

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Tuesday, March 18, 1975

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: Resolution 20 - I refer the honourable members first to Page 9 of their Estimate books. Resolution 20 (a). The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, last evening I had just commenced to comment in respect to the general issue of increasing juvenile delinquency in some of the areas by which effort has been undertaken in order to deal with that. I mentioned last evening that the Solicitor-General is presently in the process of drafting a new Young Offenders Act, and that this proposed bill is in the process of being discussed with provincial representatives in various parts of Canada, and the representatives of the Solicitor-General prior to its presentation to the Federal Parliament.

I would like to comment though, Mr. Chairman, that one of the areas of concern as mentioned by the Honourable Member for Fort Garry last night, is the fact that presently in Canada we do not have a uniform age insofar as juveniles are concerned under the Juvenile Delinquency Act. Some provinces it's 16, others 17, other provinces 18, such as in Manitoba. In fact in Alberta it's a different age for juveniles as to whether they're male or female, with the male being 16 and with the female being 17. Anyways it is a patchwork of inconsistencies from one province to another. This is an area of concern that has been long expressed by those that are involved in the treatment of juvenile delinquents across Canada, that there ought to be a uniform age from one end of the country to another.

I gather that some of the difficulty that is being confronted by the federal people at the present time is determining what that uniform age is. I think the important object ought to be, Mr. Chairman, to ensure that there's a uniform age across Canada. As to what that age is concerned, that in some respects is not as important. For instance, if a juvenile appears in Juvenile Court and if based upon the series of convictions in that juvenile's record, and also in view of the nature of the charge that the juvenile is being charged with, that juvenile can be raised to adult court. So that I think, Mr. Chairman, it would be a major step forward if the new bill being proposed can ensure the uniformity of age, and I have every reason to feel that that in fact will be the case.

There is of course many other areas of need for change. The punishments and the fines contained within the present act of course are outmoded, outdated. The act which has not been updated in some 40 to 50 years, certainly does not meet the delinquency problem in any major respect that we face today. For instance, I think, Mr. Chairman, that more and more thinking is being directed towards, not the payment of fines per se, but that the delinquent be required to undertake other projects, rehabilitation etc. for that delinquency which the juvenile has committed. For instance, I can recall a particular case in which a number of juveniles had done damage to a church. The presiding magistrate insisted that the juveniles not only repair the damage to the church but they also act as ushers for a period of one month in that church each Sunday morning. I think that that did much more by way of ensuring that the delinquency not be repeated than by levying a small fine which is the general case.

In respect to procedure, I think there has been an important change in procedure since the last time we met here to discuss the estimates of this department, and that is that the amendments to the Child Welfare Act which dealt with the establishment of a treatment panel has in fact been implemented as of January 31, 1975. You will recall that, as we debated here last year, there was in existence a Review Board, the Review Board could overrule decisions that were made by a judge of the Juvenile Court. The new treatment panel can only advise and cannot overrule; can only offer the benefit of its own expertise and combined knowledge of the members that make up that panel, but cannot overrule. I think certainly the system that was in practice where sometimes the decisions by a judge of the court could be overruled was only instrumental in encouraging in the mind of the juvenile the fact that, well, why, there's not much point in having too much respect for the court, the Review Board can overrule the decision of the judge in Juvenile Court anyway.

Another area that persistently causes us difficulty and we attempt our very best to deal with it, but naturally from time to time there are problems that occur and sometimes leading to unfortunate results, is to ensure that the sentencing of juveniles is consistent throughout the province. You will have situations where sometimes in one district the sentences will be

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) much lighter than they are in other districts within the province. And sometimes you can get an impression of where the sentencing is a little lighter than other districts by the number of letters and communications that are received, for instance, in my own department in this connection. There lies a heavy responsibility on the part of the Crown Attorneys that are involved in cases within those districts to ensure that where the sentence is not consistent with sentencing elsewhere in the province, to launch an appeal in order to ensure that the sentencing within that particular district is brought up to a consistent level with sentencing in other parts of the province.

Another area of concern is the fact that for too long in our Juvenile Court, Family and Juvenile Court, the Juvenile Court was considered kind of the poor man's cousin. It was a court at the lower end of the totem pole. And the result is that, for example, lawyers hesitated to become involved in handling cases in Juvenile Court, it didn't seem to be worth their while. On the other hand, Crown Attorneys looked upon the Juvenile Court as only a stepping stone on to greater things. We have, I think, during the past year managed to change that in that we now have a full-time Crown Attorney in the Family Juvenile Court responsible only for juvenile matters and is demonstrating a real concern for that area of the law. And certainly there's been increase in the emphasis and in the numbers of Crown Attorneys that are involved in juvenile court law this year as compared to last year.

The Crown Attorneys have also been instructed to review all juvenile cases where the offences appear to be serious or where there are offences which are of a second or third or fourth time occurrence, and if necessary of course to take appropriate action if it's felt an appropriate finding has not been made by the Juvenile Court.

Considerable mention has been made about the fact that the Probation Officers work under the jurisdiction and responsibility of the Minister of Health and Social Development, and whereas the courts and the judges of the Juvenile Courts fall within the areas of responsibility of the Attorney-General. All that I can report to honourable members here is that the Honourable Member for Corrections, the Minister for Corrections, is now undertaking this as one of his major responsibilities to ascertain whether or not there can be improved rationalization and effectiveness insofar as this program is concerned; and I'm sure that the Minister responsible for Corrections will have comments to make himself further in this respect.

MR. BILTON: Mr. Chairman, I wonder if the Minister would accept a question at this time.

MR. CHAIRMAN: The Honourable Member for Swan River.

MR. BILTON: Does he appreciate the suggestion that has come from this side of the House that the Probation Officers' duties be removed from the Department of Health and Welfare to the Attorney-General's office? Would he care to comment on that?

MR. SPEAKER: The Honourable Minister.

MR. PAWLEY: Mr. Chairman, I think we do find ourselves in a situation where we have to constantly reassess. We recall when the transfer was made of Probation Officers to the Department of Health and Social Development, it was done with the intent that the probation workers would be working more and more under an environment of treatment rather than punishment. It was felt that their being under the responsibility of the Attorney-General emphasized too much the area of punishment. I tend to agree at times with the honourable members that have spoken; that it may be that we have tended at times to let the pendulum swing to the point where we're not prepared to draw the line when the line should be drawn between treatment and punishment. Certainly you can only treat to a certain point when I think other methods have to be utilized.

So that I say to the honourable member in respect to his specific question, that I would prefer to see the probation officers remain where they are now with the attention that the Minister responsible for Corrections is going to be able to give this matter, his own divided attention, and possibly in that way during the next year we'll be able to better rationalize the present system. I would not want to rise here and to indicate to the honourable member that I'm perfectly happy with the system as existed, and I'm not of a view that that system is not worthy of improvements from which it has been, and I think we have to observe what occurs over the next year very closely in this respect.

I would like to also mention another area that we have worked on with respect to juvenile delinquency in the last year, and I'm informed by the Legal Aid Board that they do feel that it

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) has met some success, is staff members of the Isabel Neighbourhood Legal Aid Clinic have lectured and have taught students in the Core schools, Red River Community College and Hugh John Macdonald and the R. B. Russell School in respect to preventative law. And the indications that I've received from them is that they are of the view, from information that they have received, that the teaching of preventative law within schools has had a positive influence. So that I do think again that it comes back to remarks that I made last night, that much of the responsibility in respect to juvenile delinquency has to rest with parents and with the schools. And of course I think also one could philosophize too, Mr. Chairman, when we're dealing with juvenile delinquency, about the very harmful effect, examples, by elders, whether they be in positions of financial or political importance within the community must create.

I can't help but think, Mr. Chairman - if I can digress for a moment - that the impact created upon youngsters, for instance, in the United States and splash over into Canada, with their president and vice-president, the example that they established, and things such as this occurring within our society and within our community must have a very detrimental effect in its entirety. So that I think there are many elements that add up to some of the problems that we have with juvenile delinquency today.

I would like to also just ask the honourable members to, when they do have instances where they feel that there has been undue leniency, or on the other hand there has been not sufficient assistance by either the department of the Attorney-General, or another agency of government, to forward particulars of that particular incident to us so that it can be checked out. I think that in this way we can check out particular cases. It's sometimes cases are overdramatized and it's found upon checking out particular cases that they're not really as serious as they might have been painted. So I would appreciate if honourable members when they have particular cases in mind where they feel there has been a lack of proper procedure followed, if they would forward those particulars to us.

Mention was made last evening in respect to family law reform. I would like to indicate very clearly to - the Honourable Member for Fort Rouge is not in his place - that the report from the Law Reform Commissioners has been received, and I want to indicate to the House that my own personal view is that the recommendations of the Law Reform Commission make sense, that I do for one believe that the assets and liabilities that are accumulated by a couple during married life should be divided in equal shares between them. If the married couple wish to avoid that for some reason or other, which could be second or later marriage in life, then that married couple be able to form a contract between them in order to contract out of that type of arrangement. But I do think there should be a standard contract, legally recognized and morally accepted, in order to ensure that we do not have a repetition of the Murdoch versus Murdoch case for example that occurred in Alberta. For those honourable members that have not been made aware of the Murdoch case, it involved a termination of a marriage between a couple that had worked together for many years on a ranch in Southern Alberta and Mrs. Murdoch had spent most of her married life working in a partnership with her husband, corraling cattle, handling farm chores, etc., going from farm to farm doing custom farm work with her husband, Mr. Murdoch. Upon the termination of the marriage because she was unable to show, to prove to the court, that she had actually made a financial contribution to the marriage, that she had in fact not earned wages, and in turn made an investment to the farm operation, to the ranch, she was held by the court not to be entitled to a share of those assets that were accumulated during the marriage. Well I think, Mr. Chairman, that though most couples through life want to ensure that reasonable and moral arrangements are made between them, compassionate arrangements, that we would want to legislate in order to protect against those situations where a lack of compassion is shown between couples. So that I would like to simply state that I would hope that honourable members would take the opportunity to closely read the report from the Law Reform Commission, and I would also like to feel that we could provoke discussion during the next year in respect to those recommendations, to hold meetings and discussion groups throughout Manitoba, in order to discover just what Manitobans feel about the recommendations of the Law Reform Commission, and then possibly we could proceed then with legislation in the next session in 1976. I hesitate to feel that we would be ready for legislation this session. We've just received the recommendations. I don't know how many members have had the opportunity to read those recommendations. I do not feel

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) there has been adequate discussion in the province. So my leaning is towards discussion and possible legislation after there's been thorough discussion in the legislative session of 1976.

The Bail Reform Act was mentioned in various crimes of violence. I would like to indicate to members here that the Minister of Justice at the federal level indicated to the Conference of Attorney-Generals, which was held last week in Ottawa, that he recognizes as a result of comments, communications that he has received from Attorney-Generals throughout Canada, that there is need for amendments in the Criminal Code and in the Bail Reform Act, not to take away from the principle of the Bail Reform Act, because I do not think that any person can legitimately, for a moment, debate the principle of the Bail Reform Act, which is to the effect that every accused is innocent until proven guilty, and that no accused should remain confined simply because that accused is unable to provide the assets or the money in order to obtain his or her release on bail; but, that there is some problem in respect to interpretation of the Bail Reform Act, interpretation difficulties that arise because of the very wording of that Act at the present time, the vagueness of reference to the words "in the public interest". So the Minister of Justice at the federal level has promised the Attorney-Generals of Canada that there will be legislation, and I believe he indicated some time in late April or May introduced to the House in order to bring about amendments to the Criminal Code and also to clarify provisions in the Bail Reform Act that are causing, I note, some members in this House concern.

I looked over the other items which were dealt with and I believe in attempting to follow the suggestions by my House Leader and the Member for Morris, that I could leave the comments in regard to other matters to the specific items. For instance much comment was made about legal aid, court services, the Human Rights Commission, the Public Trustees' office and policing, and probably we could leave comments on those items until we deal with the item by item debate.

MR. CHAIRMAN: The Honourable Member for Morris.

MR. JORGENSEN: Mr. Chairman, I don't want to trespass upon the rules of the House, and rules that I have endorsed myself, but I don't know of any other occasion than on the first item of the Minister's Estimates to deal with the comments that I would want to make at this time, and that's concerning the rule of the courts themselves, and the Minister has touched upon that.

