

THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Thursday, April 29, 1971

INTRODUCTION OF GUESTS

MR. CHAIRMAN: I would like to direct the attention of honourable members to the gallery on my left where we have 20 students of Grade 11 standing from the Transcona Collegiate. These students are under the direction of Mr. McEwen. They're not here? How do you like that? Well, seeing these people will be here shortly, we'll wait to welcome the other guests.

COMMITTEE OF SUPPLY

MR. CHAIRMAN: Just before we proceed, during the first meeting of the Committee of Supply I allowed a certain amount of latitude because of the particular item that was under consideration by the Committee. It was more in the form of a question and answer between the Leader of the Opposition and the Minister of Finance, but I would ask the co-operation of the committee in future deliberations, if they would revert to the usual procedure of debating the items before us and that the questions be taken by the Minister in charge of the particular department and replied to as we have done in previous sessions.

The Member for Emerson had a question? The Attorney-General.

MR. MACKLING: Mr. Chairman, I'll accept, Mr. Chairman, that thunderous applause as encouragement for me to be brief and to complete the rather hasty survey of my very noble department. -- (Interjection) -- Yes, I have promised brevity.

In addition, Mr. Chairman, to the items that I've referred to earlier, I wish to make brief comment on the Human Rights Commission which has now been established and over whom presides the first chairman, a lady, Mrs. Caroline Cramer. The remaining members of the commission are Frank Joseph Rehwald, Irene McKay, Beatrice Alice Brigden, Herbert Platte, Brian Koshul, Angus Spence and Benoni Francois Cyr, better known to a good many people as Ben Cyr. Recently, Mr. Chairman, members have noticed the announcement of the Executive Director, Mr. Trevor Berry, who has had extensive experience with the Ontario Human Rights Commission. This Commission is charged with the responsibility of the supervision of human rights pursuant to the Human Rights Act passed at the last session.

I think, Mr. Chairman, it would be remiss of me if I didn't just, in passing, mention the very favourable acceptance on the part of all people in Manitoba of the Age of Majority Act. The fact that there has been a very easy acceptance of the new responsibilities and new rights of young people has been noted by many groups and with satisfaction. I note that other legislatures in other areas have either emulated the Manitoba model or are considering doing so.

The computerization of the statutes is an on-going process, and as indicated earlier, it is my hope that computerization of real property and personal property will be programmed as indicated. One of the bills which I hope to introduce later will provide for the introduction of computerization, particularly in the role of personal property security.

I won't go into any detail, any further detail about the operations of the Liquor Control Commission as to stores and operations. I would anticipate, Mr. Chairman, there may be questions from which further information may be given.

I'm pleased to comment briefly, Mr. Chairman, as well, on the introduction of court communicators as a further service in respect to particularly those people of either Indian origin primarily who in court have difficulty in communicating their position, having an understanding of their rights, and we are currently engaged in the recruitment and training of court communicators to be located both in Winnipeg, in the Brandon area and in the north centred in The Pas.

One item that I would wish to make brief comment on before concluding, Mr. Chairman, is that in the Throne Speech there is mention, as I recall, of the Administrative Procedures Act, and in the last session it was my hope to have introduced an Administrative Procedures Act. The Law Reform Commission, to which I alluded earlier, has been given some responsibility in reviewing a draft Administrative Procedures Act which my department had ready. They have requested, Mr. Chairman, that we not proceed in haste with an Administrative Procedures Act until they've had an opportunity to give it a thorough and exhaustive consideration, and it's for these reasons that I am recommending to my colleagues that we not pursue the introduction of an Administrative Procedures Act this session but rather leave the Law Reform Commission further opportunity to review the draft proposal we submitted. In doing so, they will have an opportunity to review the latest recommendations in respect to this area in Ontario

(MR. MACKLING, cont'd.) . . . and other jurisdictions.

I know, Mr. Chairman, there are many other things that I might comment upon which have a direct bearing on the particulars that are in the Department and the Estimates. One brief item I might mention, and that is that found in the Estimates is an item dealing with expenses in respect to attendance of individuals in juries, and I'm pleased to announce that as part of the Estimates there is a provision for the increase of jury fees from the previous sum of \$9.00 per day to \$12.00 per day. The question of an increase in witness fees is also under consideration and I'm hopeful that some change might be made in that in the next fiscal year. I think, Mr. Chairman, that with those few brief remarks, as I promised, at this time I will take my seat and allow members to have a go at me.

INTRODUCTION OF GUESTS

MR. CHAIRMAN: Before we proceed, may I take this opportunity to introduce the distinguished guest in my loge to my right, Mr. Giles, who is the Minister of Municipal Affairs -- Mr. Gillis, I'm sorry. Excuse me, Mr. Gillis. Mr. Gillis who is the Minister of Municipal Affairs and Minister of Agriculture for the Province of Nova Scotia. On behalf of all the Honourable Members -- I see other guests have arrived so I would like to direct the attention of honourable members to the gallery on my left where we have 20 students of Grade 11 standing from the Transcona Collegiate. These students are under the direction of Mr. McEwan. The school is located in the constituency of the Honourable Minister of Labour.

On behalf of the Honourable Members of the Legislative Assembly, I would like to welcome you.

COMMITTEE OF SUPPLY

MR. CHAIRMAN: Resolution 21 (c). The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): I'd like to first of all thank the Honourable Attorney-General for his comments with regard to the specific case of Mr. Defolter that I raised in the House previously and I would like to direct a question to him in that regard. I wonder if he is also of the opinion that Mr. Defolter has been penalized very severely by the law, quite legally so for the offence, considering the nature of the offence committed; and if so, I wonder if the Attorney-General would give us or give me his leadership, his advice and his assistance with a view of bringing in a bill that would amend the Act to assure Manitobans that this kind of thing will not happen again, without of course taking out of the Act integral parts.

MR. MACKLING: Perhaps I could deal with that specific question immediately. I confess that I don't know the magnitude or the rationale for the magnitude of the sums that the honourable member mentioned the other day. He indicated it was legal costs plus fine which indicated quite a formidable fiscal penalty. I'm not aware of the magnitude of the legal costs. I had no indication to me of what they were, but of course these are a natural consequence of any court proceedings and since this was carried into two courts I can imagine that there was extensive costs.

I wouldn't care to comment on the magnitude of the fine; that's something that's entirely within the discretion of the magistrates and sometimes you or I may disagree, Mr. Chairman, but the magistrates look at all the circumstances and the courts do and make their finding on the basis of what they consider to be in keeping with the offence, and I won't discuss the magistrate's disposition.

The disposition made by the Liquor Control Commission pursuant to the Act and its regulations I believe was made strictly in accordance with the Act and the Regulations. It would seem to me that they can create an awkward and difficult situation and I for one am prepared to have a look at it as a legislator and see whether or not the results aren't in some cases unduly harsh. Whether or not legislation is warranted in respect to this case in particular, I don't know, but I'm prepared to look at this whole question.

MR. CHAIRMAN: The Member for Swan River.

MR. BILTON: Mr. Chairman, I wonder if I may make a few observations insofar as our local problems are concerned as it concerns the Attorney-General. I find, Sir, that police activities in my area of Swan River are getting, as you probably know, quite extensive, and local conditions I feel require some looking into. I hear complaints from time to time that the court docket is somewhat heavy and the court is held every week, and some people travel many hundreds of miles to answer charges and they're remanded or it's held over and they have to make their way back again. It seems that this is happening quite extensively and I would

(MR. BILTON, cont'd.) . . . appreciate the Attorney-General looking into this matter with a view to adjusting it or correcting it in the interests of the public. I have no fault to find with the magistrate. I feel that he's travelling and he has many courts to attend and he must find himself at times inundated with cases that require that they must be held over, but I'm thinking in terms of the inconvenience to the public generally, if some speed-up could be made to take care of this matter.

