

THE LEGISLATIVE ASSEMBLY OF MANTOBA
2:30 Wednesday afternoon, May 22, 1968

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions

Reading and Receiving Petitions

Presenting Reports by Standing and Special Committees

Notices of Motion

Introduction of Bills

Orders of the Day

The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): Mr. Speaker, I would like to ask a question of the Honourable the Minister of Agriculture. The Federal Government has negotiated another wheat agreement wherein is contained a clause that I think 4 1/2 million bushels is supposed to be distributed to underdeveloped countries. Is this being done as a gift from the farmers of this country, or is it from the Government of Canada? I know it's not a provincial matter, but certainly it's one that the Minister no doubt would take interest in and could probably inform us.

HON. HARRY J. ENNS (Minister of Agriculture and Conservation)(Rockwood-Iberville): Mr. Speaker, I don't have specific knowledge of the information requested by the Honourable Member for Rhineland, but I must assume that it is a gift from the Treasury of the Government of Canada, and in that way all the Canadian citizens are involved.

MR. SPEAKER: The Honourable the Provincial Secretary.

HON. STEWART E. McLEAN Q.C. (Provincial Secretary)(Dauphin): Mr. Speaker, before the Orders of the Day, I wish to table a Return to an Order No. 42, made May 10, 1968, on the motion of the Honourable the Leader of the Official Opposition.

MR. SPEAKER: Orders of the Day. Before we proceed, I would like to introduce our guests in the gallery where we have 54 students of Grade 6 standing of the central School. These students are under the direction of Mr. Lawrence Smale and Mrs. Carol Fuller. This school is located in the constituency of the Honourable the Leader of the New Democratic Party.

We also have with us today 13 students of Grade 11 standing of the Precious Blood School. These students are under the direction of Mr. Laurent Gagne. This school is located in the constituency of the Honourable Member for St. Boniface.

On behalf of all the Honourable Members of the Legislative Assembly, I welcome you all here today.

ORDERS OF THE DAY

HON. STERLING R. LYON Q.C. (Attorney-General)(Fort Garry): Mr. Speaker, if you could now call Bill No. 73, on Page 3 of the Order Paper.

MR. SPEAKER: Bill No. 73. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this is the one Bill that I have not considered. I would beg the indulgence of the House to have it stand until tonight.

MR. LYON: . . . if we could undertake to have the matter stand for awhile this afternoon but we would like my honourable friend to make his contribution. I would suggest today because I think the House has been very very considerate in . . .

MR. FROESE: I said tonight.

MR. LYON: Well, I was suggesting later on this afternoon if we could call it then, because we have a number of other items. We have 18 Private Members' Bills yet to be considered for the first time and I would suggest that we are attempting this afternoon to reach all of the government matters, so I would ask for my honourable friend's co-operation.

MR. FROESE: Mr. Speaker, I'm quite happy to co-operate but certainly there's only so much work I can do and I certainly see no reason why we can not go ahead with the private bills.

MR. SPEAKER: Bill No. 66. The Honourable Member for Rhineland.

MR. FROESE: Mr. Chairman, this is the Bill that we were discussing last night when the Honourable the Leader of the NDP group asked whether I would adjourn debate on it so they could go home. I did not have too much to offer on this Bill at all; I was just going to make a comment or two.

I note that on the second page there is mention made that this is going to be a statutory charge on the Consolidated Fund and therefore will not require an annual vote by the Legislature.

(MR. FROESE cont'd.)... I don't know how many of these type of matters that we have on the statutes at the present time which do not require a vote, but it seems to me that I think this is where we have difficulty in understanding, especially new members coming in, what is happening all along, because we are not voting annually these various amounts, that they're just being taken as a matter of course, and this makes it so difficult for us to understand certain acts that are being done, certain changes that are being made.

I am interested to hear what the Honourable the Minister has to say in closing because some of the questions that were on my mind have already been discussed by other speakers including the member for St. John's and the Honourable Member for Lakeside, so I will be satisfied to hear his explanations and make any further contributions in Committee of the Whole.

MR. SPEAKER: Are you ready for the question? The Honourable Leader of the Opposition.

MR. GILDAS MOLGAT (Leader of the Opposition) (Ste. Rose): Mr. Speaker, I intend to support the Bill but I think we should have a clear understanding as to what the Bill means and that the people of Manitoba should be told quite clearly what it does mean. In the debate earlier on the budget and some of the debate on the estimates, the Minister was indicating that there was going to be a saving to the people of Manitoba in some of the changes that he was proceeding with. I think it must be very important to point out to the people of Manitoba, Mr. Speaker, that it is not a saving in the sense that the government has been able to economize and do something in a better way and the people of Manitoba will thereby in the long run have some lower taxes. All the government is doing is that it is changing its method of repayments and it won't be putting as much money aside this year as it normally would under the previous rule.

So the 1.8 million, which won't be put aside this year according to the figures that the Minister gave us, is simply going to mean that the debt will be paid off that much slower and we won't be putting 1.8 million aside this year to pay off debts. Now to that extent it's correct that we won't be taking that out of current revenue and putting it into reserve funds or into debt retirement funds, but to say that it's a saving to the public, Mr. Speaker, is not correct. It's simply that we're not paying the debt off at the same rate as we were previously paying it off.

Now the Minister can tell us that this will still mean that the debt will be paid off and if he can do it that way that's fine, but to present this as a saving, I think is an incorrect method of presenting the facts to the public, and that extent I feel that the people of Manitoba should know exactly what is going on. What the government is doing is it's slowing up its repayment of the debt.

MR. SPEAKER: Are you ready for the question? The Honourable the Provincial Treasurer.

HON. GURNEY EVANS (Provincial Treasurer)(Fort Rouge): Mr. Speaker, I think I'd like to make a few brief comments on the contributions that have been made. My honourable friend from Lakeside gave an interesting review of the start of the Reserve for Debt Retirement Act and referred to a matter that does not come within the principle of this Bill; namely, the repayment of the then \$90 million of dead-weight debt. Since that matter does not enter into the principle of the Bill before us, I hadn't dealt with it.

He made some statements that I had probably told the truth but I hadn't given the whole truth. I did, I hope, display as much material as I thought was proper with respect to the principle that's contained within the Bill, and the principle is of course to illustrate how the weight of repayments upon the taxpayer can be lightened by the method set out in the Bill. It did not have reference to the amount of dead-weight debt that was found to be in existence in 1947 nor the subsequent reduction of that debt which has now very largely, if not entirely, been retired.

He referred again to the difference of opinion between himself and the then Provincial Treasurer as to the value of savings bonds. He drew attention at that time to the fact that there might well be a time when redemptions would become heavy, and of course events have proved him to be right. I think it can be said in the meantime, However, that we still have \$45 million of savings bonds - money representing those savings bonds, and to that extent we have the use of \$45 million we wouldn't otherwise have had.

He questioned whether it was correct to say that we did not have the power to omit from the three percent capital input the amounts of savings bonds already redeemed, and I can only say to him that we had the opinion of the Comptroller-General and of the legal counsel to the contrary, and with that advice we undertook to put a few words into the Act on this occasion to make it abundantly clear that we could do what we wanted to do.

(MR. EVANS cont'd.)...

He referred to the special division and raised the question as to whether the earnings in the special division would be taken into the Consolidated Fund. Well that's true as the first step, but offsetting that will be the requirement to put three percent interest on the amount of the Sinking Fund back into the Sinking Fund out of the Consolidated Fund. Consequently, he is correct when he says that the excess earnings above three percent may well be taken into the Consolidated Revenue Fund, but I would like it amply clear that it is not the entire interest earnings of the surplus fund which remains in the Consolidated Revenue. I think that point is clear but I want to have it on the record.

At one point he raised the question as to whether I relied on this one item alone to provide the so-called savings to which I referred in my budget address, and I would like to tell him that I referred to other items at that time including cash flow, the use of the short-term money market and the consolidation of bank accounts as other means by which, with better money management, we could in fact effect savings.

I'd like to tell all three speakers, the Member for Lakeside, the Member from St. John's and the Member for Rhineland, that at no place in either my budget address nor in the Speech from the Throne did - and the Leader of the Opposition, I'd like to remind him as well - that at no time did I use the word "savings" with respect to this. It was to relieve the weight upon the taxpayer of the necessity of putting this money into the Sinking Fund. The only place that the word savings was used in conjunction with some of these other matters, where indeed something of a true saving could be identified. I have no objection to using the word saving in this connection, I don't feel defensive about the word at all, but I do point out to them that neither in the budget address nor in the Speech from the Throne did I employ that term and I just draw that to their attention.

What would be the result if we required people, the taxpayers of Manitoba, to put into the Sinking Fund more money than is required for the purpose? It would be a way of saying to them we must take this money from you now and either return it to you or use it for other public purposes at the end of the time when the security for which it is required are retired. It would be a sort of forced savings enforced upon the taxpayers without really any authority to do so and without the announcement of a public policy for doing that. We think it is far better to leave money in the taxpayers' pockets if it is not required for public purpose and let him spend it for himself.

Now that is the rationale behind our principle of requiring the taxpayer to pay, at any time, only the amount of money that is required for carrying out the announced public purpose. The announced public purpose is to retire the dead-weight debt of the province within 23 to 24 years. The sums that I recited, namely three percent of principle earning three percent interest, is sufficient to do it, and we don't think we should require the taxpayer to put in additional funds out of his own pocket which are not required for the announced public purpose of retiring the dead-weight debt in that time.

My honourable friend from St. John's asked where did the money come from to retire the savings bonds? Well, in the first instance it's almost always the case that we issue a Treasury Bill, but more recently we have been using the money from the Canada Pension Plan to retire those Treasury Bills, and consequently it can be said that the money coming from the Canada Pension Plan, less the amounts required for the School Finance Authority, namely \$10 million in the previous year, is being used to retire the Treasury Bills which were temporarily used to pay out the savings bonds as they were presented for payment.

With respect to the excess of the earnings on the past debt, I think my honourable friend and I cleared up an understanding last night as to whether or not he was reflecting upon the past or merely directing his remarks to the amount of debt created from now and into the future, and despite what his words may have conveyed to me and which words do appear in the transcript, I think we understand each other now that we are not recovering for the Consolidated Revenue Fund any amounts that were excess earnings on the debt that's been outstanding up to the end of last March 31st, or will be in the future on those same issues. That is perfectly correct, the reason being that when investors bought the particular issue they knew the terms and conditions; they knew that three percent would be put into a Sinking Fund. They could estimate for themselves the average earnings that that Sinking Fund would draw to the account, and consequently we thought they had the right to continue to count on those excess earnings into the future.

The effect will be that after the 23 or 24 year period there will be excess earnings in those particular accounts which will become available presumably, as far as I can tell, for the sole

(MR. EVANS cont'd.)... purpose of retiring other debts. That's an offhand opinion, but I think the custom has certainly been that when excess funds become available the public treasury is able to recover any debt outstanding against the Treasury. That's the principle on which that operates.

The question has been raised as to whether or not we could not use these funds to pay off the debt sooner. The initiative for paying off debts is not within the hands of the Treasury. A debenture is issued for a fixed period and become due and payable at the end of that period, and at the end of that period only. A savings bond is issued and becomes payable at the initiative of the investor, not the initiative of the treasurer, and consequently it is not within our hands to be able to make payment at an earlier date than the due date of any obligation of the treasury with the exception of Treasury Bills. And I think, as I've told the House already, we are rapidly reducing the amounts of treasury bills, partly using for the purpose the funds provided by the Canada Pension Plan.

At the committee stage I shall look forward to what my honourable friend from Lakeside refers to as a philosophical discussion. I think he thought at that time he would like to refer again to the word "saving." I've no objection to calling it saving and to discussing it on philosophical or any other kind of grounds.

My honourable friend from St. John's asked us whether we could have a ten-year record there of the amount of, I think, debt outstanding and the inputs into the sinking funds, and while the figures are almost compiled now, I'm not able to give them at this moment but at the committee stage I hope to be able to do so.

