

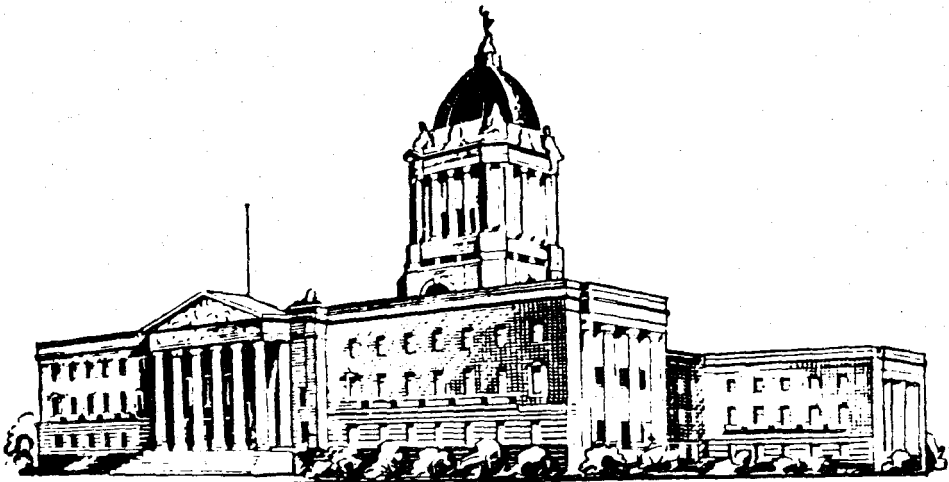


Legislative Assembly of Manitoba

DEBATES  
and  
PROCEEDINGS

Speaker

The Honourable Peter Fox



Vol. XIX No. 24 2:30 p.m., Wednesday, March 29th, 1972. Fourth Session, 29th Legislature.

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BRANDON WEST	Edward McGill	P.C.	2228 Princess Ave., Brandon, Man.
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CHURCHILL	Gordon Wilbert Beard	Ind.	148 Riverside Drive, Thompson, Man.
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FORT ROUGE	Mrs. Inez Trueman	P.C.	179 Oxford St., Winnipeg 9
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MINNEDOSA	David Blake	P.C.	Minnedosa, Manitoba
MORRIS	Warner H. Jorgenson	P.C.	Box 185, Morris, Man.
OSBORNE	Ian Turnbull	N.D.P.	284 Wildwood Park, Winnipeg 19
PEMBINA	George Henderson	P.C.	Manitou, Manitoba
POINT DOUGLAS	Donald Malinowski	N.D.P.	361 Burrows Ave., Winnipeg 4
PORTAGE LA PRAIRIE	Gordon E. Johnston	Lib.	Room 248, Legislative Bldg., Winnipeg 1
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WINNIPEG CENTRE	J. R. (Bud) Boyce	N.D.P.	777 Winnipeg Ave., Winnipeg 3
WOLSELEY			

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Wednesday, March 29, 1972

Opening Prayer by Mr. Speaker.

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 65 students of Grade 7 and 8 standing of the John Henderson School. These students are under the direction of Miss McTavish. This school is located in the constituency of Rossmere, the Honourable First Minister's constituency.

We also have four students for Grade 12 standing of the Fisher Branch College. These students are under the direction of Mrs. Lodge. This school is located in the constituency of the Honourable Member for St. George. On behalf of all the Honourable Members of the Legislative Assembly I welcome you here today.

Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements and Tabling of Reports. The Honourable Minister of Health and Social Development.

TABLING OF REPORTS

HON. RENE E. TOUPIN (Minister of Health and Social Development) (Springfield): Mr. Speaker, I would like to table the Annual Report for the Department of Health and Social Development and I'd like to mention equally that a supplementary report on statistics will be tabled in this House very soon.

MR. SPEAKER: Any further Ministerial Statements or Reports? Notices of Motion; Introduction of Bills; Oral questions.

ORAL QUESTION PERIOD

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): Mr. Speaker, before the Orders of the Day are called I should like to raise a question of privilege affecting all members of the House. And my question of privilege, Sir, deals with the -- I believe to be the improper of civil servants in assisting and conducting of election campaigns. Sir, my question of privilege arises from a communication that was addressed from the office in this building, 151 Legislative Building, under the signature of Alan M. Early who is in the employ of the government under the Civil Service Commission. Mr. Early's letter goes out to all the New Democrats I presume, re the Wolseley by-election and, Sir, I believe the use of civil servants in conducting election campaigns particularly before election campaigns are called, is a misuse of public funds and a misuse of ...

MR. SPEAKER: Order, please. Order, please. The Member is debating the question not stating the matter of privilege which he has raised and I'm willing to listen to a prima facie case of privilege not to a debate on the question.

The Honourable First Minister on that point? --(Interjection)-- The Honourable Member for Morris first.

MR. JORGENSEN: I thought I made my question of privilege very clear at the outset and that is in my opinion the kind of communication that emanates from a government office conducting political campaigns through the use of civil servants is an improper use of taxpayer's money and definitely a question of a privilege that affects all members of this House.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, I don't know if any further comment is needed in the light of your statement but in the event that it would be helpful I offer the following observations on the alleged point of privilege of the Honourable Member of Morris.

Point No. 1: the gentleman in question is not a civil servant, has not been appointed under the terms of the civil service act; in fact the person in question is an Executive Assistant to a Minister and it would be exceedingly strange if such a person would be other than a New Democrat working with a New Democratic Minister. That's point number one.

Point No. 2: There is no use of public monies involved inasmuch as the cost of duplication etc., is paid for by the Party office.

Point No. 3: The person doing this work was doing outside of normal working hours.

(MR. SCHREYER cont'd) . . . . .

Point No. 4: . . .

MR. SPEAKER: Order please. Order please. The Honourable First Minister too is debating the question and not debating the matter of privilege. I shall take the matter under advisement at the moment.

The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): Mr. Speaker, as House Leader and because it is a matter dealing with the conduct of the House and the rights and privileges of all members of the House, may I in all due respect to you, Sir, suggest that the points raised by the Honourable the First Minister were in effect not . . . --(Interjection)-- I have the floor. I have the floor. I have the floor.

MR. SPEAKER: Order please. A person may not rise on a point of order with another point of order. The Honourable Minister of Labour.

MR. PAULLEY: My honourable friend there, sometimes he forgets that there are privileges and all I was suggesting to you, Sir, and I recognize the fact that you did say that you were going to take this matter under advisement, and all I am suggesting that in your consideration -- and I agree that the consideration that you will give to this matter will be thorough, knowing your capabilities, Sir, as against those from the Honourable Member from Swan River -- all I'm suggesting, Sir, all I'm suggesting, Sir, is that you take under consideration in your review the valid point raised by my Leader.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, if I just may, and I agree that you follow the wise course in taking this matter under advisement. I wonder if you would take under consideration, Sir, while you're doing this the propriety of executive assistants -- and I quite concede that executive assistants very frequently and quite properly are asked to handle matters dealing with the Minister's responsibility or a minister's own constituency but using him during the course of an election campaign other than in the minister's own constituency is quite another matter. --(Interjection)--

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, if you'll allow me, Sir, to pursue the last point raised by the Member for Morris which simply circumvents the four points that I had made in response, then I would simply point out, Sir, that the Honourable Member for Morris for one -- he himself used the services of a secretary paid for by the government of Canada, public money, in order to send out newsletters to constituents at times other than election campaigns. There is no election campaign in Wolseley at the present time. --(Interjection)--

MR. SPEAKER: Oral questions. The Honourable Member for Lakeside.

MR. HARRY J. ENNS (Lakeside): Mr. Speaker, I wonder if the First Minister could answer a question for me. In view of the statements made earlier by the organizers of the New Democratic Party that they were some \$76,000 in the red, has the government now found a new means of . . .

MR. SPEAKER: Order please. The question has no relevance to the procedures of this House. The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I wish to direct my question to the Honourable First Minister. What negotiations has the government conducted with the Hurd Group from Calgary with respect to the feasibility of a \$5 million pipeline from Alaska to Emerson through the Province of Manitoba?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Well, Mr. Speaker, obviously I'll have to take that question as notice.

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I noted yesterday that the Honourable Stanley Knowles in the House of Commons directed a very direct question to the government and said: "When do you intend to call the general election?"

MR. SPEAKER: Order please. I see no relevance to that question at the moment. Would the honourable member care to rephrase it.

MR. CRAIK: Mr. Speaker, I'd like to direct a very direct question to the First Minister of this House. Could he tell us when he intends to call the Wolseley by-election?

MR. SPEAKER: The Honourable the First Minister.

MR. SCHREYER: Well, Mr. Speaker, if that is meant to be a direct question, I'll give

(MR. SCHREYER cont'd) . . . my honourable friend a very direct answer. The by-election will be called within such a period of time as will be less than the average lapse of time that my honourable friends used to allow before they called by-elections.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I direct this question to the Minister of Education, public education that is. My question relates to the Town of Cartwright in my constituency. Because of the situation as it pertains to the transferring of 10 and 11 students to Killarney, did the Minister receive an invitation to attend a meeting at Cartwright from the Citizens Committee and the Board of Trustees of Turtle Mountain Division?

MR. SPEAKER: The Honourable Minister of Education.

HON. BEN HANUSCHAK (Minister of Education) (Burrows): From the Citizens' Committee, yes, Mr. Speaker, from the Board of Trustees, no.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. EINARSON: A supplementary question, Mr. Speaker. Does the Minister intend to acknowledge the visit to Cartwright?

MR. SPEAKER: Order please. The intentions of the Minister are not relevant to the procedures of this House. The Honourable Member for Lakeside.

MR. ENNS: I direct a question to the Honourable the First Minister. Can he tell me have any instructions been given in the past year to the civil service not to go first class when they travel?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the practice insofar as the public service is concerned relative to air travel is really based on the principle of stare decisis.

MR. SPEAKER: The Honourable Member for Charleswood. Order please.

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, I'd like to direct a question to the Minister of Highways. Has the government given the green light to the City of Winnipeg to carry on expropriation proceedings on the proposed inner beltway?

MR. SPEAKER: The Honourable Minister of Transportation.

HON. PETER BURTONIAK (Minister of Highways) (Dauphin): Mr. Speaker, I believe this is a matter of policy, it'll be decided later.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I'd like to direct a question to the Honourable the Minister of Education. Is it the intent of the government to pass legislation at this session giving the teachers the right to strike?

MR. SPEAKER: Orders of the Day. The Honourable Minister of Education.

MR. HANUSCHAK: It's a matter of policy, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I wish to direct a question to the Acting Minister of Mines and Natural Resources; that's in connection with the pollution problem. Has the government taken any action with respect to pollution problem in Elmwood?

HON. LEONARD S. EVANS (Minister of Industry & Commerce) (Brandon East): Mr. Speaker, to give you an adequate and complete answer I'll take the question as notice.

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

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. My question is for the Minister of Highways. Could the Minister indicate whether -- or will the Minister tell us if they have appointed a Chairman of the Highway Traffic and Motor Transport Board?

MR. SPEAKER: The Honourable Minister of Transportation.

MR. BURTONIAK: Mr. Speaker, I'm not sure what the honourable member is indicating in the form of his question as to if the government has appointed a Chairman of the Transport Board? Of course.

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

MR. GRAHAM: Could the Minister indicate to the House who has been appointed Chairman of the Board?

MR. SPEAKER: The Honourable Minister of Transportation. The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I have a question for the First Minister. I wonder -- would the First Minister indicate to the House when he expects to appoint a Minister of Mines and Natural Resources?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, there is a person of the Cabinet exercising the responsibilities of the portfolio.

MR. SPEAKER: Orders of the Day. The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I'd like to direct this question to the Acting Minister of Environmental Management. What is this department doing about applications that have been made some months ago for the building of new buildings and as late as last week we're still told that they should come back, they could not consider the matter till next September 15th.

MR. SPEAKER: The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, with all due respect, I listened very carefully but the question is very vague. You haven't specified exactly who you're referring to, or what area of the province you're referring to so I would like if you would, Sir, repeat the -- clarify the -- Mr. Speaker, if the honourable member would clarify the question I would be pleased to consider it.

MR. BARKMAN: Thank you, Mr. Speaker. I'm not sure to what party these people belong to but they are average Manitoba citizens and I'm referring to buildings that would have to do with the Clean Environment Act and where the question of environment was involved and they have been told -- have applied some months ago -- that the matter could not be taken up to at least next September 15th.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the question that has been posed by the Honourable Member for LaVerendrye unfortunately has some implication in it that the time at which the matter would be taken under consideration might somehow be related to partisan considerations. I wish to answer my honourable friend by suggesting to him that matters pertaining to environmental protection are dealt with by the Clean Environment Commission and if necessary on appeal by the Municipal Board and that it has really nothing to do with partisan considerations. I fail to see the point of my honourable friend's question.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. BARKMAN: A supplementary question. I was trying to answer the question that the Minister made. This is why I mentioned the partisan part. This particular problem has nothing to do with partisan.

