

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Monday, February 21, 1966

MADAM SPEAKER: The Honourable Member for St. John's.

MR. PETERS: I believe he had finished his talk.

MADAM SPEAKER: Are you ready for the question?

MR. DESJARDINS: Madam Speaker, if no one else wishes to talk, I'd like to close the debate then on my motion.

I think that, first of all, the First Minister - I hope that he's not serious when he says that I feel or that we feel that we should not equalize the taxes at all. I think that if he had listened to the speech that we made, I made, on this Bill No. 10, the second reading, that we talked about the taxes and that I asked him to give us a policy, the tax policy, of this government, and that we talked about the ability to pay and we talked about this income tax that he had - he withdrew the one percent income tax last year, reduced the income tax which is the ability to pay tax, by one percent. I wish that my honourable friend the First Minister had allowed the Minister of Agriculture to speak when he was on his feet before the dinner hour, it might be that after the short caucus they're having, the Minister of Agriculture will give us the reason for what he said.

Now, Madam Speaker, I quoted the Minister of Agriculture - and you can't have it both ways. Either he was wrong, he was trying to show how good a deal the farmers were getting and he had brought this up because I only quoted his words from Hansard of last Monday; or if not, if he wasn't just trying to bring this in, if it wasn't a special deal, well he wasn't telling the truth, he was misrepresenting. And if he wasn't, if this was such a deal, well then, there is discrimination. Madam Speaker, if you recall, I did not say, I did not accuse anybody of doing this purposely. I said that there was discrimination; I agreed with everything that was said by the Honourable the Member of St. John's before the dinner hour. I agree that the money has to come from those that have it, but this money used for that doesn't only come from real estate. We have an income tax here in this province and we also have a sales tax, we have a sales tax on heat - we had a sales tax on heat, and so on. I am not debating and I am not complaining because two third of the revenue comes from the Greater Winnipeg area. But the point that I am trying to make, Madam Speaker, is that my honourable friend said that this is a rebate for the poor, it's putting money back into the pockets of the home owner; and there is no reason in that case. If this is a subsidy, if this is welfare, it's a different thing. But you have people here and most of the people have only one house and they're the people that are taxed. This is supposed to be a - by the Michener recommendation, this tax that the home owner pays is too high and we're trying to give him a rebate.

The Minister of Agriculture stood up in this House last week and he told us - and he seemed to crow about it because he was the Minister of Agriculture - and he said that the average is \$150 rebate. Let us forget now for a minute where the money comes from, the way the taxes are collected. We are not debating this. But why should a certain group of people be privileged? Why should these people receive three times the \$50, while the people of Greater Winnipeg area who need it just as badly - can get at the very most, \$50. I think that this is the point that we're talking about. We're talking about ability to pay. Some people have an apartment block and they get nothing on it at all. Well they're certainly paying a lot of taxes there and this will reflect on the people that are renting, that are living in that block. So the First Minister, I think that he probably was not too happy with the statement made by the Minister of Agriculture - I shouldn't say probably, he definitely was because he told him to sit down when the Minister wanted to take an active part in this debate. He was standing on his feet. So, if this is the case, I think that ...

MADAM SPEAKER: Order, please. It has been brought to my attention that I should bring to the attention of the member speaking that this is not a substantive motion but it is an amendment, and if you'll refer to Beauchesne, Citation 166 - "When amendments are moved and voted on, the member who proposed the main motion is entitled to take his reply before the Speaker puts the final question. . . . . by a substantive motion is meant not incidental to a proceeding before the House which can be dealt with by an amendment or by a distinct vote of the House. This is not a substantive motion, therefore I believe the Honourable Member has not the right for a reply.

MR. DESJARDINS: We accept your ruling.

MADAM SPEAKER: Thank you.

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

MR. GUTTORMSON: Yeas and nays, Madam Speaker.

MADAM SPEAKER: Call in the members. The question before the House: the motion of the Honourable the Member for St. Boniface, that the report of the Committee be not now received but that Bill No. 10 be referred back to the Committee of the Whole in order that the government might take into consideration the advisability of introducing amendments, first, to make the tax exemption apply to all schools and churches; second, that would correct present discrimination.

A standing vote was taken, the results being as follows:

YEAS: Messrs. Campbell, Desjardins, Froese, Guttormson, Harris, Hillhouse, Hryhorczuk, Johnston, Molgat, Patrick, Peters, Shoemaker, Smerchanski and Wright.

NAYS: Messrs. Beard, Bjornson, Carroll, Cowan, Evans, Groves, Hamilton, Harrison Hutton, Jeannotte, Johnson, Klym, Lissaman, McDonald, McGregor, McKellar, McLean, Martin, Moeller, Roblin, Seaborn, Shewman, Smellie, Stanes, Strickland, Weir, Witney and Mrs. Morrison.

MR. CLERK: Yeas 14; nays 28.

MADAM SPEAKER: I declare the motion lost.

Are you ready for the question?

MR. GUTTORMSON: Madam Speaker, I move that the report of the Committee be not now received but that Bill No. 10 be referred back to Committee in order for the government to give consideration to the advisability of removing the heat tax on all residences, including those occupied by renters, such as apartment blocks and duplexes.

MADAM SPEAKER: You have no seconder.

MR. GUTTORMSON: Seconded by the Member for Gladstone.

MADAM SPEAKER presented the motion.

MR. GUTTORMSON: Madam Speaker, under the present legislation, it is most unfair to those people who live in apartment blocks because the owner isn't entitled to a reduction and consequently his rents are reflected by the increased cost; and it is most unfair to those people living in Northern Manitoba who live in apartment blocks, as we all know, that even in July, the temperatures are such that they have to pay for their heat and it seems most unfair that this legislation does not include the renters who live in duplexes and apartment blocks. And also, these people are also discriminated to the extent that they are not entitled to the tax rebate and it seems that they're getting hit doubly hard by the legislation that's introduced by this government. So I think that the Minister should consider changing this so that all people will be treated the same way.

MR. PETERS: Madam Speaker, I'm not going to take up the time of this House to go into detail how the party that I represent in this House feels about this rebate. These views have been expounded by my leader and my colleague the Member from St. John's and we will support this amendment.

MR. FROESE: Madam Speaker, I was tempted to get up on an earlier occasion when we were still discussing the Member for St. Boniface's resolution, or the amendment that he proposed. I was rather in a dilemma because I supported the first part of his amendment very fully but on the second part, I . . . . .

MADAM SPEAKER: We are now discussing - the amendment before us is the amendment of the Honourable Member for St. George. Would the member please keep his remarks to the amendment that's before us.

MR. FROESE: Well, I support the amendment that we're discussing at the moment which is that we also give rebate or relieve the people that are renting accommodation in duplexes and larger multi-dwellings. I think these people are entitled to a reduction or deletion of their tax as well. I have made this point on previous occasions and I just want to reaffirm my position.

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

MR. GUTTORMSON: Yeas and Nays, Madam Speaker.

MADAM SPEAKER: Call in the members.

The question before the House, the motion of the Honourable the Member for St. George, that the report of the committee be not now received but that Bill No. 10 be referred back to the committee in order for the government to give consideration to the advisability of removing the heat tax on all residences including those occupied by renters, such as apartment block and duplexes.

A standing vote was taken the results being as follows:

YEAS: Messrs. Campbell, Froese, Guttormson, Harris, Hillhouse, Hryhorczuk, Johnston, Molgat, Patrick, Paulley, Peters, Shoemaker, Smerchanski, Tanchak, Vielfaure, and Wright.

NAYS: Messrs. Beard, Bjornson, Carroll, Cowan, Evans, Groves, Hamilton, Harrison, Hutton, Jeannotte, Johnson, Klym, Lissaman, McDonald, McGregor, McKellar, McLean, Martin, Moeller, Roblin, Seaborn, Shewman, Smellie, Stanes, Strickland, Watt, Weir, Witney and Mrs. Morrison.

MR. CLERK: Yeas, 16, Nays, 29.

MADAM SPEAKER: I declare the motion lost.

Are you ready for the question?

MR. FROESE: Madam Speaker, now that we're back on the main motion, I can probably now say what I had to say in the first place before. That's in connection with the tax rebate. I don't think it is as discriminatory as the Honourable Member for St. Boniface tried to lead us to believe. In my opinion, the tax rebate has been very welcome to these farmers and the rural people in Manitoba. I at least so far haven't found anyone who didn't want to accept the cheque or the rebates that were distributed so I for one do not complain. I think we can see that this plan is being copied now by other provinces. It was started initially in B. C., followed in Manitoba, and now we see it put into implementation both in Saskatchewan and Alberta, so there must be something good in it. Although mind you it was not put into effect in the various provinces under similar circumstances. I know B. C. didn't have to impose an extra tax in order to make the distribution such as we have to do in Manitoba. They received that much more from their natural resources so that they could do this without the imposition of new taxes. But I think it serves a purpose.

It does equalize the taxation to some extent so that not all the burden of the school taxes falls on the person that owns real estate.

MR. PAULLEY: Madam Speaker, seeing as we're having a rather general discussion on The Revenue Act of '64 I feel more or less impelled to get into the discussion a little bit. I'm rather amused to hear the Honourable Member for Rhineland defend this tax - the school rebate - because it appears to me that the honourable gentleman in the past has opposed the imposition of extra taxes, particularly the tax on fuel, electricity, telephones and the like. But surely, Madam Speaker, the only, the only way in which the government is receiving the revenue by which or through which it can pay school tax rebates is by the over-imposition of taxes in other fields. We in our group here have consistently made this point. We made the point during the discussion on the Throne Speech to such a degree that there was absolutely no reply whatsoever from the government. The Honourable the First Minister, the Provincial Treasurer, chose to ignore completely the tax proposals offered as substitutes made by myself on behalf of the New Democratic Party.

I'm rather amused to hear today that we have some support in the Liberal ranks for some of our contentions. Just recently, a few moments ago, there was a motion dealing with Bill No. 10 calling for relief for apartment dwellers and tenants, a point that has been made time after time by the New Democratic Party. The concern has been made by many members in the House to the question of over-taxation but there has not been any firm proposals other than that of the New Democrats for alternative methods. We proposed the other day a basic exemption in assessment of \$2,000 in order that the school tax rebate would not have to be paid but the relief would accrue to individuals or property owners. We received no support at all in the House, yet the Honourable Member for Carillon pointed out that insofar as the constituency of La Verendrye was concerned, 88 percent of the people would have received relief insofar as municipal taxation was concerned. Surely.....

MR. VIELFAURE (La Verendrye): On a point of order, Madam Speaker. The Honourable Member is wrong in quoting the constituency of La Verendrye. It was the municipality of La Broquerie. Now I understand that when you mix up Vielfaure and the Municipality of La Broquerie and La Verendrye you can mix up - but it was La Broquerie and not La Verendrye.