I have had some concerns in the past few years and it stemmed from a decision that was handed down some years ago by Mr. Justice Trites on the question of hog marketing in Canada, particularly as it referred to an action that was brought against the packers in this province, with respect to trading between Manitoba and Saskatchewan in hogs. The thing that concerns me was a statement made by Chief Justice Trites on Page 57 of his judgment in which he said that: "The evidence established that the legislation has achieved admirably the purpose it set out in Manitoba Regulation 180-71, which states that the real purposes and intention, the unstable conditions and trade practices which bedevil the industry to the great detriment of the producers have been removed. By increasing the price for, and establishing a fair price for hogs, and by putting order and stability into the market the legislation has enabled producers to plan for production intelligently. The industry has expanded and processors, including the packers, have been assured a good and constant supply." First of all, I question very much the validity of that particular statement on the part of His Honour, and I secondly question his - well I shouldn't say his right, but I will say his judgment in making that kind of an observation, when all he was asked to do was interpret a law. It seems to me that in too many instances the courts are taking it upon themselves to establish social positions that are not the business of the courts in the first place, but rather the business of the legislators whose job is to change the laws when that demand seems to exist and when it reflects public opinion.

A MEMBER: Warner, you're beginning to sound like Joe Borowski.

MR. JORGENSEN: The intention of the courts, as I understand it, is to properly, and to the best of their ability, interpret the laws of this country - and speaking of Joe Borowski perhaps I should just draw to the House's attention a second case concerning Dr. Morgenthau(?), when Professor Lyon indicated that he hoped that the judges will address themselves to the important philosophical question involved in this particular case. I don't think that is the business of the courts. I think the court's position is primarily to interpret the law as it currently exists without involving themselves in the philosophical positions that may be involved in any

SUPPLY - ATTORNEY-GENERAL

(MR. JORGENSEN cont'd) particular case. It seems to me that if there are laws, and the Minister has mentioned one himself in the case of the instance in Alberta, the Murdoch case, that to me represents one of those areas in which the politicians, or the government, should become very directly involved, and if there appears to be some injustice then that injustice should be very quickly removed by a proper, or a different interpretation of the law itself, rather than the courts taking it upon themselves to place an interpretation upon the law which was never intended in the Act itself. I feel very strongly that in the several instances that I have mentioned, that there seems to be a tendency on the part of the courts to set themselves up as a sort of quasi parliamentary body in which they are a law unto themselves, and I feel that that is usurping the authority of parliament, and the authority of legislative bodies across this country, and should be resisted. Maybe I'm not expressing myself very well but I do believe that since I have little knowledge of the law that those who are learned in the law may want to challenge my proposition, but I do believe that unless this body, and this group, has the authority to change that which is wrong in the law and given the right to represent the opinions of the people of this country, the courts, as in the case of the hog marketing board incident, could be placing interpretations on laws that were never intended.

I think also that there is a tendency amongst legislators to believe that any change in any law represents progress and I don't believe that that always happens. There are many instances when we have endeavoured to change laws, only to find that we have created more problems than we have solved. I think that to a large extent is the result of a lack of an examination of the situation that prompted the change in the first place. So many times we react immediately to a given situation and so many times we over-react. We should perhaps follow Robert Benchley's advice in the case of the "Killaloo" bird, where he flew backwards for awhile when he left a certain position to make sure that he knew where he came from. And, so often, we make changes that by no stretch of the imagination can be termed progress but rather we create problems that eventually we have to correct with more legislation that in the final analysis does nothing more than to create more jobs for lawyers. And that is evidenced by what is happening in the Minister's own department right now. When the Minister first took over his portfolio, or he didn't take it over, but in 1970 when the government first came in the total budget for that department was \$6 million, today it's 19 million. And when one attempts to find out where that increase takes place, one is hard put to see where there is any substantial increase in the existing programs but it's the addition of new programs that has contributed to the tremendous increase in the budget of the Department of the Attorney-General.

There is one other point that I would like to make on this first item and that is there seems to me now that to a large extent, justice is being meted out in keeping with what is a favourite philosophy of my friends opposite, and that is justice on the basis of the ability to pay. I wonder how often that someone arraigned before the court is given a sentence simply because he has not the money to pay a fine, a sentence that is either a remand or a dismissal, or something of that nature, simply because the jails are full and there is no place to put him. It poses a problem for the law enforcement bodies of this country. And are we not now reaching the stage where justice instead of being dispensed according to the laws of the country is now being interpreted to mean that anybody that can't afford to pay a fine either goes free if there is no room for him in jail, and that those who are able to pay fines get fined very stiffly. Is it not just another device to collect more money from the taxpayers, and even though the taxpayers may be in error or in violation of the law. It seems to me that more and more we are running across situations where justice is being dispensed rather on the basis of correct . . . interpretation of the law, that it is being dispensed on the basis of, as I said, the ability to pay.

Now the courts in my view do not have an easy task before them, and I don't know what I would do under similar circumstances, but I wonder now if much of the problem that we have been discussing in the last couple of days with respect to juvenile offenders and the like does not stem from the inability of the courts to deal with those problems on their merits and on the basis of the dispensing of justice according to our laws, rather than the dispensing of justice on the basis of the ability to pay. I wonder if the Minister would not have some comment to make on these perhaps inadequate but nonetheless sincere comments on my part in looking at the law from a layman's point of view. I know that, as I say, I have probably expressed myself very badly but I do feel it is of sufficient concern to raise it at this particular time.

SUPPLY - ATTORNEY-GENERAL

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Chairman, before the Minister replies - I'm sorry that I was out - but I wonder did he deal with the remark I made about cases that are remanded, you know, continually, where many cases where you see where a case is remanded so long, and I personally believe that justice delayed is justice denied, and I wonder if the Minister would explain that when he's speaking.

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

MR. GRAHAM: Thank you, Mr. Chairman. The Minister in his reply covered some fairly diverse subjects.

I want to at this time again confine my remarks mainly to the treatment of young offenders. I would like to know exactly what position the Province of Manitoba has made in its submissions to the Solicitor-General of Canada who has the responsibility for bringing forward the Young Offenders Act. The Attorney-General spoke about many of the problems but there was a noticeable lack of position on his part and I think that the people of Manitoba have a right to know what the position of Manitoba will be in its presentations to the Solicitor-General with respect to this proposed act. He has mentioned that there are various ages for juveniles and the need for a uniform age for juveniles, and I would like to know what the proposal of the Province of Manitoba is in this respect. I think it's only fair to ask the Minister to give us the position of the government so that we can then in turn assess the direction that the province is taking in its proposals to the Federal Government so that we can make possibly, in a layman's language, our contributions and our suggestions to the Attorney-General for furthering to Ottawa.

MR. CHAIRMAN: The Honourable Minister of Corrections and Rehabilitation.

MR. BOYCE: I would just briefly, Mr. Chairman - perhaps I could just draw to the attention of the members some of the changes that have come about since the last session. With reference to the Member from Birtle-Russell's question relative to the Young Offenders Act, the Federal Government hopes to be in a position to have a draft bill ready by the 1st of May. Now in co-operation with the staff of the Attorney-General and the people in corrections, we hope to be in a position to adopt the position for Manitoba by about the 15th of next month.

But just generally in this area, Mr. Speaker, I would just draw to the attention of members that we have tried a new approach to some of these problems and really my ministry, while it's in the Department of Health and Social Development, is very closely related to the Attorney-General's department in this regard. Over the years, Mr. Speaker, I've been very fortunate in having the opportunity to sit in the back bench because I got to know many of the civil servants who have been in the system for a considerable length of time, and I'm thinking specifically of the Deputy Attorney-General who was one of my mentors as far as law is concerned. In co-operation with his staff and my staff, we're working closely to develop this position for Manitoba. But in some of the questions that are coming from members opposite, I would rather speak to these under my own estimates if you would not mind. But I would point out to you that some of your questions are being addressed at the present time in that probation in the City of Winnipeg, for example, while it will be tied closely with community operations is directly in line to myself. I have heard the questions raised by the courts and some of the members, and I would just, as it is possible that my estimates will not come up for some time, I would like members to know that it is our intention this fall to sit down with different people in the community, in the judicial districts, and discuss law and order and corrections, and this sort of thing. And as the Member for Brandon West can attest to when I go into an area and sit down with the people in the community it includes the representatives in this House regardless on which side of the House they sit.

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

MR. GRAHAM: Thank you. I welcome the information that has been given to us by the Minister of Corrections and while we may have to wait, I also want to point out at this time, Mr. Chairman, that last year at the Provincial Judges' Annual Conference there was a resolution brought forward, which I think is in the hands of the Attorney-General at the present time, in which they made a fairly strong request and a proposal that probation should be more closely aligned with the courts and the law enforcement people, and I would hope that the Attorney-General takes under serious consideration the considered opinion of the various judges in that court. Sir, I say this because I feel sure that any recommendation put forward

SUPPLY - ATTORNEY-GENERAL

(MR. GRAHAM cont'd) by a body such as the Provincial Judges would be a decision that was not taken lightly. I feel sure that they have wrestled with this problem. They are the people that daily face the problems that occur with the probation system in this province, and I would hope that the government would very seriously consider the recommendations of that august body and make the changes, or consider very seriously making changes which would more closely align probation with law enforcement and the courts.

While I'm on my feet, sir, I want to again review the problems that exist in the field of juvenile crime. If we just look at the problems I think that we will be accomplishing very little; I think we have to look beyond that for the cause. When we look at our educational system today, we find the various courses, the rapid changes that have occurred in the educational system; I'm sure that it has confused many young people who are trying to cope with that system. We find that a child may be in, for instance in Grade 4, where they have a very good relationship with their teacher, and the next year they go into the open classroom concept and for three or four months it's mass confusion and bewilderment on the part of the students. I think our educational system has done much to create confusion in the minds of some of the young people today.

I see a lack of a social conscience on the part of, not all young people, by no means all, but on the part of some young people in today's society. I think that we have to try and ask ourselves why this is occurring. I think that probably the procedures and the directions that are being taken by governments of all political faiths in this country today have to have something to do with it. We have seen a gradual movement away from the right to work; we have seen a movement away from the desirability of the work ethic; we have seen numerous other havens develop, which in effect destroy the work ethic and also destroy the family life that in the past has been the major deterrent of juvenile delinquency.

We've had for instance many impassioned pleas for day care centres, for nurseries and many other institutions which remove the children from the care of the parent, which make the child in essence a ward of society from its very early age on. I think I can understand the feeling of some young people today who say, well if I'm put in a correctional institute, that's just one more step in the total concept of state care of the individual. And, sir, I think that is a very wrong move.

I think that many of the proposals that are being put forward at various times, and again I say by various governments of all political faiths, have had a detrimental effect on parental responsibility and parental guidance of the young people today. Some of it no doubt has nothing to do with government; it comes about as a result of social change and technical improvements, such as television and other means, which have provided for young people today a means of escape from the close supervision and guidance of their parents. I think that if we ignore these factors, if we do nothing to attempt to correct the causes, that juvenile delinquency will continue to increase; the problem could get worse instead of being improved.

So I put forward these suggestions, sir, at this time that we must consider the causes behind the scenes before--and if we can understand those, then we can begin to develop means of eliminating some of those causes and eventually correct some of the problems that exist today in that particular field.

I would like to hear the comments of other members in this respect because I feel that a debate of this nature will assist in improving the situation that exists today and eventually all of society will benefit.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I wanted to deal with the question that was raised by the Honourable Member for Pembina. The reason I hadn't dealt with the courts is I had intended to deal with that more extensively in respect to the item dealing with courts and administration of the courts, which I believe is an item in our estimates. But I would like to say this in regard to backlogs in the courts, and I think that the Honourable Member for Pembina was, for instance, quite concerned about delays in the Family Court. I would like to say this to the House that in many instances delays in the Family Court is deliberate in order to try to encourage the parties to go through a cooling-off period in order to possibly bring about a reconciliation. Often there are efforts taking place back and forth between the parties to bring about a reconciliation, sometimes insofar as the Family Court is concerned that the delays can be attributed to that.

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd)

In the Provincial Courts of course it is a different story. The delays in the Provincial Court take place often because of a number of factors. Of course first is the very principle that with the implementation of legal aid, everyone pretty well is now represented by legal counsel which by that very fact means there are many more cases being processed in a contested way through our courts than prior to legal aid. And I don't decry that. There are many cases that should have been fought in our courts prior to Legal Aid that were not because of financial inability but certainly it has added to the number of cases being dealt with in the workload. The delays are often caused by legal counsel entering for instance a not guilty plea, then changing their minds, sometimes for a good reason, and sometimes it was only a tactical move, changing their minds and then altering the plea to one of guilty. And as I say sometimes it is for a good reason, certain facts have come to light that the counsel was not aware of earlier, but in other instances certainly it has been instances where legal counsel was trivial with the court.