MR. SPEAKER: Order please. The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, with all sincerity, if we knew what the honourable member was talking about we'd be pleased to try to answer the question but it was very vague at this point.

MR. SPEAKER: Orders of the Day. The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, in the absence of the Minister of Agriculture, I'll direct this question to the Honourable the First Minister. It relates to the 1972 showing of the Royal Manitoba Winter Fair which starts in Brandon on Monday. Could the Minister, the First Minister indicate to the House if the decision to suspend the normal sittings on Monday of this Legislature was in any way related to the desire of the government and the Cabinet members and all honourable members to attend the opening ceremonies of the Royal Manitoba Winter Fair in Brandon on Monday? And if that is so, Sir, I would like to extend an invitation on behalf of all . . .

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the fact that the Legislature is not going to be in session on Monday next does offer an excellent opportunity to all honourable members to attend the Royal Winter Fair, the Manitoba Winter Fair at Brandon and I would join with the Honourable Member for Brandon West in recommending it highly to all this Assembly.

MR. SPEAKER: Orders of the Day. The Honourable Attorney-General.

HON. A. H. MACKLING, Q.C. (Attorney-General) (St. James): Mr. Chairman, the Honourable Member for Morris on a number of occasions has indicated a concern which I recognize is quite proper in getting an opinion from my department as to the continuing immunity in respect to the comments or statements made by members of the Legislative Assembly, should there be an introduction of television or radio broadcasting from the Assembly.

I have now received a report which I think confirms that the immunity would continue, but recommending that there in any event be some amendment made to the Legislative Assembly Act to make it quite clear that there would be no liability, and what I intend to do is make

. . . .

MR. SPEAKER: Order please. I would suggest that the press gallery tone down a bit; I am having very much difficulty in following what the Attorney-General is trying to say. I should also like to ask the Attorney-General whether this is an answer to a question or whether it's a statement. If it's a statement, it should have been . . . The Honourable Member for Morris.

MR. JORGENSON: . . . assist you, we are quite prepared to give leave to the Attorney-General to revert to motions in order to enable him to table this particular report at the proper time.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, may I suggest the proper procedure really would be for the answer to the question raised by the committee on the rules of the House, to receive the report of the Attorney-General first because it was from that committee that the request was made and I say in all due respect to my honourable friend that this would be a more proper procedure.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: Mr. Speaker, I'd like to direct a question to the Minister of Cultural Affairs. Could he arrange to have a copy of the magazine that's in the possession of the Member for Crescentwood distributed to the House?

MR. SPEAKER: Order please. I believe I distributed a copy of Annotation and Comments from Beauchesne's Parliamentary Rules of the Fourth Edition. I would ask all members to seriously peruse the same, so I shouldn't have to continually be acting as a policeman in here.

I do believe all members are capable of understanding what it says in those rules and they should take it to heart and act accordingly.

The Honourable Member for Crescentwood.

MR. CY GONICK (Crescentwood): I have a question to the Attorney-General. I wonder if the Attorney-General intends to take action against the Sexist Magazine "Cosmopolitan" showing pictures of nude men across the center.

MR. SPEAKER: Orders of the Day. The Honourable Member for Crescentwood.

MR. GONICK: I have a question to the Minister of Health and Social Development. The question is: is the Department of Health and Social Development now negotiating with the dentists with regard to adjusting dental fees for welfare recipients?

MR. SPEAKER: The Honourable Minister of Health and Social Development.

MR. TOUPIN: Yes we are, Mr. Speaker.

MR. GONICK: A supplementary question, are the dentists requesting increased fees and -- all right, I'll have a further question . . .

MR. TOUPIN: Mr. Speaker, I would not want at this stage to jeopardize the negotiation between the government and the Dental Association, and this is a matter of discussion between the Department of Health and Social Development and the Dental Association.

MR. GONICK: Would the Minister confirm or deny that the effective increases . . .

MR. SPEAKER: Order please. There is no contingency on the Minister to confirm or deny. The honourable member may rephrase his question.

MR. GONICK: The question is: are the dentists asking for a 70 percent increase in their effective fees?

MR. TOUPIN: I am not in a position, Mr. Speaker, to answer -- to reply to this question.

#### ORDERS OF THE DAY

MR. SPEAKER: Before the House Leader proceeds to instruct, I should like to indicate that due to inadvertence, three Orders for Return were placed on page 4 -- they're standing. They should not have been placed there -- they should be called at the present time. Two of them in the name of the Honourable Member for Crescentwood and one in the name of the Honourable Member for Portage la Prairie, at the bottom of page 4. Proceed with those. The Honourable Member for Crescentwood. The Honourable Minister of Labour.

MR. PAULLEY: I wonder, Mr. Speaker, may I have the indulgence of the members of the Assembly and more particularly you, Sir, His Honour the Administrator of the Province of Manitoba is outside and will enter the Chamber to give Royal Assent to the Interim Supply bill and I am wondering whether it would meet your convenience, Sir, that we do not proceed further until His Honour attends the Assembly.

MR. SPEAKER: (Agreed)

ROYAL ASSENT

The Honourable G. E. Tritschler, Administrator of the Government of Manitoba, having entered the House and being seated on the Throne:

Mr. Speaker addressed His Honour in the following words:

"We, Her Majesty's dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government and beg for Your Honour the acceptance of this Bill: No. 10 - An Act for Granting to Her Majesty Certain Sums of money for the Public Service of the Province for the Fiscal Year Ending the 31st day of March, 1973."

To this Bill the Royal Assent was announced by the Clerk in the following words:

"The Honourable the Administrator of the Government of Manitoba doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence and assents to this Bill in Her Majesty's name."

The Administrator was then pleased to retire.

MR. SPEAKER: Orders for Return. The Honourable Member for Crescentwood.

MR. GONICK: I'm moving, Mr. Speaker, seconded by the Member for Gimli, that an Order of the House do issue providing information as to the price of an advertisement inserted in the Winnipeg Free Press of March 14th, 1972 by the Manitoba Department of Industry and Commerce entitled "Manitoba, the Place To Be".

MR. SPEAKER presented the motion.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Industry and Commerce.

MR. EVANS: Mr. Speaker, the government will accept this Order for Return.

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

MR. SPEAKER: On the proposed Order for Return. The Honourable Member for Crescentwood.

MR. GONICK: Mr. Speaker, I would like to have this matter stand.

MR. SPEAKER: (Agreed) The Honourable the House Leader.

MR. PAULLEY: Mr. Speaker, now may we go into the adjourned debates on second reading of government bills, starting with Bill No. 2 standing in the name of the Honourable Member for Rhineland.

GOVERNMENT BILLS

MR. SPEAKER: On the proposed motion of the Honourable the Attorney-General; the Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, the Bill No. 2 is a bill to amend the Legislative Library Act. My remarks will be brief. The Minister of Finance thinks I'm correct to this stage; I don't know whether -- from here on.

We are now going to bring the reports of the courts under this Act as I understand it and I don't know whether the Minister, when he made the introductory remarks gave us a full account or complete introduction of the bill.

I am concerned about one or two things. I notice that a few years ago when I tried to check on certain agreements that the Crown made -- one in particular with International Nickel to find out just what the agreement contained -- I found that this was not in the statutes, that this was one of the sessional papers; and I felt that this was very valuable to have and certainly my concern is that papers of this type that needn't necessarily be reports of the courts but would be closely connected with court proceedings, that we do not lose any of these.

I know that the act provides for microfilming but whether microfilming will do just that for us that we intend to retain, I have yet to see microfilmed reports of any of the government papers. Maybe as members of the House we should probably get an exercise in this and review some of these papers and statements that have been microfilmed and find out whether they are to our satisfaction. Just what is involved when you go over a record that has been microfilmed; maybe the Minister could tell us when he does reply.

Certainly if these papers or records are properly microfilmed and if there is nothing in the way to go over them, I will have no objection, but if this means that you will have to go to a certain place where you have proper -- I don't know, do you require lenses or anything or not? If this is required, Mr. Speaker, then I think I would take exception to destroying some



(MR. FROESE cont'd) . . . . . of the records.

Perhaps the Minister in replying can give us some information in this connection.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I have looked over this bill and enquired into it and it seems to me that from the information I can obtain that it is a matter of disposing of a large accumulation of old records; and so far as I am concerned I notice with a great deal of interest that what is to be disposed of would possibly go through the hands of the historian but prior to that, Sir, they would be listed and approved by a proper authority as indicated in the bill, and in those circumstances our party are prepared to stand behind the bill itself.

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: In speaking then, Mr. Speaker, I would be closing the debate.

The Honourable Member from Rhineland is concerned about whether or not there will be some microfilming of records that might require preservation for historical or public purposes and I assume that that is the case. I am not certain as to the technique under the Libraries Act, the administration as to how that is carried out, but it's my understanding that valuable records for historical and public purposes are screened in a fashion that ensures that such is the case. When we get into committee I'll be happy to have someone from my colleague, the Minister of Tourism and Recreational and Cultural Affairs whose administration looks after the Provincial Library to answer any questions about how these records will be handled, but it's my understanding that the -- particularly the magistrates' courts have accumulated a monstrous amount of really what is waste material. It has no particular historical or other public value and there hasn't been a technique authorized by statute to dispose of this. So it's a vital concern that we're just literally burying ourselves in useless paper and perhaps it has some salvage value and will be re-cycled but other than that, it will free up a lot of otherwise dead storage that is at public expense. With those remarks, I commend the bill to the House.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Finance. The Honourable Member for Minnedosa -- (Interjection) -- (Agreed)

On the proposed motion of the Honourable Member . . .

MR. PAULLEY: Mr. Speaker, if I may, I note the absence of the Honourable Member for Minnedosa and I'm wondering whether or not there may be agreement on this very vital and important bill -- that if the Honourable Member for Minnedosa is not prepared to speak of whether or not permission would be granted to any other member of the Assembly who so desires.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L.R. (Bud) SHERMAN (Fort Garry): Well, Mr. Speaker, in response to the suggestion of the House Leader I can assure the House that for our part there would be agreement that participation in debate on that bill could go ahead. I would simply remind the House Leader, Sir, that we are in the process through the generosity of the Minister of Finance of being taken step by step through the bill in question. That process has not been completed as yet.

MR. SPEAKER: The Honourable the House Leader.

MR. PAULLEY: Mr. Speaker, if I may be granted the privilege in respect of the remarks made by the Honourable Member from Fort Garry dealing with the courtesy of the Minister of Finance, I concur with what he has said but I believe that it is a custom in this House notwithstanding the detailed appraisal of bills that when we consider the same on second reading it is dealing with the principle of the bill and not the detailed analysis of the same. So I say, Sir, in all due respect to my honourable friend that if any other honourable member wants to speak on the matter of the principle, not the detail, of the bill he should so be -- or her -- be allowed so to do.

MR. SPEAKER: Order please. The Honourable Member for Fort Garry.

MR. SHERMAN: Well, Mr. Speaker, we agreed to that request on the part of the House Leader.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Finance. The Honourable Member for Brandon West. The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, if I may; as I looked around the Chamber it looked to me as though there was a possibility of another honourable member desiring to make a contribution in respect to Bill No. 5. I wonder, Sir, whether we could ascertain that conclusively or

(MR. PAULLEY cont'd) . . . otherwise at this time.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, to the House Leader -- no we are not prepared, we're not ready to go.

MR. PAULLEY: The Honourable Member for Rhineland, he was half out of his seat. Okay then, Mr. Speaker, then I would respectfully suggest that you call Bill No. 6, another vital bill.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Finance. The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, under the same circumstances, may I have this matter stand.

MR. PAULLEY: Mr. Speaker, I make the same suggestion, Sir, that if any other honourable member of the House desires to speak on this very vital and important bill that they be granted permission so to do.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Then, Mr. Speaker, may I extend this same agreement.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: On a point of order, on a point of order -- are we led to believe that it is only by the gracious invitation of the Honourable House Leader opposite that any member can feel free to make a statement or speech in this Chamber.

MR. SPEAKER: That's not a point of order. The Honourable House Leader.

MR. PAULLEY: Mr. Speaker, if I may be permitted to my honourable friends . . .

MR. SPEAKER: I rule that as not a point of order. There's no debate on it. The Honourable House Leader on the next order of business.

MR. PAULLEY: . . . honourable friend, the Minister of Finance.

MR. SPEAKER: The Honourable Minister of Finance.

HON. SAUL CHERNIACK Q.C. (Minister of Finance) (St. Johns): Mr. Speaker, I beg to move, seconded by the Honourable Minister of Labour that Mr. Speaker now leave the Chair and the House resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

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

#### COMMITTEE OF SUPPLY

MR. CHAIRMAN: (a) . . . The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, I wish to take this opportunity to make my comments on the estimates of Consumer and Corporate and Internal Services at this time. I have on previous occasions taken some considerable time on speaking on Consumer Affairs and I intend to do the same now. I think there is no other area of consumer protection, and where there's no more evidence than amongst the poor where consumer legislation is required.

Mr. Chairman, may I also say that I know that experience proves that ethical business is behind the establishment of consumer protection legislation and I believe no one suffers from widespread dishonesty in the marketplace than the ethical businessman, than the good entrepreneur himself. So I say the business community, I'm sure, welcomes proper consumer legislation.