MR. PAULLEY: Fine, Madam Speaker, I stand corrected by my honourable friend and I'm very pleased at his correction but the basic principle remains exactly the same. That in the municipality of La Broquerie, which is a low assessment area, as I understand it, 88 percent of the people would have received relief greater than that of the school rebate insofar as their municipal taxes are concerned.

My honourable friend the Member for Selkirk says they wouldn't have paid any. This is the whole point that we're trying to make, Madam Speaker, that there are some people who are

(MR. PAULLEY cont'd)... having to pay taxes today who have no business paying taxes. Madam Speaker, isn't this the basic principle under which our federal income tax is paid? Is there not a basic exemption from income tax of \$1,000 in respect of a single person; \$2,000 insofar as a married couple is concerned, because they lack the ability to pay; and this is the point that we make, in this group, that there's no relationship at all between the taxes that are levied in the Province of Manitoba in order to get the revenue to pay the \$50.00 tax refund back. No relationship at all. And this is our point.

I confess Madam Speaker, that insofar as the actual wording of our resolution the other day, it may have had its deficiencies but the principle enunciated was a proper one; and I say, Madam Speaker, that the whole Revenue Act of Manitoba is improper, because it does not take into account "ability to pay". When we were speaking on this basis the other day in regard to our suggested elimination of the first \$2,000 in assessment, not one word was spoken from any member of the government side. Does this mean that they have no concern for the homeowner insofar as assessments are concerned? Or does it simply mean, Madam Speaker, that they have no ears with which to hear the injustices that are being perpetuated upon the taxpayer at the local level in the Province of Manitoba. We have had half a dozen different commissions that have reported to this House that have agreed with our contention and not one word in rebuttal from the Provincial Treasurer or any member of the front benches in government. So I say, Madam Speaker, I have to disagree with my honourable friend the Member for Rhineland having said that. I can understand his support because to possibly say otherwise would go in the face of some other jurisdiction that has proven to the satisfaction of my honourable friend that this is an equitable way of operating finances.

But I say, Madam Speaker, it is wrong; a Revenue Act is not based on any equity; it is not based on any sound and firm principle of relieving those who are least able to pay, and taking from those of us, if I be included in that number, who have the ability to pay.

Madam Speaker I would far rather not as an individual receive back the school tax rebate if I knew that one of those people who have the low assessment, and at the present time are having to pay municipal taxes for the purposes of welfare or the purposes of education. It is not just. It is not fair and I say, Madam Speaker, it is up to us as members of this Assembly to do all in our power to eradicate injustices whether they be in the field of taxation, whether they be in the field of education, the field of crime or any field at all, and we are not fulfilling our obligation and our duty to the people of Manitoba while we allow the likes of the principle, or lack of principle in our Revenue Act of the Province of Manitoba to continue.

MR. HILLHOUSE: Madam, I rise on a point of order in connection with the remarks made by the Honourable Leader of the NDP. He has dragged me into this debate. What I said the other day when he had his Resolution about a \$2,000 exemption on a single family dwelling was, that if that Resolution were carried there would not be a farmer, market gardener, or cattle man in Manitoba who would derive any benefit whatsoever from that legislation, inasmuch as his buildings are exempt from assessment, so therefore the \$2,000 exemption that he was going to give him from assessment would be of no avail at all, whereas under the present legislation that individual at least could get a maximum in respect of a quarter section of \$50.00, but he was going to take away that method of rebate entirely and substitute an exemption of \$2,000 on the assessment of a single family unit. Now I don't think the honourable member has got the point yet but the fact is that if his legislation had gone through, it would have deprived every farmer in Manitoba of a tax rebate of a maximum of \$50 on a quarter section.

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

MR. ROBLIN: Madam Speaker, I beg to move, seconded by the Honourable Attorney-General, that by leave Bill No. 10, an Act to amend The Revenue Act 1964 and certain other Acts of the Legislature be read a third time and passed.

MADAM SPEAKER presented the motion.

MR. ROBLIN: Madam Speaker, I really have very little to say on this because we've had a full discussion. I am only standing up to express my appreciation to the members of the House for giving leave to allow this Bill to be proceeded with up to this stage at any rate, this evening, and I do express my appreciation.

MR. MOLGAT: Madam Speaker, I don't intend to make a long speech at this point. We have had a very full discussion on this Bill. I want to make the position of myself and my party very clear in this regard. We are not satisfied with the Bill as it stands. I think that has been abundantly clear by the motions that we passed in amendment to the Bill. We are nevertheless going to support it insofar as it goes because it does provide some relief from the heat tax.

(MR. MOLGAT cont'd) . . . We don't believe that it goes to the extent that it should. This is a tax that should never have been imposed in the Province of Manitoba. It is a tax that just has no place in a province like ours and there hasn't been a better winter than this one to prove it, to be taxing an essential of that type is in my opinion absolutely wrong taxation. I think it should go much further than it goes, much further than the provisions this Bill has, but we will support it insofar as it goes. I still say to the government that they should eliminate completely the heat tax. It should never have been in the first place. They should take it out altogether. The Bill is playing around with certain aspects of it only. It should simply make a wholesale removal.

MR. PAULLEY: Madam Speaker, I just want to say something that I am sure if my former colleague, the former Honourable Member for Inkster, could speak tonight, he would say, "half a loaf is better than none" - and that to me, is what this is. I agree that we must support it because to do otherwise one would be subject to accusations such as I am subjected to in connection with a certain Resolution that I proposed the other day which certainly is obvious what I had not intended or did not intend what is being imputed to me. However that's what it said, didn't it? Well anyway I accept that criticism and, Madam Speaker, we are going to support third reading of this Bill with our fingers crossed accepting a crumb from the table of the Honourable Minister of the Treasury.

MR. FROESE: Madam Speaker, just as a last word, I'll give my consent to the Bill. I'm for it, so that will make it unanimous.

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

MR. ROBLIN: Madam Speaker, I believe the next order of business is the second reading on The Agricultural Credit Act.

MADAM SPEAKER: The adjourned debate on the second reading of Bill No. 19. The Honourable the Member for Rhineland.

MR. FROESE: Madam Speaker, Bill No. 19 has to do with The Agricultural Credit Act. When The Agricultural Credit Act first was passed in November of 1958, it was described as an Act to provide assistance to farmers in establishing, developing and operating their farms. I know that the Act has done a great deal of good. It was a good piece of legislation and I notice from the Annual Agricultural Report that was tabled a little while ago, that during the last six years, a total of well over \$27 million has been dispersed in loans to farmers. And I also note in that same report the section dealing with the Manitoba Agricultural Credit Corporation. It says the purpose of the Corporation is to make long-term credit available to farmers.

(1) With special regard to young farmers to assist them in establishing and development of economic family farm units; (2) To facilitate the transfer of family farms from members of one generation to members of a later generation; and (3) To assist in the enlargement or conversion of family farms that are uneconomic units into economic units. Then there is quite a detailed report on the operation of the Corporation during the past year.

Now I am in full support of that Act. I know it has done a lot of good but at this point I would also raise some objections and I think I should let the members of this House know of especially one incident that I feel was certainly not doing any good for that plan, or for the Act in its operation here in Manitoba. I know that under the Bill before us, we now want to give the Corporation power to borrow and issue securities, and under 6(b1), there's a certain principle there that I don't go along with, and 6(b) says that the Corporation may - and I underline - limit or increase the amount to be raised. And I think here lies a great danger in that we will give this Credit Corporation Board power to limit and this is the sore point that I have to raise this evening. Under the regulations, and I checked out all the regulations under The Credit Corporation Act, and I find that under Regulation 42, '59 - that was made in 1959 - the regulations reads in part: "In this regulation young farmer means a person who, (2) has attained the age of 21 years and is under the age of 31 years; (b) is a resident of Manitoba; and (c) has been actively engaged in farming in Manitoba during at least three years of the five years immediately prior to the date of his application for a loan from the Corporation; and (d) is a farmer or intends to become, immediately after receiving the proceeds of the loan, a farmer on land in respect of which a loan is made to him under The Agricultural Credit Act."

I think this Section (d) is of particular interest because I find that it is under this section and also under another section of another regulation that was passed in 1961 - - and here I would like to read from Manitoba Regulation 13 '61, the point No. 2. It says: "The Corporation shall at all times attempt to promote and encourage good Agricultural practices, farm planning, farm accounting and the preservation of the family farm." Then they go on to Section 8 which reads

(MR. FROESE cont'd)... this way: "The corporation shall not grant a loan unless it is reasonable to expect that a family farm will be established or developed which will constitute an economic farm unit."

Now this last year, I was contacted by a certain group that had applied for a loan from the Agricultural Credit Corporation to purchase a farm. The farm was some distance from their present location because the land where they are situated, where they are residing, is all taken up and they were unable to purchase anything closer. So they bought this tract of land which was some 20 to 25 miles distance. The party that was making this purchase was a son and a son-in-law to a widow. They had sufficient monies for the down payment; they had sufficient collateral so that they could satisfy the board as far as security was concerned; but when it came to giving them, authorizing them the loan, they made a condition and this condition was that they would have to reside on the property that they were now purchasing. Well, one of the party was married and he had his own home, he had living quarters; the other party was still a bachelor and was living with his widowed mother. They were able to use the machinery that this widow owned so that they did not have to purchase too much additional equipment and they could handle the situation quite well. But here they were stymied, here they were blocked by this corporation board because the land they were purchasing was some 20, 25 miles away and as a result they were disqualified. I think this is very harmful! I think it's disgusting actually when we pass legislation here, making it wide, liberal legislation and then to find that the people administering it will put on restrictions and will deny our young people, for whom the legislation is passed, deny them the loan or the credit. I think this definitely needs looking after and I hope that we hear something from the Minister sometime during the session on this very matter, because I think these bodies are surpassing their bounds, they're taking the liberty that was not intended for them to exercise under the legislation, and I think this needs correction.

This is why I am also so concerned with the particular section in this bill and the principle announced in it to limit. I am afraid that a board of this kind that will take the liberties of doing a thing like I have just mentioned, will also limit the amounts of borrowing and probably curtail the operation of that credit corporation in not providing the necessary funds. So, these are my objections. I feel that we should not give them this power; let the government borrow the money and let this Legislature exercise some control in this matter. If we allow this section to pass, we as a Legislature will no longer have any authority and any say on this matter.

