

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Monday, April 17, 1967

MR. SPEAKER: Second Reading of Bills

MR. JOHNSON presented Bill No. 93, An Act to amend The Public Schools Act (5), for second reading.

MR. SPEAKER presented the motion.

MR. JOHNSON: Do you want an explanation? Mr. Speaker, the purpose of this Bill is to effect a reform in the public school finance system that will shift a larger part of the cost of public school education from the local real estate tax system to the broader revenues of the Provincial Government, and thus provide a more acceptable means of paying for the rising costs and increasing quality of the standard of education in the province.

The Bill provides that the new enlarged Foundation Program will be supported 65 percent from the provincial treasury and 35 percent from local real estate taxes. Public School Bill 89 (4) and the Public School Finance Board Bill are companion measures to this statute.

The second principle is that the local share of the Foundation Program requirement will be raised by means of a standard uniform levy in all that part of the province which is covered by the new single district division system, in 29 out of the 48 divisions covering approximately 80 percent of the school children. The standard uniform levy for 1967 will be 33 mills and this mill rate will be applied on all real property in the single district divisions. The standard uniform mill rate will of course change as the costs of the Foundation Program change, but the 35 percent of the local share is fixed in this statute. Provision is also made for an exemption in favour of farm lands and residential property, that is real property, the purpose of which is to provide shelter, and this exemption will be 24 mills. Thus a standard uniform mill rate on farm land and residential property will be nine mills in 1967. Under this system, the local school tax rebate is rescinded as the exemption is considerably greater in value than the school tax rebate formerly applied.

It is also pointed out that the mill rate of 33 mills and nine mills are based on equalized assessment, although taxing jurisdictions may use equalized assessment base or their own local assessment as the actual assessment in raising the money required. For this reason the standard uniform mill rates may vary from the 9 and 33 mills in various localities, but the amount of money to be raised in the various jurisdictions will not vary from a uniform percentage of the equalized assessment of each of the two classes of real property.

The 35 percent of the cost of the Foundation Program that is contributed by real property taxation will therefore fall equally on all property in the single district division system, no matter where that property is located. Costs in excess of the Foundation Program may be authorized by the Division Board who may set special levies to cover these additional costs within their division. It will continue to be the responsibility of the municipality concerned to co-operate in the raising of that special tax. Special levies will consequently vary from one division to the next.

Certain objections have been raised to the 24 mill exemption on farm land and residential property. These appear to rise from the misconception that some surcharge or discriminatory tax is now to be imposed on commercial and industrial property. In fact, no surcharge is being imposed and no new principle underlies the 24 mill exemption. The 24 mill exemption rests on the same principle as the school tax rebate and is the principle employed in British Columbia, Alberta, and Saskatchewan in respect of homeowner grants and rebates.

The purpose of the exemption is to relieve the two classes of real estate in question. In the case of farmland, the exemption recognizes the fact of the farm price squeeze; and in the case of residential property, the exemption recognizes the inability of the homeowner or tenant of residential accommodation to pass on any of his tax costs through the income or corporation tax provisions or through the machinery of commercial or industrial operations.

Generally speaking, the standard uniform levy of 33 mills as applied to commercial and industrial property will represent, together with the special levies, about the same mill rates that would have applied to those properties in 1967 if this new system of local school financing had not been introduced. In other words, the level of taxation is approximately the same as would have applied to these two classes if no changes in financing had been proposed. The mill rate on such property may vary from what otherwise would have applied in 1967 to the extent that inequities are being eliminated by the application of a uniform standard levy to all properties.

(MR. JOHNSON cont'd)....

The White Paper stated that apartment blocks would not receive the benefit of the 24 mill exemption. Further study has indicated the desirability of treating all forms of permanent shelter alike for the purposes of this Act. This is being done for the benefit of the apartment block tenants. Under the new system, ratepayer referendums will no longer be required to be necessary for capital programs contained within the Foundation Program. Since 100 percent of the cost of such capital expenditures will now be borne under the Foundation Program, ratepayer referenda would be meaningless. In the case of capital expenditures not covered by the Foundation Program, the Minister will be empowered to rule on whether or not a ratepayer's referendum is to be held. In general, the policy will be that relatively small expenditures will be approved by the Minister without a referendum but larger capital items will require referendums.

The provisions of this Bill will be retroactive to January 1, 1967 for those school divisions which had single district divisions prior to March 10th, 1967. The provisions will also be retroactive for the five divisions in the Interlake area and for the 14 divisions which voted in favour of the single-district division on March 10th of 1967. In the case of any division opting for the single-district division in future, the provisions of this Bill will become effective on the first day of January following the date on which the multi-district division in question opted to become a single-district division.

I would say in connection with Bill 93 that in addition there is an amendment that I'll be proposing later - really it's in Section 511 of the Act and it's set out in Section (1) of the Bill - which makes it clear that the board is to examine those items in respect of which grants are payable, that is the Foundation Program, but it's a clarifying amendment which I will bring in in due course.

But I think it's most important at this stage, having dealt with the principle of Bill 93, to point out that this Bill has no reference of course to the 19 divisions who remain outside of the plan. As I have indicated to the House previously, careful consideration has been given during the past several weeks to the position of the 19 divisions who decided not to accept the single-district division plan, and the education of the children in these areas is of course a matter of concern to the government. It may be argued that it is premature to make any suggestions in this respect in view of the fact that the terms and conditions of the referendum were widely known. It is indeed not possible to extend to those divisions, which voted to stay out, all of the advantages that will go to those who voted to come in. Nevertheless, there is concern that the current standards of education in those areas could be adversely affected.

With this in mind, the government has been examining the old Foundation Program still in effect in 19 divisions to see how it might be adjusted to help maintain the education standards for the children in those divisions, even though the full educational and financial advantages can only be achieved within the single-district division system. Therefore, in order to help maintain the present educational standards in the 19 divisions, the teacher salary grant scales applicable in those areas will be increased by \$300 on the elementary scale and \$400 on the secondary scale with some small exceptions. This will be in the area of the PoAo, PIAO, which is the permit teaching. These provisions, plus the effect of the school tax rebate, will help local boards to meet current salaries and thus assist in retaining teachers in the multi-district divisions. The 19 divisions will be advised to prepare their 1967 budgets in the usual way, incorporating the changes in the Teachers' Grants schedule to which I have made reference.

MR. TANCHAK: Mr. Speaker, at this time I rise to adjourn the Bill, but before I do so I'd like to raise an objection here. I think that we are tackling this business of all these three bills, all related bills, in reverse order. According to the way I look at it, I think that we should have had Bill No. 96 presented to us first, and then Bill No. 93, and then go back to the first bill, Bill No. 89, because one has bearing on the other. That's the way I feel about it.

Mr. Speaker, I would like to move, seconded by the Honourable Member from Assiniboia, that the debate be adjourned.

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

MR. SPEAKER: The adjourned debate on second reading, Bill No. 97. The Honourable Member for Lakeside.

MR. CAMPBELL: Mr. Speaker, this debate that can, and usually does, arise from a bill of this nature is an interesting one, one that I have always taken part in in recent years, and I've not always been on the popular side with regard to it, but I think I must say a couple

(MR. CAMPBELL cont'd)...of things in favour of the present situation, because I do think, Mr. Speaker, that the Honourable the First Minister introduced this Bill, both at the committee stage and later on second reading, with a more complete and objective type of argument than had been the case on some, well particularly on the last occasion, when a pension bill was before the House. Similarly it came in, admittedly I hope, in the latter days of the Session, but at the same time not just at what looks like the last two or three days anyway; and similarly also, the government benches seem to be in no hurry at all to rush the Bill through, because when I moved the adjournment a few days ago there didn't seem to be any objection taken at all from the government side. So I think that's an improvement. I think it's a better way in which to start off our discussion with regard to this Bill.