I also must remind the Attorney-General that our jail facilities are totally inadequate for the services that must be given to that area. We have a small jail, as it were, in the Municipal Building which is very confined and very over-taxed at times. When it comes to female prisoners, they of course are held over in the Federal Building in the custody of the Mounted Police in which there is only one cell, and on occasion that creates situations. If the Attorney-General would be good enough to look into the cost factor of transportation of prisoners or people waiting to answer charges between Dauphin and The Pas which ultimately must be decided in Swan River, I imagine he would find it quite phenomenal. If the facilities we have were extended to some degree and modernized, if you like, to accommodate those people who unfortunately become afool of the law from time to time, I think it would be a step in the right direction. What I'm endeavouring to do, Mr. Chairman, is to indicate to the Attorney-General that what was good enough for 25 years ago is not good enough for today, and I think if he examines the docket at Swan River he will see that it is getting quite heavy.

MR. CHAIRMAN: I wonder if we could have the private conversations a little lower so I can hear the honourable member.

MR. BILTON: I have the Attorney-General's attention, Sir, and I'm quite happy with that and I hope he's hearing what I have to say.

There is another thing too, that for a community of some 4,000 people, I feel personally that our police costs are getting a little burdensome, something in the neighborhood of 20 to 30 thousand dollars a year. Whether it's entirely necessary or not I don't know, but I do hear from our people from time to time that this is getting somewhat heavy. I don't know whether the department has any thoughts of looking at this seriously with regard to a community such as ours, where policemen are not only serving the town but also serving the surrounding area and the people of a community such as ours are bearing the cost in full, and this I feel is hardly fair.

With those few comments, Mr. Chairman, thank you very much and I'll have a word or two as we go through the estimates.

MR. CHAIRMAN: The Member from Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Chairman, I'd like to acknowledge and thank the Attorney-General for his explanations on his estimates and to associate ourselves with the good news that Mr. Rutherford is being retained for a continuation of the work which he is doing so well, which he completed and which he is continuing to do for the Attorney-General's Department.

In reviewing the Minister's remarks a year ago, I noticed that he had some very nice words to say about his Crown Attorneys. He had reason to believe that a number of the young men that were in his department were going to perhaps seek a career in the department and that this would be somewhat of a change from the usual routine of young men learned in the law spending some years in this type of work and then proceeding to private practice or other legal fields. I think it would be interesting if the Minister might in his summations perhaps comment on whether or not his hopes in this respect have been achieved and that in fact he's finding that this is happening.

He also mentioned his concern a year ago with the need to guard against what he described as undue or excessive proliferation of staff. I note that his increase in his total estimates, his budget for the Department is up by about 12 percent after rationalizing the increase due to the inclusion in the Department of the Land Acquisition Branch and I am wondering if his total staffing would be somewhat in the same rate of increase. Mr. Chairman, he has mentioned the inclusion of the Land Acquisition Branch I believe from Government Services. I'm not sure that he mentioned the reasons for this change and I think this would be of interest if he might briefly give us the rationale for the switch to the Attorney-General's Department. I'm sure it's quite a reasonable one and one that will have good explanations.

We have heard and we have received a News Service report, the Attorney-General has commented on this comprehensive legal aid system which he proposes, perhaps by bill in this

(MR. MCGILL, cont'd.) . . . session, to activate and certainly this appears to be a very worthwhile development. The Law Society of Manitoba has up to this time, and I presume at the moment is continuing to offer legal aid to people who are unable to obtain aid by the usual means, but it seems to me that what the Minister is proposing will certainly broaden the amount of assistance that will be available to people who are unable to pay the regular fee.

Mr. Chairman, one of the details that was given to us, not by the Minister but in the News Service release of April 2nd in respect to the comprehensive legal aid system I think bears some inspection, and that is in relation to the funding. The report of the committee recommends that the overall program be financed by interest on lawyers' trust accounts and grants from provincial government revenues with the province bearing primary funding responsibility. Mr. Chairman, I think this is a rather interesting concept and as a lay person in this field I am subject to some direction, but it would seem to me that for the system to expect to obtain interest from lawyers' trust funds would be perhaps a little hard to justify. First of all, Mr. Chairman, if there are funds being accumulated by trust funds surely they belong to the people for whom these trust funds are being held and it would seem to me that there would not be a reasonable way of the trustee, even if he were directed, of turning them over to another agency. I think any interest funds accruing do not belong to the trustee. If they do in fact accrue then surely they belong to the person for whom the trust funds are being held. I would appreciate very much if the Minister would comment on this. I rather believe that it's not considered to be proper form amongst the lawyers of the Law Society of Manitoba to hold trust funds in interest-bearing accounts, and certainly if this is done then the interest would belong to the estates for whom the trust funds are being held.

I would like also, Mr. Chairman, to comment on the work of the Licence Appeal Board. The Minister in covering the many operations in his department did not have an opportunity perhaps to make reference to this rather important board, and what I have to say is in no way a criticism of the Licence Appeal Board because I understand their work load is extremely heavy and that they are working very hard to handle the volume of appeals that are being presented to them. But there is a problem arising amongst those people in Manitoba who require a licence to drive a car in the normal process of their work,

MR. CHAIRMAN: The Attorney-General has a question?

MR. MACKLING: Well really, Mr. Chairman, perhaps a point of order. I would be happy to consider the remarks of the honourable member if they were appropriate to my department but the Licence Appeal Board is not in my department so I would like to advise him now so that he doesn't pursue that further.

MR. CHAIRMAN: The Member for Brandon West.

MR. MCGILL: Thank you, Mr. Chairman, and I appreciate the advice from the Minister. I had been under the impression that this was in fact one of the departments over which the Attorney-General had control, so I'll have to reserve my comments and my suggestions in this connection for the estimates of the Minister of Transportation.

Mr. Chairman, one of the fields in which there has been some discussion, some questions asked in the Legislature recently is on the subject of the increase in the number of known drug addicts in the province and in the amount of crime, and a few days ago I asked the Minister if he had been able to determine whether or not there was any connection between organized crime and the illicit distribution of drugs in Manitoba. In a press report of February 4th, 1971, it suggested that the number of known drug addicts in the Winnipeg area reached 180 by the end of 1970; and this was an increase of 50 since October of 1969. And in the past year the number of armed holdups in Winnipeg more than doubled from 43 in 1969 to 95 in 1970. Police Chief Norman Stewart of Winnipeg says there is a direct relationship between the use of narcotics and the growth in the crime rate. This is borne out by the figures of 1966 when there were no arrests on drug charges in the city.

Mr. Chairman, the article goes on to point out that many of the addicts using heroin are facing a problem of obtaining money to support a habit which costs in the neighbourhood of \$100.00 a day. I'm suggesting that if there are 180 known addicts that there may be at least an equal number that are not known and perhaps more and that the amount of money involved here could be a million dollars a month or more. This is a pretty important and highly remunerative kind of traffic for the people who have chosen to distribute drugs in our province.

I was interested, Mr. Chairman, in a report in the Brandon Sun of January 7th, 1971, where it was reported that the previous day an alert Virden detachment of the RCMP had stopped a car and discovered 75 pounds of marijuana. This was the largest haul in drugs of that

(MR. MCGILL, cont'd.) type that had been ever discovered in our province and I'm wondering if at this stage there has been any known connection established between the people involved in this drug trafficking and in this amount of marijuana and in the known organized crime operators in the country. If the Minister has any information of that type, or it may be that this is still under investigation and if so we would have to wait for the decision, but I suggest to the Minister, Mr. Chairman, and he is already aware that we should be very much concerned in our province about the increase in the use of drugs and in the amount of violent crime - the increase in crime.

The other matters which have been mentioned in the Minister's remarks, I was particularly taken with his information that he was preparing a brochure on the Expropriation Act and that this would be when available distributed and available for people who are at this stage very much confused by their rights and the extent of the protection which the new legislation provides. It's been my experience recently to talk to a number of people whose properties have been under review for possible expropriation and they are very much confused about what protection and what rights they have under the new law. So I would suggest that this is an excellent direction for the department to be working in.

