

## THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Friday, May 14, 1971

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point, I would like to draw honourable members' attention to the gallery on my right, where we have 20 students of Grade 12 standing, of the William Morton College. These students are under the direction of Mr. Porada. This school is located in the constituency of the Honourable Member for Gladstone.

There are also 35 students, Grade 9 standing, of the Radisson Collegiate. These students are under the direction of Mr. Senchak. This school is located in the constituency of the Honourable Member for Radisson.

There are also 36 students of the Greenbush High School from Minnesota. These students are under the direction of Messrs. Harland Solberg and Melvin Wange.

On behalf of all the honourable members of the Legislative Assembly, I welcome you all here today.

I should also like to announce to the honourable members that our Sergeant-at-Arms, Mr. John Waite, has tendered his resignation due to health reasons, which we have had to accept with regret. I know that he has had long service here as an officer of this Assembly and he's distinguished himself very well. I'm sure the honourable members would wish me to wish him well in his future endeavours although they are not in the Assembly.

I should like to announce that Mr. William Clay is going to be our Sergeant-at-Arms, and he will be supported as Deputy Sergeant by Mr. Waznik.

The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker, I appreciate your kind words toward Mr. Waite, and it comes as a surprise to me, as it does, I'm sure, to all members of the House, that due to health reasons he must lay down his position in this House as Sergeant-at-Arms. I believe, Sir, that he has carried out this, or at least he has been a part of this Assembly for some 16 years, and that he's a Veteran, and my mere point in rising at this time was, having occupied the exalted position that you hold in this House, it was my privilege to be associated with him and I want to pay tribute to him for everything he did in the interests of the community in which we are associated. I would hope, on behalf of this party, that Mr. Waite will have many years of reasonably good health and enjoy the fruits of his labours because he has been, throughout his lifetime, a faithful servant in the people's interest.

MOTIONS FOR PAPERS

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable Member for Souris-Killarney. The Honourable Member for Roblin.

MR. MCKENZIE: Mr. Speaker, before I reply to the adjourned debate on this Private Member's resolution, I would like to wish Mr. Waite well in his retirement and all the good things of life. He's been around since I've been here and 10 years before I arrived - maybe longer - and has provided us with a great spirit, and has done many services to me and I'm sure to most of the members of the House; and we regret that he has decided at this time to retire.

With regard to this resolution, Mr. Speaker, and it has been debated at some length in the House, and it's very interesting to find the position of the government on this particular resolution because I don't think they basically have anybody over there who understands what we're after. We're actually asking for a list of the reports. We don't want the reports. We're not looking for the reports. We want to see, Mr. Speaker, what this government has been doing since it's been in office. In fact, are they doing studies or have they been involved in reports? -- (Interjection) -- Yes, I've read the papers, and basically we don't want the reports. We hear about this great new government that's doing all the things for Manitoba and the citizens of this province, and Mr. Speaker, all that we're asking for is for the government to give us a list of the studies and the things that have been happening and all this great wisdom that they have brought for the province.

And again I apologize for the government and I am sure they are embarrassed, Mr. Speaker, because they don't understand this type of an Order for Return; they actually do not understand what we're looking for. And it is regrettable - I see the First Minister looking at me now and I quarrel with him because he is the First Minister of the province, and even he

(MR. McKENZIE cont'd.) . . . . doesn't understand what we're asking for. -- (Interjection) -- Well, the great new member of the Cabinet, the Minister of Portfolio - I don't know what that means - but even he doesn't understand because he said he's going to speak after me this afternoon -- I wish him well, Mr. Speaker. I really do, but I basically don't think he understands what this Return means.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Is the Honourable Member for Roblin arguing for the providing of a list of all reports, as it reads "all reports and studies", including those that would be made, for example, a report made by a Deputy to his Minister or an Assistant Deputy to his Deputy to his Minister? Well then, you have to specify, don't you?

MR. McKENZIE: Mr. Speaker, in all due respect, I think the Return - it spells it out. -- (Interjection) -- I think we'll debate this resolution for some time, Mr. Speaker, because maybe the government doesn't understand our language; maybe we're going to have to amend this sort of a Return so that we can put it in language they can understand. I think, Mr. Speaker, I have evidence today in my hands of a classic example that this government doesn't understand. We are giving today an Order for Return No. 1 from the Honourable Minister of Health and Welfare, asking for the trip to Sweden, and the first question that was asked, Mr. Speaker, in all due respect, the countries and the cities visited, and here comes the answer contained in the report, "Government services to citizens, Scandinavian countries, filed herewith." Where is the report? I haven't got it. -- (Interjection) -- Yes, it's coming; it's coming; and that's my point of debate this afternoon. There is a return - what do we get today? We get the Annual Report of the Minister of Health and Social Services. Where is this report?

And again, Mr. Speaker, I quarrel with the First Minister and his government who don't understand our language, don't understand what we're asking for, because the Minister of Health and Social Services filed a Return today, filed it in this House. We don't get the report. It says it'll be filed herewith. Well, you know, the purposes of this - and the report is an interesting report because all the rest of the answers are not there. It says it's in the report. It's in the report. Where the devil's the report?

And I ask you, in all due sincerity, Mr. First Minister and Mr. Speaker, this is the quarrel that we have with this government: in filing returns, are they going to give us the information? We have a duty as members of Opposition, Mr. Speaker, and we have a duty to the citizens of this province.

MR. SPEAKER: Order. Point of Order. The Honourable First Minister.

MR. SCHREYER: I believe it will be accepted as a point of order by you, Sir, and by members opposite. The use of the word "herewith" in the Order for Return - in the Return to the Order, rather - the use of the word "herewith" is actually an unfortunate misuse of the word. It's not herewith, but the report that is referred to will definitely be tabled and it's only a matter of days, and hopefully it can be synchronized to be tabled at the time of the Minister's estimates. But the Honourable Member for Roblin should not fear. The report referred to as "tabled herewith" will be tabled very soon.

MR. McKENZIE: Well, Mr. Speaker, again I bring the point to you. This government doesn't understand the language of the Opposition. He's talking about "herewith". In my interpretation of the English language - and I could be wrong - "herewith" is right now, with that document that I've got in my hand. "Herewith attached" or -- (Interjection) -- Yeah. I accept the apology of the First Minister; I do.

MR. SPEAKER: Order, please. The Honourable First Minister, on a matter of privilege?

MR. SCHREYER: Yes, it's a matter of privilege, Mr. Speaker. I am not one who feels badly about apologizing when an apology is in order, and I've done so in the past, but I wouldn't like the Honourable Member for Roblin to in turn misuse the Queen's English by interpreting a statement of clarification to be a statement of apology. I was defining -- I explained that the word "herewith" was actually a misuse of words, but it's not an apology; it's a clarification.

MR. McKENZIE: Well, Mr. Speaker, I think if the Honourable First Minister will give me time to finish my remarks, I'll prove that he is trying to apologize because we didn't get -- because in question No. 2, Mr. Speaker, that was asked in this Return, "the purpose of the visit in each case" and the answer, "same as one above" - the report. Where is the report? And let's . . .

MR. SPEAKER: Order, please. The honourable member is discussing another Order for Return. I wish he would get back to the one we have before us. The Honourable Member for Roblin.

MR. McKENZIE: Well, Mr. Speaker, in all due respect, and I do not quarrel with your decision and I don't intend to quarrel with your decision, but in this simple little Return - and if you've read it, Mr. Speaker, the same as I have, maybe your interpretation is different from mine and I don't quarrel with you - all that we're asking for is a list of reports, and we have a classic example and I have it in my hand here right this afternoon, asking for a report. We don't get it. We get the Order for Return, and it goes on and on down through the Return. It's all there - Answer 3, Answer 4, the same as above. But no report. And this, Mr. Speaker, in all due respect to the government and the First Minister, is that what we're asking for.

There must be a reason, you know. This government is supposed to be an open government; this government is supposed to be a free government and has all the answers for all the problems in this province, and they've done a reasonably good job and I'm not quarrelling - but I am quarrelling, Mr. Speaker, with the way that they are treating the Opposition when we submit a simple, honest, Order for Return and get a speech like we got from the Honourable Minister of Labour the other day. Unfortunately, he's not in his seat this afternoon. And he was, in all due respect, Mr. Speaker, he was surprised because we submitted such an Order for Return. That's what he said in Hansard: "I'm surprised that the members opposite" - maybe he said we have the knowledge or the intelligence to submit such a Return - I don't know what his remarks meant because I never can understand the Honourable Minister anyway, but nevertheless in Opposition, Mr. Speaker, we have a responsibility to the taxpayers of this province. This government is spending some \$500 million. -- (Interjection) -- Yes, I'm referring to last year, but we have a responsibility as Opposition and we have a responsibility to the citizens of this province, and we have the responsibility to submit Orders for Return and ask for information, and I quarrel with the Honourable Minister of Labour in his speech the other day who said, in fact, that "I'm surprised, I'm surprised that the Opposition have the intelligence to submit an Order for Return such as this." And of course I'm sure -- this is typical of this government, Mr. Speaker. They don't expect that we have that kind of knowledge; they don't expect that we have that kind of intelligence; in fact they don't even expect that we know that the Minister went to Sweden, but he was there. He was there and he spent some of the taxpayers' money, and I think that we and the government owe at least a reasonable, sensible Order for Return to document who went there, what did they do, what did they say, and we haven't got it. We got a simple little thing coming back that says "the report is forthcoming maybe two years from now and the answers will be in the report, and that's basically . . ."

MR. SPEAKER: Order, please. I asked the honourable gentleman to debate the Order for Return before us and I certainly hope I don't have to remind him again. The Honourable Member for Roblin.

MR. McKENZIE: Well, Mr. Speaker, maybe some of the questions that I'm asking are unfair, and I agree with you that maybe I do get out of order and maybe I was out of order in this respect, and I'll try my best, Mr. Speaker, to not do it again.

But again, I've become concerned. Could it be, Mr. Speaker, that this government is hiding some information? Is that possible, Mr. Speaker? Is that possible?

SOME MEMBERS: No. No.

MR. McKENZIE: Could it be that this government are in fact conducting studies? I doubt it. I doubt it very much, and that's all we asked for - the list of the studies. They don't want to answer it. The Honourable Minister of Labour says he's surprised that we submit this type of Return. Surprised! So I submit they haven't done any studies. They haven't done any studies of the agricultural problem in this province. No, they haven't. If they have, let's get the list. Have you done anything about education? Have you done anything about health and welfare? We don't know. We don't want the study, we just want the list. Have you in fact done anything, Mr. First Minister? Has your government done anything? No, they haven't. They're either hiding, Mr. Speaker, or they haven't got it. It's got to be one or the other. And I recall the Deputy House Leader, in his reply, saying, "If we have the report . . ." I'm just trying to refresh myself on my memory - he says, "If we have the report, we will do so." I think that's the way he said it.

Now, if you read his speech, if you read his speech he said, "If we have the report, we will do so." So what more argument do you want this afternoon in this House, Mr. Speaker? They haven't got the report. They haven't done the studies. They're scared to list them if they have done them. If they have. And we have a classic example, which I had in my hand this afternoon, Order for Return No. 1, the first one, the first one, Harry, No. 1.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I would endeavour to assist you, Sir, by pointing out that the Honourable Member for Roblin persists in coming back to refer to another Order for Return, which you have asked him on two occasions now not to do, and in any case, Sir, it seems to me that there is a rule of procedure that establishes that a member shall not comment on a motion or vote already dealt with in this session by the House, and the Order for Return being repeatedly referred to has been dealt with by a motion of this House already passed, so it is in contravention of the rules on the one hand and in contravention of your request, Sir, on the other.

MR. SPEAKER: The point is well taken. I should also like to suggest to the honourable member, if he's referring to members in the Legislative Assembly, that they are addressed as honourable members and their constituency is mentioned, not their first name. The Honourable Member for Roblin.