I'm going to discuss very very briefly, first the pension part of the program as I see it. I'm not actuarially trained; I'm not an expert on this kind of thing and I may not be in possession of the many ramifications of a proposal of this kind, but to the extent that I understand it, and I re-read my honourable friend the First Minister's rather complete statement quite carefully again, but it seems to me that it is a great improvement on what was previously debated in this House two or three years ago. It's voluntary; I think that's in its favour. I think that doesn't differ from the former one, however. It seems to me that it's reasonably modest, the suggested pension. It seems to me to be a reasonable period for qualification for pension. It seems to me a reasonable age at which to qualify. I suppose those people who have come to know me rather well would have expected that I would have urged that the qualification period should be something like 45 years and that the qualifying age should be something like 71. --(Interjection)--I hate to disappoint people, but I must say that I'm not going to stick for that. I think that the present bill seems to have a very reasonable qualifying age and qualifying period.

The thing that probably intrigues me the most of all is that it is contributory and that the First Minister at least expects, although he hasn't guaranteed, that it will be self-supportive. But on the question of the self-supporting, Mr. Speaker, I would suppose that when the First Minister calls it self-supporting that he means counting the contribution that the taxpayer makes to it. I think that contribution is substantial because it would be something in the neighbourhood of 3 percent on the very large item that you see in the estimates for indemnities, which probably is going to be higher another year provided all the members took advantage of it. This is substantial; consequently I am constrained to say that, as one who still holds the views that I have expressed on previous occasions, that MLAs and even Cabinet Ministers are not in the same position as permanent employees of a company or of a business because: 1. Their job is not full time as far as MLAs are concerned, and so far as Cabinet Ministers are concerned it's not permanent, and in this case the less permanent it is the better I will be pleased with the present incumbents.

But I'm not going to argue that situation over again, Mr. Speaker. I have said many times that it seems to me that we make a mistake if we try to put ourselves as private members in the same position as full-time employees of a business, because we aren't. And similarly, it seems to me that Cabinet Ministers, though they should be full-time while they're in those positions, do not have the permanency that is one of the main reasons for a pension being given to company and business employees. So I think we are in a different position, but I don't intend to debate that question at length. Consequently it would have suited me better if the contribution that is suggested from the member would have been high enough so that his contributions alone, put into a fund, would have paid whatever pension was agreed upon as being desirable - and always, of course voluntary, and I think that would be especially true if there is going to be an increase in salary.

And so, I end that part of my remarks by saying that, in my opinion, this Bill is a considerable improvement on the one previously submitted to us. I still feel that we, the members of the House here, are capable of providing our own pensions and they do not need to be bonused by the taxpayers. So, having said it much better than the time before, I still do not find myself enthusiastic about it.

Now Mr. Speaker, as to indemnities, of course I have still more firm opinions. Most of the public attention, and quite understandably Mr. Speaker, is directed in this discussion to the suggested raise from \$4,800 to \$7,200 - I'm speaking in totals rather than breaking it down into indemnity and expenses. I just want to take a minute or two, Mr. Speaker, to put on record some other figures that I think should be brought to the public view, because the public has a right to know the full salaries that they're paying to all of their employees and I

(MR. CAMPBELL cont'd)....wouldn't want the feeling to get around that this is all that members of this Assembly received. After all, in my opinion, Mr. Speaker, and I can't guarantee this because I've never asked the question in the House and I don't now, but I would guess that there are only about 20 or thereabouts of the members of this House who are receiving just the \$4,800 or, provided this suggested increase goes through, will be receiving just the \$7,200, and so I would take just a minute, Mr. Speaker, to give my own interpretation, and this is my own and I don't guarantee these figures, but to the best of my ability I have worked out about what the situation is as regards the 57 people who sit in here, Mr. Speaker, the total payments that are provided by the taxpayers through the estimates, and this Bill, and some other Acts that are applicable to the 57 members of the Assembly, and these, Mr. Speaker, do not take into account the proposed contribution by the taxpayer to the pension plan, if it should be implemented, or payment to members for attending committees, which I understand are suggested in the present Bill.

One member of the Assembly will receive, if this plan is implemented, the same as he now received, \$25,800; that is, tax-free to the extent of \$4,600. Just in passing I might mention that his predecessor in office received a total of \$13,000 comparable to the 25,800, and the tax-free portion of that payment was \$1,000. As I figure it, Mr. Speaker, twelve of the MLAs would be provided by the estimates, this Bill and other Acts, with a salary of \$22,800 each with eleven of them having the same tax-free position as the First Minister, namely \$4,600, and one of them, if my assessment is correct, of a tax-free position of \$2,400. If I can correctly work the situation out, one member of the House would get a total of \$13,200, tax-free \$2,400, and I don't need to mention the tax-free position from here on, Mr. Speaker, for the simple reason that that seems to apply to all the rest. One member, as I figured, would be paid a total remuneration of \$12,000; two would receive - and here I can't be exact because they may vary a little bit from year to year - but two, on the basis of former payments, would receive something in the neighborhood of \$11,600 each. One would get \$9,400, as I see it; two would receive \$9,300; and 16, (and I'm guessing here because I just do not know how many are in receipt of the \$600.00 expenses but as a guess because it's included in some of those earlier) as a guess there'd be about 16 more who would be receiving a total of \$8,400. That would leave approximately 20, maybe 21, maybe 19, who would be getting the amount that is spoken of as the indemnity.

Mr. Speaker, I mention these not to complain at all about the extra allowances that some of the members receive. I am sure that in most cases they are richly deserved and in other cases I am not objecting to them at the present moment, and I am not asking for any list of the ones who receive the special consideration. But I thought I would put my assessment of the situation on the record just in case anybody wants to check up and see if that is the situation, and because I don't want the public to think that the \$4,800 that is talked about is all that members receive at the moment, or that the \$7,200 will be all that will be received after this bill goes through.

Now Mr. Speaker, as the First Minister has suggested, because we in this House have the power to set our own salaries and the amount by which we shall do it, this matter of indemnities always has been a delicate question, and when we've been up against delicate or difficult questions, Mr. Speaker, in Canada and in this province we have often looked to the Mother of Parliament for some guidance, and I think perhaps we can do so with advantage in this case as well. But we couldn't get much help from that quarter until fairly recently, Mr. Speaker, because I am sure that you are aware that Canada, and even the Province of Manitoba, had been paying salaries or indemnities to the members of legislatures and parliaments for a long time before the United Kingdom ever started to do so. It wasn't actually until 1911, if my history is correct, that the Mother of Parliament decided that it would make a payment at all to its representatives, and since that time they have had their problems with this delicate question too, and they have had to deal with it - or whether they've had to or not, they have dealt with it - on a more or less ad hoc basis in the most of cases, but even though they're junior to us in this matter of salaries for the representatives in the House and the setting of them, yet they have given us an example in recent years because just three years ago they - well I think the Commission was appointed four years ago; they appointed an independent, non-partisan commission to look into this question. It was headed by a very distinguished citizen named Sir Geoffrey Lawrence, and - it took about a year - brought in a report. Interestingly enough, as sometimes happens, the government had changed by the time the report was brought in, but the incoming administration implemented the recommendations of the Lawrence

(MR. CAMPBELL cont'd)....Commission without very much variation. That Commission is empowered to recommend salaries, indemnities, salaries for Cabinet Ministers and indemnities for members of parliament, which recommendations must be passed of course by the House of Commons. That's exactly what was done and the report that the Lawrence Commission brought in was implemented without many changes.

