

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, February 22, 1966

MADAM SPEAKER: Before we start our proceedings tonight, I would like to attract your attention to the gallery where there are 42 of the 70th Cub Pack under the direction of their Cub Master, Mr. Nichols, and this cub pack comes from the constituency of the Honourable the Member for St. Boniface. Also in the gallery this evening we have some 39 students from the University of Manitoba. These students come from Jamaica, Ghana, Thailand, Trinidad, Nigeria, Egypt, the Caribbean Islands, Afghanistan, Hong Kong, Pakistan, British Guiana, India and Korea. On behalf of all members of this Legislative Assembly, I welcome you.

The adjourned debate on the proposed motion of the Honourable the Minister of Mines and Natural Resources. The Honourable the Member for Rhineland.

MR. FROESE: Madam Speaker, we have before us a motion to concur in the report of the special committee that was appointed to consider the Rules, Orders and Forms of Proceedings of this Legislative Assembly. This committee, as we all know, had a number of meetings and have furnished you with the report which we are now considering. I was not a member of this committee, however, I attended most of the meetings - I think all of them except the first one which was held during the harvest time of last year. And at this time I'd like to thank the Clerk for sending me notices of these meetings so that I was aware when they were held and also received copies of the proceedings. I attended these meetings at my own expense so that members need not have to fear that I accepted any monies from the government illegally.

I listened carefully and with great interest to the proceedings of these meetings and on occasion commented on the proposals that were being put forward and also offered some suggestions. But as you know, Madam Speaker, I could not present or offer any formal motions or proposals for consideration as I was not a member of the committee and I therefore also had no vote.

Now that we have the report before us, I am also denied of making any amendments because Rule 73 definitely states that a member cannot amend the report. Thus I, as a member of this House, representing a party other than all the other members do, am prevented of putting any proposals forward in connection with the rules of the House or the proposed changes that we are considering here tonight. Thus I have been denied this right and the constituents of my riding have also been denied this right, through me.

I would like to read Rule 73 as it is set out in the report. Rule 73 reads as follows, and I quote: "A report from a Standing or Special Committee shall not be amended by the House, but it may be referred back to the committee." Now I suppose I would have the right to make the motion of referral, to refer the matter back to the committee, however the committee has not been set up and I'm a little in a quandary whether a motion of that type would even be proper. However, we will find out about that later.

The report as it is before us hits directly at me and my party in particular, and it is certainly not a pleasant thing for me to stand up here and to argue points on my behalf, or on behalf of my party or for the position I hold as party leader and being an only member in the group. But if no one else will, I must. I would also like to thank the Honourable Member for Lakeside who took the position that once we've departed from the two-party order - that was the fact in the previous rules - that once we've departed from that, that all groups are entitled to receive proper recognition. I think this is an honourable statement and I certainly go along with it.

I am not an only member in this House, I am representing a party. I am representing a group and I am representing a group that has a philosophy of its own that stands for principles and stands for economic democracy. The party I represent is not a nonentity because we have two of the most progressive provincial governments in Canada of this particular party, namely the Social Credit Party. They have very ably demonstrated their ability to govern and we know today whenever people speak of progress, they point to Alberta and B. C. These are the provinces that have prosperity, that have an increase in population, that give the highest pension of any provinces in Manitoba, that have the enjoyable climate, and the provinces where industry is expanding. Whereas we like to get one paper mill, B. C. has 16 of them, and we are fidgetting around trying what to do to attract industry. These are the provinces

MADAM SPEAKER: I must say that the honourable member, to me, does not seem to be speaking to the motion before us. I wonder if he would try to keep his remarks to the motion here please.

MR. FROESE: I think I am keeping to the subject because I am speaking of the one party

(MR. FROESE cont'd)..... that will not be recognized in this House, and the rules are definitely going to bar me on many occasions from exercising my proper role as a party leader. These governments that I spoke of.....

MADAM SPEAKER: I still must remind the member that he is breaking the rules of this House and, in my opinion, he is out of order. I would ask him to confine his remarks to the motion before us.

MR. FROESE: Madam Speaker, I am sure that the committee that sat in on the rules discussed matters of wide range in getting to some of the decisions and getting down to the various rules and the changes that we have before us. However, I will try and omit some of the references that I had intended to make.

We find that the party that is in power in this province and that is putting forward these changes in the rules have no more representation in all of Western Canada, outside of Manitoba, than Social Credit has in this Assembly here, so that I think they are not justified in putting forward the proposals they are doing in this report, when they take it on themselves to deny me proper recognition in this House.

I am referring, Madam Speaker, to the general rule, 3(h), and I would like to read that particular rule. Rule 3(h) under the General Rules is a definition of the party that will be recognized and I quote: "(h) A recognized opposition party means a party, other than the Official Opposition, represented in the Legislative Assembly by four or more members." This is the particular section that I object to very strenuously and which is hitting at no one but myself in the House. We find that other provinces certainly are not denying the party leaders anything of this type. We know in the Federal House that all the parties are recognized and their leaders are recognized, and we know for a far in Alberta the same thing holds true where the opposition party is very small, yet they receive all the benefits; they are treated royally; they are able to speak more often than once in formal debate; and they are given extra secretarial help and what have you. They are trying to oblige and accommodate them in the best way possible, so I am amazed. What is the government afraid of by recognizing me? Is Goliath afraid of David?

If rules are changed on a trial basis, then certainly let's accommodate all parties in the House and make the change the best one possible, because we can again change them if the need arises. I think it's an absurdity to be elected on a party ticket and then come into the House and not be recognized as such or associated with it in the House or Legislative Assembly. Certainly the rule is not being introduced to take care of some future situation that may arise, because during the six years that I have been in the House, we are amending the rules for the second time, so that this is not a rarity and can be done again if the need arises.

I just wonder, how did they arrive at the figure of four to be recognized as a party. Was it drawn out of a hat? It certainly is an arbitrary way of determining the definition for a party under the rules. It could be three, it could be seven, it could be any number. If we just state a certain figure, was it to accommodate the NDP group so that they would be entitled to recognition in the House? I cannot but come to the conclusion that the Premier wishes to deny me all courtesies and status as a party leader, and I therefore will ask that the words "by four or more members" be deleted from section 3(h) of the General Rules, which is the definition part.

The preceding rule as well as rule 33, subsection (2), do not apply to anyone else but me and I would like to read this particular rule as well. Rule 33, subsection (2): "The leader of the Government, the leader of the Opposition and the leaders of recognized opposition parties may each, in advance, designate some member of his party to speak in any such debate for such time as he desires, but in that case, the leader, if he speaks in the debate, shall be allowed to speak 40 minutes only." This, Madam Speaker, means that the 40 minute speeches will definitely apply to me alone. There can always be exceptions to any of the other members, but as far as I'm concerned, it will always apply. Heretofore I have been accommodated on the Throne Speech and Budget Speech Debate in exceeding the 40 minute rule, but once these rules are in effect, I just wonder whether this will not be out the window.

Further, Madam Speaker, I'm opposed to curtailing debate by limiting or restricting the hours to be devoted to private members business as proposed in the changes of rule 23, and more so by setting an 80 hour limit to be devoted to estimates, when over the last number of years we spent well over 100 hours for this purpose. We are going to be curtailed by the government as to the amount of speaking that the opposition will be allowed. This is a very dangerous principle to adopt and I will oppose it with all vigor. What they are trying to do is muzzle the opposition and we may end up with no discussion of certain department estimates under these

(MR. FROESE cont'd) new proposed changes. I feel this would be tragic, and for the government to propose this when we already have a smaller opposition than in previous years - we have two members less in the New Democratic Party - so that means that we have less speakers. Why they come up with the proposition of cutting down the time under these circumstances?

I feel that the proposed changes that are being put forward in the report that is before us are not to the good, and I will move, seconded by the Member for Seven Oaks, that this report be not now concurred in but be referred back to Committee for consideration to amending (1) the General Rule 3(h) by deleting the words "by four or more members", and (2) Rule 62A(1) and (2) by deleting this rule as it will restrict discussion of estimates to 80 hours.

MADAM SPEAKER: Moved by the Honourable Member for Rhineland, seconded by the Honourable Member for Seven Oaks.

MR. ROBLIN: As I heard the amendment, it seems to me that it might be defective from the point of view of our procedures here, although there may be quite a simple way of rendering it in order. Now members opposite will perhaps wish to comment on this, but I seem to recall that the committee itself expires when this House meets again. I'm not certain of that, but I believe that's the situation. If it is, and Madam Speaker can tell us, then if the honourable member will merely change his motion to read - he moves that the committee be reconstituted to do the thing that he wants done, then I imagine it will be in order, but I raise that point as I have some doubt as to whether it is at the present time. However, if my point of order is well taken, I think there is a simple remedy.

MR. FROESE: Madam Speaker, if I may do that, I'd be quite happy to re-word it to that effect.

MADAM SPEAKER: Does the honourable member wish to have this back?

MR. FROESE: Madam Speaker would rule it out, otherwise I'd be happy to change the wording.

MADAM SPEAKER: The motion as before me - - I must refer the honourable member to Beauchesne, Citation 325, Section 4, where it says "When a motion is made for a concurrence in a select committee report, it is in the competence of the House to adopt it, to reject it, to refer it back to committee, or decide that consideration of the report will take place this day six months". In considering this rule, I have no other alternative than to say this motion is out of order.

MR. MOLGAT: Madam Speaker, on the point of order, does this rule not say that it can be referred back to the committee? Is that not what the motion of the honourable member is?

MADAM SPEAKER: Yes, referred back to the committee.

MR. ROBLIN: I do not really think the point I raised was well taken, because I am now looking at Rule 320, subsection (3), where they are talking about the report of a Committee that has been set up in the previous session and is reporting to a subsequent session and it says - and I believe that on first reading of this section that the report could be adopted only in part or an amendment proposing a condition to the motion for concurrence may be moved. If my interpretation of Section 320 is correct, then I suppose the objection I just made a moment ago is probably not well founded and I'd like just to report that to the House.

MADAM SPEAKER: In giving consideration to what I mentioned here, in re-reading what the honourable member has suggested here, "That this report be not now concurred in, but referred back to the Committee for consideration", he has suggested here certain considerations to be taken into consideration and I would agree that it is in order.

MADAM SPEAKER: Are you ready for the question? The Honourable Member for St. John's.

MR. CHERNIAK: I'd like to move, seconded by the Honourable Member for Elmwood, that debate be adjourned.

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

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

MR. CAMPBELL: Madam Speaker, those of the honourable members who have taken the time to read the report that has been placed before us will, I think, agree with me that the committee have done a remarkably good job. Now when I say that I'm not trying to suggest that I am well acquainted with this subject or that I am in any way an expert upon it, and I'm not commenting so much on the material that is contained in the report as on the fact that they seem

(MR. CAMPBELL cont'd).... to have discharged their responsibilities with great diligence and prepared what I think is an unusually good report for the House.

I was not a member of it so I am not trying to get any credit for myself. The Chairman of the committee was the Honourable the Provincial Secretary, the members were the Honourable Minister of Industry and Commerce, the Honourable Minister of Welfare, the Honourable Member for Carillon, the Honourable Member for Lac du Bonnet, the Honourable Member for St. John's, the Honourable Member for Winnipeg Centre, the Honourable Member for St. Vital, and my colleague the Honourable Member for Selkirk.