My honourable friend from Rhineland asked why it had to be a statutory charge. Well I think it's a far safer thing to put it into the statute that a certain amount must be put into the sinking fund every year by way of interest - that is to say, an amount equal to three percent of the amount of the sinking fund at that time - than leave it for each year's estimates to provide that particular amount. I think he will find that all of the charges on the debt page of our estimates every year are statutory in any event, and that we are required by law then to make provision for interest on the money and for the sinking fund requirements. And I think this is partly in protection of the investor and is the responsible thing to do.

My honourable friend from Rhineland also referred - no, it was the Leader of the Opposition, who again referred to this concept of saving. I am perfectly willing to adopt the word "saving", although I didn't use it, and to say that if money remains in the pocket of the taxpayer which is not required this year or it might otherwise have been required, I say the taxpayer has saved that money. He refers to a changing method of repayment which is in the change in the rate only. This is not correct, because any obligation can be paid off only on the due date, and in providing a sinking fund the amounts are provided for 23 years, the debentures will be retired on their due dates, and any surplus or excess that might have accumulated at that time is really money owing to the taxpayer although it may get diverted to other public purposes such as retiring other debt not covered by the sinking fund.

I hope those are the comments that were made last night and this morning that I should comment on.

MR. SAUL M. CHERNIACK Q.C. (St. John's.): Mr. Speaker, would the Honourable Member permit two separate questions? The first one is: would he agree with me on the interpretation - I'm reading from page 804 of Hansard where the Honourable Minister was dealing with the budget address and stated that "we've been looking closely at our public debt expenditures. I'm pleased to report that we've been able to reduce these costs by somewhat over a million and a half." And after describing the two methods, concluded with the sentence, "These measures are resulting in substantial savings."

MR. EVANS: It's all right with me. I just said I had no objection to the word saving.

MR. CHERNIACK: You also said you hadn't used it, I believe.

MR. EVANS: I think I might make myself clear, when I said that nowhere in the Budget Address, nor in the Speech from the Throne, was a reference made to saving, except with respect to these other matters that I named.

MR. CHERNIACK: All right. We'll go to the second question. I appreciate the statement that the redeemed savings bonds which were prematurely redeemed came out of the pension plan moneys. How will they have to be repaid and from what sources? Is there a reserve not now being set aside for that purpose?

MR. EVANS: Yes, Mr. Speaker, the debentures issued to the Canada Pension Plan. I

(MR. EVANS cont'd.) wonder if I should pause there to say this; that we get Canada Pension Plan money by selling Manitoba Government debentures to the Canada Pension Plan. Each of those debentures has a due date; each of those debentures is under the same sinking fund arrangement as any other debenture, and consequently, after they have been in existence for 23 or 24 years, the money will be there to recover the debenture, or to pay out the debenture.

MR. CHERNIACK: May I just ask one supplementary question, just to clarify my own understanding? That, then, means that without this Bill you would have been reserving the same money twice, once under the debenture to the Pension Plan, and once under the original amount of the savings fund. That's for the same dollar borrowed.

MR. EVANS: At least twice. I wonder if I could introduce a further complication here. I think we had savings bond issues in four, five, or six successive years. Some savings bonds were redeemed in the first year and some of that was paid out of the sale of savings bonds in the second year, and consequently three percent on the original amount had to be set aside on the amount redeemed in the first year, and duplicated in the second year, and in some cases should have been duplicated three times over.

MR. CHERNIACK: May I ask my honourable friend if he's blushing? It appears so.

MR. EVANS: Well, I don't know why I should be blushing. If I'm blushing, it's merely with the excitement of the moment, I am sure.

MR. SPEAKER: I'm becoming a little confused too. Are you ready for the question?

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

MR. SPEAKER: Bill No. 95. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I've considered this Bill and checked the items that I was more or less interested in. There's one question in my mind and I'm not quite clear. Maybe the Minister in replying could tell me. There's a statement in the Bill to the effect that grants of an option shall be deemed to be capital. Does this, in cases where you have options and leases, does this apply to the lease as well in such cases, and that this is not treated as income but as capital?

I also note that in certain cases, when an infant gets to the age of 18 years, that they have the power to deal with funds themselves and funds can be turned over to them for the purpose of maintenance and education. Is this standard across the country? Does this apply in other provinces as well? I'm just interested whether this is a standard section.

Mr. Speaker, I am in accord with the legislation being proposed in this Bill. I think it is valuable and I will support it.

MR. SPEAKER: Are you ready for the question?

MR. CHERNIACK: Mr. Speaker, might I just add the comment that I've reviewed the provisions of the Act and I'm pleased to see that they came as a result of work of the Law Reform Committee. Certainly they clarified certain issues. I mean the section involved clarified certain issues and I think are helpful and possibly could be dealt with in greater detail in committee, but certainly in principle are satisfactory.

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

MR. LYON: We're now approaching Bill No. 98, and before we deal with Bill 98 I think it would be appropriate and in accord with the rules of the House if we were to now request that Resolution No. 22 on Page 11 of the Order Paper be now called and hopefully disposed of. Once that resolution is voted on and cleared off the Order Paper, then I think the way is open procedurally for Bill 98 to be proceeded with.

So I would ask you, Sir, to call Resolution No. 22, moved by the Honourable Member from Assiniboia, has the proposed amendment by the Honourable Member for St. Matthews, and stands adjourned in the name of the Honourable Member for Turtle Mountain.

MR. FROESE: Mr. Speaker, could you read out the resolution, because the Order Paper does not contain the full resolution and I'm not just sure what it contains.

MR. LYON: The Clerk will endeavour to get some copies of that. It will be in Votes and Proceedings following the last full Private Members' Day when the amendment was moved. We can find that date so that honourable members can have reference to Votes and Proceedings.

—(Interjection)—41. No. 41 Votes and Proceedings.

MR. SPEAKER: It is the intention to proceed with Resolution No. 22, and for the benefit of the Honourable Member for Rhineland I will read it. Moved by the Honourable Member for Assiniboia: Whereas alcohol is a positive factor in more than 50 percent of fatal traffic

(MR. SPEAKER cont'd.) . . . accidents in Canada; and

Whereas alcohol is one factor which is a major contributor to traffic accidents generally; and

Whereas programs of education have not proved effective in the cases of persons who drink and then drive; and

Whereas the use of breathalyzers has proved effective in reducing the frequency of motor vehicle accidents in other jurisdictions where breathalyzer tests are compulsory;

Therefore Be It Resolved that the requisite legislation be enacted enabling the law enforcement agencies to require drivers, who are believed on reasonable and probable grounds to be under the influence of alcohol, to submit to a breathalyzer test.

The Honourable Member for Turtle Mountain.

MR. RUSSELL PAULLEY (Leader of the New Democratic Party)(Radisson):
~~resolution~~ was amended quite substantially.

MR. SPEAKER: And the proposed motion of the Honourable Member for St. Matthews in amendment thereto as follows:

That the resolution be amended by deleting all words after the word "a" in the first line thereof and substituting therefor the following:

Factor in a number of fatal accidents in Canada; and

Whereas the use of breathalyzers is one method of determining cases in which a driver of a motor vehicle has consumed alcohol to an extent which may impair his ability to drive safely;

Therefore Be It Resolved that this Legislature request the Parliament of Canada to amend the Criminal Code of Canada to:

(1) Authorize the law enforcement agencies to require drivers to submit to a breathalyzer test where

(a) the peace officer has reasonable and probable grounds for believing a person to have consumed alcohol; or

(b) a person who is involved in a traffic accident or is observed by a peace officer committing a moving traffic violation.

(2) Provide that anyone who has the care or control of a motor vehicle and who has consumed alcohol in such a quantity that the proportion thereof exceeds 80 milligrams of alcohol in 100 millilitres of blood is guilty of an offense and liable to punishment therefor; and

Be It Further Resolved that the Government of Manitoba consider the advisability of amending the Highway Traffic Act of Manitoba at the earliest possible opportunity to enable the Registrar of Motor Vehicles to suspend the driving privileges of persons who have refused to submit to a breathalyzer test when requested to do so by a peace officer.

The Honourable Member for Turtle Mountain.

MR. EDWARD I. DOW (Turtle Mountain): Mr. Speaker, this is a question, I think, that comes into the picture of the individual rights. Our society has recognized that it's a privilege to be allowed to drive an automobile on our highways, and it's the responsibility of the provincial licensing authorities to ensure that drivers must have certain minimum standards with regards to age, physical, mental and technical skill, before they are issued a licence. They have the power to withdraw the privilege at any time simply by an administrative action, and the onus of proof that has been required from the standards of fitness and skill are met with the specific tests of the driving abilities. Clearly, drivers do not deserve to retain the privilege if they drive when their mental faculties are not clear; and equally clearly, the onus of proof that they are not so impaired lies with these same authorities. When you think, Mr. Speaker, that it's obligatory to have driving tests before you are issued a licence, and might we go one step further and suggest that it's obligatory that certain tests are made in regards to marriage licence and so on, that I was amazed at the Minister when this resolution was introduced by my colleague the Member from Assiniboia, that made the statement that a breathalyzer hadn't been actually -- and I may read exactly what he said, Mr. Speaker. Mr. McLean said, "Mandatory breathalyzer tests for motorists will not prevent accidents and will cause hardships for many people."

MR. McLEAN: Mr. Speaker, on a point of order. I think that I should remind the honourable member that I did not speak at any time after this resolution was introduced, although there was some discussion took place after the estimates of the Department of Public Utilities.

MR. MOLGAT: Mr. Speaker, on a point of order. Is it not correct that the Minister

(MR. MOLGAT cont'd.)... did speak on the third reading or the committee stage of the previous Bill regarding highway traffic? I think we had an extensive debate in the House and I think the resolution was before the House at that point.

MR. McLEAN: . . . towards it and I just didn't wish it to be recorded because I have not spoken in relation to this resolution.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. DOW: Mr. Speaker, I don't wish to take issue with this particular statement except that I was going to compliment the Minister in bringing the Bill in after this subject had been debated in the House; but Sir, the resolution that is in before us now as amended seems to be the same resolution as brought in by the colleague from Assiniboia except the fact that it mentions that the Government of Canada should amend The Criminal Code, and then subject to that, if they do it, they will take further consideration to set up the Highway Traffic Act in Manitoba to correspond, and I think if we have a complementary Bill coming to this resolution, this is taken care of in this Bill. And so it concerns me, Mr. Speaker, that are we going to delay the action of putting this kind of equipment in the hands of the police officers, because I think it's a proven fact from the statistics used in the countries of the United Kingdom in particular, where fatality accidents have been reduced some 35 to 40 percent in the short period of a few months, that it has been taken as a part of the social life of the United Kingdom that the people like to go out and have parties, they like to go to the various night clubs, but they also recognize their responsibilities on highways by having and carrying too much alcohol in their blood and being impaired to drive an automobile. To me, it is no different from the fact that the police officers today in Manitoba have certain privileges that they can stop cars on the highway; they can check your licences; they can check your brakes; they can check everything in regard to the automobile except the fellow behind the wheel. This is the one thing that they haven't got the power to do as yet.

Now, by instituting a breathalyzer testing on our highways, it certainly is not going to be a disadvantage to the motorist; it's going to give the motorist a better understanding of the fact that he will have a better chance of the police officers enforcing and trying to get people off the roads that are not qualified to drive. In addition to that, the individual who is subject to having a little too much alcohol will know this is a fact and it will act as a deterrent. And I think, Mr. Speaker, that the amendment as it is now, I will be reluctant to vote for it because I am concerned that there can be some delay in the wording of the amendment to have to wait until it is put in. Saskatchewan are using it quite successfully without the Federal Act and I would certainly recommend that we in our provincial government take similar action to Saskatchewan. We have certain powers that we can do it. All the better if the Federal law comes in, but I would say Mr. Speaker, that the sooner that we can adopt this regulation for the use of police officers on the highway, the safer our highways in Manitoba are going to be and a better Manitoba to drive in.