But two other members of the Commonwealth have done something considerably more far-reaching than this. The country of New Zealand in 1950 passed an Act which empowers the Cabinet and the recommendation of a Royal Commission to fix the salaries of Ministers and members every three years. As you know, Mr. Speaker, it's the custom in New Zealand to have elections every three years; I think it's a fixed period. There again, though the recommendations of the Commission are not mandatory and must be implemented by parliament, my understanding is that they have all, since that time, been so implemented.

The Commonwealth country of Tasmania has gone further than New Zealand. Since 1962, and that's not very long ago of course, their parliamentary salaries tribunal makes recommendations which, of themselves, have legal effect without either Cabinet or parliamentary intervention, and they are so implemented. It's interesting to note, Mr. Speaker, and if I had given my opinion on this without having read about the situation I would have assessed it wrongly because I would have said that inasmuch as both of these - the one that's called a Commission and the other called a Tribunal - both held sittings in public when they were working on the job of recommending, or in one case actually establishing, parliamentary salaries, the attendances by the public at their meetings was very limited; very little interest was shown; but I am told that that is the fact.

Now, Mr. Speaker, I've talked a little bit about what other people do and now I come to what I think we should do ourselves. The Honourable the First Minister mentioned, and he was frank enough to admit that these were not all-persuasive arguments at all, but he mentioned what is done in other provinces. I've never been an advocate of sticking too closely to what the other provinces do or even continuing the same trend, and I don't think that it's very helpful, from what I know of the consideration that has been given in other provinces to this question, to follow their example, but yet I'm a believer in the fact that the Legislature itself must and should continue to do this job itself. I don't think we should hand it over to a tribunal, even to an independent, non-partisan commission, although I'm a great believer in independent and non-partisan commissions, but I think this is a job that we shouldn't hand over to them. I think, quite frankly, that we're better qualified to do it here ourselves than some outside group or body can be. I think that you would probably get perhaps higher salaries if you left it to a so-called businessman's commission than you would if you left it to the legislators themselves. But however that may be, I think it's our job to do it and I think we should do it.

I think, Mr. Speaker, that we should do this job after having given the very fullest consideration to it and the best judgment that we can, and in the effort to be absolutely fair to the members who sit in this House with all due consideration to their contribution that is made here and to all the other considerations, and also be fair to the taxpayers, Mr. Speaker, who in the last analysis are the folk who employ and who pay our salaries. And when we have decided what the salaries should be, then I think we should write it into legislation, put it into effect where it would stay until it was changed by another legislature, but having done that, Mr. Speaker, I return to the same suggestion that I have made on other occasions. It should come into effect, not for this House, but for the succeeding; and I think this would be a sound principle. It would give us the opportunity of using our best judgment as to what salaries should be, and we'd be the ones that I think are in the best position to give an objective consideration to that question, and then, having decided and implemented it into legislation, then that would be the salary, the indemnity that would apply in the incoming Legislature. By so doing, we would be getting the advantage of people who are in a position to know something of the qualifications, something of the sacrifices, something of the advantages, something of the contribution, and we would at the same time be relieved of the opprobrium of setting something for ourselves, because we would get the changed salary or indemnity only after another election had intervened. I think that system would be the best one, and if the government would agree to follow that system then I would be prepared to give the very best judgment I can, in co-operation with theirs, as to what the salaries should be for the next Legislature. In the meantime, unless some method similar to that were adopted, I'm afraid that I could not, for reasons that I don't need to outline any further than I have suggested at the moment, I could not go along with the present suggestions.

MR. DOERN: Would the Honourable Member submit to a question? Just on a point of clarification, since there's always a danger of dissolution, are you proposing that this recommendation be made in the first, the second, the third, the fourth year of the Legislature? Because there's always this danger. You never know when it's going to dissolve.

MR. CAMPBELL: That's right, Mr. Speaker, there's always a danger of dissolution; there's always a danger of a defeat of a government; and consequently I would think that it could be implemented at any time, and for any who are interested in the matter, and of course, the sooner the better, the one qualification that I have is that it not come into effect until the next Legislature.

MR. SPEAKER: Are you ready for the question?

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

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

MR. SPEAKER: Second reading of Bills. Bill No. 15. The Honourable the Provincial Secretary.

MR. McLEAN presented Bill No. 15, an Act to amend The Highway Traffic Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, I've prepared for the presentation of this Bill so often and with such lapse of time that I'm not really certain whether I remember all the things that I ought to report to the House in connection with it.

I should point out, or just remind the members of the House, that a year ago, when last the Legislature met, a new Highway Traffic Act was adopted. The adoption of that bill at that time followed rather extensive hearings by a committee of the House which, as I remember, extended over a period of two years. I myself did not have the privilege of being a member of that committee nor the advantage of the deliberations of the committee, but the Act was adopted and came into effect on the 21st of November, 1966 by proclamation, and the amendments which are before the members in Bill 15 are the first set of amendments to be presented to The Highway Traffic Act.

There are in all - there's no particular principle that follows through the Bill, but there are in all 16 items, if one might use that expression, to which I would like to direct the attention of the members.

First of all, there are a number of printing and general points of that sort which naturally come in any statute as large as The Highway Traffic Act. I will not dwell further on it than that, that is to say that there are a number of the sections which are for the purpose of correcting printing errors or minor technicalities in order that the statute will say what it was intended to say in the beginning.

The second item, or second point, has to do with reciprocity, truck reciprocity, and an amendment is proposed that deals with this subject in our relationship with other jurisdictions. As the provisions of The Highway Traffic Act are now set out, the inference is that Manitoba either has to waive the fee entirely or charge the full fee; there is no clear provision for an in-between position although we do charge partial fees under some inter-provincial agreements. So we are proposing an amendment which will allow Manitoba to waive the fees to a truck from another jurisdiction, either in whole or in part and this, it is believed, will give us more flexibility in our reciprocity arrangements and in our opinion will make it possible to have more workable reciprocity agreements than perhaps is legally possible at the present time, and so I put forward this provision on the basis that it will be helpful in working out worthwhile reciprocity agreements with other provinces.

The next item to which I would direct attention is that which relates to a matter which was the subject matter of some question much earlier in this Legislature, and has been the subject of some comment in the press and otherwise with respect to the certificates that are required under the present statute when a motor vehicle is sold and as matters now stand the dealer is required to provide a certificate certifying that the vehicle is roadworthy and that its equipment is in compliance with the Act and the regulations. I would have to acknowledge that some difficulty was experienced in that although it has in fact been implemented, that is to say it became part of the law and we prepared the certificates in accordance with the statute. But as the result of some very useful meetings within the Department and particularly with representatives of the Motor Dealers Association, those engaged in the selling of motor vehicles, we are proposing an amendment which will allow really a different situation with respect to the

(MR. McLEAN cont'd) certificates and indeed provide for two certificates which the motor dealers have informed us in their opinion will be satisfactory from the standpoint of the trade and at the same time provide that degree of safety which is of course our main concern.

Now I give this explanation. It must be understood that the form of the certificate is not in the bill and what the legislation does is to give us the legal framework within which it will be possible to pass the necessary regulations and provide the new certificates as discussed as I have already indicated between the Department people and the interested Dealer Associations. It is my opinion that with this amendment we will have a workable plan, not only a workable plan but one that will be easily understood by the people concerned and will provide us with that, as I say, with the assurance, as near as one can be assured, that motor vehicles that are sold are sold in compliance with the provisions of the Highway Traffic Act from the safety standpoint.