This is in my view rather a remarkable report. It is rather unusual in its form in that it starts out by telling us when it first met, and it's not until the second page that it gets to the terms of reference and the members of the of the committee, and it seems to combine its recommendations with a good bit of history and philosophy - but don't let that fool you - the fact is there's a tremendous amount of material in this report and I would like to see it made, not only recommended reading but compulsory reading, to a great many of the people of this province, particularly the young married couples just starting out because this is a - - and I'd like to see it made a recommendation that they had to pass an examination on the material contained in this particular report because it is - - I beg your pardon?

MR. FRED GROVES (St. Vital): To get their marriage license?

MR. CAMPBELL: I wouldn't make it a test of their marriage license but before they accumulate some of these debts anyway. I think that would be the better recommendation. I won't take the time that I could take to go through this report. I do want to extend my compliments to the people who were members of the committee and to the eminent counsel Mr. Harold Buchwald, Q.C. who served as a special advisor because I think it's an unusually comprehensive report - - and I'm saying that at the same time as admitting that I'm not, do not consider myself to be well informed on the matters that are under discussion. It's just remarkable to me, Madam Speaker, and I'm sure it will be to a lot of the members of this House that there are this many Acts on our Statute Books that deal with the question of borrowing and collecting and forms of sale contracts with liens, with the orderly payment of debts, with seizures, with several other matters. (Interjection) - - Yes, I think that a lot of the people who are mentioned in here who get their debts up so far beyond their capacity to pay, probably even suffer heart seizures from it, and they certainly suffer seizures of the goods that they have liens on.

Now, when we come to the recommendations, again I would like to see, Madam Speaker, that some effort be made to give real publicity to some of the recommendations that are made in here. I'd like to see widespread publicity given to a couple of paragraphs here which are not in the recommendations but refer to a kind of a layman's language of one of the Acts that we have recently passed, The Consumer Credit Act of 1965. If the public were aware of the material that's contained in this report I think it would be very much to the good. And as a further tribute to the committee I may mentioned the fact that they profess themselves to be ready to sit again and recommend that they be reappointed to still go further into this matter of consumer credit and what we might call debt and collection legislation. They say - - and I take their word for this, because of the material that they've collected and the information that they give in this report - - they say that there are several matters that should still be dealt with and so I would wholeheartedly suggest that that be acceded to so far as the House is concerned. They recommend that The Orderly Payment of Debt Act which has been declared ultra vires of the Provincial Legislature, should be re-enacted or something, some permissive legislation be enacted by Ottawa of general application so that any province that wanted to could adopt its provisions without any danger of interfering with the legislative authority of the federal government with respect to bankruptcy. And I certainly agree with that recommendation as well.

I have one or two reservations, of course. You wouldn't expect me to say all these complimentary things without having some criticism. I think when they give Exhibit "A" on the last page and they suggest that we should pass a resolution similar to this to go to the federal government, I think they used the wrong word in the middle paragraph where they refer to "whereas our superior court declared The Orderly Payment of Debt Act ultra vires. "I don't believe we have a court that's called the Superior Court. I think there would be some other term that should be put in there.

And then I have one general observation that I want to make a particular observation that I want to make with respect to this report. It's not with regard to one of the recommend-

(MR. CAMPBELL cont'd) dations because my honourable friend the Attorney-General, who has acted as chairman of another committee, The Statutory Regulations and Orders Committee, will remember that one of our responsibilities to deal with a clause of The Mortgage Act that had been before the House at last session, was referred by us to this committee, Consumer Credit Committee, and the Consumer Credit Committee made some recommendations on it and referred it back to us; and I believe the recommendation with regard to it is included in our report, the Report of the Statutory Regulations and Orders Committee rather than in this report. But the basis on which they referred it back to our committee is given here and in case I said all these complimentary things about this report, and failed to mention the main point of disagreement that I have with it, which will show up in the other report as well, I want to apprise the House of it now. And it is this one: that this committee has this statement to make with regard to the proposed Section 24 of The Mortgage Act - and I'm reading now from the report: "Consideration of this section was referred to the Special Committee on Consumer Credit by The Statutory Committee on Regulations and Orders with a view to determining the effects of the enforcement of its provision in the light of other studies being made by this committee. The purpose of the proposed section is to ensure full disclosure of all loan costs and rates of repayment prior to the signing of a Real Property mortgage by a borrower. The committee is of the view that while the underlying intent of the proposed section has considerable merit and is in concert with the general philosophy of providing a borrower with the fullest information as to his loan charges and his repayment obligations, the section as drafted is not workable for the reason submitted to the committee. It is recommended that legal fees and disbursements, necessary surveyor's and tax certificate charges be eliminated from the definition of cost of loan. These are too difficult to ascertain with accuracy at the time of execution of the mortgage and can be taxed, that is examined for reasonableness by a court official in any event if the borrower is not satisfied with the charges ultimately rendered." That's the end of the quotation.

Now that recommendation was made to our committee and it forms a part of the report of that committee, I believe. The part that I disagree with is this section that would leave out of the cost of the loan legal fees and disbursements, necessary surveyor's and tax certificate charges; because I believe, Madam Speaker, if we're to have full disclosure, let's have full disclosure; and where the committee says that it's too difficult to ascertain these costs, that's exactly what the credit companies and the various stores and others have said to us when they came before us - that it was too difficult to give an actual statement of those costs. And in addition where this part of the report says that these costs (referring to the legal costs) can be taxed, that is true; but to the layman, even the taxed costs of the solicitors are frequently appear to be pretty substantial. The difficulty that I have found, from what I have heard on this subject, is that when people are pressed hard enough financially they will, in their extremity, sign almost anything that is put before them. And I know that they shouldn't do it. I know it's their own fault; but the fact is they will do it and they won't give the question the consideration that it should have.

So, even though this is not a recommendation of this committee, but it is contained in their report, I must disassociate myself from that and I will perhaps again mention it but the next time briefly - when the report of the Committee on Statutory Regulations and Orders comes forward. This is the only objection that I have to the report and I would, having said that, close by repeating that I think the committee has done an excellent job. I'd be quite in favour of them being reappointed at their own suggestion because I think having regard to the complexity of the many laws that we have on the Statute Books dealing with this matter, and with regard to the social implication of the difficulties that the people get into by the very complexities of the situation, and the quantity of credit that is being issued these days, I'm all in favour of still further investigation into the matter.

MR. FROESE: Madam Speaker, I just have very few comments on this report. I have read it and I think it's a very good report that the committee is presenting.

I have a concern though, and it is this that we're catering so much to the purchaser these days that I think we're probably overdoing it and that as a result some people will be denied the credit that they may be seeking in making purchases. However, at the same time we know that through legislation of this type that the onus is being placed more and more on the one that is making credit available and that he will have to check and be sure that he is dealing with good people so that he does not have to go into collection procedures; because the way collection procedures are being set up they are more and more on the side of the purchaser than on the one that's granting the credit.

(MR. FROESE cont'd).....

There is one particular section, and that is section 4 in connection with the Central Registry. I go along with the Garage keeper's Liens, but then we come to the second part of that section dealing with motor vehicles and a central registry and I'm just a little leary - does that mean that we will just have one central point where the registrations are going to be made or will there be offices established throughout the province for this purpose? Because I can see if there's only one central point, that there could be considerable delay in making and finalizing transactions. I do hope when the Minister replies, if he does reply on this report, that he give us a little more information on this particular section. Otherwise, Madam Speaker, I find the report very excellent.

MR. PETERS: Madam Speaker, if no one else wishes to speak I beg to move.

MR. COWAN: Madam Speaker, I would just like to reply to the Honourable Member for Lakeside with regard to the legal costs. The reason that the legal costs are not to be included when the statement is made up, when the mortgage is signed, is because no one knows at that time what the legal costs might be. There may be registrations of liens or judgments before the mortgage is registered and there may be a considerable amount of work required to get rid of those liens or judgments. But it is particularly in the case of a building loan, where the lawyer doesn't know what the costs might be, because the mortgage in respect of a building loan is usually signed before the building is started and there's only a piece of land and the money is advanced over many months while the building is being proceeded with and the contractor may go bankrupt, mechanics' liens may be filed and the lawyer may have to go in court and may have to do a great deal of work in order to have the mortgage properly registered and in order that the mortgage will be a first charge for the full amount upon the land. If a person feels that the fee that is charged by the lawyer is too high, anyone can phone the Law Society or write the Law Society or check with another lawyer and find out what the minimum fee is for that amount of mortgage and in that way they will have an idea if they are being overcharged or not. If they still think they are being overcharged they can have the bill taxed in the Court of Queen's Bench and so I should think there's ample protection for the borrower in respect of lawyer's costs.

MR. CAMPBELL: Madam Speaker, I'd just like to ask the honourable member a question. Is it not, however, quite true that the lawyer could come very close to the cost; and wouldn't even getting close to them be some measure of protection to the borrower?

MR. COWAN: Well, Madam Speaker, the lawyer would have no idea what the cost might be if he found he had to go into court in respect of a builder that might have gone bankrupt or in respect to mechanics liens actions, they could be quite involved.

MR. SHOEMAKER: Madam Speaker,

MADAM SPEAKER: The Honourable Member for Gladstone.

MR. SHOEMAKER: I must confess that I have just now perused the report that is before us and for the benefit of the House, I do not intend to take any time, but I am really concerned about a recommendation that I think should be in this report, and I cannot see it contained therein. If it is there, I trust that my honourable friend the Attorney-General in the absence of the Honourable Mr. Steinkopf, will point it out to me.

Now, out through the western part of this province in the last three or four years, it seems to me there has been widespread - is the word that's used in the first page here - widespread use of credit and a widespread and a wholesale spread of characters - that's the best way to describe them I think - that is out trying to sell the farmers just everything from aluminum siding - - (Interjection) - - yes, to nuts and bolts, and every other mortal thing you can think of and they are preying on the fellow who isn't just perhaps as bright as a normal intelligent person might be expected to be. Now there are many instances, and I can cite a lot of them if I am encouraged to do so, but what annoys me is this - one day last week the Honourable Member for Lakeside and myself went up to Room 327, I think it is, wherever The Companies Act offices are, to have a look at a certain file - - and as you know, Madam Speaker, we don't have to pay the usual dollar to investigate and have a look at these files, so it didn't hurt the Honourable Member for Lakeside and myself financially to go up there. (Interjection) - - Otherwise we would not likely have been there. But, - - I don't think this is news. There is a little place down at 125 Garry Street out of which operates eight or nine companies. It doesn't tell you that story on the door, but nevertheless there are seven or eight or nine companies operating out of that office. I see my honourable friend the Member for Winnipeg Centre smiling. He knows all about it I imagine because (Pardon)

MR. COWAN: They're not operating any more. You're out of date.

MR. SHOEMAKER: They're not operating any more? They were operating yesterday, my honourable friend. I phoned them. I phoned them, and Madam Speaker, I had a sweet time trying to get their phone number, I am telling you that. And so did our mutual friend the lawyer from Neepawa, Mr. Howden, who was attempting to get them by phone. He sent them two telegrams and phoned me to see whether I could find out their phone number. He said, "It's not in the book." So I phoned a fellow in the Confederation Life Building by the same name and he said, "What do you want to talk to him for?" I said, more or less to this effect, "It's none of your blinkety-blank business." But, I then phoned the number that he gave me and it was a busy signal. As I suspected, the phone was off the hook. So I phoned the complaint operator and she said, "Oh yes, we've been having trouble with that phone." Eventually I got it, eventually I got it, and not only the telephone number has been changed three or four times, I suspect, in the last year, as my honourable friend the Member for Winnipeg Centre has found out no doubt - - and incidentally if he would like the phone number under which they're presently operating, I'll give it to him because I've got it on this slip of paper right here. (Interjection) - - It may have changed since yesterday, that is true. No doubt they have made application for a change.