MR. ROBLIN: Madam Speaker, . . . . point in closing the debate, Madam Chairman. I think my honourable friend has been about a thousand miles wide off the mark in his comments tonight with respect to the bill. The first part of his complaint having to do with a particular case, has of course nothing whatever to do with the legislation that is before us. And if there is a case where he thinks that some hardship or injustice has been done, then I welcome him bringing it to our attention. But I think that he should do so perhaps in some other way. Now that the Minister has heard the complaint, I daresay it can be looked into, but it really doesn't seem to me to be relevant to this debate.

With respect to the final point that he makes about whether or not this board can increase or decrease - limit the amounts to be raised, I think he is under a misapprehension as to what's involved or else he hasn't read the preceeding part of this same paragraph because we are talking here about the way in which the board is handling monies which this Legislature has voted. They have no right to change that. The Legislature decides how much money they can vote. They are interested with the raising of it at any particular moment, to meet the needs that they have on hand. To suggest for a moment that these people are going to cut down on the loans in an arbitrary manner in order to avoid using the authority of the Legislature given to raise money, is to fly in the face of all the evidence with respect to this board's operation. After all, it's lent \$34 million over its lifetime - that's a large sum of money; and it's lent it to thousands, hundreds of farmers - and I think that we can rely on them to use their discretion wisely in a general way. That's not to say there are not difficult, hard cases and when we get difficult, hard cases, we'll look into them.

But, my honourable friend obviously failed to notice that the power of the board to act under this section, is not absolute, but it's subject to the approval, in advance, of the Lieutenant-Governor-in-Council. (Interjection) Well I am glad you do realize it because it indicates where the responsibility is and where the responsibility will be exercised. So I would suggest to my honourable friend that I don't really think that he need feel a concern about this. I appreciate the fact that he supports this legislation in general terms. It's nice to hear that and I want to acknowledge my honourable friend's generosity in saying so; but I really do not think that the

(MR. ROBLIN cont'd)... clause in the bill which bothers him is going to cause any trouble in the way in which he thinks.

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

MADAM SPEAKER: The adjourned debate on the proposed motion of the Honourable Minister of Mines and Natural Resources. The Honourable the Member for St. George.

MR. GUTTORMSON: Madam Speaker, I adjourned the debate for the Member for Lakeside.

MADAM SPEAKER: The Honourable the Member for Lakeside.

MR. CAMPBELL: Madam Speaker, I would have preferred to have spoken on this motion when the Honourable the Minister of Mines and Natural Resources was in the House, but I understand the wish of the government to get it proceeded with and so I shall accommodate myself to that position. I'm sorry that I do have to refer though, at some small length, to what the Honourable the Minister of Mines and Natural Resources said in this House, because as you know, Madam Speaker, this is a pretty important matter so far as the rules of this House are concerned.

I would like to premise my remarks by saying that I do take at face value, the statement that the Honourable the Minister made, where on Page 163 of Hansard, he says and I quote: "Furthermore, I think that the precedent from Ottawa is one that we should pay some attention to. We suggest that during the course of the Rules Committee, that some of the changes, because we had not operated with these proposed changes in our House before, should certainly be tried out, say on the basis of a one year period. Again I would suggest that the government's attitude in this regard is that we would like to see some of these proposals tried out for a period of a year. I think it will then become apparent that to many of us, perhaps to all of us in the House, as to whether or not these rules are well founded, whether or not they should be discarded". - - and some of the ideas should be discarded - - "or perhaps some compromise could be arrived at which would better meet the practice of the House in debates on certain matters." That is the end of the quote, Madam Speaker. You will remember because you were the chairman of that committee, that this was the statement that the Honourable Minister made during the course of the discussion, and on that basis. - although there are some points in which I am in personal disagreement and some where our party is in disagreement, in general terms, - but on that basis, I certainly am not going to oppose the concurrence in the motion.

If my honourable friend the Minister were in the House, I would take a bit of enjoyment out of correcting the next paragraph where he says that the purpose of a certain recommendation or proposal, is to accord to the leader of the third opposition. Now the third opposition would certainly be my honourable friend the Leader of the Social Credit Party. I tried in the committee, once it was understood that we were going to give recognition to my honourable friend the second opposition, I tried to include the third opposition but the committee didn't agree with me and so I would have to correct the Honourable the Minister if he were here. I am sure it was only a slip of the tongue and he has not meant to change his opinion in that regard and no doubt the government does not intend to change its opinion.

Then my honourable friend mentioned - also on Page 153 - and I am watching the door, Madam Speaker, I realize that if the Honourable the Lieutenant-Governor comes in that I shall cease and desist. But only temporary. Later on, on that page, the Honourable the Minister mentioned so far as the private members are concerned, there would - and I'm quoting now: "There would be a cutback of approximately four hours in the time devoted to private members resolutions on the Tuesday of the regular weeks." I rather think that though it's bad enough, I don't think it's quite that far. I don't agree with the principle but we can discuss that at later times again.

Then I must say - and I would like my honourable friend to be here when I was speaking of this part because he would glare at me in such a friendly fashion that I would be encouraged to say more than I will under these circumstances - because on Page 155, he says, and I am quoting: "We ran into a problem last year, as Madam Speaker will well recall, with respect to the counting of the days that would be devoted to the Throne Speech. Without going into the details, I would call honourable members' attention to Page 12 and suggest hopefully that that matter has now been concluded to the satisfaction of everyone and that a rule that is more easily interpreted will cover that situation from now on." Madam Speaker, my honourable friend skipped over that very lightly and carefully. We didn't run into any problem at all on that matter. It wasn't any problem whatever. All that we ran into was that the correspondence we had from the Clerk of the House in Ottawa proved completely and conclusively that what we folks on this side of the House had said was correct. That was the only problem. And when I am mentioning that, - and

(MR. CAMPBELL, cont'd.) . . . I have the document here to prove it - the answer that we got from Mr. Raymond. I don't intend to read the correspondence but the argument that we engaged in on this side of the House, to prove, to establish the fact that the method that the government insisted on implementing with regard to the counting of the days on the Throne Speech was obviously wrong in view of what our own Journal said, in view of what our own Proceedings said, in view of the way it was recorded by the Clerk of the House in the Journal, and still there - we were listened to politely, but they wouldn't agree with . . . - and Mr. Raymond says without any qualification at all that what we were arguing was correct.

Similarly I don't want to take too much time in dealing with the other matter that we have discussed, much less exhaustively, with regard to the tabling of reports. But here again, the word that we get from the Clerk of the House is that what we have said here is completely right, and the government -- and it was plain, it seems to me, to anybody who looked at Beauchesne to whom we had to go for advice in that matter, that that was the situation -- but no, the government said that they had doubts on the matter; they wouldn't accept our interpretation of what Beauchesne said; they wouldn't arrive at an interpretation of their own and so we had to write to Mr. Raymond, which the Clerk of the House did on the day that the House opened here this year, February 3rd. I'm not going to read all of the correspondence but it is with regard to the tabling of Orders in the House that have been asked for in one session and have not been brought down while that session continues - whether or not they should be provided without a renewal of the Order. The Clerk of our House in writing to the Clerk at Ottawa said in the second paragraph of his letter, it's the only one I'll read, "Am I correct in stating that your interpretation of Rule 82 is that when an Order for Return or an Address for Papers is accepted and passed by the House, it remains in force until the return is tabled in the House." That's the second paragraph. The answer from Mr. Raymond, which was written on the 7th of February, says "With regard to the second paragraph of your letter of the 3rd instant, my answer would be yes." So the matter that my honourable friend the Minister of Mines and Natural Resources euphemistically describes as a problem, was no problem at all as far as we were concerned. It simply proved that on those two points that have been debated here that we were 100 percent right. And I do hope, I do hope, that we won't have to spend quite as much time in debating matters of this kind in the future as we have in the past.

Now with that introduction, Madam Speaker, I would like to say that I think that the committee was worthwhile, not just because it established the bona fides of our position in that regard, but it was worthwhile in other regards as well.

At first glance when you look at the document that was tabled here and see the many, many, many clauses and paragraphs that are reprinted as the new rules as compared to the old rules which are printed on the other side, the changes look to be extensive. As the Honourable the Minister pointed out in presenting or moving concurrence in the report he said that a great many of these, a great many of the changes, were not - well, they were important, Madam Speaker, but they weren't substantive in that a great many of the changes were made necessary simply because we changed "Mr. Speaker" to "The Speaker" - and that small change, important in one regard, required that a lot of expressions be changed. But in addition to that there are some changes that are of substance and some of them that I would have liked to comment upon.

The question of a recognized Opposition Party, in brief, once again I'm happy to say, although the Minutes of the Committee doesn't emphasize it at all, I'm happy to say that the committee did agree with the contention that I had tried for a long time and at great length to establish in this House that Rule 33 of our present rule book is in there by mistake; that was finally agreed to - but even though it was in there by mistake, the consensus of the committee was that we should extend the courtesy as a matter of right to my honourable friend who heads the NDP Party. And when my friend the Minister said, in moving concurrence in this report, that this now placed him in the same position as the - said that it would give him the same rights and privileges that apertain to a Minister of the Crown in making a speech, the same rights and privileges that apertain to the Leader of the Opposition in his speaking in this House - actually those two expressions are not synonymous. The position that's given to my honourable friend the Leader of the New Democratic Party under this plan is that he has the same rights and privileges so far as the 40 minute rule is concerned, as the First Minister and the Leader of the Opposition, not the same as the Ministers of the Crown. And while I've always taken the position that I don't in any way object to my honourable friend having that right, and having it granted to him as a matter of right by the House, all I was arguing before was that that wasn't what our rules were intended to say in Rule 33 before. It was in there by mistake; that was agreed to. But the point where I am in



(MR. CAMPBELL, cont'd.) . . . disagreement with the report of the committee is that if we're going to extend that privilege or those privileges to the Honourable the Leader of the NDP as a matter of right, I cannot in honesty see how you can keep them from the Honourable Member for Rhineland; because it seems to me that to decide this matter on the basis, and particularly on the basis of whether a party has four or some set number of that kind, is no question of principle at all. My own position has always been that there's just one Leader of the Opposition, and to me the minute that you depart from that principle and say that you're going to recognize another party then I think you break the principle completely and that you simply can't, in principle, establish the difference on the basis of the number of people in the House. So it seems to me that inasmuch as the committee determined to extend those rights and privileges to the Honourable the Leader of the NDP that the Member for Rhineland should also get them and so the House can have a little bit of rest for a moment.

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

MADAM SPEAKER: May it please Your Honour, the Legislative Assembly at its present session has passed a certain Bill which in the name of the Assembly I present to Your Honour and to which Bill I respectfully request Your Honour's assent.

MR. CLERK: Bill No. 10, An Act to Amend the Revenue Act, 1964 and certain other Acts of the Legislature. In Her Majesty's name, His Honour the Lieutenant-Governor doth assent to this Bill.