MR. McKENZIE: Thank you, Mr. Speaker. Mr. Speaker, I haven't had that much time to go into the Journals but I've done 68 - I think it's 68 and 69 - no, 66 and 67 of the Journals; I've got it in my hand here; and I'm trying to find the performance of the past government on Orders for Return. No, it's not that tough; it's all in the Journals. It's very simple. But I find with great interest that there were no Returns turned down in those days. That's right. There it is. Take a look. I've done those two years - there it is. I'm prepared to table it. Take a look at it, and I've got no quarrel with that, and I wish I could have checked some other years but I didn't have the time. But then again on this simple little Return, Mr. Speaker, I quarrel with the First Minister because he's promised us a sort of a new type of government, an open government, where the man on the street will get the information that we are asking for. And we are in the opposition; we're representing the taxpayers of Roblin, Swan River, Lakeside, Radisson, Transcona, and all that we're asking for is a simple little Order for Return - the list. We don't want the report. We just want to keep you guys honest. Are you doing anything? Now we hear big splashes in the report - you know - and I think that's a fair question, Mr. Speaker, don't you, on a Friday afternoon? Private Members' Day. Ask this government. They've been working hard all week and I've got no quarrel with that. The Minister of Finance brought his budgets in last night and he's worked hard to prepare that document. But this is a Private Members' Day and surely -- why Mr. First Minister, why the secrecy? Why the secrecy? I'm your friend. What can you have better than that?

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, I was rising on a point of order and a point of privilege as well, the point of privilege being that when the Honourable Member for Roblin refers to me as his friend and in the light of his many transgressions from the rules, I'm not sure that that's a compliment.

MR. SPEAKER: I'm not aware whether I should comment on the matter of privilege because it just didn't occur to me that it was a matter of privilege, but I heard it. The Honourable Member for Roblin has 20 minutes.

MR. McKENZIE: Mr. Speaker, I thank you for your ruling on the -- I'm also a friend of the Liberal members of this House and the Honourable Member for Rhineland. I think we're all friends. We have political differences and that's what the difference is on this Order for Return. A simple little Order for Return. Of course -- well, the information that's requested, Mr. Speaker, is very simple; it's documented. Maybe not the language that the government understands and I think they should . . .

MR. SPEAKER: Order, please. Is the honourable member wishing to raise a point of order? A question?

MR. HANUSCHAK: Would the member permit a question? Did I hear him correctly to say that there were no Orders for Returns refused in 1969? I just happened to notice about four or five that were refused by the government of the last session of the previous Legislature, 1969.

MR. SPEAKER: The latter part was a statement, I would like to inform the Honourable Minister. The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, in all due respect, I have documented what I have done and I have listed them all there, they're all there, and unfortunately if I've missed one I apologize, but I don't think I have. I don't think I have. Well, I've done my study - take a look at it. You think I haven't done it; it's there, and if I did miss one I have no quarrel. But again, Mr. Speaker, I plead to this government and this Premier: don't give us those kind of Orders for

(MR. McKENZIE cont'd.) . . . . Look, we get a simple little thing asking for information and they say we're going to get it later. And that's basically what this resolution says. The facts are here. We've got it. The Minister of Health says we're going to get the . . .

MR. SPEAKER: Order, please. I believe I mentioned that subject twice to the honourable gentleman. Does he wish to give up his time? The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, that will have to be your decision. I try to respect the rules of this House to the best of my ability and if I am out of order, Mr. Speaker, I apologize to you, and I will try my best to keep within the rules of the House at all times. But, Mr. Speaker, in the debate on this Order for Return, I submit there's got to be a reason why they were not prepared to accept this Return. There's got to be a reason. It's likely known to them. Have some of the reports been destroyed? What happened to this report that I asked for today on the trip to Sweden? Was it destroyed or where is it? We didn't get it.

MR. SPEAKER: Order, please. Is anyone else wishing to debate the question? Are you ready for the -- the Honourable Minister without Portfolio. The Honourable Member for Swan River.

MR. BILTON: On behalf of my colleague, I think that the treatment that he has received today, not only by the Opposition but elsewhere, I think is grossly unfair. He hasn't had the opportunity of saying his few words without constant interruption, and I ask you with all due . . .

MR. SPEAKER: Order please. Order please. I am not going to debate the subject with the Honourable Member for Swan River. I just am going to point out that I did raise the question at least three times with the honourable member and he wouldn't stay to the subject. Now I do believe we have rules in this Assembly and if a person insists on doing something which is contrary to the rules, I must carry out the rules. But the Assembly still is master of this Assembly - the members of it - and if they wish the honourable member to carry on, it is quite in accord with me too. But it's up to the honourable members themselves if they wish me to carry out their rules or not.

MR. McKENZIE: Well, Mr. Speaker, I apologize and I sit down.

MR. SPEAKER: The Honourable Member for Roblin. The Honourable Minister Without Portfolio.

HON. RUSSELL DOERN (Minister Without Portfolio) (Elmwood): Mr. Chairman, I want to make a few remarks on this Order. It's been debated at some length and, although we listened again today to the Honourable Member for Roblin, who always makes a very interesting speech, I think that he did not in fact make the case for the Order because I think that it is a fact that, should the government provide this material, it would in effect be of little value to anyone. It would be a useless and time-consuming job to go through and simply list a series of reports without indicating in some form of precis what the intention of the report was, what some of the findings of it was, or the terms of reference. Just to provide for the amusement or otherwise of members of the Opposition a list, it seems to me, Mr. Speaker, that the case has not been made. The kind of information that the members of the Opposition, of course, would find useful would be to in effect have all the documentation and all the memorandums and all the transcripts of deliberations by the government. In effect, the only way they would learn the kind of information they desire would be to observe the very inner workings of the government, namely, in the procedures of Cabinet itself.

The Leader of the Official Opposition attempted to accuse this government and to criticize this government in terms of the general concept of open government, and, Mr. Speaker, I think the case has been made already that this open government is in fact a relative term. It is not a case of one government provides no information and an open government provides all information, which would mean access to all the inner workings of government which can only be known to members of the government Cabinet or caucus and to not even supporters of their own party, so that when the members of the Opposition have criticized the government, they are really speaking in relative terms and we have answered back in terms of the fact that this government is in fact an open government relative to the governments that preceded it in power, and that is all that we have ever attempted to make. We have not said that we will provide any information that the Opposition wishes.

Mr. Speaker, I think that the true measure of an open government is whether or not that government is accessible to the citizens of the community, and it is that point which I wish to make; that I think that never before in provincial history has a government been accessible to the average citizen as it is to the present government.

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

MR. GRAHAM: On a point of order, Mr. Speaker. Is this matter relevant to the subject before us?

MR. SPEAKER: Order, please. The question that has been raised is well noted. I was just trying to determine whether the Honourable Minister was getting close to the subject or not. The Honourable Minister Without Portfolio.

MR. DOERN: Well, Mr. Speaker, I'm getting closer all the time because the whole debate that has swirled around this issue, the true essence of this debate is the question -- (Interjection) -- Not squirreled; swirled. The whole debate has been about whether or not the government would release information to the Opposition, and then on that basis the issue of whether or not this government was in fact open; because the implication was that if the government accepts this Order for Return it's an open government, and if it refuses to meet the demands of this Order for Return, then it is not in fact an open government. I think the government has indicated that there is really no point and little value in meeting the conditions of this order. The Leader of the Opposition and others have gone on at some length on this whole question and I would like to add a few remarks to the general question connected to this.

Mr. Speaker, I think that the true measure of an open government is its accessibility to its citizens, and I say that the minority groups in this province have been able to meet with and discuss their grievances with this government in a manner that was unknown to them before; that the ethnic groups have been able to do the same; and in particular that the average citizen and the politically disadvantaged person has been able to, in some measure, get closer to the government. It is never a problem, Mr. Speaker, for people who are better educated or in the more affluent section of society to communicate with a government. These are the people who are more articulate, who are more involved in the political process, who have access to people in power. It's the person at the bottom who has almost no access to an ordinary government that we have attempted to open the doors to and it's of course the person who is at the very bottom of the scale who in fact has little faith in the political process and who frequently doesn't even bother voting etc. Do the opposition, who has accused our government time and time again, themselves believe in open government? Would they for example be willing to compare notes on election contributions? Do they have a tradition of open government in terms of -- do they have a tradition of open leadership convention?

MR. SPEAKER: Order, please. The Honourable Member for Birtle-Russell.

MR. GRAHAM: On a point of order, Mr. Speaker. I fail to see the relevancy of this to the Order that is before us.

MR. SPEAKER: The Honourable Minister Without Portfolio.

MR. DOERN: Thank you, Mr. Speaker. I'm afraid the honourable member has not been listening to the debate because I am speaking on the question which is -- the specific question of the Order for Return is related to the question of open government, and my honourable friend has not been listening to the debate and he has not been listening to the comments of members of his own party, otherwise he wouldn't attempt to interrupt me.

Mr. Speaker, I say that we would be willing to match the Opposition at any question of open government. They have had a tradition in the past in their party at the senior level and other levels of tending to have closed conventions, tending to have leadership selections that were frequently done in private. I think if I were to describe some of the activities of the Conservative Party I would have to describe them as the back room boys.

MR. SPEAKER: Order, please. I do think the Honourable Minister is straying a little bit from the subject. Would he confine his remarks to the subject before us? The Honourable Minister.

MR. DOERN: Well, Mr. Speaker, I'll attempt to follow your admonitions but I am in fact ending the comment that I intended to make. The point is simply this, that when it comes to the question of whether or not this government is in fact willing to provide more information and willing to meet with the citizens, the average Manitoban and so on, I submit that they are; and the fact that the government has refused to provide the information that is requested does not in fact mean that this is not an open government. It simply, I think, is an indication that the information requested has little value in terms of providing information to them. They ask for information which simply amounts to a list and does not indicate really the intent of the studies, the conclusions of the studies, the need for the study. They simply ask for a list and then they attempt to prove that since the government rejects this as a time-consuming and

(MR. DOERN cont'd.) . . . costly exercise relevant to the benefits, that this shows that this is not an open government.

Mr. Speaker, I say that the government in office today has provided more information and more accessibility to the average Manitoban than at any time before, and I challenge the members opposite to prove otherwise. We will match them, whether it's at election time or whether it's in office, we will -- (Interjection) -- Ping pong tournaments included. We will put our record against theirs and I think that when we look at the history of their party and we look at the history of our government in office, then I think one readily arrives at the conclusion that this is in fact -- and I use the word "relatively" -- an open government.

MR. SPEAKER: The Honourable Member for Swan River.

MR. BILTON: Mr. Speaker, I was interested in what the Minister Without Portfolio had to say. Obviously he has not read the Order, and for his information I would say to him that a list of all reports and studies commissioned by the government, its boards, agencies or commissions and external consultants. I'm sure he realizes that a great deal of legislation goes through this House that brings about some of these boards and consultants. All we want to know is what boards have been set up and the cost factor in that regard if necessary. Our responsibility as the opposition, I feel, Mr. Speaker, requires that we do these things. If we don't search and probe and do what we ought to do in this respect, as indicated in this motion, we need not be here at all.

Then again in (3), we ask the number of preliminary or final reports and studies received in each category to date. What is wrong with that? Why should it be denied the Opposition? There may be, and there is a good reason why this material is being asked for and we're entitled to see it. We're just as much a part of the governing of this province as the government in office and we're entitled to see documentation and cost in order that we can develop some argument if we don't agree in the people's interest. Surely you're not going to deny that by refusing this Order. -- (Interjection) -- That could come later. You're not going to give us the opportunity of finding out what the costs may be in this direction or that direction.

I don't fault the government in that particular respect, that's their responsibility. It's their responsibility to govern and it's our responsibility to find out, Mr. Speaker, as to how they are governing, and if we feel as duly elected members of this House that they are not doing what we feel they ought to be doing, it's our purpose to give voice to that particular matter in every respect, otherwise our whole democratic system will die and rot at the root. If that is the wish of this government that they must take over entirely, there's a way to do that, and by refusing an Order such as this it would seem to me that they're on their way, and so long as this Opposition are here, I feel I can speak for my colleagues, we'll fight you to the death.

Life, Mr. Speaker, would not be worthwhile if we -- (Interjection) -- when I'm finished. That was the sort of thing that went on when my honourable colleague from Roblin was speaking, Mr. Speaker. In good grace he gave the floor to the Premier, not once, not twice, not three times but four times, then the Minister of Consumer Affairs had to get his little bit in too. There was only one reason for that; he was tickling the boys and they just didn't want him to get away with it. He was bringing home the fruits. He meant well; he like I am not accomplished speakers, but we will do our best though so long as we are here to say our little piece in the people's interest and keep on going.

Mr. Speaker, I cannot understand why the government should be turning this away. We are not asking for the reports as such, as was pointed out by my colleague, but rather a list of the names of the various reports or the titles of the committees that made up the reports. We will deal with the material when you give it to us, but if you don't give us that material you're denying us our right, and I say to you, Mr. Speaker, in denying us that material they are denying the people of Manitoba, the people that we represent, that sent us here to challenge the government from time to time, and they haven't got a leg to stand on in taking the argument they are taking.