Any comments in respect to the studies of consumer protection legislation in Manitoba and the operation of the Consumer Bureau must proceed first by recognizing the leadership provided by the province in advancing their interest of its citizen consumers to the extent that it is the enemy of every jurisdiction in Canada, across North America. This is one area, Mr. Chairman, where Manitoba has decided to lead instead of following some other provinces or other jurisdictions. I think that this has been done only in the last three years. I think that the Minister as well could be complimented that he did not wait to bring in other legislation to improve the free marketplace to the benefit and advantage of consumers and businessmen as well. While giving some credit -- or a great deal of credit to the government and the Minister I wish to give some credit to the former administration as well when this was under consideration for some time and I believe that almost every member in this House has made a tremendous contribution in respect to this legislation.

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

While the Bureau operates under enlightened and far-reaching provincial consumer protection legislation, the underlying philosophies of which are non-partisan, this has not deterred the Minister or the Legislative Assembly from bringing forward innovations, improvements, where additional needs have surfaced. Regulation of activities of collection agents out-lawing of unsolicited credit cards, control of referral selling, an extension of direct liability for sales claims made, in my opinion are both welcome and commendable.

I'm looking forward with interest to the operation of the Hearing Aid Act passed at the last session and the operations of the regulatory board under which it is to commence, I believe, next month. This is an area of special concern to consumers that has gone virtually unchecked for many years. Every responsible consumers' group in the country has called for protective measures and Manitoba is one of the few that has responded.

While adoption of the Hearing Aid legislation is welcome I would like to draw to the attention of the House a drawback in the bill -- that is that act that provides special protection to minors who purchase aids and in my opinion gives very little attention to senior citizens who are often in need of a hearing aid and where experience has shown us that they are by far more often the ones that are perhaps bilked by unscrupulous dealers than anyone else.

Mr. Chairman, having said all of these things which are to the credit of the government of this House and the members, in Consumer Affairs there still remains an important assessment as to adequacy. I would like to ask are these programs doing everything they might to advance the consumer interest. Are the rights and remedies real? Are there still not important areas that call for further action by this government whether through legislation, through persuading irresponsible, indifferent businessmen to change their approach or through informing consumers of their rights and providing the vehicle to enjoy their rights.

Mr. Chairman, the phrase "let the buyer beware" is no longer an appropriate principle to apply in consumer transactions if we are to restore true equality in the buyer-seller, borrower-lender, and landlord-tenant equation. How close are we in Manitoba to providing the reverse of this proposition? Let the seller take care. Let the provider of goods or services or accommodation or financing stand behind his side of the transaction. These are considerations that have both social as well as personal applications for each of us here as a consumer, not just a buyer or user or a producer or seller. Each of us is a part of the fabric of Canadian society and should be committed to quality, justice, respect, understanding and a constantly improved and rewarding life for all of our fellow citizens.

There are certain fundamental expectations that each consumer as a citizen has come to regard as a basic, the privilege of functioning in a society and reaping its economic benefits carries with it. The obligation to show genuine concern for all others in that society and particularly towards those with whom one deals for commercial advantage. Today consumers expect to be given reasonable access to goods and services and not to be victimized as part of a captive market. They're entitled to obtain accurate facts about those goods in order to make informed decisions. They expect the purchases to be at fair value and they will not be taken advantage of unfairly. No consumer should be unfairly pressured or unlawfully disadvantaged when buying goods and services nor should those goods or services expose the user to unexpected hazards and to give it all reality and meaning, each consumer should receive prompt and full redress for any product or service that does not perform as explicitly warranted.

Now, Mr. Chairman, are these aspirations being achieved for consumers in Manitoba. Unfortunately while the legislation and the attitude of the government reflects in like and thinking there's still a great deal to be done and still a great deal left to be desired and there are a number of specific courses of action calling for attention and implementation. There are still, Mr. Chairman, deceptive sales practices. The present Consumer Protection Act dealing with individual consumer purchases and other transactions is still deficient in outlawing deceptive selling practices notwithstanding the presence of both provincial and federal legislation. Consumers are still being victimized by pyramid marketing schemes, . . . deceptive use of contests, unsolicited mail and the like. The legislation should include an omnibus clause prohibiting the use of deceptive methods with respect to the merchandising of goods and services. It should specify methods currently in use that are regarded as objectionable and therefore unacceptable with power to add to the list by Order-in-Council. And besides providing for punishment in the forms of fines and other penalties for abuses, it should also allow victims to obtain personal redress by rescission of contracts, damages or the like. In addition, there should be

(MR. PATRICK cont'd) . . . . a power in the Consumer Bureau to enjoin the prohibitive practices by a cease and desist order coupled with the right of appeal from such an order to an independent tribunal such as the courts. The Bureau should also have the authority to make restitution order where a cease and desist order has been made or affirm on appeal and to bring action before the regular courts on behalf of all consumers who have been injured by a deceptive or unconscionable practice.

Mr. Chairman, I have said many of these things before on Consumer estimates. We still have today misleading advertising practices. There has been a tendency on the part of the Minister of Consumer and Corporate Affairs and his predecessor in office to avoid discussing the problem of misleading advertising by saying it is a federal matter. While it is true that this is a very serious problem in an area of Consumer Affairs which has been attacked primarily by the Federal Government, I feel that through prosecutions under Sections 33 (c) - False Price and 33 (d) - False Representations, of the Federal Combines Investigation Act and while they are mounting a more definitive attack under the proposed Competition Act, this is still very much of a provincial matter.

Mr. Speaker, up to now the efforts have been by the way of criminal prosecutions which if sustained have led to fines and some adverse publicity for the offenders. But this has brought no effective redress to consumers who have been the victims of advertising deception especially since prosecutions follow long after the effect. Manitoba should be capable of regulating false advertising within the province and it must begin to shoulder the responsibility of enacting and reinforcing legislation in this area. There is a provincial precedent in that credit advertising that did not disclose all of the material facts is at the present time regulated under the existing Consumer Protection Act. Within the last year the courts have shown with regard to misleading advertising directed at consumers the standard is a credulous consumer as opposed to the former reasonable man. This too should become the standard of provincial regulation because of the realities of mass production, mass marketing, as opposed . . .

Mr. Chairman, as I mentioned I think that the Minister has to take some action in the matter of false advertising and should make it his responsibility. I believe that consumers derive the greatest part of their information about product or service from the advertising used to promote and sell it and have come to rely on that advertising. Where advertising has been found to be deceptive or misleading the legislation should impose an obligation on the offending advertiser to run corrective ads of equal quality and exposure clearing up the deception about the products.

These are, Mr. Chairman, are bold and initiatives critically called for by this province. The type of thinking that says simple, well advertising is in the federal domain, represents in my opinion a cop out by the Minister. We do not share the views of some who have expressed concern over the dangers of an undue overlapping of Federal and Provincial programs. The present danger lies much more in the absence of effective regulation that is excessive and Mr. Speaker, or Mr. Chairman, the Minister has to take some action in respect to false advertising and not to slough it off and say it's not our responsibility in the province of Manitoba.

I have talked on warranties before and I feel very little has been done. We continue to hear the lack of practical effectiveness of warranties in Manitoba despite the legislation -- as realistic redress is not available -- this is especially true when the seller is marketing a pre-packaged item or appliance manufactured a thousand miles away from the borders of Manitoba. One of the most unfair aspects of these provisions is that because the contract is between buyer and seller and not buyer and manufacturer. It is the seller who is then obliged to stand behind a manufacturer's product when he has almost as little to do with it as they buyer, while the seller must retain some responsibility in that he is prepared to profit from the sale of the item. He is entitled to backup protection that his manufacturer must stand behind, either as a matter of sensible business dealings or with sanction of legislation if necessary. It is not realistic to expect a buyer, the consumer to have to chase the manufacturer or to be caught by the small print in the manufacturer's very carefully and technically worded small print warning. The whole area of manufacturers' warranties, the provision of adequately trained and equipped service centers within the province and the ready effect of supply of replacement parts and equipment is one which calls for a full scale study and recommended regulations and changes within the business pattern and behaviour.

Mr. Chairman, I can recollect I myself had on occasion calls from different parts of Manitoba for a repair to a machine, to a combine, and it cost anywhere in the neighbourhood of

(MR. PATRICK cont'd) . . . . \$18 to \$20,000. This machine was no more than one year old. In the time that you couldn't waste any hours or any days because when the weather was permissible you had to harvest a crop -- a new machine, there was no way you could get a part for it for almost 3-4 days and I think that it's incumbent on some of the manufacturers to stock parts so that this does not happen.

Notwithstanding the clear intent and careful wording of the statutory conditions and warranties written to the Consumer Protection Act, there still remains clear-cut evidence that the providers of goods and services even in Manitoba continue to ignore or be indifferent to the underlying spirit of these provisions. Even today, one of the appliance suppliers in the province of Manitoba, which is merchandising service policies that bears the sentence "The company shall not be reliable for any negligence on its part whatsoever or for its failure to provide any or all services or parts contracted for hereunder whatsoever"; and, Mr. Chairman, this is buried in the terms and conditions of the reverse side of the subscriber's policy certificate, so what have the many thousands of subscribers bought for their annual price or premium. I believe that they are at a disadvantage, so what happens, we must rely on the good graces of the firm that we are prepared to trust.

Why is it that in 1972 substantial reputable business concerns still insist on perpetrating the imbalance and inequality of positions between themselves and consumers. Why do they insist on maintaining the edge or the advantage over their consumers? And again I'd say it's only the very few, not even one percent perhaps, a small percentage that destroy the reputation of many. I think that if legislation has to be updated and improved this is what has to be done and the Minister has to take action in that area. Our concern is that the government having written well sounding and well meaning legislation is prepared to coast and not make the legislation responsive, the real world and in the real market place.

I would like to say a few things about consumer education. There is not really very much point in writing legislation and creating rights and entitlements if the average citizen, the consumer is not aware that these rights exist, or how to use them intelligently. While we recognize that the Consumer Bureau has been active in educating Manitobans on their new rights as consumers, they are operating under the severest constraints in personnel. The whole area of consumer education is I believe one which calls for a structured balanced program, using all of the educational vehicles available to the government. This is not only I believe for the course of studies in our public schools and universities but also for adult educational facilities and the fullest utilization of techniques available to the media of mass communication.

I believe the government can take a page from the book of mass merchandisers who have proven their ability to reach almost every segment of society when they want to market a product, while this department's product is a consumers' rights and its aims should be a more aware, intelligent and informed consumer who will not only know his rights but be ready to enforce them and be able to make intelligent choices.

I believe that there should be effective redress, all of the rights being written into legislation, even if known to the consumer lack meaning without ability to enforce them. Current court process militate against the practicalities of pursuing a claim of relatively a small amount. We will be watching with interest the effects of the arbitration procedures through the office of the County Court Clerk established during the past year. We wonder if it will effectively resolve disputes in consumer transactions when the parties are still not on equal level in terms of effectively expressing themselves about the matter they complained of. They find much more attractive, particularly for consumer disputes involving less than say \$1,000, the mechanism which will come into effect under the New Hearing Aid Act. Under this Act for hearing aid complaints, after an initial investigation by the Director of the Consumer Bureau, if he should refer a complaint to the Hearing Aid Board, the Board may, after investigation dismiss the complaint, reprimand the person against whom the complaint was made, suspend his certification or cancel his certification. The most significant provision is that if delivery of a hearing aid was made, within the preceding three months and the Board determines that the aid is inadequate, or for any reason fails to perform with the expectations of the buyer on the promise, the Board may require the hearing aid dealer to make such adjustment as the Board considers fair and equitable. This clearly suggests effective consumer redress where there has been abuse. Some similar procedure could be readily and exceptionally available in all areas of Consumer Protection.

Mr. Chairman, there should be some more vigorous intercession on behalf of the consumer by the Consumers Bureau. Frequently we hear reports that while the Bureau has

(MR. PATRICK cont'd) . . . . . investigated a consumer complaint, has a considerable sympathy with the consumer, when it can't resolve these differences through its good offices it has to recommend to the consumer that he engage a lawyer to litigate his case. This is one of the greatest deficiencies in the present legislation. The Bureau should be empowered to intercede on behalf of the aggrieved consumer and I think representative actions, test cases to the courts could be made at the Bureau's expense. It is all too often uneconomic . . . consumer to press his rights in the court. In addition, the Bureau or any group affected should be entitled to bring an action before the regular courts on behalf of all persons who have been injured by a deceptive or unconscionable sales practice, be it merchandising, service or sales practice or advertising or anything.

Not only will these measures make the rights and remedies written into law effective and the redress realistic, but also they will serve as effective deterrents to those business concerns who keep operating in difference and practical impugny.