MADAM SPEAKER: The Honourable the Member for Lakeside:

MR. CAMPBELL: Madam Speaker, I wish I could get my assignment over with as dispassion and as little time as that last ceremony required. And that it was worth as much money.

Madam Speaker, even with the very careful consideration that our committee gave to these rules, I think that in Chapter I, Regulation and Management of the House Sitings, that is Rule 2, I think that we still have to make an amendment. Rule 2 as printed here says "The time for the ordinary meeting of the House is at half past two o'clock p. m. of each sitting day, except on Friday, when the House shall sit at 10:00 o'clock a. m." That's what was agreed to. But, we need the closing time in there - 12:30. So that rule is still incomplete after all our hard work, I fear. We need to say "shall sit from 10:00 o'clock a. m. to 12:30 o'clock p. m. I'm in favour of that rule as amended, and I'm going to suggest one or two other amendments, because no matter how carefully we consider these matters, we do seem to have some little loose ends left. But I am in favour of that rule, I think it an advantage and so far as that particular time is concerned I think we can use it to good advantage.

Then, Madam Speaker, I have another amendment to suggest because even though we worked hard - and here I do miss my honourable friend the Minister of Mines and Natural Resources because I know that if he were here he would be following very carefully these rules for he paid a lot of attention to them. But it distresses me greatly, Madam Speaker, to think that a committee as competent and diligent as this committee of ours undoubtedly was, and is, that after spending all the time and effort and getting the changes made in order to say "The Speaker" that we practically admitted defeat in Rule No. 6 when we said "When the Speaker is of the opinion that a motion offered to the House is contrary to the rules or is a violation of the privileges of the Assembly, or both, he shall appraise the House thereof immediately and may reserve his decision and subsequently state his reasons therefor before putting the question."

And you remember, Madam Speaker, that we discussed this in the House and the lawyers on the committee, as is their wont, pointed out well it was all right anyway because according to the Interpretation Act that "he" meant "she" and "she" meant "he", if you wanted to read it that way, and so in a moment of weakness Madam Speaker, you and I allowed that to get by. We shouldn't have settled for it so easily and I propose that even at this late date, that we do not admit defeat, we do say that we are capable of rising to the occasion and using Her Majesty's language in such a way that we can accomplish the end that we set out to do; and I'm going to say that starting at that offensive word "he" that from there on, we strike out the rest and we say instead - and I'll read the whole rule so that you see where we change it - and you tell me, while I don't pretend that this is Churchillian English at all, I do say that it or some reasonable facsimile of the same will achieve the purpose and I'm going to suggest at the end that you, Madam Speaker, and the Clerk of the House and the Honourable Minister of Mines and Natural Resources, be given the authority of the House in order to make these revisions because I think they should be incorporated into these rules so as to have it done in the way we wanted it to be done. Now I read it as it shows in our revision, but here's the way I would read it now and you'll notice the change starts with the word "he".

(MR. CAMPBELL cont'd)...

Rule 6. When the Speaker is of opinion that a Motion offered to the House is contrary to the rules, or is a violation of the privileges of the Assembly, or both, the House shall be so advised immediately, but the Speaker may reserve a decision and subsequently state reasons therefore before putting the questions.

Now what's the matter with that Madam Speaker? Isn't it better and hadn't we better settle for it?

Well then if we fix that one - and this is the way it is with we master draftsmen - if you fix one section, you nearly always have to fix another one. That's where the lawyers get their innings and that's where a lot of the troubles arise, because they have their innings. We come right to No. 7, naturally after that, and here's what it says "The Speaker shall not take part in any debate before the House," and then subsection 2, "in case of an equality of vote, the Speaker shall cast the deciding vote and any reasons given by him shall be entered in the journal". Now you see what I have done, Madam Speaker? I have incorporated that all into the section that I read. I think if the House will accept my advice, which they infrequently or never do, and will allow that Committee that I suggested to make these revisions, that they will find that they are better, considerably better.

Now I come to a point where there is some serious disagreement because the proposal of the committee was to cut down the time for private members business in this House. Under the old rules the private members got nine hours per week as I figure - - (Interjection) the private members. Oh this brings us away over to 19. I've not discussed the ones in between; I've nothing of interest to say on them - - and under the proposal that's been made, the time for the private members is cut down as I figure it by three hours. The government gains a total of 21/2 hours, in total we have a little shorter sitting. Now this is not of major importance I know, but I don't like the principle of cutting down the time allotted to the private members. Goodness knows the government has enough of an advantage in a good many ways and to arbitrarily restrict the time of the private members is I think wrong in principle and I so stated in the Committee. I was not able to carry my point and quite frankly I don't intend to argue it at any length here because I expect that the decision has been made and it will go, but I express my disagreement in principle.

I move on then to Rule No. 23, subsection (2) - - and this is the debate on the Resolution for the House to resolve itself into a Committee of Ways and Means - - and on this one I am in agreement because I think this is long enough for this particular debate. There was no such resolution formerly but I do think that this is sufficient and I have no objection to it; in fact I think it has certain advantages. Then as you are aware Madam Speaker, there is a proposed Rule No. 27 (2) where we will now at least to some extent, take away from you the element of surprise in the motions for adjournment of the House on a matter of urgent public importance. I mention that only in passing and I have nothing to say in objection to it.

In 33, I shall not go into the dissertation that I have on Rule 33, my old favorite, in any length at all. There is a change there in that my honourable friend the Leader of the New Democratic Party has been recognized and I have already made my brief remarks on that.

Then we have the Rule 34, where we have the limitation on the debate of the Address in reply to the Speech from the Throne, and this is the one where the Clerk of the House at Ottawa agreed with the position that we had taken and so it has been moved to eight days now and we've got rid of that ambiguous phrase, which I never thought was ambiguous but a lot of other people did, of resuming the debate.

You will be glad to hear, Madam Speaker, that that takes me away over to Rule 47. Rule 47 subsection (3). And do you know what happened there? Well that awful word "he" sneaked in again when we were speaking of the Speaker and so I would suggest that once again it be excoriated because if we are going to be consistent, let's be consistent, and let's get rid of it. So I would suggest to the Committee that I hope is going to be given the authority to revise these rules, slightly, before they are finally printed, I would suggest that they make the change of simply putting in "the Speaker" instead of "he". And while I know that would offend the sensibilities of certain perfectionists who don't like to repeat the same word or the same term, in one sentence, yet I think the repetition of the two words "the speaker" is preferable to admitting that we can't get away from that word "he" even if we want to.

Then we come to the eighty hours, this is 62A, the eighty hours to be allotted to the Committee of Supply Estimates. Well I have already spoken about the undertaking that has been given both in the committee and was made by the Honourable the Minister when he moved the concurrence

(MR. CAMPBELL cont'd) . . . in the House, and while I just do not like belonging to the old school of where I believe that a parliament is a parliament, and that we are here to express ourselves freely, and frequently at length, and that limitations on debates are always dangerous because of the fact that circumstances change and some occasion might come up that would make it desirable that the length of time should be prolonged. I can foresee the fact that we would have some of those lengthy explanations and sermonizing and philosophising for which one of the incumbents of the front row is rather noted, not to say notorious, and we might spend a great deal of time on that Department; and then there might be a Department where a lot of us, because of the added expenditure or because of the interest that's taken in the work of that Department, that we spend a great deal of time there, and go through several departments taking the time that we thought was necessary, and then found at the end that two or three departments probably equally important but maybe that didn't have the same timeliness to the discussion would have to be dealt with according to an inflexible rule in a very short time. I think it's always a mistake Madam Speaker, if we put ourselves in a strait jacket of any kind as regards time, for it could happen that we would be accused, and properly so, by the public of rushing through huge amounts of expenditure with very little or no consideration.

Madam Speaker, I think I have only one other matter to mention in this connection. It's one that I would much prefer to not have to mention, but it's one that I think is for the good of the House and should be stated.

In the minutes of the meeting of our committee held on October 18th and 19th, 1965, there's a - - in connection with the discussion on Rule 5. This I'm reading from the minutes of the discussion, page 2 of the minutes. "Upon checking Rule 5, Honourable Mr. Roblin raised the matter of the Speaker's ruling in the House and expressed the opinion that the ruling of the Speaker should not be challenged. Honourable Mr. Roblin stated that he made the suggestion for the purpose of keeping the dignity of the office at the highest possible level. "We had some discussion on that matter; it wasn't proceeded with to any great extent and no action was taken on it so it remains in the suggested rules the same as it was before. I can understand the concern of all the Members of the House, Madam Speaker, which I share, of seeing to it that the position of the Speaker is kept, the dignity of the position, and the authority, is kept at the highest level possible."

Madam Speaker, in my opinion, what the Honourable the First Minister did at this afternoon's sitting, today, was something that does more to detract from the dignity of Madam Speaker's position, than any number of appeals that might be made in this House, because the Honourable the First Minister this afternoon, who has no more authority in a matter of this kind than anybody else sitting in the House, presumed to give advice to you, Madam Speaker, while you were considering your decision, that should never be given in the way that he gave it, by any Member of the House. And the First Minister of the House should set an example here, not wrong examples. If we're going to have that respect for the position of the Speaker, then every member of the House has to be guided by the same rules. And I want to say that as one who tries, I may not always be successful, but as one who tries to go by the rules of this House, and as one who does not believe in being extra technical about them; as one who believes that the rules should be for the service of the House, rather than mastering them, yet I still say that if we're going to have that respect for the dignity of the office of the Speaker, then everybody should conduct themselves in the manner that's entitled to enhance that respect, and not do anything which is subject to question. And I say quite openly, Madam Speaker, that the action of the Honourable the First Minister this afternoon was not one that is calculated to be on all fours with the suggestion that was made in that committee.

Now, I suppose that the new rules will be adopted. I hope that the suggestion that I have made regarding a small committee to make, even at this stage, what I feel to be necessary revisions will be adopted, and that when these rules are put into effect, Madam Speaker, that as a good many of us have had quite a lot to do in working on them, that it will give all of us a little higher appreciation of what the rules of the House mean to us, and give us all a better, a more firm intention of seeing that we live up to, not only the rules themselves, but their spirit in conducting the business of this House.