Of course also there are instances where remands, first, second, sometimes third remands are requested of the court, and here too is areas of course where the courts must use their discretion. And it's my understanding that the courts have in fact this last while, in fact from the meeting that the Honourable Member for Birtle-Russell mentioned of provincial judges, have in fact established new guidelines. For example, legal counsel must advise the court so many days ahead of the sitting of the trial in the event that there's going to be a change in plea. Before, often legal counsel would arrive at the morning of the trial, there would be a change in plea and a courtroom would be left empty for the rest of the day, that space couldn't be used. Well I'm advised that under the new guidelines that have been implemented by our provincial judges have to some extent, and I don't want to over-emphasize the extent, but have to some extent reduced some of the delays.

The Honourable Member for Pembina had mentioned last evening about our Small Debts Court, and paying tribute to the fact that Small Debts Court permitted litigants to deal with small debt actions without having to obtain the services of legal counsel to minimize legal expense. I would like to just say to honourable members that I would favour increasing the jurisdiction of the Small Debts Court from its present level of \$500 to possibly \$1,000 in order to permit many more cases to be dealt with in our Small Debts Court, because all reports that I've received, and I was particularly interested in the comments from the Member from Pembina in this respect, indicate that those courts had been successful, that they have speeded up justice in the areas that they're responsible for and have reduced costs. I see no reason why we shouldn't be thinking in terms of increasing the nominal sum of money that's involved there to a much larger one, particularly with the pressures of inflation which we've had.

MR. CHAIRMAN: The Honourable Member for Pembina.

MR. HENDERSON: Mr. Chairman, would the Minister permit a question at this time? When these people are remanded in these court cases, can they not be done before the people show up for court that day, because I've been at a few cases where case after case was called and then they were remanded but the people who were involved came. Can this not be done and avoid that?

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: If there's legal counsel involved, and legal counsel is present in court, then that can be done and the Crown Attorney will simply remand the case on his own as a result of prior arrangements that he's made with counsel for the defense. So in many instances that is in fact the way it is done. In other instances of course there have been no pre-arrangements made between the legal counsel and the remanding does not place until the very morning of court.

MR. HENDERSON: Mr. Chairman, if I could have a question now. Where they're having free legal aid now and they come and we'll say it's to the north and then it's remanded, do these people, lawyers or the students who are acting on the free legal aid, do they get paid their full pay that day?

MR. PAWLEY: The remand, if it is a legitimate remand for legitimate reasons, there is a fee; if it's under the fee for service portion of legal aid then they would receive a fee in respect to that remand. But if it's a trifling with the process, the taxing officer for legal aid would disallow the bill. Of course many of the reference to northern legal aid, a substantial

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) amount of that legal aid would be dealt with by lawyers from the Legal Aid Clinic so that would not in those instances involve fees as such. But again insofar as the remand is concerned, that falls within the discretion of the court and the courts certainly, and I think are increasingly so, being more cautious as to the number of remands that are granted in any particular case because there's a general and a growing awareness that remands do backlog the courts and do delay the proper hearing of cases.

MR. HENDERSON: Just one further question.

MR. CHAIRMAN: The Honourable Member for Pembina. I would caution the honourable member that perhaps these questions should be coming under the Law Courts section or Legal Aid section.

MR. HENDERSON: Okay. Let it go.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: In respect to the Honourable Member for Morris, I would certainly like to say that I think the Honourable Member from Morris' understanding of the law is better than what he may have felt it to be, that certainly the courts ought to interpret the law and not to take it onto themselves to make the laws. The responsibility for making the laws is the responsibility of legislators whether it be in the Parliament of Canada or in the Legislature of Manitoba. So I certainly concur with the Honourable Member from Morris in that regard.

I would like to say that I have a little concern with respect to one area that the Honourable Member from Morris dealt with however and that was in respect to fines. I have serious reservations about a system - and I think we are moving from this - where fines are levied and the end result is that because of one's inability to pay the fine, one ends up in prison. I would like to feel - and this was discussed at some length by the way, Mr. Chairman, at the Conference in Edmonton which was held this year, "Natives and the Criminal Justice System" - that we could find ways and means of providing for alternative sentencing insofar as those unable to pay fines. We find for instance in many, too often, that our native people unable to pay fines end up in prison, so we find a disproportionate number of native people in our prisons compared to the population. Native groups that were present in Edmonton pleaded that the Criminal Justice system, not that it become more lenient in this respect but more imaginative, that for instance a native that was convicted of an offence for instance in a northern community be assigned a work project, or some project he could do on behalf of his community, whether it be cleaning up a little park in the community or some other little responsibility, that he be responsible to work for the community in order to pay off his obligations and responsibilities to society rather than the payment of a fine. Otherwise you find too often the situation that a fine is just like a payment for services in some instances that it doesn't mean too much to the person that is financially able to pay; he pays the fine and that's it. On the other hand, the person that is in financial difficulty can often find that he ends up in prison simply because he's unable to pay. I want to say that it's my impression that insofar as Manitoba is concerned that we have been able to minimize, and I understand to a very very low level, imprisonment for failure to pay fines except where there is willful refusal to pay, that it was because of inability to pay generally there has been a lot of thought developed in order to discovering ways and means of providing alternatives to incarceration.

I listened with interest to the comments by the Honourable Member for Birtle-Russell as to the causes of juvenile delinquency. It's one that I don't think any of us have any real answer as to what the causes are. I think it's the increasing urbanization, the increasing emphasis on things material rather than spiritual in our community, the lack of parental control, the lessening of the family unit in our society, and one could travel on and on with the various causes. But I would like to mention that I suppose every generation feels that we have serious juvenile delinquency problems, and I think each generation to some extent has, and that each generation feels that they have failed in meeting the problems relating to juvenile delinquency. I was interested and a little amused at an opening of the St. Andrews Church on the Red last fall, a church which was built I believe it was in 1870; the minutes of the meeting in which the parishioners had met in order to discuss the building of the church was read at the opening of the church, and the number one item that the parishioners had discussed in respect to their decision to build a church was the need to build a church in order to deal with the growing juvenile delinquency in the community and the neighbourhood at that time - and that was close to a hundred years ago. The parents in that community at that time felt

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) they had a real juvenile delinquency problem on their hands. So I say this only to say that it's a continuing problem, I don't think it's one that's suddenly thrust upon us, and we should accept the fact it is a major problem, that we should attempt to ascertain the causes of that problem, and should try to come up with new laws and procedures to deal with that area of concern. I would hope that when we would reach the Estimates of the Honourable Minister responsible for Corrections that we could have a real thorough discussion as to some of the concepts that have been proposed by the Solicitor-General for consideration in his new Young Offenders Act.

MR. CHAIRMAN (Mr. Walding): The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Speaker, I rise really to ask certain questions of the Attorney-General really under the Ministerial Salary because I think it's appropriate to deal with this at this time, although there may be other matters to be dealt with as we deal with the specific items in the Estimates itself.

Mr. Chairman, it's my belief that as this session progresses, the Attorney-General, along with the Provincial Auditor, will become two of the key people to watch in this session, and to watch for a number of reasons. The Attorney-General has responsibility as the chief law officer of this province; he acts in his capacity as chief law officer as a political appointee in the sense that he's a member of the Executive Council and a member of the Cabinet, but his responsibilities go beyond that. In our system he becomes a very important person. And I want to, if I may, Mr. Chairman, with him try and understand how he sees his responsibility, how he sees the execution of his responsibility, by drawing to his attention some of the matters that were raised last year, and inquiring from him how he dealt with that as the chief law officer of the province, as the person who would be concerned with the administration of justice.

One must recognize that through his office, if investigations are to be completed or undertaken by the RCMP, instructions must be followed from him; not any individual can go to the RCMP and suggest that there's something that should be inquired into. And so therefore there is a responsibility I think on him to indicate to us exactly how he handled himself in different situations, and by the explanation of it understand fully the way in which he operates. I want to deal with a number of examples, but the first one I'd like to deal with would be one that came about as a result of a letter, dated March 28, 1974, which the Attorney-General I believe has, from Mr. Angus Spence, who was President of the Manitoba Metis Federation. Now I can read the contents of the letter or I can explain them, and I think the Attorney-General will acknowledge what the contents contain and if he wants me to read it, I will.--(Interjection)-- Well I'll read it then.

This letter was to the Attorney-General, and it says: "An increasing number of members in the Manitoba Metis Federation have expressed concern about charges of mismanagement of MMF regional funds by some of our vice-presidents. This concern was again expressed in a resolution passed at our General Conference held in Rivers, Manitoba, on the 1st, 2nd, and 3rd of February, 1974, which read as follows: 'Moved that the . . . claims of all MMF vice-presidents should be thoroughly investigated.' Accordingly I have asked the RCMP to conduct an investigation into these charges of mismanagement by our vice-presidents to comply with the above resolution, the responsibility vested in my office. I therefore request that you authorize the RCMP to proceed with an investigation of these charges at the earliest possible time. Your co-operation in this matter is appreciated."

Mr. Chairman, one must understand that the request by the MMF to the RCMP would not be sufficient, there would have to be direction from the Attorney-General's office, and what the president has done is inquire of the Attorney-General whether he'd be prepared to proceed and allow the investigations to take place.

Well, Mr. Chairman, I'd like the Attorney-General to indicate exactly what he did when he received this request and the procedures he followed to determine whether an investigation should be conducted by the RCMP or not.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, in respect to the particular matter raised by the Leader of the Opposition, first I would like to say as a matter of principle, it's not of course sufficient to make a charge and then expect an RCMP investigation to flow from that charge. People are constantly making charges, and certainly it would be inappropriate for an Attorney-General of the province to immediately cause an investigation to be made, or for charges to be laid in

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) respect to a particular matter. I was reminded the other day where I read a speech by the Honourable Member for Fort Rouge who suggested that certain people involved in the CFI matter should be called to the bar of justice, and I believe he made reference to certain people walking around the Conservative Convention. Well I think that would be inappropriate to respond immediately based upon a call such as that and lay charges, or to launch an RCMP investigation without having material before you.

The letter that the honourable member referred to, and I don't have that letter here of course, but as I recall the matters pertaining to this letter, and I'm going on the basis of memory, was referred to the Director of Prosecutions and to my Deputy Minister, and it is my recollection that the Director of Prosecutions, in fact, met with officials and others in the Manitoba Metis Federation in order to ascertain whether or not there was sufficient basis to warrant an RCMP investigation, and the advice that I recall receiving in return from him after he personally attended to such an investigation on his part, is that there was insufficient basis to warrant an RCMP investigation based upon the allegations that were made.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: I wonder if the Attorney-General is in a position to give me - he may not be able to do it today - give me the time limits that were involved in respect to first receiving the letter and the meeting of the directors and the information supplied to him by his officials.

MR. PAWLEY: . . . give the exact time frame. I do think that it was only a matter of possibly two weeks till the person, the position that I made reference to, did have the meeting with officials of the Metis Federation.

MR. SPIVAK: I wonder if the Attorney-General can indicate whether the RCMP are now investigating the Manitoba Metis Federation.

MR. PAWLEY: Certainly not to my knowledge, Mr. Chairman.

MR. SPIVAK: Mr. Chairman, I'd now like to deal with other matters that were brought to this Chamber's attention and to the Attorney-General, and I'd like to again follow through and understand his concern in how he operated in this particular area. As you are aware, and I don't think I have to repeat it, there were certain concerns expressed by us with respect to the Department of Co-operative Development, and as a matter of fact, certain documentation was provided in which there was an allegation as a result, or a suggestion that there had been some wrongdoing in addition to waste and mismanagement. The Attorney-General is aware that we asked for a judicial inquiry and he is also aware that there was a reluctance, I think, on the part of either the minister or anyone else on the government side to acknowledge that there was anything wrong. Yes, Mr. Chairman, that there was anything particularly wrong. I wonder if the Attorney-General could indicate at what stage, if any, he became concerned to either investigate or authorize his officials to investigate the possibility of some wrongdoing which would justify some action on his part, to give us again the time span that's involved, and what action he undertook as Attorney-General and what course of action he directed, if any, and what were the results.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I would have to, of course, base my response here purely on memory. I know that involved in respect to the complaints, in respect to the co-ops in Northern Manitoba, that there have been meetings involving the Deputy Minister; the Director of Civil Litigation; the Auditor himself, Mr. Ziprick; Deputy Minister of Co-op Development; in order to accumulate as much of the material information as could be possibly accumulated. I know also that this information that was accumulated was referred to the Director of Prosecutions and/or his staff for evaluation. Until the present time, based upon the material that has been submitted from the Provincial Auditor to my department, the advice received is that there is insufficient basis for a criminal investigation. I believe that in respect to these matters that some further information is still being awaited from the Provincial Auditor, but based upon the material that has been submitted to this time, there is insufficient basis for a criminal investigation.

