

**LEGISLATIVE ASSEMBLY OF MANITOBA**  
**THE STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS**

**Tuesday, 14 October, 1980**

**Time — 10:00 a.m.**

**CHAIRMAN — Mr. Arnold Brown**

**MR. CHAIRMAN:** Gentlemen, the hour being 10 o'clock, we have a quorum. The purpose of this meeting of the Committee of Privileges and Elections is to consider the matter of the resolution by Mr. Boyce, seconded by Mrs. Westbury, which carried in the House and was referred to this committee by the Legislature. I would like to read the resolution.

It was moved by the Honourable Member for Winnipeg Centre, seconded by the Honourable Member for Fort Rouge:

WHEREAS there appears an allegation published in the July 8th edition of the Winnipeg Tribune that "Legislative Counsel R. H. Tallin and Deputy Legislative Counsel, A. C. Balkaran, participated in political debate Monday during committee review of a bill introduced by Mr. Mercier", and

WHEREAS such allegation reflects on servants of the Legislature,

THEREFORE BE IT RESOLVED that the allegations are referred to the Standing Committee of the Legislature on Privileges and Elections and

BE IT FURTHER RESOLVED that the committee be empowered to examine and enquire into all matters pertaining to the allegation and things as may be referred to them and to report from time to time, their observations and opinions thereon, with power to send for persons, papers and documents and examine witnesses under Oath.

We have all had a chance to peruse Hansard. The meeting has been called and I would now say that the meeting is open for discussion.

Mr. McKenzie.

**MR. J. WALLY MCKENZIE (Roblin):** Mr. Chairman, I think the committee should decide if the proceedings of this meeting are to be transcribed and I will so move.

**MR. CHAIRMAN:** We have a motion that the proceedings of this meeting be transcribed. All those in favour? (Agreed)

Mr. Doern.

**MR. RUSSELL DOERN (Elmwood):** Mr. Chairman, I would like to speak to the matter before the committee. First of all, I think that it was in fact a correct decision of the Legislature to refer the matter to a committee as opposed to spending a great deal of time debating the matter, thrashing it out in the House. I think we could have done that and we could have decided it, but I think that there were more pressing matters in fact before the Legislature and the business of the people than to deal with this particular matter.

One opinion that I would be very interested in hearing comment about from other members of the committee were perhaps some observations of

people who were actually present at the time when the remarks were made by the Honourable Member for Wellington as to whether or not, in their opinion, the Legislative Counsel and his assistant did engage in what might be construed as political debate.

I have sat in this House for some 14 years and I cannot recall — I could be mistaken but I cannot recall — any instance when I thought that civil servants of any stripe were in fact engaging in political debate, and I think that I am probably correct in that because I cannot recall ever seeing a civil servant challenged as going above and beyond his responsibilities and I, for one, wouldn't tolerate that. I would think that is in fact totally unacceptable for a member of the Civil Service to engage in partisan debate. It would obviously be against the opposition and the opposition, whichever opposition there was at the time, would undoubtedly be very jealous and very exercise and would clash with whomever that might be.

Knowing Mr. Tallin, having seen him in operation for a number of years, I find it hard to believe that he or Mr. Balkaran would in fact engage in this particular activity because I know, in the case of Mr. Tallin, that he is a competent official of the highest kind and one who is experienced, well liked, and well respected. I cannot see him doing this and have not witnessed him doing this to date. I would be interested in that particular point, Mr. Chairman.

I would then like to comment on the comment made by the Member for Wellington in the sense of his observation about this particular matter because he is quoted as saying that there should be a distinction between politicians and administrators, which is correct, and that he felt or at least the reporter said that he felt or suggested that they were in fact engaging in political debate.

Mr. Chairman, I think in the case of my colleague, the Member for Wellington, I assume that he made an observation that he didn't like the fact that the Attorney-General wasn't present, and I think that some of us have complained about that before and the question is whether he did in fact correctly construe the situation or whether he did not. That is, I think, one of the issues before us and I would like to go back to that in a moment.

I think that the opposition has a legitimate complaint about the performance of the government in regard to the Attorney-General and I want to just deal with one aspect there and that is the fact that I believe the Attorney-General is overburdened. This is not the first time I have said this. I said this at the first formation of the Cabinet in the first session of the new administration, that the Attorney-General has too many responsibilities and nobody can undertake that kind of an onerous assignment. I don't want to start dwelling on his performance to back that up but I say that he is overburdened and that perhaps is one of the reasons for this incident. Namely, because his commitments, because of his obligations on a national as well as a provincial scale, he was out of town and to a certain extent

perhaps he was being replaced by a civil servant, in the sense that he was not there to answer and in the sense that answers were being provided by Legislative Counsel. I think that we in the opposition can certainly confirm that there is a lack of judgment on the part of the First Minister in overburdening some of his ministers and perhaps under-utilizing other members of the front bench or the back bench.

Mr. Chairman, I think the other interesting point is the reporter. In this particular case, Robert Matas, who is a wellknown legislative reporter, who now ironically is no longer with the Winnipeg Tribune because the Winnipeg Tribune has unfortunately been wound up. I guess the question there is, was the Member for Wellington accurately construing this matter or was he misleading or making irresponsible comments. I guess, similarly, the same questions pertain to the reporter. Was he, in fact, accurately reporting what the Member for Wellington said or was he inaccurately reporting what he said?

I'm reluctant, as a member of a committee, to sit here and to make judgments, as a member of the committee, on the performance of the working press. I'm certainly prepared to do that as an individual. I'm certainly prepared to think certain opinions and to express certain opinions in the House, outside the House, as an MLA and as an individual. But I am not prepared to sit on a committee as a truth squad, as a tribunal, and make judgments about the accuracy or otherwise or the working press because I opposed, and I still oppose and will always oppose, that sort of arrangement in regard to members of the Legislature.

This suggestion came forward by the Attorney-General in his election bills which suggested that if an MLA in fact uttered a falsehood, or whatever, that he could be hauled before an enquiry of some kind and then judgment would be passed. Then a sentence of some kind would be, in effect, given and some sort of punishment meted out, like losing your seat or being barred from elections, or whatever.

I certainly think that was a moment of madness. It was demolished by the Member for Inkster, who spoke right at the beginning of the debate. I had spoken on that previously, including when the Attorney-General intimated that he was going to do that a year ago, during the by-elections. I thought that was madness at the time and I was aghast when he actually carried out that apparent threat. And so now we're confronted with a similar situation of whether or not a committee of the Legislature should set itself up to pass judgment on the truth-telling ability or the judgment of the press. Mr. Chairman, if we did that I suggest that we would have to sit on a daily basis, to carefully read the newspapers and to decide whether or not we approve of the political comments and observations that are made in our province.

