

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Friday, April 13, 1973

INTRODUCTION OF GUESTS

MR. CHAIRMAN: Before we proceed this evening, or this afternoon, pardon me. I would draw the attention of the honourable members to the gallery where we have 14 students of the Keewatin Community College, the Adult Basic Education class. They are under the direction of Mr. Allan Skromeda. This school is located in the constituency of the Honourable Member for The Pas, the Minister of Northern Affairs.

We also have 9 students of Antler School, North Dakota, United States. These are Grade IX, or these are Seniors, pardon me, under the direction of Mr. Pease, and they are guests of Mr. Speaker.

On behalf of all our honourable members of the Manitoba Legislative Assembly I bid you welcome to our Chamber.

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MR. CHAIRMAN: The Honourable Member for Winnipeg Centre. The Honourable Member has 17 minutes.

MR. BOYCE: Before the lunch break, Mr. Chairman, I think I finished with the expression of a personal resentment of being lectured by someone who thought that this was a place to practice law. I have noticed in the press, what I would suggest in argument is what I call the wounded duck defense. That in argument when you say that a person puts forth a stupid argument, and if that argument is stupid, and in fact it is stupid, then the only defense against it is he is attacking me personally. Now I want to make that quite clear that I am not attacking the Leader of the Liberal Party personally I am attacking his argument. I personally, I think that the member is not stupid -- and I would like that on the record -- but, Mr. Speaker, in his argument this morning in expounding the virtues of Bills of Rights he asked me if I was familiar with the fact that the British legal system was based on a Bill of Rights.

You know these bills and statutes and law come into existence because such august bodies as this deem them advisable and I forget -- you know sometimes names slip my mind -- but the King at the particular time had the gun held to his head by a group of barons in their own self-interest had habeas corpus, an act, that thought that they were acting only in their own self-interest but history has proved that writs of habeas corpus and things like that have accrued benefits to us all. But nevertheless the evolution of law, and once again I repeat I am speaking as a lay person, because laws are devised and practised, enforced, written, repealed, in the interests of the lay people, not in the interests of the legal profession. And I would like to approach or debate with the member on his concept of licensing relative to the legal profession, the medical profession, and all other professions, if he would like to apply his restriction of licenses to perhaps some of the people who have been granted, in my view, unlimited license.

But to go back to the point that in law, and we surround ourselves with people who throughout history have contributed to law and philosophies of law, there was at a point in time that we relied on courts of law per se to administer the law and we looked elsewhere to the administering of justice, and in some ways and in some countries this was much abused - I can think of the Spanish Inquisition and a few others. But there was a pressure by lawyers at that - oh, to get rid of the ecclesiastical courts and even prior to that they had removed themselves from the universities where bodies of knowledge were usually vested, so that they set up courts, law schools in the pubs and the inns - they called them Courts of Inns. But the Bar Association legal profession at that time removed themselves from the university, and in my view they were successful in actually modifying the dispensation of justice, and I'm not saying that it wasn't necessary, but they were taking - one of the results of it was that they took and they made rules of equity, or the dispensation of equity, within law kind of underneath rules of law.

I know in a Court of Queen's Bench Act over there it tells you rules of equity. And one of the disadvantages in any codification of anything is the limitations that you place on its interpretation. (Excuse me.) And this is one of the reasons why many people in the legal profession argue against the establishment of Bills of Rights. It's politicians usually that argue for the establishment of Bills of Rights. Because operationally at worst, or at best rather they do little, but at worst they actually deprive people of rights.

In our system of law in Canada, as I understand it, and it is drawn to my attention by

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(MR. BOYCE cont'd) McCreer in his excellent work in my view, and if more lay people read it perhaps we'd all understand the divisions of responsibility within our society. He seems to suggest that within our society we have the right to do anything that we want, unless it impinges upon somebody else. And if in our demand of a right, or exercise of our freedom, we impinge upon somebody else then they have cause of action against us under common law and tort. And we in our society, I believe, have the right to not only ask but demand of our courts that they exercise judgment because this is what it is, it is a matter of judgment. You set down in a Bill of Rights -- my friend uses the example the right to work, the right to do this, the right to do that. How exhaustive a list are you willing to prepare? Because if you are going to operate that way the only thing that you will have the right to do is that which is spelt out. And this is where I will argue that this is an absolute increase in license. The logical conclusion of this particular argument of the Member from Wolseley is that we will take a bureaucracy comparable to civil law in France, under the Conseil d'Etat, and everyone knows what the bureaucracy in France is like because remember, unless you can defend yourself in law, then you haven't got the right to do it unless it says so in that Bill of Rights. We've all -- I've got four years of experience now, which doesn't make me an absolute authority on writing law, but the point I want to make is this, all of us have experienced the difficulties of writing law. We get into committee and we say what about this box we've got ourself in, and we use phrases notwithstanding the generality of *ada, da, da, da*, . . . and we say we'll do it by regulation. It's very difficult, as the Member for Wolseley will find out, in writing law, than it is to try and interpret law before a court of justice.

But, Mr. Chairman, the Member for Wolseley not only says this that we should move towards an absolute degree of license, we should do something worse than that, we should change our British parliamentary system. Now the member on other occasions has already rattled the sabre at Ottawa. Why doesn't he just come out and follow his own arguments through its ultimate conclusion.

I had the honour the other night to be on a program with Bobby Bend. And the Minister of Industry and Commerce was supposed to have gone and he couldn't go because his tooth was out to here. The Minister gave me a speech that he was going to deliver, and I got there and Mr. Bend was there, and he's the Lieutenant-Governor of the Model Parliament. And Mr. Bend stood up and he said, "One thing," he said, "that I have done," he says. "even has been rejected by the people," he says. "I offered my opinions." Because he thinks that that is -- he thought that that was his responsibility. He says, "There may be some things the matter with this government, and every once in awhile they make a mistake and they elect members like my friend from Winnipeg centre" -- he got me on that one -- "but it's the best there is in the world," and I agreed with him.

In fact when I stood up I told a group of younger people who were there, I think it's wonderful some of these model parliaments, and the way some of the younger people are becoming involved in learning what the parliamentary process is all about, and perhaps if the Member for Wolseley had of been involved in some of the exercises earlier he would have learned more than he has exhibited so far in this House. But I told this young group, I said that in establishing your parliament you have inaugurated many of our procedures and traditions. There's one that you haven't. I said that one of the traditions that we have in our House is that during each session we stand and we give tribute to those people from all political stripes who have served the people of Manitoba and have passed away. We stand and pay tribute. And I told this younger group I said, "I would like to depart from tradition, and I would like you to join me in giving Mr. Bend his roses while he's alive," and they all joined me in a salute to this man. I say this apropos of the present Leader of the Liberal Party and what he wants to do with the parliamentary system. In my view he understands not a concept of responsible government, and his responsibility within that government. He suggested a few moments before lunch this Stop, Look and Listen and his thrust of his argument that he wants government by committee.

MR. CHAIRMAN: The honourable member has five minutes.

MR. BOYCE: I said that he had already rattled the sabres at Ottawa. If he wants Manitoba to be the 51st State of the American Union, why doesn't he say so, because that's the logical conclusion of his argument. He wants a congressional system of government in the Province of Manitoba. Mr. Chairman, I do not. Mr. Chairman, doubtless the member represents his constituents and if the constituents of Wolseley think that their politician is a crook,

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(MR. BOYCE cont'd) then I suggest that is a problem for the constituency of Wolseley to resolve. If I thought for one moment that the constituency of Winnipeg Centre thought I was a crook, I would resign. And any member that stands in this House and gives credence to the argument that politicians are crooks, I think does disservice to this House.

In the few minutes that are left to me Mr. Speaker, the institutions that we have built over the years have served us well and the destruction of these institutions do us a disservice. The question of equity in law is based on a fundamental difficulty; fundamental to our society is the responsibility of the individual to defend himself. Ergo there has to be put into the hands of the people the ability to defend themselves. Under this government, under this Attorney-General, we have done more to do this than any other government in the history of this country. It is fine to spell out in the Bill of Rights, or any other statute of this province, that a person has right to counsel, but if you deprive this man of the ability to hire counsel, he has no right.

Mr. Chairman, I am a teacher and where I fall in ability as far as the discharge of my professional responsibility is concerned, I don't know. I feel and therefore I suggest perhaps I do know, that there are teachers better than I. I also know therefore that there are teachers that are not as competent as I feel I am. But nevertheless the people before me when I am teaching school are stuck with me, and this is true in the legal profession also. Neither his book -- pretty good lawyer, I think. All people in the profession would agree that equity in law depends more on the prowess of your advocate than any statute written. This is what this Attorney-General, and there's no one argues more with my friend than I for even when I think he errs, as I have thought on occasion you may recall, but he errs in my concept of justice, there is no one faster to take him to task than perhaps myself. But, Mr. Speaker, the ultimate, the ultimate discharge of justice I believe will not be enshrined in tomes, papers and books which sit on desks. It is the daily operational total legal system that is available, and has to be made available to the least of our citizenry, and our Attorney-General has done this. And as a backbencher, Mr. Speaker, this is the longest I have ever spoken in this House - I am proud to be associated with the present Attorney-General.

A MEMBER: Hear. Hear.

MR. CHAIRMAN: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I heard with great interest the two speakers ahead of me, both my seatmate here and the Member for Winnipeg Centre. I was very interested in what both of them had to say. Certainly at some time or another I would like to enter debate and discussing some of the points that they brought forward. However at this time I feel that I had some remarks lined up that I wanted to contribute and also some questions that I would like to refer to the Minister in charge, so that I will do that for the time being.

Earlier this morning we had a group, a school in from Ontario and I'm sure they must have listened with interest to the debate that was going on. I have in my hand a report which is in today's paper of the Globe and Mail and it's in reference to "student survey indicates respect for police". This was done at the Pembroke High School in Ontario and I think it's very interesting and I want to comment on it briefly and then bring some of the items in later on into the things that I have to say. It says, and I'm quoting now: "A survey of students at a Pembroke High School indicates considerable respect for police and a desire for law and order in community life." I think this is a very good statement in itself. The report goes on to say: "A questionnaire on attitudes toward police, Royal Canadian Mounted Police, Ontario Provincial Police and Municipal Police was completed by 1,494 students, a return of 10.3 percent." Further it goes on: "Although 53.9 percent of the students said they used the term 'pig' in references to police at least sometimes, only 23.1 percent believed the police are prejudiced against them and only 13.2 percent believe they have been mistreated by the police. Asked if they had ever called on the police for help 84.9 percent replied never. Only 15.1 percent answered that they had called for help one or more times." Later on in the report it says, "Asked if they would volunteer information on drug users and drug pushers to the police 86.2 percent said no and 13.8 percent said yes." Then in the final paragraphs it goes on to say; "Only 30.7 percent believe police-youth relationships are not good; 69 percent expressed a positive view of these relations." The survey concludes: "It is apparent that there is a withdrawing from the radical position that characterized youth relations with authority in the recent past. It can be interpreted as a growing sentiment and desire for a return of law and order in community life."

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(MR. FROESE cont'd)

It's a very interesting article and I rather feel that we have the same trend here in Manitoba, at least this is my opinion, that we're coming back to a situation where the young people of this province, in my opinion, are desirous of return to law and order in community life. The interesting point is that in connection with drug pushers that 86 percent said that they would not volunteer information. This is a very high percentage and I would like to hear from the Attorney-General on this point. What is the attitude in Manitoba and what is the experience that they have in Manitoba on this point. Because surely enough we can't say that we have no drug pushers in Manitoba, that drugs are not being used in our schools, because we do know that they are used and how widely I cannot say. Maybe the Attorney-General can inform us on this matter.

