

THE LEGISLATIVE ASSEMBLY OF MANITOBA

2:30 o'clock, Tuesday, June 23, 1970

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting reports by Standing and Special Committees. The Honourable Member for Winnipeg Centre.

REPORTS BY STANDING COMMITTEES

MR. BUD BOYCE (Winnipeg Centre): Mr. Speaker, I beg to present the second report of the Standing Committee on Municipal Affairs.

MR. CLERK: Your Standing Committee on Municipal Affairs beg leave to present the following as their second report:

Your Committee has considered Bills:

No. 44 - An Act respecting The Town of The Pas.

No. 73 - An Act to amend The Flin Flon Charter.

No. 103 - An Act to amend The Transcona Charter.

No. 124 - An Act to amend The Winnipeg Charter, 1956 (2).

And has agreed to report the same without amendment.

Your Committee has also considered Bills:

No. 7 - The Municipal Assessment Act.

No. 70 - An Act to validate By-law No. 656 of The Rural Municipality of Langford and By-law No. 1997 of The Town of Neepawa.

And has agreed to report the same with certain amendments. All of which is respectfully submitted.

MR. BOYCE: Mr. Speaker, I beg to move, seconded by the Honourable Member from Flin Flon that the report of the committee be received.

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

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable Member for St. Boniface. The Honourable Member for Winnipeg Centre.

MR. BOYCE: Mr. Speaker, I'll be very brief; I think most members of the House are familiar with what occurred in this particular case. I'd like to move an amendment, seconded by the Member for Kildonan that the report of the committee be not received in its present form and that the committee be directed to remit Bill No. 10 to this House with its recommendations relative to each of its provisions.

MR. SPEAKER: I would like to take the motion proposed by the Honourable Member for Winnipeg Centre under advisement. If any honourable members wish to speak to this point of order I would welcome hearing their comments.

MR. BOYCE: Speaking to the point of order, Mr. Speaker, may I refer you to Beuchesne, Citation No. 222 which says in part "an instruction which is generally made with a bill is referred to a committee of the whole, a standing committee or joint committee, is not mandatory. It is therefore customary to state explicitly in the motion that the committee have power to make the provision required. The intention is to give a committee power to do certain things if they think proper, not to command it to do so. The time for moving an instruction is immediately after the committal of the bill or as an independent motion."

MR. SPEAKER: The Honourable Member for Riel.

MR. DONALD W. CRAIK (Riel): Mr. Speaker, if I might speak briefly to this. This particular committee was empowered with the fairly wide ranging responsibility of setting up the ground rules by which the professions may be judged in their powers of operation. Included in that of course was responsibility to overt titles and other things that the individual professions might ask for, and while it is true that this committee has been in operation for quite a while, we have just received a report from the commission in Ontario that has just finished its work, we have received, oh within the last twelve months or so, I guess it's about a year ago, we received the report done by the Law Society in Manitoba for this particular committee but we haven't in fact got to the point where we have been able to assess it. The reason why Bill 10 was held in the committee, the reasons given by most of the members was not because they had made up their minds....

HON. SIDNEY GREEN, Q.C. (Minister of Mines and Natural Resources)(Inkster): Mr. Speaker, is the member speaking on the point of order?

MR. CRAIK: Yes, well the point of order.....

MR. GREEN: I believe he's debating the substance of what the committee report is.

MR. CRAIK: What the Member for Winnipeg Centre has said in his motion is that the bill be reported with recommendations on the individual items and the individual....

MR. BOYCE: We're not debating that point....

MR. CRAIK: No, you want the bill back with recommendations respecting the items in the bill. But the item in the bill that's a problem is the item with respect to the doctor's title and I think if I am in order, Mr. Speaker, I'd like to point out that in coming to the recommendation on this particular item....

MR. BOYCE: On a point of order, Mr. Speaker. The member is insisting upon debating the resolution itself, not whether you should or should not consider the motion in order. You know if we are going to debate it now, as the mover of the motion I would like an opportunity to debate it; but if we are in fact giving you some counsel in whether or not the motion is in order, then our remarks should be restricted just to that principle.

MR. CRAIK: Mr. Speaker, I feel that the motion is not in order, and I'm trying to give some background to it, trying to anticipate....

MR. BOYCE: Mr. Speaker, on a point of order.

MR. CRAIK: Mr. Speaker, I think I'm as closely in order here as.....

MR. BOYCE: On a point of order, Mr. Speaker.....

MR. SPEAKER: I believe the Honourable Member for Riel has just indicated a few seconds ago that it is his intention to present his views why he feels the motion is not in order and I am sure that the House would welcome the opportunity to hear the honourable member's comments.

MR. CRAIK: Well, Mr. Speaker, I think that in terms of the operation of the committee which holds this bill, that its future operation would be seriously hampered if for the short term requirements of the House, this bill was now sent back to them with the order that it had to be sent to the House with recommendations on all the items, and I ask you to take this into consideration on this point of order. I feel that it would not be in the best interests of the operation of the committee as a service to the House if the request of the Honourable Member for Winnipeg Centre was actually acted upon at this time.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I would like to talk solely on the point of order because that is what interests me. I think that the Member for Riel has things backwards in that he says that the House will be able to prejudice the sitting of the committee. I think that every bill, Mr. Speaker, is essentially the property of the House and what has to be avoided is the committee in some way precluding the Legislature from doing what it wants to do. The Legislature consists of all the members; it refers a matter to committee and the committee is entitled to deal with it, but in the last analysis the House must be in a position to control legislation. The citation just quoted from Beauchesne by the honourable member is perhaps not directly in point but I would refer Your Honour to Citation 220 which deals with instructions to committee, and it says "an instruction is a motion empowering a committee to do something which it could not otherwise do or to direct it to do something which it might otherwise not do." I think that what the honourable member is moving is that the committee be directed to do something.

Now members have a right to say no, we don't want to direct the committee to do something but they could do that by negating the motion. The question now is whether it is not in order for the House to say to a committee we want to legislate on this matter, we've sent it to you, we want it back, and send it back with your recommendations. If you're not prepared to recommend legislation say no; if you are prepared to recommend legislation say yes; you can then speak on the committee report to indicate why yes or why no, but you can't prevent the Legislature from dealing with a matter which is the possession of the Legislature and which has been sent to committee. So for that reason Mr. Speaker, I would say that entirely aside from the rightness or wrongness of the action which is suggested by the Member for Winnipeg Centre, it would appear to me that it is in order for the House to direct a committee to do something, and indeed if it weren't it would mean that a committee which is composed of a smaller number of members, could subvert what the House itself wanted to do. It would mean that legislation would be delegated to a body less than the House with the power of that body to overcome what the House itself could do and I think that speaks directly contrary to what a committee is supposed to be.

I also refer Your Honour to Citation 221 (2) which deals with mandatory instructions and it says "the object of mandatory instructions is to define the course of action which the

(MR. GREEN cont'd.). . . . committee must follow. This form of instruction is often moved at the conclusion of second reading to which assent may have been given, with the knowledge that such instruction would be moved." Now, Mr. Speaker it says "it may" or "it is often", but I submit that it can be moved by separate motion at any time or by motion on the committee report, because what we are talking about is the substance not the time that it is moved. The principle appears to be Mr. Speaker, that the House in the last analysis has the general control over all of its proceedings and if it is not happy with the action of a committee the House can direct that committee to take one course of action or another, and this is merely what the Member for Winnipeg Centre is suggesting.

MR. CRAIK: Having read the motion presented by the Member for Winnipeg Centre, I concur in the remarks made by the House Leader.

MR. SPEAKER: I wish to thank the honourable members for their comments. I will take the matter under advisement and give my ruling thereon at the next sitting of this House.

MR. SPEAKER: Notices of Motion. Introduction of Bills. The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, I ask for the indulgence of the House to let this matter stand. (Agreed)

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: I ask the indulgence of the House to have this matter stand, Mr. Speaker. (Agreed)

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point I wish to direct the attention of Honourable Members to the gallery where we have with us 50 Grade 5 students of the Victoria Ruth Hooker School. These students are under the direction of Mr. Blonski and Miss Christie. This school is located in the constituency of the Honourable Minister of Municipal Affairs. And 60 Grade 8 students of the Beliveau School. These students are under the direction of Mr. Parker and Mr. Oye. This school is located in the constituency of the Honourable Member for Radisson. On behalf of the Honourable Members of the Legislative Assembly, we welcome you here this afternoon.

MR. SPEAKER: The Honourable Member for Osborne.

MR. IAN TURNBULL (Osborne): Mr. Speaker, on a matter of privilege. The Votes and Proceedings No. 70 for June 22 records my vote on Page 4 as affirmative and I did not vote affirmative in that motion but rather negative. I would think that perhaps my name has been substituted for the Member from Fort Rouge's name who is recorded as having voted against the motion and I'm sure she voted for the motion.

MR. SPEAKER: The Honourable First Minister.

STATEMENT

HON. ED. SCHREYER (Premier)(Rossmere): Mr. Speaker, I have a brief statement of information for Honourable Members which I would like to read.

Representatives of MP Industrial Mills Limited have met with officials of the Government of Manitoba, the Manitoba Development Fund and Arthur D. Little Incorporated for the purpose of reviewing the status of the MP Paper Mill project at The Pas. As a result of these meetings, satisfactory assurances have been given and additional certification procedures will be followed to insure that the balance of the MDF loan monies available will be paid to suppliers and contractors towards the cost of completion of the project. The monies advanced will be deposited in a trust fund for the foregoing purpose.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. BUD SHERMAN (Fort Garry): Mr. Speaker, I would like to thank the First Minister for that information and ask him if he can advise the House as to the status of the audit that was being carried out by the late Alistair Stewart and whether the information that he has given the House today is related to that audit?