I can tell you that there are some writers in this province who would probably spend all their time before the committee defending their columns. I could certainly name some people who don't seem to be able to make accurate comments or intelligent comment, but I don't believe that a committee of the Legislature should pass judgment on whether or not that is so. If a politician is unfairly attacked, or a falsehood is made by a member of the press, I

assume that there are courts for slander and things like that. I assume that politicians and people who are unfairly attacked or criticized can respond. It's sometimes difficult but they can respond. They can write letters to the editor; they can put ads in the paper; they can talk to the editor; they can talk to the writer. Maybe they can even take the editor out for lunch, if they are on good terms. That's been known to have happened with this particular administration.

So I say that if Mr. Matas was accurately reporting what Mr. Corrin said, then who can fault him? If Mr. Matas was inaccurately reporting what Mr. Corrin said, then I assume that Mr. Corrin can complain, or could have complained, or should have complained about that matter, but I never heard him say anything. I don't recall him questioning or challenging the veracity of the report that appeared in the press.

I conclude on this general basis, Mr. Chairman, that if an MLA utters a falsehood or makes a false statement, then I don't believe that a committee of the Legislature should haul him up, call him on the carpet and demand a retraction. I don't recall that being done. It is a very serious matter to mislead the House, assuming anyone has done that, at any time — a very serious matter — but what is the reaction to that. You know, that's a question of ethics. That's a question of true and false, truthness and falseness, etc., etc., and it seems to me that ultimately any MLA has to go before the electorate to seek re-election and has to put his record on the line, and if a person is known as one who is an effective MLA they will be re-elected and if they are known as somebody who is not effective or has a peculiar background, although we have some outstanding peculiar MLAs who are unbeatable at the polls, maybe that's why they're unbeatable. But if a person has a question mark behind their name in terms of their ethical responses and their trustworthiness, then they are in serious trouble.

So I'm simply saying, Mr. Chairman, if I can try to just summarize it, that Mr. Corrin, the MLA for Wellington, may have been providing his observation on the performance of the Attorney-General or he may have felt that the Legislative Counsel and staff were going too far in terms of participating in the discussion. That may have been what he expressed. I think observations on that may come from members of the committee but surely we cannot call the MLA from Wellington here and demand that he defend his comments. I mean, we all make statements. Some of them are matters of opinion, some of them are questions of fact and some of them are questions of judgment, but I don't believe that this MLA or any other MLA should be hauled here and made to testify, as in a court of law, about making a statement or a comment or a judgment of that kind, whether he was right in doing that or whether he was wrong in doing that, either way. Secondly, in terms of the reporter, if the reporter simply reported what that person said then how can he be faulted; if he inaccurately reported it, then I think there are ways of dealing with that. Namely, the MLA could have responded; perhaps the Attorney-General could have responded on behalf of Legislative Counsel. There are letters to the editor. There are press conferences. There are public statements. There are paid ads. There is debate in the Legislature. There

are points of privilege, etc., etc., etc. There are ways of responding when dealing with a matter like that, but certainly this committee should not set itself up as a court upon which to pass judgment on the accuracy or otherwise of the press. I think that would be a dangerous precedent and I would fight it down the line.

So I simply say, Mr. Chairman, that I think that the whole question or case should be dismissed.

**MR. CHAIRMAN:** Mr. Mercier.

**HON. GERALD W.J. MERCIER, Attorney-General (Osborne):** Mr. Chairman, first of all, having heard Mr. Doern speak to this matter, I wonder why he in fact voted for the resolution itself in the Legislature as part of the unanimous vote that supported it.

Mr. Chairman, he has referred to me, and let me say to him that whilst I was absent the first three weeks of July during portions of the week attending the Ministerial discussions on the Constitution, that was also the case in a number of other provinces whose Legislatures were in session and where their Attorney-Generals attended the meeting. They were very unusual circumstances, obviously, Mr. Chairman, but it was a problem that not only I had but that other people in my position in other provinces also had.

Mr. Chairman, I think the issue before us is, as the resolution states, whether Legislative Counsel participated in political debate. I don't think the issue is whether I placed him in that particular position. If it were, I want to say to the committee that I would probably firstly want to resign from the committee because I don't think that I should, in that case, be part of the discussion if somehow it involves me. But from my reading of the resolution it would appear that it's the allegation that Legislative Counsel participated in political debate that is the issue before the committee. If any member feels it goes further than that and involves me, then I would like to know from them so that I can resign from the committee.

Having said that and if that is indeed the issue, Mr. Chairman, I have reviewed Hansard. I have reviewed comments of other members that were made in the Legislature speaking to this matter, including the Leader of the Opposition, who appeared to indicate that in no way did the opposition want to associate themselves with any criticism of Mr. Tallin and Mr. Balkaran. It's my suggestion that the committee can resolve this matter simply . . . Everyone having reviewed Hansard, as I am sure they have, the committee could simply find that Legislative Counsel did not participate in political debate, period, and that ends the matter and I don't believe there is any need to go further.

**MR. CHAIRMAN:** Mr. Miller.

**MR. SAUL A. MILLER (Seven Oaks):** Thank you, Mr. Chairman. Mr. Chairman, a question was raised by Mr. Mercier as to why the House voted as they did. I have the proceedings here. Apparently it was 43 to nil and although I was not in the House at the time I believe this matter was raised at the first opportunity after the incident, which means, as I recall, it was raised the day of the newspaper story,

the day after the event took place. There was no Hansard, there was no printed record, there was nothing, and so the House went along but I think the Speaker's Ruling, which was simply that this motion was in order, by the Member for Winnipeg Centre, and that the Speaker sought legal advice and that it was his opinion that there is a possibly of a prima facie case. And so, on that basis, he simply had a leave it to the House and I guess the House felt, since the Member for Winnipeg Centre had raised it and it was in order, that they would support that motion.

Subsequently, of course, we have received the copies of Hansard, of Law Amendments of Monday, July 7th and the Hansards of Wednesday, July 9th and again of July 10th, when the Speaker brought down his ruling. So as to why the House voted, I suspect everyone who was there — as I say, I didn't happen to be in the House at the time — but of the 43 who voted for it, I think they voted not on the basis of the allegation made but simply on the fact that a member had raised a case which the Speaker ruled was a possibility of a prima facie case. And so the Speaker properly ruled that the motion was in order and I guess the House felt that rather than appear to thwart a member's desire to have this matter looked at, it went along with it, and I see nothing wrong with it. However, having now looked at Hansard, I have to tell you that reading Hansard I can see nothing within Hansard which relates to the article itself, except by perhaps innuendo or suggestion.