With those few words, Mr. Speaker, I hope they will see the light of their way and change their minds. What of it; give us the material that you have in hand and we'll do the job, you betcha, all the way.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Well, Mr. Speaker, I was sitting quietly enjoying the debate and it was not my intention to join into it, but certain members of the government pleaded for some

(MR. G. JOHNSTON cont'd.) . . . . reason, I thought, as to why with goodwill and common sense they could reply and answer the Order in the affirmative, so I thought that I would try to assist them. As I understand it, the tenor of the debate on the government's side has been on this motion that while they agree that the taxpayers and their representatives have a reasonable request in asking for information from the government, they object to the fact that in item No. 2 that -- we are talking now and I quote, "a list of all reports and studies undertaken within the government service since July 15th, 1969."

Now, Mr. Speaker, as I understand the debate as it raged that the government doesn't want to give that. Is this correct? I believe it is by the nodding of heads across there, so I'm willing to assist them in this regard. I agree, I agree that this is not proper. It's an unreasonable question. It's an unreasonable question. You are asking, Mr. Speaker, the mover of the motion is asking to give interdepartmental reports and confidential studies within departments. -- (Interjection) -- Well the list. Now I'm inclined to agree with the government that this is within the government and they have a right to it, an interflow of ideas, an interflow of reports among the departments and the Ministers and I agree with that, so in order to make it easier for the government to answer the Return, I move an amendment that item No. 2 in the motion be deleted. Moved by myself and seconded by the Member for Assiniboia.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, on a point of order, I take it that I'm now in the position of responding to an Order and that I will not be debating. Well, Mr. Speaker, I would ask the honourable member to stand this over until the next day in the hope that it will be given favourable consideration.

MR. SPEAKER: The Honourable Member for Rhineland on a procedural point too?

MR. FROESE: On a point of order, are the rules that we passed yesterday applicable and is this motion amendable?

MR. SPEAKER: Not yet. The Honourable Minister Without Portfolio.

MR. DOERN: . . . intention of the Leader of the Liberal Party is to also amend No. 1 to July 15, 1969?

MR. SPEAKER: The Honourable Member for Portage.

MR. G. JOHNSTON: On a point of order, I moved that Item No. 2 be deleted, which says "a list of all reports and studies undertaken within the government service since July 15th, 1969". I think that answers the Minister Without Portfolio's question. And while I'm on my feet, Mr. Speaker, on the point of order, the Minister of Mines and Natural Resources made an assumption or a suggestion that this be stood over. Well, it's my understanding that an amendment to a motion is debatable, it's on the floor and if anyone else wishes to speak, I would think they could.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: There's no doubt about that. The only thing that I indicated is that if before the debate proceeds, if members who wish to debate want to know what the response of the government will be then they may be in a better position to wait until the response is forthcoming, and as I have indicated, I hoped it would be favourable. The point raised by the Minister Without Portfolio is still well taken because the Honourable Member for Portage la Prairie will see that there is no date in No. 1 and it would be an infinite -- it could go back to 1870 presumably.

MR. SPEAKER: Order, please. I think we are getting into a procedural problem here because the motion itself, the amendment is not complete or creates an opening. Now possibly that is my problem. I will entertain a few more suggestions and then I will have to rule. The Honourable Member for Lakeside.

MR. ENNS: Thank you, Mr. Speaker. Just in an effort to be helpful, if I could suggest to the mover of this amendment to simply move up the date "since July 15, 1969" to No. 1 of the Order. It then accomplishes what the Minister Without Portfolio wishes to have.

MR. SPEAKER: The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): The point that I -- I wish to rise on a point of order as well, and the point of order I wanted to raise, Sir, was the one that you referred to and that is that the motion to amend has not been accepted by the House as yet and I wonder if it might not be proper to have that motion accepted. He's read it but there was no agreement as to whether or not that had been accepted or not, and I wonder if that shouldn't be done so that we have the motion before us amended.

MR. SPEAKER: Order, please. I do think that once the Speaker has read a motion then it is accepted by the House and is debatable. Unfortunately, the amendment was not complete in the sense that it deleted something which the original motion had and probably, as I've said, the Chair was in error in not perusing it more closely. But if we can have consensus on the corrections that were suggested then we can proceed and someone can adjourn the debate or proceed in fashion or stand it. The Honourable Member for Morris.

MR. JORGENSEN: Sir, perhaps you misunderstood the point that I was attempting to make. I wasn't quarrelling with whether or not you had accepted the motion. After having read it I know that you had accepted it, but the amendment had not been accepted by the House and my point was that I wondered if Mr. Speaker wouldn't want to put the motion before the House to find out whether or not the House would accept the amendment. If the House does not accept the amendment there is hardly any point in any reconsideration, but if the amendment is accepted and the motion then is properly before us as amended, then I'm quite prepared to accept the House Leader's suggestion that we hold it over then until they have an opportunity to consider it.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Well, Mr. Speaker, now that the amendment is before us, it gives me an opportunity to . . .

MR. SPEAKER: Order, please. I haven't placed the amendment before the House. The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I'll try if I can and unravel the situation. There has been no motion at any time to accept any order. An Order for Return is moved, seconded, and then the question is asked. "Are you ready for the question?" We are now discussing that question without it having been accepted as an amendment, or without it having been accepted as a motion.

The Honourable Member for Portage la Prairie made a motion to the effect that it be amended by deleting paragraph 2 therefrom. Then the Speaker says, "Are you ready for the question?" I got to my feet and said that before members debate this they would perhaps want to know how the government would stand on the amendment, which I presume is in exactly the same position as when the government gets up on the original motion. I take it that we are at that point right now, that the amendment isn't voted upon before the government responds, the same way as the Order isn't voted upon before the government responds. It would be wrong if it were otherwise because then people would want to debate the amendment before they found out how we stood on it. I urge the members, although I have no right to insist, that they now wait for the response of the government and then if they wish to debate they can, whether we respond affirmatively or negatively.

The Minister Without Portfolio then raised an additional problem which said that No. 1 should be dated, that the Member for Portage la Prairie would undoubtedly want and the House would want No. 1 dated. Certainly we would want it dated if it was to be acceptable at all and that could be cleared up certainly by consent when we respond to the Member for Portage la Prairie's amendment.

MR. SPEAKER: The Honourable Member for Rhineland

MR. FROESE: Mr. Speaker, I have a further amendment to propose. I move, seconded by the Honourable Member for Portage la Prairie, that . . .

MR. SPEAKER: Order, please. I cannot accept a sub-amendment before we have accepted one amendment to deal with. The Honourable House Leader.

MR. GREEN: Mr. Speaker, surely before another amendment is put members would have the right to start debating on this amendment, and I have urged that they not do so until -- (Interjection) -- all right.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSEN: Well, Mr. Speaker, I don't know how it's possible that we can accept a further amendment until this one is disposed of, and unless we give some disposition to the amendment proposed by the Honourable Member for Portage then that question is open and no further amendments can be accepted.

MR. SPEAKER: The Honourable Member for Portage.

MR. G. JOHNSTON: Mr. Speaker, in an endeavour to help you and the House out of this awkward situation, by leave, I would include in my original amendment the words "and the date July 15th, 1969 apply to paragraph No. 1". (Agreed)

MR. SPEAKER: Are you ready for the question on the amendment? The Honourable House Leader.

MR. GREEN: I presume, Mr. Speaker, that members will let this matter stand until the government responds to the amendment.

MR. SPEAKER: Is it agreed?

MR. GREEN: Mr. Speaker, I would just plead with the Honourable Member for Rhineland to be reasonable. The first thing that happens when an Order for Return is put in is the government responds. You wish to speak before we respond and I suggest to you that that is not normal. I am therefore asking that the matter be stood over until -- we have just received an amendment from the floor. It's as if a new Order for Return -- we are now faced with it; we are asking for an opportunity to respond to it; and I believe, Mr. Speaker, that under the rules, the first thing that happens is the government responds, therefore I'm asking to have this matter stood over to give the government an opportunity to respond.

MR. SPEAKER: (Agreed) The Honourable Member for Rhineland.

MR. FROESE: On a point of order, it's not a new Order for Return, it's an amendment proposed to the former Order, and as such I feel that we are entitled to debate it. -- (Interjection) -- I'm still speaking on my point of order. Yesterday we debated this very fact; today, the very first Order is being amended. This is the one point that the government objected to so strenuously and I pleaded that they should not bring in this amendment to the rules whereby we couldn't amend Orders and now . . .

MR. SPEAKER: Order, please. The honourable gentleman is debating the rules and not the point of order. His original point was well taken. Can we have agreement that this matter stand. (Agreed)

MR. SPEAKER: On the proposed motion of the Honourable Member for Portage la Prairie. The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, I move, seconded by the Member for La Verendrye, that an Order of the House do issue for a Return showing:

(1) The number of times the present Attorney-General has personally intervened in a criminal case before the courts of Manitoba.

(2) The circumstances leading to the Attorney-General's intervention in each of these cases.

(3) The charges that were laid originally in each case in which the Attorney-General intervened in each case.

(4) The new charges after the Attorney-General's intervention in each case.

(5) The names and addresses of those charged in cases in which the Attorney-General has intervened in each case.

MR. SPEAKER presented the motion.

MR. SPEAKER: Are you ready for the question? The Honourable Attorney-General.

MR. MACKLING: Briefly, Mr. Speaker, just to indicate the attitude in respect to acceptance or non-acceptance, I want to indicate that we do not accept the Order for Return.

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. G. JOHNSTON: Mr. Speaker, if you will look at the Order in the first paragraph, I say, "the number of times the present Attorney-General has personally intervened". I'm not talking about his department and his legal staff considering charges, I'm talking about a personal intervention by the Attorney-General and the other four paragraphs in the Order are related to this. So I believe that members in the Opposition and indeed the general public are entitled to know, in view of the controversy that has gone on over the Attorney-General's estimates and certain cases that have been aired in this House, that this is a legitimate question that the people of Manitoba are entitled to have the answer to.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Would the honourable member permit a question? How do you expect that I would differentiate between what I do personally and what I do in my ministerial capacity when I sit in my office and make decisions? Just how do you define the difference?

MR. G. JOHNSTON: Well, Mr. Speaker, I hate to re-thresh old straw, but in the Ternette case, which is well known in the province and has been debated at great length in this House, a newspaper report said categorically that there had been a personal intervention by the Attorney-General. He didn't wait for the -- well the suggestion is in the newspaper article that he did not wait for the advice of his staff, that he intervened in it on his own without the advice of his staff and this has never been denied; it has never been denied. -- (Interjection) -- Well, my honourable friend the Minister of Corporate Affairs interjects that the Free Press knows. For his information, I have the Tribune report who says that, so now we have a

(MR. G. JOHNSTON cont'd.) . . . .different newspaper that knows.

The point I'm making, Mr. Speaker, is that the charge was made publicly and has never been refuted by the Attorney-General until debate in this House, so this is the reason for my Order. I don't know if this answers the Minister of Finance's question, but I'm talking now about a personal intervention, not a matter where his legal staff advises after study.

MR. CHERNIACK: A second question. Does that mean that if in my ministerial judgment I have to take certain action and I don't get a memorandum, say, from my Deputy Minister, that that becomes a personal intervention rather than the involvement that I would have as a Minister? I'm just trying to understand exactly what my dual role would appear to be in accord with the speech or statement made by the Honourable Member for Portage la Prairie. How do I define the two roles you seem to have cast for me as a Cabinet Minister?

MR. G. JOHNSTON: Well, Mr. Speaker. I don't know what goes on within the Department of Finance -- (Interjection) -- That's correct, nor do I know what goes on in other departments, but when I see newspaper stories accredited and attributed to a Minister and there's no denial, I'm inclined to believe them - I'm inclined to believe them. Now if the Minister of Finance signs his name to a letter, then he should take responsibility for that letter. Now I know that on occasion there are statements drawn up and a Minister signs his name. If it has got to the stage now where a Minister can hide behind that and say, well I didn't really know what that was all about although my name appears on it, then it's time for change. This is not right; this is not proper. So I'm saying this, that when a Minister signs a letter, when he takes part in a case and he infers in the letter that he has a knowledge of that case, then he should take the responsibility for his signature and his statements.

MR. CHERNIACK: My question then, Mr. Chairman, to the honourable member: In the event that a letter is prepared for me making a decision, as it often is done, for example deciding that a certain company is taxable under a certain regulation, that I sign it and I assume full responsibility for it regardless of who dictated the letter, does that then mean that I am personally intervening in that case or is there some other distinction?