MR. SPEAKER: The Honourable Member for St. John's.

MR. CHERNIACK: Mr. Speaker, the honourable member who just spoke started with the problem which I think concerns all of us, and that is: any infringement on personal freedoms has to be very carefully weighed. I agree with his entire introduction to this problem and the fact that this is a matter which concerns us and should concern us greatly. Certainly the granting of a licence to drive can have with it conditions which are there for the safety of the individual to whom the licence is granted as well as the people who might be affected by his misuse or abuse of the licence, and therefore we agree completely with the final paragraph which provides for a taking back or a taking away the privilege granted to drive if a person fails to comply with a reasonable request to reassert his rights to drive, reassert his ability to drive at the time.

However, — oh, and I must say now, reading the amendment, that I don't agree with the interpretation of the Honourable Member for Turtle Mountain, which seems to suggest that there is a condition, a prerequisite to the Provincial Government's enactment, and that is that the Federal Government make it an offence. As I read it, the amendment provides for two separate actions; one, that this Legislature request the Parliament of Canada to make refusal to accept a test an offence; the other is that the Government of Manitoba consider the advisability of enacting here a provision that the licence may be suspended; and I do not see them as being conditional on each other, nor do I see them as having to follow one after the other, and to that extent I think he's wrong in suggesting that the government would be justified if it followed

(MR. CHERNIACK cont'd.)... this resolution in holding back, in failing to proclaim the Bill which we are now discussing, because the Federal Government may or may not have done what is requested in the resolution. They are two separate matters, and I want to indicate acceptance of the second, that is, of the Provincial Government making the proper amendment to its Act, and point out that it is not different in any real sense from the original resolution; it's an acceptance of the original resolution put into different wording and re-framed - who knows for what purpose, but it is there.

But what does concern me is the first portion of the resolution dealing with what is to be done in another jurisdiction, and aside from the fact that it is really their affair to do as they see fit, we have always asserted the right here to make recommendations and requests to the Federal Government to bring about certain legislation. Yet I find it unacceptable, the statement that a person who refuses to breathe into a tube shall suffer a penalty under the Criminal Code, because asking that it be made a crime is going beyond what I think we ought to be doing in relation to the granting of a permit to drive, a licence to operate a vehicle and the right to retract that privilege under certain circumstances; and I would like very much to see this first portion deleted. In deleting it, it would not help in any way in doing what we can do because it's not related to our own powers. Inviting the Federal Government to step into this field, I think is not a good idea insofar as any conflict that may occur as between the federal and the provincial legislation that is passed, and certainly inviting the Federal Government to make this matter a crime, is, I think, an encroachment on the personal freedom of the individual who, for whatever reason, might say, "I refuse to lend my breath to convicting me in some test of this type," and I would urge that the government consider the withdrawal of that first portion as being commendable to them and then leave it clear-cut and let us go ahead with the enactment of a Bill which is all ready to be dealt with.

I must say that if the government refuses to do it, then I believe that we must still accept the resolution - that's my offhand reaction - because it does, insofar as it relates to Manitoba, deal specifically with the question of Manitoba's rights and what it intends to do, which is what I think it ought to do. But I do feel that it would be best if we could eliminate that first portion of the resolution, and with that in mind, I've prepared an amendment which I now would like to make seconded by the Honourable Member for Logan,

That the amendment be amended by deleting therefrom all the words following the word "Resolved" appearing in the first operative paragraph thereof, to and including the word "Resolved" appearing in the second operative paragraph thereof, which would make it read, Mr. Speaker, "Therefore Be It Resolved that the Government of Manitoba consider the advisability,"

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Selkirk.

MR. T.P. HILLHOUSE Q.C. (Selkirk): I rise to support the amendment to the amendment. I think that the amendment to the amendment makes sense and puts us on less dangerous ground than we would have been had we passed the amendment as moved by the Honourable Member for Wellington.

The position I take is briefly the position that was taken by the Supreme Court of Canada in the breathalyzer test case which was a submission to the Supreme Court of Canada of the Saskatchewan Government's enactment requiring a breathalyzer test be taken, and making it an offence punishable by loss of licence for 90 days if an individual refused to take it. Now the Supreme Court of Canada in that case held that the Saskatchewan Government was acting within its jurisdiction in dealing with a matter respecting licensing, and that makes it abundantly clear that we have that authority to impose restrictions on the conditions under which we will grant licences, and one of these conditions is that if an individual refuses to submit to a breathalyzer test, we can, in proper circumstances and conditions, enact legislation which would authorize the proper authorities to take away his licence, because we have complete jurisdiction over highways; we have complete jurisdiction over motor vehicles; but when we try to tie in our Highway Traffic Act with the Criminal Code, we're tramping on very, very dangerous ground.

The Criminal Code, as it stands just now, alongside of the Saskatchewan enactment, makes the Saskatchewan enactment *intra vires* of that province, but what I'm afraid of is that we're working in the dark. Supposing the Government of Canada, in amending the criminal law, decided to make it an offence to refuse to submit to a breathalyzer test, and supposing, too, they even went further and made it a further penalty that individual's licence be cancelled. Now we would be in a field then which had been occupied by the Government of Canada's

(MR. HILLHOUSE cont'd) . . . criminal law and there'd be a grave question as to whether or no, once that field was occupied by them and they made it a crime, as to whether we could occupy that field. So I feel that the amendment suggested to the resolution, the amendment suggested to the amendment, puts ourselves on safe ground and should be adopted by this House.

MR. LYON: Mr. Speaker, perhaps I could say a few words on the amendment to the amendment. As I understand it, the Honourable Member from St. John's has suggested that we omit from the resolution any reference to the enactment by the Government of Canada, the Parliament of Canada, of breathalyzer legislation. I would initially disagree with the rationale that was advanced by the Honourable Member for Selkirk and would come really to the opposite conclusion, because I would take the view that in legislation of this sort, having regard to the amount of inter-provincial traffic that there is and having regard to the desirability particularly of uniform enforcement across the country, that it would be most desirable if the Federal Government would continue as they have indicated their desire so to do, to introduce legislation at the federal level in the Criminal Code to deal with the question of breathalyzers and all of the related problems and all of the related subject matter that occurs in this subject.

I think that the spectre of a number of provinces of Canada, each attempting within their limited jurisdictional field which is, as the member has quite correctly pointed out, non-criminal, attempting within that limited jurisdictional field to enact legislation which cannot have any penalizing effect of a criminal nature, leads really to a patchwork of law across the country all dealing essentially with the same subject, and the subject of course that we are dealing with in terms of breathalyzers is a law enforcement technique. That's all it is. And, depending on the statistics that you refer to, it can be a successful technique; it can be one that can be potentially, I think, useful in the - certainly not in the eradication but in the better control of drivers who are driving motor vehicles whilst under the influence of liquor, and I support the utilization of breathalyzers.

I do say, however, that in my opinion, for what it is worth, I think it is much better to see this legislation come through the federal power. I think the action that is suggested by the Minister of Public Utilities in this province, and on behalf of this government, is sensible in the interim period until such time as parliament reconvenes and is able to express its will with respect to a national code, so to speak, for the utilization of breathalyzers in Canada. In the meantime, provinces such as Saskatchewan, Ontario, some of the other provinces or jurisdictions that have introduced breathalyzers with legislation, some have introduced them without legislation - and of course, just an aside on that point, it is not necessary to have legislation in order to use a breathalyzer as a law enforcement technique. As a matter of fact, the R.C.M.P. in Manitoba are at the present time tooling up, so to speak, for the utilization of breathalyzers in the Province of Manitoba. Now all that is required in that regard is a decision by the government of the province that breathalyzers should be used as a law enforcement technique. That approval has been given and they will be shortly training, if they are not already doing so, training operators to utilize breathalyzer equipment in Manitoba.

I think the proposal by the Minister that we have legislation in Manitoba within our restricted jurisdictional confines to cover this period, hopefully of hiatus, that will occur between now, say this moment, and the time that the Parliament of Canada reconvenes and is able to give its opinion with respect to the legislation, is also useful because it indicates that this is a useful technique and it indicates that insofar as the province has the power to legislate, which is a moot point except as decided by the Saskatchewan case, that the apparatus be used and whatever benefit can be gained from it be gained on behalf of the safety of the people of this province. Ultimately, however, I would advance the proposition that it would be in the best long-term interests of the people of this province and indeed of the people of Canada, if they realized that the utilization of breathalyzers was the same in every province of Canada and if there was an infringement, whether it be in Ontario or in Prince Edward Island or in Manitoba or in B.C., that there would be a common penalty and a uniform penalty that would be applied right across the country, and there would be that certainty to the application of the law which, with the greatest of respect, I do not think can come if each province is forced to legislate on its own.

Now some may say that that is an ambivalent position. I don't think it is because I think it is taking account of the chronological facts of the situation as they present themselves to this House and to the Parliament of Canada, particularly in recent weeks. Six or eight weeks ago there was an expectation, I'm sure on the part of all of us here, before Parliament was dissolved, that Parliament would be proceeding to deal with the amendments to the Criminal Code

(MR. LYON cont'd.)... which called for the utilization of breathalyzers, and certainly that was going to be a bill that would engender a fair amount of debate because of the tolerance levels that were contained in the bill. In the meantime, I think the suggestion put forward by my colleague is a reasonable suggestion, one that can be put into effect and used for any number of months or years. But in the meantime I do think that we should continue to suggest to Ottawa that it is a matter of public interest, that it is in the public interest of all Canadians, from a law enforcement standpoint, to have this kind of uniform law enacted within the Criminal Code of Canada, the Federal Government of course having the full responsibility under the British North America Act for the enactment of criminal legislation. And I think that the teeth, the proper teeth for the utilization of breathalyzers can be put into federal legislation even if it can't be into provincial legislation, and we all realize the handicaps under which each legislature operates in this field, because we can't entrench or infringe upon the constitutional power of the federal authority in any legislation that we bring before this House, or indeed any other provincial House, and this is buttressed — this argument or this proposition, of course, is buttressed by the example of Saskatchewan where indeed they did have to take the enactment right through to the Supreme Court of Canada in order to ascertain finally, that, so far as they had gone, they were still operating within the jurisdiction of the province.

And so in summary, Mr. Speaker, I don't think there's too much difference or disagreement between this side of the House and the Opposition on the desirability of having this technical apparatus put into use in Manitoba. I think, however, that if we do consider the matter thoroughly and give some cognizance to the application of laws in this province and across the country, that we can make an argument that will hold for the continuation in our resolution here of the request to the Parliament of Canada that they continue to consider the enactment in the Criminal Code of Canada of legislation dealing on a nation-wide and a uniform basis with breathalyzers.

So, in a word, Mr. Speaker, I would be inclined not to support the amendment to the amendment but to support the amendment and hopefully to have the best of both possible worlds; that is, a provincial enactment for the time being and then ultimately a federal enactment which will be uniform right across the country.

MR. HILLHOUSE: Mr. Speaker, on a point of privilege. I think perhaps, due to the lack of aptness in the expressions that I used, that the Honourable the Attorney-General misunderstood me. I never for one moment argued that it wouldn't be much better if we had uniform legislation throughout Canada, but my point was this: that by supporting the amendment moved by the Honourable Member for St. John's we were putting this resolution in the same position as the Minister's bill. In other words, what we were doing was enacting within our own powers such legislation as we could, up until such time as the Federal Government decided to invade that field. That's all that I was trying to suggest because it's quite clear that if they do invade that field and make it a crime to refuse to submit to a breathalyzer test, or any other test, we would have no jurisdiction in that field at all. And I felt in the meantime that we should stay on the side of the angels and have our Act similar to that in Saskatchewan, and if the Federal Government does invade the field afterwards, well then we can repeal that section. There's no harm done. But in the meantime we have protection.