Madam Speaker, I'm getting off the story here a little because I'm getting lots of advice of all sides, but when the Honourable Member for Lakeside and myself went up to examine this file, we found, as usual, - - (Interjection) - - we found there was no less than seven or eight companies operating out of there; but the interesting point was this: that about every six months, they make application for a change of name. They make application for a change of name and they make application for a change of telephone number and they make application for a change of address and everything else, so you can't catch up to them. No wonder my honourable friend the Member for Winnipeg Centre has a tough time as I have had trying to catch up to them. And this is why. Now, last year we passed - I think we passed this Unconscionable Transactions Bill. I don't know whether it ever went into effect, but surely to goodness, these people are operating an unconscionable transaction every day. Their very method of operation is not - well it certainly isn't ethical, I wouldn't think. Why does the government continue to concede to their request for change of name and - there's no question about it, the government knows that they're operating in this fashion. There's no question about that.

I'd like my honourable friend the Member from Winnipeg Centre to tell - he no doubt knows a lot more about their operations than I do. But it seems to me we're condoning this kind of thing when we concede to every request that they make. And so I hope that when the government, or when we do eventually pass this report, that not only a recommendation will be in here to assist the government, to encourage and assist the government to frown, and make it frown on this type of an operation and make it difficult for them to carry on; because it isn't right that they should operate in this fashion. This report says that - it says, "In the main, the business community reports that even with increasing sales volumes during the past few years, there have been fewer bad debts. Nevertheless" - it says, "there are still enough shocking and distressing instances, almost daily, of the excessive and unwise use of credits."

Now these people, as it was disclosed last year, go out and sell you a bill of goods and tell you how you can finance it - - and it points up in this report, one or two distressing examples. I would like to tell you very briefly about one little incident that happened in the Town of Franklin, and the Town of Franklin, as my honourable friend the Minister of Highways will know, has a population of about 70 people or something like that, 60 or 70 people in the Town of Franklin. Now this outfit - - and I'm not certain if it was this outfit - I think they were operating out of this 125 Garry though - a salesman from this office went out and sold a chap in the Village of Franklin on the proposition that he should have aluminum siding on his house. They eventually signed him up and shipped him, and shipped him out the siding, and they sold him a contract that required him to pay roughly \$65 a month for 60 months - around \$3800, \$3900.00. He realized that he had made an error a couple of days after, two or three days after, and asked me to intervene - after the siding had gone out there. And I did, and I got him off the hook. But I had to go down and explain it to them this way: if they wanted a house in the Town of Franklin that could possibly be sold for \$500 or \$600 after the siding was on it, they were sure going to have this one back on their hands. And yet, he had signed the contract to pay \$3600 for siding on it.

(MR. SHOEMAKER cont'd)....

Now this just points up the type of people that they call on. They don't call on fellows like the Member for Lakeside and myself who respect our dollars more than that and we have had many experiences. Now, another little story about this Franklin house. Do you know, do you know, Madam Speaker, what the freight was on this \$3600 siding deal? The freight - how much would you expect the freight would be on a deal of that kind? \$9.20. On \$3600 worth of aluminum siding. (Interjection) - - Light? I'll say it's light; it's about as thin as that paper there. And yet why do we allow these people to obtain a licence to operate? And why allow them to operate after everybody in the Province of Manitoba knows the type of operation that they carry on? Why allow them to continue in this fashion? It seems to me to be wrong. It's all fine and dandy to say, "Oh well, the people ought to smarten up." But there is an old story that I am afraid is true, that there is a fool born every minute or something like that - - (Interjection) - - a sucker born every minute - thank you. And there always will be. But we've got to stop these people from preying on our populous. (Interjection) - - Yes, and I certainly hope, Madam Speaker, that the government intends to do a lot more than they have been doing in this regard.

MR. PETERS: Madam Speaker, if no one else wishes to speak, I beg to move, seconded by the Honourable Member from Seven Oaks, that the debate be adjourned.

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

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

MR. FROESE: Madam Speaker, I adjourned the debate the other day on this report in order to give it a little more study, I find the report very sketchy. I think reports from committees of this type should have a little more meat. For instance, on the second point contained in the report it says "the institution of a system of public inspection of motor vehicles and that the fee be set at \$1.25; inspections to be conducted twice a year." This is very brief - a very brief recommendation - and I'm sure that this particular one could cause serious hardship among farmers in the province, especially during harvest time, when they get every last truck that they can find to haul their produce with. Sometimes these trucks are not in A-1 condition and if they were inspected and they had to meet every requirement, that farmers could spend a fortune on getting their trucks in line. I think certain exceptions should be made especially under conditions when harvest is around and that certain vehicles are used primarily just for hauling produce during a certain time of the year.

I find under point five in connection with student driver education that here they are recommending a course in driver education to be partly financed by the individual and partly by the division board. It seems to me that this is getting to be quite a costly affair and I wonder whether the committee considers making this mandatory. It didn't say so. I think one thing they should keep in mind is that driving is a right and is not a privilege and that people should not be barred from driving a vehicle just because they probably didn't have training for this in the first place, or got it through a driver-training program.

Going down to the ninth recommendation which was apparently not adopted, that of a Provincial Highway Safety Council. I would like to have a little more information from the Minister just what does he mean by a Provincial Highway Safety Council? This is a very brief statement - just that a Highway Safety Council be not formed at this time but that more extensive use be made of the knowledge of safety matters now possessed by individuals and organizations. What did the committee discuss when they discussed the Highway Safety Council? I think the House should have a little more information on such matters when recommendations of this type are made.

Then recommendation 10 deals with the reconstitution of the Committee and then they go on to report on other matters that they feel should receive further consideration and they naturally would like to hear further representation re studded tires. I think this is a very valuable one, a good one, I had hoped that the committee would have come up with some information and some recommendation in this report already but the matter apparently is being shelved. From reports that I hear the studded tires are very favorably accepted by those who have them on their cars and I'm certainly looking forward to getting a favorable reply from the Committee. Then under (b) they have "further consideration to the matter of 15 miles per hour limit in school zones be given." And here too I hope that the Committee will be a little more liberal and will increase the mileage per hour for such zones because I don't believe

(MR. FROESE cont'd) . . . that, especially slowing down that much, that it really helps. I think we could stand some changes in that connection.

One thing I would like the committee to do - and I'm not sure whether it falls within the jurisdiction or scope of this committee - that is, the matter I would like to see looked into is more severe penalties for drunken or impaired driving. I think this is a matter that should receive some consideration because we have too much of this happen and very often the matter is only taken into consideration after the harm has been done. I think we should try and make the penalties more severe so that more of these incidents would be prevented.

MADAM SPEAKER: Are you ready for the question?

MR. MOLGAT: Madam Speaker, I beg to move, seconded by the Member for Lakeside that the debate be adjourned.

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

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

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

COMMITTEE OF SUPPLY

MR. CHAIRMAN: Department of the Attorney-General. Resolution No. 21 passed.

MR. DESJARDINS: Mr. Chairman, before we start 21, I think that there are certain questions that we are not quite satisfied with on the Minister's salary. I certainly don't intend to bring everything back but there are certain things that the Minister was quite lax and, he just waved as if it wasn't very important. Going back to the question of magistrates, well I think it has been said many times that the Minister and the Government has recognized the fact that we should decide once and for all this question of full-time magistrate. I think that this has been discussed every session for the last four or five anyway. Now I know that there is different opinions on that. The best practice if it was possible, would be to have no part-time magistrates at all. Now this might not be feasible, this might not be feasible in the rural points. Now I would like to - apparently the Attorney-General is not ready to make a decision, and he stated - I haven't got the clipping now - at one of the meetings - well this is something that the government is definitely not anywhere near ready to decide. This is something - I could find it later on and see but this is - - well anyway I'll try to find it later on if the Attorney-General wants to see this. But there was a statement supposedly made by the Attorney-General that the Government is not near ready to decide - and of course, this would indicate his answer of last Friday, would indicate this that he's not ready. So therefore I would like at least make a suggestion, I know that this has been brought in. This will not be popular I know, but I am told that the County Court Judge - I know that this would be difficult because he has a Federal and a Provincial, - but the Attorneys-General of the different provinces meet with the Federal at times - - by the way the province is giving I think \$2500 now to the County Court Judge - - and I think that these people who are receiving, I think it is \$18,500, might be able if we were successful in bringing in an agreement with the Federal Government of doing some of this work. I know, as I say, this might not be too popular, but any lawyer that I talked to feel that this certainly could be done. They realize that there is a big problem - a political program if you can call it this.

Another suggestion, I think that at least in the Greater Winnipeg Area we should not have any part-time magistrates. I think that we should, the government could be safe in starting by deciding this that there would be no part-time magistrates or more than that that these people should not be allowed to be associated with any firms. This is just an opinion, for what it's worth. When I invited the Attorney-General to give us an idea of what he felt would be fair for the magistrates, he said that he thought they were well paid - - at the time he thought they were well paid, because if you compare them with work that's being done in the same field, or comparable work to other people. Well, from what I understand, they are doing much more work than the County Court Judge. Now I'm not going to start an argument on this, and probably the people that tell me that now would not be willing to say this publicly. But apparently this is the case. At one time the County Court Judges were underpaid, and I think it was a good idea when the Province helped them out; but all of a sudden we help them out to the tune of

(MR. DESJARDINS cont'd) \$2,500, and the Federal Government brought all the wages in line. I cannot agree with the Attorney-General when he says that the magistrate is well paid if you compare him with anybody else, because the County Court Judge is getting about \$18,500, and the magistrate - - and they themselves at least, they'll tell you publicly - - feel that they're certainly doing as much, if not much more, than a County Court Judge, and they're getting anywhere from \$10,000 to \$12,000. I think that, especially here, a full-time magistrate in the Greater Winnipeg area, I don't think it would be too much if the government was to pay them \$15,000.00.

Now, another thing that I find more important than that, and that is and I was very surprised and disappointed in the reply made by the Minister - was on this crime syndicate. On the question of crime syndicate, the Attorney-General told us that he did not disagree too much with the former chief of Winnipeg. Well the former chief of Winnipeg said this, "Let no one be deluded that organized or syndicated crime has not got its tentacles in this city," and he repeated this. And last Friday the Attorney-General told us that there was no such a thing here in Manitoba. I don't think that this is (Interjection).

MR. McLEAN: . . . just so the record will at least have my comment that I made no such statement.

MR. DESJARDINS: You made no such statement? . . that there was no syndicated . . well maybe I'm wrong, we'll check. On Page 329. The question of crime syndicates, I would have to say I was always sorry that I ever said anything about the report of the Chief of Police, because of course there was in fact no particular differences between he and I, and that was disclosed I think reasonably well in the discussions which I had with him concerning it. "What is really not perhaps the right term - - and actually this was the heading in the newspaper, but he said 'a Mafia type', and I think that explains this anyway. "The Mafia is an organization, well we don't need this - "there is such a thing as an organized crime, or crime syndicates; we have been alive to this, and I have been in the closest communication at all times with the RCMP who are the Manitoba Provincial Police, and they are the people to whom we turn in these matters for advice and information. Of course it isn't possible - - it wouldn't be, I think Mr. Chairman, it would not be proper for me to tell this House the way the RCMP is watching this, and the steps that they are taking, because of course, if there was public disclosure the effectiveness of their work would cease immediately. But I simply say to the members of this Committee, Mr. Chairman, that I am confident that the RCMP are fully aware of the problems in the field of syndicated crime in Canada, and if we were permitted to hear the information that they have to see documents that they have, that the members would accept that statement. I don't really believe, that other than strengthening their services that there is any criticism that can be directed toward the RCMP, and it is with them that I, as the Attorney-General of Manitoba, consult and keep in closest communication at all times. In this matter the indications are of course, and one would be foolish to suggest otherwise, the indications are that there is a growing of syndicated crime in Canada, but there are no indications at the present time that syndicated crime is active in the Province of Manitoba." Well, this is clear enough. This is exactly what I said that the Attorney-General said, that there is serious syndicated crime in Canada but not in Manitoba. Mr. Chairman, this is exactly what he said, and right now he stands up and says this is not what he said at all. This is what was reported. These are his words and he's not misquoted or he should have corrected this before the Orders of the Day because this is Hansard, Mr. Chairman.