MR. G. JOHNSTON: Well, the Minister poses a hypothetical question, Mr. Speaker, which I don't mind answering. The Minister is posing a fiscal case where on judgment of experts he makes a decision. That's true, it's the Minister's decision. But I doubt if in the case the Minister is mentioning that a political person comes to him to exert some sort of pressure - I'm not suggesting this has happened -- (Interjection) -- Well, let the Minister join in the debate. I welcome his opportunity to come into the debate. Now the Minister is posing me a fiscal question based on the advice of experts. My Return is talking about a ministerial decision based on political considerations.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, I think that I owe it to the House to indicate -- (Interjection) -- I didn't speak.

MR. SPEAKER: Order, please. The honourable gentleman, as has been our custom, said he was just replying whether he was going to accept or reject. He did not debate the motion. I think we've had this problem before and that's all he did this afternoon, therefore I took it as such. There was no objection at that time, therefore he's allowed to debate at this time. The Honourable Member for Morris on the same point?

MR. JORGENSEN: On a matter of clarification. Are we to assume now that that debate is properly before the House? I agree with you that the Minister simply made a ministerial statement to the effect that he was not going to accept the Order for Return and I agree that he is now, if the debate is properly before the House - I was under the impression that it couldn't be before the House the same day that it was moved, that you had to move it over - but if it is properly before the House now then the Minister has a right to speak. I have no objection to that at all.

MR. SPEAKER: This is Private Members' Day and resolutions coming up of this kind are debatable today. When the Order was rejected, the request was rejected, the Honourable Member for Portage debated his case and other people asked questions. Now the Honourable Attorney-General wishes to debate the point. The Honourable the Attorney-General.

Order, please. The Honourable House Leader.

MR. GREEN: Mr. Speaker, it may be that by inadvertence, and I don't have the Rule in front of me, but I think it says "the next Private Members' Day" and I think maybe this is the point that the Member for Morris is making, so perhaps the Speaker shouldn't feel that this is a decision and that we should just proceed by leave, and if it arises again we could have a

(MR. GREEN cont'd.) . . . . closer look at the rule. I seem to remember that it has happened before, that when an Order was returned on Private Members' Day that it had to be sent to the next one for debate and I think that's what the Member for Morris is referring to. But I believe that we can proceed on the basis that there is no objection to proceeding now.

MR. SPEAKER: (Agreed) The Honourable Member for Winnipeg Centre.

MR. BOYCE: Before leave is granted, Mr. Speaker, after listening to the Member for Portage and his reply to some of the questions to the Minister of Finance and perusing rather quickly Beauchesne . . .

MR. SPEAKER: Order. Is the honourable member stating a point or speaking to the question? -- (Interjection) -- Well, I'd like to hear the point of order. The Honourable Member for Winnipeg Centre.

MR. BOYCE: . . . the Order in its entirety. After listening to the reply of the Member for Portage la Prairie to some of the questions of the Minister of Finance and perusing rather quickly Beauchesne and the use of an Order of the House for a Return, I question the propriety of the motion in its entirety and I would ask the Speaker to take this under advisement. -- (Interjection) -- With all due respect this can only be proceeded with by leave and I am sorry I can't grant leave at this particular time.

MR. SPEAKER: The Honourable Member for St. Boniface on a point of order?

MR. LAURENT L. DESJARDINS (St. Boniface): On the same point of order, I believe, Mr. Speaker, that you read the motion and then there was a speech, there was somebody who already took part in the debate, so this automatically rules the motion has been accepted and now I think we ask leave to allow the Attorney-General to speak. I think that's the question.

MR. SPEAKER: The Honourable Minister Without Portfolio.

MR. DOERN: On the question of the next Private Members' Day, I would take that to mean since there are only two private members' days that this would tend to mean at the next opportunity. Now since it arises on a Private Members' Day that opportunity is in fact right then and there, and I would suggest that any resolution first introduced on a Private Member's Day can in fact be spoken and proceeded with not by leave but by the rules.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I'll refer to the rule. "Where a debate arises on a motion for an Order for Return or an Address for Papers, the motion shall be transferred by the Clerk to the items of Orders for Return and Addresses for Papers on the subsequent Order Papers for debate at the next sitting at which private members business takes precedence." At the next sitting, and I think that's what the Honourable Member for Morris was referring to. Therefore, if the Member for Portage proceeded and nobody had objected, and he did, I presume quite properly that the matter was before the House. I wouldn't like the Speaker to make a ruling on the suggestion by the Member for St. Boniface that once something is before the House, no matter how wrong it is, and an objection is not put that it becomes unobjectionable. We went through all of that last year when we started to debate a resolution which called for monies to be paid out by the Crown which didn't have attached to it a message from His Honour. I think we had three or four speeches subsequently ruled out of order. I had presumed, as I believe the Honourable Member from Morris presumed - and I would still be willing to have the debate proceed - if a member of the House says "no", I presume that he has the right to say "no" despite the fact that others might disagree with him.

MR. SPEAKER: Proceed by leave? (Agreed) The Honourable Attorney-General.

MR. MACKLING: Well, Mr. Chairman, I regret there seems to be some uncertainty as to whether or not I should speak at this time, but I certainly do want to indicate in argument why I consider that it is not open to me to accept the Order for Return. The fact of the matter is, Mr. Speaker, I don't know how I can differentiate between what I do in my personal capacity and what I do in my ministerial capacity, because I have to assume responsibility for any act that I do in any way affecting the administration of justice in the province. Any matter that comes into my office surely is a matter in which I exercise ministerial responsibility. I'm not exercising responsibility personally, I am only exercising responsibility by virtue of the fact that I'm in that office, so I can't differentiate with what I do in my personal capacity as an individual citizen and what I do as the Attorney-General.

The fact of the matter is that there is a continuous exchange of opinion both oral and written interdepartmentally on a great many subjects, and from time to time staff appear in my office, we discuss individual policy decisions in respect to individual legal matters that come into the department, whether they be of a civil nature or a criminal nature, and as such

(MR. MACKLING cont'd.) . . . . I have a constant responsibility for the advice that is given and the ultimate decisions that are made by my department. I assume full responsibility for them and I've never ducked that responsibility, so when I said that a letter was written to the Crown Attorney in Brandon and I signed the letter, I assume full and complete responsibility for what that letter contained and I don't duck that responsibility at all.

The fact of the matter is that constantly advice is given, argument is made in the name of the Attorney-General, and I'm responsible for that. It's impossible for me to have a personal knowledge of the details of every case that is argued before the courts in my official capacity as Attorney-General, nor is it possible for me to have researched every individual case where representation is made on the evidence in many many cases in which the Attorney-General is involved. Many many times I've been approached in connection with whether or not we appeal a particular case, a decision in a lower court, and sometimes it's an oral instruction sometimes it's a written instruction, but I would suppose that's an instance where I have made a decision personally but as Attorney-General. It's a ministerial responsibility, and I've done that in connection with appeals where we were dissatisfied with the result in a lower court, and it wasn't on the basis of political involvement of any kind on the basis of the decisions of the lower court.

Now, the honourable gentleman refers to the Ternette case. The Ternette case like any other case, I got an opinion from my staff as to what was involved in this case and on the basis of that opinion and on the basis of my assessment as I was briefed about it, I come to a decision. And that's not unusual; I'm requested to do that time and time and again. It might interest honourable members to know that it's commonplace for barristers and solicitors to approach the individual Crown Attorney and request that the Crown reconsider charges that had been laid against their client, and on the basis sometimes of reconsideration the individual Crown Attorney will agree to reduce to a lesser charge or stay one charge and continue with another, or many many variables of what goes on.

But the fact of the matter is that this happens day in and day out and the statistical record of the courts indicates that. We have a common practice to lay charges in respect to the breathalyzer, for example. We lay charges under refusal to take the breathalyzer test and also a charge in respect to impaired driving. If we succeed on one we'll stay on the other. It's done day in and day out, and innumerable instances of policy guidelines which we follow have been recorded daily and weekly and monthly.

I've indicated to the House on an earlier occasion that we have a Director of Prosecutions. We hire crown attorneys and some of them are recent graduates from Law School. Some of them need advice fairly regularly, some need guidance more than others, and there's a constant communication between the junior crown attorneys and the senior crown attorneys. They meet periodically to make decisions as to the common approaches that must be made in respect to policy matters that arise in interpretation of the law. And so it goes. The seniors advise the juniors and so on.

But I am approached occasionally, personally, in my office, but I'm approached as the Attorney-General, not because I happen to be a New Democratic Party Cabinet Minister but because I'm Attorney-General, because the lawyer has spoken to the Crown Attorney and the Crown Attorney said no, and then the lawyer may have talked to the Director of Prosecutions for the province and they in turn have said no, we don't make that kind of decision. I've had lawyers come into my office and say look, we think that this would be an injustice to bring this person before the courts and they make representation to me, and to that extent if I were to be influenced by those representations the honourable member might say well that's personal intervention, but that's a decision that I make after consulting with my attorneys.

Since being Attorney-General I've had quite a number of occasions when lawyers have come into my office and said look, this would be wrong of the government to proceed in this case. Now I can't recall any of these interventions by lawyers that has won over my sympathy to the extent that I've countermanded what has been a procedure to proceed with the case. I can tell you just recently that a couple of very able lawyers in Winnipeg were in to see me about a morals case involving prosecutions and their argument to me was that their client had an incorporated company and that rather than proceed against the individual we should just proceed against the incorporated company. Well, I fail to see the logic in that argument as I fail to see some of the logic of many of the representations that have been made to me, and so in this case as in the many others I have not intervened, I haven't intervened my personal opinion or my attitude in respect to the administration of justice and said to the Crown Attorney

(MR. MACKLING cont'd.) . . . . this ought to be changed. So if there's some suggestion that I have personally influenced for or against the attitudes which my crown attorneys hold, I deny that. There is nothing personal about anything I do in office; it's a ministerial responsibility.

Now I can tell you of instances where I felt, and I think any member of this House would want to see a change in the law because on the basis of the law the charges seemed unfair, but you individual members who had this responsibility might, like I, register the same dissatisfaction with the position that the Crown finds itself in but you can't see your way clear to make any change because the law is there. And I'll tell you, Mr. Speaker, of such an instance. Presently we have a law where anyone, no matter how slight, how mediocre the value of an article, if someone steals an article under \$50.00 it's an actionable crime in accordance with the Criminal Code.

And I've had instances, I had one instance not long ago where a father wrote to me about his daughter who was beyond the juvenile age and she had picked up an article in the store, taken it from its package and put it in her purse. She was stopped by the store detective, interrogated, taken to the place of detention, held until he was able to go down and arrange bail and a statement was taken from this young lady and she couldn't explain why. There didn't seem to be any mitigating circumstances or any overwhelming compulsion as to why she took that article, but here on the basis of what the father had written to me was a young woman of impeccable character, there had been not a grace of any wrongdoing in all the course of her life up to this stage, and yet she was going to appear in criminal court charged with a criminal offence and would be subject to the rigours of the criminal law for an article that involved some 15 or 20 cents. There had been never any experience of this nature before in that person's life.

Now, on the basis of that information I think anyone would be moved to say, well why has the law got to be as rigid in this instance as it is for those who obviously have a propensity to crime. Should we be treating the first offender in this way? I reject that this is the way we should treat people under these circumstances, but the law is there, Mr. Speaker, and although I sympathize with the situation - and I couldn't help but having pity for the person that's involved in this - I could do nothing. My personal opinion and my personal views are very critical of many sections of the Criminal Code but the law is there and it must be applied.

Now I for one have indicated my disfavour with some sections of the criminal law and the administration of justice, and the Law Reform Commission at my behest are looking at various aspects of the Criminal Code to determine what changes might be recommended by us as a government to the Federal Parliament to make the law much more reasonable and sensible, particularly dealing with the first offender. But the fact of the matter is that decisions have to be made on the basis of the law as it is and I can't have this splendid isolation of personal decision or personal intervention. Anything that is done through my office is the responsibility of myself as the Attorney-General.

I don't know in what way I could differentiate with the decisions that are made in my office, decisions that are made in writing, decisions that are made orally, and I question, I seriously question, Mr. Speaker, whether or not those persons who have been charged with an offence - and the Crown makes mistakes - those persons' names and all the details of the cases should be revealed, because that would be trying the people where we've frankly admitted error. And we do from time to time make errors. We charge people, when it turns out it's been a case of improper identification, improper charge, charges stayed. Should those people be subject to the ridicule and the exposure of the publicity that apparently is requested? I don't think so. I think that a person who has been wrongly charged should not have his name under a cloud by saying that there must have been something there because someone in the Attorney-General's Department, some Attorney laid a charge against him.