MR. SCHREYER: That is correct, Mr. Speaker. The procedure followed here which I just announced is an arrangement which has been arrived at pursuant to information received by way of audit that was initiated from the beginning of the year, slightly before. There has been some delay because of the fact that the person initially requested to do this passed away which caused some delays in making alternative arrangements. I should, to answer further the

(MR. SCHREYER cont'd.). . . . question, the auditing process has been completed with respect to the firm that I have just mentioned. It is not quite completed with respect to each of the other three - with respect to all of the other three.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. GILDAS MOLGAT (Ste. Rose) Mr. Speaker a supplementary question on the same subject. Has the same arrangement been made with all the companies involved?

MR. SCHREYER: Yes, Mr. Speaker, in every significant respect the same arrangement. I'm not saying that the arrangement has been identical in every respect but certainly there has been auditing made, double checking, and so on with respect to the other operations as well.

Mr. Speaker, in order that there be no confusion in the matter, when the honourable member is asking whether the same arrangement has been made I took it he's referring to auditing, -- (Interjection) -- Oh no, no. In that case, Mr. Speaker, let it be clear that the statement I have just made applies to MP Industrial Mills. There has not been any similar arrangement arrived at as yet with the others.

MR. SHERMAN: A supplementary, a further supplementary. It is therefore not definite at this stage that additional financing arrangements will have to be made with the other companies; all that is predicated on the result of the audit's completion. Is that correct?

MR. SCHREYER: Well, Mr. Speaker, I think that's a fair assessment. By fair I mean, I think that this likely will be the case, it may well be so that it will not be necessary to make identical arrangements in the other three cases. There may be in one or two but not in every one, I don't think.

MR. SHERMAN: Mr. Speaker, could I ask one further supplementary of the First Minister and ask him if he has an estimate as to the time when the audit in the case of the other three companies will be completed and in a position to be acted upon?

MR. SCHREYER: Well I should explain to my honourable friend that there has been some unexpected delay in having this work completed. A couple of months ago it was hoped by all of those involved, including Arthur D. Little, which has been involved also in the auditing, and by the Provincial Auditor's representative and by Stoddart Engineering, it was hoped that the auditing could be completed by the end of May. It's taking a little longer than that, I suppose because of the complexity of the matter.

MR. SPEAKER: The Honourable Minister of Agriculture.

ORAL QUESTION PERIOD

HON. SAMUEL USKIW (Minister of Agriculture)(Lac du Bonnet): Mr. Speaker, some time ago the Member for Rhineland asked a question about whether or not some special crops would be included in the new quota policy of this year. I want to simply tell the House that one of the pamphlets on the LIFT Program indicates that potatoes, peas, buckwheat, sugar beets, corn and vegetables can be counted for quota purposes in the wheat inventory reduction program.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, a question to the Minister of Agriculture. It may have been brought up in the House that I've not heard. There seems to be quite a bit of confusion concerning the deadline for application concerning Operation LIFT. Is it not true that as far as Operation LIFT is concerned that application can be made to the 15th of July, not only to the 20th of June - the 20th of June date serving as an interim payment if it is wished.

MR. USKIW: Yes, this is true. The 20th of June deadline is only to facilitate an interim payment which would be received early in July, but it doesn't preclude the fact that people can apply afterwards for the \$6.00 payment.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Speaker, I'd like to ask a question of the Minister of Agriculture. Does the Minister and the provincial government consider that some of the flooding problems that have occurred in the province would qualify for federal assistance in view of the fact some people cannot seed?

MR. USKIW: Well, I think that in a broader sense I am not in a position to answer the question other than to indicate that I will look into the matter with the Government of Canada. But I do know that where there is a reduction of wheat acreage involved that those that were unable to seed will be eligible for a \$6.00 per acre payment.

MR. MOLGAT: A supplementary question, Mr. Speaker. Has the Minister made any approach to the Federal Government for special assistance?

MR. USKIW: I have had people consulting with people in Ottawa on this point.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): A further question to the very subject that is under discussion to the Minister of Agriculture. For those farmers who had registered early with the Manitoba Crop Insurance but as a result not being able to seed, do they still qualify under the Prairie Farm Assistance Act?

MR. USKIW: Well I think I explained that yesterday, Mr. Speaker. The people that will be exempt from deductions towards PFAA will be those that had a valid crop insurance contract this year.

MR. SPEAKER: The Honourable Attorney-General.

HON. AL. MACKLING, Q.C. (Attorney-General)(St. James): Mr. Speaker, the other day some member of the opposition benches were concerned about obtaining copies of the price list of the Liquor Control Commission. I have some copies here of the price list as of October, 1969, and bulletins that went out to various branches and vendors and I'll be happy to provide these copies to those who are interested. I'll ask the Page to pick them up. I'm sure we'll welcome additional purchases during this our Centennial year.

There is one other item, Mr. Speaker, while I'm on my feet. I think it was the Honourable Member for Fort Garry who had indicated a grave concern in connection with escalating prices in respect to coffee. I have a report that the Product Inspection Department of the Federal Government have advised that they have received complaints recently on the increase of coffee prices and especially so in the last month. They have referred the matter to the Prices and Incomes Commission in Ottawa and to date have not received a reply. The Consumers' Association have indicated to us that the rise is due to a general increase all the way down the line from the grower to the retailer. The sales manager of one substantial Winnipeg firm claims -- that is a Winnipeg brokerage firm claims that the prices have gone up considerably and this could be attributed to some shortages and also to a general increase along the line. That's the information I have, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. HARRY ENNS (Lakeside): Mr. Speaker, just a short question to the Honourable the Attorney-General on the latter question of coffee. Is the Attorney-General not aware that the surplus in coffee in Brazil is somewhat similar to our problem with wheat?

MR. MACKLING: Well I'm sure, Mr. Speaker, we'll be anxious to hear the program that may be enunciated by the Honourable Member for Lakeside in respect to this observation.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. SHERMAN: Thank you, Mr. Speaker. I'd like to thank the Attorney-General for his information and for looking into the problem. Could I just add, Mr. Speaker, that the inquiry arose out of an increase that, for example, in the case of a six ounce jar of instant coffee in the last three months had gone from \$1.14 to \$1.43, so it is a very substantial increase.

MR. SPEAKER: The Honourable Member for Swan River.

MR. JAMES H. BILTON (Swan River): Mr. Speaker . . . on behalf of the Honourable Member for Wolseley who has been endeavouring to catch your eye for some little time.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. LEONARD H. CLAYDON (Wolseley): Mr. Speaker, I'd like to address a question to the First Minister. Could he inform us when we may expect to receive the Boundaries Commission Report insofar as the Greater Winnipeg area is concerned?

MR. SCHREYER: Mr. Speaker, I know what the target date is. Whether the Commission will be successful in making the report available by that target date remains problematical. The target date I understand is sometime around the middle of July, sometime between the middle of July toward the end of July.

MR. SPEAKER: The Honourable Member for Wolseley.

MR. CLAYDON: A supplementary question, Mr. Speaker. Then it would appear not likely that we will receive it before the session is over. Is that the case?

MR. SCHREYER: Well, Mr. Speaker, if that be the case I'm sure arrangements can be worked out as they have been in the past to make copies available to honourable members by using Her Majesty's mails, I believe.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. MOLGAT: Mr. Speaker, I'd like to ask a further question of the Minister of

(MR. MOLGAT cont'd.). . . . Agriculture regarding assistance from Ottawa. The Minister indicated that some approach had been made. I wonder if he could indicate who made the approach and what was the reply from the government?

MR. USKIW: I think I said that approaches are being made.-- (Interjection) -- Right.

MR. MOLGAT: Mr. Speaker, for clarification then. No approaches have been made to date.

MR. USKIW: I've had some discussion with members in Ottawa yesterday.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, with leave of the House I would like to substitute the name of the Member for Winnipeg Centre on several committees. On Public Utilities Committee I would like to remove the Member for Winnipeg Centre to be replaced by the Member for Flin Flon. On the Municipal Affairs Committee I would like to take off the Member for Winnipeg Centre to be replaced by the Member for The Pas.

MR. SPEAKER: Has the Honourable House Leader leave? (Agreed) The Honourable Minister of Cultural Affairs.

HON. PHILIP PETURSSON (Minister of Cultural Affairs)(Wellington) Mr. Speaker, I have a reply to the question that was raised by the Honourable Member for Swan River last Wednesday in which he raised a question about the historical booklets that had been published and distributed in the schools.

I have a statement from the Centennial Corporation to the effect that the Corporation plans to produce a booklet entitled "The Founding of a Province" for distribution in the same manner as these other booklets had distribution, to all elementary school children in the Province of Manitoba up to and including Grade 6. This is not specifically a correction of these other booklets nor a substitute in effect for them. It is a booklet that it is hoped will be far more factually correct than the other one was and cover somewhat more ground than the other one did. It will be for distribution to all the children in the province up to and including Grade 6.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. BOYCE: I wonder if I could ask the indulgence of the House to make a brief statement, Mr. Speaker? I thought perhaps the House Leader would make an announcement. It sounds kind of bad to take me off a couple of committees. I have discussed it with several of the members and I will be leaving for Greece on Saturday to spend six weeks to look into some of the problems facing urban development. Some members of the House are aware of the symposiums that have been held the last seven years in this part of the world where they gather such people as Buckminster Fuller, Margaret Mead and some pretty high powered people. I had kind of hoped at one time that Bill 43 would be passed but it's still dragging on the Order Paper so I have to pay for the thing myself. But I will be paired with the Member for La Verendrye in all matters and especially with reference to Bill 56, we had agreed on this. It was arranged quite some time in the past but I wish to thank the House for their indulgence in this matter.