There's a companion provision which really in a sense follows along from this and makes it clear that a motor dealer may not issue an interim registration certificate. Motor dealers are authorized to issue interim certificates when they sell a vehicle to a person under the age of 18 years or to any person who has purchased a motor vehicle that is not in a safe condition and this would prohibit the issuing of an interim registration certificate. In other words, such a vehicle under those circumstances that I've mentioned could not be driven on the highway or on the public roads.

Another amendment deals with the subject of commercial driving schools and makes it clear that the operator of such a school can only employ for instructional purposes persons who have permits issued by the Registrar of Motor Vehicles.

There is an amendment proposed with respect to school buses and has been advanced and is recommended to the House as the result of a request received from the Department of Education having to do with this matter of school buses. At the present time a school bus is permitted to have an amber or yellow flashing light on the top. You'll note I say "is permitted." They are not obliged to have one but they are permitted to have one, and the proposed amendment that we place before you would say that a light on the top, that is a flashing light, must be either red or yellow in color and it would make impossible the use of an amber flashing light on a school bus. Now I repeat myself when I say it must be remembered that a light on the top of a school bus is not obligatory in any way but the amendment would say that if there is a flashing light on the top of a school bus it must be either red or yellow in color and as I have already said this is done on the recommendation of the Department of Education.

A further amendment makes an alteration with respect to the penalty that applies in the event of anyone contravening the weight restriction provisions. We have a situation at the present time where a local traffic authority, that is to say a municipality, may place weight restrictions on any highway under its jurisdiction, and in many instances the penalties for contravening such a local authority restriction is quite low, although the offence may be just as serious as that contemplated by a section of The Highway Traffic Act which deals with excess weight on the public roads or public highways. There therefore arises an inconsistency where if a trucker were charged under Section 62 of The Highway Traffic Act the minimum penalty is \$25.00 and if he is charged under Section 82, which is that dealing with the local authority or municipality, there is no minimum penalty; and so it was considered advisable to have all penalties in this connection the same and the amendment therefore proposes that the \$25.00 be the minimum penalty in either case.

One further section deals with a matter which is of particular interest, and I'm sorry that the Honourable the Member for St. Boniface is not in his place, because interestingly enough he was the spokesman for the delegation which met with us in connection with this matter, namely the position of funeral processions going through stop signs or red lights. There had been a change as between the former Highway Traffic Act and the present and it was felt by those most immediately concerned that the new arrangements were not entirely satisfactory. I explain the change by saying under the former Highway Traffic Act a local traffic authority, that is the municipality, could pass a by-law which allowed a funeral procession to proceed through a red light; but when the Highway Traffic Act was revised this provision was omitted so that funeral processions as the matter now stands are now governed by the ordinary traffic rules. This raises problems as one can readily imagine and the funeral directors in the Metropolitan area of Winnipeg have protested this and have asked for a provision somewhat similar to the old provision. So we have before you, and we recommend, an amendment which would allow a local traffic authority to pass a by-law which would allow funeral processions to go through a red light or stop sign depending upon whether or not the lead vehicle had

(MR. McLEAN cont'd)....gone through while it had the right-of-way. In other words, if the light was red when the lead vehicle approached, the lead vehicle must stop and of course the entire procession. On the other hand, if the light were green when the lead vehicle approached and started through the intersection then irrespective of the fact that the signal may change to red, the entire procession may carry on. Our information is that this particular procedure is enforced in a number of the major cities throughout Canada and our advice from a number of the police authorities was that this suggested change would be in order, and it has been provided for in the amendments that are before you.

Another amendment has to do with a subject which received some notice earlier in this session with respect to remote starting devices and this would make it clear that a person may use a remote control starting device legally provided the vehicle is not on a highway. This I understand, although I've never seen one or never used one, I understand that this enables the car owner to start his car while he's having breakfast and to be I presume ready to take him off to work when he is ready.

A further amendment deals with the subject of speed timing devices, a subject with which I am somewhat familiar as I suppose perhaps some of the other members are as well. There has been some question raised as to who had the authority of approving a speed timing device, that is approving it in relation to the evidence that may be given in court as a result of a reading from a speed timing device, and the amendment which we now present to you and recommend puts the authority for the approval of a speed timing device in the hands of the Attorney-General. It is of course - and I hasten to mention this - it is left to the magistrate in a particular case to decide whether or not he is satisfied that the particular speed timing device used in the case was in good working order, and if he is satisfied he may then accept the evidence if he is prepared to do so as to the speed without requiring expert evidence as to the operation and other technical details with respect to the device. But the principle point of the amendment is that the approval of speed timing devices is in the hands of the Attorney-General, and the question of whether or not to accept the evidence that may arise from them of course is still in the hands of the magistrate who may be hearing a particular case.

A further amendment has to do with the bonding of dealers and is here - there is a provision in the Highway Traffic Act now that requires a bond to be given by a dealer, that is a motor vehicle dealer and salesman, and there was some question whether the wording of the Act at the moment is satisfactory and the amendments make it clear beyond doubt that dealers as well as salesmen are required to be bonded. I should point out that the bonding arrangement comes from a recommendation made by the Committee of the House which felt that it would be in the public interest to require bonds from people who engage in the business of selling motor vehicles, both the dealer and the salesman.

A further amendment provides that - I should perhaps preface this by saying that there's a provision in the Highway Traffic Act at the moment which authorizes standards - this is with respect to motor vehicles - which may be those of The Canadian Standards Association, and the amendment we now put forward would add to the Canadian Standards Association, the American Association of Motor Vehicle Administrators and The Canadian Government Specifications Board, both of which have approved certain standards for motor vehicles, and which we might wish to adopt, and also the proposed amendment would allow the adoption of codes that might be approved by any or all of the three groups. This has to do with standards and this is a subject which is receiving very considerable attention now from those engaged in these various matters and this simply gives us more flexibility in the matter of establishing standards that might be required.

In connection I might just - this is editorial comment - that in connection with the American Association of Motor Vehicle Administrators the senior people in our own Motor Vehicles Branch are quite active with that group and take a very leading part in the work of it and with regard to the Canadian Government Specifications Board they have recently provided a very splendid guide with respect to motor vehicles which as I understand it are the standards that they are going to apply in the case of the purchase of motor vehicles for use by the Government of Canada, and indeed we may well come to the point where we will adopt that code or that standard or those specifications with respect to vehicles purchased by the Province of Manitoba.

A further amendment deals with the license of a motor carrier and would remove the requirement that an order of The Highway Traffic and Motor Transport Board suspending a license of a motor carrier for failure to have adequate insurance -- at the present time it has

(MR. McLEAN cont'd)....to be filed as a regulation and published in the Gazette for one week before it becomes effective -- and it is felt that it is important that these orders, if and when made by any Motor Transport Board, should become effective immediately that they are made and upon delivery to the trucker concerned. This deals as members will note with the question of the failure of a motor carrier to have adequate insurance and it simply allows the board to make -- well the authority to make, the order already exists -- it says that if they do make an order it becomes effective as soon as it has been delivered to the motor carrier concerned.