Mr. Chairman, what about the government services as well? I think in addition to acquiring goods and services in the market place all citizens are becoming more and more consumer of government services of all varieties and kinds. We all know that there is nothing sacred about the manner in which government services are provided, particularly when they occupy more and more areas previously serviced by the private sector. We expect and hope that the Consumers Bureau will intercede just as vigorously for aggrieved consumers of public services as much as it does with respect to those provided by the private sector. In this respect the Bureau must become a kind of a Consumer Ombudsman without in any way detracting from the important activities of the office held at the present time by the Ombudsman.

Mr. Chairman, I would like to see a consumer advocate. More and more often the skills of adequacy are being called for by the Consumers Bureau either directly or through the office of a consumer advocate. It should be the function of the bureau to advocate a consumer interest within the high circles of government and the public activity. Who speaks for the consumer when industry and labour legislation is introduced in this House? Who advocates the consumer interest before producer oriented marketing boards and price increases, quality controls or performance standards which are under discussion? How long will the government continue to allow consumers to be the patsies in labour management negotiations where critical consumer services are curtailed or withdrawn? I think there must be somebody on the government side to speak for the consumers.

We would have hoped that by now the government would have taken positive steps to improve the consumer climate by utilization of consumer business government advisory councils and committees who would engage in meaningful dialogue aimed at restoring confidence and integrity in the market place. Responsible business leadership has a most valuable contribution to make and by jointly participating with representatives of consumer interests under the good offices of the government, I feel that all sectors in the market place will be given the opportunity to participate in constructive consumerism, but to date the government has been seriously remiss in doing anything in this area.

Mr. Speaker, if you compare the budget of the Consumers Bureau as to the one dealing with the Securities Commission or the Public Utilities and the Securities Commission is certainly much higher. One would have thought that the consuming public requires at least as much protection as the investors in this province. Surely there are more consumers in the province than there are investors. The government is in the business of advancing the consumer interest and all sides of the House have shown their commitment to it.

Governments should operate under the constraints of realistically developed economy but it is false economy that short-changes the citizens and their fundamental rights. Consumer imbalance in the political market place is just as unacceptable as consumer imbalance in the commercial market place. The challenges of profit and position in the market place should always exist for business. This is as it should be and the government should encourage this. The new standards of business citizenship called for by the measures advocated in the interest of consumers only reinforce this for surely the real business of our province and our society is people and all people are consumers.

Mr. Chairman, I have as I mentioned awhile ago I have dealt with this matter at some length on every occasion that I had an opportunity before this House. I have asked the Minister some three years ago about registration of lien notes and conditional sales and the Minister tells us that legislation will be introduced -- when -- in the future or soon. I would like to say at this time that we do have probably the most advanced and forward looking consumer legislation

(MR. PATRICK cont'd) . . . . . not only in Canada but probably in North America, and I know that great credit should be not only given to the government but to all members of this House and also to the former administration which did a considerable amount of work on the Consumer Protection, the drafting of the Consumer Protection legislation. These are some of my remarks and perhaps I will be making others when we go through item by item through the estimates.

MR. CHAIRMAN: The Honourable Attorney-General.

HON. A. H. MACKLING, Q. C. (Attorney-General) (St. James): Mr. Chairman, I would like to make brief comment in respect to the remarks of the Honourable Member from Assiniboia, and would like to make a comment first of all in respect to the legislation which he recognizes is a tribute to the efforts of many in this Legislature. I think that he would have been even more fair if he had indicated and singled out my honourable colleague, the Minister of Finance for particular appreciation for his efforts while as a member of this Legislature, he consistently brought forward the needs of the consumer with singular effect, to the extent that finally, the previous administration did engage counsel and did set up a committee which spent considerable time in research and investigation and had prepared a draft bill and a bill in a final printed form but which was one of those bills which died with the dissolution of the House in 1969.

We did as a government, immediately after our election, place a high priority on the re-introduction of that legislation which had considerable work yet to be done in respect to some particular items, and we are happy that we persevered even though there was extensive debate by many of the interested parties right across Canada in connection with the import of that legislation. I think it's safe to say that the legislation which we have here in Manitoba is not only to our pride but is looked upon with envy by some other jurisdictions across Canada.

To go back to the beginning of his remarks -- in respect to the Hearing Aid legislation, I can only underline the fact that this legislation was passed at the last session and a Board has been appointed which is a representative board. The board has met, reviewed regulations and regulations have recently been promulgated to bring into being an effective technique for the licensing and administration of Hearing Aid sales pursuant to the provisions of that act.

There can be no question but this legislation will work to the benefit of the consumers of hearing aid appliances in Manitoba. There can be no question but there was in some instances cases of very serious abuse. That is not to say that all hearing aid dealers fell into the same category, but as the Honourable Members pointed out in certain fields of activity it takes but a few unscrupulous and avaricious people to damn an entire industry; but the legitimate and responsible dealers in Manitoba who are by and large the overwhelming majority of dealers in the province, have recognized the words of this legislation and have cooperated in the establishment of the board and in their participation of it. I am happy to say that those arrangements are in turn A-OK.

Now the Honourable Member then was concerned about the over all adequacy of our consumer legislation and I think his concerns are very legitimate. Consumer legislation is not a field where for example, with Land Titles or Administration of Courts or other areas of government concern, you pass an Act one year and you can fully expect that that Act with its relevant provisions will be meaningful, and will be untouched for years to come. We live in an area of changing need, and if there's anything that is significant, or has overriding significance in our society, is the pace, or the velocity of change in our society. The products that are coming on the market; the techniques for merchandising change from month to month, let alone year to year. We have a much greater awareness in our society of the type of products that come before us and that are offered to the general public.

And we in this society are indebted to the work of some of the very significant actions that have been taken by some individuals on the North American continent, and I particularly want to acknowledge the effort of a young man in the United States of America whose name is Ralph Nader, who has in some instances, at least initially, single-handedly challenged the corporate giants of industry in North America and brought grudging concessions to the market place, for the need for much safer products for our society. And we in this House, and we in this society, are indebted to people who have sacrificed in order to make corporate industry much more responsible.

I want to reiterate that our legislation of necessity will be subject to review and reconsideration, expansion and modification, year to year. And such will be the case again this year. I intend hopefully later on in the Session to be bringing forward some albeit minor but nevertheless necessary changes in the Consumer Protection Act and other Acts for which I'm

(MR. MACKLING cont'd) . . . . responsible as Minister of Consumer and Corporate Affairs and Internal Services.

I want to assure honourable members that we are not coasting in respect to consumer legislation, or administration of consumer legislation in Manitoba, and that seemed to be the implication of the remarks of the Honourable Member from Assiniboia. We are not, we are not leaning back on our oars and becoming complacent, we are aware of the fact that there are people who are always concerned to find some way to avoid the implications and the provisions of the legislation and the regulations that have been adopted.

And the whole area of pyramid selling is a particular case in point. And I touched on this matter but briefly in my introductory remarks the other night and I want to indicate to honourable members that I will be enlisting the cooperation of the news media in bringing to the attention of the consumers of Manitoba, and we are all consumers, the need for preventive action respecting their engaging in contracts of various kinds on which pyramid selling has its base. So we are not in any way going to allow the return of a state of affairs where the law of caveat emptor existed in all its unfairness to consumers in Manitoba.

I think that the existing President of the Consumer Council of Canada who was one of the draftsmen of the Manitoba legislation, and who exhibited a real pride in the accomplishment of this administration in bringing forward this legislation so assiduously despite the fact that it was a so-called housekeeping session in the fall of 1969, would agree that our legislation is a hallmark within Canada. We don't intend that this legislation be purely ornamental. As I indicated in the House last night, the Consumer's Bureau has been busy and has handled a great number of claims and I won't at the risk of being repetitious repeat the statistics that I gave to the House last night in review of the operation of the department. The honourable member suggested however that to give greater flexibility, and spoke to the operation of the Consumer's Bureau, we ought to have a capacity to amend by Order-in-Council regulations so that we can meet various problems without the necessity of any delay. And as much as I appreciate the argument that has to be made for a capacity to react, and react quickly to changes in marketing, nevertheless, as one who believes in the power of this Legislature, I could not condone or sanction a delegation of this Legislature on such a scale to the Lieutenant-Governor-in-Council that in effect the Lieutenant-Governor-in-Council was making substantial new law. There is a difficult area there where the Lieutenant-Governor-in-Council can administer the law and as much flexibility must be given in that area, but the kind of sweeping power that would be necessary to meet all the exigencies of the market place cannot be found in that technique and that is why year in and year out I expect that I, or my successors in office, will be coming to this Legislature with requests to make amendments, or further statutory provisions to meet the demands in this field as it changes from year to year.

The honourable member was concerned about the whole area of advertising. It is not our intention, or the intention of this government, or the agencies to cop-out at any confrontation with any area of the market place, or any industry. But one of the things I think that honourable members of the Opposition would be the first to damn would be any attempt by this government, or this administration, to interfere to such an extent with private enterprise in our society, that there would be any substantial interruption of their right to market; then they would be standing up condemning us for being long-haired doctrinaire socialists. But you know, Mr. Chairman, even, doctrinaire socialists like the Honourable Ron Basford, the Honourable Robert Andres are now associated, at least publicly, with the need for much more substantial regulation in respect to the conduct in the market place --(Interjection)-- no after I finish I'll be glad to, Sir. --(Interjection)-- Pardon me? It's a good - all right if it's a good question.

MR. CRAIK: Mr. Chairman, I was wondering if the Honourable Minister could answer as to whether or not he would classify Mr. Basford as a long-haired socialist?

MR. CHAIRMAN: The Honourable the Attorney-General.

MR. MACKLING: Mr. Chairman, that is an excellent question the only part of the Honourable Mr. Basford's anatomy that is exposed, I would have to say in the negative, but I couldn't be altogether sure.

The Federal Government has made it quite clear that they recognize the need for much more effective measures to deal with the problems that confront consumers in the market place, and we have gone on record as being entirely in sympathy with the principles and objectives of much more effective control in respect to the conduct of organizations who through combines,



(MR. MACKLING cont'd) . . . . arrangements, de facto trust arrangements, and so on, are enabled to effectively control and emasculate the so-called principles that govern private enterprise of supply and demand.

There are occasions, Mr. Chairman, where arrangements for marketing which are entered into between companies that either co-ordinate activities, or have an arrangement for sharing in the production costs, and construction of various products, there are arrangements such as these where particularly it is necessary to enable manufacturers to compete, particularly in other markets overseas, that these arrangements can be frankly acknowledged, frankly recognized and permitted. But it's a completely different thing when manufacturers, and wholesalers, and retailers dominate the domestic market to the extent that all effective competition is eliminated. And I fervently hope, Mr. Chairman, that the removal of the Honourable Mr. Basford from his position as Minister of Consumer and Corporate Affairs in Ottawa will not mean any basic retreat of the Federal Government in this field. And I pointed that out, or indicated my concern, that there be no retreat of the Federal Government in this field when I had an opportunity to meet the Honourable Ron Basford some days ago.

And I indicated then our concern that this government wouldn't utilize any negative parochial attitude on the part of our jurisdiction in the field of consumer and corporate affairs to frustrate any necessary remedial action that the Federal Government is prepared to advance. And I look forward, Mr. Chairman, to seeing a re-introduction of the Competition Act under whatever form, and I hope the amendments will not emasculate the basic principles that were first enunciated at the time the bill was introduced by the former federal minister.

I want to assure the Honourable Member from Assiniboia that we won't cop out of any fight with private enterprise, or public enterprise, or cooperative enterprise, in any field of consumer affairs. There is however, a necessary concern that the steps that we take are of reasonable application to all concerned. I know that when we introduced the provisions of the Human Rights Act, respecting the need for reform in respect to the advertising for personnel in the columns of the media, that there was some concern, as a matter of fact there was some abuse heaped upon the Human Rights Commission and some persons in government for -- not by the honourable member, no he shakes his head -- for this kind of inanity that appears to have crept into the law. But I tell you that there has been an acceptance of the fact that there was discriminatory practice and the media have cooperated and they're now, so far as I'm concerned, doing an effective job, and they respect the law and need for it.

There have been instances where the Consumer's Bureau has investigated cases where misleading advertising has occurred and we have had cooperation by the individual firms that have been questioned and in most instances there has been immediate rectification. But I agree it's an area that you have to keep aware of constantly because the advertisement can run and be in effect before attention is brought to us.

The honourable member in one of the cases that he referred to, the only case he referred to in a consumer field, mentioned the difficulty in respect to repairs covering warranties of equipment and I think this government demonstrated at the last session that it was prepared to tackle this question in a very significant way. My honourable colleague the Minister of Agriculture, whom I understand is ill today otherwise he would be here, piloted through the Legislature and through the Committee a very extensive bill making provision for the kind of assurance to farmers of the availability of repair services and parts in an industry that is subject to the vagaries of the equipment breakdown and very serious loss in the event that the equipment cannot be repaired in a very short time. I know in the instant case of that legislation there was very considerable concern on the part of the manufacturers, the wholesalers and dealers, and so on, but again it was demonstrated that when the issue is placed, they are prepared to cooperate, and I'm given to understand that the Board which has been set up to administer that Act, that everything appears to be well in hand in respect to it.