MR. SPEAKER: Orders of the Day. Adjourned debates on second reading.....

The Honourable House Leader.

MR. GREEN: Could you please refer to Page 7 of the Order Paper and call the second reading of public bills. Bills No. 129 and 131.

MR. SPEAKER: Second reading Bill No. 129. The Honourable Member for St. Matthews.

PUBLIC BILLS

MR. WALLY JOHANNSON (St. Matthews) presented Bill No. 129, an Act to amend The Metropolitan Winnipeg Act for second reading. (To be referred to Municipal Affairs Committee)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for St. Matthews.

MR. JOHANNSON: Mr. Speaker, I will be introducing this bill as a private member's bill as a matter of courtesy to the Metro Corporation. I would hope that the bill can proceed quickly through second reading into committee; there the Metro people can present detail on individual amendments. There are a total of 29 amendments in the bill and the Metro people will have their legal counsel and other people in committee to present detailed information if it's requested by the members. The onus of course will be upon Metro to prove the case for the changes which they want in the Metro Act.

There are a number of reasons for these amendments. These are an accumulation of amendments which legislative sessions of the last few years have not had time to deal with.

(MR. JOHANNSON cont'd.). . . . Most of them are housekeeping in nature, in fact all but one are housekeeping in nature, and this one particular amendment which is most important is necessary for Metro to implement the Downtown Development Plan. The one vital important amendment is on Page 1 of the bill. This adds new clauses to Section 4 of the Metropolitan Winnipeg Act whereby the Corporation is given extensive powers with respect to the acquisition of land, the development or redevelopment of land so acquired and over the sub-division and zoning of this land. This is for the purposes of implementing the Metro Development Plan, particularly the Downtown Development Plan. The Downtown Development Plan, as members are aware, involves public development of six blocks in the St. Marys - Broadway sector. Metro must proceed quickly with land assembly in this area. This change, that is the first change in the bill on Page 1, gives Metro clearcut legal powers to expropriate land in this area in order to proceed with the land assembly program which they are going to have to start quickly.

Municipalities in Manitoba which have adopted a planning scheme under the Planning Act now have the power to assemble land for the purpose of carrying out part of the scheme. It is reasonable that Metro should have similar powers to carry out the Metropolitan Development Plan. As I said previously, the remaining amendments in the Act are housekeeping in nature; they will be explained when the bill is referred to Municipal Affairs Committee and I would hope that if members have detailed questions they can be brought up at that time.

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

MR. FRANK JOHNSTON (Sturgeon Creek): Mr. Speaker, I move seconded by the Member for Fort Garry, that debate be adjourned.

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

MR. THOMAS BARROW (Flin Flon) presented Bill No. 131, an Act to validate certain By-Laws of The Town of Dauphin and The Rural Municipality of Dauphin and to enlarge the boundaries of The Town of Dauphin, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. BARROW: Mr. Speaker, it always gives me a great sense of pride to feel that I have contributed in a small way to the development of a community. This bill is a small requirement by the Town of Dauphin which would produce additional employment and much needed added revenue to the town. Also it makes me feel extremely proud to sponsor a bill that does not require any sacrifices or gifts on the part of taxpayers.

Mr. Speaker, this only requires the transfer of a ten-acre parcel of land from the Rural Municipality of Dauphin to the Town of Dauphin. One parcel is on the northeast section of the town, the other parcel is on the southeast section of the Town of Dauphin. This will allow the Town of Dauphin to provide sewer and water facilities to existing facilities in the area, and also it will accommodate a new petroleum venture. This new commercial venture will be lost to the town if the services are not provided. Also this transfer of land will serve to square the town because across the street from the northeast parcel there's town property and across the street from the southeast parcel there's also town property. So Mr. Speaker, I would heartily recommend this bill to the House. I am sure the citizens of Dauphin and of all Manitoba will benefit. Thank you.

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

MR. GREEN: Mr. Speaker, would you proceed to the second readings of government bills on Page 5 of the Order Paper and call Bill No. 116.

GOVERNMENT BILLS

MR. SPEAKER: Second readings. Bill No. 116, an Act to amend The Civil Service Superannuation Act. The Honourable Minister of Government Services.

MR. MOLGAT: Mr. Speaker, if I may on a point of order before the Minister rises, could the House Leader indicate to us what the sequence of bills is going to be.

MR. GREEN: Mr. Speaker, after 116, we're going back to Page 3 and proceed in order, more or less, with the exception of Bill No. 56.

MR. J. WALLY MCKENZIE (Roblin): Also on a point of order, could I get some information from the House Leader when the government intends to bring forth Bill No. 135, which is in my name.

MR. GREEN: Mr. Speaker, I'm not sure at this point.

HON. RUSSELL PAULLEY (Minister of Government Services)(Transcona) presented Bill No. 116, an Act to amend The Civil Service Superannuation Act, for second reading. (Law Amendments Committee)

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Government Services.

MR. PAULLEY: Mr. Speaker, it is with considerable pride that I have the opportunity of introducing Bill No. 116, for in this bill there is contained provision for increasing the pensions of our superannuated employees who have rendered such valuable service to the citizens of the Province of Manitoba over the years. This is a matter that while in opposition I constantly raised with the previous administration - and in this I include both Liberal and Conservative - and it was my understanding that to be fair, that just prior to the dissolution of the last administration plans were afoot to give consideration to the plans that we had made on the other side of the House to improve the benefits which have been accruing to our civil servants, not only within the Civil Service itself directly but also the Crown corporations such as the Manitoba Telephones, Manitoba Hydro and one or two others. I need not say, Mr. Speaker, that some of the pensions being paid to pensioners were bordering on the criminal, pensions that had been computed at the time of low, low wages and one of the main purposes of Bill No. 116 is to recognize that factor and to increase pensions for those who are retired.

The improvements in benefits that this bill provides for and the method of financing their cost have been agreed to by the various employee organizations after consultations. And at this stage, Mr. Speaker, I'd like to point out that there is no requirement of the government as the result of a negotiated agreement to consult with the employees other than in an informal way, and I'm happy to be able to report to the House that at my request and their request too, consultations were held and various proposals suggested between the employee organizations and the administration. The Superannuations Fund share of the cost will be borne by the fund's actuarial surplus, and the improved benefits, broadly speaking Mr. Speaker, will be a cost of living bonus for pensioners, a more attractive early retirement inducement, deferred pensions for employees who resign with more than five years in the Fund and some recognition of the payment of interest on refunds of contributions.

It is our hope that beginning the 1st of July of this year the increased cost of living bonuses will be paid to about 1,025 pensioners who retired before December 31, 1968, and to about 70 widows who are receiving pensions on account of deceased pensioners who retired before 1968, December, under a joint annuity provision. Subject to the approval of the Lieutenant-Governor-in-Council, if the cost of living continues to increase, they will receive other adjustments on the 1st of July, 1971 and the 1st of July 1972, along with the persons who have retired in the years 1969 and 1970.

The amount of supplemental allowances each person receives is based on his length of service, the number of years since he retired and the increase in the cost of living since he retired. The manner of increasing the supplemental allowances of these persons and the payment of a supplementary allowance to persons who retire after 1970 will be reviewed by the government and the employee organizations every three years from the time of the actuarial valuation of the fund. The cost to the fund for the cost of living bonus will be \$2,452,200 and to the government and its agencies, apart from the surplus, about \$271,100 per year. It is the intention under this legislation to provide better pensions at early retirement and also for partial disability retirement pension. By this legislation we intend to improve the pension paid for early retirement and partial disability retirement pension by reducing the penalty for retiring earlier than age 65, to one quarter of one percent for each month earlier than 65 instead of at the present rate of seven percent; and to provide for this improvement to be made in the pension of present pensioners who retire early or on account of partial disability. The cost of this benefit to the fund will be approximately \$1,600,000 and to the government and its agencies about \$128,000 per year.

On the matter of deferred pensions and interest on refunds, the legislation would permit an employee who resigns after contributing to the fund for five or more years, to choose a deferred pension instead of a refund of contributions and provides for the payment of interest in certain circumstances on refunds of contribution. Half of the deferred pension is provided by the employee's contribution and interest and half is provided by the employer. The value of the deferred pension to be paid at age 65 begins with a fifty percent pension for the five years of service and increases by ten percent a year to 100 percent for employees of ten years or more of service.

(MR. PAULLEY cont'd.)

The employees requested a provision for the payment of interest under certain circumstances and this is going to be put into effect until December 31, 1972, at which time the matter will be again reviewed. Before then the matter of continuing to pay interest on refunds will be discussed again informally as far as the employees are concerned and the government. If the payment of interest is continued, the cost to the fund would be about \$2 1/2 million, without any cost to the government. The cost to the fund of deferred pensions is estimated at \$738,000. The popular ages for deferring pensions will be in the forties and fifties and a few persons who terminate their service in their sixties will want to defer their pensions. It will be some years before the government will have to share in the cost of pensions at 65 to employees who defer pensions.

There are sections in the bill to provide for a reduction in payment to the fund by the government and its agencies, and the reason for this, Mr. Speaker, is that in 1961 when the government and its agencies stopped matching employee contributions and began paying one half of the pensions, the fund benefitted to the extent of about \$9 million of employer matching contributions made between 1939 and 1961 for persons who had not retired. The \$9 million was used by the fund to support the improved pensions that were granted at that time. It has now been agreed upon between all concerned to return over the three years - between now and '72 - \$780,000 to the government and its agencies to be used for part of the employer's share of the cost of improved benefits.