Now this is not good enough. I think that there has been a statement made by the former Chief of Police, a responsible person, and Mr. Huband also has stated that he felt that something should be done. At this meeting that the different Attorneys-General had with the federal representative, they were talking and it was agreed that something should be done but the proposals were side-tracked because there wasn't the same idea - we couldn't come on a general way of doing it. Some people felt that they should be the Interpol and the other people felt that all right we'll go ahead with the RCMP. And I think that something more should be done in Manitoba. I think we should be ready for this. Now I fail to see - I will not personally until I hear much more explanation, I am not ready to accept the answer, and I'm not going to read it again, of what the Attorney-General said, and then he said well I might as well tell you now I've appointed somebody, what do they call this - no, I know the name, the name is not important - let's see, the title, an advisor, I imagine it is and - an advisor and this man will keep us posted. Now I'd like to know more about - I'd like to know - Crime Counsel, name - I'd like to know more about the duties and what is expected from this man. It seems to say well

(MR. DESJARDINS cont'd) if the RCMP have anything they'll tell our counsel and he's going to tell me. We're told that this should be secret but there's somebody else outside of the Department. I don't know if this is possible, but the gentleman named, a very capable lawyer, I have nothing against him - he's very well known and a very good criminal lawyer. Now isn't it possible that one day he might have to defend somebody and there will be a conflict of interest there? Is that possible? I'm not a lawyer, I don't know, but it would seem that this is certainly possible. I don't know what's the matter with the Attorney-General, unless he's ready to tell us much more of the different duties expected, the duties of this counsel. I'm certainly not satisfied with this, Mr. Chairman. This is too important, too serious to just answer "Well we named somebody, we're taking it into consideration." And I don't think the Attorney-General really knows what he's saying in this because he said that there wasn't any such thing in Manitoba, Friday, and today he says that he never said that. Well, the people of Manitoba are certainly entitled to find out. I'm not satisfied with this, Mr. Chairman, and I wish to advise the Attorney-General that I want to pursue this further. I've already given a copy of a resolution on the subject to the Clerk so we'll certainly bring this in again. I'm not satisfied with this. I think that the people of Manitoba are entitled to protection. I'm not suggesting - I'm not trying to suggest that crime is really flourishing here in Manitoba; but this is the time to stop it, the public has reason to believe that there might be - that there might be. And from what - - (Interjection) - - well, maybe, maybe, the resolution that I have will do just that because I'm asking a resolution - - if this is what you want, I'm sure you're going to support this resolution, very sure of that, because the resolution will ask for a non-partisan committee of this House to investigate that - - To call the former Chief of Police; to call maybe the Chief of Police of Toronto who states that he could name the - no, let's not be ridiculous Mr. Chairman, I don't know the names, I don't consider myself a crime buster and I don't want Mr. Arpin's job. This is not it at all. Let's be serious; let's not be ridiculous. I have a responsibility and if I think we should do something about this, I think I'm entitled to it, and I'm glad to know that the Attorney-General will support my resolution, because this is exactly what I'm asking that somebody will come and tell the Attorney-General. So we'll have a chance to talk about this some more.

Now there's another thing that the Attorney-General was - he likes to put you on the defence. Last year I said something about - I wasn't satisfied - I tried to be very careful to explain what I meant. I wasn't trying to give a slap in the face to all the solicitors, to all the lawyers here in Manitoba, but I felt that there was something should be done. He laughed at me last year. He laughed at me - he told me well, what can we do. In two seconds that was disposed of and I had no more case. Allright. Now he tried to do the same thing on Friday, Mr. Chairman. I took a lot of trouble to try to explain an accident that I had. Now he got up and he says "Well I'm very sorry we'll investigate this and we'll try to help them and on Monday I'll report. I say, don't report, don't stick your nose in because I've got better chances if you don't. I'm not interested in that at all. I'll take my chances. I'm not asking any special favor; and I'm not going on the defensive. I did not fault anybody. I fault the law, the way it's being done. And I'll repeat it for my friend. I could've - - all I had to do was plead guilty and it was \$5.25. And you might say, how did I know that? Because the chap in front of me had exactly the same thing and this is what he did. This was in the local station. But I'm showing you the step - I'm showing you that this law - and I'm not a lawyer again, don't say what's the answer. Maybe you have the answer. But this is an unfair law and I would like to have a comment from the Attorney-General on this. If he agrees, if this is it, okay, we're stuck with this law. But he can tell the people of Manitoba, right now if you have an accident, if there's no witnesses at all, if you want to be honest, you bring in a report. You're asked to go to the local police station - I'm talking about the area here in the Greater Winnipeg area; I don't know how it's done in the country. They you say Guilty and you pay. You're not bothered. So you're buying your freedom. This is supposed to be a free country and if you feel you're not guilty, well, you're going to pay for it - you're going to pay for it because you'll have to be transferred to the provincial court and then the first time you go to the provincial court, well, they'll give you another date, you have to come back. When I went through the steps I wasn't complaining about what the Justice of the Peace did when he - he has no alternative. If I say Not Guilty it has to be transferred to the Provincial Court. I wasn't complaining about what the Magistrate did in Provincial Court, he had to set a date. The Prosecutor had to know something about it. I wasn't complaining about my solicitor who couldn't be there on that day and asked for another date. I'm trying to show you the different steps to fight that a person has to do.

(MR. DESJARDINS cont'd)

Now many of them - 90 percent of them will take the easy way out, they can't be bothered, they say 'Guilty', here's \$5.25, leave me alone. But, those people don't know, and too often, they get a letter after a while and you have to pass a test, you lose your license. And these people might really be - they shouldn't be guilty at all. They said guilty just so they wouldn't have to lose two or three days. Why should a person - what if it happens that this person is not guilty? A person who is not guilty is asked to go to a local police station at a certain time. He might have something else to do on that day, but he has to go there. Then he's given a day to go to provincial court, twice; and he might have to go more than that, and it might be lots more costly than that.

A friend of mine told me, well, they got my son and we felt that he wasn't guilty so we fought it. Was he happy. The judge decided that he wasn't guilty and it cost him \$92.00. It was a good deal. Of course there was nothing against the son's record and to him it was worth that. But not everybody in the province can afford this. So, I would like - - forget this - - I give this as an example. I don't want any favors from the Attorney-General. As I say, I stand a much better chance if he leaves me alone. If he doesn't go near there. I know that.

But I'm not complaining about anybody, I'm complaining about - not the Attorney-General either - but complaining and I'm suggesting that we should look into this and that this should be changed because the people are forced to plead guilty or they're going to lose three or four days work. And that's not fair; that certainly isn't fair.

Now we're told that - - there's something else the Attorney-General said that I'm not ready to accept. I'm not going to debate this too long. He says you're too ready to say, well, there's a law for the rich and a law for the poor. Maybe this is exaggerated. Maybe at times - - and I agree that maybe the case that I mention of the fellow that stole something worth \$1.25 and that got 20 days jail. Maybe there was something else, the paper doesn't say anything. But, one of his own magistrates who represents me, had this to say "in a free for all question period, the magistrate, (this is Magistrate Rice) said, there was a law for the rich and one for the poor; that criminal lawyers are few and rich. I didn't say this. This is a magistrate in good standing. He doesn't know what it's all about; I don't know what he's doing as a magistrate. "It is annoying to see the number of times a wealthy lawyer can use a simple technicality to get a high-fee paying client out of trouble," he said in answering a questionnaire. Who asked if there was a law for the rich and one for the poor? Well, I think that the accident that I mentioned - it would have been easy for me, I'll tell you this - - I won't tell him what steps, I don't intend to get anybody in trouble - - I'll tell him this, that I didn't have to go there three days. It was very easy for me to go once and maybe to beat this rap without going to court, but I - we're told that we're the ombudsmen and I wanted to see what the ordinary person in Manitoba or the one that hasn't got any friends, that doesn't know too many people - what he has to go through. And this is serious. Don't put me on the defensive and say oh, allright there's something over your shoulder. I'll take my chances on that. I'm not worried about this at all.

But I think that something should be done. I think if there's nothing done, I say that there is a law for the rich and one for the poor. I say there is. It's not every person that is free to go because his time is his own or that he can make an appointment; there's some people that have to work. If they book out in the morning, if they miss all morning two or three times, well, that \$5.25 is going to be eaten up many times, and then he might be guilty. I don't think this is fair, Mr. Chairman, and I hope that the Attorney-General understands what I mean. I would like him to discuss this. This is a problem I think he has to recognize it. If he feels it isn't a problem, well, I would like him to tell me, not say that he's going to look into my case and try to help me. I think the Attorney-General was trying to - well, I don't know, to you take something away there. I don't think he was serious when he said that. I brought this, and I went through a lot of trouble and I don't want to go through all this trouble for nothing. I think that if he says this is the law, we can't do anything better than this, you either plead guilty, get a chance of getting your license suspended or lose two or three days work. If he thinks that this is the way it should be done, I want him to tell me and I won't bring it up again. Certainly not at this session. And if he doesn't - and I think he's going to get help because there's a member behind him that's just ready to get up. Well maybe he'll give us the answer. I think he should be ready to give an impression, and if not, well recognize it, and if he feels, if he recognizes that it is a problem, let's talk about it. This is what we're here for. We don't have to play politics all the time. Let's discuss this, because as far as I'm concerned it is a very real problem.

MR. KEITH ALEXANDER (Roblin): I'd just like to ask the honourable member a question to clear up an impression that I received from his speech, and I understood him to say that he, as a member of this Legislative Assembly, could, although he is very clear to say he did not, but I think he's trying to leave the impression with some of us that he could have received preferential treatment from a municipal magistrate. Is this what he is saying? Or a member of a municipal court?

MR. DESJARDINS: You want your answer, you'll get it. I didn't say from whom. You're not going to trap me. I said I could have beat this rap. I think that I could have very well beat this rap and I repeat it. That's what you want. I say that there is a law for one and not for the other, but I'm not blaming anybody. You're not trapping me like that.

MR. ALEXANDER: Well, Mr. Chairman, I'm not trying to trap the honourable member. I think if he's aware of a situation like this in any magistrate's court, or any court in the Province of Manitoba, he as a member of this Legislative Assembly has the responsibility to do more about it than throw off some hot air.

MR. DESJARDINS: Therefore this responsibility, we'll start by letting the Attorney-General discuss the problem that I have first -- before getting anyone else involved. I think that this is important -- the important thing is not -- we know, let's not be "Holier than Thou", and you included, I'd like to know how many people here never had anything fixed. If you want to call a spade a spade, let's call a spade a spade. I'm all right. I'll go ahead any time you want, and don't be "Holier than Thou", because you'd be the first one to get something fixed if you could, and I don't like that

MR. ALEXANDER: Mr. Chairman, on a point of order, I would not.