A further amendment deals with the subject of driver training as carried on through the school system at the present time. The amendment is of this nature because at the present time the cost of driver training in the schools is in effect set at \$40.00 per student with a student being required to pay one-half. The student's one-half is set in the statute at \$20.00. We are now on notice the cost is going to increase, particularly with respect to the teachers; this is the main cost and they are indeed objecting to the payments that we are able to make to them at the present time. The amendments which are before the members is that the amount set out in the statute, namely \$20.00, and the amount which each person will have to pay, will be set by Order-in-Council. Members will be then on notice that of course that means the possibility that that amount might be increased, although at the moment there is no present intention of doing so, but that obviously follows as a possibility from this. The amendment will allow the Lieutenant-Governor-in-Council to establish the charge to be made to the student. This may be one-half as it is at the present time, or some other proportion of the total cost; one-third or two-thirds, whatever might be decided, that will then be taken into account when preparing our annual estimates and the amount that is paid by the province will be similarly fixed by Order-in-Council, under the proposed amendment.

There is a further amendment that is complementary to a change made in the Unsatisfied Judgment Fund Act which was before the members some time ago in respect of unsatisfied judgment payments in respect of antique cars. The amendment we present to you will make a charge for the registration of an antique car \$25.00 in place of \$5.00 at the present time and \$20.00 of that amount will be paid into the Unsatisfied Judgment Fund and will be the only payment required for the Unsatisfied Judgment Fund in respect of that vehicle.

I think I should say something just about an antique car so that there'll be as least misunderstanding as possible. An antique car is one that is more than 20 years old, but it should be noted that an antique car is not allowed to be driven at will on the public roads. It is restricted to three cases: first, to take part in a procession such as on Fair Day or some similar occasion; second, driving in an antique car rally, previously authorized by the Registrar of Motor Vehicles; or third, for the purpose of taking it to the garage or service station to be serviced or repaired. I might just point out that in any one or all of the three cases, the owner of the antique car is still required to have an insurance policy on the car and he must sign an undertaking to do this before being allowed to do any of these three things, and he gives this undertaking at the time of registering the antique car.

And one further point, and that is it will be understood that if a person has a car that is more than 20 years which he is using regularly, for going to work or other ordinary use of the car, it is registered in the ordinary way in every respect, both with respect to licensing and insurance. The term "antique car" only applies to those instances where the car is kept as a kind of a showpiece and used for special occasions. Whenever I think of an antique car, I always think of the former member for Kildonan who had a very handsome Model A Ford that I have seen him drive on occasion.

And finally, Mr. Speaker, I refer to the changes that are made in respect of penalties under the statute. These are the changes which we are proposing for your consideration. Now I want to give this as clearly as I can by giving the amount of the penalty at the moment or the arrangement with respect to the amount of the penalty and the new proposed penalty in the Bill that is before the members.

In the first group -- I'm dealing with these in two different groups -- the sale of a defective vehicle, the present minimum is \$25.00 and our Bill would increase this to \$75.00. This is an increase of the minimum from \$25.00 to \$75.00 in the case of the sale of the defective vehicle.

Failure to yield to a pedestrian, which presently has a minimum penalty of \$20.00, we are removing that -- that is there will be no minimum -- it will be in the discretion of the magistrate. Failure to yield to a pedestrian at pedestrian corridor, which has presently a \$20.00 minimum, no minimum. Passing within 100 feet of a corridor, presently the minimum

(MR. McLEAN cont'd).....is \$20.00; we propose removing the minimum, so that there will be no minimum. Failure to exercise care for safety of a pedestrian, present minimum is \$20.00; we propose no minimum in those instances, leaving it in the discretion of the magistrate. And in a further offence of having charge of a vehicle other than a motor vehicle, while drunk - and I presume this might mean, for example, a tractor, or a combine on the highway - where the present minimum is \$10.00; we propose increasing that to \$25.00 minimum penalty.

In a number of cases the Act now specifies a \$20.00 minimum and we are proposing certain changes as I will indicate. Failure to surrender out-of-province licence when applying for a licence under the Act - a Manitoba licence - no minimum. Now as I say, you will remember in this particular group that the minimum at the present time is \$20.00 in all cases. Failure to comply with any traffic control device, no minimum. Failure to comply with traffic control signal, no minimum; and driving below the minimum speed limit, no minimum; and failure to comply with traffic control devices, solid lines, and so on, no minimum. Changing gear while crossing railway, no minimum. Failure to stop at stop signs; no minimum; and failure to yield right-of-way when crossing divided highway, no minimum. Driving while disabled by reason of disease or physical disability, no minimum; and driving at an undue slow speed, no minimum. There are some of us likely wouldn't be charged with that offence. Depositing on a highway any rubbish or dangerous material, no minimum; and then I have already referred to the change with respect to the overweight which in effect brings the minimum penalty of \$25.00 - brings it up in the one instance of having excessive weight on highways which are under local authority control.

Mr. Speaker, that, as briefly as I can, indicates the 16 sort of separate items that are dealt with by the Bill and which we recommend to the House. I recognize that in one or two instances there may be strongly held opinions about what we are proposing and we're certainly more than happy to listen to any debate or arguments or suggestions and consider changes if that seems to be in the public interest.

....continued on next page.

MR. HILLHOUSE: Mr. Speaker, I wish to thank the Honourable Minister for the very comprehensive report that he's given on Bill 15 and I also express my appreciation for removing the minimum penalty from certain sections under this Act. As all members are aware, offences under this Act are described as serious, less serious and minor, and in most minor offences there is no minimum but there is a maximum of \$100.00. Now I have always been a strong believer in giving to a Police Magistrate, particularly, wide discretion in the matter of penalties and I don't think that any statute passed by this Legislature should have a minimum penalty. The minimum penalty was originally inserted in our statutes because most of our provincial offences were tried by Justices of the Peace, men who were not trained or learned in the law, and I think today, with the corps of Police Magistrates that we have in the Province of Manitoba, I think we can rely upon them in doing the right thing and I see no reason why they should be restricted by having to impose a minimum penalty.

Furthermore, Mr. Speaker, I feel that by imposing minimum penalties under this Act, or any other Act, but particularly under this Act, because in this Act there is a section, Section 227, which gives to a Magistrate a discretion. Now this section reads: "In any prosecution for offence against this Act, if the judge or justice is satisfied from the evidence that the offence charged occurred through accident or under circumstances not attributable to the fault of the accused, the judge or justice may, notwithstanding anything in this Act, instead of imposing the penalty in this Act provided for the offence, either acquit or reprimand the accused." Now my submission is that where we are imposing a minimum penalty for an offence, let that offence be a serious offence, a less serious offence or a minor offence, if the magistrate who is trying that case feels that the facts and circumstances surrounding that offence are such that to impose a minimum penalty is imposing too great a penalty, he is going to make use of this Section 227, and yet in making use of that section, he may not be strictly honest with himself and honestly interpreting the law, and I would urge the Honourable Minister to give this matter consideration and see if we cannot remove all minimums from this particular Act.

I was a member of the committee that was set up to study this Act and I urged in committee that the minimum should not be imposed. I was overruled and I still urge that the matter be given further consideration by your department because I feel that it is in the interests of justice that a magistrate should be given the widest possible discretion in the matter of penalty imposed. If one takes a look at the Criminal Code of Canada, which deals with minor and serious criminal offences, you'll find that in almost every section in that Code, with the exception of indictable offences, that a magistrate is given a discretion. So I would urge the Minister to reconsider the question of removing minimum penalties from all penalty sections in this Act.

I was a little disappointed, Mr. Speaker, that there was no mention made by the Honourable Minister regarding compulsory mechanical inspection of motor vehicles. I believe that this is something which we should undertake in Manitoba without any further delay. When our committee held its hearings, numerous delegations appeared before that committee urging upon the committee the necessity of making it the law of this province that no vehicle should be driven on the highways of this province without being inspected at least once a year. Most people who appeared before the committee urged that we introduce here the same system that they have in British Columbia. The then chairman of the committee, in my opinion, was very anxious to have that particular recommendation implemented and I don't know what happened - whether when he departed from the government the idea departed from the government but I do urge the government to give that matter serious consideration and not waste any further time in bringing about compulsory automobile inspection - at government agencies not private agencies - as soon as possible.