The story quotes Mr. Corrin as making certain statements. Those statements do not appear in Hansard. Now, it is true he may have said them out loud, either before the meeting, after the meeting and during the meeting but they were not recorded and what's not recorded I don't know. But basically what is in Hansard, I have to tell you that I can see nothing in here which would encourage me or in any way make me agree that the members of staff were involved in political debate.

We have to realize that the days are long during sessions. July, as I recall, was somewhat warm in those days, a little warmer than it is today, and this could well be the Member for Wellington's interpretation of what occurred. Because in Hansard itself he does make reference — as I say, obtusely perhaps, but he does simply indicate that he feels that . . . He makes a comment here, do we understand ourselves since Legislative Counsel has been so kind as to take the stand as it were. He may have felt at the time that perhaps Legal Counsel, because of Mr. Mercier's absence, was involving himself more directly in debate than normally would occur.

I know this has happened in the past and, at the time that it occurred, I know that opposition generally were not favourable to that occurrence. Nonetheless, it has happened in the past; it will happen again. But what I think counts is this: The printed record does not, in my view, indicate a political involvement. What is the wording there? It is not the staff's job to account for the operation of government and defend a bill. Take that as you want.

On the other hand, I feel that insofar as the suggestion by my own colleague, the Member for Elmwood, that Mr. Mercier is overloaded or his work

is overloaded, now I leave that to the government to decide and that's not my concern, not my business at all. If they want to have one Minister and 15 portfolios under that Minister, that's their privilege and that's their business. I wouldn't fault them for it. I will criticize them for it but that's not going to affect my vote on this issue.

Mr. Chairman, I think that this matter was brought to us . . . In my view, as I say, I looked at it. I see nothing in here which would tempt me or prompt me to vote a censure against anyone, certainly not the reporter. Because on the basis of the report the statements attributed Mr. Corrin are put in quotation marks; those statements do not appear in the printed Hansard. They may have been said off the cuff, perhaps, I don't know. But I'm not prepared to pursue it any further.

I would remind all members that over the many years — and I have been here many years; perhaps too many years — many things have been said in the heat of a moment by many people. I have sat through times when I thought the staff was being criticized, very definitely criticized, because in their explanations they seemed to favour the position taken by government, but Legislative Counsel is here to give his views when asked. In this case I believe he was asked, and I think it is proper and it's in order. As far as the criticism that the press somehow said something they shouldn't have said, I have to accept the fact that the reporter in question has been around for many years. He, like anyone else, including myself, can sometimes misinterpret what is said, but when he in fact attributes definite remarks to a member then I have to assume that those remarks were said, even though they might not be in Hansard. However, I am not in a position to question it because they are not in Hansard. For that reason, I would agree with Mr. Mercier that the matter has now been brought before us, we have looked at it and that's as far as I'm prepared to go on this matter.

**MR. CHAIRMAN:** Mrs. Westbury.

**MRS. JUNE WESTBURY (Fort Rouge):** Thank you, Mr. Chairperson. I was present at the committee meeting which set off this whole debate and I have to say that I did not, myself, feel at the time that . . . Acknowledging that I am relatively new in this forum but I have had a number of years at City Council working with public servants, I did not feel that they were participating in political debate. If I had felt that I would have said so at the time and at the table.

As far as the press representative is concerned, I imagine that he was doing his job as he saw it. I notice that the words "participated in political debate" were not attributed to Mr. Corrin. They came in the form of comment by the reporter. I think perhaps they were ill-chosen words. However, I agree with Mr. Doern that, as MLA's, we perhaps shouldn't be commenting or judging the competency of the reporter.

Personally, I am sure we will all use our own judgment as to how far any reporter is going in using editorial comment vis-a-vis objective reporting in their columns, but surely that's the responsibility of their employers, if they are going too far in any one

direction. I would think it would be appalling for us to attempt to cross-examine this reporter.

As far as the motion on the floor of the Legislature is concerned, I have to say that if the press comment had remained unanswered — and I remind members that no one came forward to defend the two civil servants concerned on the floor of the House, publicly, as far as I was aware — if we had left it unanswered it would have stood forever against the reputation of the two individuals of the Legislative Counsel, and if anyone else in the government had defended them against the allegation then the resolution would not have been necessary.

I believe the resolution was necessary and I seconded the motion in order that their reputations may be cleared and this mark wouldn't have stood against them forever. Personally, I would be quite happy to have no further action taken. I am not sure what the proper way is, but I want the reputations of the Legislative Counsels cleared and I will support any motion to do so. I am not a member of the committee so I can't propose anything myself.

**MR. CHAIRMAN:** Mr. Enns.

**HON. HARRY J. ENNS (Lakeside):** Mr. Chairman, there seems to be a disposition on the part of members of the committee that the matter before us can be dealt with reasonably expeditiously. There seems to be general agreement that the public service staff involved were not in fact engaged in what was suggested by a Member of the Legislature and reported as such by a member of the media. I don't think there is any need to prolong the discussion on this matter much longer. We have agreed, or at least there seems to be agreement, that members of the Legislative Assembly staff did in fact not participate in political debate. But I would certainly want to see, implicit with that agreement, that the suggestion that the Attorney-General of this government, placed in the accusation, in the charge that the Attorney-General of this government placed members of the public service in that position is also automatically refuted when the committee, in fact, takes this position. I think, while the Attorney-General may be too modest to say so on his own behalf but that is certainly the accusation or the allegation that concerned me as much as anything else in this whole matter. I was not a member of the committee. I do not speak from firsthand knowledge, but I would take it that the accusation made by the Honourable Member for Wellington that the Attorney-General has placed the government staff in an unfair position is hereby withdrawn or perhaps should even be apologized for, and certainly the record of this committee would not be complete. If we are acknowledging that in fact the public servants in question did not participate in political debate, then the allegation is obviously unfounded and in fact should be withdrawn.

Thank you, Mr. Chairman, for allowing me to put that on the record.

**MR. CHAIRMAN:** Mr. Boyce.

**MR. J. R. (Bud) BOYCE (Winnipeg Centre):** I, like Mrs. Westbury, am not a member of the committee, Mr. Chairman, but as the mover of the motion, when

it was announced that the committee was meeting, I attempted to write you a letter, but when I got up to 15 pages I quit and I ripped it up.

At the present time, there is much to do about rewriting the Constitution and, regardless of what kind of system is evolving, it will depend upon the people to make it operate. And the functioning of our system, of our Legislative system, is such that it is necessary and was necessary, in my judgment, in rather short notice to give notice that the servants of the Legislature are entitled to our support and our protection from irresponsible statements, and that the government should be able to rely on the support of the House to function as a government. Because regardless of the stripe of the government, it will be necessary from time to time for ministers to be absent and for the legislative process to take place it has traditionally — at least up until this time — been the case that precious little comment is made about the presence or absence of any Minister of the Crown when they're out of the province on government business. As I say, from time to time there has been, but nevertheless this is somewhat restrained and we have to restrain ourselves. But to make this system work, Mr. Chairman, it takes all of us — I know over the last 12 years that I have been here I have been accused of waxing philosophically at times. Perhaps it is because I'm from the generation that was inculcated with the principle that you stick your finger in the dyke when the system is being eroded.