MR. DESJARDINS: Well, you'd be the second one then if you're too slow to

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Chairman, after that rather volatile exchange what I have to say may not be very exciting, but, Mr. Chairman, I would like to query the Attorney-General, the Honourable the Attorney-General, on the use that he has been making of the Tallin Commission Report. I have here a copy of the Tallin Commission Report and I notice that the report was made to the Attorney-General. On Page 19 there is a few pages devoted to the relief that people can expect under the Unconscionable Transactions Relief Act, and I would like to point out to members of the committee for a moment what the Tallin Commission thought that their report would do and what they thought the Unconscionable Transactions Relief Act would do.

First of all, on Page 19, a comparison is made with various other Acts: One, The English Moneylenders Act of 1900; another Act, The Moneylenders Act of 1927; The Unconscionable Transactions Relief Act of 1960. It is pointed out that under these Acts and other jurisdictions that it is extremely difficult for someone to obtain any relief, and I'll just quote how difficult it is under the other Acts to obtain relief. It says in part, and I quote: "Two grounds must be proved, namely, (a) That the cost of the loan is excessive and the transaction is harsh and unconscionable, ("excessive" and "harshness" must both be proven) or (b) That the transaction is otherwise such that a Court of Equity would give relief. Then it goes on to say, "Whereas under the proposed Manitoba legislation, relief can be obtained on any one of three grounds, namely (a) that the cost of the loan is excessive; or (b) that the transaction is harsh and unconscionable; or (c) that the transaction is otherwise such that a Court of Equity would give relief.

Now, Mr. Chairman, we have in this report 38 documented cases, and I haven't checked all 38, but the ones that I have checked there's no doubt whatsoever that these cases are harsh and excessive, and I would like to quote from one particular case that I have taken an interest in, and frankly, Mr. Chairman, I am stumped as to what to do now to help this person out. Without mentioning the name, this is Case No. 17. It was investigated on November 24th, 1964. This person obtained a loan by first mortgage in the amount of \$4,310.00. The loan was made up of a \$1,950 home improvement through the famous Allwyn Home Improvement Company. There was a bonus to the lender of \$645.00, a brokerage financial federation fee of \$100.00 to the First Financial Federation, an appraisal and inspection fee to another firm called London York for \$25.00; legal fees and disbursements were \$100.00 and a surveyors certificate was \$25.00. Now this adds up to \$4,310, and it was found by the Tallin Commission that in actual value that a reputable contractor in Portage swore on oath that this work would be done for \$709.00, that is, the \$1,950 Home Improvement.

It was found that the legal fees would have been from \$30.00 to \$50.00 and that all the other fees, that is, the bonus, \$645.00, the brokerage fee, \$100.00, appraisal \$25.00,

(MR. JOHNSTON cont'd.) inspection \$100.00 - or rather legal fees and disbursements, \$100.00 and surveyors certificate \$25.00 - were a padded charge, something that there was no value given for.

It also goes on in the report to tell how this person was talked into everything that he was signing. He didn't know what he was signing; he didn't know he was signing a Real Property Mortgage and he didn't know he was signing a Chattel Mortgage. However, this was all completed and the gentleman in question - he's now 75 years old - has not made any payments on the mortgage. Now when he went for advice to a lawyer, there wasn't one of the lawyers - and they're all good reputable people, the ones that I'm speaking of that I know - but they were hesitant to give this man advice, to tell him for instance not to pay. He had a home that has a value I would say at the most of \$2,000 now, and he's tied up to a \$4,300 mortgage legally under the laws of the province, and what is he going to do?

Well, a year has passed since that time, Mr. Chairman. His doctor, who is a VLA doctor, has condemned the home as not habitable for human living, and the man has moved out of his home and foreclosure proceedings have been instituted - I have a copy here of the foreclosure proceedings that have been instituted - and this \$4,310 account is now up to over \$4,800.00. These people can legally seize his home and sell it for whatever they can get, two or three thousand dollars -- I would say \$2,000 would be nearer the value. The only thing of value there is the lot; the house has practically no value. And they can still come after him for the rest of his life for whatever else they have not collected.

Now to me, and to many other people in the province, the Tallin Commission seems to be holding out some hope to these people. Everybody was looking for some relief, that had been victimized under some of these transactions, and what has happened? There was a big to-do in the papers about the work of the Tallin Commission, and I believe they did a good job in seeking out and finding people across the province that had been victimized, but what has happened since then? Certainly none of the things that were mentioned on Page 19 where they could obtain relief. I would think that the Attorney-General would at least have his office contact these 38 people to see if anything could be done to help them out, but nothing was done, and I don't know how many other of the 38 people investigated have had their lives ruined and nothing is being done about it.

This person at Portage is 75 years old, he's been moved out of his house, foreclosure proceedings have started, and I'll table the copy that I have - I have two copies - and there it sits. He gets threatening letters from lawyers asking for money, saying that within 72 hours they will take action, and this man is about at his wits end to know what to do. He lives on the Old Age Pension and he has \$119.00 Veteran's Allowance, and there he sits waiting, and what is he waiting for? I would recommend strongly that the Attorney-General directly have his office approach these people and see what can be done for them under this Act. I think it's a disgrace that so much noise and racket was made about what was going to be done and then nothing is done. Nothing. But the people have been led to believe that something was going to be done, and as far as I have been able to ascertain in this one case, he hasn't had any help whatsoever. He goes to a lawyer and the lawyer goes by the law of the province, and there's nothing he can do about it. But surely the Department of the Attorney-General, having received the report of the Tallin Commission, should take the next step and help these people out.

MR. GROVES: Mr. Chairman, we seem to be ranging far and wide in this debate on the Attorney-General's Department, and I should like in the course of this debate to put on record some of my views with respect to law enforcement. I think our discussion ranges all the way from what the Honourable Member from Portage was just discussing, to magistrates' and judges' salaries, and I think that far too little is said in debates of this sort about the people that really have been in contact with the general public in the law enforcement field, and that is the police officers that are responsible for enforcing these laws.

A great deal of the time of our police forces in Manitoba today is taken up in enforcing our traffic laws and regulations. A great part of the time and a great part of the cost of administering our police forces in this province have to do with the administration and accounting for traffic offences and fines, etc., and this is probably the field that is the greatest nuisance to those men who are responsible for enforcing the laws of this province and the field in which they are getting the worst public relations. What a tragedy it is, Mr. Chairman. We read in some of the better publications in this country advertisements encouraging our young men of good moral character and high education to enter the RCMP. Thousands of dollars, thousands of taxpayers' dollars are spent in training these men at institutions such as we have in the City

(MR. GROVES cont'd.) . . . of Regina. Thousands of dollars are spent in equipping them and preparing them to be expert police officers and law enforcement officers, and what a pity it is, Mr. Chairman, after all this money is spent, all the time these men spend in school, and they are graduated from their police college and put into a patrol car to patrol our highways, going after people for traffic expenses; or they're put in cars and asked to sit in the ditches along our highways behind radar units. It seems to me, Mr. Chairman, in asking these highly trained men to do these relatively menial chores, and not that I'm trying to underplay the importance of traffic enforcement, but to take highly trained men, men that receive the type of training that particularly the RCMP receive, and ask them to do this type of work, I think is not the most economic way to use their time, nor is it the best way to make our police the law enforcement agency that it should be. The same argument applies, Mr. Chairman, particularly to the larger municipal police forces, such as the one in Winnipeg. Thousands of dollars, again, are spent in recruiting young able-bodied men of high moral character to go into police training. Thousands of dollars are spent in training and equipping them, and on graduation they're sent out again to spend a great deal of their time, and in many instances most of their time, enforcing, in many cases, minor traffic offence laws.

I realize, in saying this, that the City of Winnipeg and other municipal police forces in the country do set up specialized traffic details to concentrate most of their time on our traffic law and traffic offences, but these are still specially trained policemen that are doing this job. They have been trained as policemen and they have ambitions as policemen. They don't really look forward, I think, to spending all of their days in police work doing traffic and traffic enforcement duties.

We read in the papers, Mr. Chairman, many many times in the course of a year, of cases of reluctance on the part of members of the general public to assist and to co-operate with the police forces in the carrying out of their duties. We have read also, much too often recently, of cases where the general public have stood by and watched policemen get into serious trouble in trying to arrest offenders and bring them to justice. There is no doubt about it, Mr. Chairman, and I'm sure that nobody in this Chamber would disagree, that the image of our police forces in the last few years has greatly declined, and I think this is a tragedy because they have an important job to do in our society. People no longer look upon the police force as they did in earlier years as friends and protectors, but rather they look on the uniformed policeman as a sign or a symbol of resented authority, and in my opinion, Mr. Chairman, although I certainly wouldn't say that this is the total cost, a great deal of this decrease in image on the part of our police officers, and a great deal of the bad public relations which our police forces are receiving, is because of the bad P. R. which they are receiving in the course of their traffic enforcement duties, and I ask you, Mr. Chairman, how much co-operation and how much help a police officer can expect - a conscientious police officer who might be investigating a murder or other serious crime. How much co-operation and help can he expect from a person, a prospective witness, whom he might be seeking information from, who only the previous day, perhaps, received at the hands of one of the policeman's buddies, a traffic ticket or a dressing down for some minor offence for which he felt he didn't deserve this sort of treatment. And I think that -- and again I'm no expert in the field of law enforcement or police duty, but I think that it's going to be important, particularly as the number of automobiles that are using our highways increases, that we take more steps than we have to separate the traffic duties of our police forces from the other highly skilled and specialized duties which they have.

I realize that as our automobiles increase and more drivers get on our highways, that enforcing our traffic laws is going to become more and more difficult. This in turn is going to further worsen the public image of our police forces and I think we have to start considering separating these two functions. And I would like to suggest for what it is worth that we consider in the Province of Manitoba the setting up of a provincial police force, or a provincial traffic enforcement agency, or whatever you want to call it, of uniformed officers whose sole responsibility and whose sole duties would be the enforcement of our traffic laws throughout the province, and whose aim should be to make our highways a safe place for people to drive. I think if these were done and we separated these two law enforcement functions, and particularly if we set these traffic enforcement officers up in a separate force, that we would attract into the type of police work that requires higher educational standards and special qualifications, the type of men that we need to deal with the complicated field of crime detection and law enforcement in fields other than traffic. I think if this were done that both of these agencies could

(MR. GROVES cont'd.) . . . do a better job than is done at the present time by having police officers do both of these tasks, and I think that we would not be, as we are at the moment, wasting the talents and the training of many young men who are ambitious to be good police officers, wasting their time and talent in doing relatively uncomplicated and uninteresting traffic enforcement duty, which in the long run is really doing the image of their force more harm than good.

I don't suggest, Mr. Chairman, that this should be done tomorrow, but it's certainly something that we might consider in the light of things that we have been reading about the image of police officers, and in the light of the serious problem that traffic safety is becoming on the highways of this province.

MR. CAMPBELL: Mr. Chairman, I have a matter that I would like to discuss and I think the only place, the proper place, the only place to discuss it under the estimates of the Attorney-General is on the Minister's salary, and this deals with the Order-in-Council that the Honourable the Attorney-General gave us notice of a few days ago. I have found this a most interesting document, and I would like to get from the Honourable the Attorney-General a more full statement than we have up to date of why this action has been taken in the way that it's been taken. To me, it raises more questions than it solves, and I think that's a very unsatisfactory state for us to leave it in. I suppose that the reason that -- it was the Honourable the Attorney-General who presented the Order to Cabinet Council, and because it was the Honourable the Attorney-General who made the announcement in the House, I suppose that means that this was considered to be primarily a legal matter, and I'm not interested in discussing it from the legal point of view and I'm certainly not going to attempt to discuss the merits of the cases that are to be investigated. That's something separate and apart. But I am going to discuss -- what I am going to ask the Attorney-General to answer in this House is why this action was taken, and why in the way that it's taken.