Now I told the House recently about the instance of a young man who was charged with having obstructed and assaulted a police officer. And we laid those charges. I'm responsible for them even though it was my Crown Attorney and I didn't know the charges had been laid, because I can't begin to know all the charges that are laid against individual citizens in the Province. But I'm nevertheless responsible, and when we learned that those charges had been laid and we knew all of the factors and circumstances, we entered stays against those charges. And I am responsible for that course of conduct. Personally? Hardly personally; as Attorney-General I'm responsible. But the fact of the matter is that I nor anyone else

(MR. MACKLING cont'd.) . . . . should ask that the names of those persons whom we've considered to be improperly charged should be published and impugned by the advertisement of the fact that they have been at some time charged even though the charges were stayed.

I cannot see, Mr. Speaker, that there is any merit in the type of request that is made in this Order for Return. I know that there have been very angry charges made about interference on my part and I have - and I'm not going to do it again - I've denied, vehemently denied those charges, because if there was any merit to those charges at all, Mr. Speaker, I wouldn't have the gall to stand in this House, I would resign as anyone would expect me to, because the administration of justice in this province cannot afford to be tainted with the kind of colour that is suggested is open to me and that has been suggested has been practiced.

The administration of justice must be fair to all. Just like a Speaker who sits there must interpret the rules as he sees them in the fairest way that he can, that's the role of the Attorney-General, to make sure that the law is equally applied and fairly administered, and if I have seemed really annoyed and angered by the charges that were made in this House imputing political motivation, I think I have just cause to be angry.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Portage wishes a question?

MR. G. JOHNSTON: . . . entertain a question?

MR. SPEAKER: The Honourable Member for Portage.

MR. G. JOHNSTON: This relates to part of the Attorney-General's speech. In the Ternette case, did Mr. Ternette's attorney approach the Crown Attorney to re-examine the charges?

MR. SPEAKER: The Honourable the Attorney-General.

MR. MACKLING: In the Ternette case, a question was asked in this House as to the charges that were laid or the incident. I recall requesting information from my department in connection with the case. I recall also - and I don't have the file here nor do I intend to table the file because I think that's a departmental document - but I recall seeing notations of the interviews with people who had volunteered information in connection with the case, people that had been questioned by my Crown Attorney in respect to the case, and in reading a memorandum and information from my Crown Attorney commenting upon the probable weight of the evidence of those persons who had come forward and made representation and commenting on the likely weight of the evidence of any charges against Mr. Ternette. I am not aware of defence counsel making representation to me. They may have made representation to my staff; they made no representation to me personally in my office that I am aware of. Staff - perhaps they did, I don't know.

MR. G. JOHNSTON: A supplementary question on the same subject, Mr. Speaker. Did any Member of the Legislature approach the Attorney-General either directly or indirectly to change or stay charges in this case?

MR. MACKLING: Mr. Speaker, the only time anyone in the Legislature made any comment to me was not made to me personally, but there was a question asked in this House and I responded to that question. I do not recall, and I'm certain I would recall if anyone, including the Honourable Member from Portage la Prairie or the Honourable Member from Minnedosa, or anyone in this House asked me any questions about the charges being laid in that case.

MR. SPEAKER: Are you ready for the question?

. . . . Continued on next page

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'd like to speak very briefly on this because I think this matter has developed into a significant issue in this particular session. What's at question is not the fact that the Attorney-General has or has not intervened in every case that has come before the courts but what is at issue is what cases has he intervened in, and this is the issue that he chooses to avoid. The Member for Portage has asked in his Return to indicate what cases he has personally intervened in. I don't personally think that any Minister over there can abdicate this responsibility to reply to the decisions that he has mad on a personal basis, not all the cases that have come before the courts but the ones which he has intervened in. I think he knows very well the answers to them.

The real problem at hand is that of the many reports that are coming back, not through only this Legislature but from outside, is that a member of the Legislature has no alternative but to conclude that the Attorney-General's credibility has reached just about zero. Whether it's the Ternette case, the Swan River case or the case of the departed immigrant from Jamaica. They're all the same. And we're asking as members of the Legislature in the interests of justice for him to answer. I think it's very interesting that in all of this debate that's gone on in the House that neither the Minister of Mines and Resources nor the Minister of Finance has seen fit to stand and defend the position of the Attorney-General because they're the only people on the government side that have credibility in the area that is associated with his, which is the legal framework within which our province operates. On no occasion have they chose to stand and make a legitimate strong case for the position of the Attorney-General. We know who runs the government. It's not the Attorney-General, it's two or three members on the front bench; and any time they do not choose to stand and defend the position of the Attorney-General, I suggest that the Attorney-General is in trouble.

Mr. Speaker, I suggest to you further that in the history of this Legislature in the time that a number of us have been here we have never seen an assault on the operation of the Attorney-General's Department to the extent we have seen it now. We have never -- (Interjections) -- Yes, yes, that's right. Probably is. Maybe so because after you hear a certain amount . . .

MR. SPEAKER: I wonder if the honourable gentleman would address his remarks to the Chair and then we won't get the exchange that we are getting and the dialogue. Some of it does injure my hearing. The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I'll come back to the issue which is this Order for Return. We have seen a legitimate case put by this government -- whether it's legitimate or not, it's at least a clear-cut debatable case -- that the strong argument for control by government is that it is always answerable to the people. This is the case that is implied in the arguments and articulated by such members who are capable on that side of articulating it, such as the Minister for Mines and Resources again, that in the issue such as Crown corporations that this is a good way to operate because that person that's head of that always has to come back to this House and answer to the people at the request of the Opposition or the members of the government backbenches who wish to ask those questions. And now we're asking the question and what do we get? A refusal to an Order for Return to something that is at the very basis of our society, which is the Attorney-General's Department. And you've got a straightforward request to the Attorney-General - a straight forward request for the number of cases in which the Attorney-General has intervèned on a decision, and it's clear on at least three of them that I can tell you about, just from sitting here, that he has intervèned. But, Mr. Speaker, he refuses to tell why he has intervèned.

Now, Mr. Speaker, I ask you. Can the government make a strong case for the public to come to this House and ask and expect answers to the questions about the society that operates under it, and that is the basic philosophical argument that has been presented by your form of government. Basic whether it's Crown corporation, basic whether it's Attorney-General's Department and the right of the individual to his legal position within that society structure. That, Mr. Speaker, is at the basis of this argument, and when the Attorney-General refuses to accept an Order for Return of this sort, he tells us what they're all about. He tells us that this is open government; he tells us that the best way for our society to operate is for to have the member elected and you can go to that member elected whether it's through the House or you can defeat him at the polls. That's the story. And what do we get now? We get now a refusal for an Order for Return, which says, Mr. Speaker, a lot more than the Order for

(MR. CRAIK cont'd.) . . . . Return does. It tells us the true facts of life. That without the checks and balances of a flexible society or without the absolute control that this government would try to appear to not be attempting and achieving that they can offer something to the people, but in fact they are not. Because a refusal for this Order for Return and the many other orders for return tells us only one thing, that totalitarianism is well on its way.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, . . . did you wish . . .

#### INTRODUCTION OF GUESTS

MR. SPEAKER: I wonder if I may make an announcement first. We have from the Wellwood School 43 pupils, grade 5 to 8. They are under the direction of Mr. McCullough and Mrs. Thorn. This school is located in the constituency of the Honourable Member for Gladstone. On behalf of all honourable members, I welcome you here today.

I should also like to direct the honourable members attention that some of the static that I received in my ears the last few minutes has indicated to me that one of our honourable members, twelve years ago, this date, entered this Chamber as an elected representative. Looking at him I find him in very good physical health after all the cut and thrust and everything else that is concerned. I'm referring to the Honourable Member for Minnedosa. I certainly want to congratulate him for standing up under the strain that he's been under and I certainly hope he'll enjoy his stay in here as long as he does.

The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I'm mainly rising because I don't want to be misconstrued and the Member for Riel who just spoke indicated that by my silence somehow I was indicating that I approve of the positions that have been put with respect to the Attorney-General's office -- (Interjection) -- he says it's too late now.

Mr. Speaker, I kept quiet on this issue for two main reasons. One the Premier very well put the other day in that the notion that another Minister has to defend a fellow Minister's estimates is just not a plausible condition. -- (Interjection) -- Well but this is the time that it was first put. If it was too early then, then it can't be too late now; we can't have it both ways. We were on Estimates before and it was raised -- (Interjection) -- well I wasn't in the House on the personal grievance. If the honourable member wished to construe my silence then we have at least three misconstructions. One, that I should have spoken the first time but I wasn't in the House, so that is misconstrued; that I should have spoken the second time, but the Honourable Member for Lakeside says that was too early; that I should have spoken the third time, but the Honourable Member for Riel says that that's too late. So on all three counts I should never have spoken at all. And perhaps, Mr. Speaker, that is the correct position. That is the position that I thought I should take. Because I really didn't think that there was anything to speak to and I thought that honourable members had gotten tired of the sound of my voice. I haven't been known exactly as silent Sid and I have spoken from time to time, and on issues where I'm not called upon to speak, I don't think that it's necessary for me to do so. So we have already had three constructions as to why I didn't speak. One that I wasn't here; secondly, that it was too early, and thirdly, that it was too late. But the Honourable Member for Riel says that he can only think of one reason. And as I said earlier in the debate of another member of the House that that doesn't indicate that he's right; that only indicates a limitation of his capacity to think because that is not the reason.

Mr. Speaker, we are now dealing with an Order for Return and let's read what the issue is on this Order for Return: The number of times the present Attorney-General has personally intervened in a criminal case before the courts of Manitoba. Mr. Speaker, the Attorney-General is involved in every criminal case that appears before the courts of the Province of Manitoba. There cannot be a criminal case in the Province of Manitoba without the intervention of the Attorney-General, because every criminal case in the Province of Manitoba -- and I use the word "criminal case" -- is prosecuted under the Department of the Attorney-General. And what the Attorney-General says is that when a case is proceeded with, there can be no distinction between my personal intervention and my intervention as the Attorney-General of this province. So he says that this Order for Return, which is supposed to be the issue, which is supposed to be the issue, that this Order for Return deals with a situation which involves every single criminal case that comes up in the Province of Manitoba and that what the Opposition is seeking is those cases where they think that his particular position has had some effect

(MR. GREEN cont'd.) . . . . - his personal position has some effect on the carrying through of that particular prosecution. And it's also indicated, as was with other Orders for Return that were submitted previously, that this Order for Return is not going to be used really to get the information, it's going to be used - and I don't again say that critically - it's going to be used as another assault on the Department of the Attorney-General, essentially dealing with two subjects, as I understand them. The first, that the Attorney-General is sometimes involved in staying proceedings that are instituted in certain criminal cases and the suggestion by certain Opposition members that this power has been abused for political purposes. And the Attorney-General answered that - I don't have to re-answer that.

The second is that the Attorney-General has been involved in litigation of sentence with regard to certain cases that were pending in criminal courts in this provinces, and the Attorney-General has answered that and I don't have to re-answer it. But in each of the cases, the Opposition members have felt that somehow the notion of the Attorney-General in any way being involved in a case smacks of some type of political chicanery. Therefore, Mr. Speaker, I think that it's wise that I do say a few words about how - not as Attorney-General, but I as a lawyer know something about the workings of the Attorney-General, not because I was involved in staying proceedings, but that I was involved in approaching previous Attorneys-General to do exactly those things that the Opposition are now accusing the Attorney-General of having done.