MR. PAULLEY: Mr. Speaker, I think that is the proper step and I'm sorry that the Honourable the Attorney-General is taking a different viewpoint. Now it seems to me that if the desire is, of this House or the government, to press the federal authority or the Federal Government, no matter which political stripe that government may be following June 25th, in respect of amendments to the Criminal Code of Canada that bring about uniformity, we've no objections at all. And I would suggest that this House could do that quite easily, by resolution if necessary, or as the Attorney-General has indicated, that representations were being made and the consideration for legislation at the federal level was under consideration at the time of the dissolving of the last Parliament of Canada. But I think what we should do here is to be perfectly clear, without any confusion, that this resolution pertains solely to the situation in Manitoba.

Now, I don't quite agree with the Honourable Member for Turtle Mountain when he thought that one was contingent upon the other insofar as the resolution; that if we didn't pass the amendment that — as I understood him and I may be incorrect — that if we didn't pass the amendment, or the introduction of the legislation by the Honourable the Minister of Public Utilities may be contingent on action being taken by the Parliament of Canada or Ottawa, I don't think

(MR. PAULLEY cont'd.) . . . this is the intention at all. It seems to me that the Honourable the Minister of Public Utilities has given a clear-cut undertaking that legislation will be introduced, as has been indicated with the unanimous support of this House. But what I object to principally in the amendment that was proposed, is that we're in effect committing ourselves, or in my opinion committing ourselves, to the possibility of some legislation being passed at Ottawa, and I think we should just leave ourselves in a position where we can consider the legislation under the Criminal Code as it is introduced at the House of Commons at that time. And I would plead with the Honourable the Attorney-General in his capacity as House Leader to soften down on his rejection and reconsider the stand that he has taken, in order that in this House, as representatives of the Province of Manitoba, we have a clear-cut proposition before us in this resolution, namely that the Government of Manitoba consider amending its Highway Traffic Act as quickly as possible, which I suggest could be ten minutes after the amendment to the amendment is passed.

So I suggest to the Honourable the House Leader that the position of the government, if it's as he stated, that he can reconsider or have one of his colleagues reconsider that statement and let's have a clear-cut proposition as it affects Manitoba.

MR. LYON: I wonder, Mr. Speaker, if I could ask the Honourable the Leader of the New Democratic Party a question. And I preface it by saying that either he misunderstands me or I misunderstand him. But is it not a fact, Mr. Speaker, that the proposed amendment made by the Member from St. Matthews is a twofold amendment? Number one, it requests the Parliament of Canada to amend the Criminal Code, and secondly, it asks the government to consider the advisability of amending the Traffic Act at the earliest possible opportunity which, as my honourable friend surmises, will be approximately within ten minutes of the completion of this resolution, to accomplish provincial action in this field. Now, could he tell me what is his objection to this twofold amendment? Realizing always that there is a Bill which will be coming before the House to accomplish the provincial legislation, what is the objection to, in addition to that, requesting the Federal Government to consider an amendment to the Criminal Code?

MR. PAULLEY: . . . Mr. Speaker, if I may, and I indicated this theory. I like clear-cut propositions, and this isn't clear-cut to me; and I'm not sure if the contents of the alcohol in blood, in the suggested resolution of the Honourable Member for St. Matthews, is one that I might ascribe to, and it seems to me that I'd like to have a full opportunity of considering that aspect in a separate resolution. And while there is some semblance, of course, of a two-pronged proposition in the amendment by the Member for St. Matthews, as I stated earlier I'd like a clear-cut proposition insofar as Manitoba is concerned.

MR. SPEAKER: Are you ready for the question on the sub-amendment? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I've listened with interest to the other speakers this afternoon on this particular resolution and the amendment, and also the amendment to the amendment that is being proposed by the Honourable Member for St. John's. I fail to see why the amendment as it is before us - and I'm not referring to the sub-amendment - why it is not acceptable. I note, when I read the second Resolved, that there is provision to suspend the driving privileges of a person who has refused to submit to a breathalyzer test when required to do so. But if he does refuse, where is your evidence later on that he was intoxicated at all, and you're destroying any evidence that you may have. Then, too, later on he might well agree to a test but then the effects of having consumed liquor might be gone, and therefore how soon will he be able to get his suspension lifted on his driver's? When you take a look at the Bill, they have provisions in there but just by reading the resolution certainly there is nothing in here containing anything to that effect.

Then too, Mr. Speaker, I think it seems almost nonsensical to pass the second Resolved without having the first one so that you do have a test. And also, Mr. Speaker, in connection with the first Resolved asking the Government of Canada to amend the Criminal Code, this can be done later. In the meantime, we could just not proclaim certain sections of our Bill if necessary. This could be done later but let us pass the legislation now so that we will not be held up in any way.

I am, in a way, rather surprised at the New Democratic Party being so susceptible on this one point here, because we know when it comes to imposing compulsory payments on Medicare or so on, then they don't feel so much about the individual right, but when you come to a

(MR. FROESE cont'd.)... matter of this type then they say, "Hands off." I certainly will support the original amendment and not the subamendment.

MR. SPEAKER: Are you ready for the question on the subamendment? The Honourable Leader of the Opposition.

MR. MOLGAT: Mr. Speaker, I just want to make clear my position on this matter. As far as I'm concerned, what I want to see done is have the breathalyzer tests come in as quickly as they can be brought into the province. It was after the Minister of Public Utilities indicated that he didn't believe in breathalyzer tests that my colleague the Member for Assiniboia brought in the resolution on behalf of our Party to try and get a decision taken at this Session. The original resolution that is presented, in my opinion did everything that was required. There was no need for an amendment by the government. If they had accepted the first resolution, itasked the government to do the very things that the government is now prepared to do. It simply asked that we proceed with breathalyzer tests. As far as I'm concerned, I want to see the Federal Government move in the areas where they are responsible in this matter. No question about it at all. But my prime concern at the moment is to see to it that the Province of Manitoba does what it can do in this field, and without delay.

Now when the amendment was brought in by the government, the Attorney-General tells us today it's a two-pronged approach, but the appearance of this amendment is that really it's up to Ottawa to do something first and then the Manitoba Government will do something next. This is the appearance. Now he says it's a two-pronged one and it doesn't mean that, and you can in fact read it and say, no, it doesn't mean that. But you can also read it - and that's the inference that I'm sure a lot of Manitobans will take from it - that when Ottawa does something then the province will do something after that. Now, Mr. Speaker, the province can do something right now. The Bill that is before us is with the intention of doing what can be done in the Province of Manitoba, and that part I commend. Ottawa should be doing what it needs to be done but I think that's a separate proposition, and to attempt to tie the two in in the one resolution is, I think, confusing to the people of this province and unnecessary. So I'm prepared to support the sub-amendment. Let us deal with the federal part separately. My honourable friend the Attorney-General finds that most amusing. I can recall an earlier resolution, Mr. Speaker, where we attempted to deal with the sales tax on building supplies, where we had both the federal tax and the provincial tax in one resolution. It was ruled out of order, as a matter of fact. We were told we couldn't do it. Here is a case where we're asking the Federal Government to do something on one hand and the province on the other. I want to see the province acting in its area, the Federal Government acting in its area. At the moment let's deal with the provincial one and I'm going to support the subamendment.

MR. SPEAKER put the question on the subamendment and after a voice vote declared the subamendment lost.

A MEMBER: Ayes and Nays.

MR. SPEAKER: Call in the members.

MR. LYON: No, Mr. Speaker. No one rose in their place and asked for ayes and nays. There was a murmur, that's all.

MR. SPEAKER: Order.

MR. PAULLEY: Ayes and Nays, please, Mr. Speaker.

MR. SPEAKER: For the benefit of the honourable members who were not present at the time of the discussion, I think there were quite a number, we're dealing with the adjourned debate, No. 22, the resolution of the Honourable Member for Assiniboia and the amendment thereto of the Honourable Member for St. Matthews and the subamendment to that by the Honourable Member for St. John's which I might read for the benefit of all concerned. "That the amendment be amended by deleting therefrom all the words following the word 'resolved' appearing in the first operative paragraph thereof to and including the word 'resolved' appearing in the second operative paragraph thereof." That is the subamendment on which you are now voting.

A STANDING VOTE was taken, the results being as follows:

YEAS: Messrs. Barkman, Campbell, Cherniack, Desjardins, Dow, Doern, Fox, Green, Guttormson, Hanuschak, Harris, Hillhouse, Johnston, Kawchuk, Miller, Molgat, Patrick, Paulley, Shoemaker, Tanchak, Uskiw and Vielfaure.

NAYS: Messrs. Baizley, Bjornson, Beard, Carroll, Cowan, Craik, Einarson, Enns, Evans, Froese, Hamilton, Jeannotte, Johnson, Klym, Lissaman, Lyon, McGregor, McKellar,

(STANDING VOTE cont'd.) McKenzie, McLean, Masniuk, Roblin, Spivak, Stanes, Steen, Watt, Weir, Witney and Mesdames Forbes and Morrison.

MR. CLERK: Yeas, 22; Nays, 30.

MR. SPEAKER: I declare the subamendment lost. Are you ready for the question on the amendment? The Honourable Member for Inkster.

MR. SIDNEY GREEN (Inkster): Mr. Speaker, I've been on my feet several times during the course of the debate on breathalyzers and I have indicated that I am very much disposed to not favour legislation which would make it a criminal offence to refuse to breathe into a tube. That doesn't mean, and I've indicated that it doesn't mean, that I'm not in favour of a man driving an automobile being required to take a breathalyzer test, and I've even indicated that I think it should be a condition upon which he is granted a licence. He should undertake, upon being granted a licence, that he will submit to a breathalyzer test and the continuance of his licence in existence should be conditional upon him abiding with his own undertaking. Nobody has the right, *carte blanche*, to drive an automobile on the highway and society certainly has the right to make that privilege conditional upon certain things being done.

I think that there is sufficient power in the Provincial Government to legislate that by its licensing provisions and I am not disposed to favour it being a criminal offence and a man being charged with a criminal record for failing to breathe into a tube. That's the reason, Mr. Speaker, that we have urged that this House adopt this amendment by deleting the references to the Criminal Code. In spite of this position which we think is a reasonable one, the government is insisting that the resolution be proceeded with on the basis of the total amendment. We've looked at the amendment, Mr. Speaker; it asks that legislation be enacted by virtue of the Criminal Code; it doesn't specify that it will be a criminal offence; it could embody the type of enforcement that we are referring to, that is the Criminal Code now legislates in such a way that gives a Magistrate a right to cancel driving privileges anywhere in Canada.

We still feel that what the government is asking for may include too much but it doesn't necessarily do so and with the urge that legislation be passed, we will go along with supporting the amendment although we think it may go too far. It doesn't preclude the kind of position that we are putting, being enacted by the Government of Canada as part of the Criminal Code, and therefore we don't necessarily presume that the fears that we say the legislation can embody would be realized; and so, Mr. Speaker, for that reason, and although I don't think it is necessary, if the government feels that in order to make effective legislation and still protect the civil rights of individuals, it's necessary to go to the Parliament of Canada, we are not inclined to oppose it. But we do indicate, Mr. Speaker, that we don't think that it's necessary and indeed by doing this we could be going too far. We are going to support the amendment in the hope that they won't go too far.

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

MR. SPEAKER: Are you ready for the vote on the main motion as amended? The Honourable Member for Assiniboia.

MR. STEVE PATRICK (Assiniboia): Mr. Speaker, I will be very brief. I wish to thank all the members who have taken part in this debate since I've introduced it; it has certainly received a considerable amount of interest and has been debated at some length. I was most happy to see that the Honourable Minister of Public Utilities was big enough to switch his position from the time that we were debating his estimates when they were before the House because at that time he did say - I'll quote it from the Tribune: "Mr. McLean said mandatory breathalyzer tests for motorists will not prevent accidents and will cause hardship for many people." Subsequently I did say at that time I will be introducing a resolution on breathalyzers and I'm very happy to see now that the Minister did bring in a Bill bringing in the breathalyzers.