We were told by the Honourable the Minister of Agriculture a year ago that this was an agonizing situation that the government faced, and apparently they've taken a good bit of time and given a lot of thought to it since that time to decide on what to do, and while I don't suppose that we can prove that anything special attaches to the timing of it, the fact is interesting to note that the Order-in-Council was dealt with the very day before the Legislative Assembly opened. Now a lot of us know from experience that that's a time when the government members are especially busy. I would think that a matter that had been under constant review and the seriousness of which had been proclaimed months before, would likely have been dealt with before that time, but the fact is it was so dealt with and it was dealt with quickly because the Honourable the Lieutenant-Governor signed it on the same day. And yet with all that haste, Mr. Chairman, so far as getting His Honour's signature, yet it was 15 days before it was reported to the House. Now why it wasn't reported to the House for two weeks or more I don't know. It's not uncommon for Orders-in-Council to be passed without being reported at all. But for some reason or other it was decided to report this one to the House, and because it's been reported to the House, and because of the circumstances that appear to surround it and the matter with which it deals, I took an extra interest in it, and what I would like to know is why such a commission is being established; and secondly, is the term of reference -- because there's a main one given here -- is it correct? Accompanying the Order-in-Council, and not in it, but accompanying the statement that was made by the Honourable the Attorney-General, we have the statement that Maurice J. Arpin, Q. C. has been appointed counsel to the Commission. That's not part of the Order-in-Council. If the Order-in-Council itself says, in one of its provisions, that the Commissioner has full authority to employ stenographic, legal and technical assistance, the Commissioner had the authority to do that, I'd like to ask the Attorney-General, was it the Commission who chose Mr. Arpin, or was he chosen by the government? The Commissioner has full authority to choose him. Did he do so or did the government?

Now as someone said earlier in the evening -- I think it was my honourable friend for St. Boniface -- there's no question of the qualifications of Mr. Arpin so far as a legal counsel is concerned. He's undoubtedly very very capable. No question of that. I'm sure he'll be a first class counsel for almost any kind of a matter. There's no question in my mind, and I'm not raising the matter in any way to question the capabilities of Mr. Arpin. As a matter of fact, it is not only my opinion, it's evident that the Government of Manitoba is satisfied of the qualifications of Mr. Arpin. I wonder if the Honourable the Attorney-General is aware, and I was going to ask the Honourable the First Minister if he was aware, but he isn't in his

(MR. CAMPBELL cont'd.) . . . place -- I was going to ask them both, are they aware, as evidence of how highly they think of Mr. Arpin, are they aware that during the time this government has been in office that they have paid this gentleman, or his firm, more money than they have paid to my honourable friend the Minister; more money than they've paid to the Premier of this province? Just during the time that this government has been in office, so there's no question of what they think of Mr. Arpin. Is my honourable friend aware of that?

And now he's going to be appointed not only this special counsel in this position but he's going to be the representative of my honourable friend the Attorney-General in dealing with the crime, the over-all crime situation in the Province of Manitoba. Now, surely, if the situation regarding crime in the Province of Manitoba is as was represented to us by the Honourable the Attorney-General, surely, with his own department and the resources that he has there, surely they could handle the situation without appointing an outside counsel, or certainly without taking the time of this eminent counsel who already has been employed on so many occasions - and at such extra good fees.

But as far as the Order-in-Council is concerned, Mr. Chairman, I want to call your attention to the terms on Page 2. I read the second last paragraph. This is what might be called the preamble, the reasons for the appointment -- that is the third last paragraph: "And whereas the said John Christianson is a former member of the Executive Council who resigned therefrom on January 31st, 1963" then the next paragraph: "Whereas it is in the public interest to examine all facts, matters and relevant circumstances in connection with the ownership of the said land by Totogan Farms Limited, in order to ensure that the said land was acquired without hope or expectation of benefit or gain resulting from the construction of the Portage la Prairie Diversion Channel."

Let me call your attention to that wording, Mr. Chairman. I don't know who drew this Order-in-Council, but my honourable friend the Attorney-General presented it to Council, and here's what it says: "In order to ensure" -- you know the meaning of "ensure" -- "in order to ensure that the said land was acquired without hope or expectation of benefit or gain resulting from the construction of the Portage la Prairie Diversion Channel." Surely the intention was to inquire whether it was, not to ensure. "Ensure" means "make sure". If anybody - and I don't raise - but if anybody wanted to raise the question of pre-judging a case, they would certainly have the best of starting points to deal with that word "ensure" in that paragraph. "In order to ensure that the said land was acquired without hope or expectation of benefit or gain resulting from the construction of the Portage la Prairie Diversion Channel." I recommend to my honourable friend the Attorney-General that he be much more careful, much more legalistic and accurate in the language that he puts into Orders-in-Council, particularly ones that he's going to bring before the House.

Then, it's true that this portion that I have read is what might be termed as in the preamble, and of course the operative part of a resolution of an Order-in-Council, like a resolution is when you get to the actual recommendation, and the recommendation is that the appointment is made of the commissioner to investigate the circumstances surrounding the acquisition by the Crown of the property that is described, and so on - "to investigate the circumstances surrounding the acquisition by the Crown of the property described as follows: " Mr. Chairman, surely if this Order-in-Council is intended to mean anything, it isn't the question of whether somebody got land with the hope of it increasing in value. People do that type of thing every day. There's nothing wrong with somebody buying land with the hope that it's going to increase. The question to be decided surely, Mr. Chairman, surely the question to be decided is the question of whether the gentleman who was a Minister of the Crown and thereby sat in the Cabinet was, because of sitting in the Cabinet, in a position to use knowledge gained therein for the private benefit or the benefit of a company in which he was interested. Surely that's the question. Surely that's the one that should have been stated. This is the whole question -- not whether somebody bought it in hope of reward, hope of appreciation of value. But surely if this matter is going to be investigated at all, the basis on which it's to be investigated is: did he use knowledge gained in his position of trust in order to enter into a contract that he expected to be of financial benefit to him or a company in which he was interested? Surely that's the question. And I suppose my honourable friend the Attorney-General will say that the Commissioner is directed to do that, but in this sense that he's to investigate the circumstances surrounding the acquisition by the Crown of the property later on.

Well, the Crown simply gets acquisition by expropriation, . . . many circumstances to investigate there. Surely, if my honourable friend the Minister of Agriculture was telling us

(MR. CAMPBELL cont'd.) anything a year ago now, what he was telling us was that this was an agonizing decision to make because of the area concerned that the land of a former member of this House, a former member of the Cabinet, was being taken. That's the question, and I don't know why my honourable friend decided to do this by the appointment of a commissioner. Certainly they've got a good commissioner; certainly they've got a capable counsel; certainly they can go into the matter, but surely if they're going to go into it at all, surely the thing to go into is just the one main question of, did the individual concerned use his position in the Cabinet to ensure his own financial gain or the gain of a company in which he was interested?

Now, to me this Order-in-Council and the circumstances surrounding it leave a lot to be desired. I'm making no suggestions about the conduct of the case. I have nothing to say on that matter and I certainly wouldn't want to prejudice the investigation in any way, but I do ask the Attorney-General to make clear the circumstances that impelled the Cabinet to pass this Order-in-Council at this time and report it to the House, and having decided to do that to leave it in such an imperfect state as I believe it to be.

MR. McLEAN: Mr. Chairman, we might go back to the point at which I last discontinued. The Honourable Member for Ethelbert last evening expressed concern that we were not winning the fight against crime and I regret to say that he is quite correct in that. The rate of criminal offences, quasi criminal offences, statutory offences is increasing, or has been increasing for quite a number of years now. In some respects in 1965 there was a levelling off. It is too early to say whether or not that is going to become the trend, whether we are now entering a downward trend, but that gives us some hope. I agree with him that prevention is better than cure, and if someone knows what methods of prevention will work, I am sure we would be glad to know of them. We do try many things. I am of the opinion, of course, that the cure, if there is a cure, lies in our educational system. Through education we may reach the largest number of people whom we hope will be given the kind of training and education that will prevent criminal activity, but of course we are -- the counter-balancing aspect, as the honourable member readily knows, is the increased leisure time that people have, the increased mobility that we have, the increased affluence, all of which tend to make it easy and I suppose place temptations in the way of those who are not able to resist. So, other than to say what he says is right, I hope that we're trying to do what we can to prevent criminal activity but it is correct that generally speaking the rate is increasing.

I would agree - I think it was he who suggested that perhaps the Attorney-General's Department is not the proper department to deal with this particular aspect of the problem, the social problem, because I would be the first to agree with him and the first to say "God bless you" and if anyone wants to transfer it to the Department of Welfare, I would offer no objection.

The Honourable Member for Selkirk emphasized this same matter, the importance of prevention, and I have just made a comment on that. The Honourable Member for Selkirk suggested that there might be referred to the Law Reform Committee the question of a Statute of Limitations with respect to convictions for criminal offences, in order, I take it, to expunge the possibility of a charge after a certain period of time, and also that we might look at our Law of Evidence and in that connection to examine closely the English law. I am not familiar with the

MR. HILLHOUSE: Order, Mr. Chairman. I don't think I said "to expunge" the prosecution, but it was to expunge from that individual's record the conviction

MR. McLEAN: I'm sorry. Yes, that is correct, and that by the way is something that appeals to me and I would certainly be glad to have the Law Reform Committee look at it. I'm not too sure, of course, whether within the jurisdiction of the provincial Legislature we could do anything about it

MR. HILLHOUSE: I would suggest that it be referred to the Federal.

MR. McLEAN: then with regard to the Law of Evidence, I thank the Honourable Member for Selkirk for having made the best answer and certainly much better than I've ever been able to do with regard to this question of uniformity of sentences where he pointed out so very clearly that uniformity of sentences, certainly from the standpoint of persons, any of us looking from the outside, is impossible.

The Honourable the Member for Rhineland asked a number of questions pertaining to the Liquor Commission, and I am glad to be able to give him this information in I think fairly detailed form in the order in which he asked the questions. He asked first about the property,

(MR. McLEAN cont'd.) the sale of the headquarters building of the Commission at 317 McDermot Avenue in the City of Winnipeg, and this was sold because there was no other requirement for it following a decision to construct a new head office and warehouse, the new head office and particularly the new warehouse being required because of expanding, the necessity for more room.

In August of 1964, the Commission ran a series of advertisements in the Winnipeg Free Press and Winnipeg Tribune, inviting offers for the purchase of the property, and three offers were received. Perhaps I shouldn't say three offers were received; two offers were received. There was a variation in one which I'll mention in just one moment. One of the bids, or offers, was for \$285,000, which I might tell the Committee actually exceeded the valuation that we had had placed by, if I recall correctly, three independent appraisers on the property, and the second one which was accepted was \$306,000, and that was on the basis on which it had been advertised, with possession on the 1st of April, 1966, that being the date that we were reasonably certain we would be able to be out of that building and into the new building. I should inform the Committee, however, that the same people who offered \$306,000 with possession on the 1st of April, 1966, also said that they were prepared to pay \$326,000 if they could get possession on the 1st of July, 1965. That, however, was not possible and the offer in the terms as advertised, \$306,000 being the highest offer, was accepted, and as I have said, that was considerably in excess of the valuation which had been placed on the building for the Liquor Commission .