Under the partial disability survivor pension, the amendment will permit the employee who is retired on account of partial disability to receive a survivor form of pension as is presently permitted for all types, other types of retirement. There is a provision Mr. Speaker, in the Act whereby term employees who complete one year of continuous term employment, it will be necessary for them to contribute to the Superannuation Fund; and a term employee who has not completed one year of continuous employment shall be permitted to contribute to the fund voluntarily.

There are numerous other amendments or suggested amendments in the bill Mr. Speaker, that I'm sure honourable members will take note of, such as a limited amount of the fund's accumulated monies, it will be allowable to have them invest in real estate or leaseholds in Manitoba for the production of income. There is in the Act a proposal to increase to \$1,000 from \$500.00 the amount that a widow of an employee may receive as an emergency partial payment on the death of her husband and it would be assessed against his contributions and interests.

Honourable Members may be interested, Mr. Speaker, in knowing some of the significant amounts that will accrue to our previous pensioners, or our present pensioners. I would give one or two illustrations. If a pensioner retired in the year 1942 after 35 years of service and it's agreed that he would be quite an elderly citizen at the present time - but there are some, I understand - their pension would be increased monthly to the extent of \$148.75. I'm sure honourable members will agree that this is a pretty hefty increase. A person who retired in 1942 with ten years of service would have a monthly increase in their pension over and above of course what they're now receiving of some \$42.50. An employee who retired in 1968 after a service of 35 years will have their pension increased by \$19.25 per month. I have a table before me - it's very obvious, Mr. Speaker - extending some of the figures of increase to our retired pensioners.

I would like to suggest Mr. Speaker, that if at all possible, members of the Assembly deal with this matter as quickly as possible in order that we may proclaim the Act as intended for July 1st of this year in order that the cheques that will be going out at the end of July for the month of July will contain the increases as suggested. I did mention at the offset that the Lieutenant-Governor-in-Council and the Superannuation Board is required to approve of the cost of living allowances, but I want to assure the House, Mr. Speaker - and I'm sure that members will recognize this - I want to assure the members of the Assembly that it is every intention of the Lieutenant-Governor-in-Council and the Superannuation Fund to award the increases that I am suggesting in this bill.

In conclusion Mr. Speaker, I recommend the acceptance of Bill 116 to the members of this Assembly and trust and hope that we will all unite in supporting the contents of the same in recognition of the need of recognizing the invaluable service rendered to the Province of Manitoba, as I said at the offset, by the Civil Service and members of our Commission.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, with due respect to the Minister of Labour's last wishes, I beg to move, seconded by the Honourable Member for Riel that debate on this bill be adjourned.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: At this point I would like to introduce 72 Grade 7 students from Winkler School under the direction of Mr. Wiebe and Mr. Hildebrand. This school is located in the constituency of the Honourable Member for Rhineland. On behalf of the Honourable Members of the Legislative Assembly I welcome you here this afternoon.

MR. GREEN: Mr. Speaker, would you call Bill No. 43 please.

GOVERNMENT BILLS

MR. SPEAKER: Adjourned debate on second reading of the proposed motion of the Honourable the First Minister. Bill No. 43. The Honourable House Leader of the Liberal Party.

MR. MOLGAT: Mr. Speaker in the absence of the House Leader could we have the matter stand. (Agreed)

MR. GREEN: Mr. Speaker, needless to say, when any debate is stood, if there is anybody who wishes to speak, he can do so.

MR. MOLGAT: Oh yes; there is obviously no objection if any one else wishes to speak.

MR. GREEN: Bill No. 17 Mr. Speaker, then leave out 56 and proceed down the list.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Mines and Natural Resources. Bill No. 17. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, Bill No. 17 deals with the Manitoba Natural Resources Development Act. The government is considering passing legislation whereby it will enable them to set up Crown corporations to develop the natural resources of this province. I heard both the Leader of the Official Opposition in his opposition to the bill before us and also to the Liberal Leader's more or less approval of the bill.

I do not go along with what is being proposed in this bill for reasons I think which are self-evident to members of this House as far as I am concerned, because I do not like to see government go into business more than what they have already done. I have given my views on this in connection with Bill 56 and certainly this does not differ in any way from that because if we are going to set up another Crown corporation for the purpose of developing the natural resources I think there are other ways of inducing the development of the natural resources of this province. I think we discussed the matter when we discussed the estimates of the Department of Mines and Natural Resources. Certainly there are various ways and means of doing this. I think we could cancel our claims for certain parties if they are not interested in developing our natural resources, that they should lose their rights, and whether we cannot in this way bring about a speedier development in the north.

There are various matters that we have to consider when we set up a corporation of this type, no doubt a lot of risk is involved in this area. We know that oil companies and other developing companies they experience and have to provide risk capital. We as a government and as a province are putting forward considerable risk through the Churchill Forest Industries, because if that company does not prove itself this means that the people of this province will have to pay for the funds that are being advanced to this corporation, which I don't subscribe to; on the other hand if they do make good, well then the dividends or the profits accruing will not accrue to the people of the province, but accrue to the company. On this point I feel if the province does provide the risk capital then they should also be compensated for this later on through profits.

I'm just wondering, the way we are proceeding with Crown corporations - and we do already have many on our books - I think it was two years ago when the former Member for Lakeside had an Order for Return brought in. I think there were 56 major Crown corporations not including the many government boards that we have in this province. We might have to have an election in order that the government can increase its membership so that they can, with the increased number of corporations, still place one of their members on each of the Crown corporations. They will probably run short of members the way we are going.

There is also another problem here, and that is that conflict of interests can arise unless it's a monopoly. Certainly if we proceed with this Development Act that there will be competition with other private companies and certainly conflict can arise as a result, so that unless you

(MR. FROESE cont'd.), . . . have a monopoly, this is certainly subject to come forward. And what would the government favour? Certainly it would not let its own company go to ruin when it would be competing with other companies and should take a back seat. I feel that this way of bringing forward Crown corporations more and more, is another way of bringing about socialism in this province, because more and more people as a result will depend on the government and be employed by the government as such and will be dependent on the State. We also find that government will control more and more people's lives in this province.

MR. RUSSELL DOERN (Elmwood): Do you prefer unemployment?

MR. FROESE: I certainly do not prefer unemployment as the Member for Elmwood suggests, not at all, but I feel that we should certainly look for other ways and means of developing our natural resources. I don't think that the government in its first ten months of operation has completely exhausted all avenues in trying to bring about and get development in our province. I don't think, at least they haven't told us, as to what they have done in this connection, whether they have approached companies in this respect. What have you done? Let us hear from you if you have made any approaches and whether you are justified in bringing forth this bill at this time. I feel that it is not justified to bring in legislation of this nature and bring it forward at this time yet.

Certainly I can see many other corporations brought forward as a result once we follow this line. What about building roads and starting up a road building contracting enterprise - I think Saskatchewan has had that - and surely enough with the many dollars and the large amounts that we are spending on road building, that that would stand to reason that it could be a company that could prove itself and could be fortunate in providing profits for the government. So there are very many avenues in which legislation of this type can be brought forward and will be brought forward no doubt by this government if it's in power for any length or period of time. Therefore, Mr. Speaker, I certainly cannot subscribe to the principle of the bill in bringing forward legislation of this type.

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

MR. J. DOUGLAS WATT (Arthur): Mr. Speaker, I beg to move, seconded by the Honourable Member for Riel the debate be adjourned.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture. Bill No. 53. My apologies. On the proposed motion of the Honourable Attorney-General. Bill No. 67. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, this bill has been standing in my adjournment for a day or two and I certainly do not want to hold up the proceeding of it. I do not take any strong exception to the bill; I'm just wondering how it will work out in practice and policing the bill because there are so many areas in which it seems so vague to me. How you are going to take action against certain people along the lines that are being suggested in the bill, some even without proof of damage. What would be the reason for bringing forward a case when there is actually no damage involved? Naturally I believe in privacy and that people should have the right of privacy, but by legislating it I don't know whether we will be doing much good for the people of this province, I don't know whether we can legislate, as has often been said, morals. Some people would never consider violating other people's privacy as has been suggested in this bill here; with other people it's a different matter.

I have listened to other people, other persons, other members who've spoke on the bill and no doubt I will have other matters to raise when we get to the committee stage. The matter of telephones is one thing that I did discuss on another occasion, I think when we discussed a resolution of this type, and I will have further things to mention in connection with that particular matter when we get to dealing with the bill in committee.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I move, seconded by the Honourable Member for Arthur that debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Agriculture. Bill No. 53. The Honourable Member for Souris-Killarney.

MR. EARL McKELLAR (Souris-Killarney): Mr. Speaker, I'll be very brief in dealing with this bill. The only reason I'm rising to speak on this bill is because of mention that the conservation area includes only one municipality. I would like to explain my reasons for commenting on the same.

(MR. McKELLAR cont'd.)

Turtle Mountain Conservation area is composed of about four or five municipalities - four at least, maybe five, I'm just not sure - and in that conservation area they have done a lot of work, studies of the whole Turtle Mountain area and the drainage and the conservation of their lands and waters and this spring, the present spring, the Minister of Agriculture saw fit to cancel the grant to this organization. Now for the life of me I can't see how this bill will do this area very much good, unless we include or amend this bill to say a municipality or more than one or some interpretation such as that.

I intend at Committee stage, Law Amendments, to amend this bill hoping that the members of this Legislature will accept this amendment. I can see in many areas, and one municipality I would like to comment on is the municipality of Portage la Prairie, the Rural Municipality of Portage la Prairie, which has 22 townships, now you could easily understand how they could endorse this bill as it is, but in most of the other municipalities they include only 6 or 8 townships, and the drainage areas in the Turtle Mountain as I mentioned before, consists of at least two or three municipalities, parts of two or three municipalities. This is the only reason why I'm rising, Mr. Speaker, is to mention to the members here that I intend amending the bill when it goes to Law Amendments Committee.