MR. PAULLEY: Madam Speaker, it is rather difficult for one like myself to follow the Honourable Member for Lakeside when we are dealing with the rules of the House. The honourable gentleman, as we all know, has been a member of this House over a good number of years, and has proven himself well-versed in rules of procedure. He has offered, Madam Speaker, a suggestion or two of a revision in the wording in some of the rules, particularly in reference, Madam Speaker, to yourself. The honourable gentleman is very meticulous, usually, and very thorough. I think, Madam Speaker, if his suggestion is adopted, however, in looking into pronouns and wording in the rules, we should take a look on Page 10, proposed rule 27 (3), where there is another slip, inadvertently, I am sure; the use of the word 'he' in reference to the Speaker, and if as I say, a committee is going to be charged with the responsibility of just brushing up a few omissions, this might be one. Further to that, Madam Speaker, possibly the same should be done, the proposed rule on Page 23, dealing with rule 75 (c). We find, I think, the same situation there where it is talking of "payment is made on the authority of the Speaker, signified by his endorsement of his approval." I think, as the Honourable Member for Lakeside, pointed out, we were trying to get rid of the male gender specifically in the rules, and possibly, if as I say a committee is set up, they could take a look at these other two as well as those drawn to our attention by the Honourable Member for Lakeside. -- (Interjection) -- 23, Mr. Campbell. And the other one was 75, if I recall correctly. Yes, 75 (c).

I am not going to protest the adoption of the rules very vigorously, based on the suggestion of the Honourable the Minister of Mines and Natural Resources, in that we give the suggested rules a chance for a year or two to see how they work. I do however protest, Madam Speaker, that the committee saw fit to reduce the number of hours allocated to private members. I think it is correct to say that a third of the hours for private members have been eliminated. I think previously we had nine hours, and now it is three. -- (Interjection) -- Yes, thanks - it is now six. In other words, about a third of our time as private members. It is true, Madam Speaker, that the history of the House as I know it, it wasn't very often that the full time was utilized for private members, but the fact remains, nonetheless, that it was there if we wanted to take the opportunity of speaking as private members of the House.

I would like to make one correction of my honourable friend, the Member for Lakeside, when he was referring to recognition of the Leader of the New Democratic Party. Actually as far as the rule is concerned it could apply to the Social Credit Party, the Communist Party or any other party equally as well. So the rule was not definitely aimed at the present situation in the House where I have the honour of being the leader of a group now of five. I do hope - and I rely on the trustworthiness of the government in this respect - that they will not endeavour to manipulate the considerations of the estimates in order that we don't have the opportunity of considering every department. When the 65-hour rule was set up in 1960, I believe, that was the then-average, according to the computations made by the Clerk of the House of about a five-year period prior to that time that was given to the consideration of estimates, and at that time I had been fighting for a definite closing time. I did gain some satisfaction in that the 65-hour limit was put on in the rule book, before which time, of course - the expiry of 65 hours - before which time the government with its power could make us stay here as long as they liked. Now the 80-hour rule goes a little step further, I think. We're going to have a stated closing time, so I just say in passing, as far as that rule is concerned, Madam Speaker, that I trust to the good judgment, good management, and the fair-mindedness of the government, whoever that government may happen to be while this rule is in vogue, in order that we can have full consideration of the estimates, and that there will be no department unheard from, I'm sure. The Honourable the Attorney-General there is happy that the suggested new method is alphabetical as far as considering estimates, so he will always have his opportunity of telling us how good the administration of justice is in the Province of Manitoba, but what about the Minister of Welfare? He's down somewhere near the tail end of the totem pole, and we may be deprived, if the Attorney-General takes too long, of the opportunity of hearing from the Honourable the Member for The Pas.

MR. ROBLIN: We'll just reverse the order the next year. That'll fix them.

MR. PAULLEY: So I hope, Madam Speaker, that we will not be deprived of the privilege of hearing from the likes of the Honourable Minister of Welfare. I think it would be a crime, really, that we may not be given the opportunity and the privilege of giving our friend the Minister of Welfare the benefit of our sound advice during consideration of estimates.

But there was one matter, Madam Speaker, that I became very acutely aware of during

(MR. PAULLEY cont'd.) . . . the consideration of the rules of the House and the Committee that considered the rules, and I agree with the Honourable the Member for Lakeside that by and large it was a pretty thorough Committee and we had lots of discussion as far as the rules were concerned, but there was one feature, Madam Speaker, that vividly was drawn to my attention, and it had to do with myself, as a member of the Committee appointed by the House. Unfortunately, during two or three meetings of the Committee appointed by the House I was unable to be present due to sickness, and a suggestion was made, Madam Speaker, if you recall as Chairman of that Committee, of me that I might appoint a member of my party in my stead until such time as I was able to attend the committee meetings myself. Unfortunately, Madam Speaker, this was not possible for two reasons: (1) That it just so happened that at that particular time a lack of availability of a substitute -- but the more important point that I wish to raise, Madam Speaker, is the fact that we could not appoint a substitute to the Committee who would have any power other than the right to speak.

I'm not going into the history of the deliberations of the Committee meetings, Madam Speaker, wherein, originally, the rule was changed which did not allow for the recognition of a second party in opposition, did not allow for the recognition of the leader of that second party, or third party, providing they had the evidence of support in the House. But I am desirous of drawing to the attention of the House, Madam Speaker, that I think that we should give some consideration to where a select committee of the House is established and that a member of that Committee is prevented by sickness or death, or even as in the case, Madam Speaker, of my former colleague, now the Member of Parliament for Springfield, who had to resign from this Legislature in order to seek election to Ottawa, he had to automatically of course leave the committee, which meant that in this particular case it was the New Democratic Party who didn't have the representation that the House intended it to have on this committee, also the municipal committee, I believe the Committee on Statutory Rules and Regulations. I think it was also true, Madam Speaker, as far as the Committee on Consumer Credit. So, while I am not making any firm proposal or motion, Madam Speaker, I raise this question for the consideration of the House, or it's something for them to think of for the future.

So, as I say, Madam Speaker, as far as we are concerned, we protest the reduction in the number of hours devoted to private members. As far as the 80-hour rule is concerned, we are prepared to let it have a whirl and see how she goes, trusting in the fair-mindedness of the House. As far as the limitation of debate on the budget, in the past I don't think we ever used the eight days, and it might be a little difficult to get used to, particularly if the Provincial Treasurer were to bring down his Budget on the same day as the bringing in of the Estimates - and I would suggest that he is establishing a pretty good precedent this year in delaying the Budget until we've had a chance at the Estimates - so we're not going to protest that aspect of the rules.

I am glad that the Committee, after my resurrection, as someone called it at one time, did change their mind insofar as recognition is concerned of a second party in opposition, and in stating -- I am glad to say that, Madam Speaker, I want to reaffirm again to the Leader of the Official Opposition, that while I occupy the position that I do as leader of the second larger group in the House, and he is the recognized official Leader of the Opposition of the larger group, then I would give him the respect and the honour due to his position by virtue of the numbers that he holds. There is no desire on my part I say to him and to the Liberal Party who are the second larger group, because of recognition as the leader of a recognized party, that I usurp any authority or traditions of the time-honoured custom given to the leader of the second larger group in the House. So, Madam Speaker, I am prepared with my little protest, so far as these rules are concerned and the number of hours, to accept the decision of the committee, and I trust and hope that they will work out to the advantage of the Assembly itself.

MR. FROESE: Madam Speaker, I rise on a point of order before I adjourn the debate. I would like to seek advice as to how this report is going to be handled. This is a committee report and therefore it cannot be amended in any form. We have just heard from the Honourable Member for Lakeside that he has some amendments that he wishes to make. Certainly this is not a bill, and therefore will it be re-introduced or how do you proceed in this matter? And how can we make amendments?

MR. ROBLIN: Madam Speaker, speaking to the point of order, and I presume that in so doing it will not be considered to be an affront to your jurisdiction, Madam, if I follow a custom that has long been followed by First Ministers in this House, and I sat under one who was very good at expressing his opinions to the Speaker, on more occasions than I care to remember --

(MR. ROBLIN cont'd.) . . . . (Interjection) -- and if he wants me to give him chapter and verse some day I would be glad to do so, starting with the beer inquiry. However that might be, I would suggest to my honourable friend that if he asks on a point of order, and I'm not an authority entitled to give him any final ruling on this matter, but as a matter of courtesy and as the Speaker of the House allows me to do so, I would suggest to him that his amendments, if he has any, would have to be made on the motion for concurrence, just the same way as they're made later or earlier on this afternoon on the report of the committee being received with respect to the Committee of the Whole. Now it's in the book and the procedure's quite clear.

MR. CAMPBELL: Madam Speaker, on the point of order I would like to say to my honourable friend the First Minister that he can bring all the books that he wishes to here, and he will never find an occasion of where I insulted the dignity of the Speaker of this House in the way that my honourable friend did this afternoon.

MR. HARRY P. SHEWMAN (Morris): . . . . . speaking to the point of order, I hadn't been in the House too long when the Bracken Inquiry was debated in the House, and I can remember quite well, when the Member from Lakeside occupied the seat that our First Minister is sitting in, when he instructed the Speaker that evening on a ruling, but it took him a month to apologize that he was wrong.

MR. CAMPBELL: My honourable friend, I deny the accusation completely and I dare my honourable friend, I challenge him to produce one jot or tittle of evidence of that.

MADAM SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Madam Speaker, I beg to move, seconded by the Honourable Member for Seven Oaks, that the debate be adjourned.

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

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

MR. CAMPBELL: Madam Speaker, I think that perhaps the House would not mind if I didn't speak on this occasion. I would ask the matter to stand.

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

MR. HILLHOUSE: Madam, I was a member of this Committee and I concurred in all the recommendations made by the Committee, and I must concur in the report.

MR. PAULLEY: Madam Speaker, I would just like to be permitted a word or two in connection with this report. My colleague from St. John's has already spoken of the deliberations which took place on this Committee, and pointed out that by and large recommendations which had been made by New Democrats have now been accepted, in general, by the Committee -- (Interjection) -- my honourable friend from Selkirk says "keep it clean." I always do. I assure my honourable friend that, coming from good old British stock, my parents taught me always to fight cleanly, and if this may be alien to some, it certainly is not to me. The only one point I wish to emphasize, Madam Speaker, there still is a deficiency insofar as the consumer of Manitoba is concerned. I want to -- (Interjection) --

MR. ROBLIN: . . . . we're talking about highway traffic in this motion.

MR. PAULLEY: Are we? Oh I'm sorry. Madam Speaker, this is the -- I think, Madam Speaker, this is the second year in a row that I've got up and spoke on a motion that we weren't dealing with at the time, and I apologize to the House.

MR. PETERS: Madam Speaker, I want to state that I sat on the Highway Safety Committee and I go along with the concurrence of this report.

MR. FROESE: Madam Speaker, I beg to move, seconded by the Honourable Member for Seven Oaks, that the debate be adjourned.

MADAM SPEAKER: Who was your seconder?

MR. FROESE: The Member for Seven Oaks.