MR. CHAIRMAN: Honourable Leader of the Opposition.

MR. SPIVAK: Yes, I want to understand correctly what the Attorney-General is saying. I was asking specifically what action he undertook. I wanted to understand correctly his course of action up until the time there was a referral by the Provincial Auditor. Did he at

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) any time as Attorney-General, when matters were brought forward in this House, did he at any time instruct his officials to examine and to determine whether there was any requirement for an investigation to be undertaken with respect to any matter that was dealt with in the questioning of the management and of the Department of Co-operative of its own activities and that of the various co-operatives that they were responsible for? Did he himself feel any obligation? Did he at any time instruct any official to in fact make inquiries? I'm not asking now, and I will come back to that, about what the action has been since the Auditor has made reference to himself, because the Auditor obviously in his report has indicate that there were matters turned over to the Attorney-General's office. I am now inquiring of him, up until the time that the reference was made by the Provincial Auditor, did he undertake any investigation or order any investigation, did he make any inquiries, or did he just wait until the Provincial Auditor's report was furnished?

MR. PAWLEY: Mr. Chairman, if the Leader of the Opposition will recall, during the Spring session last year when matters arose in respect to the Northern Co-ops, a commitment was made, I believe by myself at that time, to have this matter looked into, and I believe at that time, and we can relate back to Hansard, that I indicated to the House that the Deputy Attorney-General was responsible for an inquiry, and I know that the Director of Civil Litigation prepared a report. It was an extensive report, and in fact I would be prepared, within proper bounds, to discuss the basis of that report with the Leader of the Opposition, that the basis of that report was, based upon the material submitted, there was not sufficient basis for criminal investigation.

I believe I also recall that during the last session I had suggested once or twice that maybe the Leader of the Opposition should feel free to attend in the offices of the Deputy Attorney-General, and to submit to him any further information or material that he might have that he had not outlined in the House. My staff went through the material and the information that was outlined in Hansard very thoroughly. They received what information they could at that time from the Auditor and I believe, if I recall correctly, that we did invite the Leader of the Opposition to attend in person and to present any further material that he might have to the Deputy Attorney-General. So, well ahead of the filing of the Auditor's report, there has been extensive inquiry undertaken by members of my staff.

MR. SPIVAK: Mr. Chairman, for the Attorney-General's edification and just for the record, I think I indicated to the Attorney-General that I was available and certainly prepared, at the request of the Attorney-General or his Deputy, to meet with whoever he would suggest I meet, and I would be prepared to produce whatever documents I had. I may say, Mr. Chairman, with respect to the question of Wabowden, certainly three officials of the RCMP attended in my office, and at the present time they have all my documentation, and I presented them with everything I had and gave them my information at their request - and I certainly at all times was prepared to do that. But I think it's very important, Mr. Chairman, in the discussion of how the Attorney-General sees or perceives his responsibility, for us to understand correctly upon where the onus really lies.

I want to ask the Attorney-General at this point: He indicates that the Director of Civil Litigation presented a report to him. I wonder if he can indicate the date of that report, without in any way revealing the contents, the date of that report and the study that was undertaken, or investigation that was taken to determine whether there was any requirement for additional investigation over and above the efforts put forth by his department.

MR. PAWLEY: Mr. Chairman, I can get the dates of any and all reports. I don't know whether they can be obtained this evening, but I say to the Leader of the Opposition that those dates can be obtained.

MR. SPIVAK: I wonder if the Attorney-General can indicate that with respect to the matters concerning R & M Construction and J. M. K. Construction, again matters that were brought up in this House consisting initially of affidavits filed in this House, affidavits which were filed by the government officials in the Economic Development Committee, I wonder if he can indicate at what point he as Attorney-General determined - Mr. Attorney-General, I wonder if you can indicate at what point you as Attorney-General felt it was necessary to determine that an investigation should be undertaken in connection with the allegations and the very serious charges that had been made.

MR. PAWLEY: Well, I would like to clarify first, if the Honourable Leader of the

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) Opposition would, first reference was made by him to the affidavits. Is he thinking in conjunction with the charges that were made by way of CKY-TV as well at that same time?

MR. SPIVAK: Mr. Chairman, I am attempting to try and deal with this as objectively as I can and I am trying to deal with it in a specific way, and I'm not trying to confuse it. I am now talking in connection with charges that were made with respect to R & M Construction and J. M. K. Construction, consisting of statements or information supplied by way of two affidavits that were filed in this House by myself, with affidavits also filed by the government, which were then subsequently answered by documentations filed in this House, I want to know from the Attorney-General at what point and at what stage he felt that it was necessary for some investigation to be undertaken by his Department to determine whether an RCMP investigation should be undertaken.

MR. PAWLEY: Mr. Chairman, there have been a number of allegations that had been made in respect to criminal conduct, and I emphasize the word "allegations." As to the timing of the launching of an evaluation of those allegations and the material that was submitted, and that not only involved material in the House but other material that was presented outside of the House to myself as Attorney-General, dealing with the same matters that the honourable member has made reference to, I would have to . . . If the honourable member wants the exact date, I would have to obtain the exact date for him tomorrow. I know it was in the neighbourhood of the early part of May last year.

MR. SPIVAK: I take it that the Attorney-General is indicating that the information that was supplied in this House, forgetting about information that may have been supplied from outside of this House, was not sufficient in his opinion to warrant any investigation. Well, Mr. Chairman, I say to the Premier and I say to the Minister of Mines and Natural Resources, I'll await the judgment as to whether it was or was not sufficient when the RCMP file their report, and Mr. Chairman, I would weigh the decision as to whether it was justified or not on the basis of what the RCMP will say, but I now ask the Attorney-General, with reference to the information that was supplied in this House, did he not deem it sufficient to warrant on his part some further investigation as to the credibility and as to the seriousness of the statements that were made and the allegations that were presented?

MR. PAWLEY: Mr. Chairman, the material that was filed in this House, the affidavits that the honourable member has made reference to, were examined by members of my staff. Opinion was received from them. Certainly on the basis of the affidavits alone, there was not at that time a basis for a criminal investigation, if that's what the honourable member is asking.

MR. SPIVAK: Did the Attorney-General examine the affidavits of the two directors of the Communities Economic Development Fund that were filed in the Committee on Economic Development, hearing the report of the Communities Economic Development Fund, did his officials examine their affidavits as well?

MR. PAWLEY: The honourable member is asking if my officials examined those affidavits. I want to check, obtain the answer for that for the honourable member. I'm quite certain that all the affidavits were closely examined by those in my department. As to the date of their examination, I would have to obtain that information for the Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, I'd like the Attorney-General to also indicate, if he could, whether his officials felt that the variation that existed in the statements claimed in the affidavits filed on behalf of Mr. Allison and the affidavits filed by Mr. McIvor and Mr. Thompson, did not warrant further investigation at that time to determine both the accuracy of the statements made and the seriousness of the charges that were also inherent in the statements that had been first presented and were countered by the affidavits of McIvor and Thompson.

MR. PAWLEY: Mr. Chairman, as affidavits and other material was received, and as a general principle that material was referred to the Director of Prosecutions and/or his staff, and it was based upon their recommendations whether or not investigations were launched. And let me say to the Leader of the Opposition: for any other course to have been pursued, for any other direction to be taken, would really have taken us off on a course of action that would be contrary to the normal process of dealing with the receipt of complaints in our department as to the alleged possibility of crimes.

SUPPLY - ATTORNEY-GENERAL

MR. SPIVAK: I wonder then can the Attorney-General indicate on what basis the government, or he as Attorney-General, directed the RCMP to investigate R & M and J. M. K.

MR. PAWLEY: Mr. Chairman, the eventual launching of an investigation insofar as the two companies that the Leader of the Opposition has made reference to came about as a result of recommendations by members of my staff that an investigation should be launched. Certain information was given to the RCMP which had earlier not been made available to my staff or to this House. That information was given directly to the RCMP by some, and as a result of that additional information it warranted an investigation.

MR. SPIVAK: I want to understand something. The Attorney-General is saying that the investigation into R & M and J. M. K. came as a result of certain information that had been furnished to the RCMP that made the investigation necessary. Is that right?

MR. PAWLEY: There was material and information that was supplied to the RCMP that had not been made available to our department.

MR. SPIVAK: When did your department obtain that information?

MR. PAWLEY: When did they obtain that information?

MR. SPIVAK: Mr. Chairman, just so that - and if the Attorney-General will just allow me - my understanding is that the RCMP investigation commenced only on the instructions of the Attorney-General's department, not until then, and I therefore say to the Attorney-General, at least I ask the Attorney-General, at what time and what stage and what was the additional information that they had, that caused the RCMP investigation to be commenced?

MR. PAWLEY: Mr. Chairman, first I want to say to the Leader of the Opposition, I'm not about to specify the type of information. It's a matter that is presently under investigation, a matter that may eventually be dealt with in the courts. But I'm not about to specify the type of information that was made available directly to the RCMP, except that it was of a nature that warranted an investigation.

The second concern that I had as Attorney-General were certain allegations that were made as to suggestions that the Attorney-General and/or members of his staff had tried to interfere with the holding of an investigation about that same period of time. The major reason was the forwarding of certain material that had not, prior to that time, been made available to my staff.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: So that the information that had not been made available to your staff, that was forwarded to your staff, came from the RCMP?

MR. PAWLEY: Would the honourable member repeat his question please?

MR. SPIVAK: The information that became available to your staff that was not available to them before, which obviously was responsible for the investigation being caused, came from the RCMP?

MR. PAWLEY: The information that had not been made available to my staff was first made available by certain individuals to the RCMP rather than to my staff first, yes.

MR. SPIVAK: I would like to find out from the Attorney-General. Is it certain information that became available to his staff that caused him to direct, or his office to direct, the RCMP to the investigation, or was it the RCMP bringing certain information to the attention of his staff or to himself that was responsible for the authority being given for the investigation?

MR. PAWLEY: Mr. Chairman, I thought I had indicated to the honourable member there were two areas of concern that influenced the decision to have an RCMP investigation: one was the very concern about the fact that the office of the Attorney-General had been challenged as to its handling of this matter by one member of the news media. This created concern as to whether or not this could hurt the effectiveness of the department. The major reason however was the fact that certain material, certain information, was given to the RCMP which had not earlier been made available to my staff, which the RCMP advised my staff that they had information in respect to.

MR. SPIVAK: Mr. Chairman, I wonder if the Attorney-General would be in a position to advise the House approximately when the RCMP furnished that information. I don't necessarily mean the exact date, but was it the middle of September, the middle of August - he may not have it right at his fingertips, but I think I would want him to indicate at what point, at what time, the RCMP furnished the information to him.

MR. PAWLEY: I would have to obtain that information and it would be, I would suspect,

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) . . . of an approximate nature.

MR. SPIVAK: Yes, Mr. Chairman, I'd like to now deal with the question of Schmidt Cartage, and I'd like to find out from the Attorney-General at what point he believed, or thought it was necessary for the RCMP to be instructed for an investigation in connection with that matter.

MR. PAWLEY: Mr. Chairman, when the member was making reference to his other question, Schmidt Cartage, and I always get the initials of the other two companies mixed up - R & M and J. M. K. I believe it is - those matters were all being dealt with as a group. So instructions and information that were being receiving tended to involve many of the same people so I don't want to isolate them except it was being dealt with as a group. Schmidt, R & M, and J. M. K. I believe is the name of the third company, so instructions to the RCMP were given at the same time in respect to all three companies.

MR. SPIVAK: Yes, I want to ask the Attorney-General, do you not consider that he had sufficient information to justify an RCMP investigation before September of last year with respect to Schmidt Cartage?