Now there was another matter which we considered in that committee which I consider to be of utmost importance insofar as safety is concerned and that is the question of making it compulsory to have reflector or luminous licence plates. We were given several demonstrations there by a gentleman whose name I forget. He showed us movies of these licence plates and how they shone up at night under any light and to me it was absolutely amazing; and being an individual who uses the highway a great deal at night I can assure you, and I don't think I need give any assurance to any member of this House, that a luminous licence plate is a safety feature which we should instal in our motor vehicles without any further delay.

There are one or two other items that I would like to mention simply in passing and that is Section 145 of The Highway Traffic Act which deals with a gratuitous passenger and denies to a gratuitous passenger the right to succeed in a claim for damages unless he can prove gross

(MR. HILLHOUSE cont'd.) negligence against the driver or the owner of the car. I don't think that that section has any place in our jurisprudence; I think it should be removed, because it leads to some of the greatest absurdities in law that one could envision and I hope when our special committee on insurance rates is set up that that matter will be taken into consideration and some effective recommendation will be made by that committee to this House.

There is a further matter that I would like to deal with, that deals with Section 151 of The Highway Traffic Act which under certain circumstances requires an individual involved in an accident to submit a report to the police. Now I have no objection to that report being made; I think it's most essential that the Registrar of Motor Vehicles have as complete a record as possible of all accidents in the Province of Manitoba and from the information given in that report be able to classify the various types of accident, but I do object to that report being used by the police as a basis for a prosecution. It is used by the police as a basis for prosecution. I know of many many cases where there was no police witnesses present and where as a result of the information that was given, and the individual was under a legal compulsion, a statutory compulsion to give that information, they have as a result of that information laid a charge against him. Now if it's a charge laid under The Highway Traffic Act they cannot make use of that report in court as evidence against him unless the charge is of making a false statement, but if they lay a charge under The Criminal Code they can use that report, and the City of Winnipeg uses that system of prosecution quite freely. I think, Mr. Speaker, that the reason why these reports are made necessary and obligatory on a person involved in an accident is for the records of the Registrar of Motor Vehicles and I don't think that they should be used as the basis for a prosecution.

There's one matter, and I don't think perhaps this is the place to bring it up, although I think motor vehicles are more involved in this principle than any other chattel which is bought or sold in this province, and that is the doctrine of caveat emptor. I think the time has come when we should give serious consideration to discarding that doctrine in its entirety. I understand that recently Scotland has discarded that doctrine. I realize that Scotland is ahead of most nations in their system of jurisprudence and I hope that the Honourable Minister, being a good Scot like myself, will obtain information from Edinburgh as to what the Act was that they just recently brought in there doing away with the doctrine of caveat emptor and that after getting a copy of that Act he will bring it to the attention of this House and see if we can't do something in Manitoba to remove from our common law an archaic doctrine.

MR. DOERN: Mr. Speaker, just on one matter. There has in my opinion been some confusion on this question of funeral processions and red lights and I've drawn this to the attention of the Minister because I have a constituent who is somewhat obsessed with the fact and keeps reminding me of its importance, but I do feel that although the Minister has reassured us several times that adequate measures were taken to inform funeral directors, I'm not convinced of the effectiveness of those measures. I think the public is somewhat confused as to whether or not under - at least up to now - whether these processions were able to proceed through red lights or not and I think that's bad. I think the public must be informed as well as the directors. If the rule was that processions were unable to go through red lights all I can say is I was an eye witness to several which did proceed and they were supposed to have been notified that they were not. So I hope that some greater efforts will be made to, you know, make this rather clear to the directors and I think to the public as well.

The other thing I was going to mention in that regard was the problem of the length of these processions. I don't know how this can be solved in terms of escorts. For example, it seems to me when you get a rather lengthy funeral there should be police escorts. I know this is difficult to anticipate but I wonder if some guidelines couldn't be formulated. I don't know how the problem can be solved; it just seems to me that once a procession gets over about 20 or 30 cars that this should be almost a compulsory feature.

MR. SPEAKER: The Honourable Member for Kildonan.

MR. PETER FOX (Kildonan): Thank you, Mr. Speaker. I too will try to touch on a number of points that are of concern to me. I thank the Minister for the explanation he gave us and it still didn't cover all the areas that I would like to touch on. As he said, this bill is hard to discuss in principle, but I would like to mention here the part about a dealer selling a vehicle that's unroadworthy to a purchaser. I think here you may find, Mr. Speaker, that we will get into some controversy. When people are buying vehicles and a certificate has to be issued naturally the one who is selling is going to try to make the vehicle as close as possible to good, or perfect as he can come within a legal description, and the purchaser on the other

(MR. FOX cont'd.) hand may have difficulty later on trying to determine whether only this amount was at fault before he gets it back on the road, and I think that this may create some problems in selling vehicles of this nature. I would have preferred if - I have no objection to "dealer to dealer" sales or "dealer to wreckers", but I don't think it would be very advisable to sell them to the public as well.

I also am disappointed that there was no compulsory inspection in this Act. There are some good points that have come out in here including the point that I have mentioned earlier in this session in respect to warming up cars in the wintertime, but I do think that the compulsory inspection should have been a part of this Act. The Minister has said that there will be further amendments. I don't imagine they'll come at this session, but I certainly hope they will come at the next one.

Now there's one other issue I mentioned earlier in this session, Mr. Speaker, and that was in respect to studded tires. That became law and I asked whether anything could be done in respect of putting a warning sticker or a tag of some kind on vehicles that have these in order to assist other drivers that were coming up from behind, and the Minister said he would look into this. I find nothing in this Bill 15 that amends this area.

In respect to funeral processions as was already mentioned I am pleased that this aspect has been changed because having been to a number just recently I found most of these funeral processions were breaking the law whether they wanted to or not. You just cannot break up a procession once the lights turn, you're in the middle of it so therefore now it becomes legal to proceed.

There's one other area, Mr. Speaker, that I would question the Minister on and that is the part on Page 12, Section 14. I'm just wondering whether that means that The Traffic Board if it makes a regulation and it's printed in the Gazette that this becomes law. I wonder if he could explain that a little more clearly. That's right at the top of the page on Page 12. To me it says, and I may not be reading this correctly, "that notwithstanding The Regulations Act an order of The Traffic Board which is a regulation within the meaning of The Regulation Act has effect only on from and after dates one week after the date of The Manitoba Gazette." Now the thing that concerns me, Mr. Speaker, is that here we pass laws by printing them in the Gazette, if I understand this correctly. I hope this isn't true because I was under the impression that this Legislature was making laws.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. MOLGAT: I want to touch on one or two items that are in the bill. I think in general I agree with the proposals of the Minister and also on some matters which he did not touch on which had to do with The Highway Traffic Act.