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

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

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

COMMITTEE OF SUPPLY

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

MR. McLEAN: Mr. Chairman, I would not wish to detain the Committee any longer than necessary in this Department, but perhaps the members would wish me to just make my concluding comments regarding the points that were raised on Friday evening last. I have the answer to a question asked by the Honourable the Leader of the Opposition, as to how many juveniles had been sent to Headingly Jail because there was no room at the Vaughan Street Detention Centre, and he also included Stony Mountain in that question. The answer is nil for the past year.

The Honourable Member for St. John's spoke of the crowded condition in the Law Courts building on Broadway, across from this building, and I would have to agree with him that it is rather crowded. Plans are under way, as members will know, for alternative accommodation for a number of the non-judicial functions there, or some of the non-judicial functions, which we trust will make more room in that building.

He asked concerning the battered baby problem. I always get fouled up on this matter, but we did this past year arrive at a working arrangement with the Department of Health and particularly the Department of Welfare, and it was agreed by all of the experts concerned that this was basically, and in the beginning, a problem of the Child Care agencies, and the Department of Welfare asked that they be allowed to keep a check on the matter and that they would refer to the Attorney-General's Department, for prosecution, those cases where there was indications of maltreatment of babies or small children, and that is the basis on which we have been operating during the past year. My information is that it has been working satisfactorily and that the Department of Welfare is quite well satisfied with the way in which we have been doing it. Members will notice -- I notice from looking at the jail report, just as a matter of interest, that two of the persons in jail during the past year were there for offenses which would be indicated to be that of maltreatment of babies.

The Honourable Member for St. John's also asked whether with respect to the policy in dealing with those charged with sex crimes and pointed out that the problems that are involved here are different, and whether or not we had any special treatment and what was the departmental attitude. I would acknowledge that the problems here are different. We are certainly aware of that, and we have a considerable program or practice of pre-trial psychiatric examinations, and all of these cases are watched closely, and of course in many instances it is what the boys in the department refer to as the judgment call, that is just what course of action you take once you have had a person examined by a psychiatrist as to what is the proper procedure from that point on. But there is quite an extensive practice of the pre-trial psychiatric examinations in cases of this sort, and in one particular instance which received some considerable newspaper attention, there were several psychiatrists called in to give pre-trial examinations.

The Honourable Member for St. John's also asked if we had reviewed the report which was just recently published in Ottawa by a committee appointed by the Minister of Justice, and we were able to secure a copy of the report entitled "Juvenile Delinquency in Canada" - the report of the Department of Justice Committee on Juvenile Delinquency - and this may be obtained from the Queen's Printer by anyone who is interested in it. It is rather an extensive report as members will see from just looking at it. Now we -- (Interjection) -- yes, members will know that there is a store over in the Mall Building where these may be now obtained.

Now we have only had a few days to examine this report and our conclusions are necessarily limited by that rather quick examination. I have, however, a report on the Report, and I'm glad to give one or two comments for reasons which the members of the Committee will readily recognize in just a moment because this is the report that I have been given in connection with this. I'll make just the points without reading this report in detail.

Most of the recommendations - that is referring to the Report on Juvenile Delinquency - most of the recommendations are in accord with the practices established here. There is also a general harmony between their recommendations and our new Corrections Act, and of course while the new Corrections Act has received first reading, members do not have the text of the bill in front of them as yet, but this is the report there.

A further point, regarding detention our practice is similar to that described in their recommendation in Section 209, Page 117, again there. Going on, their recommendation regarding detention before filing a petition is the same as is set out in footnote No. 22. This is generally what we have stated in our Act. This is referring to our proposed bill on corrections.

(MR. McLEAN cont'd.)

Then they go on, this memorandum makes a further note that Sections 310, 311 and 331 concerning foster homes is substantially in agreement with our practice. Further, with respect to after care, we carry this out by releasing juveniles on parole to probation officers. This refers to a recommendation in the report and it's a practice that is now carried out by the department in Manitoba.

Next, their recommendation 61, Page 292, stresses the importance of a pre-sentence report before a judge commits a child to an institution. In our Act - and here we're talking in terms of our new Corrections Act - we have really gone one further than this and given the Director power to authorize a new assessment if a judge commits a child to an institution. This is intended - that is referring to what we are proposing - this is intended as an additional safeguard for the child.

A further point, their recommendation 76, Page 295, simply states the philosophy of our Act with regard to institutional commitment, and again this memorandum is referring to our proposed Corrections Act.

Then a final comment, we have generally instituted, almost already, most of the more important recommendations contained in the report. I give that while acknowledging that that is from a rather hasty perusal of the report but it is our summary of that report in its relationship to our work - the work that is being done here.

The Honourable Member for St. John's also asks about the Law Reform Committee and the Statute of Limitations. The Law Reform Committee, if I may just remind the members, is a committee composed entirely of lawyers appointed by Order-in-Council under the authority of the Act respecting the Attorney-General, and which is asked to consider statutory amendments or new statutes or revisions of the law in order to keep it in line with current practice and current needs. They meet not on a regular basis but frequently, that is, relatively speaking. I would have judged that in the year 1965 we had some five meetings of that committee at which a number of important matters were considered, and they in turn established a sub-committee which prepared a draft of the bill on expropriation, and then of course it was considered by the main committee. Also with regard to the Statute of Limitations, the committee considered and made a recommendation with respect to that which matter is presently in hand as a result of the work of that committee.

He asks also -- the Honourable Member for St. John's asked about the revised statutes. Mr. Rutherford, who was formerly the Legislative Counsel, is the revising officer. That is his special care although he has been asked -- he was during the past year requested to devote his time primarily to the complete revision of The Municipal Act and the complete revision of The Highway Traffic Act, both of which are going to be before the Assembly, and as a result, the matter of the revision of the statutes has not proceeded as rapidly as that might otherwise have been the case.

It is difficult to give any target date for the revised statute and I would only be perhaps taking an unwarranted risk by suggesting that they are probably two and a half years away yet, although circumstances may alter that situation depending upon how we are able to proceed, but it is altogether likely that Mr. Rutherford, having completed the work with respect to the two statutes which I have mentioned, will have more time -- will have his entire time to devote to that task.

The Honourable the Member for Selkirk referred to The Partnership Act and The Companies Act, and in relation to the Law Reform Committee I'd just make a small point that it wasn't the Law Reform Committee that worked on those statutes. That was a special group of people which I believe also had on it accountants and perhaps some others, and that was not done by the Law Reform Committee but rather by another group constituted in some other similar manner by my colleague the Provincial Secretary, and he expressed appreciation - and I do too, because I've been amazed at the amount of time which many of these men spend in this most important work, and have often told them of my appreciation and I know that all of us join in that appreciation.

I think perhaps one point that I have not covered in my previous comments, the Honourable Member for Selkirk said that our Magistrates Court should be a metropolitan court. I believe that he mentioned this last year. I concur in what he has suggested except that I believe he is probably thinking of -- somewhat more extensive than I in that I see it as a metropolitan magistrates court not having in it the County Court judges or the Queen's Bench judges in relation to speedy trials or assize cases. This is not to say that his suggestion is not a good one, but I would have to say that it is not contemplated at the present time but rather that it would



(MR. McLEAN cont'd.) . . . . be a metropolitan magistrates court dealing with the cases from the metropolitan area with the exception of the City of St. Boniface. He was interested in a good liaison between the magistrates and probation officers and I join him in that and I have hopes that perhaps by certain changes that are -- Not changes, but by certain proposals that are contained in The Corrections Act, that the position of probation officers will be made somewhat more clear and firm, and that that, along with some other measures, will bring that about, but I acknowledge that that is important and I hope that we will have the closest working relationship between these people. He did refer to the turnover of staff and I made a comment in reply to that, and I think perhaps I have no other comment to make on that at the present time.

The Honourable the Member for Rhineland asked whether or not we were assisting the Federal Government in policing The Income Tax Act, and I think his question arose because in the jail report he had noted that there were two persons in custody or who had been in custody for offences under The Income Tax Act. The answer is that no, we do not in any way enforce The Income Tax Act, but if some person has been prosecuted for a violation of The Income Tax Act and is committed to jail for any time up to a period of two years, then of course they will be in a provincial jail and will show up as part of the statistics of our jail population. But that is only because we run the jail not because we have any part in the conduct of the prosecution. All Income Tax Act prosecutions are conducted by agents of the Federal Government.

He also asks how many inspectors there were with respect to gasoline tax, and while this is a question that is perhaps more properly directed to the Provincial Treasurer, and when that department is under consideration, it is my understanding that we do not have any inspectors as such in respect of the gasoline tax, but inspections are made by the police - by the RCMP as the provincial police just as they check possible violations of other laws, and it is carried out in that fashion. That same question arose because I believe there were indications that two persons who were in jail for some period of time were there as a result of infractions of the gasoline tax.

I think, Mr. Chairman, that covers all of the points that were raised on Friday evening.

MR. HRYHORCZUK: Mr. Chairman, I regret that I wasn't here Friday to hear the Honourable Minister make his opening statement. I had the opportunity for the last few minutes to just glance through it, and I note that he dealt with corrections pretty well throughout his opening statement, and I'm looking forward to see the Act that he proposes to bring in in this Session.

What I do really want to talk about, Mr. Chairman, tonight, is the fact that we do not seem to be winning against our fight against crime. We are continuously building more and more institutions, and it seems that no matter how many institutions we build we fill them. In fact, if we take into consideration, Mr. Chairman, the number of offenders that we have on parole today, the number on probation, the number of juveniles in foster homes, the number of offenders in the various institutions that we have, I think that we would find that the number of offences committed in this Province of Manitoba have just about doubled the number that there were eight years ago.

Now I have no quarrel with the program that the Honourable Minister has set for himself in the custodial institutions. I think the program is a good one. I don't think it goes as far as it should. I don't think that we have the classification and segregation that we need in these institutions. We hear from time to time that some of our institutions are the 'schools of learning' where offenders who are just entering into the game of crime learn how to really become criminals in the full sense of the word. I wonder if our total approach to this problem isn't wrong, Mr. Chairman? All we are trying to do here is to correct the behaviour of an offender, a law-breaker. We are trying to teach him to see the error of his ways; we are trying to make him live a normal life. According to the reports we are succeeding. Recidivism or repeats, are just as bad today as they have been at any time. What are we really doing to prevent the continuous increase in crime? And I'd like to point out at this stage, Mr. Chairman, that our population is not increasing in proportion to the increase in our crime rate.