What I wanted to bring in on this debate as well is that I've had discussions with police from time to time and I find that many of them are very frustrated. And what is the reason for it? It appears that they will apprehend a certain person who has flouted the law or has made an infraction and that they in their effort to enforce the law and uphold the law, that very often these people when they're taken to court the sentences are so light that the young people just ignore it afterwards or more or less hold the police in contempt when they are trying to do these things. I feel that this is an area where we should take a second look at. Are we being too lenient on some of these people when they violate the laws of this province and are we not assisting our police enough in trying to enforce the law. Certainly when it comes to drug pushing and drugs I think this is a thing that we should be looking much more carefully at. I don't think it's nearly as prevalent in Manitoba as some of the other provinces. This is borne out by reports. However, some of the other provinces that have a much greater problem in this respect have much greater and much stronger penalties for people who do this type of work and I'm wondering whether we shouldn't pay more attention to that, look into this and see what can be done; because we know from experience the incidents that are taking place and I think we should take a much closer look at this and do something about it. I certainly don't need to refer to specific cases, but I know just the other day a party mentioned to me about a taxi driver who assaulted a person. What happens in this case? Are those people losing their licenses? Certainly this is also an area that I feel that we should be looking into.

The matter of the Law Reform Committee. Who are the members of this committee at the present time? I'm not sure, I think this changes from year to year, if I'm right. I hope the Honourable Minister corrects me if I'm wrong. I notice that the budget is down. Is there less work for them? Do they only deal with matters referred to them or are they on their own as to what will be considered, what areas will be looked at and what recommendations will be made? Surely enough these people have performed a very important job in the past and I think from time to time they've made some very good recommendations to this House and to the government and we've acted on many of their recommendations and I certainly wouldn't want to curtail any of their efforts and endeavours that they may have.

On the matter of legal aid, here I noticed that the budget is almost doubled and that we expect to spend, what is it? - a million point four hundred thousand dollars - this is as I said almost double the amount. What has been the experience? We don't have any report issued by the department. I know years ago we did get a copy of a report made by the department. I don't know whether it pertained to all the various aspects of the Attorney-General's department but certainly it gave information on a number of things. This has no longer been done and I feel that we're making a mistake in not providing a report of some kind. Certainly matters of the type that I've raised could be reported on. I have over the past years discussed cases and referred cases to the legal aid group. When we employ these people are they all licensed barristers or do we have juniors working under this program? Certainly I'd be interested to know about that. And also the caseload. What is the caseload and is there a backlog that we are trying to catch up with by increasing the budget that is in the Estimates? I feel we need some reporting so that we can more readily and better assess the situation as it exists today.

Other members have been discussing the Human Rights Commission under the Attorney-General's department and personally I may be wrong but it seems to me that the Human Rights Commission has been very ineffective in my opinion, I stand to be corrected. I still have the feeling that like in many cases where we have chartered accountants firms or auditors that we feel that we must have a CA to head a department of any group of that type. And likewise, I rather

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(MR. FROESE cont'd) feel that we could have a judge or a justice head this commission. I think we would have greater respect for it, the people of this province would have greater respect for it. I think they would respect them more because they would expect that it would be an independent judgment that would be placed and come forth from the assessment of incidents by them. Just how thorough are they in their work? When an investigation is being made, to what extent are these cases investigated? From the experience and from the cases that I have heard of it seems to me that - and I don't want to accuse them of being slothful but certainly I think it could be much more thorough in my opinion. Then, too, are there any restrictions placed on them as to the availability of information in any of the cases? I forget the legislation when it was passed, I remember when it was passed, but as to whether there was any restrictions placed on them I can't think of any, but if there are any I certainly would like to hear from the Minister whether there are any restrictions that might prohibit them from taking certain actions.

A very full discussion was being made earlier this morning I think and probably yesterday in connection to women's rights. I certainly in certain ways am pleased about some of the legislation that is being brought in which gives women the right to hold property and so on to a greater extent than it was done before. I think this was a right step. There are other areas which the Member for Thompson has mentioned where certainly the reverse could be the situation. But all in all I certainly did vote for a number of the bills, of legislation that was brought forward and I would like to hear from the Minister how these things are working out. What is the experience in connection with the legislation that has been passed to date? That is by this government.

There is one other matter that I thought I would like to raise and maybe the government has no authority on it or is not due to any inaction on their part but I find that there's a lack of reporting on cases through the newspapers. In years gone by we had I think much fuller reporting when court cases were held and on the proceedings of these cases. I think this is information that the people of this province should have. I think it needs to be brought out so that people will know that these matters are dealt with and in what way they are being dealt with so they can assess too on their own as to whether they feel that matters are being assessed and dealt fairly and justly. In my opinion we have had very little reporting in the last probably two years or so on the various cases. I'm sure that it's not a matter of a lack of court cases because I think we have them going on all the time. I don't necessarily want to blame the newspapers either if they're short staffed or if they don't cover the situation, but certainly I think it's a matter that is worth mentioning and probably also asking them if it's because they're not getting adequate staff or having instructions to do this or putting on the necessary personnel, that probably this be suggested to them. After all I think this is what the papers are there for to bring news - and not excluding court reporting.

The Member for Osborne who is not in his seat at the present time mentioned that he had distributed the bill on the Bill of Rights. I certainly haven't received it. I don't know, has the bill been distributed or was it just distributed to certain people? I'd be interested to see what type of bill it is that he is presenting to the House for consideration and adoption. Is it a bill that the government is going to support. I certainly would like to hear from the Minister too on this. It's too bad that we don't have copies of the bill so that we could see what the government has in mind, if they are going to support it. I notice it's a private bill so that it doesn't necessarily mean that the government will support it but if the Minister knows about it, if he knows the contents of it, I'd certainly be interested to hear from him on the whole matter of a Bill of Rights. I know it has been discussed in this House before. I also know that when you bring in legislation of this type it very often tends to restrict rather than to give the rights that we as legislators would like to have brought in and put on the statute. Oh, I've just received a note that it's a bill on disclosure for members of this House, so I'll be looking forward to the bill when it is being distributed. In the meantime, Mr. Chairman, I hope the Minister gives us a reply to some of the questions I had so that we can go from there.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I would like to reply to some of the comments that have been made as they go along and trust that the members will appreciate my doing so.

First of all, I want to clarify an answer that I gave earlier to the Honourable Member for Thompson and apologize to him frankly for any misinformation that I conveyed in respect to a particular situation which he drew to our attention, that was in connection with -- he

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(MR. MACKLING cont'd) indicated a case of a lady who wanted to hire a particular gender of baby-sitter, a female baby-sitter, and I indicated that pursuant to the Act there were arrangements for that. Well, the section I referred to does not cover the particular matter that he referred to, it does cover certain types of non-profit organizations and so on that also he had some concern for. But in respect to the specific case that he alluded to, that section doesn't cover it. It is possible though for the commission to give exemptions and they have given exemptions where there's a bonafide request for a particular type of employee.

For example, the Winnipeg Police wanted to hire female police and they wanted to attract females to apply for the jobs of police constable, and there was no problem, the commission merely confirmed by letter that that was perfectly in order. So when there is a particular need for that sort of thing, the commission has satisfied that kind of a requirement. And it may well be - if the honourable member hear me out, - it may well be that we will want when we have determined other amendments that may be necessary -- and I hope to be in a position to confirm in some subsequent year, perhaps at the next session, what amendments might be desirable -- we might very well wish to exempt individual homeowners from circumstances such as the honourable member described in that restriction, and that might be a desirable amendment. The honourable member has a question.

MR. BOROWSKI: Could I ask the Attorney-General a question? Could he indicate what procedure an individual must go through now if he wants to advertise for a female baby-sitter? What type of procedure - do they have to write to the Attorney-General or to the commission, and . . .

MR. MACKLING: Well, I don't think in the particular case that he refers to that it is possible for the commission to give a consent to that kind of advertising, for that particular thing, but I'm sure that so long as there is goodwill the problem that does exist in cases like that can be overcome and I don't think that there is any serious problem in society as a result of that restriction.

Now I want to go back and deal in reverse order with some of the contributions that have been made, and I want first of all to indicate to the Honourable Member from Rhineland that the bill that he was referring to in respect to disclosure is a Private Members' bill that the Honourable Member from Osborne apparently has prepared. Just to indicate to you the impartiality of members in this caucus, he has not referred that bill to me, I don't know its contents but apparently he has been gracious enough to refer it to some other members in the House and obviously the Honourable Member from Assiniboia has seen the contents of this bill, and I would expect that he would want to show it to the Honourable Member from Rhineland as well as other members in the House. But of course that's the individual member's prerogative and not mine. We are not responsible for it.

The honourable member was concerned about what he considered to be a lack of reporting of court cases in the newspapers. From the newspaper clippings that are sent to me regularly by people who read the newspapers, I can't quite agree with him. I think that the press does regularly cover the courts and if anything they have a tendency to pick out the most interesting aspects of a case and sometimes readers do get a misunderstanding as to why a person received a severe sentence, or why they receive what some people might consider to be a relatively light sentence. It's because the newspaper has probably reported in a way that picks out the high-lights or what they think is interesting in a case. It's not an attempt to distort a picture. They do I think do a very commendable job in keeping the public informed as to what is going on in court. I have never had any complaint brought to my attention that they're not doing an effective job; as a matter of fact quite the reverse. There are people who are annoyed that their names appear in the press and that there's so much publicity given to the criminal activities of someone who's a relative or so on. That of course is as it should be; the press has to be involved in a very deliberate way in reporting what goes on in our courts and we count on them to do that.

In respect to women's rights, I want to assure the honourable member that there have been significant cases that have been considered by the Human Rights Commission. Two of the cases, or several of the cases I should say, were the basis of ministerial orders which were subject to attack in the court - and they're still before the court so I really don't want to go into any detail in connection with them. But there's no question that there may be problems, there may be problems in the basis of the legislation that we now have and we'll very likely want to consider some amendments to the legislation when we have heard the final decisions from court

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(MR. MACKLING cont'd) and made an assessment of those decisions.

In respect to the honourable member's concern about the commission, the commission pursuant to the present act has a very broad scope of activity and really doesn't have any unnecessary fetters in connection with its right to investigation, it's a very broad power. If anything, the criticisms that I have heard is that they have too much power rather than too little. However, you know, we have critics in any new legislation. In any new administrative program you're going to have people who are critical either way.

In respect to the honourable member's concern about how the legal aid program is working out, I think I can give some statistical information there that may be helpful. During the period, September 1, 1972 to February 28, 1973 there were 961 certificates for legal aid issued in respect to civil matters, and 797 in respect to criminal matters. There were 173 certificates yet to be returned, 51 have been cancelled, there were 798 applications refused and there were 5,973 informal applications received. Persons assisted by duty counsel - those are people who are in court assisting those who appear before court when the court dockets are called, were 1,727. So the total number of persons assisted in the legal aid program, 10,480. Now that I think deals with the cases where there were certificates through the legal aid offices themselves. In addition to that there is a neighborhood legal aid centre where very extensive informal advice is given both by telephone and in person and there is direct representation available to people in the community from that legal aid centre.

I want to indicate to both the honourable member and all members of the House that I have heard nothing but commendation from many people in connection with the fuller development of the legal aid program including the legal aid centre and I look forward to an increasing role for the legal aid centre in that concept in our society, because it has the much more beneficial effect of assisting people in the community, giving them advice and preventing some of the more difficult and expensive problems that later on they might be faced with in litigation in the courts themselves.