The honourable member was concerned about a much more effective education program. Well I can only assure honourable members that a substantial portion of the program that is involved in the monetary figures that are reflected in the Estimates provide for an improvement and a strengthening of the educational and outreach program of the department.

The honourable member indicated a concern to ensure that there was an effective remedy in the courts in an efficient and economic way to handle consumer claims, and that is one of the reasons why at the last session of the House again we moved to make provisions within the County Court Act for a simplified expedient remedy for those persons whose small claims

(MR. MACKLING cont'd) . . . . otherwise might go unanswered, or unadvocated because of the prohibitory costs of engaging counsel and rather technical and laborious court proceedings. And as I indicated in the House during the course of the Estimates of the Attorney-General's Department, there has been a substantial number of claims that have been processed through that section of the County Court Act already.

The honourable member was concerned about much more advocacy, much more aggressive assertion on the part of the Consumer's Bureau in respect to consumer's needs, and I think, Mr. Chairman, that what we have demonstrated is that this government is not only prepared to act, and to innovate, and to develop new programs, but to do it in a manner that every prudent, reasonable person in Manitoba would say was not only fair and proper but was deliberate, considered, unhurried, and reasonable.

Mr. Chairman, there were many in Manitoba that took a very frightened attitude about the emergence of a New Democratic Party government that would initiate programs in the consumer field; initiate programs that would provide for some greater measure of relief, and redress some positions of imbalance that existed for many years. And the concern that was evidenced by a great many people particularly those who had some affiliation with either the Progressive Conservative party or the Liberal party of Manitoba, said, "watch out those radicals will move too far, too fast - they haven't got the mandate", and so on, and we heard it. Oh, how we heard it. It echoed in the Chambers, in the hallways of the Chambers of Commerce, and every Manufacturers Association, from one corridor to another in Manitoba. But what have we done what have we done? We've moved carefully, pragmatically, responsibly in respect to consumer areas and we have been recognized throughout North America as a very responsible a government in respect to the whole area of Consumer Affairs.

Now I want to assure honourable members that we are not laying back in respect to the need for continuing concern in the Consumer field and as I'll indicate as questions or comments are made in respect to the various segments of this department's estimates, we have made significant - in making provision for significant increases in programming.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: . . . here.

MR. CHAIRMAN: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Chairman, the Minister never mentioned about a government services. Can the Consumer Bureau look and deal with the government services as well as it does with everybody else? Because in many areas now the consumers are consumers of government services.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, as I recall that is not the case. Surely the government which is representative of the consumers directly through the individuals who are democratically elected, have a direct responsibility to the consumers of this province and that relationship is so direct that the suggestion that the honourable member makes is just illogical.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: Mr. Chairman, first of all, I think a legitimate question is why we are debating the Minister's Salary again when we just finished debating his salary and we have another \$15,600 contained in this portion -- no, he can answer in due course. I'll give you due time in which to do it. From that point of view, Mr. Chairman, I suppose that's the only question I have to ask.

The rest are comments that I want to make with regards to the estimates here and I must say, Mr. Chairman, I did not really intend -- like so many others in this Chamber and myself included -- at the beginning of this, to enter at this point in time but having listened to the Minister's remarks and having him present the case of government in that very arrogant air tell how he and Mr. Basford in their discussions want to make sure that proper legislation goes ahead and that the Competition Act is brought through and invoked on the business people of Canada and Manitoba, so that these great injustices that are being perpetrated, carried out and exercised by business over the unsuspecting public are brought to a halt.

Now, Mr. Chairman, if there is any problem in Canada and in particular in Manitoba that is nonexistent, it is the problem with business on an average exercising itself to the extent that an unsuspecting public is damaged; by far more, there is the danger and the actual practice of government exercising itself and imposing itself through legislation on the people of Manitoba. What is concern to the business people of this province are the great accumulations of legislation,

(MR. CRAIK cont'd) . . . . acts, rules and regulations that they are expected to live by so that some person in an obscure corner can at some time or other pick them up and straighten them out on the matter and this is the very difficult problem. It is not that business itself is at fault here. The Prime Minister of Canada in a TV broadcast in the last three months in answer to a question about the growth of government and the massively increasing amount of legislation rules and regulations made the statement that "Why shouldn't government grow?" He says "the academic community is stronger, the labour unions are stronger, and the business community is stronger, therefore government has to be stronger." So these four segments all have to be stronger.

Well, Mr. Chairman, this is the most fatuous statement that could have been made in Canada today. The business community in Canada is not that strong. It is not growing in strength to the same extent that the other three segments of the community are growing and in particular it's not growing in strength at the rate of government and here is government bringing in a budget which is increased by \$60 million, eleven percent; it was 15 percent last year and they stand up and berate the operations of certain aspects of business and how they are going to have to straighten business out.

Well, business is not the problem in Manitoba. It may be the lack of business but business itself, and existing business in Manitoba is not the problem. What the problem is, is too much government, and these increasing costs and rules and regulations being imposed on them by this government in particular -- which has a particular bent in that direction -- is making the situation much more intolerable than it was for the business community in Manitoba even over the ages that it has struck in the midwestern part of Canada where it needs all the encouragement it can get rather than being berated and discouraged to the extent that this government is doing it. And the assistance that the -- well let's take one item -- \$50,000 increase in Public Information Service for the government, 25 percent increase in the Public Relation material that are going to be cranked out by this government and still, they sit there -- yes, the sort of thing that where the Attorney-General and the Minister has to feel compelled to waste a page to put his picture on it with his own personal message; another \$50,000 so we can have more ministers' pictures on pamphlets.

Mr. Chairman, 25 percent -- I'll ask you to check with any business in Manitoba any average business in Manitoba, that has increased its PR budget by 25 percent -- any one -- still the government feels that it can stand up here, preach, and invoke rules and regulations on government, encourage Mr. Basford in Ottawa to do the same and at the same time, feels that it can impose on the people and the business anything that it very well desires.

MR. CHAIRMAN: A point of order has been raised. The Honourable First Minister.

MR. SCHREYER: My point of order, Mr. Chairman, is simply to ask whether in the Chair's opinion a misstatement of fact constitutes a point of order. If it does, Mr. Chairman, then I submit to you that there is a misstatement of fact insofar as the Honourable Member's last two or three statements are concerned when he said that there was an increase in the PR budget of the government. I submit to you, Sir, that the facts will show that the total amount allocated for advertising for all the departments and agencies of the Crown has in fact been kept to a level no greater than, in certain respects less than was the case when my honourable friend was in office.

MR. CHAIRMAN: ... the honourable member to ...

MR. CRAIK: Well, Mr. Speaker, I suppose it's questionable whether or not that could not have been answered by the Minister when he replied to my statement. The budget as far as I can see was two years ago \$126,000, last year \$141,000 and the totals this year come to \$162,700 in salaries so ...

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

MR. SCHREYER: The honourable friend if he will check the record, will check Hansard, will see that he was referring to the generality of government PR in advertising spending; and insofar as the generality is concerned I submit to you again, Sir, the facts will show that the total budget for these purposes is less than, certainly no greater than when my honourable friend was in office. He is now presuming to speak only with reference to this department. That's one thing, but that is not what his previous remarks were couched in terms of.

MR. CHAIRMAN: I would advise the honourable member to confine his remarks to the estimates under which we are under discussion.

MR. CRAIK: Well, Mr. Chairman, I was referring to -- I was speaking on the Minister's

(MR. CRAIK cont'd) . . . . Salary on this department and my remarks - I stated the figures -- were referred to this department and the salary figures I stated are also referred to this department.

Well I have assumed in this that this included the operation of the regular Public Information Service of the Manitoba government. If you wish, if the government would wish to present a complete summary of their information, that's fine; we'll be quite prepared to review it, Mr. Chairman.

The point in question is why a minister can get up and speak in this attitude towards business and at the same time can act as both the - he's in a position through he or his Cabinet to act as both judge and jury. They not only can set the rules for business, they now have the instrument by which they can get into business. They can set the rules by which other businesses operate and have made significant moves in that direction in the last few years, despite the fact that the business community itself which generates most of the GNP of the province if you want to look at it in terms of strictly economic terms, have received if anything a large over-dose of discouragement in carrying out their responsibilities.

There is no question in Manitoba and we have heard the Minister of Finance for one and others say when we've made the allegation that the business community is discouraged and moving out of Manitoba. We have heard the retort come back from the other side of the House, "prove it", "prove it". Well, Mr. Chairman, that shows and reflects the same degree of arrogance that the Minister of Consumer Affairs shows when he says that he's going to certainly encourage Mr. Basford to bring through that Competition Act; make sure that Competition Act's not watered down, bring it through in full force, make sure that the business people certainly don't get away with all the things that he must think they have been getting away with in Manitoba -- and I assure him, we're not going to be able to prove it to him or any other member of his government that the business community in Manitoba is in fact discouraged and is in fact moving out of Manitoba.

MR. CHAIRMAN: The Honourable Member for St. George on a point of order.

MR. WILLIAM URUSKI (St. George): Mr. Chairman, on a point of order the honourable member speaking there is stating that members on this side are making remarks of "prove it". For his information it's members on his own side of the House that are yelling "prove it".

MR. CHAIRMAN: It's not a point of order I'm afraid. The Honourable Member for Riel.

MR. CRAIK: Well, we've heard the taunts come back several times, Mr. Chairman, "prove it", prove that the business community is discouraged, prove that people are moving out of Manitoba from business, you know. Well as I say, Mr. Chairman, I tell you right now . . .

MR. CHAIRMAN: Order. The Honourable Member for Riel.

MR. CRAIK: We are not going to be able to prove it. We can still state it. It's our belief, it's my belief, it's my conviction that the business community is in a state of discouragement in Manitoba that has never been paralleled as long as I have ever been here. The graduates from the universities coming out of the universities are in a state of discouragement about prospects in Manitoba that has never been paralleled to my knowledge. --(Interjection)-- Well, it's my opinion Mr. Chairman, I think I have the right to . . .

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

MR. SCHREYER: Mr. Chairman, it's a case of your determining whether it constitutes a point of order for the honourable gentleman again to engage in misstatements of fact; and it is a matter of simple fact as to whether or not there have been more businesses operating in this province now or at some date in the past; and it is a matter of fact I submit to you, Mr. Chairman, that the number of businesses operating in Manitoba is greater today than at any time when my honourable friend was in office. It's a matter of fact.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSON: . . . point of order, it's a difference of opinion in debate and the First Minister can get up when his turn comes to reply to the statements made by the member for Riel when he wants to. His question of rising up on only points of order -- and the Minister knows it -- just because he can't wait and sit until his turn to come up in a debate. Why doesn't he wait until he has the opportunity to debate or he is called? --(Interjection)--

MR. CHAIRMAN: Order please. Order please. The Honourable First Minister -- to the point of order.

MR. SCHREYER: Yes, Mr. Chairman, I pursue the point of order because the Honourable Member for Morris, the Honourable Member for Morris indicated this was a matter of opinion.

(MR. SCHREYER cont'd) . . . . I submit to you, Sir, it is not a matter of opinion it is a matter of fact and misstatements of fact constitute points of order; and the statement of fact that is involved is the number of businesses that are operating in Manitoba and the totality of their business operations in dollar terms. That, Sir, is a matter of fact that can be clearly ascertained. It is not a matter of opinion and in that respect the number of businesses operating is larger and the dollar value of their operations is also larger. That, Sir, is a matter of fact, not a matter of opinion.

MR. CHAIRMAN: The Honourable Member for Lakeside on the same point of order.

MR. ENNS: Mr. Chairman, on the same point of order, the Honourable Member for Riel speaks in a relatively cool, slow fashion that anybody not understanding what he is saying, really lacks credibility. He said so on several occasions that we could not prove it, that neither would we try to prove it, nor could we ever prove it to your satisfaction.

He suggested, Mr. Chairman, that there was a degree of discouragement in a segment of our society. He suggested that there was a degree of discouragement among our graduates coming out of the universities looking for jobs and surely that, Mr. Chairman, is an opinion which any member has the right to express in this House and which is an opinion that can be refuted by any member opposite when his time comes.

MR. CHAIRMAN: Order please. The Honourable Member for Sturgeon Creek on the same point of order.

MR. FRANK JOHNSTON (Sturgeon Creek): The First Minister seems to be a little bit excited about the member speaking his mind or his opinions in the House and if I may, to the point of order to the First Minister on that subject, on the steps of the Legislature the other day, he stated, "Don't forget that in a democracy a person ..." Wait a minute, Mr. Speaker, this is ...

MR. CHAIRMAN: Order! Order! I think -- taken the point under consideration and I think I will have to rule the Member from Riel out of order unless he can prove the misstatement of fact that he has stated that there is less -- I think this is the objection that the First Minister raised -- that there is less industry and less gross national product in the Province of Manitoba than there was in the past.

The Honourable Member for Arthur. On the same point of order?

MR. J. DOUGLAS WATT (Arthur): On the same point of order, Mr. Chairman. I think for years in this legislature that any member of the House on this side or on that side have been allowed to express their opinion. Without putting the figures and facts directly before you, Mr. Chairman, ...

MR. CHAIRMAN: I have ruled against ...