Now there must be something wrong. There was a time when the average person felt that crime was due to the fact that somebody was poor and committed a crime to obtain something that he otherwise could not obtain. Well this is no longer true. A very small fraction of the crimes committed today are committed because somebody wants to obtain something that he couldn't obtain because of poverty. The reasons for the crime go much deeper than that, and

(MR. HRYHORCZUK cont'd.) . . . I believe that some of our learned people in the field know reasons for a vast number of our crimes. But we are doing nothing, and I say nothing, to get at the root of the trouble. How much progress would we have made in the past in the matter of physical diseases if we didn't use preventive measures but depended upon cures only. We would be infested with all kinds of diseases. It was the preventive medicine that made it possible for us to contain and hold back the spread of disease, and I suggest, Mr. Chairman, that the commission of crime is a disease, and I also suggest that it's high time that we began to recognize it as such and take preventive measures instead of trying to cure them after the offence has already been committed. Very few law-breakers are caught on their first offence. Many of them commit several offences and are never caught, but we can know pretty well whether a child has the potential or the tendency to become a criminal. We have that knowledge. Our psychologists and our psychiatrists can tell us that pretty well in advance, and they can also give us some form of treatment in most cases, but we're not taking advantage of that knowledge. We don't go to this potential law-breaker before the law is broken, before he becomes an offender. What we do is, after he has been convicted by a court of an offence, we then start to treat him, and I say, Mr. Chairman, that is too late, and we'll keep on building more and more institutions to accommodate more and more criminals, and surely that is not good enough. I think it is high time that we got to the root of the reasons for these crimes and start to find some preventive measures. It's a big job and that's why it's not being undertaken, Mr. Chairman.

I happened to be in the position of the Honourable Minister, and I know how tremendous a job it is because I looked into that, very very carefully, but I say to him that sooner or later that is where we'll have to look and accept it as our first responsibility. Now whether it will come under this department or not I am not altogether certain. I do believe that part of the work of this department should be under the Department of Welfare. I cannot see where law enforcement and the type of corrections that we are trying to utilize can go hand in hand. I think the time has come when these two responsibilities must be split, and law enforcement, administration of justice, left with the Attorney-General's Department, and the corrections go to the Welfare Department where they belong.

Now I noticed in an article in the Tribune, which gave me considerable thought - and I am referring to an article of Thursday, January 27th of this year, which is attributed to some statements made by Magistrate Rice. Now I have a great respect for this gentleman but I have noticed that his thinking on this subject has changed considerably during the past few years, whether it is because of frustration, or what the reason is, but I know that he was one of the strongest advocates we had of what he now seemingly condemns. Now he's in a much better position than I am, or any of us are for that matter, to judge the effect of our program, and has he reached the decision that the programs which we have thought were the answer to our problems are not answers to the problems? And you begin to wonder whether there is not some truth in what he has to say, and when he makes a statement such as this, "Penal Reform was Hopeless," well I can't agree with that statement. I guess throughout the years he has seen that little progress, if any, has been made, and he may have given up all hope, but I do believe we are making some progress in the field of corrections. Very slow, and at a terrific expense to the taxpayer, but I do believe we are making some progress. But when he goes on to say, and I quote, as he is quoted in this article, "The criminal population is growing. Twenty years ago the rate of re-admission, repeat offenders, was 80 percent. In spite of hundreds of thousands of dollars spent on rehabilitation, it is still 80 percent today. The number of convicts have doubled. In spite of great institutional building programs there is a waiting list." Well, I think that statement is fairly accurate, and it points out that the hundreds of thousands of dollars that we are spending is not paying. There is something wrong.

So I say, Mr. Chairman, the only thing that I can see that is wrong is that we're approaching the whole problem too late, and we must admit that our institutions have become a very good place to live in. A fairly large number of our inmates in some of our institutions have a higher standard of living in the institution than he's ever experienced outside of it. Could we be encouraging law-breaking? Could we? I put that as a question. Just how far can we go with these recommendations and suggestions from our social workers? How far can we go? Are we going too far? Are we taking too much for granted? Those are the questions that come to mind. And I think we should take a good serious look at them. They may not be popular; there'll be new inquiries that we're not being humane, that we're not concerned with

(MR. HRYHORCZUK, cont'd.)... the welfare of these people and so forth, but if those programs are not working out I say that we should take a second look at them. Maybe we are missing the boat. Maybe they need some improvement. But I say, Mr. Chairman, as I've often said in this House - and I for one don't like to repeat myself, because if I hear myself once that's enough; I don't have to hear myself more than that; I hope not - that we just must make up our minds to find preventive measures, and they are there. There is nothing that human ingenuity cannot correct. I don't believe that there's a problem that cannot be solved. It's not going to be an easy task; it's going to be a hard one; but in the long run it will pay off. It'll pay off in many, many lives saved. We won't have to wait until somebody gets blacklisted as a lawbreaker. We can cut him off from that direction. We'll not only save his life and make a useful citizen out of him but we'll save the taxpayers money. And I want to make a plea again to the Attorney-General - give the matter of prevention your foremost endeavours. It'll be a hard road, it will be a long road, but I'm sure it will be well worth it when you've travelled it.

MR. HILLHOUSE: Mr. Chairman, I would like to join with my colleague in placing the emphasis on prevention. I think that prevention - an ounce of prevention is certainly worth a pound of cure. I know that we have a program which is going to be put before us dealing with corrections, but I think that where we are missing the boat is in not detecting delinquency as it first becomes evident; and I think the best place to detect that is in the schools. Now I'm not unaware of the fact that the primary responsibility of delinquency rests with the parents, but unfortunately we have parents in this country and in this city, in this province, who are not sufficiently mindful of the behaviour of their children and they try to leave the upbringing of their children to the community itself. Now I feel that if we had some method of determining or ascertaining patterns of behaviour which if continued in would lead to delinquency - if we had some method of determining these things when they first showed their first signs in the classroom - in some way of dealing with these children, either through Child Guidance Clinics, either through correction methods, either through psychiatrist, psychologists, whatever you want to call them, but as long as we can deal with them and find out what is causing that disturbance or that delinquency. If we can only do that, I'm quite satisfied that we can go a long way towards curbing and nipping in the bud delinquency before it happens.

Now I know I have told this committee and this House on numerous other occasions about an experiment which was tried in Selkirk a number of years ago. We had a corporal in the Royal Canadian Mounted Police by the name of Brown who was a great worker among youth. We also had at the mental hospital a psychiatrist who was definitely interested in the welfare of children and interested in the problem of delinquency generally. In addition to that, in our public health unit we had a public health nurse who visited the schools and the program which they instituted there, purely on a voluntary basis, was for the public health nurse to find out from school teachers whether or no there were any children in any of the classes there that were giving any problem in behaviour. And if there was, it was brought to the attention of this voluntary committee which was set up; an investigation was made and they tried to find out what the basic reason for that behaviour was, whether it could be traced to something that was happening in the home or where it was happening. And I wish to assure this committee that during the period that that committee was in operation the incidence of delinquency in the Town of Selkirk and district decreased to a very large extent.

Now I think that if we could introduce some program of that nature - it doesn't have to be a costly program - but it must be a program which has the support of the whole community; every organization in the community. And I think if we can introduce such a program we'd be well on the way to nip delinquency in the bud before it has a chance to grow into real crime. I therefore support my colleague in his efforts to put the emphasis on prevention.

There are two matters, Mr. Chairman, which I think could be referred to our Law Reform Committee for an opinion. One deals with what we might call a Statute of Limitations respecting convictions for crime. In Manitoba and in Canada, well Manitoba particular, dealing with Civil Law, we have Statutes of Limitations regarding the time within which an action should be brought to recover an ordinary debt; we have Statutes of Limitations dealing with other matters. But, any person who is convicted of a crime in Manitoba or any place in Canada, notwithstanding the fact that that conviction took place ten, fifteen, or twenty years ago, is a conviction against that individual and is a black mark against that individual's record for the rest of his life.

Now, I think that in this day and age when we're looking towards rehabilitation, we should

(MR. HILLHOUSE cont'd.) . . . . .not keep in a person's way some stigma which regardless of the life that that person leads he is never going to be able to eradicate. I've had instances in my own practice where individuals have had convictions for crime dating eight, ten, twelve years back. They have tried to enter the United States and they have been refused admission simply on account of the fact that they have been convicted of an indictable offence.

Now I think, Mr. Chairman, that we should take an intelligent approach towards this particular matter now, and I would suggest very strongly that our Law Reform Committee look into the matter and see what can be done towards bringing about the necessary amendments to our criminal law, wiping out convictions for crime after certain periods of time.

Now there's another matter too, which I would like the Honourable Minister to refer to the Law Reform Committee. And that deals with our Law of Evidence. Now we have Laws of Evidence applicable to criminal cases, and that is under the Canada Evidence Act. We have Laws of Evidence that are applicable to provincial statutes under The Manitoba Evidence Act. Now all that we can deal with in this Assembly is the Laws of Evidence under The Manitoba Evidence Act, but I think that an effort should be made too, if we amend our laws in Manitoba to have similar amendments passed at Ottawa regarding the Canada Evidence Act. The thing which I have in mind is this; if an individual is charged with a crime under the Criminal Code and that individual goes into the witness box to give evidence, that individual's whole life becomes the subject of cross-examination. Now even if that individual is charged with an offence for which a greater penalty can be given by reason of a previous conviction, even though it is inadmissible under the Criminal Code to admit evidence of that previous conviction, until after a conviction is obtained in respect of the offence with which that person is then charged, even though that is prohibited, there is nothing to prohibit a prosecutor from cross-examining that individual on that previous conviction, which per se is inadmissible.

Now the same is true under a provincial statute, if a man is charged, say with an offence under the Liquor Control Act and that man goes into the witness box to give evidence, that man can be cross-examined on previous convictions under that Act. He can be cross-examined in respect of previous convictions under any Act; his whole life becomes an open book, respecting which the Crown Prosecutor can cross-examine him respecting any matter whichever happened in his life. Now, I feel that in this day and age, that we should not place an accused person in the position when he goes into the witness box that he can be cross-examined in respect of previous offences, unless of course, that individual gives evidence in support of good character.

Now, I believe in the United Kingdom, that the Law of Evidence was changed there so that if an accused person did give evidence on his own behalf, that accused person could not be cross-examined in respect of previous convictions unless he had first given evidence in support of good character. I think these are two matters, Mr. Chairman, that should be referred to our Law Reform Committee. I think they're worthy of consideration.

Now we've had a great deal said in this committee; we've had a great deal said in the press; we've had a great deal said in the street as to the lack of uniformity of sentence imposed by our courts and by our magistrates. And I'm not here to defend any court, and I'm not here to defend any magistrate, but I do think that it is only fair that it should be pointed out to this committee that one of the most difficult jobs that any judge or magistrate has is in determining the sentence that should be imposed upon a convicted individual.