Oh and the honourable member asked whether or not there was any backlog. I'm not aware of any complaints in respect to backlog. I believe that with the very high percentage of participation on the part of the legal profession in Manitoba there is virtually no backlog in handling cases. Naturally with the higher incidence of legal aid there are more and more cases that are defended in court and to some extent this creates greater pressures on our court system; but I'm fortunately in a position to advise here that so far as I'm aware there is no backlog of any nature in our courts. When one considers the very trying circumstances that exist in some other jurisdictions in respect to delays in the court process I think we can be very grateful to the experienced and dedicated staff we have in our court system, and the judiciary, for the very ready way in which they accept the challenge of a greater volume of cases before the courts and are dealing with it most effectively.

The honourable member was concerned about the Law Reform Commission and as I indicated in my introductory remarks, and I believe the honourable member wasn't here at the time, but I didn't enumerate the members of the commission and so I'm most happy to do that for him. The Chairman of the commission is Frances Muldoon, Q. C. who has been a lawyer of some considerable years in practice and a very able man and doing an exceptional job as Chairman of the Law Reform Commission. In addition, there are other lawyers on that commission, namely Myrna Bowman who is also a part-time provincial judge and a woman who has considerable experience in practice before the courts and in the field of law generally. Another member is Professor Dale Gibson of the University of Manitoba Law School who is a fairly noted and renowned professor in his fields of both tort law and constitutional law. Another lawyer on the commission is Mr. Robert Smethurst, Q. C. who is a partner, I believe still of the President of the Progressive Conservative Party, but that did not inhibit this government from making that appointment because that relatively young lawyer has had a considerable interest in law reform and is considered by many to be a very fair and reasonable individual and certainly knowledgeable in some of the fields of law to which he has taken keen interest.

Another one of the members on that Law Reform Commission is Miss Sybil Shack who is a renowned educator in Manitoba and is a distinguished writer having been the author of several of the texts for elementary schools. Another member of the Law Reform Commission is Mr. Val Werier who is an editor of the Winnipeg Tribune and a man of great empathy, a man of very sincere concern for his fellow man and I think a very excellent member of the Law Reform

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(MR. MACKLING cont'd) Commission. Another member of the Law Reform Commission is Dr. Ken Hanly of Brandon, who is a professor there, has a very keen interest in all aspects of the law and its practical application in society. So with this combination of persons who are both lawyers and non-lawyers reflecting a cross-section of interest in society, we have had a very excellent amount of work that has been forthcoming from the Law Reform Commission and I hope that before the session is ended, as I indicated earlier in my introductory remarks, I'll be able to table a copy of the 1973, or 1972 I guess it is properly, report of the commission. I had earlier I think filed a report of the first year's operation.

The Honourable Member for Rhineland alluded to a particular case, he happened to mention a particular vocation and said there was an assault of some kind. I don't know anything about that but I certainly wouldn't pick out a particular vocation and say are we going to do something about that. If there is a specific case it's referred to my department and we certainly deal with it without any bias or prejudice or partiality to anyone, but I wouldn't single out a particular vocational group and say what's wrong in that area. If there is a general problem then of course we would look into it.

Now he's concerned about the leniency, whether or not we have been too lenient. I think the honourable member if he follows the course of activities of my department in its taking cases to the Courts of Appeal would recognize that we are not being indifferent to the decisions that are handed down by our provincial judges and where we are concerned that there has not been sufficient consideration for the gravity of the offence and the sentence is being far too lenient, honourable members will know that we have taken cases to the Appeal Court and just the other day in response to a question from the Honourable Member for Thompson, I confirmed one such case.

The honourable member indicates that some police are concerned about the apparent indifference of people in society or laxity in respect to the laws. I can assure you that that is one of the reasons why we established a Manitoba Police Commission, a Commission that is empowered with a broad range of responsibility and they have prepared plans for a broad range of activity to facilitate the development of better relations and more cross-participation between police and society, and perhaps when I come to a specific item I can enlarge on that.

Concern about drugs in society, and of course we all are concerned about drugs in society and I suppose I could spend at least 30 or 40 minutes just talking about that question. But the advice that I get is that the soft drug situation in our schools and in our society generally if anything, seems to be in somewhat of a decline. There is still an ever-increasing incidence of hard drugs and a conversion perhaps maybe of some of the worst cases of soft drug use to hard drugs, I'm not sure. No one is particularly certain as to the cause of excessive drug use in society, nor do we have ready answers for it. All I can assure the honourable member and the House is that we are most concerned; we have made provision again in our Budget for further increases in police services in that field. We are concerned also in respect to again the area of good public relations in respect to the police in society so that they won't be looked upon as enforcers of the law but persons who help people in society with their problems.

I would like to certainly thank the Honourable Member for Winnipeg Centre for his very kind remarks. I agree with very much of what he said in response to the Honourable Member from Wolseley, whose remarks I now wish to turn to. I really have some misgivings, Mr. Chairman, in endeavouring to deal with everything that the Honourable Member from Wolseley has said in any great detail because he did cover a great range of problems; but perhaps I'll be able to deal with some of the salient aspects of his contribution. He was concerned about a loss of respect in society, the alienation of youth, the concern of people that our laws are not appropriate, they're not fitting, and that is one of the reasons why we're concerned to have a living law; that's one of the reasons why we established a Law Reform Commission; that is one of the reasons why we have moved quickly in respect to the development of a number of programs such as the Human Rights Commission, such as the Manitoba Police Commission, to develop input in areas where we consider that the law must be seen to be living and moving forward with the times and reflecting the concerns of the people.

Now the honourable member did pay some recognition to the fact that this government in its term of office has moved relatively quickly in respect to a number of areas and he did refer to the Ombudsman, the Rentalsman and the Consumers' Bureau. And he indicates concern that the Ombudsman, somehow his hands are being tied or he is given a lack of authority, his

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(MR. MACKLING cont'd) area is too restricted. Mr. Chairman, I want to assure you that in the areas of jurisdiction that the Ombudsman has he has no restrictions. The Ombudsman in this jurisdiction in Manitoba has far greater jurisdiction than some of the other areas where ombudsman legislation has been passed. I regret the fact that the Ombudsman does not have jurisdiction in respect to matters dealing with local government. That's a matter for local government to recommend and I for one at this stage at least don't want to insist that local government must accept that responsibility. Let's give them an opportunity to weigh that very carefully.

But, Mr. Chairman, I want to go on and say that it isn't just you know the introduction of such things as the Ombudsman, as important as that is, that this government has done. Despite the fact that this government takes the position that government in society must be a positive, intervening force to insure economic and social development in society, we are most concerned, with the protection of human rights, the protection of privacy, the protection of personal integrity and character and the development, the fulfillment of personal character and personality in society. So, Mr. Chairman, it was with that undergoing concern for rights, not ethereal rights, not paper rights, not platitudes, but significant, specific rights for people, that this government moved quickly on a broad range of programs to develop and entrench rights for people in society. We not only passed The Ombudsman Act which gives a protection to people from the bureaucracy of government; not only did we establish a Consumers' Bureau, which again has an intervening influence to protect rights in the marketplace, we established such things as the Human Rights Commission itself as another intervening force, a positive one to develop greater equality of rights and to effectively deal with discriminatory practice, but we passed such laws, for example, as The Privacy Act where people now have a right of action in court for an infringement of their privacy. And that is unique legislation. We also established, we passed legislation, The Personal Investigations Act, a unique piece of legislation probably still in Canada, the Province of Ontario is now considering similar legislation, and it gives basic protection to an individual in respect to the reporting on that person of credit agencies and otherwise that have a basic influence on the ability of that person to function in society, to get a job, to get credit and to participate in society. These are fundamental, real benefits to people in society, they're not just discourses on rights. They are effective measures to protect rights.

He talked about positive measures and I've already referred to the Law Reform Commission, the Human Rights Commission, the Police Commission. We've done many more things. The Rentalsman, the Honourable Leader of the Liberal Party referred to. That law, the landlord and tenant law hadn't been touched for years and we moved quickly to examine that law in detail and we heard submissions, public submissions. The legislative committee met and heard them and then we made very very substantial changes in that law giving much greater right, much greater right to individuals in the field of landlord and tenant law. These are significant changes, not platitudes, not mere pronouncements of programs but positive changes for the development of laws.

We passed legislation to provide compensation to the victims of crime. You know a lot had been talked about, nothing had been done, so that now in society individuals who are the innocent victims of crime at least are entitled to some compensation, at least in as equal measure as an injured workman. We haven't squandered our money. As I indicated in my introductory remarks, we utilize the aegis of the Workmen's Compensation Board to carry out this program.

Then, Mr. Chairman, the very very significant change in legal aid. Legal aid, there was no question that before the development of this program there was a very marked difference in the status of people who appeared before our courts. There were those who could justly claim that there was a law for the rich and a law for the poor.

MR. CHAIRMAN: The Honourable Attorney-General has five minutes.

MR. MACKLING: Because it did matter, it did matter whether or not you could afford counsel. You can talk all you like about bills of rights and the right to counsel, and the Honourable the Prime Minister of this country, Pierre Elliott Trudeau, has talked about equality and the rights before the courts, the rights to counsel, and prime ministers of this country before have talked about the same thing; and ministers of justice have talked about it before. But what did they do in respect to rights, fundamental rights to provide equality before the

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(MR. MACKLING cont'd) courts? They turned their back on citizens in society and there were rights for people who could afford them. Rights, yes, rights in the laws, all the rights in the laws, but if you didn't have the wherewithal you couldn't have those rights advanced before the courts. We moved quickly to make some change in that. We haven't got a perfect system, Mr. Chairman, but it's a far cry from what we inherited when we came to office. We are now with a budget of \$1,400,000 in respect to legal aid. When the Liberal Government in Ottawa - and the honourable member should be quick to criticize this - when the government in Ottawa said that they were going to make substantial improvements, financial participation in the fields of legal aid and compensation to the victims of crime, what did they come up with? They came up with a program which is very limited, very limited. The maximum contribution in respect to legal aid is limited to criminal matters only, not civil; and despite the fact that a very large percentage of civil legal aid deals with areas of the law that are the direct and overriding concern of the Federal Parliament - and I refer to the whole field of matrimonial causes - and when we exhorted them to at least have some recognition for their responsibility in other areas they turned a deaf ear. And this same government in Ottawa talks about human rights and equality of rights and bills of rights and freedom and justice before the courts. But a poor person has no right in that court to divorce or matrimonial relief, legal separation, maintenance. These poor people can't get those rights but the wealthy can. And the honourable member has a party in Ottawa who continues to talk about rights, and the honourable member continues to talk about rights, but nowhere have I heard him, Mr. Chairman, stand up and condemn the Federal Government for not doing a better, not making a fair contribution in respect to a fundamental right for the people of Manitoba.

The honourable member should have joined with me in criticism of the Federal Government in respect to its token contribution in respect to compensation for victims of crime. Five cents per capita. It will amount to about \$50,000.00. Now the Budget we have here indicates a costing of \$150,000; that's what we have budgetted for on the hard basis of what we have seen already in the past year and a half's operation, and we fully expect it could go to \$200,000.00. But a Federal Government that is concerned about rights, equality, freedom, and the participants in that same political party in Manitoba haven't said a word about that niggardly contribution. I ask the Honourable Member from Wolseley to rise up in his place and condemn with me that sort of token contribution on the part of the Federal Government.