Mr. Chairman, I come now to that part of my comment on the Minister's estimates that I find not particularly easy for me to deliver. It is a subject and a direction of my criticism that I would perhaps avoid even mentioning in this Legislature if it were not that I felt that as a responsible member, one elected for the purpose of protecting those freedoms and those principles which all of our citizens respect and hold particularly dear. I'm thinking now, Mr. Chairman, of the remarks of the other evening when the Honourable Member from Portage la Prairie introduced a grievance and he brought certain charges to the attention of the Attorney-General, charges that were very serious, in my view, in their nature and which opened up a very serious point and one which we all must consider with great care. I was able to contemplate the direction and the purpose of the member, and I rather anticipated that we would get from the Minister a very cool and logical explanation, a very carefully worded rebuttal in which he would completely refute any suggestion that he was in any way interfering with the process of justice in this province. I expected that this would happen and Monday evening when we heard the Minister something quite different occurred. Instead of a very careful and complete justification of his actions, we got a thunderous attack from the Minister, full of sound and fury; and I began to wonder if then there was really some purpose and reason for these criticisms of his department. There was much protestation but very little evidence that there was anything to justify those actions which the Minister had apparently taken.

In reviewing the Minister's remarks, one sentence came to me rather clearly, and I quote from Hansard on Page 346 of April 26: "I can assure honourable members that very very seldom has there been a use of the stay on my part and I have had many representations made. One of the questions I do not ask is a political affiliation or support or sponsorship of the person requesting or their Attorney." Very very seldom has there been a use of the stay on my part. One of the very very seldom uses of the stay on the part of the Attorney-General was no doubt the reported case of Mr. Nicholas Ternette, and I have before me the Tribune report of Wednesday, September 2nd, 1970 wherein it is reported that Attorney-General Al Mackling says he personally authorized a stay of proceedings on charges against political activist Nicholas Ternette because young people are in an era of great dissent and should be handled with discretion. At the same time he said counter complaints of police brutality laid by 25 year old Mr. Ternette were serious enough to warrant an investigation of the actions of arresting officers. The Minister was interviewed by telephone by the police reporter for the Tribune while he was in Halifax on Tuesday, September 1st and he said: "I am the Attorney-General of this province and the administration of justice is naturally my responsibility." I think, Mr. Chairman, we can assume that the reporter was already in possession of that information because he had taken the trouble to place a telephone call to Halifax to get the comment.

I would like to quote again from the same article. On the subject of the charges, the Attorney-General said "Young people live in troubled times" and added, "I feel that unless a serious breach has been committed, one in which a policeman has suffered physical injury, then discretion should be used."

I would refer to the remarks of my colleague the Honourable Member from Swan River where he said, and he said it very well, that in this day and age it's most important to the maintenance of law and order in our province that respect for the law be achieved, and that

(MR. MCGILL, cont'd.) would begin, Mr. Chairman, with respect for the constable on patrol, through the judicial system right up to the man responsible for the administration of justice in this province. "Rumours of political interference" - and I'm quoting again from the article in the Tribune of September 2nd - "were sparked by reports of Mr. Ternette's NDY affiliation, and officials say they feel the proper place for a dismissal of the charges was in the City Magistrate's Court. After all", they say, "it was Mr. Mackling's own Crown Attorney who took the initial steps in the prosecution."

Mr. Chairman, if we are to establish, as I think we must, and maintain respect for one of the supports, one of the pillars of our society in Manitoba that is our judicial system, it's most important that we aid and back up those people who are charged with the day to day administration of the law. I think in this case we are giving to the constable on patrol something less than complete support in the carrying out of his duties. Everyone in Manitoba depends upon the respect for law and order to enable them to have a quality of life, to join in quiet enjoyment of their private property, the freedom to walk about on the streets of our cities without protection, and believe me this freedom that we enjoy, if we still enjoy it in all sections of this city of ours, is one that is pretty precious to all of us. It's been said of the Attorney-General that his compassion for people in trouble with the law knows no bounds save those of political affiliation. Very seldom, Mr. Chairman, has he used his authority to provide a stay in the case of people and he mentioned in his remarks that he does not interfere with the courts.

Another perhaps very seldom case, Mr. Chairman, might be the case of the man from Sandy Lake, Manitoba who was -- a complaint was laid on the 28th of December, 1969 and he was charged with assault under Section 231 of the Criminal Code. He was subsequently charged in Minnedosa Police Court; he was convicted and sentenced to 30 days in jail, and he said to the escorting police officer - and I'm paraphrasing here - it doesn't matter to me what you people do, I'll be out of here in 24 hours because my Attorney-General told me to contact him if there was any trouble. Now, Mr. Chairman, I don't know if this man was name-dropping but he certainly made a phone call because he was in fact out in 24 hours.

Mr. Chairman, there are other circumstances no doubt. I suggest to you that the judicial system in Manitoba is being degraded by the actions and attitude of this government. Mr. Chairman, it does not add to the dignity of this House when people who are convicted under the law are permitted to sit and conduct the affairs of this province. I hope that the members opposite have the same respect for law and order that we have on this side of the House. To me, there is nothing perhaps more important, no responsibility that I have as a member of this Assembly that is greater than ensuring that everything in our judicial system receives our complete support and that we are able by all the means at our disposal to ensure that everybody whose job it is to enforce the law is given that kind of support.

Mr. Chairman, I feel that the Attorney-General is a man who is very quick to respond to people's pleas when they are in need or in trouble with the law, but I think it's also true that when there is a conflict between the judicial code and the "old pals act" that the Minister is tending to find in favour of the old pals act and to exercise his authority. While he may do this because he feels it is the sympathetic thing to do, I suggest, Mr. Chairman, it is having a serious effect on the respect for law and order in our province.

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MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: Mr. Chairman, when the Minister the other night was given the occasion to introduce to the House his Estimates, one would have expected that on that occasion he would have undertaken to give an account of his stewardship as the Attorney-General of this province. Instead of that, Sir, we heard a lot of bluster and noise. We heard the Minister spend practically all of his time attempting to justify his position in connection with charges that were made by the Member for Portage. We heard an attempt to defend the indefensible and to unscrew the unscrutable.

Sir, it is perhaps very timely that on this occasion the Minister in his speech last night to the Rotary Club said that the legislation that was introduced by his government was intended to protect the rights of the individuals first. Well, Sir, I am glad to hear the applause from honourable gentlemen opposite. I wonder how much they feel that the rights of the individuals were protected under Bill 56. They agree. I wonder how much the rights of the individuals were protected under the Elections Act which they passed last year and then violated in every instance during the course of the by-elections.

MR. CHAIRMAN: Order please. I am at rather a loss to understand the relationship between Bill 56 or the Elections Act specifically to the department, to the Attorney-General's Department. I know there is a lot of latitude allowed under the General Administration of the Attorney-General's Department, but I would ask members to direct their attention to the Attorney-General's Department per se.

MR. JORGENSEN: I intended to do that. What I was commenting on was a statement made by the Attorney-General himself in a speech that he delivered last night in which he stated that the individuals rights were first in legislation, and I was attempting to draw the parallel between that statement - or the contradiction I should say - the contradiction between that statement and the kind of legislation that was passed during the last session. But I'll let that pass. I don't intend to dwell on that particular aspect of my remarks tonight.

In the speech that the Minister delivered when he was attempting to reply to the Member for Portage, he made this comment and I want to read this into the record. "Now, Mr. Speaker," he said, drawing himself up to his full height and exuding sound and fury, "I wasn't totally surprised that the Member for Portage might echo the sentiments of his leader, but to do so in the way that he did was both shocking to me and disturbing to anyone who has a cause for the concern of the fair administration of justice in this province." And it is on this point, Sir, that I wish to direct some of my remarks.

During the course of the past few months we have had the occasion to hear a Minister of the Crown utter charges against our system of justice and against the courts in this Province that were of such a contemptible nature that it caused . . .

MR. CHAIRMAN: Order please. I'm sorry, I asked the member to direct his remarks to the Attorney-General's Department.