I agree with Mr. Enns that it can be dealt with expeditiously, and I think that which was desired to be accomplished has been accomplished, albeit some of the motives that were attributed to me as the mover of the motion, during debate in the House and outside of the House, that Legislative Counsel has the support of the House. Hansard has been reviewed by all people and there is nothing in there which can be construed as entering into partisan political debate.

The Leader of the government, the First Minister, said in the House, which is on record, that Legislative Counsel has the support of the House. The Leader of the Opposition says that Legislative Counsel has the support of the House. The Liberal Member of the House has said that she has seconded this motion and agrees with the principle that the Legislative Counsel has the support of the House. I agree with Mr. Doern that nothing can be accomplished by calling for an inquiry.

If I may go back just a bit, Mr. Chairman, I deemed it necessary, rightly or wrongly, that it was necessary at this time to point out to people, just what is involved in the legislative process. If you recall, one of our colleagues was fined 1,000 for being in contempt of a court, because he said the particular judge, in his opinion, didn't agree with him, and he was fined because he was held in contempt. People should be aware that they have to bear the responsibility of their actions and that there are certain avenues open to the legislative process; not the politicians, I don't think that anything which is said about politicians — well, short of libel or slander — should be questioned by a committee such as this but, nevertheless, the protection of the system. I believe it is in the public interest that the public be reminded that this power does exist, and it

was for that reason that I couched the particular resolution in the terms that are applicable in such cases: The powers to send for papers, and call for witnesses and everything else. That power does exist with the committee. But that doesn't necessarily mean the committee should use it, and I think in this particular case it would have served no purpose by using it.

The case has been made that Legislative Counsel did not participate in partisan political debate, so I would suggest, Mr. Chairman, that a resolution to the effect that Legislative Counsel was not involved — neither were involved in partisan political debate — and report that finding of the committee to the House.

There is another case, I understand. I saw on the news last night that the committee was going to consider a reference by the Speaker to a wiretapping case. This was carried on CBC news last night. And I don't want to be out of order by talking about that, Mr. Chairman, but to refer to a document which was promulgated to all members, with a reference to another case of wiretapping, which was referred to a committee of the Legislature. The committee decided that the RCMP was in contempt, but nevertheless the committee was not going to take further action because they believed that the process which was followed was done inadvertently; technically they may have been in contempt but they were going to let it lie.

So this particular legislative committee has as its disposal a number of alternatives. I would say that the wisest and most prudent decision of the committee would be to the effect that Legislative Counsel did not participate in political debate, and in all other matters remain silent and leave it to the public to decide.

**MR. CHAIRMAN:** Mr. Corrin.

**MR. BRIAN CORRIN (Wellington):** Thank you, Mr. Chairperson. I, too, am not a member of this particular committee but I made a point of coming this morning because, of course, I was closely involved with the subject matter of the resolution and was indeed a participant of the Law Amendments Committee meeting of Monday, July 7th.

Mr. Chairman, I would first indicate that I respect the right of my fellow MLAs to support the resolution and, for that matter, I accept the comments made by Mrs. Westbury, presented by way of explanation of her support for this particular resolution, as I think it is indeed important that the reputations of Legislative Counsel be maintained unimpaired and unimpuned, and certainly not be the subject of political allegation, speculation or interference. Mr. Chairman, I want to say that from the outset in order to be clear or to make clear my perception of the responsibilities of MLAs with respect to upholding the process and maintaining the dignity of the offices of that particular position.

Having said that, Mr. Chairperson, I would indicate that, of course, was the concern that has caused this rather acrimonious situation to arise. I, Mr. Chairperson, felt that the Counsel were, on the evening in question, put in a difficult situation. I feel that the government exposed Legislative Counsel to questioning and examination that was, in the

circumstances, not in keeping with the usual responsibilities of those civil servants. As you know, Mr. Chairperson, Legislative Counsel are probably in one of the most awkward positions of any members of the Civil Service. That is the case, Mr. Chairperson, because they are responsible not only to the government but equally so to the members of the opposition. Their office is accessible to all members of the Legislature and indeed, Mr. Chairperson, that must be so and they must responsibly serve all parties in an impartial and unpartisan manner and, Mr. Chairperson, this is very difficult to do when accountability is not clearly perceived to be within the responsibility of the government benches.

On the evening in question, Mr. Chairperson — and I am not going to delve into too much detail, Mr. Chairperson, because I think before we do that the committee has to decide whether or not they want to proceed with the inquiry — but on the evening in question the Honourable Attorney-General was out of the city. As we all recollect, the month of July was a very tedious, very hectic time. We were in Speed-up and there were, at that time, ongoing Constitutional talks which I believe on the evening in question necessitated that the Attorney-General travel to Ottawa for discussions with colleagues there.

In any event, Mr. Chairperson, Mr. Minaker, the Minister of Community Services, was the only Minister present at the committee meeting on that particular evening. We dealt with several bills. Among them — and I think this is the bill that provoked the controversy and most of the discussion — among them being The Law Fees Act. This was Bill No. 12. In the course of the discussion — for those who wish to review the Hansard, the debate commenced at Page 79 — there was some controversy as to who was responsible for responding to questions placed by the opposition to the government side. At Page 85, it was actually my colleague, the Member for Brandon East, Mr. Evans, who challenged the Chairman of the meeting, asking for clarification on this important point.

Just to read from the record, Mr. Chairman, so we can all understand what happened, Mr. Evans asked whether the Minister could advise what sort of moneys we were talking about with respect to a certain provision in the bill. Mr. Minaker, attempting to answer that question — and I should say that preceding this, Mr. Evans, myself and Mr. Tallin had engaged in lengthy question and answer — Mr. Minaker indicated that it was his understanding that the costs were, to a certain extent, in order. Mr. Evans then asked whether the asking Minister had any idea, and I'll just repeat it for the record. He said, "Does the Acting Minister have any idea in terms of", and then there is a non sequitur. I think there is an error in the reprint and it says, "in terms of (blank) and this I can appreciate would be an estimate (blank) of what sort of . . ." I am just reading directly; I think there are typographical errors there. And then the Chairman interjects and says, "Mr. Evans, maybe the record shouldn't," it says "know" but I am sure it should say "show he's the Acting Minister." And then it says, "He's not the Acting Minister. The Minister is in Ottawa. He's just filling in trying to answer some questions with the help of the legal counsels around the table." Mr.