MR. SPEAKER: The Honourable Member for Roblin.

MR. McKENZIE: Mr. Speaker, I would just like to pass a few comments in regard to this legislation that we have before us at the moment. I think the bill is an excellent one and one that was discussed in our caucus at great length a few years back. I would like to support the sentiments of the Honourable Member from Souris-Lansdowne in that the Minister should take another look at the description of a boundary of a conservation district. I do feel that many of the municipalities, especially in the periphery of the Duck Mountains and the Riding Mountains, are just too small to achieve this by themselves. I think we should get much more meaningful programs of conservation if the boundaries were extended somewhat from what they are interpreted to me in the bill. But I do support the bill, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, before the bill goes to a vote, this is a subject matter that has interested me for many years and which I have been involved, but as the Member for Souris-Killarney has mentioned, it involves a municipality only and where you have areas such as the area that I represent and the area immediately east and west, I feel that you need larger areas to really bring about conservation, because the municipalities in between these areas are unable to bring about conservation by themselves. They have to rely on another area further west because of the slope of the land and because of the areas where you can really have reservoirs and store water. I'm mainly speaking in connection with the matter of the alternative to having water drained away. I know the previous government, or was it the government before that? - they had a plan at one time whereby they had planned 13 areas throughout the province for the purpose of conservation and I feel the same way about it, that you actually need larger areas for that purpose. The problem I think arises where you will involve probably five or six municipalities in a project and then if certain municipalities do not want to belong or do not want to contribute and that this could be an obstacle in the way to bring about larger areas for this purpose. I think, though, that this matter should be discussed fuller when we get to the committee stage to find out just what the government does have in mind through the legislation and whether we cannot amend it in such a way so that it could be more useful to the various areas in this province.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour, Bill No. 77. The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, dealing briefly with Bill 77, The Payment of Wages Act, we're satisfied on this side of this House that it's essentially a proper and reasonable Act to streamline the effort somewhat. I'm given to understand that many of the provisions that are in this one Act have been in one form or other in practice in other pieces of labour legislation and to the extent that it tidies up the situation, we certainly want to go on record as supporting this piece of legislation.

There is the one concern that I could perhaps be expected to voice at this time. However, I have had occasion to speak to the Minister privately and I take him at his word when he indicates that it's not his intention necessarily under Section 2 of the Act that refers specifically

(MR. ENNS cont'd.). . . . to the establishment of yet another board called The Wages Board which is possible, of course, under the Act and which may in fact in time be necessary but the intention I understand of the government is possibly to refer to existing boards such as the Manitoba Labour Relations Board and in fact it's referred to in Section 2 (4) of the same Act that this board, this already existing board may well be designated as The Wages Board and in that way not unnecessarily add to the cumbersomeness of the entire system by simply creating additional boards for their sake only.

I would like to hear from the Minister in his closing comments perhaps, if he would, some indication as to the abuse of this, in this general area. I am personally aware that abuses of course are there and occur particularly, they seem to be concentrated in certain industries where you have a highly mobile labour force, more often -- I'm referring specifically to those-- some of our industries or job applications where people have a tendency to move around a lot, working for many different employers, not really applying so much to those in regular or more stable employ who we seldom have, to my knowledge, occasions where employers would refuse payment of wages to the employee. Usually this seems to be something else.

I draw the attention of the Minister to one other section of the Act that I think should be made aware of and that is Section 9 when we refer to the bonding requirements that the Board, the Wage Board, can impose on an employer before proceeding to deal with an application under this Act. There is always a tendency sometimes to overlook the fact that we have such a wide variety of types of employers, large, medium, small and very small and what would appear very often to be a very reasonable bond to a medium to large sized manufacturing firm or retail enterprise may be quite unreasonable for a very small, or business or enterprise that is just starting and I would ask or suggest to the Minister that as this matter is being left to regulations, that in the process of drawing up the regulations under the Act in this particular case that he keep that particular aspect in mind, that what appears to be a reasonable bonding arrangement and would normally exercise no hardship on most firms sometimes can be, simply because this has not been taken into consideration at the time the regulations were written. In other words I would suggest very strongly that a degree of flexibility be left within the regulations that would cover the wide spectrum of the kinds of employers and the kinds of business concerns that we have in the Province of Manitoba.

Other than those few comments, Mr. Speaker, I'm certainly prepared to allow the bill to proceed forward. It's good legislation, in my judgment, and we'll support it in its further stages.

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

MR. LEONARD A. BARKMAN (La Verendrye): Mr. Speaker, I beg to move, seconded by the Honourable Member for Portage la Prairie, that debate be adjourned.

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

MR. SPEAKER: On the proposed motion of the Honourable Minister of Health and Social Development, Bill No. 80. The Honourable Member for Pembina.

MR. GEORGE HENDERSON (Pembina): Mr. Speaker, I'd like to make a few remarks on this bill. I wish the Minister of Health and Social Development was here because I don't like to say things behind his back, I like to give it to him direct. This Act is providing help for unwed mothers and divorced ladies and this is all right but I don't think that they should be able to go to the Provincial Government as quickly as this because I, myself, know that when people have to appeal to local people in their own municipality, they're not as ready to go and often there is another way they can find and they can keep away from being on assistance which is really a good thing. And I feel that when the Provincial Government, when they can go there - and help is always more available there and they don't mind going - so I think it's no doubt going to cost more. The local municipality won't have the trouble of dealing with it but I'm sure that it's going to cost more when the Provincial Government deals with it.

I wonder on the municipal level when help is really needed if it's ever really denied. I have a feeling that it isn't because people are pretty good when they really know that help is needed and I was just wondering how many complaints really come into that department where people feel they are being abused and help is being withheld. As the welfare program goes these days it's, shall we say, more generous than it used to be. In fact it's got so generous I would say that some of the unwed mothers might be foolish to get wed because this way, if they happen to have another child or so forth, they're going to be cared for and if they happen

(MR. HENDERSON cont'd.). . . . to marry somebody that's not a good provider they're probably going to have to work a lot harder. So I wonder about this and I often wonder how close the program is supervised and how much is done in the way of investigation. I wonder - some of these ladies they claim they're deserted - I wonder if they really are deserted or if this is a, shall we say, it's not a case of being minus one but could even be plus two.

Another part of this bill that concerns me is the eighteen-year-old people when their folks are on relief or welfare, getting technical and university education at the cost of the government or of the taxpayers. Now we all know that there's many people have boys reaching the age of 18 that can't afford to send two or three of their children on to university or to technical schools; they just can't do it. These very same people are working hard and they're paying taxes so that some of the people that are on relief can have their family going there. Now if we have reduced the age of all legal responsibility to 18, why don't these eighteen-year-old people take out loans because this is what I feel would be proper and fair to everybody. An eighteen-year-old could take out loans and make whatever arrangements were proper and if they take out these loans for the proper purpose, to get a better education, they would end up with a better salary and could repay their loans and it's really not fair to the working man at all. People are really getting fed up with this thing of working hard and having to support others and they're beginning to ask the question: Well, why should I save any more and why should I work so hard? And this is all right for a while. There's a generation today that is going to carry on this way and they're going to work hard and they're going to pay their way and they're going to pay for lots of others.

While this is becoming this way, I wonder what's going to become of these people. I can say myself that I talk to young people nowadays that almost, almost resented that they are not eligible for bursaries and that they are not eligible for any of these other things and other children are just because their parents are proud and will work. But I don't think it's a good program. I have this chart here and you all have it and it shows that welfare assistance has gone up 26 percent in four months, the first four months of the year. Now I'm not foolish enough to think that this hasn't got something to do with unemployment but at the same time it's alarming. I know that they're going to set up another commission and it's going to have a complete review of the entire provincial assistance program. I noticed in yesterday's paper that the Minister has set up a committee. I hope this isn't the committee that he's referring to, not that I know the people so well but in looking this committee over in yesterday's paper I only saw the name of one man on it and they were all women. Now I've nothing agin the women -- (Interjection) -- How many men were there then?

MR. GREEN: I can remember two.

MR. HENDERSON: Pardon?

MR. GREEN: I was just telling you I can remember two. I think there were more but I can remember two.

MR. HENDERSON: Well, out of the whole committee there was very few men on it, mostly all women and I have nothing agin the women but often these ladies get carried. . . .

MR. GREEN: I can remember three: Mr. Gifford, Mr. Guiboche and Mr. Sheps and I'm sure there were more but I just throw these three names to my honourable friend.

MR. HENDERSON: Well, I have a feeling that some of these ladies get carried away with their work and they become very devoted and when they're dishing out other people's funds it's pretty easy. I intend to watch very closely what goes on on this committee because I feel that the welfare program has got out of hand. It seems that the more welfare programs we bring around to help people the more people we get on welfare with them, and the more we have administrating them. This trend I hope is reversed.

MR. SCHREYER: Would you permit a question?

MR. HENDERSON: Yes, just as soon as I'm through. I intend to watch this as it goes along and I'm going to be keeping these costs this year and I'm going to be comparing them to the ones next year if I'm here and the year after this. And I'm pretty much of the belief that we have the welfare program so easy that it's a lot easier to get welfare than it is to get work and that once you've accepted it, there's not too big a reason to get off of it and unless we do something about giving these people work and seeing that they take it, and that they try for themselves, we're going to have more and more on it.

MR. SPEAKER: The Honourable First Minister.

MR. SCHREYER: Mr. Speaker, the honourable member said he would accept a question. In putting the question may I congratulate him for his intention to act as watchdog of the public

(MR. SCHREYER Cont'd) . . . purse relative to welfare payments. My question is: this disturbing trend, which the honourable member refers to in those words, how long would he say approximately this trend has been evident?