I was somewhat disappointed when the honourable member brought in his amendment because as far as the second part of the amendment it was the same as what we had on this side of the House but the other part was requesting Ottawa to amend the Criminal Code and I feel it's somewhat removed at the present time what Ottawa may do or may not do and when they will do it, which is a different problem.

When I did introduce my resolution I also stated at that time that I know this may be infringing on personal rights but at the same time I felt it was a privilege to drive a car and anyone having that privilege, if he's driving when he's impaired, those privileges should be taken away. The only reason that we introduced this resolution is because I think it stems from the

(MR. PATRICK cont'd.) danger of impaired driving, drivers on the highway who cause more danger to other people and the other drivers than they do to themselves. I have said before that in all the accidents that we had in Greater Winnipeg, and most of the coroners at that time also have said that we must bring in breathalyzers to curtail the impaired drivers on the streets. I know on one occasion, Dr. Trevor Kent specifically stated that we also must bring the alcohol content level to a sane level instead of making it too high.

So, Mr. Speaker, with those few comments, I'm very happy that the Honourable Minister did change his mind and bring the Bill into the House.

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

MR. LYON: Mr. Speaker, now in pursuance of the resolution that the House has just passed, I wonder if we could ask the Minister of Public Utilities to move second reading of Bill No. 98.

MR. McLEAN presented Bill No. 98, An Act to amend The Highway Traffic Act (2) for second reading.

MR. SPEAKER presented the motion.

MR. McLEAN: Mr. Speaker, in some jurisdictions I understand that the name of a proposer is associated with the legislation and if we followed that practice I presume this would be known as the McLean-Breathalyzer legislation or the Breathalyzer-McLean legislation or perhaps the Honourable Member for Assiniboia would wish to have his name associated with it.

There are, however, a couple of interesting provisions, or at least important provisions in Bill 98 to which I might just make brief reference. One has to do with what is in effect a reciprocity arrangement respecting students who are attending school temporarily in Manitoba, residing in the province for that purpose, and making it clear that they are not required to obtain driving licences in the Province of Manitoba. This is an arrangement which is in conformity with agreements that have been made with provinces of Alberta and Saskatchewan.

There is a further provision extending our requirement respecting safety requirements for the towing of vehicles to special mobile machines, that is - what we have in mind here is the large machines such as I suppose, earth moving equipment and that sort. Our legislation up to this point appears to have been deficient in that while we have specified and spelled out the requirements regarding normal towing of ordinary vehicles, we didn't make it quite clear that the same requirements applied in respect of the larger machines and so the provision is made in that respect.

Now the other matters, Mr. Speaker, have to do with the use of the breathalyzer. You know, I have no right, Mr. Speaker, to complain about members in the Legislature misunderstanding me because our own daughter said to me when she read about this Bill coming forward, she said "Why did you change your mind?" and I said, Well, I didn't change my mind. You didn't read correctly what I said before. I want to make that point clear, and what the Honourable Member for Assiniboia read today of course confirms it. What I have tried to say to the members of the Legislature is that they must not - and I think I used the expression "oversell" the use of the breathalyzer. Many people write to me -- in fact large numbers of people have been writing to me saying, in effect, please introduce breathalyzer legislation to prevent accidents happening, and my concern is that anyone would feel that the introduction of breathalyzer legislation will "prevent" accidents happening. Now true, the existence of the legislation may prevent some accidents - although it will always be difficult to tell if that is a fact or not - but I would not wish - and I only want to be clear because I like to be honest - I would not wish anyone to over-estimate the ability of legislation respecting the use of breathalyzers in "preventing accidents happening." Hopefully, that will be the case but if it doesn't work out as well as many people hope it will, then I want it to be quite clear that I always sounded a note of warning that it might not do the job just quite as well as expected.

I am well aware, Mr. Speaker, that the unwise use of alcohol is of course - indeed it's not only one of the great problems in relation to driving, it's one of the great problems in our whole society. There have been occasions when I have been very concerned about the extension of the facilities which we make available for the consumption of alcoholic beverages because it has this possible effect that people will use too much and will drink unwisely. So if you really want to attack the problem of drinking and driving you would prohibit the use of alcohol, if you really want the real solution. I'm not advocating that, I'm merely saying that we must face up to this very important problem and so on. Well maybe enough on that subject. Perhaps I ought not to say anything further.

(MR. McLEAN cont'd.)

Mr. Speaker, what we have provided for in relation to breathalyzer legislation is twofold in this bill and that has to do with the necessary legislation which in effect will be complementary to legislation that may be enacted by the Parliament of Canada as provision in the Criminal Code. The best way I can describe it is to say that whereas we now have legislation which under our Highway Traffic Act provides for certain action to be taken respecting the suspension of driving privileges, if a person is convicted under the Criminal Code of driving while intoxicated or driving while impaired, exactly the same principle will follow if a person is convicted of the proposed offense which may be passed by the Parliament of Canada as an amendment to the Criminal Code. In other words that The Highway Traffic Act will make it possible for us to suspend the licences of persons who are convicted of that offense if and when it is enacted. The second provision, which in a sense is an alternative provision in our Bill, is to provide for the use of breathalyzer equipment and particularly action that may be taken in the case of refusal to submit to a breathalyzer test. This is a provision which stands in that sense independently in The Highway Traffic Act and is, although the wording is very slightly different from that of the Highway Traffic Act of the Province of Saskatchewan, its effect is exactly the same and we've really adopted their provision. It provides that if a person under the circumstances enumerated declines to take a test, a breathalyzer test, their licence may be suspended for a period not exceeding 90 days. That is within, as we understand it, the constitutional competence of the Province of Manitoba. It is similar legislation to that which is in force in the Province of Saskatchewan and as the Honourable the Attorney-General has indicated, the necessary equipment is already on order, the officers are -- arrangements are being made for their training and this provision can be implemented just as soon as we are ready with the necessary facilities to do so.

After the Bill was distributed the Honourable the Member for Inkster made what I thought was a useful and helpful suggestion to me in private. He in effect raised the question: Well who is to say whether the equipment that was being used was the proper equipment. Was it just anything that anybody would come along and say was a breathalyzer. So at committee, Mr. Speaker, I propose to move an amendment which will have the same -- it's the same type of a provision as we have with regard to radar and which will say that the only equipment that may be used is the equipment that is approved by the Attorney-General for this purpose and I think that that will meet the situation reasonably well. It's, as I say, similar to the provisions respecting radar equipment and I think that that's a fair suggestion and I propose to move that amendment when we are in committee.

I perhaps ought to mention one other matter which I overlooked, that isn't directly related to the matter of breathalyzers. That is provisions for deferring the suspension. In the event that a person has his licence suspended as a result of a conviction and he makes an appeal from the conviction, provision is made in this bill to enable the suspension of the driving privileges to be deferred until after the outcome of the appeal. There's been some discussion about this point on previous occasions and I believe this is a very suitable and proper provision to have in our legislation and it is contained in this Bill.

Mr. Speaker, perhaps the less said the better on my part. It would only invite a rejoinder I'm sure -- perhaps what I've already said will invite some rejoinders. This is the legislation particularly with respect to the breathalyzer matter which has been a matter of some public concern and debate in this Legislature and I recommend the measures to the House.

MR. SPEAKER: The Honourable Member for Inkster.

MR. GREEN: Mr. Speaker, there are so many times when I participate in a debate and I complain about the fact that nobody listens to anything I say and nobody listens to anything that the opposition says and that maybe I'm wasting my time and shouldn't be talking so much and possibly lots of other members think that too. But every once in a while something happens that gives one to understand that possibly he is making a contribution and possibly it is worthwhile to speak and therefore possibly it's okay to keep on talking. Maybe some of the members will be distressed to hear that but nevertheless this is one of the Bills, Mr. Speaker, that gives an individual member some satisfaction because apparently something that has been suggested has found merit. And I refer specifically to the provision of the Bill which permits a person whose licence has been suspended by virtue of a conviction for an offense, having the right to at least have that suspension stayed or suspended -- the suspension suspended, if that's a good term -- pending the outcome of his appeal. I would ask the members to realize that this

(MR. GREEN cont'd.) is not a section which provides for an undue amount of leniency because I've had cases where on an appeal it's been clearly established that a person whose licence was suspended was innocent of any offense whatsoever and the previous law resulted in him having been punished without having committed any offense. I think that the present suggestion is a far more equitable one. I know that it has its dangers. Certainly somebody is ~~someday~~ going to demonstrate that a person got involved in a crime, in a driving offense, after having had a suspension waived pending an appeal and before the appeal was heard that he got into an accident and we'll be able to point to this section as having made that possible.

Well, Mr. Speaker, I know that's possible. I know it's also possible for a person who hasn't been convicted at all but who is awaiting trial to get involved in an accident before his licence was suspended. I think that it's the duty of legislators to consider the innocent person as being its most important subject matter of legislation and I ~~think that~~ this change is an improvement in that it leans in favour of protecting the innocent in a case where this is certainly justified.

I also note that the Minister has indicated that there will be an amendment made with regard to the breathalyzer test and specifying exactly what kind of a test this will be. The present legislation as now submitted merely indicates that a person must submit to the taking of a specimen of his breath. Well, Mr. Speaker, the ways in which that is imaginable probably exceed the imaginations of all of the members of the House and I think that legislation in order to be effective would have to specify what we are talking about. Even then, Mr. Speaker, I don't think that the breathalyzer can be entirely effective. Some people are going to refuse to take the test; some people may participate in the test in such a way that they can't really give the machine a proper test. I think, Mr. Speaker, we may be finding ourselves coining a new expression that "you can lead a drunk to the breathalyzer but you can't make him breathe." I don't know what the situation will be but certainly we look forward to good results from this particular legislation.

I would also ask the Minister to give consideration to two things. I think that a person in applying for a licence — I prefer to have this legislation based entirely on a breach of the conditions of a licence — and I would think that a person in applying for a licence should undertake to, under certain circumstances, submit himself to a breathalyzer test. And he should know when that licence is granted and he should have no excuse for it in the future that that licence was granted to him with this condition attached. And if he does that, Mr. Speaker, then I don't see really the necessity of a provision for him appealing a suspension if he refuses to take a test.

I note that in the Act the appeal provisions provide equally to a person whose licence is suspended for refusing to take a test. Now I can see many reasons for the appeal provisions — a case of a person engaging in an indiscretion not really realizing that he was going to do something wrong; various other reasons for giving him an appeal. But if he gets a licence knowing that he has undertaken to take a test and then refuses to take one I don't see, Mr. Speaker, a real reason for an appeal in that type of case, especially when he's only going to be suspended for 90 days. He may be saving himself a much more serious type of conviction by refusing to take the test. Therefore I wait the Minister's explanation as to why a person whose licence is suspended under those circumstances should really have a right of appeal which is written into the Act.

MR. SPEAKER: The Honourable Member for Assiniboia.

MR. PATRICK: Mr. Speaker, I rise to support the Bill and just make a few brief comments. After the breathalyzer tests were introduced in Ontario and after the program was in operation for a few years I believe there was a complete review made and it was proven beyond any doubt that breath testing has proven to be a very accurate instrument in testing the alcohol content in the human body. So I feel that we are stepping in the right direction in accepting this and enacting this type of legislation. Not only have the Canadian Medical Association been asking for this type of legislation but also I believe the Committee on Justice and Legal Affairs that sat in Ottawa for over a year have studied this quite thoroughly and had recommended that we bring in legislation.

I also checked on the bill and the Honourable Minister mentioned about safety legislation which is being updated. I believe this is somewhat overdue and I certainly compliment him for bringing that in. The other point, Mr. Speaker, on the Bill, where the new proposed section is going to be incorporated, I see "where blood alcohol level exceeds 100 milligrams" — and to me

(MR. PATRICK cont'd.) I feel this is quite high. From all the reports that I've been able to find and read on it appears to me that 100 milligrams is a very high alcohol content. It's probably somewhere in the neighbourhood of seven bottles of beer and if this is correct I think it is quite high. I think we should probably be recommending something in the neighbourhood of .08 milligrams for 100 millimetres of blood which I believe is presently in existence in most of the other provinces, British Columbia, Alberta, Saskatchewan and Ontario and the Maritime provinces as well. So I feel that perhaps maybe the Minister can explain this part when he's closing the debate.

