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DEBATES and PROCEEDINGS

Speaker

The Honourable A. W. Harrison



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THE LEGISLATIVE ASSEMBLY OF MANITOBA

8:00 o'clock, Tuesday, April 3rd, 1962.

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Member for St. Boniface. The Honourable Member for Assiniboia.

MR. GEO. WM. JOHNSON (Assiniboia): Well, Mr. Speaker, after the passing of so much time this afternoon -- if you know what I mean -- I feel that as a comparative newcomer that I should not worry too much about taking up considerable time with the House this evening, so with that in mind I rise to speak to the resolution of the Honourable Member from St. Boniface. And first, Mr. Speaker, I would like to compliment the honourable member as he has already been this afternoon by a previous speaker on another matter. I also want to pay tribute to him on the interest that he has shown in the presentation of this resolution and the moderation in which he presented it. I'm sure that each one of us gives more thought -- certainly more attention -- to resolutions be they of whatever nature they may be, when presented in such a manner. The interest that he has shown in this resolution, Sir, is I am sure shared by every member of this Legislature, and also as to the sincerity.

The honourable member indicates by his remarks that physical fitness is or has been forgotten in this province. I don't believe he means "forgotten" -- certainly there may not be given the attention to this matter that he feels it deserves, and with that perhaps a lot of us could agree, but Sir, last session, speaking on this same -- similar resolution I believe presented by the Honourable Member for Brokenhead -- I'm not sure -- I at that time felt that I should answer it then and I also feel that I should take the same position at this time. Because I am one of those that believes there is considerable being done for the youth of our province, particularly as to physical fitness. Now last year I gave a reasonable resume of just what is taking place insofar as physical fitness is concerned in our schools. It is not necessary that that be again outlined at this time, but I would like to emphasize again at this time as I did then, that churches of all denominations, YMCA's, Community Clubs, Service Clubs bending practically . . . . . efforts for the well-being, morally and for physical fitness of our youth. And now as then these exercises are being carried out in Grades from I to XI.

The Honourable Member feels our youth is neglected, our senior citizens forgotten, as though they do not exist. I cannot agree. He enquires -- "Who makes the home." Well, Mr. Speaker, that is not difficult for any single member of this House -- who really makes the home? No elected body makes the home -- the parents are the folks who make the home -- the mothers and the fathers. And this is where, Mr. Speaker -- where responsibility is given and where the first moves in the building of youth or the preparing of our children for schools, for the know-how to play with one another and their mates, and this cannot be done, in my opinion, without the mother and the father taking their proper place and sees to it that insofar as they are concerned their children realize what responsibility means and that they instill in the minds of their youth that responsibilities given are not to be treated lightly but to be adhered to and carried out because it is here where the very foundation of good citizenship in future and responsible parents for the future, are first commenced.

Now, like the Honourable Member for Selkirk, who, I believe, one day last week in his statement insofar as -- I think it was the detergent at the Locks -- he remarked that some of us tread at times where angels fear to tread. Well, okay. Today, Mr. Speaker, insofar as physical fitness is concerned and the responsibility of our parents, I think that it is something of a tragedy in many of our homes -- I want it to be clearly understood, that in these particular homes, and they're certainly in the extreme minority -- where in my opinion, and my opinion at this time alone, where there are many parents who appear to pay little or no attention to their offspring -- I would like to say, Sir, that frequently within our courts we are faced with extreme juvenile delinquency, and what happens? In my opinion, Sir, if those boys and girls, many of whom have gone astray, had received from their parents the parental advice and guidance that they were entitled to, our courts today would not be receiving even as many as they are. Oh, I know there will perhaps be child psychologists and perhaps others who will perhaps say that I don't know what I'm talking about. Well, I wonder if there are any members of this House who look back on their youth and would dare to say -- (Interjection) -- excuse me,

(Mr. Johnson (Assiniboia), cont'd.) . . . . that they were allowed to do just what they like, when they liked, with no criticism or chastisement from their parents. This, Mr. Speaker, is a bit of a tragedy, and the fortunate part of it is that this only happens in a very, very small percentage of our homes. I would like to say to parents, try and be to the children what their parents were to them and I believe if they do, we would see quite a change in many of our children today.

Now the areas in which children are receiving their guidance today are many. As I mentioned previously, organizations that are endeavouring to bring to youth a real opportunity for the youth to take their place, and to realize what it means. Many of these organizations are manned with instructors who operate free of charge for the benefit of youth.

Now there has been some explanations today given of what physical fitness is. To me it is a state of physical and mental well-being which allows a person to function at his or her best possible level, and to his or her fullest potential. President Kennedy of the USA recently speaking to a group described it thusly: "The physical fitness of our citizens is a vital prerequisite to America's realization of its full potential as a nation, and to the opportunity of each individual citizen to make full a fruitful use of his or her capacity." No one, I am sure, will dispute that these words apply with equal force to all those citizens of our dominion.

Now we say nothing is being done. Well, Mr. Speaker, in the City of St. James where some 20 acres of land has been set aside for the building of a quarter-mile olympic standard track, together with service buildings and complete with showers -- this is only from one organization. And I refer to the St. James Legion spending hundreds of dollars, plus their time and efforts, for the youth. In the Tribune of Wednesday, 21st March, is a clipping dealing with the Chamber of Commerce football team proposed in St. James. I certainly will not take up the time of the House in reading this because I believe that many of you have, but again it deals with an organization who is determined, and I am quite sure will eventually have with the workings and the graciousness of the local council, set up another area. Now we say nothing is being done. Well, in the St. James Leader recently, and I might here say, Sir, that our local Leader as you know has been sold out and, I think, commencing this week will be known as the St. James Lance, being purchased by, I believe, a Mr. Leech from St. Vital -- but we have a young girl out in St. James, actually a neighbour of mine, lives two streets away, a little girl 15 years old, Claudia McPherson -- perhaps some of you have read about her -- but the good citizens of St. James have banded themselves together and are going to endeavour to raise \$5,000 to send this little girl over who has received an invitation to swim the English Channel. Now all this is being done voluntarily and, I might say, that I have every confidence that this amount of money will be raised and this young lady who is 15 years of age will eventually go over to the Old Land; will eventually swim the English Channel in '62 and will be the youngest girl on record. And less there are any philanthropic minded members of this House who would care to join in the joy of this girl when she does complete this, if they would care to donate they can send it to Mr. Ross Bannerman of the YMCA in St. James.

Now, Mr. Speaker, I must refer to what is proposed by the Minister of Welfare in the bill that he has presented to this House. I first though must pay tribute to the federal administration who has seen fit to set up what I am sure will turn out to be a nucleus of creating in this country a situation pertaining to the well-being of our youth that will stand out in itself in the years to come as being the steppingstone to the building of physical fitness to a degree certainly never known before in the years to come. I, at this time, would like to say to the Honourable Minister of Welfare, like other honourable members, I trust and I hope that he will be successful, and I believe he will, in getting his \$200,000 to add to the province's \$100,000, and I certainly do not need to caution him as to how this money should be spent. But if I may, Sir, I would suggest caution, no haste. I have every faith in all those who give of their time to promote amateur sport, and during the years that I had some little to do with it, I also found just that. But nevertheless with a sizeable sum of money such as this, it would be wise to advance cautiously that we may be sure of every step we take and that for the money distributed that we will receive, or that our youth will receive the very maximum of benefit. I'm sure that will be done. And there again this is another point -- another item of what is being done for youth.

Our Honourable Minister of Education, speaking the other evening, and I might say his

(Mr. Johnson (Assiniboia), cont'd.) . . . . remarks, which I am going to quote because I feel they are so worthy that they should be quoted, and I now quote from his address and he said: "Physical education: This is one thing that has bothered a good number of people, including myself for some time, and we are now working on a new program for Grades I to XI, and we propose to introduce the new program for Grades VII to XI in September of this year. This is a revised program or a revised syllabus, or whatever the word is, for the physical education program. Of interest, although not directly the responsibility of the Department of Education, is the fact that there has just recently been formed an inter-scholastic sports committee comprised of school people from all over Manitoba who are interested in the promotion of school sports as distinguished from physical education, and this committee has been formed with a view to promoting inter-school or inter-scholastic sports. This has become fairly easy now that we can get around easily, and we feel that it will promote the whole general tone and development of physical education as sports in our schools." Mr. Speaker, this again is proof of what this administration is doing for the youth of our province. I was very pleased when the Honourable Minister of Education made these remarks and it was being debated later by the Honourable Member for St. Boniface that he thanked the Honourable Minister of Education for this program and I am sure approves it.

Now, Sir, there is so much that can be spoken of what is being done for our youth. The Honourable Member for Osborne isn't here, but he was telling me the other night of just what the Manitoba Chiropractic Association also offer in a health way, and he tells me that they sponsor each year back to the school spinal check-up. This is a voluntary effort on the part of the members of the association and is indeed a very worthwhile contribution to the physical fitness of our youth and I think it is generally understood that physical fitness begins with spinal balance for correct posture.

Now, Mr. Speaker, I would just like to return for a moment to the mothers and dads -- not in further criticism of those who, in my opinion, neglect to some extent at least their responsibility towards their children -- but it has been my privilege on certain occasions to talk to Father and Son banquets and dinners, and quite some time ago I had the good fortune to come across four verses of poetry that I can't even tell you who the author was, but they have always given to me certainly something that speaks the truth more forcibly to a parent than certainly any words of mine, and with your permission, Sir, I would like to just quote what this dad has to say and he said: "If I had a boy I would say to him son, be fair and square in the race you must run. Be brave if you lose and meek if you win; be better and nobler than I've ever been. Be honest and fearless in all that you do, and honour the name that I have given to you. If I had a boy I would want him to know, we reap in this life just about as we sow; and we get what we earn, be it little or great, regardless of luck and regardless of fate. I would teach him and show him the best that I could, that it pays to be honest and upright and good. I would make him a pal and a partner of mine, and show him the things in this world that are fine. I would show him the things that are wicked and bad, for I figure this knowledge should come from his dad. I would walk with him and I'd talk with him and play with him too, and to all my promises strive to be true. We would grow up together and I'd be a boy, and share in his troubles and share in his joy. We would work out problems together and then, we would lay out our plans when we both would be men. And oh what a wonderful joy it would be, no pleasure in life could be greater to me."

Mr. Speaker, I think it was last Thursday evening or afternoon when the Honourable Minister of Education gave his opening address on his estimates and in the evening we heard a few number of speeches made in criticism of that. Now I quite realize that it is the duty of the opposition to criticize the government, but I, at this time, wish to particularly refer in no way but just to draw attention to what may or could happen. I know the Honourable Member for Brokenhead and the Honourable Member for St. John's are two worthy speakers and honourable members who put a lot into their work, but I wonder if it just couldn't be at times when they, through endeavours to criticize, throw too many stones. I sometimes wonder -- it takes me back to that -- I think there was a song some years ago the title was, I think, "They're Only Doing What Comes Naturally." Well I think, Mr. Speaker, that in criticizing, and here's an administration that has been in office some 30-odd months, that's not very long, and I ask anyone who wishes to or does criticize to a point of what could be a little ridiculous, I want them to just scan if they will what has happened in those few months. Now we haven't got a Utopia

(Mr. Johnson (Assiniboia), cont'd.) . . . . and much remains to be done, but I would say to these honourable gentlemen just this. I'm assuming for instance that these gentlemen received their education in Manitoba -- well, if there's so much wrong with it then when they stand in front of the mill they must criticize themselves -- because I think they're well educated gentlemen. I don't think there's been very much wrong -- (Interjection) -- Well, there the same thing. But I'm not going to say anything about criticism, but I do suggest this that I honestly believe that the record of this administration so far as education goes in the past 30-odd months will stand up and shoulder to shoulder and perhaps lead all of the provinces of this great Dominion. -- (Interjection) -- Let me just remind any of you gentlemen that the great feeling to criticize is generated perhaps to some extent by "Oh look at the glory they're getting." This government is not looking for glory, but I am going to tell you one thing -- and I'm not a politician -- but I know there's some over there old politicians -- not so old but young -- but I want to say this that you know, you can be fooled so badly when you're striving to uphold what you think is the thoughts of your constituents that when you go back to them and begin to talk, they begin to say what have you been talking about -- (Interjection) -- I'm not trying to advise you but someone will point it out.

