manitoba and I think some three-quarters of the public service of the province. I would like, Mr. Speaker, to take the various clauses of Resolution No. 5 and point out why I think the resolution in total cannot be supported by myself.

I begin, Mr. Speaker, with the first clause "Whereas there is great concern on the part of the taxpayer with the expansion and proliferation of welfare programs." That clause, Mr. Speaker, is one which indicates that there are changing standards of eligibility for benefits under the various welfare programs of the Province of Manitoba. Now I think that the standards of eligibility in Manitoba for the various programs have changed over the course of the years. They are continually changing and, I think, we have seen and very recently, the effects of changes that led in the past, in the short past, to various students at the university receiving some \$48.00 a month in public assistance.

Now, although the standards did not alter, Mr. Speaker, these students did receive funds as a result of various changes in legislation. And I would like to point out, Mr. Speaker, that there was a great hue and cry raised in the City of Winnipeg in particular, by various people on municipal councils, a hue and cry that indicated that they were opposed to students or, I would think sometimes from their tone, opposed to anybody receiving public assistance. And that attitude, I think, has been well expressed in this House by my colleague the Member from Pembina constituency when he said - I think it was in '69 - that "if they won't work, let them starve. Let 'em starve." That attitude, I think, was very clearly evinced by the members of the municipal council in which I reside, that of Fort Garry, where various councillors, I understand, adopt the practice of actually going into the houses of recipients of welfare to examine them in some way to see if they are actually fit recipients for welfare. And these same municipal councillors were on the what are called the hot lines and on the T.V. programs, stating their opposition to students receiving \$48.00 a month and stating their opposition by inference to anyone receiving welfare who did not pass the criteria of the councillors concerned.

I think that we cannot have standards of eligibility set by municipal councils. I would like to see standards set throughout the Province of Manitoba and not set merely by municipal councils, especially when many of these councillors have the power, as do all elected bodies, for setting their own remuneration, and I think in Fort Garry that the mayor raised his own indemnity from \$3,000 to \$6,000 a year; the councillors raised their indemnity from \$1,800 a year to \$3,600 a year, while at the same time these elected people were raising a great hue and cry against \$48.00 being paid out to students. -- (Interjection) -- Charleswood? The municipality raised their indemnities as well. -- (Interjection) -- Welfare to the councillors, no welfare to those who might be in need.

So I think, Mr. Speaker, that standards of eligibility for benefits under these various provincial programs should really be a matter of continuing review and certainly should not be set by municipal councils, especially when the attitudes of those councillors are Neanderthal, are certainly archaic, and in my opinion really don't deserve to be the kinds of attitudes that are the determining factors in setting standards. -- (Interjection) -- I think, Mr. Speaker, that the Member from Charleswood should be called to order for that ejaculation.

(MR. TURNBULL cont'd.)

The second clause of the resolution, Mr. Speaker, is one that I think also needs to be considered. The second clause starts: "And Whereas the present welfare system is vulnerable to abuse" and it goes on from there. Now I think that -- (Interjection) -- I would make a good deal more than 5,000 an hour if I wasn't working here, I think. The vulnerability of the welfare system, Mr. Speaker, is one that I would like to deal with, if I can get a word in edgewise on top of the interjections of the Member from Charleswood.

Certainly the welfare system is vulnerable to abuse. I wouldn't argue that, that it wasn't. But I say to you, Mr. Speaker, that every system of welfare is open to abuse. Every system is open to abuse whether it's a welfare system or any other system. And I know perfectly well, Mr. Speaker, that those individuals who scream free enterprise are precisely those individuals who abuse the free enterprise system. I know perfectly well, Mr. Speaker, and others here in the Chamber know, that often you will speak to people who have gone to a garage, for example, to get maybe their snowmobile repaired, and the repair work hasn't actually been done, yet they have to pay the charge, have to pay the cost of the supposed repair. We all know, Mr. Speaker, that services are rendered by various individuals practicing and preaching free enterprise and those services have not been performed up to the expectations of the person purchasing the service. So the system of business that we have in Manitoba today, the system of private enterprise and free enterprise, is one that also is open to abuse, and I think that if we can say, as the resolution does, that the welfare system is vulnerable to abuse, we can also say that all other systems are vulnerable to abuse; and if the welfare system being vulnerable is one that should be reformed, then surely the other system is one that should be reformed.

So I don't think, Mr. Speaker, that the second "whereas" of this resolution is one that really can be sustained in argument merely because the welfare system is vulnerable to abuse surely is no reason for saying that the welfare system should be totally, completely reformed. Now that same clause indicates the welfare system frequently discriminates against those with legitimate claims to public assistance. A legitimate claim, Mr. Speaker, is one I suppose that has to be established by the potential recipient of welfare in accordance with the various by-laws of the municipality and the regulations set down under the various provincial and federal pacts.