I certainly want to agree with the legislation. The other point I did want to make is I also had reservations how much infringement it is on personal rights, but I feel if it is on condition that a person holding a driver's licence, it's a privilege for him to have that licence to drive, and it's only going to be taken away on the condition that he does not submit to a breathalyzer test, I don't think that we're taking too many rights away from him. So, Mr. Speaker, I will support the Bill and hope that the Honourable Minister will be able to explain the section on blood alcohol content.

MR. SPEAKER: The Honourable Member for Gladstone.

MR. NELSON SHOEMAKER (Gladstone): Mr. Speaker, when we were debating the resolution in respect to breathalyzers a few moments ago several members on this side of the House expressed concern over the fact that it appeared possible that this government would delay implementing the breathalyzer legislation until the Federal Government had made certain amendments to the Criminal Code, and I notice that the present Bill, Bill No. 98 that we are debating now on second reading is to come into force on the day fixed by proclamation and I wonder if my honourable friend could give some indication of that day. I think this is most important. The Attorney-General, I believe, assured the House that the RCMP were presently being trained in the application of the breathalyzers which would indicate that we are soon to proclaim the Bill but I think further assurance from my honourable friend the Minister of Public Utilities would be very helpful to the House. As my honourable friend knows full well, the committee that is presently studying this whole field of insurance - we received many many presentations from the insurance industry. I'm certain that each and every one of the insurance companies that made presentations to us felt that with the introduction of breathalyzer legislation, effective breathalyzer legislation, that accidents would drop substantially and as a result so would premiums and I'm sure that the insurance industry will watch very carefully the effects of this legislation once that it is proclaimed. We certainly have every reason to be concerned over the high premiums of automobile insurance. The very fact that we set up a committee establishes the fact that the public by and large are very concerned. So I think it would be very helpful if my honourable friend would do two things: Assure the House that it is not the intention of the government to wait on the Federal Government to make amendments to the Criminal Code; assure the House that they will proceed as quickly as possible, if possible before His Honour comes in and gives Royal Assent to some of the other Bills.

I want to thank my honourable friend for being pressured into introducing this Bill. I commend him, as my honourable friend the Member for Assiniboia has done, in changing his mind in respect to the breathalyzer tests and the effect that it will have on accidents, fatal accidents, and our society on the whole.

MR. SPEAKER: The Honourable Member for Seven Oaks.

MR. SAUL MILLER (Seven Oaks): Mr. Speaker, I don't share the optimism of many members here apparently about the effectiveness of this particular piece of legislation in this form. The way I read it - and not being a lawyer I may be reading it incorrectly - but nonetheless the way I read it, what we are doing here is passing legislation which will give the Registrar authority or powers to suspend a licence if he is satisfied that the driver, when suspected of driving or having driven a motor vehicle while under the influence of intoxicating liquor.

In other words, the suggestion made by the Minister that really breathalyzers are only an instrument whereby you can prove that a man was under the influence is correct. Surely the purpose of this Bill - breathalyzers as is commonly thought of by the public, is that breathalyzers should discourage people who have been drinking from ever getting on the highway and there should be no question whether they have been suspected of drinking or otherwise. In other words, in Britain, from what I understand, the police can and do stop drivers anywhere anytime on a spot check basis. Now I can't see them doing it with this Bill, because the police would have to suspect that person of having been drinking or, by his very actions,

(MR. MILLER cont'd.) his driving actions, would have indicated that he was somehow under the influence of liquor and was impaired. But I can't see in this Bill how the police are going to simply spot check on a Saturday night on some highways or on the main streets of Winnipeg, spot check cars just for the sake of spot checking them, because this wording I think precludes that. And as I said, if this Bill is going to be effective it's going to be effective as a deterrent, not as another tool in the hands of the police to prove their case, but rather as a deterrent to people hitting the highway when they have been drinking. And if our purpose is to discourage people from driving after they have taken a few drinks and discourage them from taking the chance that they're going to get away with it, the only way they're going to be discouraged is if there is the fright - and I'll use that word - the conscious awareness that they might just be unlucky enough to be stopped. Because let's face it, these persons, people who drink and drive, invariably believe that they'll get away with it - that they can handle the car, nothing's going to happen. Nobody willingly goes into a car to end up in an accident; it's always because they think they can handle the car and they're not going to get into trouble that they drink and drive. So if we're going to achieve anything it's the fear that whether they're going to be -- visibly it's going to be obvious that they're under the influence or not -- the fear that they may be stopped just cold on a spot check and be tested with a breathalyzer. I think that is the fear and that is the inhibitor which would make a breathalyzer work in Manitoba. That, I think, is what made it work in England so effectively because people there knew that at anytime at any hour of the day or night, they might be stopped; whether their actions indicated they had been drinking or not didn't matter, they could be stopped on a spot check. And I suggest the way this Bill is worded spot checking will not take place because the police have no reason to suspect anyone of driving after drinking unless they sit down beside a hotel or beer parlor, just park there and wait for people to come out. Perhaps they might do it that way. But failing that, I don't see we're going to achieve the true effect, and that is to shock people into being so aware of this power that the police now have and the instrument that they now have, that they will be fearful of hitting the highway for fear that on a spot check they may just be unlucky enough to be caught up on a breathalyzer test. I'm wondering whether the Minister could comment on this.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I'll be very brief. I just want to indicate my support of the Bill. I think this is something that we have been waiting for and I think this will satisfy our needs. I am not as pessimistic as the previous speaker was in connection that we are not aware of drivers that are incapable of driving a car. When we see a person that has had too much liquor, you can see it pretty soon when he drives a vehicle and certainly it is these severe cases that we are after, that we are trying to prohibit from driving through this very type of legislation, so that they can use the breathalyzer. I think any legislation of this type that can save many lives in the future of this province is very worthwhile and I think this will do just that.

I know there are other sections in the bill dealing with matters of trailers that are being drawn behind a car, making certain requirements so it should be safer. I'm happy to see some of those sections in the bill and I will have some further comments when we get into the committee stage.

MR. SPEAKER: The Honourable Leader of the Opposition.

MR. MOLGAT: I couldn't miss the opportunity of saying a few words on the Patrick-McLean Breathalyzer Bill. It's a rather signal event, Mr. Speaker, and I want to compliment the Minister. I'm happy to see that we're making some headway. I have more faith in the Minister, by the day, as it goes on now. I've found in the past some difficulty, Mr. Speaker, in getting him to accept ideas from this side of the House. It was usual that the first year they are presented they were cast out completely. They might have appeared the following year in the government program; normally it wasn't until two or three years later when they found their way into the government program.

This year I want to congratulate the Minister most sincerely. Having started off from a position of being totally opposed to breathalyzers at the beginning of the session, he is now towards the end of the session recommending breathalyzers. Mr. Speaker, I'm saying this in all seriousness to the Minister; I compliment him.

MR. SPEAKER: . . . that statement of the Honourable Leader of the Opposition I believe was contradicted by the Minister in his absence whilst he was out of the Chamber.

MR. MOLGAT: Mr. Speaker, I really must compliment the Minister though. I hope that you won't consider that I'm outside the rules of the House in so doing because I say it is a signal event and having said that to my friend and neighbour and colleague, the Member for Dauphin, I'd like to refer to other matters as well in the Bill - or rather matters that are not in the Bill.

The question of the suspension of drivers, Mr. Speaker. It seems to me that somewhere along the line we need a different approach in this matter, whether it's the fact that the penalties are not sufficiently severe for people who drive under suspension, or whether it's the question of enforcement, I don't know where the problem lies but it seems to me that I frequently see in the newspapers, a report of someone having been found driving whilst under suspension. This it seems to me is a very serious offence and one that really has to be controlled because the whole purpose of the suspension is to teach drivers better driving practices, to give them warnings that if they persist in their driving habits, don't correct, then that they will end up with a permanent suspension. I agree with that proposition; I think that is the right way to approach them. I think it's much more effective than fines, much more effective than any method we could devise, simply to keep them off the road. But quite obviously, if people persist in being suspended and then driving under suspension, the whole purpose is defeated. I have the impression, Mr. Speaker, that there is here a serious abuse. The Minister may be able to give us more details on this but I think it's an area where we should have a second look, either at changing the enforcement practices or being much tougher on those found driving under suspension or some means of seeing to it that the penalties are lived up to.

I hope as well, in closing, the Minister will give us the answer to the question asked by my colleague as to what is the date that he intends to have his proclamation. I think this matter is most important.

MR. SPEAKER: I'm sure the Honourable Leader of the Opposition will be disappointed to know that several of his colleagues are reading the newspaper.

MR. MOLGAT: Mr. Speaker, I would strongly recommend that Mr. Speaker take severe action with people who are in violation of the rules of the House.

MR. SPEAKER: The Honourable the Provincial Secretary.

MR. McLEAN: Mr. Speaker, if no other member wishes to speak, perhaps a word or two in closing the debate on this Bill. And if I can just deal with the matters in reverse order. The Honourable the Leader of the Opposition raised the question of the problem of the suspension of drivers and he may remember that a year ago, that is to say in the last session of the Legislature, during the estimates of the Department of Public Utilities there was a considerable discussion of this and while recognizing the problem, I believe that it would be not unfair to say that there has been a considerable activity in this field during the past year, in fact to the point where I have received some complaints that maybe we were being a little too tough although I don't really think that one can say that we are. It is true that one reads of people being charged with driving while suspended. That of course is the only action that we can take. If we discover people who are driving while their licences are suspended then naturally we have to bring a charge against them and there has been considerable activity in this field during the past year. We have been doing that through the Motor Vehicle Branch by as continuous and careful a review of people who are under suspension as possible and with the co-operation of the police and I have the general impression that we are on top of that.

Now it is perfectly true, Mr. Speaker, and I'd be less than frank if I didn't acknowledge that if we had a hundred more people that we could add to our staff naturally we would be that much more able to follow these matters. We have to do our best with the staff that is available to us.

The Honourable Member for Seven Oaks referred to - and I'm glad that he's with me in the point that I have been trying to make about the effectiveness of the breathalyzer, or in other words the limitations that there may be on it - but I would say to him that if he were to examine the English legislation, I'm sure that he will find there legislation words which are somewhat similar to our own in the Bill. In other words, where we refer to the driver, "when suspected of driving or having driven a motor vehicle while under the influence of intoxicating liquor," I'm pretty certain that our legislation is not too different from that of the English legislation in that regard. In other words, it doesn't go any further than that as far as their legislation is concerned. But I would remind him that the police already have the authority to make spot checks of drivers under our existing law and that of course if they have any reason as a result

(MR. McLEAN cont'd.) of that check to believe that the driver has had too much to drink, then of course the breathalyzer test can be given and there is no problem in respect of that. But he is perfectly correct in a sense, to the extent that if spot checks are made, the breathalyzer legislation will be more effective.

The Honourable Member for Gladstone-Neepawa referred to the matter of "on proclamation" - and he's a great one always for wanting to know the exact day and hour that anything is going to be done. I regret that I cannot give him that information except to say that it will be proclaimed at the earliest opportunity that we are ready to proceed and that is dependent upon the necessary equipment and the necessary training or whatever it is that has to be done to enable the proper use of this equipment. Those are matters under the jurisdiction of my colleague the Honourable the Attorney-General. He has already indicated and I'm aware that they are preparing and I'm sure there will be no delay. At one stage I had expected that Parliament would continue and that the matter of the amendments to the Criminal Code might be proceeded with, in which case, if that had happened, we would not require what is in effect the second provision of our Bill. That, however, does not appear to be the case and I'm sure that we'll be proceeding on our own provisions and that we will do so just at the earliest opportunity that comes.