Minaker says, "Well, I'm the Acting Minister while he's not here." Mr. Evans says, "That's fine. But, Mr. Chairman, I always thought there was an Acting Minister." Mr. Chairman says, "Well, it's not him."

So we have an embarrassing controversy between Mr. Minaker and the Chairman and Mr. Evans as to whether Mr. Minaker is charged with the responsibility of an Acting Minister or not, with Mr. Minaker saying it's all right and the Chairman saying, no, he's not, and Mr. Evans trying to ask some questions and gather some information in the usual manner.

Mr. Evans says, "There's a first acting, a second acting. At any rate the Minister is now taking responsibility. How shall I refer to him, Mr. Chairman?" And Mr. Chairman says to him, "The Minister of Community Services would be acceptable." Then Mr. Evans goes on to ask some questions of him and Mr. Chairman replies, "Put in an Order for Return, sir, we don't have that."

It's clear that the Chairman on that particular evening was not inclined to have any member of the government side recognized as an Acting Minister. In any event, it went on like that. Then there was lengthy questioning. The questions after that were, by and large, directed to Mr. Tallin and, by and large, there was an indication that a good deal of the information was not available till the Minister returned. As a matter of fact, by mutual agreement, several bills were not dealt with that evening until the Minister did return to reply to the opposition member's questions.

I wanted to go into that background, Mr. Chairperson, because as I said, it's very important that we understand the function of Legislative Counsel and I think it's also important that we understand the position they were put in on that particular evening. They were being supportive. They were assisting. They were being helpful. They were inclined to do their utmost to expedite the proceedings on the evening in question and that, Mr. Chairperson, I think is to their credit. The problem, Mr. Chairperson, from our point of view, is that we felt — at least I felt, and I think Mr. Evans must have felt the same way, judging from his comments on the record — that they were indeed being put in an unfair position because they were having to extend themselves somewhat further than they normally would have to, and they were having to do so, Mr. Chairman, because there was no recognition of anybody formally acting in the capacity and position of Acting Minister and the Minister was indeed not at the meeting, as is usually the case.

Mr. Chairperson, because we are dealing with a very special class of civil servant, we felt that it was unfair of the government to put them in any such position. Normally, Mr. Chairperson, Legislative Counsel restrict themselves very strictly to answering questions which are solely of a legalistic nature. Normally, Mr. Chairperson, I don't think anybody would anticipate, nor would anybody desire, that they participate in debate which goes beyond giving purely objective legal information or interpretation relative to a very specific provision in a bill or Act. That is not our desire and in my three and a half years experience or three years experience, Mr. Chairperson, this particular situation was, I think,

virtually unprecedented. It had never happened before.

Having happened, Mr. Chairman, I say once is enough, and I believe that it should never happen again. And that, I think, is one of the recommendations that should emanate from this particular committee meeting. It's my feeling, Mr. Chairperson, that if this situation is to arise again because of Ministerial absences or the predilection of certain ministers to place counsel in that situation, then it's my feeling that there should be a recommendation on the part of this committee as well that the opposition be given their own Legislative Counsel, responsible only to the opposition, so that there is a clear division of responsibility vis-a-vis the members of that department.

Mr. Chairman, this has been requested. I know that the Member for St. Johns, Mr. Cherniack, has I believe informally requested the government look into this matter. I know that I have considered that matter with members of my caucus and, as far as I know, there have been some informal discussions that have transpired in this regard to date and that there is a desire, if possible, because of the workload, Mr. Chairperson — not because of the problem of conflicts of interest, but rather simply because of the heavy workload that has been put on the shoulders of Legislative Counsel — there is a desire on the part of the opposition to have independent support services from that office so that we have at least one civil servant . . .

**MR. CHAIRMAN:** Mr. Enns, on a point of order.

**MR. ENNS:** Well, I just don't know whether I want to sit at this committee, and have a member of the committee, a member of the Legislature, speak strongly in defence for having some independent resource people working in this area. It's my belief is that is precisely what we have.

**MR. CORRIN:** What's the point of order?

**MR. ENNS:** Well, an accusation that the member is making that the Legislative Counsel is not acting in an independent fashion . . .

**MR. CORRIN:** No, I didn't say that.

**MR. ENNS:** . . . and I object to that, Mr. Chairman, I thought the committee, prior to the Honourable Member for Wellington's arrival here this morning, had just about agreed to the fact that the Legislative Counsel in this instance, or the instance before us, had in fact acted appropriately, independently. This plea for independent Legislative Counsel is now highly out of order and it's a direct reflection, once again by this member, on the part of members of the public service that have served this Legislative very well.

**MR. CHAIRMAN:** Mr. Doern.

**MR. DOERN:** Mr. Chairman, on the point of order, I believe that was not a point of order. It was an opinion.

**A MEMBER:** Well, there was no point of order.

**MR. CHAIRMAN:** Mr. Corrin.

**MR. CORRIN:** Yes, notwithstanding the hyperbole, Mr. Chairman, expressed by the Member for Lakeside, the Minister is misdirecting himself if he thinks I'm challenging the integrity of the Legislative Counsel's office. That is not so. I'm just indicating that we found last year, as a result of the very heavy workload and the time limitations that were pressed upon us by Speed-up, that it was very difficult although, Mr. Chairperson, I want to make it clear that Legislative Counsel did their utmost to service us and, to the best of my knowledge, did so adequately. To my knowledge, there was only one item that was left undone by the Legislative Counsel's office and that was with the consent of the member and, to my knowledge, that was only the freedom of information bill that the Member for Transcona wanted to have presented in the course of this session. But I've checked with him and he tells me he gave his consent and permission to allow that matter to stand and move over to the next session of the Legislature.

But, other than that, Mr. Chairperson, I would indicate that I wish this committee to consider making a recommendation providing independent Legislative Counsel. I think it's clear now that contemporary times seem to demand a heavy workload from this office. There's a great deal of legislative revision and now, of course, we have the bilingual requirements which are being recognized. Given all this, Mr. Chairperson, I think it's fairly important that we do what we can to relieve the pressure on the people of this office and I think it would help them; I think it would actually assist them if they didn't have to try and serve "two masters", as it were, simultaneously. I think that puts them in a very delicate and difficult position. They require our support because, you know, when government changes, these are the same people that have to serve new political masters and it is very difficult to do if there's ill will, or there's bad blood, or there are feelings that they haven't been supportive in the past. So that's one recommendation that I can make without prejudice to anyone, Mr. Chairman, today.