MR. HENDERSON: No, I'm not going to say it's one year because it's been going up all the time. But it has gone up 26 percent in the first four months of this year and I'm not blaming your party for it only, because I feel myself that there's more to blame than that. It is alarming and it isn't so much that I'm against the assistance but if you're going to get this, you're going to kill the initiative in people, you're going to take this proudness away from them where they want to work and earn their own living and things like this and then you destroy your community and your country from within more than from without.

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

MR. SPEAKER: The proposed motion of the Honourable Attorney-General, Bill No. 61. The Honourable Member for Fort Garry.

MR. CRAIK: In the member's absence may we have it stand? (Agreed)

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture, Bill No. 81. The Honourable Member for Lakeside.

MR. ENNS: Mr. Speaker, Bill No. 81, an Act to amend The Agricultural Societies Act, is one which makes fairly regular appearances every year or two in this Assembly ever since the first Act was enacted. It's an Act that is very often revised and amended as we meet the changing needs. There are those, of course, that think that is there any room for agricultural societies and should we have, you know, is this something that's somewhat passé in the agricultural scene in our modern approach to agriculture these days, but I support the encouragement and the support of our rural communities very much and I look upon this Act as only one segment or one way by which the provincial government can directly support our rural communities with an agricultural flavour. Of course that flavour has broadened considerably in the last few years and I think over the last few years there have been amendments made that make it possible for fairs that embrace a far wider scope than simply the original intent of agricultural societies which was to further promote the cause of agriculture throughout the Province of Manitoba, but we now look upon them more as a means of promoting general way of life in rural Manitoba, recreation -- our youngsters in our 4-H programs, our exhibitors, our cattle people, and the whole gambit.

There's nothing in the bill as such that I'm opposed to. I wonder the advisability of striking out -- well, perhaps before I come to that, the question could be raised always I suppose and perhaps other members will wish to raise it under 35(3) which sets out the classifications of the different Class A societies and Class B societies and one notable exclusion, it seems to me of course, is one that I'm sure that my friend the Honourable Member from Morris would want to point out, namely that little gathering that they have, the Morris Stampede, the Morris gathering. There are a few others, the Swan River one is not notable there for it's position. However, this is a question that the Minister and the government of the day had to wrestle with and he can no doubt make up his mind about how he wants to judge these or the status of these various functions. I know that he has particular criteria by which these fairs or functions arrive at a Class A or a Class B status.

The one area that I wanted to make -- (Interjection) -- Pardon? The one area that I wanted to make some comment on was the advisability of amending or repealing Section 36 completely from the Act. Now Section 36 (5) set out in some detail the actual dollar amounts that these fairs were able to get. In other words the actual dollar amounts were set out in the statute, in the legislation. What we're doing now is what, of course, seems to have been a trend with this government in the last -- or since they have taken office. They will take the discretion wholly on to themselves as to what any particular fair will get.

Now Mr. Chairman, you know, I'm prepared to take a fairly lenient attitude in this direction, -- every fair is unique to its own, and on the one hand I can accept the Minister's request that he be so empowered to do this, make his own judgment as to what a fair should get and should not get, I can understand that there is an inclination on the part of the Minister to want to have this power. However, I should caution the Minister that this also is a door that leads to all kinds of difficulties, not by having it prescribed in a statute what the Class A fairs are entitled to. For instance, the Class A fair heretofore as the Act now stands, in the case of a Class A society the sum of \$100,000, less the total amounts of grants that the society received under this section are available to them for building grants. The Class B is also set out; in the case of a Class B society the sum of \$70,000, less the total amount of grants that this

(MR. ENNS cont'd.) society received is available to them for building grants. In the Class C there's a sum of \$14,000. These are specific amounts set out in the legislation which the Minister cannot, or the government of the day cannot exceed and which the fairs have a legitimate claim to if they feel that they require it. What's being said now, that whole section is being repealed - and it's covered under 36 (1), "Building Grants to Societies, from and out of the Consolidated Fund, with monies authorized by an Act of the Legislature to be so paid and applied, the Minister of Finance on the written requisition of the Minister shall make" - and I'm assuming it's the Minister of Agriculture - "shall make grants as hereinafter provided in respect of each year to a society for the purpose of assisting the society in the construction of permanent buildings and the purchase of the equipment and the repairs" and so forth. "The total amount of grants to any society under the section", this is Section 36, Section (2) "the total amounts of the grants to any society under the section shall not exceed such maximum amount as may be fixed by the Lieutenant-Governor-in-Council. Discretion of the Minister as to grants" - I'm reading from the new proposed bill, "The Minister in his absolute discretion may refuse to require the Minister of Finance to make the grants under an act or a society" or so forth.

Now, Mr. Speaker I do not want to hold up the bill because I take objection to this particular section. I do want to take the occasion to point out to the members in the House that again, what we're doing is taking out of statute and out of actual legislation what a fair is entitled to and putting it into the discretion of the members opposite. They may well use it wisely. They may well also use it politically. I would not wish to make any assumption at this particular stage but I'm certainly bound to indicate to you, Sir, or through you, Sir, to the House that this is now open to them. What used to be set out specifically by legislation, that is the total amount of dollars that were available to any community or fair, that is for capital construction, capital improvements to their facilities is now entirely in the hands of the government, the treasury benches, and a fair amount of discrimination can be practised if they so choose.

I would perhaps like to suggest, Mr. Speaker, that perhaps in a compromise way, there should be some amendment to it, and I may well move this at the Law Amendments Committee, that accepting the provisions of the Act as they now stand that there be some requirement under the Act that a reporting to the Legislature either indicated separately in the Department of Agriculture estimates of the actual disbursement of the fairs, of the amounts that fairs in the future have received. Now I know that all public monies are reported in some way, shape or form or other. I also know that from time to time it gets pretty difficult to sort out all these when you have 30, 40, 50 or 60, I don't know how many agricultural societies across the province, to sort out rather than looking at an aggregate total exactly what the different fairs have received. Heretofore I would suggest, Mr. Speaker, that kind of accounting was not necessary because the statute set out the limitations of capital grants available to any society. Now the statute specifically removes that and while the total amounts of dollars may not change significantly what the government or the Minister is expending on capital grants to agricultural societies for improvement of their buildings, we have no way of knowing how or in what specific allocation these grants will be made.

Mr. Chairman, those are a few comments that I have on the bill. I would like to, despite the word of criticism that I had in this particular area, to certainly encourage the Minister and the present government to continue on in the tradition of supporting the agricultural societies of Manitoba as being generally most worthwhile groups within our rural scene, worthy of government support and playing a meaningful role. There are those that die a natural death simply because of changes in the pattern of the people that where there once was an active community, an active district and had a flourishing fair, and because of travel pattern changes, people moving away and what have you, the fairs may die out in one province. But what we're seeing is a very healthy rebirth in not only our major fairs but many of our what we would call Class C fairs or minor fairs. I think of the fairs in my own constituency such as the Lundar fair, the Stonewall fair, others that are certainly a credit to the community and perform a very distinct function in that way. So that I don't wish, and certainly I don't think any members in, you know, my group would want to in any way indicate that we are in any manner opposed to the broadening or the amendments as such, within the Act. We question the wisdom, particularly of the repealing of Section 36 in its present form. Thank you, Mr. Speaker.

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

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

MR. SPEAKER: The proposed motion of the Honourable Attorney-General. Bill No. 76.
The Honourable Member for River Heights. Stand? (Agreed)

Second readings, government bills. Bill No. 25. The Honourable Minister of Agriculture.

MR. USKIW presented Bill No. 25, The Animal Diseases Act for second reading.

MR. SPEAKER presented the motion.

.....Continued on next page

MR. SPEAKER: The Honourable Minister of Agriculture.

MR. USKIW: Mr. Speaker, this is a piece of legislation that I think should have been enacted many years ago. The Province of Manitoba is trying to establish a very healthy and viable animal industry and of course in keeping with the philosophy and policy of this government in the area of diversification, this is a measure that is going to augment that policy. It's a measure to ensure that we have a more healthy development of the industry. One of the problems that we face in the industry today is the fact that when we try to encourage the greater production of livestock in the province - in particular, as an example, the incentive program which we have launched this year - we find that there are many animals offered on the market which really should not be there and we don't have the proper checks and balances in the marketing system and indeed in the inspection system with respect to diseases to assure that people that are buying these animals are indeed going to get a great deal of quality for their dollar.

One of the major problems is the detection of animal diseases in the stockyards and auction marts and so forth. It is the intent of this legislation to get a great deal more control of the industry, of the disease factors and in the distribution of the veterinary medicines across the province. This measure should regulate the humane, the hygiene and disease control standards across the province, practised by livestock handling agencies. By regulation we will require certain standards to be met in all livestock yards and auction marts throughout the province. This is a measure that has been asked for by the industry because of the very serious problems that have arisen over the years, and as a matter of example I want to point to the experiment at the Gladstone Auction Mart where they have employed the services of a veterinarian to ensure that the cattle are inspected before they're sold and thereby assuring a greater degree of support to the people that are indeed investing money in the industry in Manitoba. Too often animals that should be destroyed or slaughtered, what are often called the cull animals, find their way back into the area for breeding purposes and we find that we are not developing the kind of healthy animals in this province that we ought to. So this will give us the right to intervene and to control and to standardize to a great degree; also the right to supervise the distribution of veterinary medicine across the province. It may very well be that under the regulations at some point in the future when we have established all the vet labs in Manitoba, that they may become the main distributing agencies of veterinary medicine. At the moment though, the intent is to license by permit and to assure that the quality standards of the medicines are up to par and by that way to assure the people that they are indeed getting their value for the money spent.