The Honourable Member for Inkster questions the right of, or at least questions why we should allow for an appeal in the event of a person's licence being suspended for refusal to take a breathalyzer test. I just say to him that you can lead the Minister of Public Utilities so far, and then no further. I really believe it would be inconsistent for us not to have a right of appeal because we have that right in respect of other provisions. Bearing in mind that this suspension is made by an official of the department, that is the Registrar, I think it would not be consistent for us to not have provision for an appeal and I believe that it would be in the public interest that we should do so. I believe those were all of the points that were raised on the Bill, Mr. Speaker.

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

MR. LYON: Bill No. 104, Mr. Speaker, please.

MR. SPEAKER: Bill 104. The Honourable Member for St. John's.

MR. CHERNIACK: Mr. Speaker - I'm sorry I've just for a moment mislaid the Bill. There are various aspects of the bill of course which should be reviewed more properly at the committee level and for that we will of course be meeting very soon.

The part that interested me most was the general position taken in regard to the agreements which may be made between a municipality and other governments or school districts and I'm wondering whether that fully and broadly makes possible an agreement dealing with all the functions of either of the two. Would the description be sufficiently broad, or should it be sufficiently broad, to enable the joint use of buildings by the two parties to the agreement or indeed should it be more fully clarified relating to the physical properties, because the reference to service or facility makes it appear more as if they are a project which is being offered by one or the other of the institutions involved. That is one of the questions that occurred to me.

I must say, Mr. Speaker, that my main reason for wishing to speak on this matter was to see to it that the Minister was not denied the opportunity to close debate because she was out at the time and I was certain that there were questions asked which she would want to answer.

MR. PAULLEY: Mr. Speaker, if I may before the Minister closes. I've taken a look at Bill 104 and I've also taken a peek at Bill 105 which deals with The City of Winnipeg Charter. I had a request for an amendment to The Municipal Act from the City of Transcona to make it permissive for the municipality to carry on the one mill levy for centennial purposes beyond the year 1970 without the necessity of reference to the ratepayers. The reason why I'm comparing this with Bill 105, Mr. Speaker, is because I note that there is a provision in Bill 105 to grant the City of Winnipeg under its Charter a similar privilege of an amount for Manitoba Centennial purposes up I believe to \$1 million without going to the ratepayers. Now I must say in fairness to the Minister - explain to the House in fairness to her and also to the Provincial Secretary - that I have written to both of the Honourable Ministers requesting them on behalf of the City of Transcona that permission be granted for an amendment, to The Municipal Act I believe it would be necessary, in order to make provision for the continuing of the one mill levy for purposes now dealing with Manitoba Centennial as previously allowed under Canada's Centennial. I suggest that it may be proper if we're granting a privilege to, say the City of

(MR. PAULLEY cont'd.) Transcona, that equally the privilege should be extended under The Municipal Act to all of the municipalities in Manitoba if they so desire.

I appreciate and realize, Mr. Speaker, and I've had a few chats with the Minister of Urban Development and Municipal Affairs in respect of this but the time is getting late now apparently in the Session. The Honourable Minister indicated to me that she's had the matter under advisement and I trust and hope that by me speaking here in the House this afternoon that before this Bill is referred to committee that the Minister may have an opportunity of discussing the matter with the caucus or the Cabinet as the case may be so that we can have an amendment prepared to this Bill, and I think this is the last chance really at this Session, that possibly an amendment to this Bill would receive support.

I think it's a well worthwhile endeavour that my home city is endeavouring to do. It might be argued that under the present legislation they could carry on until the year 1970 without reference to the ratepayer for approval but I would suggest that the type of a centennial project that the city has at the present time would be beyond the one mill to cover the cost to terminate in 1970, and of course the municipality would be in rather an embarrassing position if they started a project and then later asked ratepayer approval and they found that the agreement had been made for the commitment of a centennial project, Manitoba Centennial, ratepayers turned it down and they'd be in a very embarrassing and almost a deplorable situation. So I raise this, and I don't raise it in criticism, Mr. Speaker, to the Honourable Minister or to the Provincial Secretary in charge with Manitoba Centennial celebrations, but I do trust and hope that the Minister will see fit to bring in an amendment to this Bill to make it permissive not only for the City of Transcona but of the other municipalities to go into centennial projects and make their plans now. Because of course as we know, Mr. Speaker, our centennial is in 1970, the municipalities really only have one more year, that is next year's budget, to make provision or make their plans and if we have to await the permission to the next Session of the Legislature it's making the time pretty tight in order to allow the municipalities to make their plans.

Now that's the comment that I have to make. I make it on this particular Bill, Mr. Speaker, because it seems to me this is my last opportunity before we go into committee to make an appeal to the Ministers concerned in addition to the letters I believe they received from the City of Transcona or from myself. So I ask the Minister if she will see to it that Transcona can get to it insofar as the celebration of our Centennial in 1970 is concerned.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, just one or two comments. I notice here that Section 3 in connection with setting up recreation commissions under municipalities, was it a requirement that the Welfare Minister had to give approval? If so I wasn't aware of this, if that is correct.

Then I notice that there are certain provisions in this bill to clean up areas where you have derelict vehicles. I think this is certainly something that was looked for and where we've had requests in past years and this would certainly be something whereby we can clean up our cities and towns and also the smaller hamlets where you have a situation of this type arise. There is also provision for the use of levying a three-quarters of one percent charge on penalties for unpaid taxes. I suppose this applies to all municipalities, all cities and local government districts I imagine where it concerns them. However, are there any more cities or urban areas that have special charges which would still not come under this regulation or this section once it is passed?

MR. SPEAKER: The Honourable Minister of Urban Development and Municipal Affairs.

HON. THELMA FORBES (Minister of Urban Development and Municipal Affairs) (Cypress): Mr. Speaker, if I might quickly refer to some of the questions that have been asked.

The Honourable Member for Seven Oaks suggested, I believe, that there should probably be a broadening of the section, the proposed section which states that a municipality including the City of Winnipeg, the City of St. Boniface may enter into an agreement with the province or the school district or the school division and he suggests that probably we should have another municipality included in this and also Metro. I would like to refer the honourable member to Section 3 of The Municipal Act and if he will look at subsection (h) it does there do exactly what he is asking in respect of Metro. And if you look at subsection (g) it does there what you are asking in respect of any other municipality.

Also the Honourable Member from St. John's and I believe the Honourable Member from Seven Oaks mentioned to me that they wondered whether this section provided for them to enter

(MRS. FORBES cont'd.) into an agreement whereby they could use auditoriums for meetings and recreation and such purposes. It's the intention of this section to permit municipalities to use school auditoriums for public meetings and any other uses such as recreation; to permit municipalities for instance to maintain provincial roads for the province; to permit the province to do paving work for municipalities and grade or compact roads and streets; to permit the province to lease the use of the City of Winnipeg Signals Department for instance and such other things as to permit the Centennial Corporation to lease the services of the Winnipeg Public Works Department for maintenance services in their Concert Hall and so on. These are the type of things that it is the intention of the Act to do.

The Honourable Member for Seven Oaks also mentioned in his submission as to whether a municipality besides the City of Winnipeg and the City of -- he mentioned a municipality, the City of Winnipeg and the City of St. Boniface has the power to enter into agreements re air space above and space below grade level and he suggested to me what about Metro. I think this was his question. Well if a power is to be vested in Metro we have followed the practice of passing an Order-in-Council making that part of the Act applicable to Metro and Section 191 of The Metro Act provides for this. But, however, his suggestion is a good one and I think it should be given consideration and I am considering moving an amendment at committee stage which would spell this out regarding Metro in the Act itself. So I thank him for his suggestion and say that we are giving consideration to it.

He also mentioned in his submission about the liability for costs incurred should a person leave a derelict car on somebody's property and the individual on whose property it was left, this was unknown to him. Well I think that we'll have to admit that it's going to take co-operation -- I'm using that word many times lately it seems -- but it will take co-operation on the part of all if this is going to work. And I would imagine that the first move that any person would make if it was his property and he saw a derelict car on this property and he had no idea where it came from or to whom it belonged I think his first step would be to notify the police. I'm quite sure that with co-operation we can resolve whose it is and if he doesn't care about it at all and just leaves it there well I think the onus is on him then. But if he makes the necessary steps to try and do something about it I'm sure that this can be worked out because we all have in mind one thing and that is to rid the countryside of this blight.

I think he also mentioned the fact that taxes would be coming in late if we moved the date to December 31st and I must agree that this is right. I was out of the House and I believe the Honourable Member for Selkirk referred to this but it is permissive if they want to move the date they may pass a by-law if they don't want to use the date of December 31st and I think that any municipality will be able to work this out for themselves.

With respect to the due date on taxes, I think if you look at Section 1090 of our Municipal Act it deals with it and spells out very clearly what you may do here regarding due date on taxes; and 1091 subsection (2) of our Municipal Act spells out very clearly any action that may be taken in respect to prepayment and discounts.

The Honourable Member for Rhineland just now mentioned the fact that he didn't know that it was the Minister of Welfare who had to approve of a by-law that was passed here that would decide what the powers and duties of the Public Recreation Commission shall be. This is something that has come down to us from over the years. I think I mentioned at one time the Act said the Minister of Education and later it said the Minister of Welfare and we of course are making the change to say it is the Council itself that is responsible here.

I apologize for being out of the House this morning when the Bill was up and I think the Honourable Member for Selkirk spoke and the Honourable Member for Turtle Mountain. I believe that if I have missed anything that probably we could bring these back to the attention of the committee when we meet at committee stage.

Now I would like to say something about what the Honourable Leader of the New Democratic Party has mentioned. It is true that he has notified me and I take it that he has notified the Minister responsible, the Minister of -- (Interjection) -- Provincial Secretary I meant to say. This is of quite a concern to all of us and I'll frankly admit that I haven't got the answer to it probably any more than my friend the Leader of the New Democratic Party. I must say that we as a province haven't really made known our plans yet for the celebration of our own Centennial year and I think that he will agree with me that the mill that was proposed for Canada's Centennial, that the projects were to have been built by last year when we celebrated our Centennial and of course we still hope that those that we are going to have for 1970 will be

(MRS. FORBES cont'd.) built by that year. Now it's true we can -- as he mentioned, that the one mill could be imposed up until 1970, but what happens if the project you are building is not completed then? Well the only answer as he said is that you could go to the people on a referendum as it now stands and of course this would be dynamite if it should be turned down because we would have many areas which are left with - well, for a better name, I'd say maybe a white elephant on their hands, if it could not be completed.

I am at a loss to tell him just what we might do here but I think that at committee stage we probably could discuss this further. I have not got an answer for him at this particular time. I agree with him, too, when he asked me about it, it is rather late when we are thinking about this in the session, but nevertheless it is most important because if we are going to get on with the business of doing any of these centennial plans or have them made by 1970 we should be started this year and we should know whether we're going to be able to pay for them by 1970.

MR. PAULLEY: Mr. Speaker, I'd like to assure my honourable friend the Minister who has just taken her seat that this is at least once where my City of Transcona is ahead of the government and I'd like them to catch up.

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

MR. LYON: If you would now call Bill No. 92, The University of Manitoba Act.

HON. GEORGE JOHNSON (Minister of Education) (Gimli) presented Bill No. 92, The University of Manitoba Act for second reading.

MR. SPEAKER presented the motion.

MR. JOHNSON: Mr. Speaker, the origin of this legislation goes back some years. For some time in Canada, as members of the House may be aware, there had been some discontent on campuses, that there was a lack of communication between the public, the staff, the governing board, and student body. In Canada it has not been a destructive movement but an attempt to make our universities better.

The Duff-Berdahl Commission was established in August of 1963 to attempt to illuminate the problem of concern to both the university community and government and the commission was sponsored by the entire university community in Canada. As far back as June, 1962, the National Conference of Canadian Universities and Colleges now known as the Association of Universities and Colleges of Canada endorsed the recommendations from the Canadian Association of university teachers to undertake a study of university government. The Ford Foundation made a grant towards the study. Its primary purpose was stated in the introduction to be "a dispassionate examination and evaluation of the present structure and practices of the government of both the English and French language universities of Canada, including provincial Church related and independent institutions."