MR. JORGENSEN: Well, Mr. Chairman, that's precisely what it is.

MR. CHAIRMAN: Order please. I'm sorry, the action of another Minister is not within the purview of the Attorney-General's Department and I would ask the member to direct his remarks to the Attorney-General's Department.

MR. JORGENSEN: Well, Mr. Chairman, the Department of the Attorney-General is responsible for the administration of justice in this province and I am directing my remarks to the administration of justice in the Province of Manitoba, and if that isn't relevant to the subject under discussion I don't know what is. I want to quote from the decision that was made by Justice Nitikman just a few days ago, and on Page 28 of the submission that His Honour delivered, it says "further substantiation of the concern that necessarily followed the threat of the respondent to defrock and debar the magistrate if he hears the case is evidenced by the fact that the Honourable the Attorney-General" - and I am sure that I am speaking on the Attorney-General's Department right now when he mentions the Attorney-General himself. . . .

MR. CHAIRMAN: Order please. The Attorney-General has a point of order?

MR. MACKLING: Mr. Chairman, the honourable member is referring to a case -- an appeal is still possible. It's my understanding that during, you know, the pendency of any appeal that it would be improper to comment on the decision.

MR. JORGENSEN: The Honourable the Attorney-General has displayed his ignorance of the law. If there ever was anything that was ludicrous, it's the statement that he just made.

MR. CHAIRMAN: Order please. A point of order has been raised. If the member

(MR. CHAIRMAN cont'd) would like to address himself to that point of order before the Chair rules on the point of order, I'll be glad to entertain an argument on the point of order.

MR. JORGENSEN: Well, Mr. Chairman, I'll be happy to address myself to the point of order. The decision has been handed down; the case is no longer before the courts; there's been no indication on anybody's part that there's going to be an appeal, and until we hear that there is going to be an appeal, I am free to discuss this question in this House. Well, Sir, let me continue.

MR. CHAIRMAN: Order please. The House Leader to the point of order.

MR. GREEN: Mr. Chairman, on the point of order, if my honourable friend wishes me to do so I will produce many statements by the previous Attorney-General, whom we have perhaps not forgotten although perhaps the honourable member has, in which a case which is pending before the courts, a specific case, and until the time for appeal has elapsed the case remains pending before the courts - and I'm talking about the specifics, I'm not talking about anything general that my honourable friend would wish to say. But as to whether a case where the time for appeal has not elapsed is still pending before the courts, I would respectfully suggest that if that is the point at issue, then despite what my honourable friend says, I would think that he is wrong and I am prepared to substantiate it by statements that were made by the previous Attorney-General in this House.

MR. JORGENSEN: If I may speak on the point of order.

MR. CHAIRMAN: The Member for Churchill to the point of order.

MR. BEARD: To the point of order, Mr. Chairman, I think you should take into consideration that the judge's decision has been printed in the paper. It has already been discussed by the news media and I don't know why it can't be discussed in here.

MR. CHAIRMAN: The Member for Morris on the point of order.

MR. JORGENSEN: I was going to make the same point. The decision has been handed down. It is public knowledge available to anybody; it's been printed in the papers; there's been no indication on anybody's part that the thing is not a final decision insofar as the court is concerned, and if it is not possible to discuss this here under the estimates - and I don't know what my honourable friend the Minister of Mines and Resources is attempting to hide when he doesn't want me to speak on this issue.

MR. CHAIRMAN: Order. The House Leader on a point of order.

MR. GREEN: Mr. Chairman, I want to assure my honourable friend that I am not talking about him hiding anything. I don't think that there is anything that anybody is worried about hiding. I directed myself to the specific point that was raised by the honourable member and that is whether it is right to comment on something which is sub judice. It is sub judice as long as it is still before the courts. Fortunately, there are no lawyers present on the other side, but the fact is that a matter remains before the courts until the time for appeal has expired. I merely direct myself to that comment. As far as the decision appearing in the newspaper, the fact is - I don't know whether the news media are covered by the same rule as this Chamber is covered by - but furthermore, if my honourable friend will care to look at what the news media did, they told what the decision is, and if what the honourable member wishes to do is to merely recite what the decision was and to read the judgment, which was what the court did, that's fine. He is suggesting he wishes to comment on the conduct of a Minister or the conduct of something that occurred where that conduct is still sub judice before the courts. I am not concerned with whether there is something to hide or not because I don't believe that there is, I am merely saying if it was sub judice before it is still sub judice now.

MR. CHAIRMAN: The Member for Morris.

MR. JORGENSEN: The Minister of Mines and Resources, you know, has developed quite a capacity for diversion. I don't intend to talk about the conduct of the Minister of Highways, I am talking about the Attorney-General's responsibility in this matter. That is the point that I'm directing my remarks, and these are the estimates of the Department of the Attorney-General and I'm perfectly able to do that, and if the Honourable Minister will only allow me to continue my remarks I will show him how I'm going to relate my remarks to the . . .

MR. CHAIRMAN: Order, please. It is not the Minister that is delaying the proceedings, it is the Chairman on a point of order. The Member for Rhineland to the point of order.

MR. FROESE: Yes, I would like to address myself to that same point of order. Unless an appeal is launched this whole thing is completely anticipatory, and surely enough if we are going to be guided by anticipation we could be ruled out of order on most anything in the House that we would be discussing.

MR. CHAIRMAN: Order, please. It is obvious I am going to have to rule on this point of order, and I would draw your attention to Beauchesne's Citation 149, which says in part that "it is prohibited to refer to any matter on which a judicial decision is pending," and if we take into consideration the House Leader's admonition that within the 30 days it is still sub judice, then I would rule that any reference to this particular case is out of order. I would ask the honourable member with his debating ability to prove his point perhaps in some other way.

MR. JORGENSEN: Mr. Chairman, if that is your wish, I will comply with your ruling.

MR. GREEN: Mr. Chairman, I don't wish my honourable friend to misunderstand me, and I am not in any way intending to try to inhibit debate. If the remarks - and he was quite right and I have no argument with him - if the remarks are with reference to the conduct of the Minister of Transportation which is pending before the court, then I think that if he agrees that it's sub judice and the Chairman has ruled it as sub judice, then we have really no argument. If he's referring to the manner in which the Attorney-General handled the matter, certainly it falls within the Estimates and there's no argument.

MR. JORGENSEN: That, Mr. Chairman, is precisely what I was attempting to do, and if he'll permit me to proceed, I will go ahead with my remarks.

The Attorney-General would have us believe that he is attempting to, as he says in his opening statement, that he's concerned for the fair administration of justice in this province. And I want to ask the Attorney-General a question, because he has invited questions from this side of the House. If he is so concerned about the administration of justice in this province, then let me ask him this. Are we to assume now, are we to assume that after his conduct in this affair, where he accompanied the Minister of Highways to the court and gave him moral support on a charge of contempt of court, is it now open for every citizen of this province when called before the courts on a contempt charge, that they're going to be able to get the same consideration? Are they going to be able to get the moral support of the Attorney-General? Is contempt of court going to be supported by the Attorney-General in this province as he has supported it in this instance?

MR. CHAIRMAN: Order, please.

MR. MACKLING: I rise, Mr. Chairman, to answer the question.

MR. CHAIRMAN: Order, please.

MR. MACKLING: Well, you've invited me to answer the question.

MR. JORGENSEN: Well, when you reply you can have plenty of opportunity. I have the floor

MR. MACKLING: Mr. Chairman, on a point of order, please.

MR. CHAIRMAN: There's no point of order. The Member for Morris.

MR. JORGENSEN: You'll get your opportunity to reply and it had better be good, because the people of this province

MR. CHAIRMAN: Order, please, gentlemen.

MR. MACKLING: We are in Committee of the Whole. We are permitted -- the honourable member is permitted to speak more than once, that's my understanding. I'm permitted to answer his questions as and when they arise, if -- (Interjection) -- just a moment, just a moment. It's my understanding that the honourable member put a question to me. I rose to answer his question. Now he either wants answers immediately or he doesn't. If he doesn't want them he can let me know.