The question of \$16,300,000, if I have that correct, collected by the Federal Government by customs and excise duties, that is an inclusive figure. It includes customs duties, excise taxes and all matters of that sort -- are on sales of liquor sold in Manitoba, is in part paid by the Liquor Commission upon purchase of the liquor, or removal from the bonded warehouse of spirits and wine. The Commission is allowed to keep in bond in its own warehouse, stocks, and when they are moved from bond into active circulation, that is the time at which the tax is paid, and that applies to spirits and wine. The federal taxes on beer are collected directly from the brewers by the Federal Government, and we have -- the Liquor Commission has no to play in that, but the amount is included in the figure that is shown in the statement; in other words, as I've already said, the \$16,300,000 figure is an inclusive figure, whether collected directly by the Federal Government or paid by the Commission on the purchase of spirits and wine or on the taking from bond into active stock.

Termination of Licenses: Most of the termination of licenses on Page 10 of the Report were by reason of their replacement by other types of licenses on conversion from beer parlor to beverage room being an illustration. Other terminations were by reason of fires, or at the request of the licensee. If a building containing licensed premises is completely destroyed by fire or otherwise, the license becomes null and void. If he intends to rebuild, the owner makes a fresh application to the Licensing Board. If the building is partially destroyed, the license becomes inoperative until the building is repaired, when fresh licenses are issued. When the Morris Hotel was destroyed by fire, the license became null and void. The owner reapplied for licenses for a new building he proposed to construct, and that application was approved, that being, of course, subject to the usual scrutiny and consideration by the Liquor Licensing Board.

The question was asked about the \$400,000 shown as profits retained for repayment of money borrowed. Actually in looking at it, I do not agree with the way in which this is set out in the Report, although I understand this was suggested by the Comptroller-General, but in actual fact, this is really the working capital of the Commission, and goes back to an authorization made in 1933, and it's one sum of money which, in effect, is the working capital and is actually represented largely by stock in store, and in the warehouses of the Commission, and of course, there's no question arising about interest payment. As I say, the expression 'working capital' would be a better expression, and I have not had an opportunity of informing myself as to why it was set out in the report in this way, and if one looks at previous reports, you'll see the same figure but set out in a different terminology, and it's the same sum of money.

Depreciation: The present policy of the government and the Liquor Commission is that any assets acquired by the Liquor Control Commission should be written off in the year in which they were purchased, hence no question arises with respect to depreciation.

License Fees: The items of income from license fees are explained in the following manner: (a) The \$16,025 comprises the basic license fee paid by brewers as specified in Section

(MR. McLEAN cont'd.) 139, subsection (2) of The Liquor Act, Liquor Control Act, which varies from \$25.00 to \$3,000 depending upon the volume of sales of that brewer, and as I say, the amount of that license is provided for by the Act.

The item of \$1,678,538 is the amount received from brewers as the supplementary license fee of 12½ cents per gallon required under Section 139, Subsection 7, of The Liquor Control Act, and there again that is a statutory levy.

The \$1,210,625 item is the amount received from hotel, restaurants, and other licensees based on the requirements in the Act and Regulation for them to pay a supplementary fee of five percent on the price of all liquor purchased.

The amount of \$16,129 for storage is made up of payments by British distillers toward warehousing costs incurred by the Commission storing abnormal quantities of their spirits to meet requirements during the winter season, to avoid higher costs of rail shipments in the winter. They allow the distillers the privilege of shipping larger amounts than would normally be requested. They're stored in the Commission warehouse at the expense of the distiller, and then when taken from that state into active stock, of course, that ceases, but that \$16,129 represents charges made by the Commission to the distiller for the storage of the stock, and I presume that they do that because it must be of some benefit to the distiller there.

Legal and other Professional Fees: The amount of \$7,520 includes fees paid to Deloitte Plender Haskins and Sells as financial consultants to the Commission, primarily in connection with the annual beer price review under Section 18 of The Liquor Control Act, and the submission of changes in prices paid by the Commission to the brewers, to the Public Utilities Board for approval, and includes the fees paid to the Public Utilities Board for a hearing in November 1964, at which time rearrangements were made with respect to the cost of beer shipped to Northern Manitoba. It was at that time that the price was equalized in Northern Manitoba, and application was required to the Public Utilities Board, and fees paid, and that total of \$7,520 an inclusive amount in respect of all of those items.

I think, Mr. Chairman, yes, those were the questions that were asked.

Now, Mr. Chairman, I come to what is perhaps not the more pleasant part of my comments and I suppose I have always tried to be as careful as possible with the member for St. Boniface because I know that he does like to bait me and would be happy if he could embroil me in something, but I've made it a rule that I'm not going to become involved, and I try as courteously as I can to answer his questions, and of course, would assure him that I am not endeavouring to impose any kindness on him in respect to the case in which he himself is personally involved, and I did not say that I was going to intervene. I said I was going to investigate the matters which, with regard to procedure, about which he drew to my attention the otherday, and I regret to say that because of the inability to see the Crown Attorney concerned I have not as yet a full report on that matter, but I assure him that I am not intervening in his case and wouldn't for one moment suggest doing so under any circumstances, or at any time.

He says that we should have full-time magistrates. Well, that's a good point. I would think that with the exception of the two gentlemen who give us some part-time assistance in Winnipeg, we do have full-time magistrates in the Metropolitan area of Winnipeg, although we do not have them in the country points. He suggested that county court judges could do some of the magistrates' work. That is an idea that has been suggested before. It had always been my understanding that country court judges did not wish to become involved in this type of work, and in the one instance where I endeavoured to arrange it, it was very politely but graciously declined.

I think that I did not say, and I recognize that there is no point in debating what one said and what -- you don't win. I didn't say that the magistrates were well paid. I said that I thought they were reasonably well paid in relation to other people who are employed within the Department of the Attorney-General, and I recognize at once, and I say that that, of course, does not include county court judges or any of the judges, who of course, are not members of the staff of the Attorney-General's Department.

I can't really say anything more with regard to syndicated crime than I have already said. I've said that this matter has been carefully investigated by myself. I have consulted in the most detailed manner with the RCMP. I have attended two meetings in Ottawa on this subject, and I am reasonably confident, as far as I am able to tell, that syndicated or organized crime is not operating in Manitoba at the present time. There may well be, from time to time, people in Manitoba who have some associations with groups outside the province;

(MR. McLEAN cont'd.) . . . if there are, we keep a close eye on them but, as I say, we are satisfied at the present time that the crime syndicates or the organized crime, organized criminal groups, are not in active operation in the Province of Manitoba at the present time. As a matter of fact, one type of organized crime which I won't mention but it will be I'm sure well known to -- it's a fairly common form which is operating both to the east and west of the Province of Manitoba, jumps the Province of Manitoba completely and is not active in this province.

With respect to the problems with regard to his own case, and I recognize he only raises it because it illustrates a point, is that I'm at a loss, that is I would recognize, and this is the point that I'm going to investigate, that he himself has been put to some inconvenience because his case was not dealt with at the first time. I would outline, as I understand the situation, that on the first occasion on appearance before the Justice of the Peace, and as is his right, he chose to plead not guilty. That is a course of action which I highly commend because of course my own experience has all been -- I'm not a Crown attorney, I've never done any prosecuting -- my entire work when I practiced law was in defence work, so I thoroughly approve of people exercising their right to enter a plea of not guilty. But I'm sure that it will be understood by members of the committee that on that first appearance the Crown would not have its witnesses standing by ready to proceed with the case; and indeed I assume that the person charged would not be ready at that moment to proceed with his defence, even if the other people were ready.

Now then of course, the matter did have to be transferred to a magistrate because the person before whom he appeared in the first instance was not authorized to hear a contested case, and I'm sure that will be well understood, and there can be no criticism of that, because naturally a person entering a contested case is entitled, and indeed we make it a rule, that contested cases are to be heard before magistrates, and the first appearance in this particular instance was before a Justice of the Peace, who is not a trained, that is not legally trained person in most cases.

Now, where we fell down of course was in not being ready on the first time up before the magistrate. I acknowledge that. I tried to say the other night that I was sorry, and certainly I will get a full explanation of why we were not, because I would be the first to acknowledge that that is where we were in error. But, I acknowledge that and I suppose it happens oftener than I would care to acknowledge but certainly we'll try to see that it doesn't happen.

But, he goes further, that is he puts the point further and questions the -- well, this is all going to cost a great deal of money -- not to him personally because he doesn't make any point about that, but to anyone, any ordinary citizen. Well, of course, that's true, but I don't know what anyone can do about it. That is to say, the law provides the full opportunity for a person to say that he's not guilty, to put the Crown to the responsibility to providing that he is guilty, because he is presumed to be innocent until he is proven guilty, and I -- if you say -- well you're going to have your day in court, then of course, you have your day in court. And I know of no way that one can have it without it involving some expenditure of time; and of course, some expenditure of money. Although in this day and age when legal aid is pretty widely available, perhaps there's not -- and going to become more widely available -- there's not -- the expense aspect of it might not be too great.

But where I think there's a misunderstanding, and that is as to the penalty, because there's this reference always, well, it would have cost me \$5.25 if I'd have said guilty to the Justice of the Peace but it's going to cost me something different because I go to the other court. But that overlooks the fact that the charge may be dismissed entirely, and there may not be any fine or cost imposed at all. In which case, the matter is settled. Or, if a person were found guilty, he might still only be fined the \$5.25 or some similar amount before us. In other words, you can't simply say that per se that the penalty is greater in one than the other because these offences, it is the same offence, irrespective of where you are, and depending of course upon the decision of the magistrate. So, I can't give any further or other explanation. The one thing that we have to do however, Mr. Chairman, and that is, and I agree, that we mustn't keep bringing people back time after time and say, well sorry your case is next week. If it's going to be next week -- and I myself of course spend a bit of time sometimes calling people and arranging things at the request of lawyers so that people are not inconvenienced -- is to ensure that when they come, everyone knows it's going to be a contested case, when they come, that they are ready to proceed; or alternatively, if they're not going to be ready to proceed that all parties are advised so they don't take time off from work, they don't inconvenience themselves in any way in coming to the court.

(MR. McLEAN cont'd.)

Now this is a tricky thing, practicing lawyers know how it works; they work it out a million times a year without any difficulty. And, certainly our job in this particular field, as officers of the Crown, is to do our part to see that there is a minimum of inconvenience in this regard.

I don't know that I can give any other explanation than that and as I say I'm not going to do anything special here. But I'm going to find out why - what happened in this instance that the member and he only as a representative person was inconvenienced in this way.

The Honourable Member for Portage la Prairie raised the question of the Tallin Commission report. I would have to say to him that if there was any - he suggests that there was a great sort of build up. If there was, I would have to plead not guilty myself because I never implied or suggested or said to anyone that the Tallin Commission report was going to cure anything. The Tallin Commission was appointed for one rather simple purpose, namely to advise us, that is the government, what action by way of legislation ought to be taken arising out of certain matters which had been brought to our attention through the medium of the public press. The Commissioner held his hearing, but not as part of it, that is to say, there was no, it wasn't within the terms of reference. As a side effect, there were a large number of settlements made I understand between the parties concerned, but that was a side benefit that -- we're happy that it occurred, but it might not have occurred, and we would still have had our report, which after all was the thing that we were seeking.

Now, as a result of the Tallin Commission report, certain legislation was introduced in the legislature; one was the Mortgage Act that we were talking about earlier, - that the Honourable Member for Lakeside was talking about. One was some changes in the Unconscionable Transactions Act; and another was an important change in the law which prevented the holder of a mortgage from assigning it and escaping his responsibility, and that was a very important aspect arising directly out of the report of the Tallin Commission.

But there is nothing that the Attorney-General can do, in fact he is prohibited from doing anything in respect of the individual people concerned, because these are private civil matters between the parties, and all that we could get from the Tallin Commission was a report, recommendations, which could lead to legislation if that seemed to be advisable.