There has been a great deal of study made of this particular problem, both in Canada, United States and Great Britain. As a matter of fact, in United States they've even gone so far as to draft a model act dealing with the system of sentencing. This model act has obtained the approval of a large committee of judges, supreme court, court of appeal, state judges, etc., and although, perhaps it might not be the proper thing to do in this province, yet nevertheless, I think a study of that act by magistrates or anybody about to impose a sentence, would give some of the principles of which they should follow in the matter of sentencing.

Now as I said, there has been a great deal of energy and time spent on the question of sentencing, and I would just like to read from a copy of the Canadian Bar Journal of October, 1958. It's volume I, Number 5, on Page 33. Now this is an address given by Magistrate B.W. Hopkins, Q.C. of Hamilton, to a regional conference of After Care Agencies and Government Services. It was delivered February 17, 1958, and the contents of this article are as true today as they were when they were uttered by the learned magistrate. Now he says, in effect, "it is comparatively easy for one to find an accused guilty or not guilty. There are only a few rules of evidence and the law is usually stated simply and plainly. A little experience and a lot

(MR. HILLHOUSE cont'd.) . . . . of commonsense usually result in an acceptable verdict. The real difficulty is the awarding of sentence, and the type of sentence reflects the character, personality and zeal of the individual judge or magistrate. The purpose of punishment is the protection of the public and the benefit of society, and certainly not more retribution. And the sentence is the sanction imposed by law. The court is the servant of the public and as such should reflect the opinion of the informed public; but of course, not the biased or hysterical sections of the public.

"The purpose of punishment has been dealt with by many official sources, chief of which is the Fauteux Reports, under the heading, "The Accused before the Court." Chief Justice James Mc. . . . . has said the following two considerations should be borne in mind when sentencing: (1) What punishment will serve as a deterrent to others and will at the same time maintain confidence that the law is being administered in the community; (2) what effect will the punishment have on the offender. Will he at the end of the sentence be more or less likely to commit crime? That is, how much of the punishment should suit the crime and how much suit the criminal? How will the public be served?"

The theoretical conception of punishment as part of modern law is that its imposition on the offender will deter others from committing crime and that it will at the same time, in some measure, serve to rehabilitate the offender."

Now the learned magistrate goes on and refers to all of the agencies which are available to him in the City of Hamilton, in helping him to determine what would be a proper sentence to impose upon a convicted person; but he finishes up by saying this. "I am the presiding officer only, and should not disregard the opinions of professional experts I have called in to assist me in solving a difficult problem, any more than a Chairman of a Board of Directors or the Chief of a Medical Staff should disregard the opinion of his fellow members. Not only does it make it much easier and more satisfying for me to have their help, but the decision and sentence of the Court will be more accurate and more comprehensive. However, I must remember not to delegate to another, or others, the responsibility imposed on me by law, of making the final decision of the Court."

Now from what I have read there, I think it must be perfectly evident to every member of this Committee, the difficulty which an average judge or magistrate has in imposing a sentence, which not only suits the crime, but also suits the individual, because he has so many things to bear in mind. First of all he's got to bear in mind, is this punishment going to deter others from committing a similar offence? Will this punishment, after it has been imposed and suffered by the individual, make him a better person? Now these are the two questions that he must answer. In addition to that, in respect of crimes of violence, and serious offences, of course, he has to consider first of all, the protection of the public. So it's an easy matter for us to hear of a sentence being imposed, and to take exception to it. But it's an exceedingly difficult matter for a magistrate or a judge to decide, even with the help of all the agencies available to him, what sentence should be imposed.

Now W. B. Common, he's the Deputy Attorney-General of the Province of Ontario, he at one time was asked to deliver a paper to the Central Regional Conference of Magistrates held on March 1st, 1958, in the City of Toronto. The paper which he was supposed to deliver was in respect of uniformity of sentences. In delivering his paper he said -- in Page 49 of the Canadian Bar Journal of October 1958, he says "I caught the few words of the Chairman as to the title of this Committee, the Committee on Uniformity of Sentence. With great respect, I take issue of that title and would much rather have it called, the Committee for the Uniform Application of Correct Sentencing Principles, because it is an accepted fact that uniformity of sentences is completely impossible. I was rather amused to hear of an unusual situation which made uniformity of sentence possible. It arose in Magistrate's Court. The magistrate was trying two motor traffic offences, and as I understand it, the charge was identical in each case, and I gathered by reading between the lines, there was a hurried entrance into the Court by the Jail Governor, who whispered to the Court Clerk, and in turn to His Worship, that the Jail was full. The Magistrate had already sentenced one to imprisonment; the next man perforce had to be fined."

Mr. Common goes on to say, "Now in dealing with crime and punishment as the denunciation by society by the imposition of sanctions against one of its members for a breach of its laws. The forms of punishment which are available to the Court are as follows" -- then he goes on to state the forms of punishment. Then he finishes up by saying, "the following are principles that the magistrate should clearly have in mind: First, the protection of society. I think

(MR. HILLHOUSE cont'd.) . . . that is the paramount principle that has to be considered. Secondly, the punishment of the offender. Thirdly, the deterrent effect upon others; and fourthly, the reformation and rehabilitation of the offender himself. If these principles are applied to cases of identical circumstances, theoretically, uniformity of sentences could be achieved, but this is not practical, because human nature being what it is, and human temperments being what they are, more emphasis might be placed by a certain magistrate or judge on one principle than on another when dealing with a case involving the same circumstances. There may be many cases where the balance is so fine that a clear distinction is impossible. This of course, demonstrates clearly the impossibility of uniformity of sentences; but it is reasonable to expect that the sentence imposed by the same court will follow a uniform pattern. The problem is to achieve a uniform patter across the province."

Mr. Common goes on to say - and he quotes Aristotle, who once said, "there can be no greater injustice than to treat unequal things equally." Now that gives some idea as to the problems involved. And as a matter of fact, one contributor to the Canadian Bar Journal has suggested that in our Law Schools, in our courses in criminal law, we should also set up a course in penology and a course in proper sentences to impose.

Now I do believe, Mr. Chairman, that our Magistrates in Manitoba if they did meet in conference regularly, I think that is one subject that could be given some thought and consideration. Not because I feel that there's any real inequality in sentences imposed in Manitoba; but I think if the Magistrates could come together and study some of the basic principles upon which sentences should be imposed, I think it might have a tendency to at least bring about a uniformity in the principles to be applied. But as I've said, I don't think there can be any uniformity in the sentences imposed, because that depends upon the Magistrate himself, and it also depends on the individual who is being sentenced.

So therefore, Mr. Chairman, I feel that we should be very very careful about how we criticize magistrates for sentences that they impose. I know that there was much made the other evening about Magistrate Rice asking a certain individual to have his hair cut, and I think the Leader of the NDP implied that having that hair cut was the difference between having a jail sentence and a suspended sentence. I would suggest to the Honourable Leader of the NDP that at the time that Magistrate Rice asked the man to have his hair cut, he didn't know what sentence he was going to impose, but he wanted to find out what sex he was before he did impose the sentence.

. . . . . continued on next page

MR. FROESE: Mr. Chairman, I want to discuss the Liquor Control Commission report. That will change the subject, I'm sure. I don't know whether the Minister wants to answer these other members first before we deal with the Commission Report. (Interjection) Carry on.

I notice from this report that they're still in business. I also notice that we do collect considerable monies in the way of sales tax on liquor for the Federal Government. The figure mentioned here is \$16,300,000.00. What I'd like to know is, when do we pay this? Do we pay this at the time that we purchase it or do we pay this at the time that we sell it? Otherwise, we have some quarter of a million dollars tied up in inventory, and this means that we have a lot of money tied up in Federal Sales Taxes that we have to pay long before we ever sell it; because I notice from this that we roughly turn over our stock four times a year, if I am correct. The Minister can correct me on this if I'm not correct. I also note that there is an increase in the sale of spirits, Canadian spirits, or Canadian wines and imported wines, but there is a decrease in the sale of beer. I had hoped that there would be a decrease in all of them, because not using liquor myself, I would like to see that this business could decrease.

However, on Page 9 of the Report we notice that they have sold the quarters on McDermot Avenue for the amount of \$306,000, and acquired a new building in Fort Garry. They don't state the reason for selling. Was it because of the limited room or space? I would also like to know the number of bids received on the property that was sold and what were the amounts of those bids? Further on the next page, we have a statement of license changes, and we note the considerable number of licenses that have terminated. Were these terminated voluntarily, or what was the reason for the termination? And then there were also a number of licenses issued. I take it that these were new ones. What is the government's policy in case of a fire, like at Morris, where a hotel burns down, and the person is no longer in business? Does he lose his license or what is the policy in granting or reissuing licenses of that type? Would the person who suffers a loss like that retain his license or does he have to reapply once he puts up new buildings? What is the government's policy on this.

Then, going a little further, onto the balance sheet, on page 14 and 15, I notice here that we repaid a loan of \$400,000, but there was no interest figure shown. We apparently borrowed, or the Liquor Commission borrowed \$400,000, or more, because this was repaid, and yet there was no interest figure shown as to what the cost was of this loan, and the monies that were repaid. There is also no figure for depreciation. I would like to know, are all the buildings written off immediately once they are built; are they paid for and written off at the same time, or what is the policy in this connection?

Then, turning on to Page 17, we have the statement of other income for the year ended March 31st, 1965, and here I find under supplementary license fees, brewers paid \$1,678,538, for license fees. What are the rates and how are these rates determined; and what is the basis for these rates? How many brewers were involved or how is this money apportioned, or allotted? The same holds true for the next item which is Beer License Fees and Beer Vendors. We received \$1,210,625 in this respect, and I would like to know the information pertaining to that as well; how the license fees are determined in such cases.

Then I noted under other income on that same sheet, for storage we received \$16,129.00. Who pays the storage, or for whom are we storing? Is this Federal Government liquor that we're storing for them, or who are we storing it for, and who pays this amount to us? Then on the last page of the report, which is the statement of General and Administrative Expenses for the year ended March 31st, 1965, I note that we paid out for legal and other professional fees, \$7,520.69. Were there many Court cases that we had to fight or is this being paid as a retainer fee? Just what was this money spent on? I would like to get some information on that. I notice that it's almost 11 o'clock, and if I could get some information on this, if not tonight, tomorrow sometime, I would appreciate it.

MR. EVANS: Mr. Chairman, I move the Committee rise. (Interjection)

MR. CHAIRMAN: Call in the Speaker.

MR. CHAIRMAN: Madam Speaker I wish to report progress and ask leave to sit again.

MR. COWAN: Madam Speaker, I move, seconded by the Honourable Minister for Turtle Mountain, that the report of the Committee be received.

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

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

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