Now, Mr. Speaker, I would like to -- (Interjection) -- All I'm going to say is that the Honourable Member for Burrows -- he's not in his seat tonight -- but he hit a chord with me when he remarked about "let us get a little more old fashioned" in some of the things that we're doing with our curricula, and I say the same thing. Mr. Speaker, I've endeavoured to voice my opinions as to why I cannot support this resolution. It calls for -- "whereas the youth of our province is our greatest asset" -- and it certainly is -- "and whereas more leadership and co-ordination is required in the field of recreation, physical fitness and in the organization of leisure time of our youth, our adults as well as our older citizens" -- that is being done and it is really going to be enforced. "Whereas in addition to education there are many other important factors required to further develop our youth" -- that is now going to be looked after. Let us not say to ourselves that our youth has no responsibility. Oh yes, they have. Just like every member in this House has responsibility, and that is one of the reasons why he's such a good citizen and elected by his constituents to sit here, let me tell you. And so, Mr. Speaker, I cannot support this amendment, nor do I feel that it is necessary at this time and should not be carried through.

MR. SPEAKER: Are you ready for the question? The honourable member . . . .

MR. PREFONTAINE: . . . . of the previous speaker. I would like to ask the honourable member how he arrives at the tenure of office, some 30 months for the government?

MR. JOHNSON (Assiniboia): I said 30-odd months.

MR. PREFONTAINE: 30-odd months.

MR. JOHNSON (Assiniboia): Yes, that's right.

MR. PREFONTAINE: How does he arrive at that figure?

MR. JOHNSON (Assiniboia): By the calender.

MR. PREFONTAINE: May I refresh the memory of my honourable friend. There were six months in '58; 12 months in '59; 12 months in '60; 12 months in '61. That 42, and then three months in '62, that's 45 months.

MR. JOHNSON (Assiniboia): I'll answer the honourable member in this way. You know when we got into power it took quite some time to sweep out all the cobwebs and get a clean start. -- (Interjection) --

MR. GRAY: Mr. Speaker, unless someone else wishes to speak, I'll adjourn the debate. I move, Mr. Speaker, seconded by the Honourable Member for Logan, the debate be adjourned.

MR. SPEAKER: I didn't hear your seconder.

MR. GRAY: Logan.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Member for Logan. The Honourable Member for St. John's.

MR. ORLIKOW: Mr. Speaker, some four weeks ago, the Member for Logan moved this resolution, a fairly simple one -- at least the principle is simple -- suggesting that the workers in the Province of Manitoba who are working in the construction field should be treated

(Mr. Orlikow, cont'd.) . . . . as equals whether they work in the Greater Winnipeg area, in some of the small towns or in many of the other projects which are spreading out across the Province of Manitoba.

I must say that I'm a little surprised that this resolution has not yet been amended because we have seen such important matters of principle such as daylight saving amended. The government this year seems to be afraid to vote "no" on most of the resolutions and they seem to find it necessary to cut the life out of most of the proposals which are made from this side, and so I'm a little surprised at the fact that we have not yet had an amendment on this resolution. -- (Interjection) --

Oh, there's time, there's time. When I look across the way, I am sure there are members who may not want to vote on this "yes or no" in the light of what they've done with other resolutions. Mr. Speaker, this resolution which deals primarily with people working in industry is like many resolutions which deal with only one sector of the economy, it is the matter which is foreign to members who are primarily from the rural areas, just as most of some of the resolutions which deal with specifically rural problems are foreign to some of the urban members. So I would not be surprised, Mr. Speaker, with some members opposite coming from rural constituencies were to oppose this resolution. I must say however, Mr. Speaker, that I was surprised and disappointed at the speech which we heard the other day from the Honourable Member from Winnipeg Centre, and it's because of the speech which he made that I'm on my feet at the present time. Because he comes from a constituency which has a pretty large percentage of working people, and he displayed in his speech a lack of knowledge of their problems and a lack of concern for the problems which they have to face, which I must say is fantastic.

Now the honourable member said, pointed out, correctly, that this is one Act which is almost unique in the Dominion of Canada, that nearly all the other provinces simply have the minimum wage law. Now does this make this a bad thing, Mr. Speaker? I think it's a good thing that we have something in which we lead; there are very few things about which we can say this in this province. Surely the honourable member would not want the people working in the construction industry to be working for the miserable 66¢ an hour which this government has set out as a minimum wage in this province. And yet that is what he is suggesting we might do. We think, Mr. Chairman, that this Act should apply to all the people working in the construction industry in this province. Surely we're all citizens of one province. Surely all the citizens of this province are entitled to equal treatment. Surely if it's a good Act for the workers of the City of Winnipeg, who are included in Zone A, or for the workers in some of the other towns like Brandon and Flin Flon who are in Zone B; surely it would be just as good an Act for the workers who had the misfortune to have to work under the conditions and the rates of pay which prevailed at Kelsey and at Grand Rapids and at Churchill and at Thompson. I think the honourable member ought to realize that the cost of living is just as high in those areas, if not higher, and that those people have to earn a living and support their families just as do the workers who work on construction projects in the settled areas of this province. The honourable member tried to draw a red herring across this resolution by suggesting that what we were proposing was that every farmer who had to build a barn would have to pay the fair wage. Now the honourable member knows that we never suggested this. In fact we have suggested, and I suggest tonight, that if this government wants to extend this Act to all parts of the province that I am certain there would be little, if any, objection from organized labour if small projects were exempted from the provisions of the Act. When we proposed this amendment to the Act, this year and in other years, we have always said that we want this because the original -- the areas which are now exempted from the Act because they were largely rural has now disappeared, and that projects as big as Grand Rapids and Kelsey and Thompson ought to give the protection of the Act to the workers who are working on those projects. And so I say if the government wants to amend the Act along this line, we would be more than happy to support them. But let's look at what has happened on these projects. The honourable member suggests that either through the regulations drafted by the government, or through collective bargaining, that workers on these projects have been getting, and are now getting adequate wages. Well, let's look at the record. At Kelsey where the Government of Manitoba, at least the Hydro, acting for the Government of Manitoba, built a power plant,

(Mr. Orlikow, cont'd.) . . . . unions were never able to get in to organize the workers. -- (Interjection) -- I beg your pardon? Well, it's thought if the company controls the railway, of course it's stopped. And the provisions of The Fair Wage Act did not protect the people there. What did we find -- workers working a hundred hours a week or more. If the Honourable Member from Winnipeg Centre thinks this is a good thing, I think he should say so and let the people in his constituency know what he thinks. I think it's a bad thing. I think it's bad for the health of the people to work those kind of hours.

At Thompson it was two years or more before the unions could get in to organize the workers and get an agreement. And workers worked long hours. Now we have not suggested that workers on these remote projects should only work 40 hours a week. We know that workers who leave their families to work on construction projects in remote areas want to work longer hours so that they can make money to support their families. But is there any reason why workers working more than the 40 hours, or the 48 hours, which is now the standard provided by The Fair Wage Act, should have to work these hours at straight time? Are the workers at Thompson, or Grand Rapids, or Kelsey, less entitled to overtime rates of pay than the workers in Winnipeg or Brandon, or The Pas or Flin Flon? We don't think so. We think they're citizens of this province just like the citizens of the settled areas. And so we think, Mr. Speaker, that this resolution which we have proposed this year, as in other years, is one which is a very reasonable one and one which ought to get the support of all the members of this House.

Now the honourable member talks about the government making provisions to protect workers. I want to point out to the honourable member that we're now building a Hydro Electric plant at Grand Rapids. We have in the Greater Winnipeg area -- I saw the figures today -- something over 25,000 unemployed today. A very large percentage of these workers are construction workers. And what is this progressive, enlightened, clear-thinking government done at Grand Rapids? They have set regulations which provide that the workers on that project shall be paid straight time wages for 120 hours in any two weeks. And what does this mean? It means that if in some week in April or May it rains and they only work 30 hours in a week, then the next week the workers will be required to work 90 hours at the same time before they get any overtime pay. I want to suggest to the Honourable Member from Winnipeg Centre; I want to suggest to the members of this House, that I can think of nothing more stupid in terms of social policy -- when we have 25,000 workers in the Greater Winnipeg area drawing unemployment insurance; getting money to sit around and do nothing because there is no work -- I can think of nothing more stupid than for the government of this province to make regulations which say to workers working in the Province of Manitoba, you shall work 60 hours a week or more at straight time. It seems to me obvious that it would be sensible to say that when we have the large-scale unemployment that we have, that the workers should be working a 48-hour week. I'm not even talking about the 40-hour week which we have in the Greater Winnipeg area. But surely there can be no justification for workers working more than 48 hours a week at the rates of pay which the honourable member thinks are adequate, but which I think leave much to be desired -- but surely one ought to say that we ought to use some common sense and share the available work which there is, and yet the honourable member tells us that this government has already provided for the welfare and the well-being of the working people of this province. Well, Mr. Chairman, I find it a very strange provision for the well-being of the people of this province.

Mr. Speaker, I think this year, as I've thought in recent years, that an amendment to The Fair Wage Act which would extend its provisions to all the construction workers in the Province of Manitoba, would be fair, would be equitable and would bring benefits to all these people.

MR. SPEAKER: Are you ready for the question?

MR. HILLHOUSE: Mr. Speaker, I wish to move, seconded by the Honourable Member for St. Boniface, that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.



MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Member for Seven Oaks and the amendment thereto proposed by the Honourable Member for Selkirk. The Honourable Member for Lac Du Bonnet.

MR. O. F. BJORNSON (Lac du Bonnet): Mr. Speaker, may I ask the indulgence of the House to have this matter stand?

MR. SPEAKER: Order stand. Adjourned debate on the proposed resolution of the Honourable Member for Seven Oaks. The Honourable Member for Inkster.

MR. GRAY: Mr. Speaker, I just received some literature on Esperanto. I didn't have a chance to read it in order to make a reasonable, half reasonable speech. I wish to have it stand.

MR. SPEAKER: Proposed resolution proposed by the Honourable the Leader of the Opposition. The Honourable the Leader of the New Democratic Party.

MR. PAULLEY: Mr. Speaker, I was quite intrigued the other day when the Leader of the House stood up in reply to the speech of the Leader of the Liberal Party on the introduction of this resolution. As I listened to my honourable friend the Premier of the Province of Manitoba, as he suggested to the House that this resolution should be dispensed with rather rapidly, I sort of sensed that it would be a good resolution to look into. And I thought that for once I would take the trouble of going back over Hansard and reading what my honourable friend the First Minister had to say in respect of this particular resolution.

Now, Mr. Speaker, I'm going to support the resolution as proposed by the Leader of the Liberal Party. And I think most of the arguments of the Leader of the Conservative Party, the Premier of Manitoba, can be dismissed just as quickly as he suggested that this resolution should be dismissed.

My honourable friend tells us that we have here in the Province of Manitoba, at the present time, a model for all of the governments of our fair Dominion. I want it clearly understood, Mr. Speaker, that in any of the remarks that I may be making, no criticism is implied of the job that the Comptroller-General of the Province of Manitoba is doing. I find in Mr. George Iliffe a very honourable individual and a very devoted member of the staff of this province to his duties. So I want it clearly understood that in any reference to the position of the Comptroller-General, I am not referring to him as an individual, or to the job that he is doing. But the fact of the matter is, however, Mr. Speaker, that he cannot do the job that should be done in respect of public finance, because he is requested at the present time, not only to look after the pre-audits and control of the issuance of cheques and monies from the Consolidated Revenue, but he is also required to look after the post-audit as well, and to report through the Public Accounts, which we receive annually, to the members of this Legislature. In other words, the man has to perform his function both coming and going, and in all due respect, I suggest, Mr. Speaker, that this should not be required of any individual.