One of the reasons why we feel we must move in this direction is because of the easy spread of animal diseases. This measure will give the province a great deal of power to prevent the spread of animal disease; give the power to destroy or quarantine animals which are found to be diseased and which diseases are contagious. The Provincial Veterinarian will have that discretionary power to indeed go so far as to having an animal slaughtered, if that animal is found to be diseased. There is within the Act provision where, through inadvertence, an animal is destroyed that there will be compensation made to the owner of that animal.

The Government of Canada controls animal diseases to some degree and it may be said that because of that there is no real need for provincial control. I just simply want to point out that the Government of Canada is essentially responsible for those areas which involve international transportation of movement of livestock and do not necessarily adequately deal with the problem of animal diseases within the province or interprovincially. This Act is mainly designed to complement the Federal act and I would hope that members in the livestock industry will appreciate the importance of this.

I think this basically gives us the full impact of the legislation, Mr. Speaker. I can go on for a long time but I think I dealt with the parameters of the legislation. Perhaps members opposite will have pointed questions which I will attempt to answer.

MR. SPEAKER: The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Mr. Speaker, I beg to move, seconded by the Honourable Member for Wolseley that debate be adjourned.

MR. SPEAKER presented the motion.

MR. WATT: Mr. Speaker, I wonder if I could ask the Minister a question. I haven't got the bill at hand and I'm just wondering, in the area of compensation is this overlapping with the Federal Government insofar as compensation is concerned?

MR. USKIW: No, it isn't Mr. Speaker. I talked about the destruction of animals through inadvertance and in that case there would be compensation.

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

MR. SPEAKER: Bill No. 68. The Honourable Attorney-General.

MR. MACKLING presented Bill No. 68, The Criminal Injuries Compensation Act, for second reading.

MR. SPEAKER presented the motion. The Honourable the Attorney-General.

MR. MACKLING: Mr. Speaker, without dealing with the exact particulars of the bill I would like to make some fairly general remarks in connection with the principles contained in the bill. I'm certain that honourable members of this House will agree at least in principle with the bill that we have before us today, this bill to compensate the victims who have been in some way injured by the perpetrators of a criminal act. Any rational individual would feel that we have as much of a duty to administer to the needs of a victim as we do to the needs of the perpetrator of a criminal act.

I would like to read to you a section of a letter that was written by California Superior Court Judge Francis McArty that sparked a bill compensating victims of crime in the State of California, and I quote: "By reason of my attendance at recent judicial conferences I have received information that the budget of our Department of Corrections for the current year is \$95,000,000. This includes the maintenance of our prisons, hospitals for the criminally insane, hospitals for mentally disordered sex offenders and hospitals for offenders who are narcotic addicts. It further includes all necessary medical, dental, psychiatric and psychological care required by the convicted inmates. It includes the administration of the adult authority and its parole supervisory activities and community services. The figure does not, however, include the amounts of money spent by counties in local supervision of felons who had been granted probation nor the cost of furnishing public defenders to those accused of crime."

"The institutionalized felon is given vocational training, psychiatric and psychological care and all necessary medical and dental attention. In the meantime, the victim is the forgotten man whose life savings may be eaten up in medical bills, whose earning capacity may be permanently curtailed. The convicted murderer gets all the care made manifest by the foregoing comments; the family of the murdered man must fend for itself. I propose dollars for decency as well as dollars for delinquents."

I would like, Mr. Speaker, to go beyond the last sentence and discuss some of the more basic issues involved in the concept of compensation. First, Mr. Speaker, I think it is interesting to take a brief look at the historical background of compensation to victims of crime. This concept so far as the Canadian criminal law is concerned is a relatively new concept. The first legislation making provision for such payment was not passed until the year 1967. This is perhaps not surprising when it is recognized that in almost all western countries the victims of criminal acts of violence have for several centuries been given little or no consideration as far as compensation for personal injury or loss to them was concerned. This development is somewhat surprising because early English law makes it clear that compensation for crime was early recognized as due to the victim of such crime as well as to the state. Professor J. L. Edwards in an article entitled "Compensation to Victims of Personal Violence" states, and I quote: "In some ways our Anglo Saxon forebears were more advanced in their law than our modern criminal legislation, providing as they did, appropriate forms of sanction for wrongdoing by the extraction of bote and weregild in the form of monetary compensation to the victim or his family. Hebrew law is reflected in the book of Exodus and the Salic law of the Franks provides additional testimony as to the wide resort in early western culture to the notion of crime compensation."

As the state began to assume more and more responsibility in the many spheres of economic and social development, the institution of punishment and later rehabilitation of criminal deviance came under the direct control of the state; along with this development came the separation of the rights of the injured from the penal law; compensation became separated from the criminal law and became a separate field in civil law. Stephen Schaeffer in his study of Compensation for the British Home Office in 1960 writes, and I quote: "After the middle ages, restitution apart from punishment seems to have been degraded. The victim becomes the Cinderella of the criminal law."

During the 19th century there were many resolutions passed at international congresses to remedy this injustice but no action was ever taken. Throughout this period a tendency had developed of separating entirely the question of restitution or compensation from criminal

(MR. MACKLING con't.) . . . prosecution of the offender. Mr. Speaker, this was based on an argument that if restitution was to be one of the objects of prosecution, the victim's evidence might well be influenced by that fact and the offender denied a fair trial. Thus a crime came to be regarded primarily as a wrong against the state and punishable as such. It could, therefore, be argued with reason that the victim should not be interested financially in the outcome of the trial or prosecution and that regard for the rights of the victim of the crime should not influence or affect the basic purpose of the prosecution of punishing the criminal for an offense against the state. Since 1960, Mr. Speaker, however, there has been an increasing awareness of the part of states of the right of the victim of crime to some form of compensation. The United Kingdom, New Zealand, New South Wales, Alberta and Saskatchewan have recently adopted such schemes and in the United States, the States of California, New York and Massachusetts have done likewise. Ontario, as does Manitoba presently, provides a plan which is confined to compensation for injuries resultant when an individual assists a police officer in making an arrest or preserving the peace.

The bill that we are now considering is just part of the recognition that the victim is at least as entitled to have his rights considered as is the offender. Some critics of this concept may say that the victim has recourse to financial compensation through present legislation. True, the law of tort for civil wrong makes it possible for a person to bring a civil action against anyone who intentionally attacks and injures him. But how can you sue a penniless prisoner during a life term or somebody you can't even identify or find?

The civil remedy of law is more illusory than real. In the February 1969 issue of the Canadian Bar Journal Professor Linden of the Osgoode Hall Research team writes, and I quote "Because doubts have been voiced about the efficacy of the legal right to collect damages, the Osgoode Hall Research team set out to discover how this theoretical tort right was translated into monetary compensation in practice. Probably the most startling finding of the study was how illusory tort right was, only 1.8 percent of the respondents collected anything from their attackers. Not only was tort recovery rare, but very few of the victims were even considered suing, fewer consulted a lawyer about their legal rights and still fewer attempted to secure reparation. Only 14.9 percent actually tried to collect from their attackers."

The article goes on to give the reasons why there was such a poor recovery pattern and it says that the most common response to the question of why no suit was brought was "I didn't think it was worth it". In some cases the attacker was thought to be financially irresponsible. Furthermore, one cannot collect damages from someone whose identity is unknown or from someone who is never apprehended. Some respondents felt that it would be too expensive for them to launch a civil suit and others did not realize that it was possible to sue their assailant, civilly.

The Osgoode Hall study therefore disclosed that the tort suit although in theory available to assist the crime victim is in practice largely ineffective. This study, Mr. Speaker, showed that in spite of the welfare benefits that were available to victims of crime in some form or other, there was still a large gap between the injuries or damages that these people received and the compensation they received from welfare or social assistance schemes. The article goes on to show that of the 167 victims of crime that were studied, 93 were left with some out-of-pocket loss at the end. Therefore, a majority of 55.7 percent of the respondents failed to receive full reimbursement for the expenses they incurred as a result of their being raped, robbed or wounded.

Some of the Honourable Members Mr. Speaker, may ask why should the state get involved with compensating victims of crime and I think it would be worthwhile to call to the attention of the House the reasons given by Professor Linden as to why he feels that the victims should be compensated, and I quote further from that article: "There are reasons why we should single out the crime victim from the others at this time. Because the state has undertaken to protect individuals from criminal attacks by others, it should compensate its citizens when its security system breaks down. In other words, the state owes a moral, if not a legal obligation to crime victims because it has assumed the responsibility for crime prevention. One variant of this argument is that when citizens pay taxes towards the upkeep of a police force, they are in a sense buying insurance against loss as a result of crime and thus they should be reimbursed by the state for any expense accruing to them as a result of this. A further contention in a similar vein is that when the state establishes police protection, citizens are forced into a false sense of security. They cease carrying weapons to protect themselves and therefore

(MR. MACKLING cont'd.) are helpless in the face of criminal attack. The state therefore because it made people rely on it for such protection should bear the cost of the failure of that system."

He goes on to say "Another reason to aid the crime victim has to do with consistency. It is inconsistent and unjust when the convicted murderer is confined to prison where he is looked after the rest of his life, while the widow of that murderer's victim is left to fend for herself. This inconsistency and injustice becomes even more pronounced when one realizes that the widow of someone killed by an uninsured motorist can collect up to \$35,000 in damages from an Unsatisfied Judgment Fund but the widow of someone murdered by an uninsured and penniless murderer can collect nothing."

He goes on to say "Those who oppose the creation of a crime victim compensation scheme usually warn about the flood of fraudulent and undeserving claims that will be advanced. They fear that people will inflict injuries upon themselves or have relatives or friends do it, allege that an unknown assailant had done it and claimed compensation. If this were a real problem rather than an imaginary one, efficient investigation and the requirements of an early report to the police would solve it."