MR. CHAIRMAN: Order, please, there's no point of order.

MR. JORGENSEN: The Attorney-General has displayed his usual ignorance in debate and he's displayed the kind of ignorance that he has shown throughout his conduct of the affairs of the Department of Attorney-General. He knows full well that he gets the opportunity to reply when I relinquish the floor and not before. At least I have the opportunity of making -- (Interjection) -- No, I'm not afraid. No, I'm not a bit afraid, because I've got a few more things to say, because you may have a few more questions to answer.

MR. CHAIRMAN: Please direct your remarks to the Chair.

MR. JORGENSEN: This is one of the questions that I would like to ask the Attorney-General.

MR. GREEN: Mr. Chairman, would the honourable member permit a question?

MR. JORGENSEN: Yes.

MR. GREEN: The honourable member has asked whether every citizen will be accompanied by the Attorney-General to be given moral support when he is in contempt of court.

(MR. GREEN cont'd) Will the honourable member not agree that before a judge makes a finding on the matter that nobody is in contempt of court?

MR. JORGENSON: Well, Mr. Chairman, you know, the Minister of Mines and Resources has drawn the usual red herrings - and he's very adept at that sort of thing. You know, one has got to give him credit for being able to draw red herrings, and he knows that that is precisely what that statement is and that question is. The fact is that the . . .

MR. GREEN: You should call it a Green herring.

MR. JORGENSON: The Minister was charged with contempt of court, and instead of being charged by the Attorney-General where the charge should have come from, it had to come from the citizens of this country. Are we to expect now a new morality in the Department of the Attorney-General that any time somebody has violated the law that the charges must come from the citizens of this country, the Bar Association, the individual people in this country rather than the Attorney-General himself? What kind of a system of justice is this that the Minister is attempting to preserve in this province? I see the Minister of Mines and Resources has another one of these explosive questions and I'll gladly yield the floor to him.

MR. GREEN: Mr. Chairman, if the honourable member again yields to a question and he's not afraid of another Green herring, I'll throw one in. Is the honourable member aware that under the previous administration, and I don't know whether it's the same under this one, that the administration and the Attorney-General refused to take any prosecutions against employers for unfair labour practices because they said that these had to be taken by the citizen affected whether the law was broken or not.

MR. JORGENSON: Now that, Sir, is another red herring, because -- You know, Sir, one has to admire his capacity for recuperation, because that was not a charge against the courts and he knows it. -- (Interjection) -- Against the courts, and he knows it. This was a charge against the courts, against our very system of justice and against a magistrate of the courts, and Sir, that is an entirely different situation and my honourable friend the Minister of Mines and Resources knows that full well.

Well, Sir, let's go on to another subject - and I hope that the Minister is going to be able to answer that question for me and that question that the Province of Manitoba would like to hear the answer to, because it's one that is vital to the maintenance of justice in this province and he has abrogated his responsibility as a Minister in maintaining the independence of the courts in this connection.

Well, Sir, there are other questions that I would like to raise. Just recently we've had the Minister of Municipal Affairs - and before you call me to order, Sir, let me assure you that I don't intend to talk about the Minister of Municipal Affairs, I simply want to draw another question here. Under the new Autopac Agreement, I'd like to ask the Minister, the Attorney-General, if the RCMP are now going to be instructed to persecute and hound motorists who are not completely covered by Autopac in order to make sure that the government portion of that will be thrown into the hands of the government automobile insurance rather than the private insurance industry. I wonder if through the Attorney-General's Department, Sir, motorists who are not card-carrying members of the New Democratic Party could be persecuted in order to increase their demerit points to the extent that they will be paying a disproportionate share of the automobile insurance premiums.

And, Sir, -- (Interjection) -- Well, you talk about red herrings, they say. Well, let me just draw to the Minister's attention, let me draw to the Minister's attention a case that happened in the courts at Swan River. He may be interested in hearing this one. When somebody from the Minitonas area ran into a road grader near Minitonas and was charged with careless driving, an official of the Minister's Department phoned on behalf of the Minister, and in that easy way that the Minister has of explaining the unexplainable, suggested that the Crown enter a stay of proceedings. During the course of that trial a letter was read into the record signed by an official of the Department, stating or suggesting that the Attorney-General had instructed that there be a stay of proceedings. That was on January 15, 1970, and that letter, Sir, is still on file - at least it was on April 24th of this year and the Minister may want to check that -- (Interjection) -- Well, there is the Minister of - what's his portfolio? Consumer and Corporate Affairs. We don't hear from him except -- his interjection was "What's the point?" It was the same kind of point that he made the other night when I was speaking, and do you know, the Minister of Consumer and Corporate Affairs made a long harangue this afternoon again attempting to defend his indefensible position when he was Speaker of this Legislature.

(MR. JORGENSEN cont'd) Now then, that letter is still on file and I challenge the Attorney-General to produce that letter. On the other hand, Sir, on August 27th of 1970, another case was brought before the courts in Swan River and this one involved a person who was charged with speeding. He was travelling 37 miles an hour - at least he was charged with travelling 37 miles an hour in a 30-mile zone. Well, Sir, when the hearing was held, the magistrate decided that there wasn't sufficient evidence to prove that the accused was driving at that speed when he entered the speed zone. The speed trap caught him somewhat outside the speed zone and the justice, I think rightly, very rightly because of the lack of conclusive evidence, dismissed the case.

There was an appeal, Sir, there was an appeal to that offence. And what a terrible offence it was, travelling 37 miles an hour in a 30-mile zone. The other one was careless driving, but careless driving wasn't that important. Careless driving - a stay of proceedings was recommended by the Crown, recommended by my honourable friend the Attorney-General; but in this case, 37 miles an hour doubtfully in a 30-mile zone, and who signed the appeal, Sir? It was the Attorney-General himself. Sir, can you imagine anything more ludicrous than the Attorney-General signing an appeal for a dismissal of a speeding ticket? Next thing we'll know, he's going to be involving himself in every one of the parking tickets that are being issued. My, he must be busy in his department to have the time to sign appeals for speeding violations in a 30-mile zone.

But there is a difference here, Sir, there's a difference here, Sir. One of the gentlemen, the one that the appeal was launched against happened to be a Conservative, and the one in which a stay of proceedings was recommended by the Crown happened to be a good NDP supporter. Hence my question, Sir. Is this government now going to be using the Attorney-General's Department in order to ensure that as many demerit points as possible are piled up against people that they don't like - and we all know how the Minister of Highways dislikes Conservatives because he's said so often enough - is this the kind of system of justice that we can expect from the honourable gentlemen opposite? Is this the kind of justice that we're going to get from the Attorney-General's Department? The same kind of justice that we get concerning the Minister of Highways, pleading tears for the Minister of Highways when he appears before the courts.

I would like to make sure the people of this province are aware of the usage of the Attorney-General's Department in the administration of justice in this province. Sir, the number of cases that have been brought before this House by the Member for Portage, by the Member for Brandon, and I'm convinced by other members that have yet to follow me, will convince the people of this province that the Attorney-General is not using his department for the preservation of justice in this province but using his authority as Attorney-General in order to thwart the proper administration of justice in this province and to use that department as a means of coercing people into voting for the New Democratic Party -- (Interjection) -- Oh, my honourable friends laugh, my honourable friends laugh at this.

A MEMBER: A sick joke, that's all.

MR. JORGENSEN: Well, it may be a sick joke to my honourable friend but it's not a sick joke to a lot of people and particularly the Bar Association of this province, and my honourable friends better start getting

MR. MACKLING: There seems to be some sick people around.