I want to refer briefly, for a moment, to a book which is in the Library called "Financing Canadian Government," by A. E. Buck, where he makes reference to public financing in the Dominion of Canada. He deals with the respective provinces in the Dominion and points out that before 1931 Canada only had one man, by name a comptroller-general, doing what we are requiring now of our Comptroller-General. It is pointed out in this document that I have before us, that here in the Province of Manitoba, we have not kept up with some of the other provinces in that we still have only a Comptroller-General. Some of the other provinces have deviated from this and have, somewhat similar to auditor-generals, as well as Comptroller-Generals.

In the book before me, the author of this book, I think, properly points out that the Comptroller-General of the Province of Manitoba is under the control of the Department of the Treasury which is not a proper function to give to the Legislature of Manitoba a complete report. My honourable friend, Mr. Speaker, the Treasurer and the Premier, nods his head at my last statement and says that I am wrong -- or shakes his head and says that I am wrong, and now he has re-affirmed that by saying, "that's right." I want to inform this House that that is not so. For just the other day I was desirous of finding out what the total salary and wage bill was in the Province of Manitoba for the year 1961. I contacted the Comptroller-General and he said to me that he regretted that he could not give me the information until he had the approval of the Provincial Treasurer. I spoke to the Provincial Treasurer, and I might say, Mr. Speaker, that the Honourable the Provincial Treasurer was quite courteous and said to me, "Russ, I'll see that you get the information." Subsequently I received a call from the

(Mr. Paulley, cont'd.) . . . Comptroller-General that the Provincial Treasurer had seen him and said that it was all right to give me the information. Now I ask you in all fairness, Mr. Speaker, that if it was not so that the Comptroller-General was operating under the direction of the Provincial Treasurer, could he not have given me that information without reference to the Provincial Treasurer? And I suggest that this clearly indicates the fact that Mr. Buck, in his book indicates that, while it is perfectly true that the Comptroller-General in the Province of Manitoba cannot be dismissed without a vote of this House, and cannot even be suspended, unless by a majority vote of the leaders of the recognized party in this House, Mr. Buck I think properly points out on page 271 of his book as follows, and I quote: "Although the office of Comptroller-General in Manitoba is regarded as a Legislative unit, it actually operates under the Treasury Department." And I think that that is a fair and proper statement.

Now for a moment or two I would like to refer to the remarks of my honourable friend the Provincial Treasurer, to the remarks that he made in this debate on March 27th as recorded in Hansard on Page 1143. He makes mention of the fact that it is true that he is not called the Auditor-General, but he is called the Comptroller-General and, as I hope to show, has a far greater scope and authority in the affairs of the Government of this province than the Auditor-General ever had in the conduct of public business in the Federal Government at Ottawa. I want to use my honourable friend's speech of the other night to at least to some degree refute his own arguments. I have already mentioned the incident that occurred to me the other day, when I was seeking information. I want to refer to the next page of Hansard, namely Page 1144, where my honourable friend the Treasurer of the House in his oration to the House and the calling of the summarily dismissal of the resolution before us, made this statement: "The Comptroller-General in Manitoba is required by statute in his independent capacity, as an officer of this House, to authorize every cheque before it is issued." In that he is correct. In other words, the government is not allowed to issue cheques on the Consolidated Fund without the express consent and authority of the Auditor of the Comptroller-General of the Province of Manitoba. Then a little further on my honourable friend says this, "And if he doesn't think it's covered by the Legislative authority" -- speaking of the Comptroller-General -- he goes on to say, "he doesn't authorize the issue of a cheque and it is never issued."

I want now, Mr. Speaker, to refer to the Treasury Act of the Province of Manitoba, being chapter 272 of the Revised Statutes of 1954, and deal with Section 41, subsection (a) and I find this: "that whereupon the application of a cheque the Comptroller-General refuses to certify that there is Legislative authority for issuing it, then upon the written opinion of the Attorney-General that there is such authority citing it, the cheque shall be issued." I think, Mr. Speaker, that there is a difference here between the statement of my honourable friend the Provincial Treasurer and the Statutes of the Province of Manitoba. My honourable friend again shakes his head, but let's reiterate what he said as recorded in Page 1144 of Hansard, "and if he doesn't think that it is covered by the Legislative authority, he doesn't authorize the issue of the same and it is never issued." My purpose in referring to this section in the Treasury Act to substantiate the fact, as Mr. Buck says in his book, that in effect and to some degree at least, that the Comptroller-General of the Province of Manitoba is in fact not so independent as my honourable friend the Provincial Treasurer attempted to make out the other day.

I also want to refer to my friend's remarks further to the function, or the job that the Comptroller-General does in the opinion of my honourable friend the Premier of Manitoba, because he stated in his rebuttal to the introducer of this resolution this, and again I quote from Page 1144: "They also check; they make test counts of men and machines. For example, who are on roadwork, that is, on a non-contract basis." And he goes on to say, "Though it seems rather odd to say so, Mr. Speaker, they even check the standing crops at the institutions to make sure they are being handled in a proper and essential manner." I suggest, Mr. Speaker, that that is just so much gossip because in all of the years that I have been in this Legislature, I have never seen in any of the public accounts, any report of any inspection that has been made by the Comptroller-General. And I would suggest this, that surely no government, of no matter what political stripe it may be, could carry on for year in and year out without making some mistakes. And can you, Mr. Speaker, conceive of the Comptroller-General say, going out to the mental hospital at Selkirk and walking into the crop fields to do, as the Honourable the First Minister says, to check the standing crops at the institutions to make sure that

(Mr. Paulley, cont'd.) . . . they are handled in a proper and efficient manner? I think my honourable friend when he was replying to the Honourable the Leader of the Opposition, had just wanted to make use of words to try and outword the Honourable Leader of the Liberal Party, because in the next page of Hansard the Treasurer goes on to say that if the Comptroller-General finds mistakes, and here are his words, "If he finds errors, he reports them to the department." The purpose behind the resolution as introduced is that if there are mistakes being made, that they should be made to this House so that we're aware of them -- that is the function of the Auditor-General and that is what the Auditor-General at Ottawa does. I ask you, Mr. Speaker, if in fact the Comptroller-General is so independent as my honourable friend suggests, and again I am not referring to him as an individual, but if in effect, as the First Minister says that he is performing the duties of an Auditor-General, then we in opposition, as well as all members of this House, should know of the areas or occurrences where the government are making errors. If they're only being reported to the department, how are we in this House going to be in a position to assess the proper function and operation of the government and of its financial situation in the Province of Manitoba?

The Honourable the First Minister in almost his final words says that this system of ours is regarded -- yes, I can appreciate, Mr. Speaker, that my honourable friend the Attorney-General hopes that these are my final words. --(interjection)--you didn't say that -- well it sounded like it. Oh, the Premier's, but I caught the significance of my honourable friend's words, despite him trying to get himself off of the hook. As a matter of fact, Mr. Speaker, I'm quite used to this from my honourable friend the Attorney-General but it doesn't bother me a little bit, because I can appreciate my honourable friend --(interjection)-- wanting many of the debates in this House brought to rather a rapid end, because the more the debates that are occurring in this House, the more unfavourable that it is to the Government of Manitoba, and in particular to my honourable friend the Attorney-General. So I can appreciate very much his feelings in this matter.

MR. LYON: Would my honourable friend permit a question?

MR. PAULLEY: Why, certainly.

MR. LYON: Did it ever occur to my honourable friend that the longer he talks, the happier the government would be?

MR. PAULLEY: Oh! Yes. But we certainly don't get any indication of that fact from my friend the Attorney-General. --(interjection)-- Oh! My friend says we'll get it at the election. That may be, that may be, Mr. Speaker, but I have more faith in the electorate than my honourable friend the Attorney-General. I'm prepared to stand up and be counted for everything that I say in this House and I invite my honourable friend to contest the Constituency of Radisson at the next general election, when his leader gets sufficient courage to call an election here in the Province of Manitoba. But, of course, Mr. Speaker, --(interjection)-- this is aside from the question that we have under consideration tonight.--(interjection)-- Let me assure my honourable -- Oh, the challenge was from you -- Let me assure my honourable friend, let me assure my honourable friend, and all my honourable friends opposite, Mr. Speaker, -- yes, I'd have no objections to it now, for I have no fear. I have no fear, that the rosy-hued glass that the Conservative Party, both Dominion-wide and provincial-wide, cast over the people of the province and the Dominion has been smudged by smoke and it is no longer rosy. So I welcome an opportunity -- and now --However, Mr. Speaker, may I just go back to the question before us--

MR. CAMPBELL: To where you were interrupted.

MR. PAULLEY: To where I was interrupted, to say that the Honourable the Provincial-Treasurer--

MR. CAMPBELL: In almost his final words.

MR. PAULLEY: Yes, in almost his final words, stated that the present system in the Province of Manitoba was a model for Canada. I reject this completely. I suggest this, that the speakers who preceded me in this debate, and myself, have refuted the contention of my honourable friend the Provincial Treasurer. I think that there is need in the Province of Manitoba with its expenditures of from \$112 million that we're passing here in the estimates, apart from all of the other amounts of money that is being spent by the province, to have somebody who would make post-audit cheques and report to the Legislature itself as to how the money is

(Mr. Paulley, cont'd.) . . . . being spent.

I suggest to my honourable friend the Minister of Education that in his department alone, huge expenditures of money, both provincial and collected within the respective school districts, are being spent. I don't know whether the information that I have received recently is correct or not, because I haven't checked it, but I have been informed that in many cases expenditures in the construction of schools has been made that possibly should not have been made, and would not have been made, had there been more consideration given to the expenditure. For instance, I have been told that in many of the offices of school districts we find such things as pink telephones, and grey telephones, and coloured telephones; we find many pieces of furniture that could be construed as being of the luxury type, and which are adding to the ever-increasing costs of the capital expenditures for education. Now I'm not going to suggest that in the construction of our schools that they should be constructed in the same manner as schools used to be, merely square buildings without any of the comfort and attractions of life. But I wonder whether or not in this particular area, as in other areas, that if we had an auditor-general who was charged with the responsibility of looking into all expenditures as authorized by this Legislature, carrying it further into those that are jointly authorized, that it might not be for the well-being and the good of the people of the Province of Manitoba. Because after all, after all, as I have stated here in my few remarks, we are not getting any reports whatsoever before this House. I perused over a number of the Public Accounts -- can find no reference in any of them of any reports of any criticism of the financial expenditures of any of the departments. And again, I say, Mr. Speaker, I don't think that it's humanly possible for any government not to make mistakes, and I suggest that rather than dismissing the proposition as introduced by my friend the Leader of the Liberal Party, the government should take a second look at this resolution and take it under active consideration.

MR. SPEAKER: Ready for the question?

HON. STEWART E. McLEAN (Minister of Education)(Dauphin): Mr. Speaker, I think, perhaps in view of just one small part of the address of the Honourable the Leader of the New Democratic Party, that perhaps I had better say something just to keep the record straight.

First of all, the auditor-general, if there were one, would not have anything to do with respect to the matters concerning construction of schools referred to by the Honourable Leader, because schools are constructed by individual school districts, or school divisions, and their expenditures are made by them subject to their own rules and regulations. The only way in which the Province of Manitoba enters the matter is in the payment of money grants to the district or the division. No payment is made by the Province of Manitoba to a contractor, or any persons employed in, or associated in the construction of the building. So that the matter would not be --(interjection)-- the matter that would be subject of scrutiny in that regard by any officer of the Province of Manitoba. What an auditor-general would do, if there were one, or what the Comptroller-General does in his present capacity, is to assure that the grants that are paid to school districts and school divisions, is in accordance with the statute law, and that is as far as the authority goes.

Perhaps what the Honourable Leader has said, however, emphasizes, that is, I'm assuming that he has specific cases which he is prepared to tell the House on the matters that he has mentioned with respect to the colour of telephones and furniture. But on those matters it does relate and illustrates the wisdom of the policy which is followed, although against some object from the other side -- where we restrict the grants to a certain amount of money per classroom. So that as far as provincial funds are concerned they are restricted to the essentials of the school building and one can readily imagine if the report which he has given us is true, that raising the limit per classroom would only lead to further extravagance, wherever that is practiced. I mention this only to indicate the importance of the rule which is followed by a very strict limit on the basis of school construction.