Mr. Speaker, the Attorney-General, as I understand it, is always involved in deciding whether a prosecution should be laid at all. So therefore, the judgment of his office in which he may or may not be directly involved, decides that a prosecution should proceed; it decides what degree of charge should be laid. An Attorney-General in previous days had the hard responsibility of sometimes deciding whether he was going to charge a man with murder in the first degree, or murder, or manslaughter, or homicide which was short of murder, and which therefore did not involve the death penalty. So he was there to decide, and his office was there to decide as to whether a man was going to be tried for something for which he could be hung, could be executed or for something which he would merely spend some time in prison. And he had to make that decision and he had to make that decision on his best judgment, and I submit to you that the Attorney-General in this province hasn't had that kind of problem since the doing away with the crime of capital murder except in isolated cases, but what has happened is that in every area of the law, a judgment is made as to what kind of prosecution should be proceeded with; and in every area of the law up until that case was finally brought to a close by the courts a judgment can and is often exercised by the Attorney-General as to whether in fact a charge should be proceeded with, as to whether it should be stayed, as to whether it should be reduced or as to whether it should be discontinued. And I tell you this, not as a matter of disclosing some great legal secrets or some great behind the scenes activity, but to tell you that I was involved on many occasion in approaching Attorneys-General to have just this type of thing happen. -- (Interjection) -- Well then let's have it on the table that nothing is wrong. You say that it is right if it's done by a lawyer but it's wrong if it's done by someone other than a lawyer. -- (Interjection) -- Well then I don't know what is being said, because all that I had heard discussed was two things: One, that the Attorney-General stayed proceedings in some cases and prosecuted very hard in other cases. That was one of the things. The second -- (Interjection) -- does it make it worse if the telephone is used? That in principle this thing is all right but if you use the telephone it becomes wrong. -- (Interjection) -- Well, Mr. Speaker, I don't know what is wrong with using the best forms of communication available.

I want to tell the honourable member what I did. In two cases, I'll just give him two. I had a case involving the Winnipeg Film Society. They were prosecuted for disobeying the Lord's Day Act for showing films on a Sunday. It was a society which I contended, and I happened to be the President of it at the time, which I contended was not charging an admission on a Sunday, it was a society which had members and those members were entitled to come and see films on Sunday. If we didn't show the films they had no claim for their money back or anything of that nature. I spoke to the then Attorney-General, the then Attorney-General was Mr. Lyon, and I went to speak to him. And he spoke to me about staying the - nothing wrong with it. I said to him that this organization is not contravening the law, I urge you to stay proceedings. The Attorney-General said to me, this is a case which the Winnipeg police are proceeding with. If they do not ask that the charges - Oh, he was being requested for consent to prosecute and I said I would urge you not to give the consent, and he said I don't see anything

(MR. GREEN cont'd.) . . . . particularly wrong with this situation. If you will have the Chief of Police withdraw his request for consent, I won't be at all unhappy. In other words, if I receive no request for consent to prosecute, I won't go ahead. I went to the Chief of Police and he thought that we were a wonderful bunch of people, too, and he said I have to send the request, but if the Attorney-General refuses to grant the request, I will not be unhappy at all. Each one of them felt that they in their wisdom could not do anything with respect to this particular request.

We went to Magistrate's Court and we were found guilty of breach of the Lord's Day Act. We appealed and we went to the Country Court, first instance, and they confirmed the magistrate decision and they found that we were guilty of a breach of the Lord's Day Act. We went to the Court of Appeal for the Province of Manitoba. Four judges unanimously found that we were guilty of a breach of the Lord's Day Act and we were fined \$25.00. I thought for sure at that moment that if six judges of Manitoba say that we are wrong then as right as I think I am I must be nuts. I got up in the morning and I said, no they are wrong. We went to the Supreme Court of Canada and five judges of the Supreme Court of Canada unanimously found that all of the other judges in Manitoba were wrong and we were acquitted of a breach of the Lord's Day Act. We had to do that for a \$25.00 fine; thousands of dollars worth of expense because the Attorney-General did not stay proceedings. There would have been nothing wrong with him having stayed - and I don't criticize him for the position that he took because the Chief of Police of Winnipeg also requested that they be given consent to prosecute and that they proceed ahead.

So I tell you that having asked for a stay of proceedings and not gotten one, one could make as big a complaint and I wouldn't criticize it either way because I say that this is a normal activity. I know that in another case, you say the Member for Crescentwood is the one who asked for this stay, or that's one of the suggestions. The Member for Crescentwood was prosecuted, he and another girl they were prosecuted for conducting a parade -- (Interjection) -- you see this is on the record, they were prosecuted for conducting a parade -- (Interjection) -- All right.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: I rise to defend the Honourable Member for Crescentwood as I'm sure that the Honourable Minister did not imply that he was a girl.

MR. GREEN: About which -- (interjection) -- Oh.

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: He and a young lady, excuse me. Not another girl. I believe her name was Winslow. They were prosecuted for conducting a parade without a licence and their parade consisted of marching from Memorial Boulevard to the American Embassy. They walked down the streets and they stopped at red lights and what have you, the next day the Winnipeg Police prosecuted them for conducting a parade without a permit. They came to me and I said that this is a wonderful case, the kind of case that I love to be involved in. Any day I have to get a permit to walk from the Memorial Boulevard to the American Embassy - I have to get a permit from the police - that's the kind of case that I would like to be against. -- (Interjection) -- Yes. They walked on the sidewalks, they stopped at red lights, they did not conduct any parades, they walked just as - you know, it would be like getting a permit to run around the track which we did the other day, myself and the Member for Riel and the Member for Brandon. In any event let me continue. They were prosecuted. I phoned the Attorney-General's Department. This time I didn't . . .

MR. SPEAKER: The Honourable Member for Rock Lake on a point of order.

MR. EINARSON: I'd like to ask, Mr. Speaker, on the point of order, what running around the block, running around Memorial Park has to do with this Order for Return and all the other comments that he's made.

MR. GREEN: I'm discussing stays of proceedings, the intervention by the Attorney-General in cases, which has been brought up by the Opposition. I didn't bring it up, it's you people who brought it up. I phoned the Attorney-General's Department on that occasion -- (Interjection) -- I'm telling you how an Attorney-General's Department works and I'm not trying to be insulting. You people don't know, and I know that there's some people who regard an Attorney-General's Department that if something is asked for and a stay is granted, that this is somehow behind the scenes activity subverting the course of justice and I'm telling you that it's not, because these two people -- I told the Attorney-General's Department that we don't

(MR. GREEN cont'd.) . . . . . want a stay, we want this case to go to the Supreme Court of Canada because these people who sought publicity by walking from Memorial Boulevard to Donald Street and the Midtown Bridge and didn't get any, will get the kind of publicity they need by us continuing this case to the Supreme Court of Canada and winning. We got a stay of proceedings. We got it immediately and we didn't even ask for one. And they stayed proceedings.

Mr. Speaker, I could go on and on. The Honourable Member for Rock Lake had the widest grin on his face when he was listening to the speeches that were made by the other side about the corrupt Attorney-General and how he was staying proceedings and how he was hearing representations from the outside, and now when it is attempted to demonstrate that this is normal in the course of justice he doesn't want it to be heard. He wants to leave the same impression that has been left.

And you know the Member for Riel who spoke about what I said - and I really believe that the answerability of a Minister to a Legislature is one of the most important controls that the public can have over anything - he proved his case by his very speech. He proved his case by his very speech, because if he is right, if he is indeed right that the Attorney-General should be answering this type of question, and he is making an issue of it, he will be able to go to the people and he will be able to say, "People of Manitoba, the Attorney-General refused to answer this question," and he is using that as a political issue - and he is welcome to his issue - then he is actually saying that we are right, because he will be able to have the people's support over the Attorney-General of the Province of Manitoba if he is right in his position that we should be giving him this information.

And I welcome him to use that. I welcome him to go to the people and make whatever case he can make out of it. All I am trying to do is now answer what he says I should have been answering all along, the position as to what a stay of proceedings amounts to in the office of the Attorney-General and what the mitigations -- (Interjection) -- Well, Mr. Speaker, I sat here and I listened as carefully as I could to what these charges amounted to, and I repeat, they amounted to two things: one, that the Attorney-General, apparently at the instigation of somebody, felt in his judgment that he should stay proceedings against a young person who was being charged with assaulting a police officer or something, something of that nature - obstructing a police officer, that that was one of the charges.

The second charge was that in a particular case the Attorney-General insisted that a prosecution proceed; that was a case involving an automobile that was in a line of 37 cars, 36 had pleaded guilty and one had pleaded innocent - and I respect the right of that man to plead innocent and I would have defended him if I was a lawyer, nothing wrong with -- (Interjection) -- See? Now that it becomes a normal process the Member for Riel says "whitewash". That was what the two charges amounted to.

The third one was that the Attorney-General had asked in a particular case that Crown Counsel not ask for the maximum punishment but asked for a degree of punishment, something of that nature. Mr. Chairman, I've defended numerous criminal cases, numerous criminal cases in my practice as a lawyer and I can't recall that there were two percent of them - there may have been one or two but in trying to be accurate I'll leave that allowance - but I would say that in the overwhelming majority of them the Crown had something to say about sentence. They either said that sentence should be aggravated or, on most occasions because I think that the human being is inclined after a conviction to be a little bit forgiving, in most cases the Crown said: Well, Your Honour, in this case there is a conviction but there are circumstances which we would ask you to understand in not imposing the maximum sentence. But there is hardly a case where the Department of the Attorney-General does not indicate that it wants the sentence to be an aggravated one, that it wants the sentence to be a mitigated one, and in some of these cases the position that Crown Counsel will take comes as a result of somebody in the department - and the Attorney-General is a member of that department - having reviewed the matter and deciding that in this case we'll ask for the maximum; in this case we'll ask for a suspended sentence; in this case we'll ask for the minimum; in this case we'll ask for a fine; or any innumerable number of things that they could do.

I can't conceive of how anybody can be an Attorney-General without in some way involving himself as to whether proceedings are first of all going to be launched, as to whether they are going to be continued, or as to whether they're going to be stayed. You can not do the job if you are not -- or appealed. You can not do the job unless you are involved in these things, and what charges have come to the House is that the Attorney-General has been involved in

(MR. GREEN cont'd.) . . . . those things in which an Attorney-General has to be involved in. That's what it amounts to.

As to the judgment as to how he did these things, Mr. Speaker, I feel that I'm not only justified in not responding to those things but that it would be wrong for me to respond to those things. It's he who has to answer, he who has to get up and say how his judgment was exercised and has to justify his conduct not only to members in this House but to people across Manitoba. The Member for Riel doesn't think that's good, that the Ministers of the Crown should be subject to the judgments of both the Legislature and the people that they represent? I think that it's good. I like that system. I think that it is good. I think that you have tried to make a point, you have put in an Order for Return which you feel makes your point a little stronger. I say use that point for whatever you think it's worth, but when you use it, don't run around saying that the Minister of Finance and the Minister of Mines and Natural Resources, they agree with us because they didn't speak, because that's nonsense. If that's your point, then that is absolute nonsense. I repeat that if that's the only reason that you can think of why we didn't speak, then that's merely an indication of your limited capacity to think. That's all that it is.

We have had three explanations coming from your side of the House as to why I didn't speak. One, I wasn't here. That's a fairly good explanation. You know I like to speak in the Chamber, members know that, and the Member for Swan River says he loves it - that's fine, that makes me even happier. I like to speak in this Chamber. I like to find means of speaking, but even I can't think of a way of speaking when I'm not here. The Member for Riel maybe can think of a way -- (Interjection) -- Yeah.

MR. SPEAKER: The Honourable Member for Portage.

MR. G. JOHNSTON: . . . the motion to reduce the Minister's salary to \$1,00, I believe the Minister was here.

MR. GREEN: Oh yes. I indicated there were three occasions. One was when I wasn't here that I didn't speak; the second one was on the estimates, and the Member for Lakeside indicated that he accepted the fact that I don't defend the Attorney-General's estimates, that that was too early, that was too early an occasion to speak. The Member for Riel says now it's too late. So those are the three reasons - I wasn't here, it was too early and it's too late.

Nevertheless, in spite of those reasons, I have no difficulty speaking, I have no difficulty saying that insofar as the Order for Return is concerned there can't be a criminal case in which the Attorney-General is not involved. The circumstances leading to the Attorney-General's intervention in each of these cases is not finite, and I repeat that, it is not finite, it would be dishonest to suggest that one can list definitively the reasons for an Attorney-General's intervention. The charges that were laid originally, in which case that merely refers to (1) and (2); the new charges after the Attorney-General's intervention in each case, I repeat that really goes back to (1) and (2), and if (1) and (2) are as I have put them, then the (3) and (4) are wrong and No. (5) verges on the irresponsible.

No. 5 verges on the irresponsible, because No. 5 -- well you've had your say, you've made what you could out of it and I'm sure that believing in fair play you're willing to hear the other side. It is almost irresponsible to suggest that the Attorney-General's Department release the names and addresses of every person that has been involved through his department whether charges have been proceeded with, whether they have not been proceeded with or under circumstances of that kind, because they needn't be -- pardon me? I'm sorry, I didn't hear your question. -- (Interjection) -- Well, Mr. Speaker, I've already dealt with that aspect of the case on Nos. (1) and (2).