**MR. CHAIRMAN:** Mr. Enns, on a point of order.

**MR. ENNS:** It does offend me again, the honourable member's statement. It's not a question of the gentlemen in this office serving political masters. They serve all 57 members of the Legislative Assembly of Manitoba, and the continued, implied suggestion by the Honourable Member for Wellington is that this is not the case. I wish to refute that and put that on the record at this meeting.

**MR. CHAIRMAN:** If the Member for Wellington could confine himself to the resolution which is before us, which is really the only item of discussion that we have before us, I believe that this would facilitate us.

**MR. CORRIN:** I'm trying to deal with it but it's difficult, Mr. Chairperson, without going on some tangents because they all seem to be relevant to and peripheral to the main substantial point of the resolution.

The second thing, dealing with the resolution, Mr. Chairperson, I want to say for the record that I am very glad that the resolution did pass, because it gives us an opportunity to consider not only the provisions of the resolution but also whether or not we, as legislators in the 1980's, in the latter part of the 20th century, want to continue to maintain and retain this anachronistic, atavistic provision that allows a Legislative Assembly, based as it is on democratic process, including freedom of the press, Mr. Chairman, to subpoena media personnel and treat them differently, as it were, than any other person could. I want to make the point for the record, Mr. Chairperson — probably it has been made in many different ways before in the press and otherwise reviewing this matter — that there is no law in existence that would allow any other body or authority, or person in this province, to have this sort of right of review. I feel that it's time that this Legislature reformed the Legislative Assembly Act by deleting the provision that allows not only the subpoenaing of media personnel but also, horror of horrors, imprisonment in cases where the Legislature or the Legislative Committee feels that such people have been in contempt of our processes.

Mr. Chairperson, I would say that in our times, when it is so important that we recognize the responsible role that the fourth estate plays, that it is imminently important that we reinforce that role, particularly in a time when newspapers are closing down as a result of media monopoly. We have to reinforce the role of the free media, of the independent reporter, and we can only do that, Mr. Chairman, by recognizing and respecting that we are not above and beyond the law. We, Mr. Chairperson, have the right to sue for libel and defamation, as any other citizen. Moreover, Mr. Chairperson, we have the right to write letters to the editor. Mr. Chairperson, I found it quite shocking that we took this rather dramatic course. The only explanation, I think, the one provided by the Member for Fort Rouge, and that is that this was done in order to clear the reputation of Legislative Counsel and not really to embarrass or try and manipulate the press person involved.

I would indicate, Mr. Chairperson, that we put that individual in a very, very difficult situation. He was a chief staff reporter for the former newspaper, The Winnipeg Tribune. He was a person who, up to that time, enjoyed a very good reputation in this province. We put him under suspicion, Mr. Chairperson, and we did not give him a speedy trial. We didn't accord him the same rights that we accord people who are accused of crimes. We didn't give him a speedy trial. For months those charges have been over his head and, Mr. Chairperson, I can tell you that I think that's an unfair lever. I think for any government to do that — and it's not just the government who did it — for any Legislature to do that is simply wrong and I feel that to be the case, Mr. Chairperson, because I don't feel that such a person can operate independently with that sort of burden, that sort of stigma hanging over his head. I think, Mr. Chairman, that this committee should recommend that the provisions that allowed us to do that be deleted from the Legislative Assembly Act.

If that is not the case, Mr. Chairperson, I will attempt, if I can get the support of my colleagues —

and I hope I can, Mr. Chairman — I will attempt, myself, in the course of the next session to bring a private member's bill to that effect.

Mr. Chairman, having said that, I hope that I have clarified what transpired on the evening in question. In fairness, I think I would be willing to answer questions. If any of the members of the committee wish to address questions to me, relative to what took place on that evening, I would be willing to do so. I, for one, although I don't have voting rights on this committee, would strenuously recommend that the committee lay this matter aside and not seek further action against the reporter in question.

Further, Mr. Chairman, in conclusion, I would recommend that the committee, on behalf of the Legislative Assembly, write a letter of apology to Mr. Matas. —(Interjection)— Well, Mr. Chairman, people don't seem to recognize that Mr. Matas has been put in a very bad position and for no particularly good reason, Mr. Chairman. If they look at the article, Mr. Chairman, what in fact they will conclude is that they have embarrassed him a great deal.

The article is generally, Mr. Chairman, as far as I can remember it, quite accurate. I don't know what the problem with the article is, although I guess we'll never know unless Mr. Matas is subpoenaed. I suppose Mr. Matas, although at this point I haven't got the article in front of me and I probably shouldn't comment until I see it. I think generally we can state that the article was accurate. It's a question of context, I suppose. I think that the words "participating in political debate" are subject to two interpretations.

Certainly it's quite clear to all of us that Legislative Counsel didn't debate in a partisan sense with anybody. The point was though, Mr. Chairman — and I know that I'm repeating what I said much earlier — they were forced to defend the government's decisions relative to implementation of policy through legislation. I don't think, Mr. Chairman, that they should ever be put in that position. That's not their responsibility and so if they participated in political debate, they did so in an unpartisan manner, Mr. Chairperson, but they weren't responsible for the policy. They were only following orders and in recognition of that, Mr. Chairperson, we should make clear that we never want to have a repetition of that particular event again.

I suppose it goes without saying that another recommendation that I could have made was that if a Minister is going to be out of the city, if it's impossible for a Minister to be present when his or her legislation is being reviewed by committee, then there are only two courses which can be followed. One is to have the matter of that Minister's bills deferred, adjourned to such time as the Minister returns, and secondly, to have an Acting Minister appointed prior to the commencement of the committee meeting.

In this case, Mr. Chairperson, I think it is clear to all of us that if the Chairman of the meeting would have required somebody to be recognized as an Acting Minister, if that would have taken place, then a lot of our problems would not have arisen. But as I have indicated from the record, Mr. Chairperson, that did not happen. The Chairperson of that meeting rather decided that there was no Acting

Chairperson even though one of the Ministers, albeit the Minister of Community Services, unrelated, did indicate that he was willing to shoulder the burden.

In Ottawa, Mr. Chairperson, in the House of Commons, it's not uncommon for the Legislative Assistant to the Minister to fulfill those duties and responsibilities at committee hearings. That to me, Mr. Chairman, given the fact that Legislative Assistants are generally quite familiar with all the ongoing business of the department, makes a lot of sense and I think possibly, although it hasn't happened in my short experience in this Legislature, it may have before I came here. I would suggest that if a Minister's schedules are very busy and hectic, particularly obviously during Speed-up, then it might be a very good idea to consider utilizing the offices of Legislative Assistants in this fashion, because then through close conjunction between Minister and Assistant we can be assured that a responsible politician will be at the table to answer opposition questions. And not only a responsible one, Mr. Chairperson, but more important, a knowledgeable one, somebody who has ongoing knowledge of departmental policy and is capable of fielding opposition questions and participating in political debate.