Now, Mr. Chairman, there are many more things I would like to say in connection with the honourable member's remarks. He talked about, he talked about again responsible government and free voting and I say to him -- I don't know whether I can equal the contribution of the Honourable Member from Winnipeg Centre, but that sort of comment, that sort of assessment is certainly rather difficult to accept from someone who is so recent in this Chamber. I for one, Mr. Chairman, have not long been in this Chamber to enjoy the traditions and the formality that we see, but there's no question but this form of government, this form of responsible government has been successful in bringing the rights of people forward in a proper way. And if you look to the congressional system, look at the inequalities that exist in that country. Look at what they have for medical and hospital assistance. Look at the various diversities of the laws of the states. Look at the confusion that exists in that part of the country. And he wants us to emulate that form of government? Heaven forbid. Surely, Mr. Chairman, we want to avoid that sort of thing. Just as the Honourable Member from Thompson wants to avoid what he sees in the so-called development of human rights there, and I share some of that concern.

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

MR. GRAHAM: Thank you, Mr. Chairman. Mr. Chairman, it was rather interesting to listen to the Attorney-General; in the last few minutes he became quite exercised and expressed his concern about the rights of people in the Province of Manitoba. Continually he stressed the question of "rights". We heard this morning a rather interesting address by the Member for Wolseley who expressed his concern in a very capable way regarding what he considered to be some of the wrongs that were brought forward by this government and his suggestions for the improvement to facilitate the affairs of the Province of Manitoba. He suggested that whenever government makes any major decision regarding an expenditure of considerable amounts of money that we should hold hearings, that everyone should have the right to listen, to be heard, and in the meantime the affairs of state will wait. This is the man who says that

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(MR. GRAHAM cont'd) some day he hopes to run the affairs of the Province of Manitoba, and I just wonder, Mr. Chairman, if this is the way he intends to run the affairs of the Province of Manitoba. How slow and how long the people of Manitoba would have to wait before any decisions were made. When we talk about the administration of justice we're referring to the Department of the Attorney-General, but justice doesn't only exist in the Department of the Attorney-General; it has to exist throughout the entire province in all aspects of government.

Mr. Chairman, the position of government in conducting the affairs of state is a rather precarious one. The Attorney-General expresses his concern about the rights of the individual and he listed at great length all those rights. And if he's going to protect all those rights then I say that we would be so concerned in this province with judicial matters that very little would be done. He didn't mention any of the wrongs that occur in the province and he didn't mention what he is planning to do in trying to correct some of those wrongs, and government has to tread a very careful path in trying to protect the rights of the individual but at the same time proceeding with the affairs of state in such a manner as to expeditiously speed the process of government. Because one of the fundamental problems that exist in society today, Mr. Chairman, exists in the minds of the majority of the people of this province, is the relative slowness with which the wheels of government turn. The report of the Ombudsman I think only emphasized that even further and the frustrations that are expressed by the Ombudsman in his report certainly should be food for thought for the Attorney-General in his efforts to speed the process of justice and correct the wrong that exists.

Mr. Chairman, some of the wrongs that in my opinion exist in this province I attempted to elaborate during the Budget Debate and after much furor I think I did achieve to some extent an expression of some of the injustices that have occurred through the administration rather than the legislation in this province. And here I refer, Mr. Speaker, to the actions of the Liquor Control Commission where we have legislation that was passed with a specific purpose in mind and by the time the wheels of government turn, we find that we get into the actual field of application, the intent of the legislation in fact became lost and actually the exact opposite occurred. I was hoping that when we came to the specific item in the Estimates dealing with the particular commission, the Liquor Control Commission, that I would be able to speak on that particular item. However, because the Liquor Control Commission does not require an input from the central treasury, we find it is not listed in the Estimates, so I feel that I have to pretty well speak on the Minister's Salary in order to make my comments known in this respect.

I would be very surprised, Mr. Chairman, if it did occur in the Estimates because the report of the Liquor Control Commission states that over \$100 million was taken in last year and there's a net profit, or a net income to the province of very close to \$40 million in their estimates. This is a lot of money, Mr. Chairman. It represents a significant contribution to the revenue of the province, and in that respect I think it deserves considerable examination by this Chamber.

As far as I know there is no body of the Legislature or no committee where the members of the Legislature can examine the activities of this commission, where the Chairman of the Commission can be called before a body of this Legislature to explain their actions and to also submit their proposals and their plans for the future. I think that this is probably the only place dealing with the Minister's Salary that we as members of this Chamber can effectively examine the affairs of that Commission.

And there have been a few things that concern me, Mr. Chairman, about the actual operation of that Commission. It was a little over a year ago, I'm not exactly sure of the date, when we had a little bit of a furor regarding a decision of the commission to limit the activities of certain beer parlours and hotels along an area in the city commonly known as "The Strip". The number of patrons was reduced, the seating capacity was reduced, and here again I will have to paraphrase the words of the Minister in what he considered at that time to be an effort to maintain more effective control over the operations of the various hotels and beer parlours and control of the clientele. And it's interesting to note, Mr. Chairman, that while they were doing this with the beer parlours we now find that the Liquor Control Commission which operates its own stores, and the stores in that particular area have now had their hours extended. Maybe it's in an effort to more effectively promote the sale rather than curtail the sale. I would like to know why the hours have been extended when just a short time ago every effort

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(MR. GRAHAM cont'd) was being made to curtail the sale of alcohol in that particular area. I think the Minister should explain to the House why this is being done. I don't think that he would want to state that government through their own stores were trying to curtail the activities of private enterprise. I don't think he would want to say that. But it is rather strange that efforts are made to curtail, or to further regulate the activities of private enterprise in that area while the hours of sale of the government stores are being extended.

Last Christmas, Mr. Chairman, the Liquor Commission through its chairman, and in fact through the Minister who is responsible for the report to the House here entered into a TV advertising campaign which in a negative way in my opinion, Mr. Speaker, seemed to promote additional use of the product rather than curtail or have a more judicious use of the product that this government sells. I question whether the program that the Minister and his appointed officer carried out had the effect that was intended. We do know that the advertising that has been done has been prodigious, it certainly had its effect because we see sales rising. And at the same time we don't seem to find any significant increase in the amount of money allocated by the government to correcting the ills of those that excessively use the product sold by government. The amount of money that this government contributes to alcohol education and rehabilitation in comparison to the total amount of money received by the province is nothing more than a pittance.

I feel that this is a field where we can have further debate when we come to the Estimates of the Department of the Minister of Health; but while we're talking about the revenue of the Liquor Commission, I think it's worth passing reference to mention in comparison to the revenue, the amount of money that is spent in alcohol re-education, is nothing more than a pittance.

Mr. Chairman, another matter that does concern me in the operation of the Liquor Commission is a question that has been brought to my attention more than once in my constituency. This is the indiscriminate manner in which the appointment of liquor outlets is made in rural Manitoba. Approximately a year and a half ago, I understand that a survey was made of the unincorporated village of Elphinstone, and as far as I can ascertain the inspectors had examined the possibility of several locations for a liquor vending license in that town. And yet to date, a year and a half later, there is still no outlet and the people of the area who probably would like to do their marketing in that town, are finding that if they want to purchase alcohol for home consumption they must go to other towns, and in doing so, there's a very good likelihood that they will make their other purchases at the same time. I believe that this is not helping the local merchants in the promotion of their village. I believe that it is adding to the problems of rural life and small villages, and I have failed to see where there has been any consistent program developed whereby one outlet will be approved in one village and not approved in another. I think that at one time the Minister did indicate that every effort was going to be made to accommodate the people in rural Manitoba but in this particular instance we find that he has not taken any action to date. I would ask him if he would investigate and report so that the people of Elphinstone would be either told once and for all that they were not going to get an outlet in their village or told that there would be one there in a very short time. I would ask the Minister to consider this and either report directly to the House or to the community directly or through myself. I would appreciate his attention to this matter.

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MR. CHAIRMAN: The Honourable Member for Roblin.

MR. J. WALLY McKENZIE (Roblin): Mr. Chairman, I have a few remarks I would like to draw to the attention of the Honourable the Attorney-General dealing with the subject matter of his Estimates, and one having been related to a problem, the Liquor Commission, I must speak under the Minister's Salary. But may I thank the Honourable Minister for moving forward with some of the problems of policing out in rural Manitoba. He mentioned a certain figure in his Estimates about Ethelbert. It's very encouraging and I'm sure those people are going to be very happy. There also -- and of course we haven't got the money or the resources to deal with every Village in the province, and I came across one here last year and again it raised its head again this year, a problem of two elderly ladies in the village of Pine River and they happen to be living in an area where their neighbours are rather unruly people and these two elderly citizens become very unhappy and write me and I think I've drawn it to the Honourable the Minister's attention the last year or this year, and it's difficult because the police are so far away and it's a tough problem to resolve. The only thing that I could suggest to the Honourable the Attorney-General, that maybe if these villages -- the RCMP they should some way -- it's unorganized, it's under the LGD. Possibly they could hire somebody in the village to police themselves. I don't know. It's a different problem to resolve but I'm sure the Honourable the Attorney-General has it under control.

The problem basically that I have had again deals with the Village of Pine River, is that a Mrs. Kostiuk there has made application on several occasions for license in her restaurant, and I find it very hard to understand why the Liquor Commission denies this lady her application. That is the only restaurant between Dauphin and Swan River and I don't know if the Honourable the Attorney-General knows the distance of miles that's involved there, but it's some 120 miles. In correspondence and letters back and forth and Mrs. Kostiuk appeared before the Liquor Commission, she has spent considerable sums of her own money in bringing her building up to what she thought was a reasonable standard. She appeared before the Commission and she's been turned down, and there's a letter saying here - I have some letters - because she has a pinball machine in her little restaurant that she can't qualify. Another one mentioned that the majority of the patrons are juveniles in the area but I'm sure that any restaurant out in rural Manitoba has to have patrons of juvenile age because if the restaurant is an ongoing one that's where the young people go, but this lady has served that area well and as I say it's the only restaurant between Dauphin and Swan River, and I would hope that the Liquor commission would take another look at it and the number of tourists that travel in that area. The lady is doing an excellent service and I don't want to go into it in any great depth but I hope that the Attorney-General will draw it to the attention of the Commission, and I think the people of rural Manitoba, especially, that vast area in there deserves something equal to the larger urban centres and if it can't be a beer and wine and hard liquor licence, then make it beer and wine, but I'm sure that the Liquor Commission could go in there with the staff that they have and help Mrs. Kostiuk resolve this problem. She's spent a lot of her own money. I don't know, the one letter mentioned some \$3,000 that she spent of her own hard-earned dollars and she still hasn't been accepted as being capable of a licence.

There's another thing that some of the hotels in the area have asked me to draw to the Honourable the Attorney-General, in their problems with the regulations under which they must operate, and the one that seems to come up consistently is the one where the hotel man is penalized and not the minor. If a minor is found in a beverage room, in all cases it's the hotelman that's at fault, and the hotelmen in all good faith - and do a very good job in my opinion - they say that it's hardly fair for them to have to bear the whole brunt. I'm sure they'll accept 50 percent of the responsibility but they don't feel that it's fair to have to accept it all. They police their places in my constituency, I think, very well and find it very difficult to assume that they're fully responsible. I'm sure the minors or the people, that they know that they are not allowed to patronize these licensed premises.

The other thing that continually comes up in the country is the matter of trying to keep the cleanliness of the carpets. The regulations state that it must be a carpet in the beverage rooms if they're going to serve hard liquor, and I know of two or three instances where it was an excellent tile floor that was there before that was scrubbed every night with a disinfectant and spotlessly clean. They find, the hotelmen, if you haven't got paved streets and, you know, up-to-date cement sidewalks, that these carpets just become filthy dirty

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(MR. McKENZIE cont'd). . . . with the dust and the mud that's tracked in, and it's darned near impossible for them to clean them with the equipment that they've got, and maybe a review of the regulations, in especially rural Manitoba where there is mud and that that's tracked in when it's wet, it becomes a real problem for them to keep up to the standard of cleanliness that they had with the tile floor and to match that with a carpet. It's not an easy problem but I think that if the regulations were a little more flexible in those cases it would be a better relationship.