I really didn't wish to be involved in this. I tried very carefully to listen to the charges that were laid against the Attorney-General. I repeat, as I understood them, they amounted to one staying proceedings in a case for alleged political considerations; (2) involving himself in instructing Crown Attorneys as to how to represent the Crown in terms of mitigation or aggravation of sentence, and these are things which I can't see an Attorney-General not at stages being involved in; and thirdly, prosecuting a case with more vigor than the Member for Morris thinks should have been exhibited by an Attorney-General. In each of those things, those charges, the Attorney-General answered admirably and I don't think that me getting up to say anything adds to it. I think it detracts from it. It looks as if he needs defence and I don't think he did.

MR. SPEAKER: The Honourable Member for Riel.

MR. CRAIK: Mr. Speaker, I am sorry the Minister of Mines . . .

MR. SPEAKER: Order, please. The honourable member has spoken. Is he asking a question? -- (Interjection) -- It makes no difference. Are you ready for the question? The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, once again we've seen the performance by the Honourable the House Leader in skirting around the issue of this Order for Return. I think he established in good legal fashion when, where or why he hadn't spoken before, aided and abetted by some help on this side, I admit. But let's get a few things straight, and if I stray, Sir, from the detail of the Order, I assure you, Mr. Speaker, that I'll stay within the principle of the Order.

Now, that government over there of course has made the general accusation and charge that the judicial system of the past ten years particularly didn't charge or prosecute Conservatives and Liberals. That is the statement of that government -- (Interjection) -- No, I didn't say he said that. I said that statement came from that government and it's recorded. I believe the actual statement is if justice had been done half the Conservatives and half the Liberals would be in jail. I think that is the actual statement.

So then, Mr. Speaker, the essence of this Order is first of all, as has already been dealt with, is not to question or to take any great length about establishing the fact, the very plain fact that the Attorney-General is of course ever present in every court case in every courtroom; we accept that certainly. But it's been drawn to our attention, it's been drawn to the public's attention, and I must say, Sir, it's been mainly by utterances made about the abuse of the judicial system in the past, about all the heavy playing of favoritism and how justice was bought in the past that comes not from some obscure members or workers of the government opposite but indeed from the ministerial benches, that make it quite legitimate to in this instance, particularly when the politics of at least some other persons involved are open and public knowledge, to ask for an Order for Return, not that we even want to get into the argument that my legal friend over there chooses to present to this House about whether the Attorney-General should or should not or to what extent or does enter into the exercise of his due position, his due right as Attorney-General - I won't even get into that lawyer's argument - but the essence, and I don't think there's any particular attempt to hide it by the mover of the Order, I don't think there's any attempt to hide it from anybody in this House, is that we would like to see only those particular instances where the Attorney-General specifically, personally intervened, so that we in this Chamber and the public can make our own judgment as to whether or not we feel that there is in fact a political motivation currently operating by the present Attorney-General.

Mr. Speaker, in the event that this seems to disturb honourable members opposite, let me repeat again that the rather bizarre and fantastic charges about the Attorney-General's Department operating in a political manner come from that side and were instigated from that side, and have been instigated from that side ever since their inception as a political party. It is only now that they're in a position that these remarks surface in public from what should be responsible mouths.

So, Mr. Speaker, despite the legality and the fine legal footwork done by my honourable friend the House Leader, I think the point made by my colleague the Member for Riel is well taken. We all recognize, those of us who've had the privilege of serving with the Honourable House Leader for some time, that he rarely resists a little bit of goading to getting up to speak and he demonstrated that this afternoon. I'm wondering what precisely it'll take to get his colleague the Minister of Finance to do likewise because, of course, we would like to see, we would like to see that last vestige of some respectability within the legal community also get on track of this particular debate in its greater general terms as to when contempt is not contempt; as to when the interference of an Attorney-General is due and proper and when it isn't, we're not particularly interested in trying to score the point here, but, Mr. Speaker, we're quite prepared to have their brothers in the legal fraternity score those points for themselves as these ministers rise and speak in defence of the present inept Attorney-General.

Mr. Speaker, by refusing to acknowledge the receipt of this Order for Return - not what my friend the Honourable House Leader suggested when he tipped him off, if there was a point that was unacceptable. Quite frankly No. 5 in my judgment certainly becomes unacceptable. But they don't qualify it, they just utterly refuse it as has been their wont with Order for Return after Order for Return. And then talk to us about open government. But, Mr. Speaker, I think this Order for Return has served its purpose. This Order for Return has indicated and

(MR. ENNS cont'd.) . . . . . has put into a position those members opposite who should be the first to be defending a view and judicial posture and position for an Attorney-General to take and a responsible one to take, to take and find themselves in very uncomfortable quarters, not necessarily uncomfortable in this Chamber because this after all is a debating Chamber and scores and points can be made, won or lost in that particular area of debate. But I want to assure you, Mr. Speaker, and I don't have to underline it to them, where they are losing their points and where they are losing the ball game with respect to this matter of principle that's before us that deals with the Attorney-General's Department.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. GRAHAM: Thank you very much, Mr. Speaker. Mr. Speaker, I've listened quite intently to the views expressed today by the Member for Portage, by the Attorney-General, by the Minister of Mines and Natural Resources and by the Member for Lakeside. Mr. Speaker, quite frankly what I have heard from the government side so far to me is nothing more than a curtain, a veil drawn by the Attorney-General and the Minister of Mines and Natural Resources, trying to hide from the public the attempted miscarriage of justice in this province.

Mr. Speaker, I'm not a lawyer but when we hear the arguments of the Attorney-General and the arguments of the Minister of Mines and Natural Resources - and, Mr. Speaker, he is very eloquent but I must admit that so far today this is the weakest case I have heard him argue in this House. His argument today, in my opinion, Mr. Speaker, was a futile one and it concerns me that the people of Manitoba will not be receiving the justice that I think is so essential. When we have heard the Attorney-General, Mr. Speaker, repeatedly state that he has intervened and intends to intervene in numerous cases, it is a great matter of concern for all Manitobans. In fact, Mr. Speaker, it is a matter of concern for those outside the Province of Manitoba as well, because we have seen evidence of newspaper articles printed outside this province where the concern for the administration of justice in the Province of Manitoba rates their attention. Mr. Speaker, when people outside this province become concerned to the point where they feel that they have to take pen in hand to comment on the miscarriage of justice or whatever the Attorney-General is doing, I feel that each and every one of us in the Province of Manitoba who are in the position to do what we can in our limited way to correct the situation, I feel that we must make an effort to see that not only is justice done but it must seem to be done to the citizenry of this province.

The Order for Return that was presented by the Member for Portage is in my opinion, Mr. Speaker, a logical one. He is asking where the Attorney-General has personally intervened in a criminal case before the courts of Manitoba; he's asking for the circumstances leading to the Attorney-General's intervention and he's asking for the nature of the charges and the changes in the charges that the Attorney-General effected by his personal intervention. I think this is the most important part of any, Mr. Speaker. Where the Attorney-General did interfere and the charges were changed, I think is probably the point that is most important in this whole Order.

Mr. Speaker, in the past, and I believe it will be the practice that is continued as long as we maintain our British judicial system, it has been the duty of government to appoint Crown attorneys to carry out their duties in protecting the jurisdiction of the government of this province and to lay the necessary charges which are brought to their attention mainly by the law enforcement officers in this province.

Now, Mr. Speaker, we have had cases presented to this House where the law enforcement officers in the carrying out of their duty have laid certain charges under various sections of the Acts which we as individuals pass in this House. We have seen evidence where the officers charged with the obligation of carrying out the responsibilities of the Crown have laid charges after reviewing the evidence presented to them by the law enforcement officers. And then we have seen at least three cases presented here and this Order for Return asked for the total number where the Attorney-General in his wisdom, or lack of wisdom, has personally intervened and has contravened or instructed the Crown attorneys to change their charges against the individual concerned. I think this is the most important point in the debate, Mr. Speaker, is the fact that the Attorney-General who as a Member of the Bar has received the same training as those who are acting on behalf of the Province and who because of their knowledge of the law have been appointed to act on behalf of the Province, and I think this is

(MR. GRAHAM cont'd.) . . . . . most important, it's because of their knowledge of the law that they have been appointed to act on behalf of the province, are now being overruled by a man who holds the position, not because of his knowledge of the law but because of his political affiliation. And this, Mr. Speaker, is the whole crux of the matter. Here we have a man who according to tradition is supposed to be the highest law enforcement officer in the Province; according to our tradition, the Attorney-General is the pinnacle, supposedly, of law in this province. And here we have a man who is appointed, who is appointed - granted, Sir, after being elected, but he is appointed by the First Minister mainly because he has a law degree. I would suggest, Mr. Speaker, that I take my hat off to the Minister of Mines and Natural Resources, he is an excellent, an excellent Minister in that capacity, and I would also suggest, Mr. Speaker, that the Minister of Finance is a most capable man in his capacity. So then we find the First Minister with a choice of two and not four for the position of Attorney-General.

Mr. Speaker, I feel most unfortunate that the First Minister made the choice that he did because the actions of this Minister affects the lives of every single individual in this Province of Manitoba in the administration of justice; and justice, Mr. Speaker, is one of the most fundamental principles of a democratic society. It has been said many times that not only must justice be done but it must seem to be done and when we find evidence as is supported by the cases brought out in this House where justice is not being done, then not only is the judicial system that we presently employ come under the criticism of the people but also the political party that is responsible for the administration of that justice must also come under criticism. And if in fact that criticism is just, Mr. Speaker, we then have to ask why a political party would act in a manner such as they are in bringing the judicial system into dispute.

Mr. Speaker, if history can teach us any lesson, and I suggest that history can, then the only results that can be drawn from the study of history are indeed alarming. Because history has shown us that wherever the judicial system is attacked and in fact destroyed that anarchy and chaos result. Mr. Speaker, it's for this reason that I as a member who has no knowledge of the law as practiced by such eminent members as the Minister of Mines and Natural Resources and the Minister of Finance, must at this time rise and object to the malpractice of law that we find evidence of occurring here in the Province of Manitoba.

All this Order for Return, Sir, asks for is for the Attorney-General to give us the information that the people of Manitoba are asking for; the actual number of times that the present Attorney-General has personally intervened in a criminal case before the courts of Manitoba. The reason for this is to let the people of Manitoba know whether or not justice is being carried out in this province. This is basically what the order is all about, Mr. Speaker. It's also asking for the circumstances leading to the Attorney-General's intervention. Let's get the history of the story, let's present all sides and let the public decide, Mr. Speaker, whether in fact the Attorney-General was correct.

Mr. Speaker, as long as justice in this province is under a cloud of suspicion, the obligation is on the administration to lift that cloud and tell the people of Manitoba, and prove to the people of Manitoba, that the suspicion is ill-founded. And now we find the Attorney-General is saying that he cannot accept, he cannot accept this Order which asks for the cloud to be lifted, to let the people see whether or not justice is being carried out in this province. The Attorney-General is denying the people of Manitoba that opportunity. Mr. Speaker, I don't know much about justice but guilt by association, guilt by association is what the people of Manitoba can only draw a conclusion from if this Order is refused.

I would like to hear the Minister of Finance justify, if he can, the position of the Attorney-General in this case. If he really believes in justice, and I'm sure he does, he should - well maybe if he doesn't, maybe he should not be sitting in the position that he's in. I would be willing to have some faith in the Minister of Finance and I would like him to tell me why this Order should be refused, because the people of Manitoba are -- (Interjection) -- Mr. Speaker, I'll be glad to sit down if the Minister wants to speak, -- (Interjection) -- Certainly.

MR. SPEAKER: The Honourable Minister of Finance.

MR. CHERNIACK: Do you really think that I should make an effort to sink to the level that you are speaking at right now?

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

MR. GRAHAM: Mr. Speaker, I'm very pleased to see that the Minister rose to the occasion. Mr. Speaker, this Order asked that the people of Manitoba be shown, without a

(MR. GRAHAM cont'd.) . . . . shadow of a doubt, that justice is properly being administered in this province, and if the Attorney-General refuses to grant this request then guilt by association is the only conclusion that the people can draw.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, during the past week or so we have had the Attorney-General taking up a considerable amount of the time on his estimates attempting to justify his position as an Attorney-General, and in listening to him hour after hour revealing case after case, one got the impression, and I got the feeling that the Minister reminded me of a nun just coming out of a secluded convent seeing the world for the first time and then attempting to explain what she was seeing to everybody who had seen it all before. His attempted explanation of the workings of the Department of the Attorney-General were the kind of explanations that we heard from the Minister of Mines and Resources this afternoon. What the Minister of Mines and Resources did was to tell us how the administration of the Department of the Attorney-General should be done, but one noticed that he stayed away from what is actually happening in that department. And we're not quarreling, we're not quarreling at all with what their concept of justice should be; what we're quarreling with is what the Attorney-General is really doing as the Attorney-General of this province, in the administration of justice; and the other dimension that he is bringing to this department which is the one that we're objecting to.