That, Mr. Chairperson, is the purpose of Law Amendments Committee. That's another thing I wanted to make clear. I don't like the idea and I think it is sort of veiled in suggestion that we should carry on Law Amendments in an unpolitical fashion. The subject matter of legislation is the subject matter of politics, Mr. Chairperson. It's the very stuff of which politics is made. That's how you bring policy into being and so it does make a difference whether you decide to follow one legislative format with one type of provision or another. That should be clear and on the record, and that should be, I hope, understood by all members of the public, that we don't take off our political hats when we become legislators. We wear the same hats regardless of what we are doing, whether we are debating private resolutions in the House or we are in here at Law Amendments Committee dealing with detailed provisions of legislation before the House.

Having said that, Mr. Chairperson, I hope that the matter will be put down and put to rest permanently and I do hope that committee, in its wisdom, will see fit to write a letter of apology to Mr. Matas.

**MR. CHAIRMAN:** Mr. Mercier.

**MR. MERCIER:** Mr. Chairman, the Member for Wellington has offered to clarify his remarks. Firstly, I say there's been no suggestion by anyone here today that anyone be subpoenaed to appear before the committee or produce documents etc. My question, Mr. Chairman is this: Up until the time that the Member for Wellington came to the meeting it was my observation that everyone on the committee felt that having reviewed Hansard that there was no participation in political debate by Legislative Counsel, that there was nothing wrong with what they had done, that they were merely attempting to assist all members of the Legislature on the evening in question. Does the Member for Wellington feel that there was something wrong in what occurred . . .

**MR. CORRIN:** Yes, as I tried to explain . . .

**MR. MERCIER:** . . . related to the allegation of political intervention?

**MR. CORRIN:** Yes, in the sense, Mr. Chairperson, that, as I said, the context of political debate is varied. Everything that goes on in committee is essentially a political debate. Mr. Evans and I were trying to address questions to the government. As I indicated when I read short excerpts from the transcript, our intent was to probe the government's attempt, the government party's intent in bringing certain legislation before the House. We wanted to know why certain provisions were included. We wanted to know something of the policy background of that. We wanted to get some feel for the government's preference for one course, one route as opposed to another. Although some of the matters, Mr. Chairperson, by the way, were dealing with administrative policy, that is still a matter of political debate.

One of the things that was discussed, for instance, was whether or not civil servants should be allowed to essentially contract out their services on a private basis and retain private fees as if they were in the private sector. From our point of view, that is the very stuff of political debate. I think if you went out on the street and asked the man on the street what he felt, he would say, well you know, I think the government should keep its hands out of business. A lot of people would suggest that the entrepreneurial private sector should be independent of government and there should be no competition. I suppose the Autopac debate is the very best one I can think of in the recent history of this Legislature. So that's the sort of thing we were talking about. It may be essentially administrative policy but it is policy nevertheless and it has a political content and theme.

Mr. Chairman, I think that when the reporter talked about participation in political debate that is what he was referring to. It's a question of semantics, isn't it? But you know the whole damn thing arose as a result of the exposure of these individuals and the officers in question being exposed to that. As I said, if the Chairman would have recognized somebody has having acting responsibility, or if the Minister would have made an appointment of somebody prior to his departure, then it wouldn't have arisen. But it did and it's most unfortunate. It's not the end of the world, Mr. Chairman. I think from a more constructive point of view it's taught us something. In retrospect, we have learned something.

I think the important thing here is rather than putting our heads in the sand and trying to pretend that everything is soothed and pacified because the members have reviewed the transcript and are satisfied independently that there was no political debate, they should rather, Mr. Chairman, direct themselves to the question of the process that we adopt to deal with legislative review. They should take this opportunity to repose and reflect on democratic process and it's state, the state of the art in Manitoba 1980. That's a constructive affirmative exercise and I think that our time is well spent if we think about that this morning. But let's not come out of here pretending that The Legislative Assembly Act is perfect, that the structure of the Civil Service, as it

now is, is ideal, and that there is nothing left undone in Manitoba in this regard. Let's come away with a series of very constructive, positive recommendations that will enable us, as legislators, to upgrade our own processes, our own structures. I think if we do that we'll have served the taxpayer well and we'll also have served ourself well insofar as we won't get into this next year and the year after that, and the year after that.

One could go on, Mr. Chairperson, about the need to do away with the vile Speed-up and to follow a more rational course of legislative review because that's part and parcel of the problem here, that we are trying to do too many things in this province at once.

**MR. CHAIRMAN:** Mr. Mercier.

**MR. MERCIER:** That's all, Mr. Chairman.

**MR. CHAIRMAN:** Mr. Walding.

**MR. WALDING:** We have sat here for nearly an hour-and-a-half discussing this matter and I sense around the table a faint sense of embarrassment that we are dealing with this and taking so long to deal with it. It is my opinion that the matter has been blown way out of proportion and it ought to be dealt with somewhat expeditiously.

The Member for Winnipeg Centre suggested that a resolution or a motion could be used to cope with this matter and, not being a member of the committee, he couldn't move it and I wonder if it wouldn't meet the general approval of the committee to consider a motion along these lines, Mr. Chairman: The Committee of Privileges and Elections, having perused Hansard, finds the allegation referred to in the resolution to be without foundation and recommends that no further action be taken.

**MR. CHAIRMAN:** Do you have a copy of that motion?

**MR. WALDING:** Yes, Mr. Chairman.

**MR. CHAIRMAN:** We have a motion before the committee that the Committee of Privileges and Elections finds the allegations referred to in the resolution to be without foundation and recommends that no further action be taken.

Is there any discussion on the resolution? Mr. Boyce.

**MR. BOYCE:** Mr. Chairman, I suggested that resolution, the form of it, earlier, but I am glad that Mr. Corrin participated in the discussion because perhaps it clarifies the air somewhat that this was not some attempt of mine to demonstrate my chagrin at not having won the nomination in St. James. I really don't understand what the connection between that event and this event are but I would suggest, Mr. Chairman, that speaking to your resolution which is under consideration by the committee, that from listening to Mr. Corrin, I think Mr. Matas has been completely exonerated.

Committee, I would direct your attention to the photostats of the article in question and I will quote.