The other one that a couple of my friends in the industry have drawn to my attention, is that when the customer leaves the hotel premises after he's had some liquor, the hotelman is responsible then for his actions. Is that correct? That one, I think, has created some concern because how can a hotelman be responsible for somebody that's had two or three beers and goes out and wrecks a car or becomes unruly on the streets because he's been in and had a couple of beers? I don't know, it's one that I think deserves another look at.

And there are some concerns, and I'm sure the Honourable the Attorney-General has had these drawn to his attention, that especially in the country, the country hotels feel that they should be allowed to be a vendor of wines as well as beer. It's something that's maybe not that important but it certainly is something that they are rather uptight about. They feel that they have the facility there and they are vendoring the beer already, and why not let them have the wine?

The other one was the slips that they still have to sign those slips in the country, and yet if you go to the liquor store you don't have to sign, and the hotelmen in my constituency feel that as much as it -- you know, it's a regulation that maybe it should be the same general form for all over the province.

There are a couple more small items that -- and I think these are rather -- he mentioned when you have to pour from the -- one vendor or hotelman told me when you're pouring liquor from a jigger to a shot glass for serving at the table that a certain amount is left on the wall of the glass and the customer isn't getting his value -- and of course you can't win on that one. Anyways, those are the few remarks that I would want to draw to the Honourable Attorney-General.

MR. CHAIRMAN: The Honourable Member for Sturgeon Creek.

MR. J. FRANK JOHNSTON (Sturgeon Creek): Thank you, Mr. Speaker. I'm glad that we have come to the point where we're speaking on the Manitoba Liquor Control Commission, and I might say that it does my heart good to see the Attorney-General on television with the Chairman of the Commission, standing advertising not to drink quite as much and be careful, and at the same time we're making it more easy to get, you know. We're making the liquor Commission better, we're putting the guys in different uniforms and fancying it all up, and really, as we all know, the goodies that come back from this government that we continue to hear, they again dress up the Liquor Commission so they can get them using that money to buy liquor, and that's more tax and that's more goodies and that's more control -- and that's what it is. But quite frankly, it seems a little bit hypocritical to me to see this carrying on as far as the Liquor Commission is concerned and we see, as far as I'm concerned, too much advertising by the Liquor Commission. I'd like to see more of that \$39 million going into better places, Mr. Chairman.

We have been opposed on many occasions in this House from advertising of liquor before 10:00 o'clock at night on the media, and if that is the case, if we do not allow that type of -- if we're that insistent with other people advertising to sell their products, we should be the same basically with the Manitoba Liquor Commission. And during those debates that we've had about advertising liquor on radio, many of that side of the House, Mr. Chairman, have always said, "You know, it's available. It's there. You can get it. We don't have to push it." And now we find the Manitoba Liquor Commission becoming the greatest advertiser of their products that I've ever seen, and then on the other side of the fence the Chairman gets up in his noble, nice way on television and says, "You shouldn't have more than one glass in front of you. Take it easy." Do this. Do that. Now really, I think we see too much of them on television. If you're going to have people doing things to stop people from drinking or using too much alcohol, Mr. Chairman, there are people in this city such as alcoholic foundations, Alcoholics Anonymous, that know more about people and helping people and discouraging people to drink than the Liquor Commission will ever know, and they should be putting their

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(MR. JOHNSTON cont'd). . . . efforts in that respect and their money in that respect instead of blowing it on television.

Mr. Speaker, the comments that the Honourable Member from Roblin made about carpeting is something that I have to comment on also. In fact, the curling club that I curl at and the golf course that I golf at, you know, we have carpet in the dining room area and we have to have a place where there's a lounge and we'd like to dance once in awhile, and we damn near have to hire a group of people to roll up the carpet every time we want to have a dance, you know. And underneath that carpet we've got the most beautiful designed floor you've ever seen. In fact I invite the Attorney-General to drop in to these places which are in his constituency, and look at the floor that there is in the Deer Lodge Curling Club and explain to me why they've got to spend that kind of money on a carpet. Now that is, that is really ridiculous. I can't understand it. You know, I can understand if you said carpet halfway down or three-quarters of the way down, but for heaven's sake, why can't we leave some room, some room for dancing? And you know at a curling club, Mr. Chairman, the men come in, curling brooms, they've come off the ice, and we have to go and spend a lot of money on a carpet to cart back and forth. Quite frankly it just is not a practical thing.

Mr. Speaker, it's a petty thing and I think if we're going to get rid of petty things in this government or in this province I think that's a petty thing that you could take a look at, Mr. Chairman, this business of not more than one drink in front of you at one time. I would say that the people serving the liquor, or the proprietor, should make sure that his bartenders etc. should be making sure that the days are gone forever when we have a group of people walking in and spilling a table full of beer. I don't agree with that. I don't agree with five or six or three drinks even in front of people, but when the waiter is there and you say bring another round, the only thing you accomplish when you bring that drink if the man isn't finished is you make him drink it faster or else you make him pour the shot into the glass he's got and he's got usually a stiffer drink than he wants. So why don't you just -- why doesn't the Liquor Commission or the government, who has the right to look at these laws, stop being petty and change them so that they're practical instead of stupid? And if the law was stupid when it was put in, if we put it in, I still say it's stupid and in enforcing a thing of that nature the way it has been enforced lately, Mr. Chairman, only makes the person drink faster or have a stronger drink than he wants. And, Mr. Chairman, those things should be looked at. As I say, we're seeing too much advertising out of the Liquor Commission at the present time.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Mr. Chairman, I'll follow my usual practice and go in reverse order dealing with the criticisms and observations that have been made, because they haven't been all criticisms and I appreciate that. Dealing first of all with the contributions of my MLA, the Honourable Member from Sturgeon Creek, I . . .

A MEMBER: Don't get too patronizing. He won't be your MLA very long.

MR. MACKLING: I want to indicate my pleasure in his acknowledgment that the advertising in respect to the moderation campaign by the Liquor Control Commission obviously was seen by many. I presume that not all people obviously responded to it in the same manner that was expected. I'm sure that some people did feel that there was room for rethinking their drinking style and their habits, and I hope or at least I would like to hope that the message that was conveyed was not one of restriction and prudery or anything like that, but a frank acknowledgement to people that if you're drinking, if you're going to drink, then drink in moderation because the price to society is inordinate when people drink to excess. And that is the message. That is a modern message, one that I think is effective.

You know, the Safety Commission at one time had a campaign, "if you drink, don't drive," and you know that was a real sincere effort to try to restrict the mayhem on the roads, the slaughter on the roads as the Honourable Member from Thompson has referred to it, and that is a very terrible thing. And what we're trying to get across to people is if they're going to drink, and we can't prohibit drink in our society - we tried it many years ago - then at least have the good sense to drink in moderation and enjoy it, and not take home problems into your family. Don't go home drunk. If you're going to be in a beverage room or a cocktail lounge or somewhere, take your time. Surely the administration, the proprietors of those facilities, aren't anxious that you down your drink and you get out, or you down your drink so you can have another. Surely it's responsible in our society to urge people, urge people to drink

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(MR. MACKLING cont'd). . . . moderately, and that's what that campaign was about and I think it was a good campaign and I think it was worth doing, and I have no reservations about my positive attitude toward it. And I don't think, Mr. Chairman, that we're being hypocritical in urging people, urging people with all the sincerity and all the conviction we can: For goodness' sakes, for goodness sakes' be moderate'. Be moderate in your habits. And that will certainly help.

Now by the same token, the same token, we have to face up to the fact that there are people going to drink and we shouldn't punish them for the fact that they want to drink, and the fact that we have made facilities available on a more reasonable basis for them to purchase drink is certainly not inconsistent with at least treating people as responsible people in society. Now the honourable member suggested that as being hypocritical. I deny that categorically and I do it in not a heated or in a prejudiced way but in a very moderate way as I would expect that he would approach the question.

Now he indicated his like concern with the Honourable Member from Roblin for what he considered to be a rather petty attitude towards carpets in some of these licensed liquor establishments, and I frankly am not - I'm not super-defensive about that at all. I think that the Liquor Control Commission has to be reasonable, has to be flexible, has to look at what is in the best interest, not only of the licensee but the patrons of the particular licensed premises, and if there is too rigid a policy I think that the Commission should look at that. I don't think that necessarily it is. I think that they have urged that in licensed premises there be space available for dancing and I think that that is not unreasonable. But I really don't know. I think that the Liquor Control Commission, the people there can probably point out that carpeting not only is good from a sound point of view, the acoustics are better, there isn't the same tension in a room that is well-carpeted where there are a lot of people speaking, a lot of movement, and that carpeting despite some problems that some people think may exist, is relatively easier to keep clean than tiling because tiling immediately shows the dirt or any scuff marks and so on, and people in commercial enterprises, in restaurants, seem to indicate a positive acceptance of carpeting today as against tile yesterday. And we find much more carpeting in our homes for these same reasons. The women say that carpeting is much easier to look after and to take care of than the old fashioned tile. Now I'm not an expert in this field. I really don't know. I like to think that the Commission is reasonable, flexible in its attitude toward it.

Now about --(Interjection)-- Oh, my honourable friend from Wellington says what about sawdust? Well, you know, I suppose in a kind of unique decor you might want to have that, I really don't know.

But the Honourable Member from Sturgeon Creek referred to another matter that has had considerable publicity and some of it the reaction, I admit. There have been people say, you know, you're being too rigid or the Commission is being too rigid in its attitude, but the law is there that there shouldn't be service of drink while there is still drink there, and I'd like again to think that there is reasonable discretion, reasonable latitude provided in the inspection and the control of licensed premises. But surely again, we want people, we want people not to load up their tables. And this was the practice, this was the practice until the Liquor Control Commission started to crack down about this. The tables would be loaded, loaded with glasses or bottles of beer, loaded with drinks, and surely we want to discourage people from loading up like that. And then they feel that if it's there they have to drink it and --(Interjection)-- Well, you know, Mr. Chairman, I hear remarks that it's the other way. I haven't heard that from many people. --(Interjection)-- Well, Mr. Chairman, I am sure that if that is the consensus of feeling that does exist in the province that the members of the Liquor Control Commission will be receptive to that kind of opinion but that isn't what I have heard to date in respect to this campaign. Again it's consistent with a campaign. If you're drinking, drink moderately. Don't load up, don't either -- don't either load up the table or load yourself because to many people alcohol is like loading a gun and they become violent in society. With violent. . . --(Interjection)-- I'll answer your question in a moment. Violence either personally or violent with their driving habits or in their attitudes when they're at home. And I think that all members should want us, should insist that we rigorously campaign for moderation in this area. Now I know it's going to create maybe some adverse feelings but I think if we have

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(MR. MACKLING cont'd). . . . to pay for a little adversity, a little irritation then I think that is worth it if we can have the effect of reducing the adversity in the home.

Now, Mr. Chairman, I want to briefly refer to the comments of --(Interjection)-- Well I'll answer you if I have time, the Member from Rupertsland because I do want to complete before the hour of adjournment. The Honourable Member from Roblin was concerned about slips at hotel vendors. Again this technique has continued to be used by the Liquor Control Commission because I think it's a control measure that hotels in addition to being vendors sell beer on premises, that is within the facilities, and apparently it still has some importance to the Commission and that is why they have retained those.

In respect to country hotels wanting to sell wine as well as beer, well I suppose that, you know, that's not to be unexpected. However, as I indicated in the - or as was indicated in my opening remarks, I believe we are going to have a further review of liquor legislation and I suppose that hotelkeepers will certainly want to have their say about any changes in the scope of their operations.