But there is another and more subtle point, I think, that should be brought out. People on welfare often -- well, I suppose we could say usually -- are low class people. They are usually people who, for a variety of reasons, have not been able to make it in the existing system, the existing social system, the existing economic system. They are people who often have a low income and they have a low income because perhaps they didn't make it in the school system. These people, Mr. Speaker, are often incapable of dealing with the administrative bureaucracy that exists in the administration of welfare in this province. And so the discrimination that's mentioned here as a result of the welfare system, I submit is not really the result of the system per se as much as it is the result of the fact that the people administering welfare are middle class people; and middle class people, whether they be business people or professional people, teachers or salesmen, middle class people are quite capable of manipulating the bureaucratic system of our government. They are able to get out of the system what they want and we've seen evidence of it all around this Chamber. A middle class person, I would submit, by definition is one who is able to manipulate the system and by manipulating the system he is able to make it. He is able to make money, he is able to make it to positions of status and responsibility. And the discrimination that results from the welfare system is one, I submit, that arises because the system is middle class bureaucracy administered by middle class people, and is not one that is really geared to the values, the attitudes and in fact the needs of those people who are low income, low class or are in some way not middle class.

But the discrimination, Mr. Speaker, the discrimination I think arises from the people and the values and the attitudes inherent in the system and they would continue to be there, those values, attitudes, would continue to be there even if there was a total reform of the welfare system. So I think that clause really is one that we could well look at and amend.

The third clause, Mr. Speaker: "And whereas the objectives of the welfare program is to assist" -- and I'm not sure what this is supposed to be, Mr. Speaker -- "welfare program is to assist with case" -- "with care" perhaps it's supposed to read; it's perhaps a misprint -- "those individuals unable to provide for themselves." That clause, Mr. Speaker, I think

(MR. TURNBULL cont'd.) carries with it the connotations that I feel obliged to bring to the attention of members. The objectives of a welfare programs, the objectives of a welfare program are to provide for those who are unable to provide for themselves - who are unable to provide for themselves. Now what, Mr. Speaker, is someone who is unable to provide for himself? I ask you: what is that? Someone who is -- I mean there's no qualification here, Mr. Speaker, in that clause. "Unable --" There are people that are unable to provide for themselves, completely, totally unable to provide for themselves, but they are very few in number, very few in number. And I think, Mr. Speaker, that surely that clause is not worded in such a way that it carries the intent of the person who moved the resolution. If the objectives of the welfare system are to assist only those who are completely unable to provide for themselves, surely that would be no welfare system at all. I can't accept this clause of the resolution, Mr. Speaker, because that particular clause is so restrictive and so narrow that I don't think it really carries the intent of the mover of the resolution and is one that really, to me anyway, has very little meaning - very little meaning.

And then we come, Mr. Speaker, to the final clause of the resolution and I find this last clause -- well it's ironic, Mr. Speaker, to say the least. The Resolved clause sets forth "that the government consider the advisability of undertaking total reform of the provincial welfare system." Total reform, Mr. Speaker. Total reform suggested by a Conservative? Mr. Speaker, I suggest to you that total reform is a radical solution and what we have over here perhaps is a red Tory suggesting total reform of the welfare system, a reform that would get presumably right to the roots of the welfare system, upheave it and produce a completely new system and one, Mr. Speaker, which would be rid of discrimination against low class, low income people, one that would not be vulnerable to abuse, one that would be restricted to providing assistance only to those who are totally, completely unable to provide for themselves and one which presumably would provide standards of eligibility which would be set by who? It's not -- we're not told here who it would be set by.

Mr. Speaker, total reform of the welfare system is totalitarian, well surely. Totalitarian, suggested by a Conservative. Mr. Speaker, I don't think that total reform really is what is required in the welfare system, a total upheaval with all the uncertainty that that would have for the people who are the recipients of the welfare? A total reform with all that that would mean for the people who are working in the Department of Health and Social Development and in all the municipal health departments and welfare departments. I don't think total reform is what is meant here at all, Mr. Speaker. Surely a total reform is a concept that is the antithesis of everything that members opposite, in the Conservative Party anyway, tell us is their guiding light because I say guiding light, Mr. Speaker, for lack of a better phrase to describe what the Conservatives think. We know that they have no philosophy and we know that they have very few new ideas, so I can only say that I use this phrase "guiding light" because surely, surely, Mr. Speaker, we all know that members opposite are inspired from time to time. All we have to do is listen to them when I'm speaking, and especially when I'm finished, to know that they are occasionally inspired and they must be inspired by some guiding light, not by a philosophy, not by any philosophy.