MR. PAWLEY: Mr. Chairman, the answer to that is, as I indicated earlier, negative. I would like to read to the Leader of the Opposition, because I want to make as much information available as possible because this line of questioning I think if we don't attempt to provide as full a response as possible, can, leaving aside the political issues, can interfere with proper running of affairs of a department because of improper aspersions that might be cast. The answer is negative, and the answer, if Leader of the Opposition is following me, is a result of a memorandum which was forwarded to me by members of my staff which were entrusted into looking into the matters pertaining to the three companies as to their views as to whether or not a criminal investigation was necessary or not, and their recommendation that at the present time - that was in August 1975 - there was insufficient evidence to warrant a police investigation. I don't want to bandy names about as to those that forwarded to me the memorandum, but I am prepared to show to the Leader of the Opposition in confidence as to the names, the memorandum which was forwarded to me indicating the work that had been entered into by members of my staff in order to ascertain whether or not a criminal investigation should be launched.

MR. SPIVAK: I think the Attorney-General said that was August of last year.

MR. PAWLEY: August 12th.

MR. SPIVAK: I wonder if he can indicate at the time whether the law officers, who I assume were responsible for the preparation of that, whether they had before them the receiver's report on Schmidt Cartage, dated April 29, 1974.

MR. PAWLEY: The receiver's report was made available to the law officers in the department and had been available to them up until that time. There is some question as to whether one of the law officers had an opportunity to see that report or had seen it, but certainly the report had been made available to the law officers.

MR. SPIVAK: Yes, well the Attorney-General then is suggesting that the law officer made a recommendation to him that the matter not be proceeded with based on their investigation and the documentation available to them, including the receiver's report dated April 29, 1974 on Schmidt Cartage. Is that what he's suggesting?

MR. PAWLEY: Yes.

MR. SPIVAK: And the Attorney-General is now suggesting that there was some additional information that the RCMP had which they then provided to the officers of the Crown which was responsible for the Crown then saying that an investigation should take place?

MR. PAWLEY: As I indicated to the honourable member, there was further information which was made available to the RCMP some time subsequent to August 12, 1974. Further information, which along with the accusations that were being levelled at that time with respect to one member of the news media, caused an investigation to be launched.

MR. SPIVAK: I want to understand the emphasis here, Mr. Chairman, because the Attorney-General keeps referring to the one station --(Interjection)-- Well before the Minister of Northern Affairs talks about "right on", let's wait and see what happens as a result of the RCMP report, and then maybe we'll determine who was right on or not. But I want to understand from the Attorney-General - again I want to be very clear and I want to be very clear and I want to be very fair with him, and I say this quite honestly. You are saying that the

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) . . . reason that the RCMP were instructed to proceed in the investigation came about really because of the emphasis placed by one radio station, plus additional information that was made available, but made available to his own officers that had been made available to the RCMP that were not known on August 12th, or by August 12th of last year, and I want the Attorney-General to be very careful on what he's answering. --(Interjection)-- Well, Mr. Chairman, I have my reasons to say what I'm saying and I'll make my own remarks about that. I'm asking again, is he suggesting that there was additional information over and above the information that was available to the officers of the Crown by August 12th of 1973 (?) that was responsible for causing him to instruct the RCMP to investigate, or is he really saying that the reason that they caused the RCMP, or the RCMP was caused, was instructed to investigate, was really because of the statements made by one radio TV station?

MR. PAWLEY: Mr. Chairman, the reason was additional information. Now, between now and tomorrow I will confirm that with my own law officers, but there was additional information of an important nature that was made known to them subsequent to August 12, 1974.

MR. SPIVAK: I wonder if the Attorney-General can indicate whether his law officers, or he had instructed his law officers to investigate the matter, whether the information that became so important afterwards would not have been easily available to him.

MR. PAWLEY: Mr. Chairman, I would like to answer that question in greater detail. On May 23, 1974, a letter was written by the Director of Prosecutions in my department to a Mr. Dick Champlone, CKY, Polo Park, Winnipeg, Manitoba. I would like to read that letter into the record so that the honourable member has a full picture of the efforts that were made by those in my department to investigate and to deal with the matters in question.

The letter reads: "I understand that you" - and this is a letter from the Director of Prosecutions I'm reading from - "I understand that you and some of your colleagues recently attended at the office of the Honourable Edward Schreyer, Premier of Manitoba; I understand further that at this time Manitoba's Attorney-General, the Honourable Howard Pawley was in attendance. The documents were submitted to the Premier at this time and have now been handed to the writer for his consideration. Among them I find a sheaf of yellow paper outlining specific questions flowing from CKY inquiries. It is noted that they were transmitted in this form only to place them in the hands of the Premier and the Attorney-General as rapidly as possible. I note also that a letter was to follow reiterating the points raised therein. I have reviewed all the documents presented and quite frankly am in a dilemma in that it is difficult to envision from the documents alone the areas of concern. Basically I'm interested in the specific allegations of impropriety, specific allegations of criminal conduct. From a reading of the documents themselves, as I stated, I am perplexed. Possibly the anticipated letter will define the issues and state categorically the allegations of impropriety or criminal conduct. It is only on this basis that I, as a Crown Attorney, can assess the material in an attempt to determine whether a police investigation is warranted. May I hear from you in this connection. Thank you."

Now there was, from the information that I've received, was no proper response to that letter dated May 23rd from the Director of Prosecutions to Mr. Champlone.

MR. SPIVAK: I wonder if the Attorney-General could indicate, what was the date that the RCMP was instructed to investigate this matter?

MR. PAWLEY: Mr. Chairman, I believe the date was October 4, on or about October 4, 1974.

MR. SPIVAK: Mr. Chairman, I wonder - the RCMP had furnished between August 12th and October 4th certain information which warranted the investigation, or information that had been furnished to the RCMP which was somehow either communicated to the Attorney-General's Department or his officials, which warranted the investigation by October 4th. I believe I'm correct in that assumption from what the Attorney-General has said and I wonder if he can acknowledge that or . . .

MR. PAWLEY: I said earlier that that was my understanding, and I intend to confirm that just so that there's no question as to the information which we're trying to deliver to each other.

MR. SPIVAK: Mr. Speaker, I'd like to read a letter from the Director of Prosecutions, Jack Montgomery, dated September 30, 1974 to Mr. Richard Champlone, CKY Broadcasting Station. "Re Wabowden government - lending agencies. Pursuant to instructions received

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) . . . from the Attorney-General I have had an opportunity to review with care the material you supplied in May of this year, and instructed a senior member of this department to examine it as well. I'm satisfied that at present the material submitted does not reveal any basis for criminal charges. I return herewith the material forwarded to this office."

Now, Mr. Chairman, I think it's a matter of record that along with the documentations that were forwarded to Mr. Champlone, the receiver's report on Schmidt Cartage was forwarded as well, and I think it's a matter of record to indicate, Mr. Chairman, that CKY then published the fact that the receiver's report which indicates certainly a prima facie case of wrongdoing, and which would warrant a normal investigation. --(Interjection)-- Mr. Chairman, I'll make my comments and the honourable members opposite will have their opportunity.

Mr. Chairman, I want to point out that this letter was dated September 30th - I'm not sure when it was received - the instructions to the RCMP were given on October 3rd, I believe the Honourable Minister said - yes, I think he said October 3rd or 4th - that the Honourable Attorney-General is suggesting that somehow or other between a period of three days, some new information was communicated to his officials, or to himself, which caused the RCMP investigation to be undertaken. And, Mr. Chairman, it does not wash.

Mr. Chairman, the Director of Prosecutions on September 30th, wrote a letter in which he said there is no basis for criminal charges, no basis for any further investigation. Four days later an investigation takes place and the Attorney-General is trying to suggest to this House that somehow or other something happened that caused his law officers to in fact, cause his law officers in fact to ask that the RCMP be involved. And, Mr. Chairman, I would suggest to you that what really did happen was the receiver's report which was not known to exist, which had been denied to exist by Mr. Parasiuk approximately a month later in the Communities Economic Development Committee, when a question was asked as to who owned the shares of Schmidt Cartage, and I suggest, Mr. Chairman, that he knew, as the Attorney-General knew, as the Minister of Mines and Natural Resources knew, who owned the shares of Schmidt Cartage, and I say that knowing full well the intent of that. Now, Mr. Chairman I suggest that because that receiver's report was published, whether the Attorney-General wanted it or not, the RCMP then had to be instructed to proceed. And, Mr. Chairman, I suggest as well that if any prosecutions result or come about as a result of the RCMP investigations on this matter, those prosecutions would have come about had the RCMP been instructed six months earlier to investigate this matter, and the RCMP should have been brought in, Mr. Chairman, at that time because the variation in the statements made on the basis of the affidavits that were filed, and the documentations filed to support the affidavits, and in rebuttal of the statements of the two directors who had filed affidavits, that the investigation that should have been started then would have in fact, if the charges takes place, would have caused the RCMP investigation to have brought about whatever the result will be.

Now, Mr. Chairman, I've listened to the Attorney-General. I've attempted to try and determine from him how he perceives and how he sees his position, but I say to him that his statements don't wash, and I say to him that the explanations that he has given are at this point very misleading as to what really happened. And I suggest to him that if there was a basis for the RCMP to investigate this matter on October 4th, having acknowledged that by September 30th they were not prepared to investigate the matter, that it justified far earlier than August 12th an investigation by them, and I suggest if any reading of - and we can go through this - that any reading of the Receiver's Report would indicate immediately that there had to be a police investigation of certain allegations or representations that had been made by the Receiver in his letter to the Solicitor for the Fund, a copy of which was sent to Mr. Parasiuk, which I believe was forwarded to the Attorney-General the following day, which was May 1st. So, Mr. Chairman, in this matter . . .

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, I was awaiting arising on a point of privilege until the honourable member completed his remarks, but he is not completing his remarks. I am not going to fight with my honourable friend. He says that I knew certain things. His entire position in the province of Manitoba is based on that statement. I tell the House that what I knew about the shares in Schmidt Cartage I informed the House. That is all I knew. The Receiver's report was obtained as a result of the Communities Economic Development putting

SUPPLY - ATTORNEY-GENERAL

(MR. GREEN cont'd) . . . that into receivership in open court, and the Receiver's report says the matter is being investigated.

Now, Mr. Speaker, I'm not going to have it out with my honourable friend by suggesting he withdraw and then suggesting I withdraw. I am telling the House that what I knew about the shares in Schmidt Cartage I advised the House. I knew nothing more, and the honourable member who wishes to sustain his position on the basis that I knew more, will have a very difficult time doing it.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: Well, you know, I think we should await the results of the next few days. --(Interjection)-- Well, Mr. Chairman, it's pretty obvious that - well it's very obvious. Mr. Chairman, let me just refer to the Receiver's report. The Minister of Mines and Natural Resources talks about the Receiver's report. The question at this point is, who was really the beneficial owner of Schmidt Cartage? Was it William Lamirande to whom the loan was given, or was it Ben Thompson who was a director originally of the Communities Economic Development Fund?

MR. GREEN: Mr. Chairman, on a point of order. The loan was neither given to Bill Lamirande nor was it given to Ben Thompson. It was given to an incorporated company named Schmidt Cartage. It was done with the legal advice of the Fund. The loan was made, Mr. Speaker, without my knowledge until the question was asked in the House. I've already advised the House that. The honourable member doesn't like those answers. All I can do is give them on the basis of what I knew and on the basis of what I did. If he doesn't accept them, that is fine. I am merely saying that if he continues to insist that I knew something which I have advised the House that I do not know, I can do nothing more than to tell him that I didn't know anything more than what I stated and that normally in parliament, when a minister does that, it is accepted. But when this government comes to power, the rules of parliament changed to suit those people who don't like the rules that they were governed by. So I merely make the statement for the benefit of the House. I know that it won't have any effect whatsoever on the honourable member.

MR. CHAIRMAN: Order please. I think the point is well taken. It is the expressed rules of this Chamber and I believe of other chambers, that when a member rises in his place and states something, that another honourable member has to accept it.