Now there was also the concern that the honourable member had that in the event that there is an infraction of service in a licensed premises and that the hotelkeeper seems to pay more dearly than the individual who has caused the infraction. And I guess, you know, that measure of inequity just has to be inasmuch as the greater onus has to be placed on the hotelkeeper because he is the one that makes the decision to serve or not to serve, to accept as a guest or not to accept as a guest. That has been the tradition of the law and I don't think that in practical effect it has been all that difficult.

The honourable member was concerned about continuing responsibility of the hotelier or the licensee when someone has left his premises and been involved perhaps in an accident. I think the rigour of the law is only in effect in the event that it is demonstratively shown that the hotelkeeper or other licensee knowingly continued to serve that person after they had, obviously had been drinking in excess.

I think I dealt sufficiently with the question of carpeting and so on like that. The problem of the individual that the member raised I'm sure is one that has been looked at by the Commission and will continue to be looked at.

The Honourable Member from Birtle-Russell really you know, showed the paradox of his thinking because he started out in a critical way indicating that the Liquor Control Commission would seem to be bent on making liquor more available to people, promoting its sale and so on but then when he came to the end of his remarks, it was interesting to note that he then was promoting. He then was concerned about a community in his constituency who wanted greater convenience to liquor; they wanted a liquor outlet in his constituency. Now I want to - I wish he were here to recognize the ambivalence in his argument. First of all he's accusing us of making liquor too much available, then he's saying why haven't we got it in that community. Now surely, surely the honourable member should be consistent himself. The fact is that we want, we want moderation in society but we certainly don't want to punish people if the system is such that people want to drink. And we have, we have made, we have made liquor outlets available in communities in a great number more communities than were in the past because we believe that people should not be too greatly inconvenienced in their being able to go to a recognized licensed vendor and acquire their liquors if they so choose to do. But we haven't, we haven't been indifferent about the needs of the community, communities that really don't want these facilities either. So we - I think we have been very reasonable and responsible in our approach to those requests.

The honourable member, same Honourable Member from Birtle-Russell indicated something of the same criticism about the TV or radio advertising in respect to the moderation theme and I don't think I have to repeat my remarks there. He indicated that the results were more sales. Well I really don't think that that's attributable to a concern for moderation.

Now he also was critical, he said that despite all its additional revenue, there isn't more money being spent on remedial programming for those who have fallen victim to alcoholic disease. And I deny that categorically. And the honourable member in fact before he had taken his seat did recognize in his remarks that the moneys for that sort of program are not found within this budget at all, not within the Attorney-General's Estimates because there is no reference to dollars here at all. When we do come to my colleague the Honourable Minister of Health and Social Development Estimates, you will find that there has been substantial

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(MR. MACKLING cont'd). . . . increase in moneys available and appropriated for this kind of relief. And I for one have been strong in my advocacy of further assistance in that area because it is no tribute to a society when we don't look after those kind of problems.

Now I think, Mr. Speaker, I have covered pretty well all of the points that were made by honourable members and if the honourable member has a question now I think I have a couple of moments left to answer.

MR. CHAIRMAN: The Honourable Member for Rupertsland.

MR. JEAN ALLARD (Rupertsland): I wonder whether the Minister is aware that the way the regulation is being applied it means that all the glasses on the table have to be emptied before another round is placed and that it effectively in practice puts pressure on the individuals who have half on the slow drinkers to speed up their drinking to keep up with the others. That's the effect and with more inebriation as a result. Nice word, eh?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, as I understand it, the law and the regulations apply to the individual drinker and not to table. Now if the honourable member suggests that there can be no other glasses on the table despite the fact there are four or five or six people there, obviously if the glasses are situated on the table immediately before the one person then I would suppose that the inspector or whoever was determining the nature of the regulation would assume that that person had, you know, had all that liquor at his disposal. If it was obviously appropriated for the different ones at the table, I would assume that common sense would prevail.

MR. ALLARD: Finish this question that, Mr. . . .

MR. CHAIRMAN: The hour being 4:30 . . .

MR. MACKLING: I'm at your liberty, Jean.

MR. CHAIRMAN: Leave?

MR. ALLARD: Very short, very short. All right.

MR. CHAIRMAN: The hour being 4:30, last hour of every day being Private Members' Hour, committee rise and report. Call in the Speaker. Your Committee of Supply asks me to report progress and beg leave to sit again.

IN SESSION

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

MR. WILLIAM JENKINS (Logan): Mr. Speaker, I beg to move, seconded by the Honourable Member for Point Douglas, that the report of the committee be received.

MOTION presented and passed.

PRIVATE MEMBERS' RESOLUTIONS

MR. SPEAKER: First item is private member's resolution, Resolution No. 2 The Honourable Member for Lakeside. Goes down to the bottom.

No. 3. The Honourable the Leader of the Opposition.

No. 4, the proposed motion of the Honourable Member for Emerson. The Honourable Member for Sturgeon Creek. Order please. The Honourable Member for Brandon West.

POINT OF ORDER

MR. EDWARD MCGILL (Brandon West): On a point of order, Resolution No. 3 is shown in the name of the Honourable Member for River Heights, the Leader of the Opposition. I'm under the impression that he spoke and that should be in someone else's name then.

MR. SPEAKER: Yes it should be in the name of the Honourable Member for Radisson on my book.

MR. MACKLING: Well, Mr. Speaker, the Honourable Member for Radisson adjourned the debate.

HON. RUSSELL PAULLEY (Minister of Labour)(Transcona): Mr. Speaker, there's no adjournment, there's no adjournment on any private member's resolution. If it stands in the name of the Honourable Member for Radisson, if he is not present then he goes down to the bottom of the Order Paper.

Mr. Speaker; Order please. I am informed that the resolution has been spoken on by a number of members. The last person to speak on it was the Honourable Member for

POINT OF ORDER

(MR. SPEAKER cont'd). . . . Radisson. His time had expired just at the hour of 10:00 o'clock or whatever it was. And the resolution is now open. The Honourable Attorney-General.

PRIVATE MEMBERS' RESOLUTION cont'd

MR. MACKLING: Mr. Speaker, I want to speak but briefly on this resolution - this Resolution No. 3, and indicate my basic agreement with the import of this resolution. We on this side have consistently indicated that we are in favour of maximum disclosure of the concerns and interests of government consistent with good, reasonable practice having in mind that there may be particular areas of operations where it would be imprudent or unfair to have the kind of involved and specific disclosure which would be harmful in respect to the actual relationship of certain people involved in the activities of the various boards, commissions or entities that are established by government. But short of that, short of that exposure in areas where they might be dealing with personnel relations, personal financial relationships or contractual relationships that would not usually be exposed publicly or expected to be exposed publicly that there's no reason why boards and commissions and Crown corporations could not make response to standing committees as is suggested in the resolution.

I might say that I know that I speak for my colleagues when we frankly indicate that we have not been aware of the bases of financial arrangements respecting some salaries in respect to some Crown corporations or institutions, say for example University of Manitoba. And the Honourable Member for Thompson our former colleague will readily admit that we never received as a matter of course information in respect to those operations and I see no reason why there should not be a formal public accounting. Now the extent of the detail I'm rather uncertain of at this time but I think that society expects there to be the fullest open accounting within reasonable limits and I think that this would be a progressive step. I really don't see that anyone should oppose this unless they feel that it's too great an excursion into the activities of individual bodies. But I think that we should be able to work out reasonable limits in respect to reports. I think that the practice in respect to the reporting of the Crown corporations, the Manitoba Hydro, Manitoba Telephone System has been detailed sufficiently, such that members have a very clear understanding of the workings of those operations and I think it's been most helpful. And I think that for all members in the Chamber it will be much more useful for there to be that kind of accounting.

So for my part, and I think I speak for most of my colleagues if not all of my colleagues, we have no reservation about saying in principle we agree with the basis of this resolution. Now as I indicate there may be, there may be areas where because of particular sensitivity there should be some saving clauses or exceptions made. But other than that, Mr. Speaker, I think that we can readily accept the principle and spirit of this resolution and then we will consider, we will consider the manner in which that sort of annual publication and accounting can be made. Now it may be made perhaps by filing of the annual reports. As the Honourable Member from Rhineland from time to time has asked, why don't we have an annual report from this body or that body? And maybe that would be the manner. Maybe it would be alternatively the calling before of some representative of that Crown institution whether it be a university or otherwise before a standing committee. The problems involved with reports to standing committees is that it could well be that the work of the Legislature will become heavier and heavier and we will like the Parliament in Ottawa be having committees, you know, in being for very protracted periods of time and we'll evolve into an almost annual sitting of the Legislature, that is a sitting where we're closer to a ten or twelve month sitting period. Now that may be. However as I indicated, it may be possible to satisfy this requirement without overburdening the legislative apparatus and I think we would want to look very carefully at the alternative but in respect to the principle involved I don't think that anyone here has any great reservation about that at all and I speak in favour of the resolution.

MR. SPEAKER: The Honourable Member for Thompson.

MR. BOROWSKI: Mr. Speaker, I just want to say a few words on the resolution, I'm glad to see that the government is going to support something that the opposition brings in for a change. I think it's high time we had more accountability. I know the government has always preached prior to coming into government, and since, about open government and certainly. . .

A MEMBER: Even when you were in government,

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MR. BOROWSKI: That's right, even when I was in government. And we had taken a great deal of pride in saying to the public there is open government, and yet last week I found out that when I wanted to find out how \$75 million of our money was spent by the university we couldn't get any answers and we are told that this is the legislation, and if that is true then of course that legislation should be changed. I think that we should consider a form of accountability perhaps similar to what you have with Hydro or Telephones. I'm not sure which would be the best technique. Perhaps those that are more knowledgeable about university affairs may know how it's done elsewhere in Canada or perhaps some other parts of the world. But it seems to me that the elected members of the Legislature should have some opportunity to examine the expenditure and to question it and after that to ask the government to justify how certain amounts of money are spent on certain items.

I know that many of us pick up a newspaper and we will find a story written up about some activity at the university. The information was given to the newspapers but I as an elected member of the Legislature, in fact no one in this Legislature is allowed to go to the university and ask these questions and get information. I think that's wrong, that we have a situation where the press can go in and get all kinds of interviews and information but none of us here -- and we're talking, Mr. Speaker, we're talking about 75 million this year, it's going to be more next year and of course our costs are always going up, but I would like to see some system set up where this Legislature has some opportunity to examine, to question and later on to make some suggestions. At the present time we are just groping in the dark, we can criticize on the basis of something that may have happened. For example, the police raided the university and found that there was some pot there or some other drugs and we only found this thing out because the police happened to have made a raid. I don't think that this is the proper way, I think that we should have some other opportunity to find out what's going on. So I'm simply saying that I'm glad to see that the government is accepting it, and I hope that when they bring in legislation if that's what is necessary, so it will be meaningful, so we can get some of this information which I think we are entitled to.

MOTION carried.

MR. SPEAKER: Resolution No. 4. The Honourable Member for Sturgeon Creek. The honourable member has 16 minutes.

MR. F. JOHNSTON: Thank you, Mr. Speaker. Mr. Speaker, this resolution that has been introduced by the Honourable Member from Emerson, my deskmate here, is a sensible resolution and certainly when we ask the advisability of I don't know really how the government can refuse the advisability of looking at a resolution such as this, and that is as it states, "Supporting measures to protect essential services against labour disputes". And I'm not here, Mr. Speaker, to list essential services and I think that the way it is put in the resolution would put upon the government the job of valuating exactly what essential services is from the point of view of life and death or extreme inconveniences to people. And we have situations such as this.