Well, Mr. Speaker, there are a great number of changes that could be wrought in the welfare system in Manitoba. There is no question of that. What do we have in Manitoba today, Mr. Speaker? We have a welfare system, we have a welfare system that certainly tends to result in people not being able to find their feet once they've been upset by some kind of personal tragedy or find themselves in a situation as a result of their environment, that mitigates against the possibility of them finding adequate employment and income to sustain themselves.

The welfare system needs reform, Mr. Speaker, there's no question about it. Many other systems need reform too, as I have indicated; the economic system could do with some reform; the political system could do with some reform; the auto insurance system could do with some reform and that's coming of course, that's coming. What kinds of reform are needed, Mr. Speaker? Well I suggest to you that the reform that's needed in the welfare system in Manitoba is one that would bring about a kind of program, a type of program that would enable people to become self-supporting. I don't think that welfare should have as its objective the making of increasing numbers of dependent people, people dependent upon the state, people dependent upon welfare payment. That, Mr. Speaker, is really, really no sane objective of any welfare program. For all that that kind of a program would mean is an

(MR. TURNBULL cont'd.) accelerating increase in the numbers of those who receive welfare, and I think that we've seen that over the years, Mr. Speaker. The last 30, 40, 50 years maybe, we have seen many budgets passed with increasing amounts of monies to be expended on welfare. And I suggest to you, Mr. Speaker, that it has been welfare in many cases that has led to increased dependence upon the government rather than less dependence upon the government. And I really think that that kind of a welfare program is not sane, is not one that we should have, and is one that should be changed. It should be reformed. But I would certainly stop short, Mr. Speaker, and I guess I'm perhaps more conservative than my friends opposite on the Conservative benches, I would stop short of total reform. I would think that total reform would be too upsetting to everybody, as I've pointed out.

What kinds of programs then, Mr. Speaker, could be introduced in the welfare system of Manitoba? Programs that make people less dependent. Well I think, Mr. Speaker, that one that we've heard much of these days and I think — I hope anyway — I hope we will continue to hear more of, is the program of day care for pre-schoolers. I don't happen to have all my file on this particular topic, Mr. Speaker, but if I can go by memory and as a result of the '61 census which the DBS figures are based on, there are some 2,900 female heads of family in the urban area of Winnipeg, and these female heads of families have some 1,300 pre-school children.

Now I wouldn't suggest for a moment, Mr. Speaker, that that kind of day care program would be needed by every one of those pre-schoolers because we've seen examples of day care programs set up where the children are not put in the program. We've seen examples of day care programs set up which really have fallen because of the lack of demand for the services that they provide. But I would think, Mr. Speaker, that this is one kind of support program that could be fostered by the government, which is set up in a way somewhat different than we've seen in the past, could help female heads of families become less dependent on welfare, and I'm speaking here of course of those that are presently dependent upon welfare.

And what kinds of programs are needed, Mr. Speaker? Well, I think we should move away from the institutional type of day care that has prevailed in Winnipeg. There are some institutional day care homes that are providing adequate care for children but these often are too expensive, too expensive for those women who may be on welfare. And the kinds of institutional day care that we have in Winnipeg are ones that pose all kinds of problems for the working mother. You've seen them. I don't know if members opposite ever ride the bus but I occasionally do. You've seen them at 8:00 o'clock in the morning, 8:30 in the morning, riding the bus while carrying a small child, three, four years old maybe, and I think it's fairly apparent that many of these women are going to some home or some institution where the child can be left for the day, and what the institutional day care centre poses as a problem for these women, of course, is the problem of transportation. How do you, you know, move from your home to the day care centre and then on to work, and then from work back to the day care centre to get your child and back home? That's a problem for many people. It's even more of a problem if a woman has two or three children which she is trying to care for while at the same time she is attempting to hold down a job. So I would think, Mr. Speaker, that one kind of reform that the government might look at and one kind of reform that I think members opposite, and particularly the Member for Fort Rouge, should look at is day care program where we have, say, neighbourhood housing, neighbourhood homes in which professional people are retained perhaps, and which have or could accommodate, say, four, five, six pre-school children, and a series of these in a given community, I think, would be of much more benefit than a large institutional centre because institutional centres do require government assistance; they are expensive, and many of them in the past, certainly out in Fort Garry here, have had to close for the want of children, for the want of pre-school children being placed in them. So that's one type of, oh, a very small reform, Mr. Speaker, because I am after all a moderate man and I'm not advocating total reform; I'm advocating just little steps, a little step towards neighbourhood day care centres, and I think that the members opposite, the Member from Charleswood even, I see he is nodding his head, he must be agreeing with me. Even he, I think, would accept that kind of reform and even the Member for Pembina, I think, would accept that kind of reform because it is a moderate reform and it's a workable reform and it's a practical reform and it's a lot better than a total reform of the welfare system.