MR. PAULLEY: You did say further extravagance, did you?

MR. CAMPBELL: Mr. Speaker, I beg to move, seconded by the Honourable Member for Selkirk, that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Adjourned debate on the proposed resolution of the Honourable Leader of the Opposition. The Honourable the Attorney-General.

MR. LYON: Mr. Speaker, I listened with a great deal of interest approximately ten days ago to the introductory speech by the Honourable the Leader of the Opposition with respect to the office of Ombudsman -- in his terminology, Public Protector. I listened with a great deal of interest as well, Mr. Speaker, to the resolution, the debate on which has just been concluded, when he introduced the other complementary subject matter of the Auditor-General. Both of these new ideas, as he calls them, of the Liberal Party, certainly deserve some attention from the government side of the House, although they perhaps do not deserve the adjective "new" in front of them.

But lest I give my honourable friend too much heart at the opening of my remarks, I must say that I was a little less than enthralled with some of the reasoning which he adopted in his submission in favour of a Public Protector. I'm afraid that, like the First Minister of the House, I must take some time tonight to point out some of the deficiencies in the logic surrounding the reasoning for this office and to suggest, with greatest of deference to my honourable friend, that perhaps he look back to the report from which he quoted and perhaps that he look at a few more writings or treatises on this subject before he advances it quite so wholeheartedly to this Legislature. I can only conclude that branch of my remarks by saying, Mr. Speaker, that I am afraid he apparently gave as little consideration to the office of Public Protector as he unfortunately appeared to give to the other mooted office of Auditor-General. It leads one to believe, you know when you hear these two resolutions being brought in in concert for an Auditor-General and for a Comptroller-General, that the Opposition seems to be striving very seriously in this session to try their darndest to get somebody to do their homework for them. I don't think that the government, or for that matter the people of Manitoba, would want us to relieve them of some of the burdens which they must enjoy as members of an Opposition Party. I shall attempt to prove tonight, Mr. Speaker, that one of the -- I wouldn't call it burdens -- but one of the great responsibilities that attaches to the office of the Leader of the Opposition, and any member in opposition for that matter, is that of representing his people; airing their grievances; and generally conducting themselves in the manner which has been time-honoured down through the years -- nay the centuries -- in the British Parliamentary System.

Now as a preface to what I have to say, let me make this remark which I think is axiomatic and which I think everyone would certainly adopt, that every responsible democratic government recognizes the basic necessity of preserving individual rights against authority. The problem is not a new one. It's been with us for many, many years, many centuries; and I suggest, with respect, that it is not a quick or easy one for which a solution may be devised. I spoke recently to the Bar Association of the Central Judicial District and had some words to say about this subject, more particularly with respect to the law keeping close to social and economic changes taking place in our society, so that the people of this province, and indeed the people of this country might well be able to place that traditional faith that they have always been able to place in the rule of law, with some guarantee that the rule of law was there to protect every individual however humble he might be.

Now the type of problem that is envisaged when we come to a consideration of the Scandinavian office of Ombudsman, I think is generally misconstrued by many people who look at the problem for the first time. We have basically legal rights -- legal rights which one might define as the basic and fundamental rights by which, first of all, we sit here as free legislators in a free country able to say what we wish, subject to Parliamentary rules of course, but freedom of speech; freedom of assembly; freedom to worship the God of your choice and so on. These are the basic rights of any democracy and these are established by law. They're not established by administrative procedure or anything like that at all. I suggest that these are the rights that we must always be very careful to treasure and to sustain and to enhance, both on the government side and on the opposition side. These are the rights which we as members of the Legislature are entrusted to guard and to protect on behalf of all of the people of this province and of this country. These are the fundamental and basic ones that are inherent in any democratic society.

Over the years we have come to build up another field of rights, another field which we call loosely, Administrative Rights." These are rights that have evolved because of social

(Mr. Lyon, cont'd.) . . . and economic changes; rights that we have had to divest from the Legislature down through into the Civil Service and to give administrative boards and commissions and, for that matter, individuals, rights to make decisions which affect the people of this province. So we have the legal rights on one hand, the administrative on the other hand, and there is a cross-section that can be made in the administrative rights. First of all, the "Discretionary Rights," that is where a board or a commission or a civil servant or any person in the bureaucracy, as some may call it, makes a discretionary decision. That is a decision where he has to exercise judgment and determine whether or not this will be done or will not be done; to determine whether or not a man or a company will be permitted to do this or will not be permitted to do this. In that field of discretionary rights, we can think quite easily in the field of Liquor Control, Public Utilities, Municipal Boards, all of the various boards and commissions that operate under the aegis of this Legislature. The last branch of the break-up of administration is "Maladministration." Now maladministration is that field wherein the bureaucracy or the Civil Service operate, but do not operate in a discretionary manner. That is where they don't make discretionary decisions but where they are invested with certain responsibilities, and in the carrying out of those responsibilities of a non-discretionary nature they may perhaps from time to time be found subject to maladministration -- there's no better word for it -- that is making decisions or doing things that are not in accordance with the powers that have been vested in them.

Now as I've said, the greatest of these fields, of the two great fields, are the basic laws of the country which guarantee us the basic rights that we have. These are the bedrock foundations of any democratic society: Habeas Corpus, the rule of law and all that is applied; the criminal law and the civil law and such things as that. We were dealing in the basic rights of the citizens of Manitoba last year, Mr. Speaker, when we repealed -- or was it the year before last -- when we repealed most of the onus sections in our statutes which purported up to that time, to reverse the onus of proof from the Crown onto the accused. That was a basic right that we were dealing with and this Legislature saw fit, in its wisdom, to say that this should not be the case; and it saw fit, in its wisdom, to restore this basic right of the accused being presumed innocent in all circumstances until he was proved guilty. So there we were dealing with a legal substantive basic bedrock right.

Now in this field, of course, we have the Courts of the Administration of Justice and the officials of the session of Law, and they all together play a very indispensable role; and may I say that this House and the Parliament of Canada are two of the most important bodies in dealing with the substantive basic rights or legal rights of the people of this country. We can think of other groups that play a very important role. We can think of the Law Society of Manitoba in the role that it plays, not in the day-to-day work of its member but in the role that it plays in the supplying of free legal aid to persons needing help in the civil field or persons needing help in the criminal field, who are denied this help because they do not have the necessary funds. They contribute a great deal to the maintenance of the substantive legal rights because they ensure that a person will be entitled to justice, entitled to have someone speak on his behalf for justice, even though he does not have the funds with which to employ counsel. But this field and I make this point again, Mr. Speaker, this field is not under discussion. When we come to deal with Ombudsman or Public Protector, this field is not contemplated in Scandinavia in the Wyatt Report or in any other writing that you can find on this matter, so we can take this large area which includes our basic bedrock rights and set it to one side because we're not going to be troubled with that. That's not involved in the question of Ombudsman at all.

We come now to the administrative field. We said first of all there was the discretionary area and the area of maladministration. In the discretionary field, Mr. Speaker, we can take that area and set it to one side because it is not contemplated in Scandinavia or in any of the other concepts of Ombudsman or Public Protector. It is not contemplated as being an area in which Ombudsman would work or would operate at all. Here we have the decisions made by boards and commissions and other administrative tribunals. The administrative courts undertake functions that courts of law were never intended to undertake. We think -- we need think only of radio, the regulation of radio and television, the Board of Broadcast Governors meeting down the hall from us today. This is an administrative tribunal making decisions. Yes -- decisions that affect citizens of this province, but decisions of an administrative nature as

(Mr. Lyon, cont'd.) . . . distinct from a basic fundamental nature which we talked about in the first class. Freight rates, pipe lines, air franchises, these are all dealt with by administrative boards. In the provincial field, as we've already mentioned, the municipal board, the utility board, the Liquor Control Commission all make discretionary administrative decisions which involve rights of the citizens of this province. But let me stress again, this field is not within contemplation of Ombudsman at all. This field is not within his contemplation, because these discretionary decisions made by senior civil servants; these discretionary decisions in some cases made by Ministers of the Crown; are just not thought of in the Swedish or the Norwegian or the Danish concept of Ombudsman, and I'm going to quote you a few paragraphs from the report later on to prove what I say in that regard.

But lest one be worried about what rights a person has for appeal against administrative decisions in this province, I need only quote to you from a few of the statutes of this province which confer these rights of appeal against discretionary administrative decision. Taking it alphabetically, you can run through from The Amusement Act, and six pages later you come to The Psychiatric Nurses Association Act, and you will find in all of these statutes, and I'm not going to enumerate them one by one for the members tonight, Mr. Speaker, but let me say that there must be approximately 60 or 70 here which affect administrative decisions or which relate to administrative decisions. One finds the process of appeal set forward as to how a citizen can appeal if he feels wrong because of a discretionary decision made by an administrative board or tribunal, or for that matter in some cases made by a civil servant who exercises discretionary authority. I need only mention one prime example of the type of appeal that I refer to. Under the new Social Allowances regulations that were established pursuant to The Social Allowances Act of this Legislature, provision is made for the applicant, when he receives word from the director as to the amount the director feels he should receive by way of Social Allowance, if he feels aggrieved by that decision, if he feels it's insufficient, he can appeal; and the Appeal Board is set up to which he can appeal. That's very simply one small example of what I am saying about the existence in our Statutes at the present time of many various different modes of appeal against discretionary decisions.

One need only think of the Driver's Suspension and Appeal Board, which was another board that was set up approximately three years ago, where a decision was made, in this case not a discretionary decision but a decision made by law, that if a person was convicted of impaired or drunk driving his driver's license, no matter what his occupation was, would be automatically suspended for three months, six months or a year, depending on the circumstances. Well this Legislature saw fit to set up an Appeal Board to which persons subject to such convictions might appeal with arbitrary suspension, so that a truck driver who was out on a party some night on his free time would not be deprived of his way of life, because he could go to the Appeal Board and make out a case and show that if his license were suspended he would have to go and take Workmen's Compensation -- or take some form of assistance, Unemployment Insurance, because he would have no means of making a living. That's why that Board was set up; to mitigate and to relieve and to ameliorate against the effects of a Statute which imposed certain hard rigid conditions. I suggest that there is another prime example of the type of amelioration or the type of appeal that lies under various of our Statutes in Manitoba against administrative boards' decisions.

Some concern is expressed at all times by persons who think about our Parliamentary system, about the delegated legislation, the amount of delegated legislation that we have. Now as we've mentioned before, we must pass on and delegate to administrative boards or to civil servants, powers which neither this Legislature nor the Ministers nor the members can enforce. But control of delegated legislation now, Mr. Speaker, in this House is guarded, I say most carefully by the Regulations Committee, because that committee now looks over every regulation that is passed, to determine whether or not the regulation is in excess of the Statute conferring the original power; to determine whether or not there has been some fundamental abrogation of the rights of the citizens of this province. So I suggest that in this field, the field of delegated legislation, this province, alone among all provinces of Canada, has established a system for the review of delegated legislation which is certainly leading the way for the rest of this country. I would point out again, Mr. Speaker, that even if we didn't have that committee, Ombudsman or Public Protector would not be concerned with delegated legislation. He is only

(Mr. Lyon, cont'd.) . . . . concerned with maladministration.

Then we, of course, could come to such questions as the prerogative writs which are the writs of Certiorari, mandamus, prohibition. I recall last year, Mr. Speaker, those writs which are so hard to discuss, so hard to pronounce, there are many, many sections of our Statutes which said that when so and so on a board makes a decision the decision shall be final and shall not be appealed, and it shall not be attacked by way of Certiorari, mandamus, prohibition, or any other prerogative writ. If you recall last year, Mr. Speaker, we went through the Statutes and we struck out or repealed most, if not all, of those sections which referred to the abolition of the prerogative writs as a defence against administrative decisions, thus restoring to the public of Manitoba these basic and fundamental rights which have always been available under the common law to citizens living in a British Parliamentary system. And so to say for a moment that this Legislature at this stage of its existence need be concerned, overly concerned about the rights of a citizen in this discretionary field, I think is a statement that bears a great deal of review; because in the few examples that I have mentioned, I think, Mr. Speaker, you can see that there has been a great concern on the part of this government; a great concern, may I say as well, on the part of most members of the House that we should restore these basic and fundamental rights to citizens of this province; and that has been done. Remember again we're dealing now in fields that Ombudsman doesn't even touch upon.