The hope was expressed that the study would examine the statement so often heard that universities are becoming so large, so complex and so dependent upon public funds that scholars can no longer form or influence policy, that a new and rapidly growing class of administrators is assuming control and that a gulf of misunderstanding and misapprehension is widening between the academic staff, the administrative personnel, with grave damage to the functions of both.

When the Duff-Berdahl report was received in January '66 the University Board of Governors immediately set up a university government committee of 15, with a secretariat for the purposes of considering the recommendations in the Bill before you. Five members from the Board of Governors are on that committee, five members of the academic staff, three members of the Dean's Council, one alumni and one UMSU Council representative plus the secretariat. Two committees were formed. One committee dealt with the composition, duties, powers of the supreme body, academic body, and under another member of the group consideration of other types of organizations which should be established within the general framework of university government was formed, these two committees reporting to the main body and now the main body, the University Government Committee, have as a result of their deliberation, proposed a new University Act. The Board of Governors advises me that in summary that the Duff-Berdahl report served a most useful guideline to the board members in their deliberations.

The philosophy of the new Act is basically to increase communication at the university. The proposed government structure preserves what we now have and adds more through the establishment of a University Community Council which literally provides a window to the

(MR. JOHNSON cont'd.) outside world and which will foster mutual understanding hopefully, between the university and the general public. The Board members advise me they have gone through a process of compromises and they recommend basically the board structure as a progressive measure.

The Board of Governors recommend strongly that we give attention to this at this time because they believe they have come to in many aspects a consensus of opinion amongst our total university community. They point out that our university is in a very competitive position for staff and that the passage of the Bill would settle a very important matter. Most of Canada's 16 universities are now considering or recognizing academic representations on their Boards of Governors. They feel the measure will help in the development of higher staff morale.

May I point out to the members that much of the bulk in this Bill is a rewrite of the existing Act. The present Act has been followed as far as practicable and I would now outline the principal changes in the present Act.

Basically it calls for the provision of additional persons to be appointed or elected to the Board and the manner of their election and term of office, etcetera. It deals with the transfer of the power relating to academic matters to the Senate and it provides for representation on the Senate by other than those presently constituting Senate and providing and giving the Senate power to determine faculty representation, the manner of election by faculties and other groups, the terms of office and granting Senate certain additional powers and it calls for the establishment of a university and community council and outlines its composition. The constitution of a Committee of Election is called for to supersede the present Committee on Nomination whereby the Chancellor would henceforth be elected by the Committee of Election.

The Senate to this Bill will consist of 80 people including the President, Chancellor, the Deputy Minister of Education or designate and these are listed.

The provision is made for the students to elect six representatives to the Senate plus the President of the University of Manitoba Students' Union. The student representation on the Board of Governors is possible if any of the seven representatives are elected by the Senate to the Board. So this I hope will be clear.

The University and Community Council is to consist of the university people, five government appointees, and 50 citizens-at-large as outlined in the Bill.

I would point out at this time of dealing with the Bill, point out to the Members of the House that there will be amendments proposed to the present Bill that is before you. The proposals of the government are these: that the Board membership, rather than 22, shall be a total of 23; rather than nine appointed by the government there shall be 12 appointed by the government and that all members of the Board of Governors so appointed shall be ex officio members of the University and Community Council and not elected as called for in the Bill before you.

Also there will be other amendments governing the term number of years of office that a member can serve on the Board. It will be recommended that a Board Member shall serve not more than three terms and then have to go off for three years before reappointments will be considered, but excluding of course the President and Chancellor.

Another minor amendment concerning . . .

MR. MOLGAT: Mr. Speaker, before the Minister gives that amendment could I verify correctly, when he's speaking on Page 11, that section (a) which says nine members appointed by the Lieutenant-Governor-in-Council will be raised to 12 . . .

MR. JOHNSON: I could give the honourable member the Board membership as will be proposed by the amendment if you would like me to go over that again? President 1; Chancellor 1; government appointees 12; Alumni 3 Senate 6; total 23 instead of 22. All members of the Board are to be ex officio members of the University and Community Council and they will not, as presently provided in the Act, be electing two members to the Board. This amendment will be proposed.

The other amendments, as I say, concern the length of office -- (Interjection) -- I believe that's the main amendment.

This Act as you can recognize, is the result of a long period of study by the university people who recommended this Act that is before you, to us and the university is most desirous that the Act be brought in this year. The amendments that are before you are being put forward by the government who have since receiving the Bill -- with all our other business of the

(MR. JOHNSON cont'd.) House before us, have had an opportunity now to give it more and detailed consideration and will be recommending the amendments that I have mentioned at Law Amendments.

But basically, this is the kind of legislation, all these Acts of the different universities are similar, as I've indicated most of our Canadian universities are moving towards academic representation and taking measures to increase communication between academic and the community and to make our universities more meaningful we hope and more in direct liaison with the community.

I trust that this will serve as an introduction to the proposed Bill before us.

MR. MOLGAT: Mr. Speaker, I want to thank the Minister for his explanation of the Bill. By and large I think that the Bill is an improvement over the Bill that we've had previously. The addition of the new body, the University and Community Council, I don't know how effective it will be, it will be a very large body as established here, some 50 people-at-large plus a substantial number of specific appointees.

To the extent that this will help in making the university part of the overall community I'm in favour of it. I felt for a long time that the university was not really participating in the overall life of this province in the way that it could and should and that there should have been much more communication by the university with the general activities in the province, much more participation in what was going on in Manitoba and I would hope that this would be a step in this direction.

The broadening of the Senate, the addition to it of a substantial number of people from the staff and the faculty, the addition of students to the Senate I think is a sound move. This will broaden that area substantially.

When we come to the Board of Governors however, Mr. Speaker, I feel that the government has failed to take action in a most necessary and important direction. When the Minister said this afternoon that he had some amendments to propose to the make-up of the Board of Governors, I hoped for a moment that the government had decided to proceed in real broadening of that Board; but the Minister instead advised us that really what the government has done is tightened substantially its control of the Board because it is now almost, well in fact it has a majority on the Board through its own appointments. On a board of 23, the government appoints 12 of the members. Prior to this amendment at least the non-appointees had the control but now the government is going to have total control of the Board.

But, Mr. Chairman, it's not in that direction really that I'm mainly concerned. It's in the direction of student participation in the Board of Governors of the University. Mr. Speaker, in my opinion, this is an area in which we must move now. One need only look at what has happened outside of Canada, at Columbia University recently; in the Universities in Germany some few weeks ago and in the very last few days, the situation in France. Mr. Speaker, those students in those areas have rebelled because they are simply not satisfied with a system which is imposed upon them from above. I think, Mr. Speaker, that the discussions we have had in this House during the course of this session about young people, about the place of youth in our affairs, indicates the concerns of the members of this House; but it's not good enough, Mr. Speaker, to be speaking about it in this House if we are going to have young people involved, and if we mean what we say, then we have to give them the means of becoming involved. This is our opportunity here in changing the structure of the University of Manitoba to make sure that they are involved; and the place to get them involved, Mr. Speaker, is by putting on the Board of Governors of this university at least one student. I say at least one, Mr. Speaker. What danger could there possibly be in having one student on the Board of Governors. A Board of Governors composed of 23 people? What danger? None whatever. But it would at least give the students at that university the feeling that they have a direct means of access to the governing body of that university, that they are participating in the governing of that university and that they're involved in the university itself. It would mean that there would be on that board at all times an individual who could relate directly to that Board the feelings of the student body.

When we look at the size of that university today, Mr. Speaker, and the numbers of faculties that it has, the way it's been functioning, I think we have to be thankful that the role that the students have taken so far - because they have taken a very major role and a very responsible role in the activities of the University of Manitoba. It's my understanding that for some time now they have been dealing, for example, with the board that's specifically

(MR. MOLGAT cont'd.) responsible for drawing up the plans for the new \$5 million university centre; that students sat on that board and participated in the full discussions and all of the confidential negotiations that went on and performed a very useful function on that board. They presently sit on some of the administrative boards such as the book store committee and the library committee and I think all the way through they have shown themselves to be responsible.

The government is now prepared to have them sit on the Senate and in a sense can say, Well they might be able to be elected from the Senate to the Board of Governors because the Board of Governors is going to have six members elected to it by the Senate. But when you look at the total of the Senate which makes up a very large number of people, some 90 people as I understand it on the total of the Senate, when you look at that, the chances of a student being elected from that body to the Board of Governors is very slim indeed. But, Mr. Speaker, if it is sound to put a student on the Senate, or put six students on the Senate, is it not equally sound to put one of them on the Board of Governors? It's not going to revolutionize the university, Mr. Speaker; it's not going to cause a sudden total upheaval in that body by putting one on the Board of Governors. And supposing it were, Mr. Speaker, the government was afraid of what the effect might be? The government has all the built in checks and balances that it needs because last year the government established a further body insulating itself from the pressures of the university when it set up the University Grants Commission. So there they have, Mr. Speaker, the Senate, the Board of Governors and that university can only deal with the Grants Commission and eventually ends up dealing through that Grants Commission with my honourable friends. Now aren't there there all the safeguards necessary insofar as the government? Surely when you look at that situation, Mr. Speaker, to be asking for only one student is not a revolutionary demand. It's a most elementary demand. It's something that we will simply have to do; and the time to do it, Mr. Speaker, is now. Let us not wait until we have some difficulties at our university. Let's not wait until our students rebel because they're not prepared to take domination from above if they haven't participated in the decisions. That's the very elementary practice of democracy, Mr. Speaker, that those who are governed should have a say in what goes on and young people today are in that respect in the same category as adults where in years past when they fought for democratic government. Young people today, in my opinion, are capable of handling those responsibilities. And to take this step before it becomes a demand, to take this step before there's any necessity for pressures from the university students, before they find it necessary to come and march on these buildings and demand it from this government, I think would be a wise course. It will be the first time in Canada admittedly. No other university to my knowledge in Canada now has a student on the Board of Governors. Yes -- (Interjection) -- the Minister says one. I've checked into that. I think he's referring to Western Ontario and it does happen that there is a student on the Board of Governors but he was actually elected as he is a post-graduate student. However, we will be breaking new ground in Manitoba. Mr. Speaker, it's sound ground to break and this is the right opportunity to do it. We're in the process now of changing our Act, the government has agreed to put on the management of the university now, on the board and on the Senate a substantial number of the faculty people, and I think that this is right. I think this is proper recognition of the elements that make up a university. But the biggest element that makes up a university in numbers is certainly the students. And the ones who are most affected by the decisions of university management are the students. Shouldn't they have their representation there?

Mr. Speaker, I ask the Minister to reconsider his position. I warn him, Mr. Speaker, that if he won't reconsider it now he will be doing it -- no he won't because he won't be there -- but the next government will be doing it without any question. They'll be doing it, Mr. Speaker, because it's the right thing to do. But the time to do it is right now; and the students would recognize this as a progressive and sensible course taken by this Legislature. Mr. Speaker, I serve notice now that I will move an amendment at the committee stage calling for the appointment, or rather the election, of a member from the student body to be elected by the students-at-large on the Board of Governors. Mr. Speaker, I submit that this is a most important amendment. It's a symbolic step forward and a recognition that the young people of today are not going to sit back and simply be told what to do. They want to be involved in the decisions. And it's a right thing to do; it's a right thing to do when you look at what's happening elsewhere, Mr. Speaker. And if the government fails now to accept this amendment they

(MR. MOLGAT cont'd.) will be doing grievous harm to the whole of the university structure.

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

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

MR. LYON: Mr. Speaker, I beg to move, seconded by the Honourable Provincial Treasurer that the House do now adjourn.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 8:00 o'clock Wednesday night.