The Honourable Minister of Labour does not seem to believe that anybody that suggests anything about labour legislation other than him is right, but I assure you in this respect he is wrong and he should re-evaluate his opinion on it.

Mr. Speaker, people in essential services have some pride. They work at their jobs with a lot of pride. I can only say that I have spent some time, as many of you over there have, I'm certainly sure the Minister of Labour has interviewed policemen for Transcona or firemen the same, and one of the first things that we ask those people when they're applying for work is, do you realize the type of job you're applying for. Do you realize that it's shift work? Do you realize that you're an essential service for the protection of people or life and limb? They fully accept that responsibility. Most of those people when you ask, why would you like to be a policeman they say that I have decided that I want to go into the responsibility of helping people as a policeman.

Many occasions, Mr. Speaker, I could mention another -- on many occasions that I have talked with policemen they have basically said you know we don't want to be pushed around, we want our rights the same as anybody else, but when you turn to them and say would you like to go on strike, would you like to see a strike by the police force in this city or any other city, and their answer is, no. Their answer is that, you know, we have arbitration processes

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(MR. JOHNSTON cont'd). . . . which I can talk about later, we want to be treated fairly but their answer is, no. They shudder to think what would happen to society if the police force was not available for a couple of days. Where would the man on the highway be without the policemen coming along after a terrible accident with his radio to call for an ambulance? Where, Mr. Speaker, would the help be required for a senior citizen who has been attacked on the street? What would the criminal feel if he knew that the policeman wasn't around and he would get caught -- that he wouldn't get caught. There's no policemen around, there's no patrolling, there's no nothing. Could you imagine what could happen in society for a couple of days if there were no policemen operating?

I can assure you, Mr. Speaker, that, you know, it doesn't just happen with the criminal element. You know, all of us have to be maintained by a police force and all you have to do is look at the riot that you had in Halifax after the war, look at the disturbance after the earthquake in one of the South American countries, and what was happening? You know very ordinary people were walking along the street and going into those buildings and taking stuff home, taking things home. They were just doing it. So it isn't only the criminal element that you have to worry about. You know basically human nature has to have somebody protecting it from themselves on many occasions. And if you just think of the disaster or the problems that could be created by not having a police force for a day or a couple of days, I don't know really how the Minister of Labour can really believe that this is not an essential service. We're talking about life and limb when we're talking police force. --(Interjection)-- All right, if he says it's non-sense fine but I have reason to believe that he doesn't damn well know what he's talking about when he makes that statement. He obviously has never seen a policeman help anybody.

Mr. Speaker, hospital workers. On Wednesday night I had the occasion to be at the Annual Meeting of the Grace General Hospital where they gave out 15-year pins, 20-year pins, 25-year awards and 30-year awards to people that have worked at that hospital for that length of time. If I were to ask any one of those people that got those awards, "would you like to go on strike and see the people in this hospital not taken care of for a couple of days", they probably would have said "anybody that would even ask that question has no right to be on the board of a hospital." Mr. Speaker, the devotion and the pride that these people have in their jobs has to be considered. They again say we want to be treated fairly; they again say we realize the position we take, and again they say when there's increases, etc., we want to be part of it. And today we have in this society been taking very good care - and I must give a lot of credit to the union organizations for that - taking exceptionally good care of people working in these areas, but to again say that any one of those people that have devoted their lives, not as administrators or anything of that nature, but devoted their lives to working in a hospital as a nurse, orderly or even a checker-girl as they're called, to suggest to them "would you go on strike" is almost criminal in their minds. You know, one of the girls there had worked in charge of the case room for 25 years at the Grace Hospital, and if you had ever said to her, you're going on strike and the babies in that room won't be taken care of she'd probably kill you. Mr. Speaker, so again we're talking about life and limb as far as essential services are concerned.

Firemen, Mr. Speaker, I know they don't come under the law at the present time but, Mr. Speaker, we have just no right, no right to say that we have spent taxpayers' money to protect homes and people from the dreads of fire and then say to them, well you have to be part of legislation that goes on strike. And I realize the firemen aren't there at the present time, and they don't want it, Mr. Speaker. The firemen at the present time want again to be treated fairly through the arbitration process - and they have good arbitration processes. And again, they would not back off saving somebody from a fire.

Mr. Speaker, let me relate a little story of a fire chief in St. James, he's passed away now, his name was Bagley. We had an occasion with our Fire Department, we used to run well past the limits of St. James-Assiniboia, we never argued about it, but when they went out there we would send the bill to the municipality or the area that we would help; we used to run out quite a distance at times which we didn't oppose and it was brought up one day in the Fire Committee meeting that somebody hadn't paid their bill. That was very unusual because most of the municipalities that we worked with or supported their voluntary groups, paid their bills very fast. We said well somebody suggested they haven't paid their bill. We just won't answer any more calls. The Fire Chief looked the boor in the eye and he said, "you might

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(MR. JOHNSTON cont'd) . . . not but I will". He said if you are going to tell me as a Fire Chief that I'm not going to go out and help anybody when I get a call in this Fire Department, you're wrong." There's a devoted man and the people that work with him. So again what are you saying to these people? You're saying that they are now not as devoted as they were before. You're saying that in a roundabout way, and again if the Minister of Labour wants to disagree with me he's never watched a fire, they're not pleasant to watch.

MR. PAULLEY: I've put them out. I'll put yours out too . . .

MR. F. JOHNSTON: Mr. Speaker, I would sure as hell like to have the Fire Department put them out than him. --(Interjection)-- And I'm sure you've got a hook and ladder in your garage. Mr. Speaker -- (Interjection) -- Yah, that's right. Well blowing usually ignites fire, then the Minister has been trying to do that for a long time.

Mr. Speaker, we talk about the arbitration process in this respect. What happens with the arbitration is the police association or the firemen, or their union appoint a lawyer. That lawyer again appoints their arbitrator on the board and the same is done by the city or the municipality. They appoint a lawyer for the city and that lawyer appoints somebody to arbitrate.

MR. PAULLEY: What nonsense!

MR. F. JOHNSTON: Nonsense? Well you've obviously never been on arbitration. I sometimes wonder how he is the Minister of Labour if he's never been on arbitration. Well the arbitration processes that I have been through and that I have seen take place in the City of Winnipeg as well, appoint their lawyer for the association and he in turn appoints their arbitrator and the lawyer for the city appoints their arbitrator and between the two of them they agree on the third man and they present their case. They hear from both sides, both sides are considered very seriously and there is a decision brought down. What is wrong with that arbitration system? I have seen some arbitration systems that have come down with awards more - more than what was asked for. I have seen that happen, Mr. Speaker.

Now, Mr. Speaker, again the essential services, and I've only mentioned three, but there are more, and I say that the government should have the responsibility in considering this resolution of actually sitting down and deciding what essential services are. Strangely enough you know we go past the point of pride or to the point of pride even with school teachers. You know, I had the occasion to speak to a group of people at the Manitoba Teachers Society and I asked them, "do you regard yourselves as an essential service," and I got a real good answer back. They said, "what do you think?" I said well the importance of a teacher as far as education to our children is concerned cannot be measured. They are teaching the younger generation today. But from the point of view of anybody dying or losing life and limb I could not say that in that case you are essential service. But those teachers felt themselves they were an essential service and had pride in the work that they were doing, and really want no part, no part of the right to strike. They only want to have fair arbitration processes, and that happens in school boards as well. There are many fair opportunities for arbitration. Mr. Speaker, for to say that there should not be protection for the people of Manitoba as far as life and limb essential services, is ridiculous. I don't want to take the hard line but I must say that if it were to be necessary to guarantee that the people of Manitoba had these protections we would have to do it. But there is no necessity to take that type of a hard line. We do have arbitration processes for essential services which are beneficial to both sides. And Mr. Speaker, why, why the government or why the Minister of Labour would continue to argue this point is really beyond me. He'll have some arguments, I don't know where they come from. They can't come from the human side, they must come from the side that the union or somebody up on top in the union or somebody up on top in the government says this is the way it should be. But to take the attitude that he's taking is not human and not protective to the people of Manitoba. Thank you very much.

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

MR. JAMES WALDING (St. Vital): Thank you, Mr. Speaker. When the Member for Emerson gets up to speak in this House, Mr. Speaker, I usually listen quite carefully because I understand the Member for Emerson is a teacher or a principal, is a man that usually does his homework and when he has something to say it's usually as a result of a good deal of thought and a fairly carefully prepared case that he puts before us.

However, when he finished his remarks when he introduced this bill I really wasn't too sure at all just what he said so I waited until Hansard came out and read it over again to find out exactly, you know, what he was proposing and what the case was, and I had just a couple

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(MR. WALDING cont'd). . . . of quotes that I wanted to quote back to him from what he said. And this was from page 598 of Hansard. He said "I think there is a fallacy, Mr. Speaker, in assuming as we have done before that the right to strike will assure all people who are in the work force about just and fair settlement. I think that if we resort to that kind of right to achieve what must be a fair settlement then we are falling short of recognizing what a fair settlement ought to be. I think that any organized force that will hold the public at ransom while they press for their demands can hardly be compared with non-essential services for which the public is much less concerned." And three or four lines later, "I think it would be fair to say that there are no doubt at times frivolous strikes, strikes that are caused by motives other than the one that is surfacing" and the beginning of the next sentence says: "I can think . . ." It seems the Member for Emerson has done a good deal of thinking about this resolution but the results that he has come up with are somewhat inconclusive, in fact amounting to a cop-out, Mr. Speaker, in that he speaks of essential services but fails to tell us what those essential services are or in what way they might be defined. Two that he does mention were fire and police services and no doubt these would be considered essential services.

He spent part of his speech in discussing the teachers of this province and without telling us whether or not they were essential, but his colleague the Member for Sturgeon Creek obviously thinks they are and I'd be inclined to agree with him.

A MEMBER: What about principals?

MR. WALDING: The Member for Emerson did recognize to a certain extent the complexity of the problem when he mentioned the element of time which comes in, when he was talking about the shipment of grain, I believe, which is of course a seasonal thing.

When we were to consider the essentialness, if that's the right word, of services, time must surely enter into it. Whereas medical services, the time involved might be a few minutes if a person's life is at stake; as far as a fire is concerned possibly an hour might be a critical time or several hours perhaps for police services. But what about other services where and when and at what stage do they become essential? The Member for Emerson didn't tell us about those. He didn't say for instance how long it takes for a hydro worker's strike to become critical; how long it would take before a lack of food supply at the retail level should become essential. Other services along these lines would also have a time element in them --(Interjection)-- auto mechanics has been suggested to my left. Transport workers certainly should be considered an essential service. What about the supply of gasoline for instance? Our whole economy would surely grind to a halt quite literally within a matter of hours or possibly days if this were to happen.

We have witnessed in other cities a strike of garbage removal workers for quite a few weeks last year, and whereas garbage removal is certainly an essential service, at what time does it become an essential service? There has been I understand a strike of elevator operators for two months, three months or more --(Interjection)-- The Minister of Labour informs me that it dates back some six months but that it has now been resolved. And with the height of present buildings, elevators are surely an essential service.

So what we would have expected from the Member from Emerson in presenting such a resolution would be some indication from him as to who should be considered essential, and he has sloughed off his responsibility and saying that the government should do this. And in asking us to do that Mr. Speaker, what he is asking us to do is to say to some people in our society that you are not essential. That we should say to some working man who puts in a day's work for a day's pay, that you are not essential. Everybody else is, you are not essential.