Now the second branch of the administrative law is maladministration, and here I'm finally able to say we come to this small area that the concept of Ombudsman applies to -- maladministration. Let me quote if I may, Mr. Speaker, from Page 11, the Foreword to the Justice Report, "The Citizen and the Administration and the Redress of Grievances" by Sir John Wyatt -- Director of Research, Sir John Wyatt, in which there was a Foreword by Sir Oliver Franks, and he says that the report reaches -- "It reaches two broad sets of conclusions. In the first place, it comes to the view that there is substantial scope for subjecting a large number of administrative decisions involving discretion to some kind of appeal." Now that's just what we have been talking about. "It shows that a great deal of progress has already been made in this direction" -- he's speaking now about writs -- "and it recommends that further development should take place under the general surveillance of the council on tribunals" -- which is a body they have set up in the United Kingdom to look at the decisions made by administrative boards and tribunals. But note these words: "the second group of recommendations concerns maladministration and takes us into a different territory. There is a long and thorough examination of the institution of the Ombudsman in Scandinavian countries" -- and so on and so forth. So he makes that basic distinction there between the two as I have mentioned before, and in Chapter I of the report itself. In article one it says: "Before this enquiry was initiated, the problem which was pressing itself on the attention of justice was whether there was need for more effective machinery for dealing with citizens' complaints of misuse of administrative powers by the executive. There is a very thorough examination of the existing system of tribunals; and other statutory procedures for resolving disputes between the citizen and authority have been conducted by the Franks Committee in 1957" -- that's the one that recommended the Council on Tribunals -- "and have resulted in the establishment of the Council of Tribunals to supervise the sector of public administration. But, unfortunately, the terms of reference of that committee, the Franks Committee, precluded them from enquiring into that large area of administration in which the acts and decisions of officials are not subject to any independent check, other than that which is provided by Parliament" -- and that's the field of administration that he talks about.

I would quote, Mr. Speaker, from Pages 49 and 50 of the report to back up what I say about the relatively narrow area in which the concept of Ombudsman applies. Reading now from Page 49 of the report dealing with the Swedish Ombudsman: "The Ombudsman's jurisdiction to investigate complaints against the decisions of civil servants is in practice subject to one very important exception. He will not take up cases complaining of the way in which a civil servant has exercised his discretion unless it appears the discretion has been so abused as not to amount to an exercise of a discretion at all. This exception excludes from the Ombudsman's competence a large area of government administration which it is generally believed in this country" -- and may I say, Mr. Speaker, apparently generally believed by the Honourable the Leader of the Opposition and, perhaps by the noises I hear, by the Honourable Member for



(Mr. Lyon, cont'd.) . . . Brokenhead -- "which it is generally believed in this country is subject to his investigation and criticism. In particular, it should be noted that the particular areas of discretion identified and described in part two would fall outside the competence of a public officer exercising, in this country, similar powers to the Swedish Ombudsman unless the complaint indicated prima facie that the discretion had been abused."

Mr. Speaker, I quote again from Page 10 of the report: "When a discussion is made of the total concept of a Scandinavian Ombudsman, we think we should interpolate at this point a brief examination of the Scandinavian Ombudsman's function in relation to discretionary decisions which, judging from the correspondence we have received and some of the comments in the press, appears to be much misunderstood in this country." -- and he was referring to Britain -- "The Ombudsman is not normally concerned with cases of discretion. He is not a super-administrator to whom an individual can appeal, when he is dissatisfied with the discretionary decision of a public official, in the hope that he may obtain a more favourable decision. His primary function, as is explained more fully in part three of the report, is to investigate allegations of maladministration. Only very exceptionally, if a discretionary decision is alleged to have been viciated by some official misconduct or some other kind of maladministration, would he undertake an investigation. In the first five years that the Danish Ombudsman was functioning, he intervened in discretionary cases on only one or two occasions."

Mr. Speaker, if I need call further evidence on the point, I would refer honourable members to the report at Page 55 where it is stated with respect to the Danish Ombudsman: "It is, however, important to note that where the administrative decisions involve the exercise of discretion, the Ombudsman will not investigate complaints that the discretion has been exercised in an unsuitable manner. Or to put the matter another way, he will not take up a complaint against administrative discretions merely because he would or might have exercised the discretion differently if he had been sitting in the administrator's chair." And so, Mr. Speaker, I think that after that rather lengthy dissertation into the area of jurisdiction of Ombudsman, we can now realize the rather circumscribed area in which he functions, even in the countries of his birth, that is in Scandinavia. I suggest that the vast majority of liberties of the people of Manitoba are already safeguarded in another field altogether, namely, in the legal substantive field that we've already mapped out and set forth. By the laws and by the courts in the discretionary field, we show that the discretionary decisions are subject to appeal in most cases. There'll always be prerogative writs available for those who wish to go to the courts on the prerogative writ, and so we see that the area left in which an Ombudsman or Public Protector could operate would be very small indeed.

Now, Mr. Speaker, to move on to the second portion of this discussion and to show, I think, even more of the fact that my honourable friend the Leader of the Opposition perhaps should have looked more carefully into this idea before he advanced it, and may I say, advanced it so heartily on behalf of the Liberal Party as one of the great new ideas of that Party, being thought all the time of course by the Honourable Member for Brokenhead who is claiming it on behalf of the New Democratic Party. But I think that when we consider some of the bases of the argument for Ombudsman, there perhaps won't be quite the same clamour for the authorship of this particular resolution. Now having looked this . . .

MR. E. SCHREYER (Brokenhead): Mr. Speaker, if the Minister wouldn't mind, I would remind him that at the time I said I don't particularly care who gets the credit. Didn't I say that?

MR. LYON: I'm sure then my honourable friend won't particularly care who gets the blame and what follows, Mr. Speaker. Now, Mr. Speaker, having talked about the area of jurisdiction, I think we must look to Parliamentary democracy as it functions in Sweden, in Norway and in Denmark, to get some idea of the national character and the form of government under which these people operate. May I say at the outset, that I do not claim to be an expert on Sweden or on Denmark or on Norway, and what I say is largely taken from the Wyatt Report itself which was the foundation for the arguments submitted by the Honourable the Leader of the Opposition. I merely want to point out some areas of dissimilarity to the system under which we operate, which apparently have evaded the close attention of my honourable friend.

I would say, first of all about Sweden, that the paramount difference between Sweden and Parliamentary democracy as we understand it, is that there is no ministerial responsibility for

(Mr. Lyon, cont'd.) . . . . the actions of the civil servants whatsoever. It is a concept that I would imagine most of us would find most difficult to understand. The Ministers over there, according to what one reads on the subject, sit rather as a policy discussion group. They make decisions as to policy and then they turn it over to the Civil Service from that point on. Presumably it's carried out, but they have no responsibility for ensuring that it is carried out. I would take but a moment, Mr. Speaker, to quote from Page 46 of this Wyatt Report to make this point a little bit more clear. "In 1809, when the first Swedish Ombudsman was appointed, civil servants were not subject to the control of ministers, nor are they today." -- (Interjection) -- "In 1809, when the first Swedish Ombudsman was appointed, civil servants were not subject to the control of ministers, nor are they today. Swedish Ministers are more correctly described as councillors of state, whose function is to deal with matters of policy. They are not, either collectively or individually, responsible for the administration of government departments or the acts of civil servants. There are no government departments in the ordinary sense in Sweden. The machinery of administration consists of numerous boards under the control of a Directors-General, councils and similar agencies, which operate as independent command and are subject only to the law. The civil servants employed by the boards and agencies are likewise only answerable to the law, of which the most important provision, in this connection, is the rule in the penal code, which states" etcetera etcetera. I think that that is a very basic and fundamental difference which all members of the House will appreciate. "The fundamental concept" -- they carry on to say -- "therefore, of the Swedish Ombudsman" -- and this is on Page 47 -- " is that he is an officer of Parliament whose duty is to ensure that civil servants carry out their administrative duties according to law and to institute proceedings if they fail to do so. If the Ombudsman" -- and I would stress this point to the members of the House, Mr. Speaker -- "if the Ombudsman were not charged with this duty, Parliament would have no means of doing so through the ministers, as the civil servants are not subject to ministerial control. It is also important to note that there is no Parliamentary question period or procedure comparable to the United Kingdom procedure by which indirect control can be exercised over the administration."

Now, Mr. Speaker, I'm quoting all of this time from "The Citizen and the Administration," the basic textbook upon which my honourable friend the Leader of the Opposition founded his claim for this office. Now that is Sweden. I would point out as well this very simple fact, that there are only two levels of government in Sweden -- the national and the local. I would point out as well, and one can draw whatever conclusion he wishes from this fact, that the Government of Sweden, although I can't say the same in 1809, but the present Government of Sweden is socialist in character.

Now we come to Denmark. In Denmark we find a slightly different situation, and I quote again from the report: "Denmark has ministerial responsibility" -- but if we turn to Page 56 of the Wyatt Report, we find this very interesting statement. On Page 56 we find, first of all, that Parliamentary questions are limited. I'm not going to read in detail from that, except to say that Parliamentary questions -- "the latter, like the Parliamentary question procedure in Sweden, is very limited in its scope compared with United Kingdom procedure. Questions are asked only on one day a week, and those dealing with administrative matters average about 60 a year. Now, Mr. Speaker, it's very interesting to know that the ministers have responsibility in Denmark, but I would refer you now to Page 74 of the same report so we can go into this a bit more carefully in the words of the research people who did this, may I say very good report, a very informative report on the whole system of Ombudsman. "The ministerial system in Denmark was introduced in the new constitution in 1953 and certain aspects of ministerial responsibility are still under discussion. We doubt, therefore, whether ministerial responsibility as understood in Denmark can be acquainted with ministerial responsibility in this country where it has its roots deep in our history. It is a principle of such fundamental importance in our constitution that we think it would be wrong to make any proposal which might seem to qualify it. Therefore " -- and to carry on -- this is in the recommendation portion -- "therefore we have suggested that a Minister should have the power to veto any proposed investigation by the Parliamentary commissioner of a complaint against his department" -- but we'll come to that one a little later. I quote from that to point out that this, again basic difference between Denmark and between Britain, was noted in the report.

(Mr. Lyon, cont'd.)

There's also another very interesting little quote as to why the Ombudsman was introduced in Denmark, and I think it's interesting to note that it was introduced only in 1953, at the time when they were changing over to ministerial responsibility as we know it. They, as you can see, have a history of eight years in the field of ministerial responsibility. In this province, we have a history of some 92 years at the present time of ministerial responsibility and with a system that is founded on many centuries of the same tradition, so I think a vast difference can be pointed up between the two systems. But notice this: "The protagonists of the Ombudsman proposal" -- this is in Denmark -- "conceded the force of the argument that an Ombudsman might be needed in Denmark, but they said it should be introduced into Denmark for psychological reasons so that citizens could feel that there was an independent check on the acts and decisions of civil servants." That was one of the main motivating reasons in Denmark for the introduction of the Ombudsman system in 1953 -- for psychological reasons -- because, of course, up to that time they had had no history of ministerial responsibility and, may I say without being critical at all, no comprehension of how that system would work in a Parliamentary democracy such as ours. Again, need I point out, there are two levels of government in Denmark, a national and a local, and I point out again for whatever one would attach to the fact, that the government there is, and was in 1953, socialist.