MR. JORGENSEN: Well, my honourable friend the Attorney-General is the one that I think is pretty sick in his portfolio. His conduct in the administration of the Department of Justice in this province leaves a great deal to be desired. I wonder how many times -- (Interjection) -- No, I'm not thinking and the First Minister knows better than that, because never before, never before in the history of this province has the system of justice been interfered with as it is interfered by this present Attorney-General, not for the administration of justice, Sir, but for political purposes. I would like to know how many times - and I wonder if he'd be prepared to put on the record the number of times that he has interfered in court cases and the number of times that he has recommended changes in decisions by Crown prosecutors.

Sir, I think the situation is serious enough. I think the situation is serious enough in this province that I would suggest to the First Minister that he set up a committee of this House to examine the conduct of the administration of the Department of the Attorney-General and that the witnesses, the people who have been affected by the decisions made by the Attorney-General, be brought before this committee to give evidence because his department certainly leaves a great deal to be desired. My honourable friends opposite laugh at this, and that, Sir, is an indication of the respect that they have for the law of this province and the administration of justice in the Province of Manitoba.

MR. CHAIRMAN: The Member for Churchill.

MR. BEARD: Thank you, Mr. Chairman. I thought that this would be about the time that I should remind the Attorney-General I'm not a card-carrying politician, I don't belong to parties, so I hope that he'll treat me with compassion and possibly give me his hot-line number.

I think that the Attorney-General's Department when considering the North should possibly do something about the security in the small communities that do not have a policing service. Now I know in saying this that we have gone the first step in providing some training for the small community police service, but unfortunately it leaves a man with the training in the field and not the official capacity to really do anything about something that is occurring in the community itself. I think it's a very tough one to deal with, but in so many cases in having an Indian carry out the justice in the community itself, he is put in a spot because of the fact that they're a colonial type of people in which he hesitates to take action against another person in the community itself. Possibly the Attorney-General could look into it, and with the assistance of the Federal Government do something about this so that they can have a reasonable amount of security in these small communities.

The last point that I have is one that I have spoken on for a couple of years, and that's the bill that was passed allowing for minimum security in northern Manitoba. When the bill was passed it was suggested that there would be areas in which they could provide a minimum security type of building where people would have to go to stay the night but they could during the day go out and earn a living and pay for their board and room and the rest of the money would be sent to the family. I think this is ideal in places such as Churchill and Gillam, and possibly Thompson too, because when the people go to jail for 30 days or 60 days, whatever it may be, the family does not have any way of providing a living for themselves and they become an automatic welfare case, and also the cost of imprisoning these people I think is around five or six thousand dollars a year.

With that bill that was passed, as I understood it, a man could be put to work and used by either the Local Government District that he is in or they could be provided jobs from the different businesses or contractors, whatever it is, and I think as I recall it the prisoner was allowed to have dinner at home and then he would go back to his security building at night for supper and stay the evening locked up. I think it's the closest way really to dealing with particularly people that have been held for minimum cases, minimum charges, and in Churchill it seems a shame to have to ship these people all the way to The Pas or Dauphin or Portage la Prairie at a great expense and take them away from the families themselves.

The other point is that in most cases it really isn't considered in any way in which it used to in the past where if you had gone to jail then it would ruin you for the rest of your life, but in this way people go to jail for 30 days or 60 days and they couldn't care less, they'd probably be better off even in the jail situation that we have than they are at home. If we could use it as a job training program where these people had to work for two or three months, then possibly they would either pick up a trade or pick up the desire to carry on with the job that they were doing. As far as job training goes, it would be ideal. You're choosing the people that really are the problem in the community and I think you can do far better than you can through community development or Manpower Training Programs. You have the person under this program for at least two months, he can't take off, he has to go on a weekly basis to do his job and two or three months may give him a training that would help him the rest of his life.

I would hope that they could take advantage perhaps of some of the buildings that have been vacated at Churchill for a minimum security. The beds are there, the catering equipment is there to look after them and it would help a great deal if these could be spotted. I think Churchill could be one of the areas, maybe Gillam, and certainly I think in Thompson it would help a great deal. It would be one case in which the Attorney-General himself could assist welfare, the problem of the family being thrown on welfare immediately the prisoner is convicted. In fact in all probability in many cases the prisoner himself is on welfare when he is charged with some -- when he is convicted on something it's probably when he is on welfare, and if you could choose those people I think you'd do a good job for many of the communities in the North.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: I wish at this time to rise and reply to the Honourable Member from Morris and the Honourable Member from Brandon West whose very eloquent remarks

(MR. MACKLING cont'd.) constituted a very substantial smear on the administration of justice in this province.

I'd like the Honourable Member from Morris to give me the attention that I gave him in all of his pompous arrogant noise. I'd like to have the ear of the Honourable Member for Morris. As a matter of fact, I think he could use both of his ears and listen very clearly to what I say, because obviously the honourable member has been spending a lot of time researching all the probable causes of grievance that he can present in respect to the Department of the Attorney-General - and I must acknowledge the assiduousness of his homework. He has delved long and hard to try and find all of the dirt that he could to rake up at this time, and I'd like to deal with this dirt that he is throwing.

MR. JORGENSON: I object to that, Sir, I think that if the Attorney-General -- I rise on a point of order, Sir; I rise on a point of order, Sir.

MR. CHAIRMAN: Order, please.

MR. MACKLING: Find it in the list.

MR. JORGENSON: Well, Sir, if you will check the list that Mr. Speaker gave us the other day, I think that that particular phrase comes under the heading of one of those that is not permitted in this House.

MR. MACKLING: If you find that in the list for me I'll acknowledge your argument, but as usual my friend argues from very faint knowledge of his subject matter and it's that same faint knowledge of the circumstances of the cases that he alluded to. Now I haven't the files in front of me but I want to assure the honourable member opposite, and all of his colleagues -- let's take the case of the gentleman who ran into the back of the snowplow. The Crown Attorney, not the Attorney-General, advised that there were no marking lights, the snowplow was not lit up or the grader - I think it was a grader in this instance, it wasn't a snowplow - the lights weren't functioning on the back and that if the case went into court not only would we likely lose the case but we'd be seriously embarrassed by the fact that a governmental vehicle was not properly marked from the rear. Now if that's the kind of smear that the honourable gentleman wants to make, go ahead with those kind of things.

MR. JORGENSON: Protecting the Highways Department are you?

MR. MACKLING: Go ahead with that kind of smear.

MR. JORGENSON: Protecting the Highways Department.

MR. MACKLING: No personal intervention, no wrong-doing, but go ahead, dig up all you can because I venture to say, Mr. Chairman, if you go down to the City Magistrate's Court or the Provincial Police Court you're going to find that some people - not all New Democrats in this province are perfect like apparently all the opposite members' Conservative friends are perfect with some rare exception - and from time to time they find themselves before the courts and I'm sure that there'll be times, there'll be many times when the honourable friend will find the Crown Counsel are going to stay a charge and they'll say Ah look, look, political mischief, the Attorney-General is playing favours for New Democrats, and he's going to go through all the cases and select one where a New Democrat happens to be maybe a member or a supporter known in a community and they say Ah, see, he got some special privilege. They won't go into the facts, they won't go into details but they'll smear, and that's the kind of honourable representation that the Honourable Member from Morris makes in this House and it's degrading of him and it's degrading of this House.

MR. JORGENSON: Tell us about your . . .

MR. MACKLING: Would you just sit down on your tender buttocks and and take as well as give. You're so charitable you give a lot, well you can accept a little now and accept it gracefully. The honourable member says ah, but in another case in Swan River, lo and behold what happened. This poor unfortunate, it happened to be a Conservative - my God, my God, it was a Conservative -- (Interjection) -- Oh, I'm sorry about the Honourable Member from Swan River's sensitivity but it wasn't I that introduced this constituency. But unfortunately this poor man charged with speeding, such a terribly insignificant offence, and an appeal was taken to a dismissal. Well, what about the case? Does he know the facts of the case? I haven't got the file before me but I'll stand on my recollection of it. There was a radar - yes, a radar set up, nothing wrong about radar - and a whole string of cars had gone through the radar, including this gentleman's car, and they all were speeding and they all pleaded guilty to speeding except one man. -- (Interjection) -- Sure the radar was there - no trap, they know we use the radar, we have to use means to catch speeders - but that one man said no, I'm not going to plead guilty. He was going as fast as all the others, and there was more than

(MR. MACKLING cont'd.) two or three . . .