MR. SPIVAK: Well, Mr. Chairman, I accept that the Minister has given his explanation but I suggest to you that if the minister did not know, somebody did know. And I suggest, Mr. Chairman, that it would be interesting . . . --(Interjection)-- No. Well, I would think that the minister - correction. May I simply say that I think it's a very serious situation here because . . . I want to go through the Receiver's report just for a few moments, and I want to see whether --(Interjection)-- Well, I want to talk about the Receiver's report because I gather the law officers of the Crown saw the report and did not think it was sufficient to justify . . . No, Mr. Chairman. You know, Mr. Chairman, the Attorney-General has indicated that by August 12th he received from his law officers a report which indicated that there was no necessity for an investigation to take place, and on September 30th a letter was sent to Mr. Champlone indicating that there was no reason for any basis for criminal charges. Yet the RCMP were told to investigate four days later. And, as I have indicated, it is a matter of common knowledge and a matter of record that, along with the documentation forwarded to CKY, was the Receiver's report that at that time had not been published and had not been known to exist, at least except for obviously the officials of the government and the members of the Attorney-General's office. And it seems to me, Mr. Chairman, that there's something very serious involved, because when one reads the Receiver's report one gets an impression that someone was going to have to investigate something to determine whether these matters were correct. And we can go through them, Mr. Chairman, one by one to see whether they would warrant any further investigation and who was going to do the investigation, the law officers of the Crown or the RCMP. And I can read the whole report or I can read portions of it.

First, let's just talk about the question of advances to one of the shareholders called William Lamirande, and a statement on Page 2 which says we should also point out that the making of these advances - that is advances to the shareholders - may be a breach of terms of the letter of offer by the CDF to William Lamirande, said letter dated March 14th, 1973. So

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) . . . let's establish that the letter of offer was made to William Lamirande even though it may have gone to a company called Schmidt Cartage. And I suggest, and I will say this to you, Mr. Chairman, that William Lamirande was a straw man; that the loan to William Lamirande was in part a fiction. And, Mr. Chairman, I say to you that the loan itself and the way in which that loan came about is a question to be discussed further.

Now, my understanding of the letter of offer, or the terms, and I stand to be corrected on this but this is my understanding, was that no shareholders of the company or their relatives would receive in aggregate more than \$15,000 in any given calendar year, or any given fiscal year, and the Receiver in his report indicates that for the year 1973 there was \$55,000 paid out by way of salaries and wages. The interesting thing, Mr. Chairman, is that William Lamirande with whom the loan was supposed to have been given, or the letter of offer given, received by way of salary \$8,168, and Ben Thompson who at the time was a director of the Community Economic Development Fund at the time the loan was arranged, received \$12,250 and his wife Linda Thompson received \$5,700. So the people who were not the owners received approximately \$20,000 but the person who was supposed to be the owner received \$8,000. And I ask, you know, the Attorney-General whether he did not consider at that time, or whether his law officers did not consider at that time, that it warranted some further investigation.

MR. PAWLEY: Mr. Chairman, I wonder if the honourable member would permit me to answer his last question.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: The honourable member is reading from the Receiver's report, and let me say, as I believe I indicated very clearly to the House last Spring, that I was not going to become involved in going into the various reports and papers alleging crimes myself personally. There were technical people, professional people, that are expected to do that in a normal course of action, and all the material that the honourable member is referring to was submitted to them. And in asking whether I did not feel from the reading of a paragraph, or that paragraph, or this paragraph, quite frankly to the honourable member I say to him, I did not read the paragraphs in mind because I did not feel that it was my responsibility but rather that of my professional staff to come up with recommendations.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: But then, Mr. Chairman, the conclusion one must draw is that his staff who read this did not believe that it warranted any further investigation. --(Interjection)-- Oh, well, his staff not necessarily agreed . . . or were not necessarily agreed . . . Well, Mr. Chairman, the Attorney-General said that on August 12th his staff indicated that there should not be any RCMP investigation. Well now, Mr. Chairman, I want to understand the Attorney-General. Is he taking the position that he did not read the Receiver's report that he forwarded to --(Interjection)-- All right. He did not read the Receiver's report. Well look, Mr. Chairman, I must say, I must say and I say this to the Minister of Mines and Natural Resources my questions are to the Attorney-General. He is not acting as counsel for the Attorney-General. Well, he doesn't need counsel yet, but I suggest, Mr. Chairman, that the best way of handling it will be to allow the Attorney-General to answer the question, and I am now going to put this question to him. He has indicated that he received the Receiver's report, he did not read it. Is that correct? He forwarded it to his law officers.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Yes, and I think also that emphasis should be made here that it's an interim receiver's report that very clearly indicates that the receiver has these matters under investigation himself, and those facts are not being drawn out by the Leader of the Opposition's remarks. But, specifically, no I did not read the report, it was referred to my staff.

MR. SPIVAK: Mr. Chairman, I wonder if the Attorney-General can indicate how many pages was the RCMP report on Schmidt Cartage that was forwarded to him.

MR. PAWLEY: Mr. Chairman, I should make very clear to the Honourable Leader of the Opposition that at this point I am not interested in finding out how many pages the RCMP report is re Schmidt Cartage. It's been referred to my staff; I'm awaiting recommendations from my staff, and at that time, I say to the Leader of the Opposition, I intend to read thoroughly the RCMP report but it will be based upon recommendations that were received at that time. So I can't answer the honourable member whether it's 2 pages, 10 pages, or 50 at this point . . .

SUPPLY - ATTORNEY-GENERAL

MR. SPIVAK: . . . or 400, 500, 600 or 1000. And I think, Mr. Speaker --(Interjection)-- Well, Mr. Chairman, I think for an investigation that obviously wasn't necessarily based on this receiver's report, and on the information that was supplied to the House, it would be pretty important, Mr. Chairman, to know whether the RCMP spent one day, two days, one week, one month, two months, three months, four months, and how extensive that report is to determine, Mr. Chairman, the exact nature, the exact nature of the investigation that was really required.

Now I want to, Mr. Chairman, just refer to the one matter in the receiver's report.

MR. PAWLEY: Is that by way of a question. I think, Mr. Chairman, that the primary interest should be as to what recommendations flow from the RCMP report, and whether those recommendations can bear the weight of careful and close scrutiny based upon the material that was submitted to my law officers from the RCMP not the amount of time that has been spent, whether it's been little or great by the RCMP in their investigation.

MR. SPIVAK: Mr. Chairman, in the receiver's report he states, "We have been informed that in October, 1973 General Motors Acceptance Corporation, 1349 Portage Avenue made a loan to Ben Thompson on the security of a 1973 Chevy truck, serial number CCE-6134147038. This is the same truck which has been seized by the Royal Bank of Canada pursuant to their chattel mortgage as discussed in Item No. 7 above. We have been informed that the proceeds of this loan were used to pay the repair costs of a 1973 truck, which are now the subject of a possible law suit as discussed in Item 4 above." Well so. So, it would look, Mr. Chairman . . . so what, --(Interjection)-- By whom? Yes, Mr. Chairman, it's being investigated by the RCMP, and I'll tell you why it's being investigated. It's not for the reasons that the Attorney-General has suggested. I suggest to you that the Attorney-General has not been accurate in his explanation. I'll suggest exactly what the reasons were. On September 30th a letter was written to CKY enclosing and referring back to them the documents that were filed with the Attorney-General, and with the letter I have read from Mr. Montgomery, saying that there was no reason and no necessity for any criminal charges to be laid, or any further investigation be undertaken. That at the same time when the documents were forward, somebody put the receiver's report and attached were those documents and those documents included the receiver's report which at that time had not been published. And once there was publication of the receiver's report, the Attorney-General was forced at that time, whether he liked it or not, to cause the investigation. And I suggest to you, Mr. Chairman, that had that receiver's report not been published in that way, there would have not been an investigation. And I suggest, Mr. Chairman, as well . . .

MR. GREEN: Mr. Chairman, on a point of privilege. The honourable member knows full well that if a matter has been put into court and a receiver has to report to the court, there is no possible way in which that document, if anybody wanted to hide it - by putting the matter into court, the Community's Economic Development Fund was prepared to make everything public with regard to Schmidt Cartage, and by the appointment of a receiver, and the filing of receiver's report, they agreed to make everything public. So the statement that this was some attempt to hide a report, Mr. Chairman, it just won't wash. Mr. Chairman, it won't wash.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: What won't wash is the Minister of Mines and Natural Resources acting at this point. The fact is the Attorney-General has said that the receiver's report along with the other documentation did not warrant the law officer of the Crown to ask the RCMP to investigate. He suggested that somehow or other some additional information was furnished, and I suggest, Mr. Chairman, that that won't wash. What I suggest really happened, Mr. Chairman, that there had been publication of the receiver's report and the Attorney-General was put into the position at that point of having to allow the RCMP investigation. But my concern, Mr. Chairman, from the beginning has been, why were the government reluctant at the very beginning not to have an investigation conducted immediately? And I'll tell you why, Mr. Chairman. If there was no basis for the charges that were made, if there were no basis for the charges that were made, it would simply, Mr. Chairman, it would simply indicate that the Opposition had acted improperly, and it would have been, I think, to the extreme value of the members opposite to be able to say, well an investigation was undertaken and that investigation proved the Opposition to be wrong in their approach, and it would have

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) . . . been quite embarrassing to the Opposition. Well, Mr. Chairman, you know, we go over to some basis, at what point, at what point was there a responsibility on the part of the Attorney-General and his officials to determine, to determine whether there was any basis for the allegations that have been made. The affidavits had been filed, there were contrary affidavits filed, the information varied. I ask the Attorney-General, were the principals involved questioned by his law officers? Did the Minister question anybody? And when I asked the Minister of Mines and Natural Resources he said, I'm not going to do it. Did he question Mr. Kregoris? Who is the principal at R & M? Did he question Mr. Trithart? Did he question Mr. McIvor? Did he question Mr. Thompson? Did he try to determine who was accurate and what was being represented? No. He took the basic position there was nothing wrong. Why? Because we're the government, and Mr. Chairman, on that basis, or because they were aware of some information that this House did not know, and that I can't be sure of at this point, Mr. Chairman. Well, Mr. Chairman --(Interjection)-- or they were aware of certain basis that we did not know, they were not prepared to allow the investigation to take place. And the investigation, Mr. Chairman, only took place after publication of the receiver's report, which on the basis of that report, and I only dealt with a couple of items, indicates that there was the possibility of wrongdoing. And, Mr. Chairman, I again ask the Attorney-General, how does he perceive his responsibility? What did he consider was his responsibility when charges were laid in this House, or made in this House, when in fact there were contrary affidavits filed and there was obviously incorrect information being filed from one to the other; there was documentation, documentation, Mr. Chairman, which indicated and proved that in the case of the two officials who swore affidavits of the Communities Economic Development Fund that their statements were incorrect, and Mr. Parasiuk came before the committee and acknowledged that the information that they gave was incorrect. Mr. Chairman, having said that, having said that, how did he perceive that he was to act? Did he draw all of this information to the attention of his law officers? Was he satisfied after the receiver's report was received that that's all that was required, and what additional evidence really was brought forward to justify the RCMP being instructed?

Now, Mr. Chairman, I want to make reference to one other thing. We are now dealing with the whole question of police power in this province, and we're also dealing with the question about whether a government is capable of investigating itself. I should tell the Honourable Attorney-General that when I received the information which was filed in the first affidavits, which I considered to be of a serious nature, I wanted to determine whether in effect that information if furnished to the RCMP would cause an investigation by them, and if it would then I was prepared, Mr. Chairman, to file the affidavits and allow the investigation to take place by themselves, because it was my belief then that documentation would be destroyed once there was publication of the information supplied. Now, Mr. Chairman, I found out that the RCMP was not prepared to do that. I found out, Mr. Chairman, the RCMP would only act on the authority of the Attorney-General's office, and, Mr. Chairman, that meant that the police power and the exercise of police power was in the hands of the government whose officials were in question as a result of the allegations that were made. And there's something very basic with respect to the Attorney-General and his responsibilities, and how he perceives his responsibilities, to understand how and in what way he acted. I suggest, Mr. Chairman, that if one follows the sequence of what took place, and one listens to the remarks that he made, and one examines the documentation of the receiver's report in a letter that was filed to CKY, and the fact the RCMP were instructed by October 4th, that the reality is that he did not see his responsibility to be such to warrant an investigation and it was only really because of the emphasis of the radio station and the publication of the receiver's report that this investigation was caused.