Now, Mr. Speaker, we come to the question of Norway, and I think we find in Norway that this is a very recent introduction. "The constitutional background of the Norwegian Ombudsman is similar to that in Denmark." I'm quoting now from Page 61 of the same report. "Norwegian courts have a wide jurisdiction to review decisions of administrative authorities, etc., etc. Ministers are responsible for the actions of civil servants, and there is also a Parliamentary procedure, a question procedure introduced from the United Kingdom after the war, although it has not been much developed." So we see that we have a system there again which can hardly be equated with the long centuries of tradition that we have, in this province, inherited in turn from the United Kingdom Parliamentary System of ministerial responsibility question period and all that goes with it. So I think, Mr. Speaker, that we can point out again of course that in Norway they have two levels of government only, as opposed to three we have in Canada, the national and the local. And again in this country, I point out with some chagrin, that they have another socialist government.

I think, Mr. Speaker, we can see from all of the foregoing that what the report shows, not what I show but what the report shows itself if you go into it carefully, is that Ombudsman is an office which is indigenous to local custom and national character of the Scandinavian people; and that, by itself, does not mean that it is indigenous to the local custom and national character of the Province of Manitoba. I think a very vast distinction can be made between the two offices, and at the end I'll be happy to.

Now we come to the British system and the Manitoba system, which is a product of the British system. I'll take just but a few moments on that, if the members of the House will give me the opportunity, Mr. Speaker.

Again referring to the report, Mr. Oliver Franks in his Foreward to the report made this rather interesting comment at the end of the closing paragraph of his Foreward. "These proposals" -- that is for an Ombudsman -- "are skillfully elaborated in the report and they deserve the consideration of a wide circle of readers. Many will argue that a sufficient case for these changes already exists and that early legislation on the suggested lines is highly desirable. There may be others who will hold, particularly in regard to the proposals concerning maladministration, namely, Ombudsman, that existing opportunities for redress are, on the whole, adequate; and they may fear that any substantial change might to some extent detract from the responsibilities of members of Parliament. The report provides a basis for informed debate and intelligent answers to those questions." I think honourable members will be quick to note that Sir Oliver Franks doesn't answer the question himself, and he's rather a distinguished person in this field. So we see from that, Mr. Speaker, that this certainly is an open question, even in the mind of a distinguished authority like Sir Oliver Franks, who has had some little to do with decisions of this nature and who is thought highly enough of by justice and by Sir John Wyatt to write the Foreward to this report in which Ombudsman is put forward.

Now I don't think we need rehearse the existing machinery in a British Parliament

(Mr. Lyon, cont'd.) . . . . democracy, or in Manitoba for that matter, to ensure that the redress of grievances through maladministration is looked after as intended. First of all, we have the doctrine of ministerial responsibility, and I wouldn't offend the intelligence of any member of the House by trying to explain that to them. We know what that is. We know that a Minister is responsible for the actions of the department which work with him to carry out policies laid down by this Legislature. There is no question about that, and I think that further comment on it is unnecessary. We have it; we've had it for years; we're going to have it, pray God, for many years, many centuries to come; because it is a wonderful system and one that we are not going to cast off too lightly.

We know as well that we have question periods and we have enquiries; we have the grievance procedure on going into Supply; all of the different modes and procedures that are set up and established under our rules, again time-honoured, by which a member of this Legislature, any member of the Legislature, particularly a member of the Opposition, may bring to the attention of this House if any particular Minister of the public of Manitoba, the press, or whoever, a particular grievance that he feels has been committed against a citizen of this province, whether he's in his constituency or not. We know that this happens, in custody or not -- in custody or not. So one need not carry on into any long discussion about these basic rights that we all understand and appreciate. Again, I say, may we always have that protection in our system, because it is born into the very system that we are a part of and is something that is a part of each and every member of this House. It's something that each and every one of us should always remember, because it is one of the solemn duties of a member of the House to avail himself of these time-honoured procedures that have been established down through the years to enable us to give service to our people and to enable us to redress grievances when they come to our attention.

We have as well, Mr. Speaker, sitting right above you, Sir, the press, and I think it's very important for any person in this province to think that grievances can go unredressed, because the press sometimes brings up matters, not only in this country, in the United States and in Britain, can bring up matters of public import that are unknown perhaps to members of the government, members of the Opposition, and can create public issues out of the grievance that has occurred to an individual citizen. So while they do not sit down here with us, don't ever underestimate the power of them in a democracy, of all the news media, the press, radio, television, and so on, to bring matters such as this, the redress of grievance, to the attention of the public. One need only look for a moment at the question of Parliamentary representation, and I ask you to consider again, in Britain, with a population of some 53 millions of people, 625 members sitting in the House of Commons, each member representing about 84,000, roughly, people. In Manitoba we have a population of 925,000, 57 of us sitting in this House representing on the average, each one of us, about 16,200 people. But I think the great difference, Mr. Speaker, is this: we have in Canada three levels of government and we're the meat in the sandwich between the local and the federal. The area of jurisdiction that this province has, while wide, is certainly not nearly as wide as the area of jurisdiction invested in the national government in Britain, which has everything from national defence on through foreign relations, commonwealth affairs, and so on all the way down; and heaven knows the opportunity there for situations to arise is much greater than it would be here where we have a limited area of jurisdiction.

If one wants to compare with the Federal System in the United States, I need only point out the fact that is known to all of us here, that in the United States the residue of the powers under the Constitution is vested in the state. In Canada, the residue of the powers uncommitted under the British North America Act is vested in the federal government. Now I say that not by way of criticism, not by way of comment of any sort, except to point out that we do have, in this province, a rather circumscribed area of jurisdiction and that we cannot too lightly be compared with the area of jurisdiction that is vested in a national government, in Denmark, Norway, Sweden or Great Britain for that matter, or New Zealand for that matter, because no valid comparison can be made between the two.

Now, Mr. Speaker, I am sure you are happy to know that I'm coming to a close. I say, first of all, that the recommendations of the Committee -- I've touched on the first one wherein they said they tipped their hat -- they did more than that, they paid solemn tribute to the system of ministerial responsibility in the British Parliamentary system. And in their recommendations

(Mr. Lyon, cont'd. ) . . . . with respect to Ombudsman, what did they say? "So as not to do prejudice of any sort whatsoever to this system of ministerial responsibility, we recommend that if such a system is put into force in Britain, let it be subject always to ministerial veto." In other words, if the Ombudsman or Public Protector started to investigate in this system, if it even were in effect in Britain, this committee which is in favour of it says that it should always be subject to ministerial veto because it feels that the system of ministerial responsibility should not be attached by this new system that we are attempting, or that they are suggesting should be grafted on to the traditional system which has worked so well for us. But as a second qualification, they attach to it, on Page 75 of the report -- they say at Page 75 that the members of Parliament -- the complaints in the first instance, at least until the system gets working as they recommend it -- "all complaints to the Ombudsman or Public Protector must go through a member of Parliament in Britain." Here, presumably through an MLA, although that qualification is not placed in the resolution.

I think it's important that we note these two exceptions or provisos that are placed in the recommendations by the people who are proclaiming this new form of public investigator for Britain -- very important ones, because they acknowledge the inherent responsibility of a member of Parliament or of a member of this Legislature to carry out his duty; to carry out his responsibility on behalf of the citizens whom he represents; and therefore they say: "no complaint" -- even if implemented in Britain -- "no complaint except through the aegis of a member of Parliament, because you can't have a man set up in office who is going to be placed in a superior position to the members of the Legislature to whom he must answer. I think it's pretty simple and pretty basic and I think it's pretty sound; and I don't think that these provisos should be too easily overlooked. I think that they must be brought to the attention of the House to show that, even by those in Britain who favour the scheme, they attach these tremendous provisos -- hedging I would call it -- the hedging that they have with respect to the whole system.

Now, Mr. Speaker, we could run through a whole series of examples of the work of Ombudsman in the Scandinavian countries. The document itself, "The Citizen and the Administration, Redress of Grievances," have them on a number of pages. Without detailing them all, I would refer honourable members to Pages 48, 51, 52, 56, 72, 73 where they may find examples of what the Ombudsman does in the Scandinavian countries. I think if one needs any argument to sell him on the lack of a need for an Ombudsman in Manitoba, one need only look at the evidence of what the Ombudsman is doing in a national government, to see the rather narrow area in which his jurisdiction is enforced and, may I say, the rather trivial matters that he is looking after in a national area of jurisdiction. I don't say this in a critical sense, Mr. Speaker, but I do point out to honourable members that determining the quality of the coffee that is being served in a place of incarceration, in a public prison, is hardly reason, may I say with great respect, for grafting an office of Ombudsman onto the traditional Parliamentary concepts of government that we have in Manitoba; and that is exactly one of the examples that is put forward by the Ombudsman, I think in Denmark, with respect to his duty.

I just happen to have a summary of an interview with the Ombudsman of Denmark, and I would like to quote, if I may, just one small example -- it may have been the one that I have already used. Dr. Herowitz is the Ombudsman and he was being interviewed on the British Broadcasting Corporation, and this is a transcript of that interview that took place at that time. The question of Mr. Wade said: "Might I ask you Professor Herowitz if you could give one or two concrete examples of cases that you have dealt with." This is the Danish Ombudsman, Professor Herowitz: "Yes, I have had a lot of cases, almost a thousand a year on average during the last five years. It's difficult to select a special case, but we were speaking just now about the responsibility of the Minister and of the civil servants. We've just had a case where there was a strong newspaper criticism against the Minister of Foreign Affairs. Newspapers urged that the Ministry had not been cautious enough in appointing a diplomat to a foreign post, where he turned out to be a spy. Here there might be a responsibility both on the part of the civil servants who had decided that and of the Minister responsible and to Parliament." Can you imagine that happening over here? Here there might be a responsibility, both on the part of the civil servants who had decided and on the minister responsible. Over here, the Minister is responsible. There's no question about the Civil Service. You wouldn't go

(Mr. Lyon, cont'd.) . . . . probing around in the Department of External Affairs to find out who made the appointment, you'd go to the Minister -- the Minister and the government made the appointment. You don't need an Ombudsman to find that out in Canada. Now he carries on: "my investigation in this case gave expression to the view that there were some things which though a reproach to the department of the Ministry, were perhaps not so to the Minister personally. I made the weight of this decision on the future recommendation that precautions should be taken to prevent such an event again." Now that's a startling recommendation, isn't it? The press almost unanimously backed up that position, so that didn't cost the heads of any persons but things were cleared up for the future.

And I say this, Mr. Speaker, not by way of criticism, but do we need an Ombudsman to do that in Canada? If the Leader of the Opposition in the present Parliament wouldn't do this, he should be turned out of office -- he probably should be anyway, but the fact remains that that is his job. He said -- as the questioner continued, he said: "would it be possible for you to give an example in the category of complaints by private individuals who feel they have some grievance against some administrative decision or act." Dr. Herowitz: "Yes. Those cases do come in by private complaint and they may be of every imaginable kind. Examples I could mention are cases where the citizen feels himself dealt with too slowly or feels that he has never been able to get any answer, or that he has not got information about the reasons why his appeal was rejected." Of course it can happen here and it's your job -- Mr. Speaker, I say it's the job of the Honourable Member to bring it to our attention. He doesn't need an Ombudsman to do his work.

And here we have, Mr. Speaker, a matter -- this is the one that I mentioned and I am not going to detail it in any great matter at all -- but a matter of good cause. Now I don't think we need an Ombudsman in Manitoba to tell us whether or not we should improve the quality of the coffee in the Members' Speaking Room or the Members' Sitting Room, but this is an example -- not out of my mouth -- this is an example given by Professor Herowitz, the Ombudsman of Denmark, on an example of a private grievance that he redressed in Denmark. Well now opinions may vary. I cast no aspersions upon Denmark or upon the Ombudsman, I just say that adapting it to our particular jurisdiction, I don't think we need an Ombudsman here to tell us about the quality of coffee here, or in any prison or anywhere else.