MR. JORGENSEN: He wouldn't be coerced.

MR. MACKLING: Now I have the police coercing the Conservative members. My God, I'll have to go back and find out about the dozen others who pleaded guilty and find out whether they were coerced somehow by the police.

MR. JORGENSEN: Do you object to . . .

MR. MACKLING: Maybe they were all New Democrats. If they are, the Honourable Member from Swan River has got a problem because, you know, out of about a dozen or nineteen, I forget how many there are now, that's a high incidence of New Democrats. But anyway, in that instance the Crown felt that this man got off on a technicality, and the fact is that all others had pleaded guilty. There was no question about guilt; we appealed and we won.

MR. JORGENSEN: It was dismissed.

MR. MACKLING: The appeal was not dismissed -- (Interjection) -- Well that's your recollection, that's your recollection. The fact of the matter is all these others that pleaded guilty, there was no question about their having exceeded the speed limit, but one - and apparently he's a friend of the honourable member, a devout Conservative apparently he admits, a wrongdoer, and Heaven forbid that we should have Conservatives that break the law - but apparently he thought he could get off on a technicality.

MR. JORGENSEN: It was dismissed on both counts.

MR. MACKLING: Oh, well the honourable member is -- (Interjection) -- yeah, well he's proud of the fact that apparently there was another technicality to be found and you know lawyers are entitled to rest on technicalities, but so long as I am Attorney-General - and I hope that's a long time for my honourable friend's sake - the law will be applied equally in this province to my honourable friend, his friends or my friends -- equally. -- (Interjection) -- Oh yes, you can be assured of that. But I can't be assured, Mr. Chairman, that my honourable friend over there is not going to continue to try and find some assessments in his opinion that cast a reflection on my department. Well good luck to him, good luck to him, and I hope that he recruits a lot of his colleagues to try and find things.

And then he dealt with a case of a gentleman in the Minnedosa, tried in the Minnedosa Court. -- (Interjection) -- I'm sorry, I'm getting some interference from behind, some encouragement really from behind. But let's talk for a minute about this poor chap in Minnedosa and I won't go into names. He was involved -- (Interjection) -- No, you just listen. You know, I sat and I listened very carefully. You asked me questions and you wouldn't let me answer.

MR. JORGENSEN: On a point of order, on a point of order, Mr. Chairman.

MR. MACKLING: What point of order?

MR. JORGENSEN: Well, the point of order is simply that I never mentioned anybody from Minnedosa. The Honourable Attorney-General is accusing me of saying something about a case in Minnedosa, something of which I know nothing about.

MR. CHAIRMAN: The Attorney-General.

MR. MACKLING: Well, perhaps it was the Honourable Member for Brandon West. You know, I'm not perfect like my honourable member from -- (Interjection) -- Well, I'm glad that you are, Sir, your halo shines very brightly. In all your innuendo, your bombast and the ineptitude of your remarks, your perfection shines.

Now, the Honourable Member from Brandon West, he raised the spectre of some terrible interference in respect to a case involving a gentleman that was tried in the Minnedosa area. What are the facts of this case? Here was a young man, no previous record, no appearances before a court at all, he was involved in a minor assault, two people were involved in that assault, and what happened to him? There was no pre-sentence report -- I don't know where the Honourable Member from Brandon West went, I suppose he's watching the hockey game. He's thrown his dirt now and he's left.

MR. BILTON: Mr. Chairman, on a point of order.

MR. MACKLING: Unless you have a point of order I have the floor, and I hope it's a good game that he's watching because he's had his fun in the House.

MR. BILTON: Mr. Chairman, on behalf of my colleague, I assure the . . .

MR. MACKLING: Mr. Chairman, there's no point of order or point of privilege.

MR. BILTON: . . . and he must not make those remarks. He doesn't know what he's talking about.

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

MR. MACKLING: I understand the honourable gentleman has left the building. Well, I hope he has. I hope he's feeling all the great swelling of pride that he has in casting the aspersions he has in respect to the administration of justice as it affects this case in Minnedosa. What are the circumstances of that case, Mr. Chairman? This young man, no previous record, writes a heart-rending letter from jail. He had no previous record, there was no pre-sentence report, he had lost his wife a short time before, he had infant children at home, the magistrate sentenced him, a first offender, to 30 days in jail. Not only that, tied conditions further that once his sentence had expired he had to serve a suspended sentence and that if he had -- I'm sorry, he had to report to a probation officer in the area for a period of time, he couldn't go into a hotel or any place that sold alcoholic beverage, he couldn't leave the district, and he couldn't carry a fire-arm. Now, a highly unusual disposition.

He appealed to our department to provide some amelioration. I as Attorney-General, nor can the government wipe out what's been done, but on the basis of this man's otherwise impeccable record, no blemishes, I was concerned that this man be released in order that he could look after his family. He was put on day parole, but apparently this incensed some people in the local community and I found out, much to my chagrin, that the Crown Counsel had been asking the police to go out and get information, gossip in the community about this man - and that are the records to that effect. And this is a shocking thing, Mr. Chairman.

Be that as it may, that young man, a first offender, received day parole, he served his sentence and he's paid his penalty. Well, I don't know whether the honourable members understand day parole, but they're allowed to come and go from the place of detention. It was a shocking thing, Mr. Chairman, for me to find what had gone on in that case. I don't care whether a citizen in this province is a Communist, a Conservative, a Liberal, a Social Credit, even a Liberal or even a New Democrat, they will receive the same humane treatment by our department. Mr. Chairman, I will not sit idly in this Chamber and accept the smears of so-called cases presented by - and I'm forced to call them honourable gentlemen - that the opposite present. It's utter crap and nonsense that they produced before this House. -- (Interjection -- You just put your finger back and hold your head, because it should be hanging. -- (Interjection) -- You just keep the chatter down. You just sit and keep your lips sealed. The Honourable - question mark - member -- (Interjection) -- There's another one, there's another one. The chickens are pretty restive tonight in the henhouse, Mr. Chairman. Their feet are pretty sticky in that droppings over there. It's fallen pretty close.

The fact of the matter is, Mr. Chairman, that I dealt in detail the other day with a case involving the gentleman that appeared before the magistrate in Portage la Prairie, and I think there's no need for me to recite again the circumstances in that case. No deviation from the normal practice, and God forbid, that man may even be a Conservative Party member. Now, the honourable member's concerned about my showing a concern as a fellow colleague of the Honourable Minister of Transportation. He's shocked that I should associate myself with that honourable gentleman in going to court. You know, I suppose I should have hung my head in shame and gone away and gone to a place where I could meditate and think about the impurities of human life or something else and contemplate on the virtues of my honourable friend from Morris. But the fact of the matter is, the fact of the matter is that I as Attorney-General owe an obligation not to just the Honourable Member from Morris and the citizens, and the citizens of Manitoba . . .

MR. CHAIRMAN: Order, please. If the Attorney-General directs his remarks to the Chair and honourable member opposite refrain, you'll have ample opportunity to rebut. The Attorney-General, please.

MR. MACKLING: Mr. Chairman, the fact of the matter is that the honourable member loses sight of the fact that I have a responsibility not just to the Honourable Member from Morris, I have an obligation not only to the people of this province, of whom my honourable colleague is one, and a very noble person as well, I not only have an obligation to him by virtue of the fact that he's a citizen of this province but the Attorney-General's Act specifically puts an obligation on me as Attorney-General to counsel and advise my honourable colleague. I have a responsibility to that effect and I have a responsibility, Mr. Chairman, to present to the Court the position of the Attorney-General in that situation, and that was done. The counsel appeared on my behalf in Court. Now, the Honourable Member for Morris might not like that, but that is the dual role, the dual obligation that I have in this case.