Referring to the Bill in particular I was wondering why on Page 4 where the Minister dealt with the question of flashing lights, school buses and equipment, why it is not a mandatory matter insofar as the special mobile machines or other vehicles owned and operated by the government or a municipality being used in the maintenance or construction of roads, "may" be equipped with a lamp or lamps; and similarly a school bus "may" be equipped with a lamp on the top thereon. It seems to me that this type of vehicle which normally operates at a slow rate of speed, certainly in the case of the construction equipment that is so, and in the case of school buses where there are very frequent stops that rather than have this a voluntary clause that we might consider making this mandatory. There are two conditions in particular that are prevalent in the Province of Manitoba which we have to take into account when we ask for these flashing lights - and I'm referring to the dust conditions in the summertime and the snow conditions in the winter. Now I know that the snowplowing equipment have to be equipped with a flashing light and this is a big factor in many cases on - particularly when you're off the main highways, and there is equipment working, it is going at a slow rate of speed but you can't tell that and very often because of the snow flying up you can be very close to the equipment before you recognize the danger. Well similarly with the other construction equipment and the buses, school buses in particular, it seems to me that for the expense involved it would be a wise course of action to insist that they be so equipped because it makes a tremendous difference on the visibility.

I would have hoped - speaking now of matters that are not in the Act, Mr. Speaker, that the Minister might have given us a report on the 15-mile zone which was removed last year in schools and playgrounds. I must confess that I was one of those who did not feel that this was a wise move and I gather from the way it is proceeding that I may have been wrong and that it seems to be working out all right. But I would like to know from the Minister whether there

(MR. MOLGAT cont'd.) have been any increase in the number of accidents as a result of this particular change in the law.

It seems to me as well last year that a change was made, and I don't think it was specifically under this Act but it's related, with regard to wrecked car lots that were not to be allowed within a certain distance of provincial highways. Now, as I say, I don't think it comes specifically under this section but I would like to know from the Minister what progress has been made in this regard.

The main item, though, Mr. Speaker, that I had hoped the Minister would touch on and which he has not covered, as I recall, in his presentation and which I think is of vital importance, is the whole aspect of impaired and drunken driving, and I think that this is one area where we have to move into much stricter laws and regulations because as our accident rates are going up, and this is of genuine concern to everyone, the loss of life and of property, of course, is the most important aspect, the one we have to look at first, but there's also the question of insurance rates which are tied in with this inevitably. One of my colleagues now has an Order for a Return on the subject to see what relationship there is at present in Manitoba on the number of accidents and alcohol. We are discussing the subject before the Law Amendments Committee insofar as the change in the liquor laws, the extension of hours and so on.

It seems to me that in this area we have to be considering changes in our law, and I was hoping that the Minister would be in a position to give us a complete report on this subject. Now we've been talking about the breathalyzer tests in Manitoba now for some time. The committee of the House that studied this matter, I understand made some testing themselves, but there's been no forward movement, yet I know that provinces like Saskatchewan have proceeded along this line. It is not an easy thing to do, and yet when you consider the problems involved with drinking and driving it seems to me, Mr. Speaker, that we simply cannot afford not to move along in this line and that we have to tighten our laws. There is no compulsion on anyone drinking. This is a voluntary choice of the individual, but once he gets behind that wheel and there are other people involved, then the other people don't have a voluntary choice on the matter. They can be faced with someone who is unfit to drive and through no fault of their own can suffer life and property, and so the onus must obviously be on the individual who decides on his own to drink and to drive. Therefore, the tightening of the laws I think is essential when we are faced with what I think is a constant increase in this menace, and I am disappointed that the Minister has not given us a report today on the development in this line, and that there's no action being taken, it seems to me, under the Act, moving towards tightening of our laws and the consideration of the breathalyzer tests for the Province of Manitoba.

MR. PHILIP PETURSSON (Wellington): Mr. Speaker, I just wish to have a word or two on this general subject. I, too, with the others, congratulate the Minister on an over-all generally good report. There are a couple of questions and a couple of comments that I have. The first one is in connection with the safe condition of a car to be operated on the highway. I know that under the terms of the Act this includes mainly, or only used cars, but there are brand new cars continually being recalled by the manufacturers, numbering in the thousands, to be put in a safe condition. Would anything in the Act cover these new cars? Is there any way in which it is possible to detect this or to at least give the general public, the car-buying public, some assurance that the cars, the new cars as well as the used cars, assurance that these cars are in a safe driving condition when they buy them? The Greater Winnipeg Safety Council is proposing to set up signs on the highways or in certain parts of the Metropolitan area where accidents occur and where people have been killed, saying something along the line of: "An Ignik struck here - two killed." This is one illustration that they use but they don't always know in every case, or will not know in every case, whether it was actually the fault of the driver or the fault of the motor vehicle that they were operating, new or old, right off the assembly line or second-hand; and if provision is being made for safe vehicles this should cover new ones as well as old or used ones. There could be a provincial testing department or something could be set up in association with federal authorities to test new cars, to check on them to see whether they are roadworthy or not. There's an organization that publishes a paper, a magazine, "Consumer Reports", and they go through this testing procedure but probably to a much more limited degree than the government departments would be able to if they were set up for that particular purpose.

Another item that has been mentioned two or three times is the funeral procession, and I have my own views on funeral processions, having travelled from undertaking parlours out to the cemetery more times than I care to try to figure out, and on many occasions I've had the

(MR. PETURSSON cont'd.) daylight's scared out of me because of the cutting into traffic by the lead car in which I sat in the seat that is known as the "death seat" and without seat belts, and I wonder, I wonder greatly about the necessity of a funeral procession cutting into traffic against a red light. The man being buried is in no great haste to get to the cemetery and I don't think that any of the other people are too greatly concerned about speed or expeditious burial, and I think it would be possible, in time, to encourage the discontinuation of funeral processions altogether. This has been done and is being done quite regularly in the city where there is a cremation. The final committal is made in the church or in the funeral parlour and the coffin is carried out into the hearse and the next-of-kin and friends who have gathered for that funeral service go home, and the undertaker alone looks after the transportation of the body out to the crematorium. The same could quite easily be done in connection with a burial in a cemetery. The people paying for the funerals would be saved a considerable item of expense, particularly where they pay up to \$20.00-\$25.00 a car for use in the procession, and there would be no traffic hazards created by the funeral passing through.

This is all, Mr. Speaker, that I would have to comment on in connection with these amendments to the Act. There may be other items but miniscule really; they'll be brought out when the amendments are before Law Amendments Committee.

MR. SPEAKER: Are you ready for the question?

MR. SHOEMAKER: Mr. Speaker, I beg to move, seconded by the Honourable Member for Birtle-Russell, that the debate be adjourned.

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

MR. McLEAN presented Bill No. 86, An Act to amend The Legislative Library Act, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, one thing at least members will recognize is that I have an interesting job, both in The Highway Traffic Act and in The Legislative Library Act.

When this Bill was in committee stage, I pointed out that the present Legislative Library Act has a Part 2 which, although it was enacted many years ago, has never been proclaimed and so, it having outlived its usefulness, we are proposing a new Part 2 and we also propose to proclaim it so that it will come into -- as a matter of fact we are saying it will come into force on the day that this bill receives Royal Assent. And this part which is now before us in Bill 86 would replace that Part 2 of the present Legislative Library Act and also replace The Public Records Act which is another one of the statutes and which of course has been in full force.

Briefly, this provides for the public records and archives establishing an Archives and Public Records Branch and providing, simply laying down the rules that will apply to the preservation of objects which are of an archival nature, and of course all the necessary things that go with it. Then, in addition, it establishes under this statute, under this Bill, a Documents Committee and indicates the nature of the personnel whose job it is to scrutinize public records, and I speak now here of records of the various departments or branches of the government itself, in order to determine whether they are to be destroyed or retained and so on.

Now in fact that is the procedure which is followed at the present time. There are maybe some just very minor changes in the procedure but that portion of this Bill is now part of The Public Records Act which would be repealed if this Bill receives the approval of the House, and establishes that as part of this arrangement.