Now, Mr. Speaker, we really do come near the end of it. I would make these following general observations. There has been a presumption made by the Honourable the Leader of the Opposition that a Public Protector is needed. He suggests, I hope, to supplement the work that is being done by the members of this House, because certainly that's all the Wyatt Report suggests. It would be entirely supplementary to the work of the members of Parliament and I can't conceive of it being in any other guise, except in a supplementary capacity in this Legislature. Again I raise the question, would he be doing any work that is presently not being done by the members of the House? Would he? That's the question we must ask ourselves. Would he be doing work that is not being done on question period; by private inquiries; by members on grievance procedure on going into Committee of Supply and so on? Would he be doing work that is not already being done by the members of the press, the news media and so on in Manitoba? I don't think so. Are the honourable members opposite, Mr. Speaker, prepared to say that the judgment of this one man -- not appealable, his statement is final -- when he investigates a case and he published it as the Honourable the Leader of the Opposition would have him do -- publish it, no appeal, no nothing -- is his judgment any better than the judgment of the Honourable the Leader of the Opposition? I doubt it. Is his judgment any better than the judgment of any member in this front bench? I doubt it. Is his judgment any better than the judgment of the Honourable Member from St. John's? I don't think so. I don't think so, Mr. Speaker. I think the people of Manitoba are entitled to say that the judgment of their elected representatives is pretty good because, if it isn't, they can kick us out of office soon enough. So I ask, are we raising here an ogre in our midst? Are we setting up a man without appeal -- from whom there is no appeal? Are we setting up a man who is going to do work that really we can do now if we put ourselves to it, and I suggest, Mr. Speaker, that we are doing now -- all of us in this House.

Now, Mr. Speaker, I don't claim infallibility on behalf of anybody in this House, but I certainly wouldn't claim infallibility on behalf of an Ombudsman because his opinion, in my humble

(Mr. Lyon, cont'd.) . . . . judgment, wouldn't be any darn better than mine. And I know this, that his opinion wouldn't be any better than a Court's. I place a lot more faith in a Court than I would in an Ombudsman, and I know this, that I can appeal the judgment of a Court but I couldn't appeal the judgment of an Ombudsman. So let's think about this thing before we jump into it with both feet. Do you really think, Mr. Speaker, that a person invested with no power to make changes -- remember all of us have the power collectively and individually to work for and to make changes in this Legislature -- do you think that a person invested with no power to make changes is going to be any better at doing a job of redressing grievances than the 57 of us who have the power, not only to bring them to the attention of the House but to darn well do something about them when they're in here? I don't think that a person lacking this power is going to be any better than the 57 members who sit around this House.

Here I think, Mr. Speaker, we get to the very root of the matter. First of all, that an Ombudsman operates in a very limited field, as we have mentioned before. The fact that an Ombudsman works in the Scandinavian countries is no guarantee at all that he's going to work here. You can't take a piece off a Ford tractor and put it onto a Massey-Harris and expect it to work and that's, in effect, what you're trying to suggest. I don't say that the idea is wrong. I like some parts of the idea because investigation and redressing of grievances is something that strikes at the root of what we're all doing here, but I don't swallow this idea of grafting something on from another jurisdiction just because it looks to be a happy situation in that particular country, because we know very well that what's good for one country is not necessarily good for another. All democracies are not the same. Each democracy has its own character. Manitoba has a much different character from Britain. Our traditions in Manitoba, short as they may be, are different from the traditions in Britain and yet we all work under basically the same system and yet there are slight variances and differences.

Now, Mr. Speaker, I think that reflecting both on the history and the character of this province in relation to the scheme that we are looking at, the foreign scheme -- and I don't use that word in a critical sense or in a bad sense -- but it's a foreign scheme that we should look a long time at before we push it into our system and expect it to work here. I suggest we should look at this principle a long time. I suggest that our time would be much better spent, Mr. Speaker, in trying to enhance and strengthen our traditional and time-honoured modes of redress in real or imagined grievances in this province. I suggest as well, Mr. Speaker, that each member of this House, before he stands up and casts a vote on this resolution, must ponder very gravely, very gravely the impact of this concept on his role as a freely elected legislator charged with the responsibilities from the electorate in a Parliamentary democracy.

I suggest, Mr. Speaker, that the resolution, by its terms, unfortunately suggests that if we approve it, it must be done. Now there's no question about that. If we vote for this resolution, it must be done. I have tried to suggest to the members of the House tonight why it should not be done, at least immediately, why there should be a lot longer study made of this or some other alternative means. But I am going to surprise my honourable friend from St. Boniface, Mr. Speaker. I am not going to propose any amendment to this resolution -- Not at all. I am not going to embarrass him by proposing an amendment which would make it most difficult for him not to vote for, because I am going to suggest, Mr. Speaker, that this resolution does not deserve an amendment; it deserves defeat at this particular stage. We don't need an amendment to tell us what our duties are in this House. I think we all appreciate that. I think that what this resolution needs is reflection, and may I, with respect, say that it needs an awful lot more reflection -- it needs an awful lot more reflection by the Honourable Leader of the Opposition before he brings it forward again, because I think that he will find there are a number of areas that he's failed to either comprehend or to understand or to pay any attention to when he was talking about the question of Ombudsman. I suggest, Mr. Speaker, that there are many alternatives we could look at, but the basic one that I'm interested in looking at is enhancing the present substantive system of law that we have in this province. That's the basic one I'm concerned about. That's the one we set off to the side at the earlier part of what I had to say tonight, and I suggest that if we keep looking at the substantive laws of this province that we won't have to worry too much about maladministration. But we still have it and it's the duty of each one of us to carry out our responsibilities and to bring it to the attention of government

(Mr. Lyon, cont'd.) . . . . or anybody else.

Therefore, Mr. Speaker, I do not propose, for one, to support this resolution. I am one of those people who believe that the people of Manitoba have some very excellent traditions -- traditions of initiative and traditions of resourcefulness. I say, Sir, that the members of this House are imbued with those same traditions, though it's true we don't agree politically, but I think that each and every one of us individually is working for the rights, for the good of our electorate and for all of the citizens of Manitoba. I think we can all say with some pride that we are imbued with these traditions and I, for one, am not prepared to admit, Mr. Speaker, that the members of this House cannot adequately protect the rights of their constituents under our present democratic system.

MR. SCHREYER: Mr. Speaker, I want to direct two questions to the Attorney-General and my first question is: Does he want to state categorically that the system of ministerial responsibility, as practised in the British Parliamentary system, is incompatible with the office of Ombudsman? Does he want to say that it's necessarily incompatible? And the second question is: Is he not aware that in 1866 when Gladstone brought in his Comptroller and Auditor-Generals Act there was opposition to it for the very same reasons that he's using tonight, namely, that it was impinging upon cabinet and ministerial responsibility?

MR. LYON: Mr. Speaker, as to the first part of it, I caught -- and the second part of it related to the first resolution -- but I was purporting to quote entirely from the Wyatt Report. What I said tonight was from the Wyatt Report, namely, that even the authors of the report recommending Ombudsman said that they would not recommend it in Britain unless there was a ministerial veto, because they did not wish to attack or to prejudice in any way the doctrine of ministerial responsibility which is so bound up in the whole constitutional set-up of that country and ours.

MR. SCHREYER: Mr. Speaker, am I correct in assuming that the Attorney-General thinks as I do, that the office of Ombudsman is not incompatible to the system of ministerial responsibility?

MR. LYON: I'm going to vote against the resolution. I don't know what you're going to do.

MR. MOLGAT: Mr. Speaker, would the Honourable the Attorney-General permit another question? He spoke at some length about the situation in the Scandinavian countries and their background being different than ours in the democratic way. Would he agree that the British system and the New Zealand system are very close to ours?

MR. LYON: I mentioned New Zealand only in passing, and suggested there again that we're dealing in an area of jurisdiction national in character rather than provincial in character, with a non-federal system and so on. So there are a great many differences, as my honourable friend I am sure will appreciate, between a New Zealand example and the one he proposes for Manitoba.

MR. MOLGAT: Would the Minister agree that the traditions there and here are very similar?

MR. LYON: I have neither been there nor read much about them, but I presume that they are.

MR. ROBERTS: Mr. Speaker, I beg to move, seconded by the Honourable Member for St. Boniface, that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. SPEAKER: Adjourned debate on the proposed resolution proposed by the Honourable Member for Brokenhead and the amendment thereto proposed by the Honourable the Minister of Education. The Honourable Member for St. John's.

MR. ORLIKOW: Mr. Speaker, I would like the indulgence of the House to let this matter stand.

MR. SPEAKER: Order stand. Proposed resolution of the Honourable the Leader of the New Democratic Party.



MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable Member for Seven Oaks that Whereas unemployment in Canada and in Manitoba is at a high level; and whereas the economy of Manitoba is adversely affected by this unemployment; Therefore be it resolved that this House urges the Government to give consideration to the advisability of an immediate and vigorous program, in co-operation with the federal government or by itself, which would put those people now unemployed back to productive work.

Mr. Speaker presented the motion.

MR. PAULLEY: Mr. Speaker, apparently following the remarks of the Honourable the Attorney-General we are not going to apparently find employment for an additional person here in the Province of Manitoba. I had thought that possibly with the adoption of the recommendation of the Leader of the Opposition that our unemployment figures may have been reduced by at least one.

I might say in reflection, Mr. Speaker, that I introduced a similar resolution to the one that I'm proposing this evening, just about a year ago. I did so at that time, and I asked that this House approach this very important problem with an open mind divorced of any political considerations whatsoever. I appeal to all to consider the seriousness of the situation and ask that everyone who took part in the debate in the House, that they should approach it only in an endeavour to make a contribution to have those who are suffering as a want of a job back to work, and I regret very much that two amendments were placed before the House for its consideration, which were of a political, purely political nature, and there the purpose of the resolution as proposed by myself was defeated. I am not going to make a similar appeal this year, but attempt to point out the fact that despite many rosy phrases that we hear from time to time from politicians and others, that here in Canada and here in Manitoba we are still facing a very, very grim situation.

This House has before it at the present time a resolution which suggests that a mission should journey from our province to other lands to consider what the effects of the possibility of Britain's entry into the ECM will be on the Province of Manitoba. I think that if we were to put the same amount of energies as we are apparently in this field that I have just mentioned, into returning the some 27,000 people in the Greater Winnipeg area that are unemployed, that we would achieve far more. We hear in the last few days that the unemployment picture has become better. The fact of the matter is that we have only reduced the unemployed numbers in the Greater Winnipeg area as of the figures contained in this evening's paper over last year by approximately 1,000. Despite the glowing verbiage that has been used by my honourable friends opposite on the Throne Speech of having a buoyant economy; despite the fact that they have told us that the future is bright, the grim spectre of unemployment is still with us and is still, in my opinion, the major problem facing the Dominion of Canada today.

I was somewhat amused -- and I don't think really, Mr. Speaker, a person should become amused when they're talking about the unemployment situation -- but I was somewhat amused when I received yesterday or the day before, an envelope containing a number of pieces of propaganda, emanating from Ottawa in the name of the Conservative Party of Canada.

MR. CAMPBELL: Why would they be doing that? . . . . .

MR. PAULLEY: It just so happened, Mr. Speaker, that a friend of mine readdressed this to me because he saw some of the same things in this amusing document as I did. The one that I have in my hand is called, "Ottawa Newsletter" and in parenthesis at the top of it is the lovely statement: "We have licked the recession, Honourable Mike Starr, P. C., M. P." Have we licked -- I don't think that it would be to the benefit of my friends opposite if I read and commented on it all -- have we licked the recession, Mr. Speaker, I ask? When according to the latest figures that I have before me for the middle of February, indicates that the number of unemployed in Canada represented 9.1% of the labour force in Canada. Is this licking the recession? Is there any justification for such nonsensical remarks emanating, and supposedly of coming from the Minister of Labour in the Dominion of Canada? Why, Mr. Speaker, it reminds me of the songs and the stories that we heard back in the '30's sung by Eddy Cantor and others: "Happy Days are Here Again", "Potatoes are Cheaper, Tomatoes are Cheaper, Now's the Time to Fall in Love" and such nonsense. I suggest, Mr. Speaker, that the same attitude toward unemployment is the attitude of the Conservative Party today, they're just simply hoping that something will happen. -- (Interjection) -- Yes, and they are

(Mr. Paulley, cont'd.) . . . . singing, and while they are singing such utter nonsenses I have just read, tens of thousands, hundreds of thousands of men who are desirous of jobs are on unemployment insurance until they have exhausted their rights, and then following that having to take relief in order to keep body and soul together.