New Democrat, Brian Corrin, said Monday, "It is not the staff's job to account for the operations in government, and defend the bill", Mr. Corrin (Wellington) said. "It is important to maintain the distinction between politicians and the administrators. The staff has been placed in a most uncomfortable situation." And then the question, which prompted this whole thing is apparently, from the way this article is printed in the paper, speaking editorially, Mr. Matas continues and says, "Legislative Counsel, R. H. Tallin, and Deputy Counsel, A. C. Balkaran, participated in political debate Monday during committee review of a bill introduced by Mr. Mercier". That should have been in quotation marks because from Mr. Corrin's remarks, I believe, in my opinion, he stands alone in the Legislature believing, as he has just suggested, that the Counsel did in fact and do in fact fulfill the political whim of the government. Implicit in his remarks that there be set up independent Legislative Counsel; implicit in his remarks is that the Legislative Counsels do in fact serve the government. This is not the case and for people who persist in using the terms as synonymous, civil servants, albeit Legislative Counsel, are entitled to the benefits of Civil Service protection as far as pension and the rest of it is concerned. The two gentlemen in question are, in fact, servants of the Legislature. They are servants of the Legislature. It's a picayune point, Mr. Chairman, but I believe that Mr. Matas was misled by a member of this House and if anybody should write a letter of apology to Mr. Matas it should be the member who so misled him.

Mr. Chairman, I had moved earlier or suggested it be moved earlier that the matter be dealt with, because I didn't see any reason that the legislative process should use an elephant gun to kill a peanut, or a mosquito, but the record speaks for itself and when Mr. Corrin says "we", I wish to disassociate myself completely with his suggestions when he says "we". As far as the position of the New Democratic Party is concerned, the official spokesman of the New Democratic Party, the Chairman of Caucus or Leader of the Opposition will speak for them; I will not speak. But when somebody says "we", I disassociate myself with the remarks that Legislative Counsel did, does or will serve governments. And if we're going to change the process, then we do it at our peril.

Thanks Mr. Chairman.

**MR. CHAIRMAN:** Mr. McKenzie.

**MR. MCKENZIE:** Thanks, Mr. Chairman, I was the Chairman of that Law Amendments Committee on the occasion when this incident took place, after the meeting, Mr. Chairman, and I'm surprised that none of the members have brought up the cigar smoking incident that made it very very difficult for me that evening. Of course, that is not in the record as to what happened in that sequence of events.

I'm in complete support of the motion that was raised by the Member for St. Vital in this matter, but I have grave reservations, on the other hand, after listening to the Honourable Member for Wellington and his oration to the committee. In fact, he leads me to believe that he is not backing off at all from the statements that he has put into the record, as far

as the article in the paper is concerned. He brings in that we should send a letter of apology to Mr. Matas. I, in no way, can support that type of statement because as it was already brought to the committee, if anybody should forward that to Mr. Matas, it certainly should be the Member for Wellington.

He goes on in his comments and he said that the article, as it appears before us in The Tribune, is correct; it is accurate, I believe he said. He goes on and said that the two Legislative Counsels were forced — I use the word "forced" — to defend the legislation that we were dealing with on that particular occasion, Bill 12. I think the members around this table have all agreed that is not so, that Mr. Balkaran and Mr. Tallin were not forced, and I think Hansard verifies that. He also suggested in his comments that I should have appointed an Acting Chairman or an Acting Minister. That is something I don't think has ever been done in the province and I don't see where the Chairman of a committee has the authority to appoint an Acting Minister for a certain bill before the Law Amendments Committee. It may be because Mr. Corrin is a new member and doesn't understand Parliament as it functions in this province. I am somewhat concerned from the statements he made that maybe he doesn't understand the system that well, and for that I think he has legitimate reason because of the fact that he hasn't been here that long. But I would like to put on the record that the reputation of the Legislative Counsel in this province must be maintained at all costs and they were well maintained that night, as near as I can find it. I can't support his statement that they were put in a difficult position because the Hansard proves for itself that they were not in a difficult position and expressed themselves very ably on those questions that they answered.

Mr. Chairman, I support the resolution that has been brought before the committee and I cannot in any way substantiate or support the proposal of the Honourable Member for Wellington that we, the committee, should send a letter of apology to Mr. Matas.

**MR. CHAIRMAN:** Mr. Miller.

**MR. MILLER:** Mr. Chairman, you know I think we're getting off from the resolution as has been read. Having perused Hansard, the committee sees no grounds really for taking this matter any further.

I want to say this: The comments of the last few minutes have disturbed me. We're here to deal with a specific instance of a resolution raised in the House. We're charged with that responsibility. For that reason we had to meet, we had no choice; the House so ruled. We've done this. We've looked at it. Reading Hansard one comes away with a certain impression because the words are very clear.

Now, you'll have to recognize that the written, printed transcript of an event is far different than a mood or a tenor that develops during the course of a committee hearing. You've all sat through committee hearings, committee meetings, and what appears in Hansard and the mood that prevailed at the time are sometimes often a very great contradiction. That's why there's always an argument whether there should be an appeal, a transcript only should be referred to a superior court or whether it should be a

trial de novo, as the Attorney-General knows. Because the printed word, when it finally comes through, is not quite the same; the nuances are gone. The temperature of the moment is missing from the cold print.

There's no doubt in my mind that Mr. Corrin may have felt that in fact the Legislative Counsel, because of Mr. Mercier's absence, had no choice but to involve themselves as much as they did. That's his opinion and he's entitled to his opinion. No one here can challenge him on that opinion, and I think that's where it stands. What we're dealing with is, did a particular reporter, in reporting this, go beyond the bounds which the present Act requires. And we're dealing with the present Act. We're not dealing with a change in the Act, what may be now, in the future or some time in days to come, we're dealing with the Act today. I'm sure this reporter reported it as he felt it at the moment, and I'm sure that references to Mr. Corrin's comments, which do not appear in Hansard, by the way — they may have been said off the cuff, or they may have been said after the meeting — that Mr. Corrin made these comments. He doesn't deny having said them, although they don't appear in Hansard. But I think our concern is what appears in Hansard. On the basis of Hansard, I think that resolution is what we're dealing with and that's the only thing we should be dealing with. Otherwise we're getting into deeper water, spending a lot of effort and time, and a lot of fire and fury for something that is not relevant to the issue, nor to the resolution that is before us. Mr. Chairman, I move the question be put.

**MR. CHAIRMAN:** The question before this committee is that the Committee of Privileges and Elections, having perused Hansard, finds the allegation referred to in the resolution to be without foundation and recommends that no further action be taken.

**QUESTION put, MOTION carried.**

**MR. CHAIRMAN:** Committee rise.

**MR. CORRIN:** Mr. Chairman, surely you're going to deal with the grain matter, or has that been dealt with? Aren't you going to deal with the Solicitor-General's request that we look into the RCMP wiretaps in Manitoba?

**MR. CHAIRMAN:** This committee is not empowered to deal with that situation. We can only deal and consider items referred to the committee by the Legislature or referred to it by Order-in-Council.

**MR. WALDING:** The motion is not debatable, Mr. Chairman.

**MR. CHAIRMAN:** Committee rise.