I suggest, Mr. Chairman, that really is a testimony to how he sees and how he perceived his role as Attorney-General, and it is not good enough. It is not good enough for the government because in reviewing situations in which they themselves are involved, there cannot be a question, a hesitation, that there has to be a full and proper investigation when information is brought forward. Mr. Chairman, I will not accept the statements of the Minister of Mines and Natural Resources, or some of the others on the other side, that somehow or other there wasn't any evidence to warrant it, because, Mr. Chairman, I would wait to see what results occur from the RCMP investigation.

SUPPLY - ATTORNEY-GENERAL

MR. PAWLEY: Mr. Chairman, as I listened to the Leader of the Opposition, I recalled the words of the Honourable Member for Fort Rouge the other day when he spoke in the House and made reference to those that he felt were involved in wrongdoings in the CFI matter. He said, "And I saw their names in the paper." And I'm referring to Page 96 of Hansard. "And I saw their names in the paper, sort of walking the floors at the Conservative Convention this weekend who were actively involved in the development of . . . and mismanagement of CFI and they should be so named. And I think, I think Mr. Speaker, that the only way the only way that they can prove their innocence is in a court of law, which is where they should be brought. That happens to be the fact of the matter, the fact of the matter the charging is a question of government policy. We are simply suggesting it's about time as the Member for Lakeside should well recognize, that it is the responsibility of the Attorney-General and this party has asked repeatedly that the government and the Attorney-General bring those parties to the bar of justice so that they can either prove their innocence or their guilt as the question may be. . ."

Now from the remarks of the Leader of the Opposition, I gathered from his remarks that because there is a request from members of this House, there should be a RCMP investigation by the very fact there had been charges made in this House, there should be a RCMP investigation. And I say to the Leader of the Opposition, you cannot have it both ways. Either RCMP investigation is called in when accusations and charges are made such as this - reference to the remarks by the Member for Fort Rouge - or not. The rationale I think that we have to constantly base ourselves upon is the material that is submitted, does that material in itself suggest a reasonable basis for the launching of a criminal investigation. And let me say to the Leader of the Opposition that I think in instances such as this that one must, and one must properly depend where, certainly where there is high political sensitivity, as the Leader of the Opposition is suggesting, upon the professional opinion throughout of one's advisors. To do otherwise really is to interfere with the normal course of justice, and to supplant that recommendation with one's own because of political considerations. So that throughout this entire matter, I say to the Leader of the Opposition, any course of action that was pursued, came as a result of recommendations from professional staff. For the Leader of the Opposition to suggest at any time that I substituted my will or my opinion, or that I forced, or that I demanded, or that I urged, or that I substituted opinion and professional advice as received at any time from members of my staff, is patently incorrect. The information that was presented to me by way of recommendation came, and I believe I can safely say not just as the result of the opinion of one member of the staff in the Criminal Division of the Department but I think in all cases was confirmed by a second senior member in the department, and that in all cases - and I can say to the Leader of the Opposition to this point, I have never found myself in this case which we're dealing with, in conflict, or have attempted to interfere with the recommendations that have been brought to me by professional staff in my department, nor do I ever want to place myself in that position. I think it would be foolhardy to place myself in that position. In fact let me say that I suppose that for an RCMP investigation to have been launched immediately last spring would have prevented a lot of accusations, a lot of sensationalism, but that would not have been the right thing to do because I don't believe in our judicial system you'd launch police investigations without insuring that you have a real reasonable basis for launching those investigations. I want to defend this, not so much from my own point of view but I have professional people in my department whose honesty and integrity I don't think - leaving aside my own - has never before been challenged by the courts in this province or by any other individuals to my knowledge. And I do think it reflects upon the people within my department if it is suggested that recommendations, proposals and procedures by which they follow, were followed for something outside of professional reasons.

MR. SPIVAK: Mr. Chairman, when the Attorney-General makes reference to CFI as the basis for a response to what has been said, then I would think that the weakness of that argument indicates the weakness of his whole position. --(Interjection)-- Well, Mr. Chairman, I'll tell you why. He made reference to it and he used it in a way to suggest an argument. In the case of CFI the RCMP were always involved - that's No. 1; and if any charges were to be laid the RCMP would have made those recommendation, and I daresay, Mr. Chairman, the Attorney-General would have been the first person to have seen to it that a prosecution would have been commenced against any public official if such a recommendation had been made.

Secondly, Mr. Chairman, there was a Commission of Inquiry that sat for three years,

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) . . . that published six volumes, and I for the life of me do not know where there is a suggestion in that Commission of Inquiry Report that any public official should be charged. So having said that, I say to the Attorney-General when you use that argument, then I become very worried about -- (Interjection) -- Oh, yes, Mr. Chairman, when you quote someone else but use that as a basis for your arguments, oh, yes, that's very clever. But when you suggest that that is a comparable situation, I suggest to you it is not.

Now, Mr. Chairman, will the Attorney-General acknowledge that Mr. Montgomery, who forwarded the letter to Mr. Champlone, did not know that a receiver's report on Schmidt Cartage existed?

MR. PAWLEY: My information is that Mr. Montgomery himself was not aware of the existence of the report. He was not the only one that was dealing with this matter in the department.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, before the honourable member takes the floor again, and certainly he's going to have it. He has indicated, Mr. Chairman, that this government refused to be investigated, refused to investigate charges, and he refers to matters contained in an affidavit by Mr. Allison which he introduced in this House, Mr. Chairman, as indicating that the government was using a construction company to buy votes in Northern Manitoba. The Allison that he is referring to was a disaffected employee of that particular firm. Not only did those charges become investigated but the Communities Economic Development Fund dealt with everything that occurred as between Allison and McIvor and Thompson and put those before the House, and if there was anybody who could indicate criminal charges out of that they didn't do so. The only suggested criminal charges at that time was that since one affidavit said that I knew the man and the other affidavit said I didn't know him, that there was perjury. And, Mr. Chairman, only a person completely not learned in the law would say oath against oath is perjury. But even if it was, even if one was not telling the truth or was mistaken, there was nothing in the conflicting affidavits which constituted a criminal offence. Therefore what is he suggesting that we would not investigate?

Now, Mr. Chairman, the honourable member had a problem. Following the R & K (?) and J.M.K. fiasco where Allison, trying to get at Kregoris, made these statements and then to our offices telling us, to the offices at least in this government, that he never said that there was any vote-buying in Northern Manitoba, he doesn't know why this was raised in that way, that really he was unhappy because Kregoris was saying that he wasn't doing his job and he felt Kregoris wasn't doing his job, and that there was a fight between the two of them, all of which, Mr. Chairman, was then put in court because we sued, the CEDF sued, put in a receiver, and the matter is now in litigation. When that blew up into nothing, the Leader of the Opposition had a problem, so he said that the oath against oath was perjury, and of course that did not get him the satisfactory information so he got up in the House and said, in a moment of desperation, that I had threatened Peter Moss, that if he doesn't do certain things that I was going to withhold \$750,000 from the Federal Government. That's what he did. He himself has to laugh at that because that's what he said. That's what he said. Then he had to, in grasping for a straw, say that the CEDF employed a man by the name of Trithart who had been in prison -- (Interjection) -- Well, Mr. Chairman, he did not say that.

MR. SPIVAK: The Minister of Mines and Natural Resources is now inferring something to me that was never said by myself, Mr. Chairman, that has never been alluded to by myself, but as a matter of fact was alluded to by the members of the Opposition first. And I want, Mr. Chairman, because he has made remarks suggesting that there was some reprehensible act on my part, and I want to suggest to the Minister of Mines and Natural Resources that it's reprehensible on his part to attempt to use this as a means to deal with this matter.

MR. GREEN: Well, Mr. Chairman, the honourable member is truly ashamed of himself. He called a press conference saying that the Prime Minister had gotten this fellow a job through some type of influence, through using his name as a recommendation, and that this man had been in -- (Interjection) -- called a conference, Mr. Speaker, to deal with the question of the Fund employing this fellow, asked a question on it in the House.

MR. SPIVAK: On a point of privilege. Is the Minister of Mines and Natural Resources suggesting that I called a press conference for that purpose? If he is, Mr. Chairman, his

SUPPLY - ATTORNEY - GENERAL

(MR. SPIVAK cont'd) information is completely false and incorrect. I would ask him to substantiate that before he proceeds further with that.

MR. GREEN: Mr. Speaker, and I won't substantiate it . . .

MR. SPIVAK: Well he can't.

MR. GREEN: . . . if the honourable member says it is incorrect, I accept his word and I withdraw it. So why should I substantiate it. If the honourable member says it is incorrect, I accept his word and I withdraw the statement - period. So there is no need for substantiation. The questions were raised relative to Mr. Trithhart's employment, relative to who recommended him. I remember indicating that the Member for Fort Garry recommended him, was one of the recommenders, a bank manager, a doctor. But all of these things, Mr. Speaker, if the honourable member did not call a press conference to state that, tells me that he didn't, I accept his word. I withdraw the statement. Something that he has never learned to do, but I will accept his word.

Now, Mr. Chairman, he was in trouble. This Wabowden affair, which was supposed to be the Watergate of Manitoba, and which they were, you know, making the equivalent, turned out to nothing.

Now there was another case, Mr. Chairman, money was loaned to Schmidt Cartage Company. I indicated in the House how that loan arose; I indicated that information will be given. I indicated, Mr. Speaker, that I would not say that I agreed with the loan or disagreed with it but that the fund had authority to deal with it. At no time, Mr. Speaker, did I indicate any happiness or satisfaction with that particular loan. But what I did do, Mr. Speaker, and what the honourable member chooses to forget and to ignore, is to say that that matter was going to be investigated; that that matter was being investigated, that a receiver was appointed, and it would be investigated. A receiver was appointed and the matter was being investigated, and the honourable member had found a salvation. If he could lump his original Wabowden affair into the Schmidt Cartage affair, then something that the government was investigating, he could say that they were not investigating, when the matters were two different things altogether. One had absolutely nothing to do with the other. Schmidt Cartage was a cartage company in Thompson, Manitoba, that the CDEF loaned money to a group, that the original application was, as I indicated, Ben Thompson and Mr. Lamirande; the Fund dealt with the application, thought that they could proceed with it, were advised that Ben Thompson could not be one of the applicants because he was a member of the board of directors, then dealt with the application as if it was being the application of Lamirande to be incorporated, and proceeded to proceed with the loan on exactly the same basis as it would have been if it was to Ben Thompson. Ben Thompson subsequently had dealings with the firm, I indicated that when I was asked in the House and I obtained information about it. I did. The honourable member says I didn't, I will produce the Hansard for it.

Now, Mr. Speaker, when the Receiver . . . the government put that into the hands of a Receiver, fully expecting that the Receiver would deal with all aspects of the case and he was dealing with it. And, Mr. Speaker, the honourable member then links his charges with regard to vote-buying in Northern Manitoba as relates to J.M.K. and R & M Construction with the Schmidt Cartage case, because he says that here it's proved that when he raised J.M.K. that Schmidt Cartage was wronged. One had nothing to do with the other. But in order to get himself a better case, he now links the two. Now, Mr. Chairman, subsequently there is investigations into both. I do not know the results of the investigation, I do not know what will happen. But what I do know, Mr. Chairman, is that this legislature, this government, would degenerate into a police state if every time somebody said that somebody is doing something wrong, that the RCMP were sent in to investigate.

Mr. Chairman, if I said that there are waitresses stealing spoons at the International Inn, and that there should be an investigation, and the RCMP went in there and traced every spoon that had come into the place, every spoon that went out, every waitress, visited their homes, took warrants, I warrant to say, Mr. Chairman, that they will find that a waitress took a spoon at the International Inn. But investigations, Mr. Chairman,--(Interjection)--Well, I'll tell you something. If they looked really hard - you know, and I worked in lots of places, I worked in lots of places, I worked in retail stores, I worked in restaurants, I worked for community centres, I worked in law offices, and I can tell the honourable member that if you sent an RCMP to investigate Eaton's you would find that merchandise is leaving Eaton's through certain employees.

SUPPLY - ATTORNEY-GENERAL

(MR. GREEN cont'd) That if you sent the RCMP to investigate the International Inn, you will find that more than spoons are leaving the International Inn. Every business sets up a procedure for leakage. Now, they may find something. I'm not suggesting that you could take any aspect of a million dollar operation or a two million, or a five million, and go into it and not find that there is something.