And so, with great regret - I'm sorry about the Lafreniere Case. As a matter of fact as the Honourable Member for Portage la Prairie has pointed out no payments have ever been made by these people, and while it's true that a Notice of Mortgage Sale was issued in June 1965, I believe no further action has been taken and it has been my understanding that the solicitors concerned, the solicitors for Lafreniere and the solicitors for the company were working out some sort of settlement of the matter, and if Lafreniere is unable to get his own solicitor, of course, he may get legal aid through the Law Society and I'm sure they would be quite prepared to assist him if - although as I say from my own investigation after the matter had been drawn to my attention by the Honourable Member for Portage la Prairie, it was my understanding that the solicitors for Lafreniere and the solicitors for the company were endeavouring to work out a settlement, and I've only assumed, or I had assumed that the fact that no further action had been taken under the Mortgage Sale proceedings indicated that they were trying to settle it on some basis or other.

But as I say, with the greatest sympathy in the world for these folks there is nothing that the Attorney-General can do. He has no authority in the matter. This is not the same category as the commission of an offence under the Criminal Law or under the Traffic Act or Liquor Act or any statute of that sort. And barring some authority - it would not be possible for the Attorney-General's Department at this time to intervene in any way or negotiate on behalf of either of the parties in the matter.

. continued on next page

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

The Honourable Member for St. Vital has made a useful suggestion respecting a provincial traffic force to enforce the traffic laws. He has touched on a difficult problem here because the - it is true that we are using highly trained men and very expensive men now, becoming more expensive, for some fairly routine work in regard to the enforcement of traffic regulations or laws and perhaps for the enforcement of some other statutes.

I have always taken the position, Mr. Chairman, that we were better off not to have a provincial police force but, from a financial point of view I'm not - that margin of advantage is narrowing and it may well be that we should seriously consider the establishment of a group, a force who would have certain limited policing functions in the province. It's not something that one can just say too quickly, but there's an argument to be made.

The Honourable Member for Lakeside is interested in the Commission respecting Totogan Farms and has described the Order-in-Council as a most interesting document, I don't know that I can add anything really to what the honourable member already knows. Last year, as the Honourable Member for Lakeside said during his remarks, the Minister of Agriculture and Conservation pointed out in a general discussion about the problem of the government acquiring property for public purposes, the very - I think the expression used - agonizing decision that had to be made, so we were aware of the situation. And being concerned and anxious not to take the wrong step, perhaps no step was taken for some time, and no - as I think I reported at an earlier occasion while the land was expropriated, has been expropriated, no money was ever paid, no offer was ever made, and Totogan Farms Limited began pressing to know whether - how much they were going to be paid. I understand, my information is some letters were written asking what was proposed and it was decided as a matter of, and this was a judgment decision, a matter of judgment that perhaps under the circumstances that this would be the best method of proceeding. This is one of those situations where of course you can be wrong no matter which way you move, and maybe this was not the correct way, at least this has the advantage, I think, has the advantage of giving a full public opportunity for the matter to be considered, and as I am sure the honourable member for Lakeside will have noticed, that notices have already appeared in the Press, which are notice to the public generally, if anyone has any information or wishes to appear, or wishes to make a representation, that all of these things are in order. So it's to provide a form in which, because of the perhaps, unusual circumstances which were detailed by the Minister of Agriculture and Conservation, it was thought advisable that this would be a method of proceeding.

Now the question of the sequence of events here perhaps explains some part of the, gives part of the answer to the questions that were asked. First of all it had to be ascertained before the Order-in-Council was passed and put in final form, that the honourable, Mr. Justice Dickson, of the Court of Queen's Bench, was prepared to act, and when he said that he was prepared, the Order-in-Council was drafted and presented.

As the honourable member has pointed out, the Order-in-Council provides that the Commissioner is to select counsel for the Commission. After a short interval of time from the passing of the Order-in-Council, and my advice to the Commissioner that the Order-in-Council had been passed, his Lordship communicated with me and said that he wished Mr. Arpin be appointed counsel to the Commission, I then asked Mr. Arpin if he was prepared to act. He said he was, and I included that in my report or my statement to the House. But the selection of Mr. Arpin was made by Mr. Justice Dickson himself. As a matter of fact, I hadn't really thought that counsel would be selected as soon as he was, and no consideration, at this end, had been given to that matter until Mr. Justice Dickson communicated to me that it was his wish that Mr. Arpin should be appointed. And as I say he was, and then, Mr. Justice Dickson also asked, requested, that a statement of his appointment as Commissioner be made in order that Counsel would be free to publish the notices and also gather together the information, and it was for that reason that I made the statement. I made it in the House because - I sought advice and was informed that that would be the proper thing to do, to make the announcement to this House, and then of course by that means as well to the Press.

I note what the honourable member says regarding the wording used in the Order-in-Council. He's much more the student of English than I am and I, just as a quick, off the cuff, opinion, I'm not too certain that I follow his feeling or his analysis of the word, of the use of the word, ensure, and also some of the other expressions. I would have to confess that perhaps I didn't look at it in that light when I was dealing with it originally; but to say to him that there is certainly no desire, no intention to prejudge the outcome of the Commission; and indeed we hope that all matters pertaining to this will be explored.

(MR. McLEAN, cont'd)

Perhaps there is one aspect of this, I guess perhaps the Order-in-Council makes it clear. There are other shareholders in Totogan Farms Limited, and only one of them is the person mentioned in the Order, who was a former member of the Legislature and a former of the House. It is the intention that this whole question should be investigated by the Commissioner. I am myself satisfied that the terms of reference are wide enough for that purpose, and certainly every assistance, and every part of anything that can be given to the Commission by way of information for their consideration, will be done. I have just forgotten the date of the hearing that's set, but in any event, it is included in the public notice that has now been published.

MR. CAMPBELL: Mr. Chairman, I have no intention of availing myself of the public's opportunity to attend the hearings or anything of that kind. I am only interested in the recommendation that has been made to Counsel, and the action that's been taken as a result of that. Would the honourable the Attorney-General not agree with me, though Mr. Chairman -- I would like to direct this question to him. Would he not agree with me that the question of whether John Christianson, now a private citizen as far as this Legislative Assembly is concerned, purchasing land, whether with or without any hope of appreciation in value, is a private matter completely? He's not a member of the House now, he's a private citizen. What concern is that of the government? Why don't they proceed in the regular way? They have proceeded in the regular way, they've expropriated. What is the problem in that regard?

The only problem that I can see -- and would the Honourable the Attorney-General not agree with me in this second point? -- the only problem that I can see is not whether somebody purchased land in the hope or expectation of appreciation in value, or making some money following the purchase; the only question is whether, whether there was information gained in the discharge of his duties as a minister that had an influence on the purchasing of that land? Is there any other point but that one? And if those two points are correct, then my point is that there either was no necessity of the Order-in-Council at all; or if there was necessity, then it was the latter point that the Commission should have been established to investigate rather than the former one.

MR. CHAIRMAN: Resolution No. 21 passed.

MR. MOLGAT: Surely, Mr. Chairman, the Minister is going to give us some explanation on this matter. I asked him the other day, in my comments, whether he could inform the House as to the reasons for this Order-in-Council. I don't think that it's been the practice in the past for the government to announce Orders-in-Council here in the House. I don't recall when this has been done on previous occasions. This came out with no advance notice to us. There was no need of advance notice, this I agree with; but it was the decision of the government to proceed with this Order-in-Council. My colleague the Member for Lakeside has outlined the dates on which it happened and the procedure which was -- well not unusual possibly, but certainly the date, just opening before the Session, the day before the Session, and some 15 days later the House is informed by a statement. This is not a normal practice as I know it in this House. What is the reason for proceeding in this way? The way the Order-in-Council reads now, it reads, in fact, it's an instruction almost, to the Commissioner that he is to ensure that a certain thing has not happened. Now, why that wording? The Minister has not explained that situation, whatever. To insure, if you go to the dictionary terms on it, is an indication that you have to protect a position. To the Oxford dictionary this 'ensure' is "making safe," making safe against, or against risks from. What is the purpose of this then? Is it to simply tell the Commissioner that he is to make sure and protect the position of someone? I don't know. We didn't raise this matter, it's my honourable friends who did. Now surely, if it's their decision to do so then the Minister should reply to the questions that have been raised here this evening.

MR. McLEAN: Mr. Chairman, I think that I cannot add anything more to what I have already said. The Order-in-Council, I think, one would have to say, speaks for itself. We can debate legal, or at least terminology. I just have to say that the matter is I thought, I think, quite clearly set out in the Order-in-Council. Now perhaps there could have been a different use, different language used, or perhaps the language used is sufficient.

The matter of the announcement in the House, I have to take full responsibility for, and as I say -- I have said the reason -- the Commissioner asked that an announcement be made. I took advice and was advised that the House being in Session I ought to announce it in the House. I acknowledge with complete frankness that it is not customary to announce matters of this sort in the House, although this was the appointment of a Commissioner, for a particular

(MR. McLEAN, cont'd) . . . purpose, and I did it as a matter of courtesy, and as I hoped to be on the safe side in doing so. Now there is nothing else associated with that particular aspect of it, but I did that and I thought it was the right thing to do.

MR. CAMPBELL: Mr. Chairman, will the Attorney-General agree with me in my first proposition that John Christianson, now being a private citizen, that there's no more reason why he should or should not buy land on the Portage Plains, than any of the other 20 or 25 people that are in the path of the Floodway? Would my honourable friend agree with that? Being a private citizen, that he's just in the same position exactly, as everybody else. Would he agree with that?

MR. McLEAN: I don't think, Mr. Chairman, there's any real necessity of my either agreeing or not agreeing. I think the question is really the other way around, if I may put it rather bluntly. Supposing that the Commission had not been appointed? What would your questions be here in this House?

MR. CAMPBELL: So far as I'm concerned Mr. Chairman, I wouldn't have raised it at all.

MR. McLEAN: Wouldn't have raised it at all, eh?

MR. CAMPBELL: No. There are a great many people along there who have been disturbed and at some time, at some time, I will have something to say about that. But as far as I am concerned, all the people, right from the lands bordering on the lake right down to the river, their circumstances differ greatly, but in principle they're all in the same position, and to the extent that John Christianson -- and I recognize that he's a member of a company in this -- but treating him as an individual to the extent that he's not now a member of this House, he's just in exactly the same position as all the rest and the same with the members of the -- any others that are companies rather than individuals. I think this is true. So I ask my honourable friend, isn't it a fact that the only possible reason for raising this matter at all, the only possible reason for my friend the Minister of Agriculture having said a year ago that this was a very difficult position that he was placed in, the only reason was because of the gentleman in question having been a member of the government? And that being the case isn't the only question before the Commission whether that position had been used to gain information with regard to the path of the diversion and then in the expectation of purchasing land on that basis in the hope of reward? The hope of reward by itself, or appreciation, is something that lots of people purchase land for, but there's only -- am I not right -- I ask the Honourable Attorney-General, am I not right in saying this is the only basis on which we could justify an Order-in-Council being, or a Commission, being established to investigate the circumstances?

MR. SHOEMAKER: No, Mr. Chairman. I think everyone in this House knows that I'm in the real estate business, at times, and nobody in this House is concerned whether or not I . . .

MR. EVANS: . . . he would feel like concluding within one minute, or should. . . .

MR. SHOEMAKER: Oh, I'm not going -- No, I'll make no rash promises of that kind at all.

MR. EVANS: In that event and in view of that reply, I move the Committee rise.

MR. CHAIRMAN: Call in the Speaker.

Madam Speaker, the Committee has asked me to report progress and ask leave to sit again.

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

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

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

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