Another emissary came here just recently, January 25th, another Cabinet Minister from Ottawa, the Trade Minister, Mr. George Hees, came here to open up the new regional office of the Department of Trade and Commerce in Winnipeg, and what was his attitude to the unemployment situation as quoted by Fred Cleverly in the Winnipeg Free Press, and I quote from this article. "Trade Minister George Hees, Thursday, blamed business and union leaders for Canada's present unemployment and trade problems and said Western Europe's prosperity was not the result of the common market, but had resulted from co-operation between European businessmen, labour leaders and their respective governments." No suggestion at all of co-operation of the federal government in respect of unemployment. Then he went on further in the article. Mr. Hees said: "That if Canadian business and labour could only learn to co-operate to make Canadian products the best buys, Canada would not have enough workers to fill the available jobs." He said that - "The Canadian government had offered the best co-operation with both business and labour, but unemployment and the trade problem would remain until business and labour was willing to work as hard as some other people to increase productivity in this country." He said, I repeat, that - "unemployment and trade problems would remain until businessmen and labour were willing to work together." I think that in that, Mr. Speaker, he is perfectly correct. I say that unless business and labour does solve the problem of unemployment it will never be solved because our Government at Ottawa is absolutely incapable of solving the problems that we are being faced with here in Canada, and in particular as far as we're concerned here in this Legislature in the Province of Manitoba.

We hear continuously of the need for capital investment in Canada in order to get the mills of industry rolling, but the fact of the matter is, due to the inaction of government that since 1957 from the coffers of Canada over 824 millions of dollars have been used in respect of unemployment insurance. Now my honourable friends might say to me, are you against unemployment insurance? My answer is definitely "no", but when one considers that from a fund which had almost a billion dollars in it in 1957 has now, by the end of February, been reduced to a fund of 104 millions of dollars in the meantime, and I cannot assess the loss of productivity of hundreds of thousands of men willing to work, that this government should be severely condemned.

MR. CAMPBELL: Hear! Hear! They will.

MR. PAULLEY: Yes, I believe they will. My friend the Minister of Industry and Commerce said his honourable friend is whistling in the dark. I say to my honourable friend he and his colleagues are just plain whistling without achieving the desires for Canada or for this province. I would suggest that if, since 1957, we were able to use this eight hundred millions of dollars that we've had to use for unemployment benefits for the establishment of industries and added to that the results of the productivity of those industries, we would have a far rosier and a far better economy in the province and in the Dominion today. And what is the present situation? Is it getting any better? I suggest not. As one reads the financial report and in particular those put out by the Ministry of Propaganda here in the Province of Manitoba, there seems to be a reliance placed on the rising economy in the United States over the past few months, but indications are from reports emanating from across the line that at the present time, once again, the rise in the economy in the States has remained level for the past two or three months and it is not advancing at all. Not advancing, Mr. Speaker, to the degree that the President of the United States the other day said that it will be necessary for them across the line to put an additional \$600 million into social projects in order to retain those that are working at the present time. And we here in Canada have been using the upsurge that they had a few months ago in the States as a basis upon which we could prophesy some upturn in the economy in Canada as a result -- but it has not happened.

It is true, Mr. Speaker, that one can look at the employment figure and say, "Well all right, let's forget about the numbers of unemployed, but we have more people at work now than we ever had before." The answer to that is obvious. It is so, because of the natural increase in the population of the Dominion. But notwithstanding this, Mr. Speaker, this is not

(Mr. Paulley, cont'd.) . . . . solving any of the problems of those that are unemployed and have been unemployed for a considerable period of time. As a matter of fact it will not be until the year 1965 that we will really feel the effects of a really large influx of young people, the products of the high birth rate after 1945, until the year 1965. The fact of the matter is that the rate of growth in Canada is not large enough even today to take care of a normal growth and when we have the abnormal growth as the result of the birth rate increase after '45 we'll be ever worse off. And mark you this, too, Mr. Speaker, this is during a period when the gates to immigrants are practically closed in the Dominion of Canada. We need more people here in Canada and yet at the same time we cannot take care of our own and thereby the combination of the two is stifling our greatness.

Now you might ask me can I give any indications of some of the causes of the unemployment? I would say that one of the causes of our increasing unemployment is automation. And just by way of illustration I would like to quote from the Canadian National Magazine called "Keeping Track" the October, 1961, edition. to just give a few illustrations of the effects of automation on employment, and this, of course, Mr. Speaker, is just in the railway industry itself. "Most affected by technological change in the 1952 to '59 period were maintenance of equipment employees. According to the Railway Association brief this group declined by 34.7%, largely as a result of deiselization, followed by way and structures people by a drop of 15.2%. Transportation employees down 13.9% and the work force in the general category down by 5.8%. Employment has also fallen with less upkeep required on modern freight cars. A rail-laying gang today is equipped with approximately 48 machines, where formerly 175 men were used in a gang, the same amount and better quality of work can be achieved with 80 men, or less than half the number. Similar labour reductions have taken place with the advent of new machinery for track ballasting and snow removal -- has reduced an average terminal gang of 60 to 100 men, to 20 men." And so on the story goes. And in respect of the closing of stations, the article says, "That during the period 1954 to 1959 the CN and CP have discontinued over 400 agencies, and removed 428 caretaker agents and caretakers, and this affects most of the rural areas. A sharp reduction in passenger train operations have reduced the numbers of sleeping, dining and parlour car employees by 17.6%."

These effects are not only true on the railway. The other day I read that Mr. George Aitkins, the Vice-President and Comptroller of the Great West Life Assurance, speaking before the Personnel Association of Greater Winnipeg, had this to say: "A large contingent of young women now working in business offices may be added to Winnipeg's unemployment ranks within the next few years." And so the picture goes. One could point out many illustrations of where the results of automation our unemployed ranks are being increased. I say, of course, Mr. Speaker, that the benefits of automation should accrue to the workers and that we should not fear automation, but the fact of the matter is, Mr. Speaker, that all it is being used for at the present time is to increase the number of our unemployed.

I appreciate, and I realize, that this is a tremendous problem and that we must find solutions for it. I looked with interest back last November to a national TV debate between the Premier of this province and Mr. Walter Gordon, who is a very prominent Liberal. They were attempting in the debate to consider solutions for unemployment, and I want to quote from the article, as contained in the Winnipeg Free Press of November 6th, 1961. "Manitoba's Conservative Premier and one of the Liberal Party's top brain trusters got together Sunday to discuss unemployment and found themselves in surprising agreement." I would say as an aside, Mr. Speaker, it was no surprise to me that they would be in agreement because on this there's not much difference between the two of them. The article then goes on to say, "Premier Duff Roblin and Economist Walter Gordon met on a CBC Citizens Forum TV Project billed as a national debate. The discussion produced no sharp disagreements. Mr. Roblin said one weapon against unemployment was to increase sales in both the home and export markets. I ask you, how can 800,000 unemployed people help to increase the sales in the Dominion of Canada when they haven't sufficient money to purchase the necessities, let alone anything else? The article then goes on to say, "Mr. Gordon said interest rates should be lower. Mr. Roblin said he couldn't agree more. Mr. Roblin suggested that a fund be established to lend money on easy terms to municipalities for useful projects. Capital idea, said Mr. Gordon. In fact he would propose such a matter to Ottawa." Neither one came anywhere near close of

(Mr. Paulley, cont'd.) . . . . having a solution to the problem.

I would suggest, Mr. Chairman, that the President of the John Inglis Company had a better solution toward it and I'm sure that Mr. Stiles, the President, is not a member of my political party, but he stated in an article which appeared in the Electrical News and Engineering in July, 1960, the following: "With our present rate of unemployment we are unable to find full employment even for our natural growth of population. The basic reason for this is that as a nation we continue to direct our economic policies exclusively to-selling abroad of our surplus agricultural and primary resources, without any regard to the fact that these industries only employ a relatively small and declining percentage of our population. Our national policies have completely ignored the fact of employment opportunity for a high rate of population growth, can only be found by developing our secondary productive industries and as a consequence the service industries which will grow with an increasing population." And I think, Mr. Speaker, that this particular gentleman hit the nail on the head when he stated that we must lay ever more emphasis on the development of our secondary industry in the Dominion and in the province in order to create more employment for those who need work.

I would suggest, Mr. Speaker, that we should give serious consideration to a proposal which has been suggested by we of the New Democratic Party, that the government should undertake and give great consideration to the guaranteeing of full employment to every person in Canada over a number of approximately three or four percent of unemployed, which is considered as normal. Under a scheme such as this it would be considered that the government would absorb at full wages those who became unemployed and can't find work through no fault of their own.

I suggest, and while time does not permit me to go into all of the details of this matter tonight, Mr. Speaker, and I am sure some of my colleagues will be developing this further, that this would be a proper approach. I suggest, Mr. Speaker, that the approach of the Canadian Chambers of Commerce is that of the approach that we've had over the years that has continuously added to the number of unemployed that we have at the present time.

I have here in my hand a very beautiful looking piece of literature that came my way the other day entitled "Operation Freedom" produced by the Canadian Chamber of Commerce and stated to be a program of action for all Canadians. It says that the purpose of this program is to rouse Canadians from apathy and indifference into action against the growing threats of socialism and communism; to inform Canadians of the freedoms enjoyed under the democratic form of government and under the economic system of private competitive enterprise. I suggest to you, Mr. Chairman, and to all of the members of the House, that under this so-called economic system of private competitive enterprise, that we've got the situation that we have before us tonight, with one in ten practically of our workable comrades and friends out of a job. I suggest, Mr. Speaker, that we have tried continuously these efforts. I suggest that contrary to the statement contained in this epistle from the Chambers of Commerce, the Chamber believes that one of the basic aims of public policy should be the maintenance of personal freedom. I suggest as an alternative, Mr. Speaker, that one of the basic aims of public policy should be to maintain full employment of those employable in the Dominion of Canada.

I regret, Mr. Speaker, that the hour of closing is before us now -- (Interjection) -- and I'm sure that the members of the House do not want to listen further. The reason that I took this time to introduce this resolution to the House is because of the fact that I think that it is one of the most important problems that is facing the Dominion of Canada and this province today. The Minister of Industry and Commerce has set up a committee on Manitoba's economic future charged with the responsibility of telling us within the next 18 months, as to how we can find jobs for 40,000 additional people by the year 1970. I suggest that it's not just a question of finding 40,000 new jobs by 1970, because the figures are only based on normal growth. I suggest that the figure is more in the neighbourhood of 67,000 if only you add those that are unemployed in the Greater Winnipeg area today. I suggest that because of the fact that this is -- the committee alone is going to cost the respective contributors to the fund, be they public or private, a sum in excess of \$600,000.00. That if we can spend this amount of money and feel that we have to spend this amount of money in the Province of Manitoba, to find 40,000 additional jobs by 1970, how much greater a job it will be, and should be, for the Government of Canada, in co-operation with the provinces, to find jobs for the presently 583,000 unemployed

(Mr. Paulley, cont'd.) . . . . that we have in the Dominion of Canada at the present time.

I make no apologies, Mr. Speaker, for introducing this resolution for the consideration of the House and I respectfully request that the members give the matter their full consideration and bring forward proposals that will assist in solving this very vital problem.

MR. SPEAKER: Are you ready for the question?

MR. LISSAMAN: I move, seconded by the Honourable Member for Morris, that the debate be adjourned.

Mr. Speaker presented the motion and after a voice vote declared the motion carried.

MR. ROBLIN: Mr. Speaker, before the House adjourns I would like to announce that the Law Amendments Committee will meet on Friday morning at 10:00 o'clock in the usual place.

I beg to move, seconded by the Honourable Minister of Industry and Commerce, that the House do now adjourn.

Mr. Speaker presented the motion and after a voice vote declared the motion carried and the House adjourned until 2:30 Thursday afternoon.