MR. WATT: ... I can't quite understand why you ... should now rule a member out of order.

MR. CHAIRMAN: I have ruled the member out of order.

MR. JORGENSON: I challenge that ruling.

MR. CHAIRMAN: The Honourable First Minister.

MR. SCHREYER: Before ...

MR. JORGENSON: Mr. Chairman, that is not debatable. I have challenged your ruling. There is no debate, and the First Minister should know that. He doesn't seem to know much else but he should know that.

MR. SCHREYER: Has a formal ruling been given?

MR. CHAIRMAN: The ruling of the Chair has been challenged and there is no debate to that. Order please. Order please. There's no point of order till this decision is confirmed.

MR. SIDNEY GREEN, Q. C. (Inkster): Yes, Mr. Chairman, the decision relates to the point of order that is being put which I believe has been misunderstood and I want to see whether it can be clarified.

My understanding is that the First Minister rose to say that if a misstatement of fact is being made that he is permitted to rise on a point of order calling that to the attention of the House. As I understood what the Chairman may have said, which is slightly different, that a person couldn't proceed to state a fact unless he could prove it. That point of order was never raised as I understood it by this side of the House. Therefore we would not want to be involved in dealing with a point of order to the embarrassment of everybody which has not been raised and I would hope that members would go along with that.

My understanding is that the First Minister rose to say that when a person misstates a

(MR. GREEN cont'd) . . . . fact another member has a point of order in calling to the attention that a fact has been misstated. Whether that is correct or not, you don't appear to be asking the Speaker, as I heard you say to the Member for Riel, that if he is not able to prove a fact, he can't state it. I don't believe, Mr. Chairman, with the greatest of respect, and I would not want to create an embarrassing situation, that that point was ever raised. I don't think the House needs a ruling on that type of a point and I don't think a ruling was requested on that type of point, and therefore with all respect to the Member for Morris who challenged that, we don't feel that there should be a challenge on a hypothetical ruling, but merely as to whether a person is entitled to rise in his place on a point of order if he thinks a fact is being misstated.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Chairman, since the Member for Inkster was permitted to speak on this point of order, I want to say that my understanding was very clear. The Chairman ruled the Member for Riel out of order and asked him to withdraw certain remarks and it was on that basis that I challenged his ruling. I thought that the matter that was before the House was very clear. I believe that the Member for Riel is entitled to state his opinions as he sees them. If members opposite disagree with him, that is fine, they can disagree and when their turn comes they can rise in their place and reply. We are not living in a totalitarian state yet and the First Minister better not get ideas about that here.

MR. CHAIRMAN: Order please. The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I had wanted to rise earlier to make much the same point as was made by the Member for Inkster but there seemed to be an understanding, shall I say on both sides of the House, that the ruling having been challenged that the matter would now have to proceed to Mr. Speaker. But since two honourable members have been allowed to speak further to the point at issue, I want to say again, Sir, that what I had risen to in terms of a point of order was not a difference of opinion -- I recognize as well as the Honourable Member for Morris that there can be no point of order raised on a difference of opinion. That's what this legislature is all about. But what I submitted earlier was a point of order related to certain statements which I submit were statements presuming to be made as statements of fact: numbers of graduate students, numbers of businesses; the growth economic production of this province; these are measurable and they are identifiable as fact or misfact.

MR. CHAIRMAN: The Honourable Member for Riel.

MR. CRAIK: On the point of order. The point that you asked me to retract was a point that was not ever at any stage made by myself. It was made by the First Minister. I didn't even refute what he said and what you asked me to retract never even entered or went through or came by this way, and for that reason alone your ruling has to be challenged. Either that or you may wish to review the Hansards and withdraw it.

MR. SCHREYER: . . . perhaps the way to really determine the matter is to peruse Hansard, and if I'm wrong in terms of what I understood the Honourable Member for Riel to have said, I will withdraw, then the matter becomes, in effect, needless to pursue further.

MR. CHAIRMAN: Order. I will take the matter under consideration. The hour being 4:30 and in accordance with our House Rules, the last hour of every day is Private Members' Hour. If I might before we rise just draw to the attention of the Committee that we have spent nine hours and 45 minutes on the Attorney-General's department, five minutes in Interim Supply, an hour and 20 minutes on the Department of Consumer and Corporate Affairs, for a total of 11 hours and 10 minutes. I believe when we adopt our House Rules next week, there is a total of 18 departments which gives us approximately five hours each. I just give you this for your information.

Committee Rise. Call in the Speaker.

#### IN SESSION

MR. SPEAKER: The Honourable Member for Logan.

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I move seconded by the Honourable Member for Osborne that the report of the Committee be received.

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

MR. SPEAKER: This being the Private Members' hour on Wednesday, Orders for Return are the first items of business. On the proposed Order for Return the Honourable Member for Fort Garry.

ORDERS FOR RETURN

MR. SHERMAN: Mr. Speaker, my Order for Return that has been transferred for debate emanates from a fatal boxing card in the Winnipeg Arena on the 21st of February of this year which in turn led to the resignation of the former Manitoba Boxing and Wrestling Commission and its replacement by a new commission membership, and all of those events in turn led to a number of questions in the public mind and certainly in my own mind, Sir, as to the manner in which the Minister of Tourism, Recreation and Cultural Affairs dealt with the incident in question.

A number of questions come up as a consequence of the February 21st boxing card and the Minister's handling of same and I would like to say at the outset, Mr. Speaker, that I find myself in a rather difficult position because I, while believing that the Minister has acted unwisely and unjudiciously and unfairly where this particular situation is concerned, I think that he is doing an admirable job in the field of providing support, moral and otherwise, for cultural groups and organizations in the Province of Manitoba and he is making a contribution to that mosaic that I give him credit for. So I put that caveat on my remarks to begin with, Mr. Speaker. But we're dealing here with a fight card that led to a situation that has been mis-handled by the Minister, in my opinion, and it's on that basis that I make these remarks now, Sir.

Sir, a number of basic questions arise immediately in viewing that card and the Minister's handling of it. The first one, I suppose, is one that has come up in just the last three or four days, and that is the question of how come the government feels disposed to launch an enquiry which may be somewhat expensive into that particular incident, which albeit involved a fatality but which probably affects the lives of only a few people in Manitoba and which in the First Minister's own words is not likely to have any affect on the peace, order or good government of the province; while an incident in the past three or four days affecting the lives of a great many native Manitobans and their position in society and their leadership in society, does not call for an investigation or an enquiry. So this is one question, Mr. Speaker -- I see you rising to admonish me -- this is one question that arises in respect to the incident to which I refer and it has as I say arisen only in the last three or four days.

A second question is the question of the extent to which the decision by the Minister to advise his Commission that he was not in favour of the suspension that was imposed on the principles in that fight card, the extent to which that decision by the Minister was influenced by consideration on his part or on the part of any of his advisers, consideration of the fact that George Chuvalo and his manager, Mr. Irving Ungerman were in the process at the time of that ill-fated fight card of negotiating a profitable fight contract for Chuvalo with Mohammed Ali, formerly known as Cassius Clay -- a fight that I believe is to take place in early May in Vancouver and which will carry a purse for Chuvalo of something in the neighborhood of \$60,000.00. In other words, to what extent was the Minister's action with respect to that suspension a gigantic cop-out. To what extent was he not going under to pressure subtle or otherwise or influences subtle or otherwise that reminded him that the professional boxing industry had a big card coming up in May involving Chuvalo and that certainly nobody wanted Chuvalo or Ungerman to be under suspension at this time, otherwise they couldn't negotiate that contract.

A third question that comes up, Mr. Speaker, is the question as to whether or not the Minister has saddled the taxpayers of Manitoba with unnecessary expense in acting the way that he did. Has he not -- in other words, Mr. Speaker, relinquished the only club he had for assuring that the ten surviving principals involved in that card would appear to testify and answer questions related to that card in order to guarantee their continued professional participation in the boxing industry. Has he not relinquished that club by instructing his former commission to lift the suspension that it imposed on those principals and by turning the enquiry over to Judge Benjamin Hewak.

I would stress that I have no quarrel with the Commission of Judge Hewak, with the assignment from the Minister to investigate all aspects of that card and nor does the former Boxing Commission. They have agreed themselves that they would be -- they would welcome a full-scale enquiry by Judge Hewak into that card. But the question remains, Mr. Speaker, as to the opportunity that the Minister and the judge himself are going to have to bring the principals in that card back to testify, and whether or not the Minister did not relinquish the only thing he had when he left those principals out of a Commission enquiry here.

A suspension by the Manitoba Boxing and Wrestling Commission, Mr. Speaker, would

(MR. SHERMAN cont'd) . . . . have been observed by every boxing jurisdiction in the world. The Minister when he gets up to reply a few minutes from now -- and perhaps I'm anticipating his statement, but I would suggest that when he gets up to reply a few minutes from now he's going to say that that suspension by the Manitoba Boxing Commission would not have been honoured by the rest of the world. But I say to you Mr. Speaker, and through you to the Minister that that suspension would have been honoured by every boxing jurisdiction in the world at least certainly in the western world, and that those men could not have boxed anywhere again until their names were cleared by the Manitoba Boxing Commission. They would have had to stay here and they would have had to do it then instead of putting the taxpayer to the expense of bringing them back now -- that is if, Mr. Speaker, if in fact the taxpayer can even succeed in bringing them back now.

The Minister will say and he's already suggested that he didn't want to convict these people without a trial until they were proven guilty. Well that's another cop-out, Mr. Speaker. The Minister has been in sport long enough to know and he does know that nobody is talking about convicting them without a trial. But a fighter was killed, another fighter took a dive, a referee said that two other fighters took dives; and in any boxing jurisdiction in the world, Sir, and in any horse racing jurisdiction in the world and in fact in the jurisdiction of any sport in the world where there is big money bet on the outcome of contest and as a consequence there is likely to be some association with professional gamblers, it is standard, accepted routine procedure known to every athlete in the sport, accepted by every participant in the sport, that if there's suspicion of questionable or unethical activity in a fight or in a horse race, that the commission in that jurisdiction suspends, holds up the purses and investigates. And that the principals who participated in that questionable fight or horse race are not free to pursue their trade in boxing rings or on race tracks for the next three to five to seven days until that commission has completed its investigation and they don't receive their purses from fight or the horse race until the commission has completed its investigation. And the Minister knows that Sir, he's been in sports for 40 years and to suggest that this is conviction before trial or conviction before proof is patently a smokescreen in this case, it's patently a contrived excuse on his part.

Furthermore, if he wants to talk about conviction before trial, I would suggest that he scrutinize his conduct towards his own former Boxing Commission, all three members of which are distinctly unhappy to say the least with some of the suggestions of a critical nature that the Minister made on television and in the newspapers -- whether he was quoted correctly or not I cannot say -- but he was certainly quoted at length in the newspapers and he appeared in interviews on television in the week following the ill-fated boxing card in which, Sir, without stretching the imagination one could say he called into question the conduct of the Boxing Commission. He questioned its performance and the fulfilment of its duties and the meeting of its responsibilities. At that point in time a cloud was cast over the members of the Boxing Commission -- I refer to the former commission under Chairman, Don Rowand, Assistant Chairman, Ray Dorey, Secretary, Norman Coston and on the basis of that I suggest that when he talks about conviction without trial that perhaps he should scrutinize his own conduct towards those commission members.

Mr. Speaker, I'm certain that I'll be challenged on this statement by the Minister but it is my information in lengthy consultation with the Boxing Commission that following the February 21st fight card, the Minister did not meet with the Boxing Commission as such. He met with a member of the Boxing Commission, Mr. Norman Coston but he did not meet with the Boxing Commission as such until the Sunday following which was February 27th at which time he met with them in order to suggest that they lift the suspension they had imposed.

I would suggest to you, Sir, that you or anybody else in this Chamber -- and I would have expected it of the Minister with his long experience in sports -- being a ministerial officer and a public servant with a commission in a sports jurisdiction operating under him, I would think would impose on him a ready acceptability of a formula for looking into this kind of questionable event, this kind of a questionable fight card and that formula would be it seems to me that the moment that fight card was over that night. If he took any interest in it he would have known there were decisions that were suspect and there was certainly activity that was suspect and Stewart Gray was taken unconscious from the Arena. The moment that fight card was over he should have been on the phone to that Boxing Commission and said, "Gentlemen, I want you in my office at 9:00 o'clock tomorrow morning". Now, Sir, the Minister did not do that, to my



(MR. SHERMAN cont'd) . . . . knowledge. He may get up and say that he phoned and tried to get them. But to my knowledge he did not summon the Boxing Commission to his office nor did he go to the Boxing Commission's office which is the office of the Tourist and Convention Bureau. He did at a point during the week meet with the secretary Norman Coston but I have correspondence here that I'm prepared to table which indicates that the secretary made it plain at that time that he was speaking for himself and not for the full Boxing Commission and the same applied when the Boxing Commission imposed a suspension on those principals later in the week. It was a decision that was taken by the full Boxing Commission.