There is really nothing too much of a new nature here, perhaps some strengthening of the provisions respecting both public records and archives, and I would think that it is in the public interest that this Bill be adopted.

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

MR. McLEAN presented Bill No. 95, An Act respecting the Protection and Preservation of Historic Sites and Objects, for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, this Bill also, when we were in the Committee stage we had a discussion about it. At the present time we have a statute which is known as the Historic Sites Preservation Act, and this Bill before the House, if accepted, will replace that statute and it will be known as the Historic Sites and Objects Act. The purpose of the Bill and the statute is to perhaps bring up to date the definitions in the statute and to provide for the preservation of historic sites, the expenditure of funds on them, where that is deemed advisable, and in general to as far as we can preserve those things which are of historical importance to our

(MR. McLEAN cont'd.) province and to our people.

I am aware that in these times, and especially in 1967, the Centennial of Canada and as we approach the Centennial of the Province of Manitoba, we have become most acutely aware of the importance of our history and those things which remind us of our historical past and one indeed could spend a good deal of time and money in doing most useful work in the preservation of many of the things which are part and parcel of our history. I do not put this Bill forward with any suggestion that it in itself means the expenditure of any very specially additional funds but I believe that it gives us the framework within which the kind of work that ought to be done can be done, it remaining always of course for the adoption of particular programs and the provision of the funds necessary in order to do it.

I recommend this Bill on the basis that it is an updating and strengthening of our legislation on this matter and will enable us to do the job that can be done and should be done, subject always of course to the necessary funds that would be required to go along with the legislation itself.

MR. MOLGAT: Mr. Speaker, before the question is put, I just want to say that I'm in favour in general with proceeding to make sure that we preserve these historic sites and historic objects. This is certainly, from an over-all standpoint of the development of our province and getting our youngsters interested in the history of Manitoba, something that is highly desirable. We should not miss any opportunity to set aside now those items that will be of value to us in the future.

I want to point out, however, that there is a very immediate interest in this as well, Mr. Speaker. You can call it a purely economic one if you wish but from the standpoint of the tourist industry there is an immediate necessity to move on a number of these sites, not necessarily with a great deal of expenditure if the money isn't available, but certainly with at least some signs to indicate where these sites are and to mark them. I think, Mr. Speaker, that we have failed in the Province of Manitoba in doing that. This is something that could be done at very little expense. These signs, if we do not want to procure them commercially — and I might suggest that if the government put a few less signs on some of the highways, such as the one between here and Portage la Prairie, indicating the work being done by the Minister of Public Works — they might be able to cut those down a little bit and have maybe instead of the dozen or so that have been on that highway for the past year, maybe one or two, and the monies could then be spent on other locations indicating some of the historic sites because there are many of them that are still recognizable in a number of cases. We've had a discussion already on the subject. Every member, I'm sure, in his constituency could find a number of them. The Minister who is introducing the Bill referred to a fort in his own area and there are a number of them in exactly that way. But you can't even find them, Mr. Speaker. There's an old site in my own constituency, Manitoba House, an original Hudson Bay Fur Trading Post near Kinostota. You can still see the excavation but unless you go and get one of the natives to take you to the spot you have no means of knowing that it's even there because there's no indication on the highway, 10 miles away, that there is in fact a historic site there. And this is repeated throughout the Province of Manitoba where we do have some points of very definite interest to our own people to begin with and more and more we are encouraging Manitobans to get to know Manitoba. Some of our tourist promotion is to encourage them to go on tours of the province. I think it's vital if we're going to enthuse our young people in the history of Manitoba and the background of our people, that we give them the opportunity to see these things; but unless they are marked, Mr. Speaker, then we are simply not going to get the interest that we should have. And I submit that this need not be an expensive program. It doesn't require right now great stone cairns and expensive markers; just plain ordinary signs to begin with would be a start. It could be developed later and the sites can be embellished, we can do the landscaping and all the rest of it, but the first start is to have a sign to tell us that the site is there on the highway or on various highways, indicating where the sites are and then at the site itself. We might even consider having the signs made by our prisoners. I know that at present, for example, at Headingley, there's a good deal of furniture being made, and there are other items being done by the prisoners there. This may be something that they could undertake. It could be done with a minimum amount of expense but it must be done by the government or by the Board that's going to be set up and there's no reason to delay it any further, Mr. Speaker.

I submit that the work that will be done by the Board is fine; there's all the long-range projects; that 100 percent. But let's have a very short-range project of marking the sites

(MR. MOLGAT cont'd.) throughout the Province of Manitoba, then after that doing whatever else is required to make sure that they are kept, expanded if need be but let's mark them.

MR. GUTTORMSON: Mr. Speaker; there was an Historic Sites Board in operation here about three years ago I believe. I understand they were in operation for one year and then they suddenly disbanded because they had no power to act any longer.

Could the Minister when he closes debate tell us why this Board was not reactivated before now? I understand it's been out of commission for two years; they could have been working during this past while and they didn't have the power to act and therefore have been disbanded for the past two years.

MR. PETURSSON: Mr. Speaker, I was going to follow up a little bit on what the Honourable Leader of the Opposition said in connection with these historic sites and the preservation of them, or at least the preservation of the memory of them because many sites which would have been historic have disappeared.

In another few years we'll be celebrating the hundredth anniversary of the Province of Manitoba and there are some sites in the early settlement of the province and its gradual growth over the century that are well worth preserving and there are also sites in Manitoba which could be commemorated as having played a part in the building of the nation as a whole. If something isn't done to help to preserve the sites simply as sites, having played a part in the growth and development of the country, if something isn't done now then in a few more years time it will be too late. There's such a thing as marking, for instance, buffalo trails. They may have completely disappeared. At one time they were quite clearly visible on the prairies. A sign such as the Honourable the Leader of the Opposition mentioned, could be set up somewhere to mark the fact that here or in some other place there had been a buffalo trail. There are burial mounds, there are buildings, there are fortifications such as those that the Honourable Member for Churchill mentioned not very long ago that could and should be preserved. Between here and Lockport there was a building known as "Halfway House", a building which travellers in the early days, travelling by horse or by ox team or simply walking, sought overnight shelter and meals. There are many things if we began to let our imaginations, give them a little free rein, many things that we could think of.

I have been accused, just today, of encouraging racism or nationalism but I can't help it because as I said the Icelandic people are so few in number that we have to keep beating our own drum. At Arness, Manitoba for instance, there's a spot that marks the birthplace of Vilhjalmur Stefansson, the greatest explorer that Canada has ever produced. Many other places could be mentioned and I think that this particular Bill is a very worthwhile step in the direction of beginning to preserve, protect and mark places that are of historic significance to the province and to Canada.

MR. McLEAN: Mr. Speaker, perhaps it is nowtime to close, if I moved, seconded by the Honourable the Minister of Education, that the debate be adjourned and then I will be closing the debate.

MR. DOERN: Mr. Speaker, I wish to speak myself, and there may be others. -- (Interjection) -- Well then, I move, seconded by the Honourable Member for Wellington, that the debate be adjourned.

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

MR. LYON: Mr. Speaker, before moving adjournment I would remind members of the House that Law Amendments Committee sits again tomorrow morning at 10:00 o'clock in Room 254.

I move, seconded by the Honourable Provincial Treasurer, that the House do now adjourn.

MR. PETURSSON: May I ask the Honourable Minister is Bill 75 one of the bills that is to be considered there tomorrow morning? That's The Mental Health Act?

MR. LYON: The Bill is on the list of bills that is before Law Amendments.

MR. PETURSSON: It's not on the list that appears on the Board.

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