MR. JORGENSEN: Read Pages 28 and 29 of Justice Nitikman's decision and you'll get your answer.

MR. MACKLING: Mr. Chairman, the honourable member continues to cackle from the other side. He keeps muddying the floor of the henhouse and I don't know what we can do about it. -- (Interjection) -- Mr. chairman, the honourable member . . .

MR. CHAIRMAN: Order, please. Honourable members will have ample opportunity to present the facts to the House. The Attorney-General, please.

MR. MACKLING: The honourable member, Mr. Chairman, refuses to recognize argument and a forthright answer when he gets it. Instead he hurls back the continued suggestion that it's bias and unfair treatment and improper conduct and so on. Mr. Chairman, from the mouths of the two honourable gentlemen who spoke opposite came nothing but derision and smear, a choice of language completely unacceptable in this House, full of suggestion that there was wrong-doing, unfair treatment and bias. It's completely unbecoming of them, and no matter how dignified they attempt to be while they cast their poisonous words, the fact of the matter is that there was no wrong-doing, no injustice, no ill-treatment and no bias on the part of the Attorney-General or his department in any of the cases that they have alluded to.

MR. CHAIRMAN: The Member for Rhineland.

MR. FROESE: Mr. Chairman, I just have a few remarks to make and no doubt they will be in a much milder tone, maybe too mild for the Minister after he's gone through an ordeal like he did. -- (Interjection) -- Pardon? Well, I want to cover a number of things in the Estimates. -- (Interjection) -- Well, I don't know whether this isn't a . . . of the Minister's department, but I wouldn't mind going at it. I'm just wondering whether the Minister or the Governor of the Bank of Canada hasn't got a warped mind, if that's what you're asking.

Mr. Chairman, we in this House as members are not getting a report from the Department of the Attorney-General's office as we get from many of the other departments. I think this would be a valuable thing to have. Surely enough there must be matters that could be reported on so that we could be guided in many instances, and I need not ask questions needlessly. Certainly before the matter of penal institutions and so on, and the names have now been changed, have now been transferred to the Minister of Health, we did get a report, and I'm just wondering whether there was not material in those reports that would apply at this time, and that the material in it wasn't completely related to the penal institutions.

I certainly welcome the news that this government is continuing with the regulations and having Mr. Rutherford work at them, and that we will be getting a copy of them in the not too distant future. This is a matter that I certainly value and have been asking for in past years. Certainly the revised copies of statutes are very valuable to members and I am sure that once we get the regulations this will be equally valuable.

I'm wondering in connection with the Land Titles Offices - I think in previous years it was mentioned that certain new buildings were to be built, whether these have been completed. But more so on the matter of the titles. Are there still a lot of old deeds out on properties or are most of the properties already under the new title system. I think this would also be valuable for members to know because I think it's so much better and such a big improvement to have them under the new system. I am sure that there must be an effort right along, a continuing effort whenever transfers are made that they get them under the new system, and I certainly would appreciate hearing from the Minister to what extent improvement has been going on and where we are at the present time.

Another matter that has received attention in the last while, and there have been reports in the papers, is the matter of wire tapping. While I'm not too conversant with the whole matter, I would appreciate if the Minister would give us a report on the situation today in Manitoba and what is the legal situation. Are RCMP entitled to tap wires and for what purposes and on what occasions? So if there is information along this line I think I would appreciate hearing from the Minister also.

Another case, or matter that has already been mentioned by I think the Member for Brandon, is in connection with marijuana. I've heard of a case or two where marijuana was brought in from the States. These people were apprehended and I think they were dealt with, but I have never heard the conclusions on these cases. It seems to me that we hear of the cases when these people are apprehended but the news media - I don't know for what reason, whether these cases are not concluded or whether they're just not making reports where you have conclusions and where you have these matters dealt with. Certainly we know of the

(MR. FROESE cont'd.) situation at the Rock Festival where later on a person was apprehended. I've never heard what happened and what the final results were. Have these cases been concluded or not, and are we taking the necessary measures and trying to prevent these things happening? Certainly if stronger measures are to be taken, then I think we should be advised by the Minister on this. -- (Interjection) -- I'm advised here that the Minister without portfolio is encouraging rock festivals, and is it the rock festivals or is it the other things that are associated with it. At any rate, I think this is an important matter and also one that people are very much talking about these days. It's timely and I think we should have the latest in the way of reports and information on the matter in Manitoba.

I was very glad that the Minister did give us some information in connection with legal aid. This is something that has been in the making for several years, and from the figure that he gave that was spent last year, this certainly has increased now in this last year or two. No doubt more people must have received assistance as a result, and are we doing a job in this connection. Are we meeting the needs, the requirements? Are we too easy or who is deciding on this need? Certainly again here I would like to know the number of cases where the needs were met and what type of cases were they, because this is an area where other provinces are going into as well, and how does our program compare with that of other provinces. I think this also would be of interest to members.

A further matter that I've given attention to in past years and that is the matter of police protection, especially so for the smaller centres. I know that in past years I've brought to the attention of the Minister, I think of this government and also the previous one, where certain villages were in need of this protection, and where the needs were met with villages or with towns that had a certain population, but then there was a group in between and they were having difficulty in getting assistance from the government. Maybe the Minister could comment on this matter and whether any changes have been brought into being and that we are now serving more villages and towns in this respect. I recall also that we did enter into a new agreement I think with the Federal Government in connection with the RCMP, and here again if the Minister could tell us what the new arrangements are and how much we do have to pay for protection and for the service that we are getting from the Royal Canadian Mounted Police in Manitoba.

These are some of the matters that I wish to raise on the Minister's salary. I'm sure that if he gives us the answers to a number of these questions that once we've passed the Minister's salary it'll be in short order to pass the Estimates as such. I think that will probably suffice for the present. The other two items, the Land Acquisition and the Appraisal Commission which now have been added to this department, I think the Minister already gave some report on that and so I'll wait for his reply.

MR. CHAIRMAN: The Member for Churchill.

MR. BEARD: I wonder if the Attorney-General could also give us some indication on the minimum security buildings for the North.

MR. MACKLING: Mr. Chairman, I'll be happy to address myself to the constructive remarks of members of the Opposition who have tendered such. In respect to the suggestions that have been made by the Honourable Member from Churchill, I think -- well I don't think I can answer in the detail I would like all of the questions that have been asked, Mr. Chairman, and if you want to call it 10:00 o'clock, fine, I'll go into more detail tomorrow. I wouldn't be able to complete tonight.

MR. CHAIRMAN: Committee rise. Call in the Speaker.

IN SESSION

MR. J.R. (BUD) BOYCE (Winnipeg Centre): Mr. Speaker, I beg to move, seconded by the Member for Flin Flon, that the report of the Committee be received.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I just wanted to indicate before we adjourn that it would be my hope that we would be calling Law Amendments Committee for Monday morning. Now I don't know whether that will be the case, but I'd like to forewarn the gentlemen so that they know that it may be that we'll have Law Amendments Committee on Monday morning and I will announce it more definitely tomorrow.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: I wonder if the Minister could indicate what time he anticipates that he might call the Committee and also would he outline what he proposes for tomorrow morning.

MR. SPEAKER: The Honourable Minister of Mines.

MR. GREEN: Well, Mr. Speaker, for tomorrow we will have the regular order of business according to the rules, that is the - I almost forgot - the morning is government business, the afternoon is Private Members' Day, and if we call Law Amendments we'll be calling it for 10:00 o'clock. We'll call it for the bills which we have already passed and hopefully those we will pass tomorrow if honourable members are disposed to do so. Also, there is one name change that we would like to get by unanimous consent, that is that presently the Member for Crescentwood is on Law Amendments Committee and we'd like to change that to the Member for St. Vital.

MR. SPEAKER: The Honourable Member for Morris. It is now 10:00 o'clock.

MR. GREEN: I would move, Mr. Speaker, seconded by the Honourable the Attorney-General, that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 10:00 A.M. Friday morning.