These are -- there are three or four communications, Mr. Speaker, here between the principals to whom I refer, the members of the Manitoba Boxing and Wrestling Commission and the Honourable Larry Desjardins, February 28th, February 27th and February 24th, and I will certainly table them. They are letters and memos outlining the point that I have made that whatever meetings were held were not until February 27 -- were not held as meetings between the Minister and the full Boxing Commission.

MR. SPEAKER: Order, please. The Honourable Minister of . . .

HON. LAURENT L. DESJARDINS (Minister of Tourism, Recreation and Cultural Affairs) (St. Boniface): . . . to ask a question . . . were addressed to anyone else or a memo that somebody wrote to himself.

MR. SPEAKER: Order, please. I'd like to indicate to the Minister if he does wish a question he'll have to ask the members to yield and he'll have to be recognized otherwise Hansard will not contain his question. The Honourable Minister.

MR. DESJARDINS: Thank you, Mr. Speaker. My question was -- are those documents that have been tabled, letters addressed to me or that I've received or memos that somebody scribbled to himself.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: There are three documents, Mr. Speaker. One is a letter sent to Mr. Desjardins by the Boxing Commission, one is a letter sent to the Boxing Commission by the Minister, the Honourable Minister, and one is a memo and I - it's not a scribbled memo, it's a typed memo, and I would have to ask the Clerk to remind me of what it is, but it's communication between the Minister and members of the Commission. Thank you. It's a memo dated February 24th from the Minister to Mr. Norman Coston, the secretary of the Commission.

Mr. Speaker, the Minister will also probably try to say when he speaks a minute or two from now that that Manitoba suspension would not have stuck even if he had allowed the Commission to continue in its intention. That, Mr. Speaker, is not true.

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

MR. PAULLEY: I wonder whether or not it's proper for the Honourable Member for Fort Garry to make such a statement that the Minister may probably do something, or the likes of that. I think that my honourable friend should be a little more explicit and give a little more courtesy to the Honourable the Minister of Tourism and Recreation.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, on the same point of order and I would ask your indulgence -- we've had several examples today again of what we can or what we cannot do on this side. The Member from Fort Garry several times used the words -- he anticipates what perhaps the

Minister may or how he may reply -- that he suggests that if he does reply in this fashion that he has an opinion as to the validity of that reply. Mr. Speaker, I suggest to you that these are expressions, terminology, a method of debate that have stood the test of time for a considerable length of time.

MR. SPEAKER: Order, please. On the point of order raised by the Honourable Minister of Labour, I should like to indicate in regards to debate, a member debating should not impugn other members. The Honourable Member for Fort Garry may continue. He has three minutes.

MR. SHERMAN: Mr. Speaker, I'm not impugning or imputing -- the Minister will substantiate my anticipation because he and I have discussed it outside the Chamber and one of the -- let me put it this way, if it'll satisfy the House Leader. One of the arguments that the Minister has raised with me when we discussed this subject outside the Chamber is the fact that the Commission suspension could never have stuck, would never have been able to stick. That is not true, Mr. Speaker. The semi windup on the card -- no, the windup on the card was a championship fight between Al Sparks and Stu Gray. That championship fight had to be sanctioned by the Canadian Boxing Federation. In turn it was recognized by the World Boxing

(MR. SHERMAN cont'd) . . . . Federation. The \$100 fee was paid by the commission to guarantee that it would be so sanctioned and being so sanctioned and so recognized there is no question that that suspension would have been recognized by the Canadian Boxing Federation and through it the World Boxing Federation. Furthermore, a Toronto newspaper report a few days after the fight in question carried a story reporting that the World Boxing Federation had said it would endorse and it would respect a suspension if one were imposed.

Mr. Speaker, the Minister may feel that there would be undue hardship levied on the principals had they been suspended. Well he knows as well as I do that in the first place four fighters on that card were knocked out or allegedly knocked out so they couldn't have fought again for 30 days anyway, that's standard boxing rules in any jurisdiction. And the others, as far as the others are concerned, they don't fight every week or every month or every day of the week anyway and boxing commissions normally take anywhere from three to seven days to complete their investigations, so there would have been no hardship imposed on any one's opportunity to earn a living or on anyone's livelihood, no hardship at all.

Mr. Speaker, basically my argument is that the Minister had bungled this assignment and this responsibility. He stumbled into it on bad advice bungled the handling of it and then looked for a scapegoat he needed and he has tried to make them appear guilty of having been derelict in their duties or of having bungled in some way without having met them the morning after or the day after the fight and asked them for the report on what happened.

So that the questions I raised are really beside the point of that central issue whether or not he did act unfairly and discourteously to that Boxing Commission by failing to back them up as their minister, by failing to permit them to operate in the area of responsibility with which they are charged, and that is to suspend and investigate in the wake of a highly questionable card. I think these are the questions that many Manitobans would like to have answered, Sir.

MR. SPEAKER: The Honourable Minister of Tourism, Recreation and Cultural Affairs.

MR. DESJARDINS: Mr. Speaker, it is with mixed reaction, mixed feelings that I stand to take part in this debate. I say mixed reaction because the Minister, the member who has just spoken paraphrased practically every paragraph every statement that he made by saying the Minister will say so I guess there -- shouldn't be too much point in me standing up and speaking for myself. Now it's true that I've been called a liar before I opened my mouth but this is fine, I must remember that my honourable friend also addressed some very kind words to me so that should also counterbalance the bad things that he said about me.

Mr. Speaker, I wish to say right now that I've refused this Order for Return for a number of reasons and I stated at the time that I will try to answer most of them at this time. Therefore I have in front of me the Order for Return. I might say that starting from the bottom it might be a little easier, that from 13 to 16 that'll be covered in other orders, or if my honourable friend wants to bring in a separate order, I'd consider at the time. I can tell him now that at no time will I ever accept a question such as 16, the number of times that the Minister met with each such Board, Commission or Agency and so on. I certainly haven't got a counter that I'm going to keep track of any times that I do anything and I don't think that this should concern my honourable friend too much.

Now No. 11 and 12 -- and this is an important thing. The member has insinuated that I had been pressured into this and this is what he's trying to find out in 11 and 12. Mr. Chairman, for the record, I'll read this: "The number of occasions from February 1st, 1972 to March 1st, 1972 on which the Minister had communication, written or verbal, with Irving Ungerman or George Chuvalo, or both; boxing promoter Jack Keller; The Canadian Professional Boxing Federation; the Ontario Athletics Commission; the main subject of these communications, if any." This might come as a shock to my honourable friend because he's imputing motives to me. I will say that at no time, at no time from that date or even after this have I talked to or received any communication or written any of these people. I don't know any of them personally. I know Chuvalo by reputation, I never heard of Keller and I knew Ungerman, I've heard of Ungerman as most people that read the sports page. So I'm very sorry to disappoint my honourable friend, I've never discussed this with these people at all and I'm not the least bit concerned what these people think.

Now from 7 to 10 there's a deep dark secret to demonstrate that this was all a cooked-up deal, that I wanted to fire the commission, to name this commission. I would tell him this, tell my honourable friend this. That first of all on Thursday, the 24th, the Cabinet-- and I'm not going to hide behind the Cabinet -- the Cabinet accepted my recommendation and

(MR. DESJARDINS cont'd) . . . . appointed Judge Hewak to be a judicial commission to investigate this special card. Now on that very day I informed Mr. Coston by phone immediately -- my friend wants to say that I was most unfair -- I try to be fair, I wanted him to know before it was released, because an Order-in-Council, Mr. Speaker, as everybody knows is a public document, the press gets a hold of that and fine. So I phoned Mr. Coston who said he understood, who said that he was accepting this and who also said that he would not have anything to do with the conducting of any enquiry -- he or the board, he was speaking for the board -- he would not have anything to do with investigating that card. He was satisfied and he told me that and at a meeting that we had at a further date he also admitted that he had said that to me.

Now on the Friday I also received a memo -- we'll talk about this later on -- on Friday, the 25th I was at a meeting at Hecla Island. As I said, I informed Mr. Coston in the morning, I had a discussion with him and sent him a memo, but I had a discussion on Thursday afternoon. Now on Friday while I was attending a meeting in Hecla Island with my Deputy Minister and Assistant Deputy Minister there was a phone call; it was Mr. Coston that was calling me at Hecla Island, to my great surprise told me that the commission had met and decided to suspend all those who had anything to do with the boxing card. I reminded him first of all of the intent of the Cabinet, when the Cabinet decided to name this Hewak Commission; I also reminded him of the fact that he had agreed not to have anything to do, the commission would not have anything to do with the commission; told me that they had second thoughts, told me that there was some statement made in the papers from Toronto, from all over the place that made him think that maybe they should act. He said that they were doing that and I said well you know the intent of Cabinet. And that was my concern. That was my concern.

My honourable friend is right. Some people say that these people, that the commission had no right to do that, no longer any right because there was a commission that was named for that particular purpose. That was made clear. Now I could have very easily, Mr. Chairman, I could have suspended the commission and then have an inquiry. I did not want to do that exactly because I wanted to be fair, because I didn't want to place anybody under a cloud. Because suspending the commission means that you have no more respect for them, that you have no trust in them at all. This was not the case and I had informed Mr. Coston at the time. I think that this is a point that should be brought up at this time.

Now, on that day, he left me on the phone, I didn't know what he was going to do. During that telephone conversation, after I reminded him of the intent of Cabinet, reminded him of his promise -- of his promise that he made, I never forced him into that at all. He accepted this would be the case, that they would refrain from having anything to do with this card, they would carry on. In fact, he sent me a memo asking me for my advice, he asked me if the doctors for the commission should keep on acting, should they go ahead with the wrestling card that was coming, should they refrain from talking to the people because they were accused, they were being accused. I said, yes, you're bigger than they are; you have a responsibility, it will all come out in the end, and then after that make your statement. He had asked me a question.

Now when we were discussing this over the phone I told him that the intent of Cabinet had to be adhered to and he says, well, he says, we can settle this right now; he says, we've talked about this, the commission, he said, we could resign. I said, at no time did I ask you to resign; at no time did I suggest that you resign. Now this is something that you'll have to make up your own mind. And this is the way we left.

Leaving Hecla Island to go to another meeting in Gimli, I had the radio on, to my great surprise the radio announced that the members, the people involved in that card, had been suspended. I discussed this with my Deputy Minister and my Assistant Deputy Minister -- remember that he told me they were ready, they were willing, that they would consider resigning -- I did what I think any responsible person did. I knew that we couldn't go without a commission. I discussed this with my friends, I proposed certain names. I'm very proud of the names that I proposed. These people knew nothing about it, I asked advice of these two gentlemen who were driving with me. When we arrived in Gimli I asked my Deputy Minister who knew one of the members on the board, to phone him and ask him if they would attend a meeting in my office on Sunday. Then I phoned different people and asked them this -- and this was on Friday, the 25th after receiving that phone call. I asked them if for some reason or other we had to name members to the Wrestling and Boxing Commission, would they accept to serve. Would they accept to be candidates to let their names stand, because this has to be

(MR. DESJARDINS cont'd) . . . . dealt with in Cabinet not directly by the Minister. They said that they would. This was, as I say, on the Friday.

I arrived Saturday back in my office. After that my Deputy Minister finally contacted one of the persons who later on phoned him back and they agreed to come to my office on Sunday for a meeting. They arrived on Sunday, we had a meeting -- at a further date I will table the Minutes of this meeting -- and during that time we had a discussion. I told them that at no time was I ordering them to do anything. They were trying to get me to order them to do something. They came there with this idea of resigning, and in the Minutes, Mr. Speaker, you will notice that one of the members states also, "Well we'll understand and let the Minutes show that at no time the Minister asked us to resign or suggested that". -- (Interjection) -- Mr. Speaker, if I may. He's asked for answers. I'm trying to give him the answers. I'm not too preoccupied only with what he has stated. I'm giving the answers. I'm definitely giving the answers. He wants to know about this new commission. All right. I'm going to make sure of my dates here, Mr. Speaker. On Sunday, we had this meeting, these people, the commission, resigned. I accepted their resignation; I asked for it in writing; they said it would be on my desk on Monday morning.