But, Mr. Chairman, I am satisfied that in dealing with what was presented on the charge of vote-buying in Northern Manitoba that the Fund dealt with that. What will subsequently come an investigation - I know of no - I repeat, I know of nothing that was done in that case that amounted to criminal conduct. I know of nothing that was suggested by the Leader of the Opposition that amounted to criminal conduct. With regard to Schmidt Cartage, at no time was there any attempt to not say that an investigation will take place. What must be public investigation was under way as is known by the Leader of the Opposition. The Receiver is responsible to the court. The matter was put in court. Anybody that had an interest in the case could demand, any creditor could demand that the Receiver's findings be made known, so that if somebody took money it could be sued for and made available to the creditor. That was in public progress. And whether the Crown officers decided that the Receiver's report at that time warranted an investigation or not, whether one of them knew of it or two of them knew of it, does not mean that the Attorney-General or myself did anything other than to try to see to it that the ends of justice were served in this case. And no matter what is found in these reports - and I know that the Honourable Leader of the Opposition now bases almost his entire political future on there being a finding in one of those reports that somebody did something wrong, whatever it is. It may have nothing to do with vote buying, it may have nothing to do with the affidavits, it may have nothing to do with the trucks, if only they will find that somebody has done something wrong, he will be able to go back to the convention in December and say, "I broke the Wabowden case". That's his entire future in politics. Mr. Speaker, that is a very weak foundation indeed on which to base one's future in politics.

MR. CHAIRMAN: The Honourable Leader of the Opposition.

MR. SPIVAK: Mr. Chairman, if Schmidt Cartage was not related to R & M and J. M. K. as the Honourable Minister suggests, one has nothing to do with the other, then I would like the Attorney-General to explain why the instructions were given to the RCMP that J. M. K. and R & M and Schmidt Cartage be examined by them. Why the instructions were given at the same time, and what information was furnished that involved the three of them so that the three of them were . . . the instructions were given to the RCMP to investigate the three cases. Secondly, Mr. Chairman. . . --(Interjection)--the Attorney-General will have a chance to reply.

I want to make a couple of remarks with respect to the Minister of Mines and Natural Resources. I consider that most of what he said in hockey terms is just penalty killing, and I am not going to any way deal with it because it doesn't warrant an answer. It doesn't warrant an answer on my part, it simply doesn't. You know, the statements that he made do not justify the person who has to answer the Attorney-General. He's the Minister responsible and it's ministerial responsibility we're talking about. In the democratic process the opposition have a right to ask the government about the conduct of their officials and themselves.

And, Mr. Chairman, I want to know, I want to understand correctly what happened in this case. But I want to suggest to the Honourable Minister of Mines and Natural Resources, who seems to think that there's, you know, a weakness in the position that we made, that the Premier already in November, indicated in a nominating meeting in St. Boniface, that wrongdoers would be prosecuted. He indicated at the NDP convention again that wrongdoers would be prosecuted. And he spoke, Mr. Chairman, in the reply to the Speech from the Throne, in his statement here, of the fact that public officials and politicians may be prosecuted. So, Mr. Chairman, I suggest to the Honourable Minister of Mines and Natural Resources, who admits that he doesn't know anything about this, that the Premier obviously is more aware than he is of possible implications with respect to what's happened. And I suggest, Mr. Chairman, that they are seized of more information than has been revealed to this House so far with respect to these matters.

Mr. Chairman, what is involved is not my political future, but really what is involved, Mr. Chairman, is the political future of the government and their conduct and how they perceive their responsibilities and how they investigate themselves, and how they deal with problems of mismanagement, waste and wrongdoing. Now, Mr. Chairman, you know the vote-buying aspect is one part of what was alleged, it was not the whole thing. And the Honourable Minister of

SUPPLY - ATTORNEY-GENERAL

(MR. SPIVAK cont'd) Mines and Natural Resources knows that. He would like to hang his hat on that. There are a number of statements made in the affidavits, there were a number of statements made in the reply, there were documentations filed, which indicated some, I would consider, some serious questions. It may be that the Receiver's report was technically available to people but the fact is - the interim report was technically available to people, but the fact is it was not published until the document was filed with CKY. And the fact is, Mr. Chairman, the RCMP were ordered to investigate the matter on October 4th, which was four days after this. That up until that time there did not appear to be any justification for such an investigation to take place.

And I suggest, Mr. Chairman, I put it to the Attorney-General, that if there was justification and grounds for an RCMP investigation to be undertaken on October 4th, it existed on May 31st and it existed on May 1st. And I suggest, Mr. Chairman, as well, that there was in fact a reluctance on the part of government to become involved in matters in which they themselves were involved and which their political appointees were involved. And I suggest, Mr. Chairman, there was far more than just a mere allegation. There was documentation, there was contrary statements made by their officials and that any examination, any examination by any one of them asking their own officials about the accuracy of the information that had been sworn, would have indicated that there was something wrong. All they had to do was ask Mr. McIvor. You swore that you weren't a member of the Metis Federation and had no authority to sign it. So how come you signed certain invoices and how come you signed as an official of the Metis Federation. And why do you swear one thing when in effect it wasn't true? And you could have asked those questions. You asked Ben Thompson. He said that he didn't know Mr. Allison. He said he never met him. But Mr. Allison said he met him. Mrs. Pannebaker the bookkeeper said they were together. Well, so, so what. What does it mean? It means that there was an incorrect statement. It doesn't mean anything. --(Interjection)--Sure the RCMP will investigate that and they will determine how serious it is and whether it really is germane to any particular matter or not. --(Interjection)--Well, you wouldn't have the RCMP investigate it? But I suggest, Mr. Chairman, that it warranted some action on the part . . . oh yes, it warranted some action, Mr. Chairman, on the part of the government. Mr. Kregeris indicated by way of a letter that in effect the statements made by Mr. McIvor and Mr. Thompson in many cases were not true. --(Interjection)--Well, he . . . But Mr. Chairman, he said the statements were not true. Whether an obligation on the part of the government to determine . . . no, no obligation on the part of the government when a principal involved basically says that a statement sworn by two of their appointees who are members of a Funding Board --(Interjection)-- Differences of opinion, that's all it was, a difference of opinion? Well, Mr. Chairman, we will wait the results of an RCMP - it was a difference of opinion.

I want to tell you, Mr. Chairman, I am sure that Mr. Kasser, when he comes before a court, if he's found and can be brought before a court, will say "well no, it was only a difference of opinion." Because that's the logic that the Honourable Minister of Mines and Natural Resources is applying. It's just a difference of opinion. Well I suggest something very different. I suggest right from the very beginning that there was a reluctance on the part of the government to investigate this matter. I suggest that, I suggest as well that had there not been publication of the Receiver's report, that the government would never have ordered the RCMP to investigate that matter.

MR. CHAIRMAN: The Honourable Attorney-General.

MR. PAWLEY: Mr. Chairman, I would like to just re-emphasize what I had said earlier, that there was two reasons which led to the launching of an RCMP investigation. One was the very fact that there had been allegations that were raised, as I said, by a member of the news media, and that these allegations reflected upon the Director of Prosecutions and others, including myself, in the department and our desire to ensure that such allegations of impropriety would not be allowed to continue in that way. And secondly, further information which was obtained - and I understand this information occurred as a result of certain information that was made available to members of my staff in and about the same period of time which added to the material that had earlier been submitted.

I want to say this to the Leader of the Opposition because I do think that I've been trying to answer as specifically as I can the allegations that have been raised, because this is a serious matter. A number of persons, my staff members, myself, have been accused of

SUPPLY - ATTORNEY-GENERAL

(MR. PAWLEY cont'd) obstructing the course of justice. And it's for that reason that I want to provide as much information as possible because I do not want for a moment any, for partisan reasons, to be able to leave that type of impression among Manitobans, because it is patently false and will not stand up in the light of careful examination.

The Leader of the Opposition raises a number of questions about why weren't so and so being interviewed. I would just simply say to the Leader of the Opposition that the responsibility of an Attorney-General in Manitoba is not similar to that of a DA in California or Oregon. He doesn't run around interviewing prospective witnesses, does not run about to check out various documents. He expects and intends his professional staff to weigh the information that is provided carefully and then to make recommendations.

I want to state again very clearly to the Leader of the Opposition that I'm accepting his questions on the face value, that he is very anxious to clarify in his own mind whether or not there has been any wrongdoings in my department, and I think he has every right to ensure that any doubts that he might have in his own mind are removed in that respect. I have attempted, and I will continue to attempt to demonstrate to the Leader of the Opposition there has been no such intent. If there have been any mistakes made at any time in this department, they have not been mistakes that have been made in an attempt to obstruct justice, an attempt to cover up; if there were any mistakes, which I am not prepared to admit at this point, because it has not been demonstrated, then those mistakes were made professionally as a result of errors in judgment, but no attempt to wilfully or deliberately obstruct.

And in conclusion I want to say to the Leader of the Opposition that I - he made reference to my earlier comments in respect to the remarks that were uttered by the Member for Fort Rouge. I pointed to those remarks as an example to the Leader of the Opposition, where his course of action can lead. His course of action can lead that whenever there are allegations of wrongdoing in this House, whenever there is a scream for criminal charges, or investigations, and if the Attorney-General should respond immediately upon those calls without ensuring non-partisan professional opinion, then in fact as the Minister of Mines has indicated, it would in fact be reducing heartlessly this House to the position where we would be but instruments of a police state. And I know that is not the intent of the Leader of the Opposition, that he is attempting to clarify in his own mind whether or not this department has handled itself with good faith.

I leave my comments at this point in that area, Mr. Chairman, and certainly will attempt - I don't know how many questions have been answered tonight, I think there are some specific questions in respect to dates and whatnot - that I will attempt to obtain as much information as I can for the Leader of the Opposition tomorrow, in order to further clarify any of the points that he's raised.

MR. CHAIRMAN: The Honourable House Leader.

MR. GREEN: Mr. Chairman, unless I am going to be interrupting an Opposition attack which they feel they would like to sustain, I'm going to suggest we go home. But I wouldn't do that if it's going to interrupt when you think you've got a good thing going, so do it . . . Mr. Chairman, I move Committee rise.

MR. JORGENSEN: Mr. Chairman, before Committee rise, I wonder if I could, once again, raise the same point of order that I raised at the beginning of our consideration of the Estimates. That is, separating the difference between a debate on the first item of the Minister's salary as opposed to the specific items. I would hope that we could attempt - that the Chairman would attempt to insure that that debate takes place in the manner in which it was intended, as I think that we can progress much better, do a better job of examining and get through the Estimates perhaps somewhat sooner than we will be doing if we are going to duplicate this debate; because that's exactly what's going to happen when you get down to Law Enforcement.

MR. GREEN: Mr. Chairman, the honourable member and I had a short discussion on this earlier in the evening and as a result of suggestions that have been made persistently by the Member for St. Johns and renewed by the Minister of Urban Affairs tonight, I'm going to suggest perhaps that when we get to Agriculture - I've indicated this to my honourable friend and he can think about it - that we deal with the Minister's salary last. That means that each of the items will be dealt with as they come up, and if there is a residue they will be dealt with on the Minister's salary. Now I'm not pursuing that as a thrust, I'm asking the honourable

SUPPLY - ATTORNEY-GENERAL

(MR. GREEN cont'd) member to consider that - maybe he can talk to me about it tomorrow. That would do something.

MR. JORGENSEN: I'm quite agreeable to that course of action, with perhaps one exception, and that is that on the Minister's salary that the Minister be given the opportunity to introduce his Estimates, and having introduced his Estimates in his opening statement, that we move off that item then and go on to the clause by clause consideration of the estimates and then finally come back to the first item again.

MR. GREEN: Well that's fine, Mr. Chairman, we'd be certainly agreeable, and we'll think about it as well as the honourable members opposite and by the time we get to the Minister of Agriculture, which should be the middle of tomorrow afternoon, then we can possibly move in that direction.

I move that Committee rise.

MR. CHAIRMAN (WALDING): Committee rise. Call in the Speaker.

Mr. Speaker, the Committee of Supply has considered a certain resolution, has directed me to report progress, and asks leave to sit again.

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

MR. WALDING: Mr. Speaker, I move, seconded by the Honourable Member for St. Matthews, that the report of the Committee be received.

MR. DEPUTY SPEAKER: It has been moved by the Honourable Member for St. Vital, seconded by the Honourable Member for St. Matthews, that the report of the Committee be received. Agreed? The Honourable House Leader.

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

MR. DEPUTY SPEAKER: Motion that the House adjourn. Agreed? The House is accordingly adjourned, will stand adjourned till 2:30 tomorrow afternoon.