Now I notice that the Member for Sturgeon Creek stuck to some very basic essential services when he mentioned fire and police and hospital workers, no problem there. But he didn't take it all the way and he didn't try to draw a line or to say who is essential, or more importantly I suggest to him, who is not essential. And surely that is the crux of the whole matter. --(Interjection)--

MR. SPEAKER: Order, please. Order, please.

MR. WALDING: Now normally, Mr. Speaker, when any issue is placed before the House whether it's in the form of a bill or resolution, it is up to the person proposing that to explain the case and to show why some change is necessary or to be indicated. This is the way it happens with bills and with resolutions. This is what we expected from the Member for

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(MR. WALDING cont'd). . . . Emerson. The matter is then before the House and open for debate and it is then that other points of view can be put forward, other debating points made so that it can be shown who would benefit from such a change, who would be adversely affected by such a change, and it is then up to the members of this House to weigh in the balance those who would be helped and those who would be disadvantaged. Whether a 50/50 split should be acceptable or whether there should be some overriding special interest involved in it. And surely when such a case has been made and generally accepted, then that measure is accepted and approved by this House. Again the Member for Emerson failed to show in his remarks that such a change was indeed necessary or desirable.

This House in its deliberations last year passed a number of amendments to the Labour Relations Act which came into effect a bare three and a half months ago. I suppose one good argument that the Member for Emerson could have put forward would be to show that this bill had in fact had no effect or a detrimental effect on labour relations in this province or somehow that it caused industrial chaos or had immediately sent out on strike a number of very important essential services. And this again he failed to do. Another cop-out, Mr. Speaker. In fact I cannot recall at all that any policeman walked out on strike in the last three and a half months or that any hospital workers or hydro workers or transportation workers have walked out on strike within the last three and a half months. In fact I can only recall one major industrial settlement, one that occurred in Thompson this year which was considered to be a very major settlement by the company and the unions involved, a settlement in fact which the unions tell us was agreed to extremely amicably and from a very beneficial point of view as far as the union was concerned.

Now, Mr. Speaker, the resolved portion of the resolution seeks to protect essential services against interruption due to labour dispute. Again the Member for Emerson failed to tell us just how these essential services should be protected against interruption. There are no doubt several ways this could happen, although we could, I suppose, logically expect from the remarks of members on the other side that the way they would like to see it done would be simply to declare such strikes illegal. And we all know from looking at other jurisdictions that simply to make a strike illegal is simply not to prevent that strike from occurring. We have seen strikes by policemen, by hospital workers, other services that could probably be termed essential as occurring in areas where such strikes were illegal. And the simple fact of the matter is, Mr. Speaker, that if a man wishes to withdraw his labour it matters not whether it is legal or illegal to do so, it is obviously impossible to force him at the point of a gun or in chains to actually perform that work.

This government is however concerned that there should not be a disruption of our essential services, but we consider that when an agreement is reached by voluntary methods to the satisfaction of both sides of the argument that such disruption or strikes are far less likely to occur than when they are imposed. It's because of these thoughts Mr. Speaker, that an amendment has been prepared and I move, seconded by the Member for St. Matthews that the proposed Resolution No. 4 be amended by adding the following: "And Be It Further Resolved that in the consideration of such measures this Assembly give practical implementation to the historical evidence that terms and conditions of employment freely arrived at between employers and employees militate in favour of industrial productivity, and stability and dictated terms and conditions of employment as between employers and employees militate against industrial productivity and stability."

MOTION presented.

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MR. SPEAKER: The Honourable Member for Emerson.

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, it is quite difficult for me to digest the full import of the resolution or the amendment at this stage. I think however, that the resolution as it was and as I listened to the speeches that were delivered from both sides of the House, might for some reason have been partially misunderstood. And I say this because I think that maybe in my introductory remarks I did not make my intentions clear enough so that it was completely understood why I was moving the resolution. Because I fail to see, Mr. Speaker, how a responsible legislator could refuse to accept that kind of resolution for other reasons than a lack of understanding. And the reason I say this is that I think, in fact I think more and more every day . . .

A MEMBER: Well we're glad to know he started.

MR. GIRARD: . . . that labour relations is a very complicated matter and I'm sure far more complicated than some of us are willing or prepared to admit. The present situation is that we have a system which resorts to strike action in order to compel or force a solution or an agreement. And I pointed out at the outset, as the Member from St. Vital reiterated, that this is a means by which we get to an agreement but it certainly doesn't have to be an equitable means to arrive at the solution. And I think if he had read my remarks completely he might have noticed I believe that I suggested that in cases where corporations might have a surplus, for example - and I used that very example because it's probably more palatable to the Member from St. Vital - it might well be that in some of those circumstances you might well have rather callous administrators from the employer's point of view who are not very much hurt by the strike, at least for a time, and therefore this is not a way of obtaining an equitable solution. On the contrary, Mr. Speaker, you might have in matters of labour dispute a very aggressive organized labour group who wish to make a point of their united front and strength more, even more, Mr. Speaker, than to arrive at what they in fact might think is the equitable situation. So in our present structure you might well have the abuses on both sides.

Now I think that from year to year we could admit that we live in a more complex society and one would have to be relatively naive to suggest that we have now achieved perfection in the area of labour legislation or labour relations. I think it would be naive to put our head in the sand and to say because nobody has thought of satisfactory alternatives that there are none. We often find in our society that during a prolonged strike when people are afflicted, both those directly and indirectly involved, you frequently have the comment, is there not a better way of solutioning that particular dispute?

Now, for one to vote against this resolution, Mr. Speaker, or for one to emasculate it by an amendment, and I'm not sure whether this does or not, is simply to say, we have now found utopia and we want to stay with it, and I say that's a fallacy. What we should be striving for and what labour and management should be striving for as well, is a co-operative and mutual responsibility of being able to determine some way of negotiating labour disputes so it will be satisfactory to all involved without - without a strike. Now the . . .

MR. PAULLEY: Mr. Speaker, a point of order.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: I enjoy listening to my honourable friend from Emerson and to obtain from him the knowledgeability of labour relations, but I do raise the point of order, Mr. Speaker, as to whether or not in conformity with the rules of the conduct in this House whether or not my honourable friend is speaking to the amendment which is the motion before us at this particular time.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Well, yes, Mr. Speaker, might I comment on that same point of order?

MR. SPEAKER: Order, please.

MR. GIRARD: For the edification of my honourable friend, the Minister of Labour, he will notice that the amendment is added on to the present resolution and therefore, therefore we're discussing the amendment as it affects - or as it will affect the present resolution.

MR. SPEAKER: The Honourable Member for Emerson proceed.

MR. GIRARD: Mr. Speaker, as I was suggesting, it would seem to be unrealistic to have the suggestion made that we have now reached the ideal in the matter of labour legislation or labour relations. What I suggested, or what I was attempting to suggest, is that

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(MR. GIRARD cont'd) well-meaning government, a well-meaning minister would be able to, with his discretion, because I thought it was unfair for me, as the Member for St. Vital pointed out, that it was my responsibility to suggest a particular service, identify it as being essential and say go to it. I think that it would be unfair for me in the resolution to dictate, identify and impose. I rather prefer to leave the matter entirely at the discretion of the government, supposedly more specifically the Minister of Labour, so that he could, in co-operation with the employees as well as the employers, determine that that service can be called essential and that we would in unison, in co-operation, work towards a way of achieving, achieving something that is satisfactory, that will produce satisfactory results in negotiation without necessitating the right to strike. Some people in the past of course have attempted this kind of thing and so far the best thing that those people, those people who accepted this, or governments of the past who thought that this was the solution, came to the matter of compulsory arbitration. But we well know, Mr. Speaker, that compulsory arbitration is not a satisfying solution. It is not one that is widely accepted; it is one that is accepted I would suggest frequently under legislative duress. And consequently we can all agree that there must be a better way. Now if we agree that there must be a better way, if we agree that we haven't found utopia yet, what better way is there, Mr. Speaker, than asking the Minister, or the government, to select one essential service, to experiment with the people involved in the hope that we can achieve something that will be satisfactory to all and will not necessitate a strike. And I suggest very humbly that maybe the place to start is not necessarily an essential service but it would seem to me reasonable that we start with those areas that are most essential to the safety and welfare of the public.

Now, may I suggest again, Mr. Speaker, that to vote against this resolution, or to change the resolution by bringing about an amendment which in any way would change the intent of that resolution, is simply burying our heads in the sand and refusing to accept the responsibility of doing what is right.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I wonder if I could have the amendment in front of me.

MR. PAULLEY: I don't think you would understand it if you had it. Go ahead.

MR. SPIVAK: Mr. Speaker, I guess the question could have been asked initially whether the amendment was really not in contradiction of the resolution, but now having been accepted by the House there should be an opportunity to discuss the amendment and the proposals that have been put before the House.

As a Party we have expressed our position with respect to the issue of the vital services. There may very well be some disagreement as to the manner in which vital services should be defined with respect to any action by government that would in fact restrict their ability to strike. But it's our feeling, Mr. Speaker, that in the interest of our society in Manitoba that such a definition must be made and that some mechanism has to be organized so to at least provide the fact that vital services will be defined and vital services will in fact be capable of being solved in terms of dispute other than by strike.

Mr. Speaker, there is obviously a difference of opinion between the members on this side, at least the member from the Progressive Conservative Party and the members of the government; and that disagreement has been expressed before. It was one of the reasons why in dealing with the changes to The Labour Relations Act we objected to the matter being considered at that session and wanted as a matter of fact the opportunity for a committee of the Legislature to deal with the bill that was proposed and to have the bill basically presented in the form as a white paper for consideration by a committee during the period in between sessions, to allow the opportunity for that and other matters to be thoroughly discussed, evaluated and suggestions from the community to come forward so that the bill itself would really reflect the interests, the requirements and the needs and what the people themselves wanted.

Mr. Speaker, we are convinced that the vast majority of people in Manitoba want government to provide provisions for vital services to be defined and for strikes to be prohibited. We are convinced of this, Mr. Speaker, because we believe that in effect vital services as determined and distinguished between essential services have now reached a point where they have such a direct effect on our lives and on our community that the community will not tolerate a situation arising in which they will be denied those services which are vital to their life and limb. Now there are some who will say that we must go back to the original rationale and the

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(MR. SPIVAK cont'd) development of the history of labour legislation and say that by doing what was suggested by us that we are in fact impinging and changing and altering something that has been so hard fought over the past period of time. But, Mr. Speaker, what we are actually doing is suggesting that our society today has reached a point where they are asking for a change in direction in this one aspect, which is not in any way to deny the rights of labour nor is it to deny, Mr. Speaker, the rights that have been hard earned over a period of time, but to recognize that the public interest in this particular situation becomes supreme and the public interest warrants the kind of action that I have suggested.

So, Mr. Speaker, it's our belief that the intent of the resolution is correct and clearly spells a difference of position and attitude and philosophy in 1973 between the New Democratic Party and the Progressive Conservative Party. As well, Mr. Speaker, the proposal to amend the resolution which we are now dealing with in essence really reflects an attempt by the government to avoid essentially the basic dialogue that should take place now between the members opposite and ourselves on the principle of the issue. Because the members opposite must now suggest that the public interest is not to be protected or must suggest that the right of strike is above the public interest.

Now, Mr. Speaker, we suggest to the members opposite that we have reached a point where there is an opportunity for a very clear distinction between those services which are essential but not vital in which you cannot argue that the public interest is higher than and requires that those essential services be in fact legislated against so far as strikes are concerned. We are not suggesting that. But we are suggesting that there are vital services as distinguished between essential services which can and should be identified and a mechanism set so that in fact there can be protection for the public interest.

MR. SPEAKER: Order, please. The hour of adjournment having arrived, the House is now adjourned and stands adjourned until 2:30 Monday afternoon.