And just let me quote, if there is any doubt in the minds of my honourable friends opposite, as to what we mean when we say that we're suspicious, and maybe we shouldn't be, but what can one do when you read the words of the - and I have them before me - the words of the Minister of Highways. Here is the Minister of Highways speaking on May 6th on Page 690 of this year's Hansard: "I don't know about these things," says the Minister, "I know about the case in Swan River, and I insisted that it be reviewed because the reports started coming into my office because it had to do with speeding, which they think, which some people think that anything that happens on a highway is somehow not the Attorney-General's but the Minister of Highways, and I said, 'Look. The guy is a Conservative, the magistrate's a Conservative, the prosecutor's a Conservative, and the guy who was caught speeding in the radar trap was a Conservative'."

Now what else does the Minister want. These are grounds for a conviction, Sir. "And he says, 'Are you going to stand by and allow this thing to get by?'" You're going to stand by and allow a Conservative judge, a Conservative Crown Prosecutor and a Conservative speeder get away without some inquisition? "And I said, 'Well, let's have the details.' I went to the Attorney-General." That's how these things get to the Attorney-General, and there's no quarrel with that, but when he goes to the Attorney-General with the evidence, and the only evidence he had at this stage is that three people involved were Conservatives, now that is enough to turn the wheels of justice in the direction that my honourable friends opposite would like to see them turn. "Well, let's have the details", said the Minister, and he went to the Attorney-General.

Well, Sir, how many other cases have there been, how many other cases have been appealed in this province? How many cases have been brought to the attention of the Attorney-General on the same basis? Oh, I know that it's a normal practice for members when they have constituents come to them who have run afoul of the law in one way or another to ask for some assistance. I recall on one occasion some years ago - I wasn't a provincial member - but I had a farmer come to me, he had got himself into some difficulty, I think it was a violation of the Excise Tax Act, and I went to the Attorney-General and I complained bitterly, because at that time the new government when they'd just come into power had come into power on the basis of the encouragement of private industry throughout this province, and I reasoned quite correctly that what this farmer was attempting to do fell well within the realm of private industry. He was operating a still. Although I thought the case that I pleaded was quite an eloquent one, the Attorney-General said "no dice". This man - and he quoted me the laws with which I was unfamiliar. I was attempting to appeal on the basis of a strong economic argument which didn't work at all in the case of the Attorney-General of that time. He quoted me verse and chapter of the law.

So one can only assume that -- well, I think that as a matter of fact I wrote a letter first to the Attorney-General, and the Minister will probably be able to find it on his files, because I was chastized by the Attorney-General at the time for not marking it "Personal and Confidential". He said now a letter like that is liable to be asked for in the House and it'll

(MR. JORGENSEN cont'd.) . . . . have to be reproduced. I wasn't afraid of that at all, because I wanted my constituents to know that I was in defence of private enterprise. In any case, that was early in the years of the Roblin administration, and to the best of my knowledge justice was not done and I don't expect that justice will be done under this Attorney-General because I note from a previous . . .

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: I'm just wondering if the honourable member will answer a question. Did the then Attorney-General point out to you that the Attorney-General of the Province of Manitoba cannot handle excise cases, they're federally prosecuted?

MR. JORGENSEN: As I pointed out to the House, he pointed out to me chapter and verse of the law in no uncertain terms. In any case, I was about to say that under the present administration I don't expect we could get much more consideration from them, not only on one ground but on two grounds. First of all, they're opposed to private enterprise; and secondly, the Minister is quoted on March 6, 1971 as opposing the manufacture of homebrew by private enterprise. In any case, Sir, that is an aside.

But I want to point out to the House that the explanations that we've been getting from the Attorney-General within the last few days, on a short occasion the other day and again today, seemed to be at variance with the statements that he has been making in the past. Now he says there is no difficulty in the administration of the law under this administration, no difference, no difference in the administration of the law under this administration than there was under the previous administration. But that isn't what the Minister of Highways says. The Minister of Highways has told us a new era has dawned in the administration of justice, and, Sir, that is the thing that worries us. A recent letter published in the Brandon Sun of May 11th from a Mr. Meighen, Q.C. -- Frank Meighen, F.O. Meighen, Q.C. -- (Interjection) -- Well, the Minister of Labour asks who is he? He is a former Crown Attorney with some 20 years experience, and I dare say, Sir, that he's handled more court cases, more court cases alone than the Attorney-General has dealt in legal matters all through his career. And I rather think, Sir, that it might be interesting at this point to put Mr. Meighen's letter on the record to see how it differs from some of the things that we've been told by the Attorney-General. It starts out by saying: "You recently carried a story including statements made . . .

MR. SPEAKER: Order, please. I wonder if the honourable gentleman does realize we are debating a motion for an Order for Return in regards to certain aspects. I'm not certain that the letter he's reading is going to really be conducive to that Order for Return. It may characterize the Honourable Attorney-General but that doesn't necessarily say yes or no as to whether we should receive the Order for Return. I do think he should try to give that some thought. The Honourable Member for Morris.

MR. JORGENSEN: Sir, I would suggest to you that if you give me the opportunity of revealing the contents of this letter you will come to the conclusion as I have that it's very relevant to the Order for Return that is now before the House, certainly much more relevant to the Order for Return before the House than the statements that were put on the record by the Minister of Mines and Resources. He was dealing at length with some of the statements made by the Attorney-General in connection with the Attorney-General's prerogative in making decisions in appeals to the Attorney-General, and that is the subject matter of the Order for Return.

It goes on to say that "the conduct of the Attorney-General in so interfering was considered by members of the Western Bar at a recent meeting and was disapproved of, and letters indicating such disapproval went forward to the Manitoba Bar Association and the Law Society of Manitoba and the Chief Magistrate." He goes on to say, "Your story of the incident did not carry a report of the full comments of the Attorney-General concerning members of the Western Bar which were quoted in the Winnipeg papers."

And this is a statement that -- here is a statement that the Attorney-General made the other day. The Attorney-General was quoted in the said papers and in Hansard on the 26th of April as having said: "Obviously the establishment, the old trusted establishment of the legal profession in southwestern Manitoba, a lot of whom don't know what the inside of a courtroom looks like either apparently, don't know anything about the working of the administration of justice in this province."

He goes on to say, "May I say that I consider these remarks to be impudent, scandalous and completely untruthful. By political accident, Mr. Mackling is a titular head of the Bar in

(MR. JORGENSEN cont'd.) . . . . Manitoba. Such irresponsible statements are scarcely consistent with the high office he holds and are not appropriate to the one who holds such high office." And then further on - I won't put the whole letter on the record - but he goes on to say: "I personally served some 20 years as a Crown Attorney in this district and as such served under various Attorneys-General of various political persuasions, all of whom were respected, honourable gentlemen." Then he goes on to mention a few of them. "Never was I dictated to" - and here is the key point in Mr. Meighen's remarks - "Never was I dictated to as to what charge to lay or what penalties to ask for. I can categorically deny that Mr. Mackling is correct when he says that it is general practice for an Attorney-General to interfere with the local Crown Attorneys in such matters."

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

MR. PAULLEY: . . . that any member of the House should express his own opinion, and that is the purpose of this Assembly, and not the opinions of others, and I ask you, Sir, to take that under consideration. -- (Interjection) -- You don't know your head from your feet.

MR. SPEAKER: Order, please. Order, please. I think we are all getting a little excited. I did suggest that the contents of the statement the Member for Morris was going to read may not pertain to the Order for Return that we are debating. I am not going to rule at this moment, but I do think he should try to contain himself within our debating rules and stick to the Order for Return. The Honourable Member for Morris.

MR. JORGENSEN: Mr. Speaker, I purposely eliminated a good portion of Mr. Meighen's letter because I felt it did not relate to the subject matter of the particular Order for Return that is now before the House, but the portion that I was just about to quote - and my honourable friend the Minister of Labour knows what I was going to quote and that's why he interrupted - and that portion is very relevant, very relevant to the Order for Return that is now before us.

MR. PAULLEY: Mr. Speaker, on a point of privilege. I doubt very much whether my honourable friend from Morris has the mental capacity to decide as to . . .

MR. SPEAKER: Order please. I'm sure all members are not going to impute anything to anyone in this Chamber. The Honourable Member for Morris.

MR. JORGENSEN: Well, Mr. Speaker, thank you very much. I am going to repeat that portion of the letter to make sure that it gets on the record, despite the obvious attempt by the Minister of Labour to prevent that portion from getting on the record. -- (Interjection) --

MR. SPEAKER: Order please. -- (Interjections) -- Order please. Are the gentlemen prepared to debate now? The Honourable Member for Morris.

MR. JORGENSEN: Thank you, Mr. Speaker. My honourable friend the Minister of Labour seems to be very sensitive and he invites me to -- (Interjection) -- the Minister of Labour invites me to say what I think, and, Sir, if I was to say what I think about honourable gentlemen opposite it would be unparliamentary and he'd still rise on a point of order.

Sir, as I was saying, I was attempting to quote from the letter written by Mr. Meighen to the Brandon Sun. "Never was I dictated to as to what charges to lay or what penalties to ask for, and I can categorically deny that Mr. Mackling is correct when he says that it is a general practice for an Attorney-General to interfere with the local Crown Attorney in such matters. If it is, then it became so only under his regime and the sooner the practice is abandoned the better."

That, Sir, is from a man who served for 20 years as a Crown Attorney, and yet honourable gentlemen opposite try to tell us that it is wrong for us to criticize them for changing a practice that has been a practice of Crown attorneys in this province for many many years, and a practice, Sir, that was calculated and designed and intended to preserve that which in my opinion is the most precious of all freedoms that we have in this country, the freedom to be able to get justice before the courts. It is one of the most important protections that the citizen has in this country, the protection afforded to him by an independent court, not one dictated to by the Attorney-General or someone else, or the Minister of Highways, and I think it's particularly significant to remind ourselves at this time that the assaults being launched on our courts by the members of the government, morally supported by the Attorney-General who is supposed to uphold the tradition of law and justice in this country, is one of the greatest threats to our fundamental freedoms that we have seen in many many years, and the honourable gentlemen opposite wonder why we stand and rise in our places and oppose the practices

(MR. JORGENSEN cont'd.) . . . . . that are being carried out by the government opposite.

Sir, as long as we're in this Chamber, the protection of the independent courts of this country is going to be one of those things that we're going to continue to argue for, despite the interventions and the interference of the Attorney-General, aided and abetted by the Minister of Highways, whose only criteria, Sir, whose only criteria for prosecution or persecution, whatever you want to call it, is the political affiliation of the people concerned. Sir, we have seen enough in the last few months to indicate to us that if there's anything in this country at the present time that needs protection it is the courts of this country against a government that thinks that by its own volition it has a better knowledge of how to administer justice than the independent courts, and, Sir, we are not going to stand idly by and watch that practice become a habit in this province.

Sir, if as the Attorney-General says that the Order for Return, or if the practice of interfering, of signing orders by the hundreds - and I'm told by previous Attorneys-General that of a hundred cases that are brought before them there may be one out of a hundred that may be looked at and some direction given by the Attorney-General - apparently this Attorney-General takes it upon himself to interfere in practically every case that comes before his attention, and in many cases many of those that don't even come to his attention.

Sir, if it is such a normal thing as the Attorney-General says it is, then why, Sir, why do they not answer this very simple and very ordinary Order for Return. What is wrong with giving answers to questions that are raised by members of the government themselves. The Minister of Highways has raised more questions in the minds of people of this province about the administration of justice than have ever been raised and they demand the answers to those questions.

Sir, the Order for Return that has been brought before us is a proper one, although some objection has been taken because of Clause 5. The Minister of Highways says that it is an improper one and it borders on the ridiculous or something of that language. Well, Sir, if that is so, then I will move an amendment to this Order for Return to delete Clause 5, and maybe then the Order for Return will be acceptable to my honourable friends. Therefore, I move, seconded by the Member for Rock Lake, that Clause 5 be deleted.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable the Attorney-General, that debate be adjourned.

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

MR. SPEAKER: The hour being 5:30, the House is now accordingly adjourned until 2:30 Monday afternoon.