That evening I phoned the same three gentlemen, told them what had happened and told them that, I wanted to check with them again, that I would propose their names to the Cabinet as the new commission. Again they accept. Now they want to know the documents and so on. Mr. Gordon Mackie, who I'm proud to say is a personal friend of mine, a very capable man, a man that has served boxing as well as anybody else in this province. Mr. Mackie told me that he was being considered as a trainer for the Olympic team. Mr. Mackie has been a former professional boxer, amateur boxer, trainer, promoter; he's done pretty well -- he's done everything. In fact he was asked to be the referee on one of the cards and he refused because he didn't want to jeopardize his chance to go to the Olympics. Mr. Mackie told me that he would be very pleased to serve but he wanted to make sure he had discussed that with certain people. He did not want to take a chance of being excluded from the Olympic team. So I talked to the other gentlemen. I brought this up to the other gentlemen and this is the letter -- I was away on Monday, I was up north on Tuesday, I came back Tuesday night. I dictated this letter to Mr. Mackie:

"February 29th", and I'll table this. "Following our telephone conversation of last Sunday when we discussed the possibility of you allowing your name to stand as a prospective member of the Manitoba Boxing and Wrestling Commission, you express your desire to retain your amateur status in order that you would be eligible as a member of the amateur boxing team for the forthcoming Olympic Games. I have checked the Act and discussed it with departmental officials who are of the unanimous opinion that as a member of the Commission you would be more of a regulating officer than a participant. I know how much you love amateur boxing and how hard you fought to be reinstated as an amateur and I would not want to jeopardize your chances. Although the Act provides for remuneration to the commissioner, it does not make it mandatory that it be offered. I took the liberty of discussing this with other prospective members of the commission who are eager to offer their services without charge, at least for the time being." And I'm happy to say that the Order-in-Council does not provide any remuneration to these people -- they are serving without pay. Therefore the Order-in-Council will not provide for any remuneration of the members. "I wish to take this opportunity to thank you for agreeing to allow your name to stand for I know you are as anxious and eager as I am to clear up this situation; co-operate fully with Judge Hewak in his investigation because now all boxing, including amateur boxing, has received a black eye in Winnipeg. Your love of the sport, your excellent reputation, your knowledge of the game, your work as a physiotherapist and trainer at the University of Manitoba will make you a very valuable member of the Commission."

MR. SPEAKER: Order, please. The Honourable Minister has four minutes.

MR. DESJARDINS: Four minutes! I just got up.

Well, Mr. Speaker, if I have four minutes, I have to go a little faster than that so I'll table this. My honourable friend wanted to know also the correspondence that I have. There is a letter of March 1st after the Order-in-Council was passed, that I gave to these gentlemen. This is telling them that they've been appointed. So I'll leave this. I think that -- unfortunately I think the member will not make it stick that there is any kind of a sinister plot here to get rid of the commission; and added further on another occasion I would be very pleased to defend

(MR. DESJARDINS (cont'd) . . . . the selection of these people, Mr. Chairman.

No. 6: The record of all correspondence December 1st and so on between the department. That, Mr. Speaker, after the inquiry I will make a statement if you wish and I'll be glad to file this. I won't at this time because I don't think this should be made public, it might have some interference in Judge Hewak's investigation. -- (Interjection) -- Yes. Mr. Speaker, can I have leave in view of the serious charge that has been -- can I ask for leave -- to continue?

MR. SPEAKER: The honourable member still has three minutes.

MR. DESJARDINS: I have asked for leave, Mr. Speaker, and I believe that I have been granted leave?

MR. SPEAKER: Is it agreed the honourable member have time? (Agreed) The honourable member may proceed.

MR. DESJARDINS: Now No. 5: The subject or subjects under discussion. I might answer this immediately. That any time I met with any members or the boxing commission it was always to discuss the same thing, that special card and matters related to it.

No. 4. The approximate length of these meetings. Well this I think is an asinine, ridiculous motion. I haven't got a stop watch and I don't intend to start marking the time that I meet with anybody.

No. 3, I think I can answer that. I'm trying to answer as many as possible at this time. I wish to say that the numbers of times that I visited the office of the Manitoba Boxing Commission, I've never been there in my life. The number of times I was visited by the commission members in this office, I would say four times, approximately four times. Otherwise I met personally with the members of the Commission. I never met Mr. Dorey before. The first time I met him was in my office on this meeting. Mr. Norm Coston, I met him at a banquet in the company of the Honourable Member from Assiniboia last year. He was in my office shortly after I was named to this portfolio. We had some reference about the commission and I met them two or three times following this.

Now, No. 2. The money they were paid and so on. I think the Order-in-Council that's public knowledge, that they are allowed to receive \$50.00 a month. My honourable friend might want to say that maybe we did not pay them everything that they had coming to them. For some reason or other they hadn't issued their cheques for the last two months, there's no problem there. I think that the new commission must have rectified this.

No. 1. It is very difficult for me to refrain the temptation of filling every darn bit of evidence that I have at this time because I think that this was done most unfairly. I think that my honourable friend who first of all got up -- and if this is not cheap, dirty politics, partisan politics -- the first thing he asked without knowing anything, because he's asking me all kinds of questions, didn't know anything and he asked for a resignation. He was going to get into that, after all it was being covered by all kinds of newspapers and he was going to get into that. Well all right this is fine, this is certainly his privilege. But he is making all kinds of statements today. He is saying first of all that I acted unwisely. Well time will tell. I am ready and this is where I would refrain from getting involved in this. I have one responsibility. As I say, I had nothing for or against the gentleman. I knew Mr. Don Rowand, I've known him, we were members of the Granite Club together, I have a lot of respect for Mr. Rowand. The other people as far as I'm concerned, were and are honourable people although I have certain doubts about a certain gentleman the way he treated certain aspects of this whole deal. Unfairly, that I will certainly not accept.

I could have first of all as I say suspended the commission. I didn't want that cloud over them. I had reasons to know, I had my reasons, wisely or unwisely, to feel that if I wanted to see a good investigation, not a hometown decision, not a spite through the news media, this was bad enough. If we wanted something for some reason -- the reason that we should have an independent inquiry. And in the terms of reference there was a -- there's a term of reference that investigates everything, even the action of the commission. Now that is public knowledge as I said. So then when I was asked by the news media, members of the news media were they being investigated and why, I made it quite clear, quite clear that they were not being accused. In fact in the press statement that I prepared before this became public knowledge, I went out of my way to make it quite clear that they were not accused of anything. And then they asked me, well why are they suspended -- not suspended, they weren't suspended -- why are they being investigated? I could have said "no comment", I could have said "no comment" and then you can see everybody speculating "oh there's something wrong", so I said this, and this

(MR. DESJARDINS cont'd) . . . . only, that I wanted to make sure that the Act had been adhered to, that everything had been followed according to the Act. I am not making any statement or any accusation at this time, I said that I, and I repeat, that I have sufficient information as far as I'm concerned, nobody else, not George Chuvalo, that this was the proper thing to do. No reason -- this commission has been appointed by this government and as I say, I don't know any of them so I had no axe to grind with anybody.

Now my honourable friend said this was mishandled. Well that, you know the statement can go on, he has nothing to prove it. I have refrained from making public accusation in the newspapers. Some of the members mind you felt that they would have a lot of fun with this and this is fine and sometime or other, I also have documents that I would file, Mr. Chairman,

They said that I did not feel that -- my honourable friend started to say this is not very important. I feel that any act that we pass in this House is important. I feel that this is our system, doing things, it doesn't matter if it's costly, that's the name of the game. My honourable friend belongs to a party that wanted an investigation but don't whitewash anything they said. Make darn sure that it's not the minister or anybody else or the former minister, the Member from Thompson that investigates. His friends in Ottawa wanted an investigation immediately when this prisoner never came back, they were blaming everything, and I would say that if there is anything wrong with the commission, if it was found out that the commission acted unwisely or did something wrong, this is a reflection on the Minister responsible, and I accept those responsibilities. So there was no point, there is no reason in the world why I would try to make them look bad.

Now I think I've covered this business about being in favour, being worried about Chuvalo and so on. My honourable friend made a statement that this is routine, as soon as there is something, that you suspend someone, and that it would be only for seven days. Well first of all, there was a commission, Judge Hewak was investigating that, we know that it has already taken an awful lot more than seven days and it will take more than seven days. He's saying awhile ago, he made the statement in Hansard, I took it down, Mr. Speaker, and Hansard will prove this, that he said "these people should not go anywhere, should not be able to fight, do anything, until they cleared their name, until they cleared their name". The next time, now he says "there's no shadow on them at all, there's no shadow on them". And he blames me for bringing a shadow on the commission and I have never suspended a commission, in fact I told them go ahead with your work. But it depends which way you want to see it.

Now he tells me that it's routine. He told me that it's routine. All right, well listen to this my honourable friend if it's routine. Tell me, tell me Mr. Speaker, if it's routine why wasn't the local boxer suspended if everybody else -- and why weren't the referees suspended? Can my honourable friend tell me that, if it's routine, that you suspended everybody connected with the card?

In fact, Mr. Chairman, another document I'll file is a memo that I received from this said Mr. Coston who wanted immediately the day after the fight, wanted to suspend the referees, that's the first one he thought about, but all of a sudden it came out the referees are not suspended, and I am not suggesting that they should have been, but I am saying that it is false to say that this was routine, because the referees were not suspended and Sparks wasn't suspended and Sparks was involved in a match where somebody was killed. So either you have it one way or the other, but not both. Either when you suspended somebody it's for a reason, they have done something wrong, and if this is not the case, well then if it's routine you suspended everybody. -- (Interjection) -- All of a sudden he's got another. Now he's talking about I should have called my commission. You should have called my commission. -- (Interjection) -- well are you finished playing games? Do you want me to answer or do you want to make another speech?

MR. SPEAKER: Order, please.

MR. DESJARDINS: I can say that that day I had a phone call, and this is not something that I tried to phone, I asked the secretary to phone and I was told that Mr. Coston had already phoned, he was on his way, he came that morning. That night I couldn't phone because I wasn't glued to the radio or anywhere else, I didn't know that anything had happened until late the next day, I want to tell my honourable friend, I don't think I'm supposed to be on call in case the radio is going to say something that is affecting the department. So this business of routine is for the birds, Mr. Speaker. This is not true at all.

Now he's saying that -- well he called me a liar on that. He said that there was this

(MR. DESJARDINS cont'd) . . . . statement that it wouldn't stick. But the national body refused, refused to go ahead with the suspension until they got grounds in writing, they wanted to know that. All right I leave my honourable friend with this.

I want to make it quite clear, Mr. Speaker, I want to make it quite clear right now, again, that at no time did I accuse the commission at all, and excuse me, the two questions . . . except these frivolous ridiculous questions about how many minutes I talked to certain people and so on, but the worthwhile questions, those that I did not answer at this time, I certainly, as I said, there'll be a statement made. I feel, rightly or wrongly, that I must go by my own judgment; if it's not good enough well then I have no business occupying the post that I have. I guess if I err too often that the First Minister will make sure that I don't stay in this position too long.

But in the meantime I can only go on my past experience and my judgment and I felt that the only fair way would be to have an independent investigation. I could have very easily suspended the commission; I refused to do this, I tried, I thought that as soon as this commission was named that then we would go on to something else and leave this investigation to Judge Hewak. This was promised, this was agreed to by the members, by the spokesman for the commission, and I say, Mr. Chairman, that it is certainly most unfair to attribute motives to me. If he wants to say that I was unwise, all right this is fine and at the time, or I give my reasons, they might not be sufficient to certain members but my reasons why I felt that we should have this investigation, well then we could decide on that. But to say that I had motives, that I'm a liar, that I had motives, that I was trying to favour Chuvalo or anybody else, or to imply that maybe I knew them, well this I reject completely, Mr. Chairman. And for my honourable friend to come in at this time and make the statement that he's made in this House, the accusation that he's made in this House, a member that didn't know any of these things when he made a statement that I should resign, a member that if probably I would have allowed this thing to go, he would have helled that this was a whitewash and so on, I say that this is most unfair, Mr. Chairman.

I do not apologize for my decision at this time, I felt that I had no other alternatives but to make the recommendation that I did to Cabinet. Again I say that I'm not making any accusation, except this accusation, that Mr. Coston has not been telling the truth to the press and I will substantiate this at a further date, Mr. Speaker.

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

MR. JORGENSEN: Ayes and Nays, Mr. Speaker.

MR. SPEAKER: Call in the Members. Order, please. The motion before the House is the proposed Order for Return by the Honourable Member for Fort Garry.

A STANDING VOTE was taken, the result being as follows:

YEAS: Messrs: Barkman, Bilton, Blake, Craik, Einarson, Enns, Ferguson, Froese, Girard, Graham, F. Johnston, Jorgenson, McGill, McGregor, McKellar, McKenzie, Moug, Sherman, Watt and Mrs. Trueman.

NAYS: Messrs: Adam, Barrow, Beard, Boyce, Burtniak, Cherniack, Desjardins, Doern, Evans, Gottfried, Green, Hanuschak, Jenkins, Johannson, McBryde, Malinowski, Miller, Paulley (Trans.), Petursson, Schreyer, Shafransky, Toupin, Turnbull, Uruski, Walding.

MR. CLERK: Yeas 20; Nays 25.

MR. SPEAKER: In my opinion the nays have it. I declare the motion lost. The hour being 5 -- the Honourable Minister of Labour.

MR. PAULLEY: I wonder, Mr. Speaker, whether just before you adjourn the House, I understand that there is consensus that as we are going to adjourn tomorrow afternoon at 5:30 that the whole business procedure of tomorrow afternoon will be devoted to government business.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Yes, Mr. Speaker, that was the agreement that was made between myself representing the official opposition and the government.

MR. SPEAKER: The hour being 5:30 -- The Honourable Member for Rhineland.

MR. FROESE: I have never been consulted on these matters Mr. Speaker, but I will go along with the suggestion.

MR. SPEAKER: The hour being 5:30 the House is accordingly adjourned and stands adjourned until 2:30 tomorrow (Thursday) afternoon.