Well, Mr. Speaker, I feel that there are other kinds of moderate reforms that could be undertaken, moderate and continuing reforms of the welfare system that could be undertaken.

(MR. TURNBULL cont'd.) And I think particularly, Mr. Speaker, of our senior citizens, and I have a habit of going through my constituency talking to people. I have encountered many senior citizens who have been placed in a very precarious economic financial position as a result of, oh, a variety of programs, as a result of, for example, in 1969 the premium Medicare program imposed by the previous government. And I can recall so well, Mr. Speaker, oh I can recall two things so very well. I can recall speaking to people who said - old people, senior citizens, retired people - they said that they were going to have to give up the home that they'd spent 30 or 40 years purchasing because of the medical care premium imposed by the Conservative Government. And I can remember in '69 - I think it was on the budget debate, Mr. Speaker - talking about this particular problem of the aged in my constituency, and hearing a member - I believe it was the Member from Rock Lake - get to his feet and ask me if I really, if I actually had in my constituency old people who were going to lose their homes, who were going to have to move out of their homes because they put on a hundred dollar premium tax for medical care. And I couldn't understand how a man, a venerable man from Rock Lake, could actually ask me whether there were such people in my constituency or for that matter in anybody's constituency. And I must assure members opposite that there were, and there are, and that there must be some program introduced in Manitoba that will provide in a more adequate way for the old age and retired people in the province, because they are hard-pressed, Mr. Speaker, as we all know.

And so I think that a little step, a moderate reform, which would provide, as I say, a more adequate way for the aged, would be one that the members opposite should be pushing for. We all know, Mr. Speaker, that backbenchers have a hard time pushing for anything in this House. You know, it is very hard to be a backbencher. We are a silent -- I guess we must be the silent majority, and surely if we are members of the silent majority, the Conservatives opposite must agree with what we say just as Nixon thinks that the silent majority are a good group to listen to when they do say something.

Well, Mr. Speaker, these two small programs, neighbourhood day care centres, a series of them in one small area as a start perhaps on an experimental basis, and some form of adequate assistance for the old age are programs that I think, reforms that I think that the Opposition and the Government should move towards. Certainly they shouldn't adopt this resolution, Mr. Speaker, one that calls for total reform, a concept which I must reject.

So, Mr. Speaker, I wish to move an amendment to the resolution. I move, seconded by the Member for Ste. Rose, that Resolution No. 5 be amended by striking out all the words after the word "is" where it appears in the first line of the first paragraph, and substituting therefor the following:

" . . . concern on the part of the taxpayer with the expansion of welfare programs; and Whereas the present welfare system is in need of continuous review to meet the needs of a modern society;

and Whereas the objectives of the Social Assistance Branch of our Social Development program is to ameliorate the living conditions of individuals and families who have either permanently or temporarily, for one reason or another, found themselves to be the victims of the social and economic structure of our society as distinct from those individuals and families who have either been a beneficiary or who have adjusted to it;

and Whereas the government is in the process of amending the regulations to effect improvements;

Therefore Be It Resolved that the government continue to work toward change and improvement in the total welfare system.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: Mr. Speaker, I just want to speak one or two words so I think I have time before the clock runs out. I have to get up to comment, not necessarily on the main resolution, but on the amendment. It came back out again tonight, this evening, the same way as it did the last time that man was up speaking. I'll repeat what the Member for Pembina said. "Stupid bunch of garbage."

MR. SPEAKER: Order please. Would you address yourself to the motion before us which is an amendment to Resolution 5. The Honourable Member for Charleswood.

MR. MOUG: While this man is on his feet, I suggested a few minutes ago at \$4,000 an hour he stands on his feet, because he gets up twice every session and that's \$4,000. Up till

(MR. MOUG cont'd.) now he's been using up \$5,000 of the government's money of the Province of Manitoba and I hope you feel proud . . .

MR. SPEAKER: Order please. Are you ready for the question? The Honourable Member for Charleswood if he will debate the motion. Order please. If he will debate the motion, the Honourable Member for Charleswood.

MR. MOUG: Well, Mr. Speaker, unfortunately time shifts around and we're close to 5:30 so I would like to have the motion stand in my name.

MR. SPEAKER: Agreed? (Agreed) The hour being 5:30, the House is now adjourned until 2:30 Tuesday afternoon.