On accepting this bill the members of this House are accepting the principle that the collective, the social unit known as the state has a certain obligation or responsibility to the individual. This is but a recognition of an historical trend that has been developing for several centuries in our parliamentary democracy. Mr. Speaker from the Child Labour Legislation to the Workmen's Compensation Act to the Universal Medicare Act, the state has been instrumental in freeing the public from much of the physical and psychological exploitation that their forebears experienced. The government is but the representative of the public and it must be responsible to them. We must exercise our responsibility to utilize the power that has been entrusted to us to substantially improve the physical, material and social conditions of all of our people. It would, Mr. Speaker, be futile, however, to compensate the victim of crime, to attempt to rehabilitate the perpetrator of criminal acts, to give more power to the police and so on, but not to try to get at and ameliorate the root causes of criminal behaviour. Many sociologists have in fact directly pointed to the cultural conditions and processes in North American society that are causal of criminal acts. If we are going to come to grips with criminal behaviour, we have to be able first of all to understand those subtle institutional pressures that generate anti-social activity. Our society has created a very real and identifiable gap between precept and practice. Society formally approves democracy, but nevertheless in practice rates its members, not because of their individual virtues, but because of their accidental membership in various social groups such as races, classes, nationalities or cliques. Society confuses definitions of morality and presents hypocritical rationalization as the contrast between the criminal and non-criminal, the dangerous and the non-dangerous. It permits white collar criminals to receive but mild punishment and really no loss of status as contrasted by the sentences meted out to persons who belong to either working class or other not so respectable groups. This society grants prestige and important roles to groups with rather unsocially oriented values which not infrequently are exploited. The values of an aggressive competitive society are often propagated through the agencies of communication and more often than not serve only the interests of powerful minorities. In a culture such as this there is considerable conflict and this conflict often manifests itself in the form of crime.

Mr. Speaker, in a society that is culturally propagating such conflict we find it difficult, if not impossible, to make the punished feel unusual shame over their behaviour than mere regret that they were caught. Indeed the very process of punishment will appear to the punished as further evidence of discrimination and will tend to embitter rather than to reform them. By and large it is the contention of most criminologists that a culture such as ours must expect considerable crime owing to the inherent sociological contradictions I have mentioned. In this sense we get the criminals we deserve.

Mr. Speaker, today's second reading of this bill marks the culmination in part of the extensive work of a number of members in this Legislature and I would be remiss if I didn't draw attention to that fact. I know for example, that my colleague the Honourable Minister of Finance over many years has made representation in this House in respect to the need for adequate compensation to victims of crime and I want to pay recognition to that work.

In addition to that I'm sure other members of this House have spoken in support of the

(MR. MACKLING cont'd.) principle contained in this proposed Act on many other occasions and in much more eloquent fashion than I have this afternoon. In addition I want to advise honourable members that the Bar Association Committee - they had a standing committee that had carried on extensive studies in connection with this field - have been consulted and have made representations and much of their representations are embodied in the present bill as it is before the House. I want to draw attention to the work of Mr. Bob Smethurst of the Bar Association, the retiring president, who has exhibited keen and very exacting interest in this legislation. Also the work of Mr. Justice Ivan Schultz who has made extensive studies both nationally and internationally in respect to this and who has been consulted and made representations to me in connection with the drafting of the bill.

Mr. Speaker, the particulars of the bill are set out and I think are fairly clearly definable. I think honourable members will find that the bill does not provide for extravagant compensation, but provides a working arrangement for reasonable compensation in an area that has long been neglected.

MR. SPEAKER: The Honourable Member for Ste. Rose.

MR. MOLGAT: Would the Honourable the Minister permit a question? Did I hear him correctly to say towards the latter part of his speech that he felt that the sentences were not or were geared to the social strata of the individual?

MR. MACKLING: Mr. Speaker, I did indicate that it has long been my view and I think it's reflected on by criminologists, sociologists that it is apparent that those who are in a strata in society where they are not in the labouring or in the very lower classes, seem to exact much higher punishments when it comes to certain aspects of crime and I draw the honourable member's attention to the newspaper report the other day where an individual is reported to have received an approximate sentence of two years in respect to the theft of over \$50,000 and this is indicative. I can recall reading the fantastic sums of money that had been fraudulently obtained in various contractual - with various contracts, very celebrated cases from one part of Canada to the other and it's significant that the fines in these cases or the sentences have been, to my way of thinking, disproportionate to the magnitude of the money stolen but I'm sure that the magistrates or the courts involved would say: "But this is a much greater hardship to this individual because he has fallen from a much greater height." But be that as it may, the fact is that the sentences do seem to indicate a much severer trend in respect to those who are in the lower strata in society.

MR. MOLGAT: Just a supplementary question then. I tend to share the comments of the Minister because I have collected over the years a file called "Sentences" showing exactly the different sentences. But this bill is not going to cure that. Is the Minister proposing any other legislation to correct that?

MR. MACKLING: I would, Mr. Speaker, that I could.

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

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

MR. SPEAKER: I'm sorry. My attention was distracted for a moment. The Honourable Member for Fort Garry.

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

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

MR. SPEAKER: Bill No. 84, an Act to amend The Income Tax Act. The Honourable Member for Fort Garry.

MR. SHERMAN: Mr. Speaker, we have investigated the provisions of this legislation and have found nothing to which we object and are therefore prepared at this stage to let the legislation proceed.

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

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 85, an Act to amend The Consumer Protection Act. The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Mr. Speaker, last year when The Consumer Protection Act was introduced there was much concern on the part of both those that were exponents of the bill and those that were investigating the feasibility of the bill about some of the workability aspects that would result from the passage of that bill. Now this year, they find that, for clarification purposes, numerous amendments have to be made. I have checked quite a few of

(MR. GRAHAM cont'd.) them; I find most of them are housekeeping. However, Mr. Speaker, there is one basic new aspect that has been added and this is the section which is dealing with collection practices.

Mr. Speaker, we also have, at another place in our Orders, another bill No. 122, which deals with the private investigations and I believe is in my mind - or Personal Investigations Act - also very closely linked with The Consumer Protection Act and the action on collection agencies or those people who are dealing with the personal investigation into the credit or credit ratings of individuals. Now, Mr. Speaker, some of the penalties that are implied for wrongful collection under this particular Act I think may be unduly harsh. For instance they say that for wrongful collection the creditor may recover an amount equal to three times the amount of the charge of the debt. Now, it's not up to me or I don't think it's up to legislators

MR. MACKLING: Just to clarify. I wonder if the honourable member would like me to clarify this. It's not the amount of the debt, the amount of the over-collected amount.

MR. GRAHAM: This very well may be, Mr. Speaker, but we do have courts and I believe if there is wrong-doing, I think that it is the responsibility of the courts to assess fines, penalties, while we may very well spell out limitations. I somehow doubt if this is the type of limitation that we would anticipate here because it really doesn't say it's a limitation, it says it shall be that amount, and I don't think that we have the right to take that away from the courts. However, I'm not a lawyer and I may very well be wrong on this matter.

There is one other point that does concern me and this is the limitations that are placed on employment by collection agencies where it states that no collection agency shall employ or use any person who has been convicted of an offense under the Criminal Code. Now, Mr. Speaker, we have courts that have jurisdiction to impose penalties or sentences on individuals when they are guilty of crimes and I don't think that we, as legislators, have the right to impose an additional life penalty on a victim of a crime in this manner. I think that we are stepping on very dangerous ground when we state because a person has been convicted of a criminal offense that he is barred for life from working for a particular agency and I take strong exception to this particular inclusion.

Mr. Speaker, with the amendments to The Consumer Protection Act plus Bill 122, I'm going to pose a question to the Attorney-General that by the limitations that we put in The Consumer Protection Act plus the effect of Bill 122, are we really passing legislation which will assist in the protection of the consumer or are we passing legislation which makes it possible or not possible, but so unattractive to do any type of credit business that we might be hurting the consumer. Mr. Speaker, I would ask that we do a little serious soul searching. If we put such restrictive measures on collection practices and the investigation into the credit ratings of individuals, we could very well be denying a potential consumer from entering into a sales contract because of the restrictions that we have placed in our legislation in an effort to protect that very same consumer. And I would ask each and every one of us to consider this seriously because there is a point that can be reached where in an effort to help a person you can actually hurt him and I think that in this Act and other Acts that are on the books we may be very well coming close to reaching that point.

Mr. Speaker, when this bill goes to committee no doubt we will have further to say, possibly some suggested changes but at this time I have no objection to the bill going to committee.

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

MR. FROESE: Mr. Speaker, I beg to move, seconded by the Member for Churchill, that debate be adjourned.

MR. SPEAKER presented the motion.

MR. MACKLING: Mr. Speaker, before the question is put, I wasn't sure whether the Honourable Member for Birtle-Russell was asking a question which he wanted me or expected me to answer now

MR. SPEAKER: I believe the Honourable Minister will have an opportunity later.

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

MR. SPEAKER: The proposed motion of the Honourable Attorney-General, Bill No. 89. The Honourable Member for Rock Lake.

MRS. INEZ TRUEMAN (Fort Rouge): Mr. Speaker, the Member from Rock Lake adjourned this bill for my perusal - if I might speak instead. I have only two brief observations to make on this bill. There is provision in the bill for imprisonment of a man who does not meet his obligations regarding the maintenance of his family. This has already been possible under the Criminal

(MRS. TRUEMAN cont'd.) Code, Section 186, although I observe that in that case it does state that a man who has failed his legal duty in looking after his family and has committed an offense under this section, could be imprisoned for up to two years. Now it might very well be that this would be a harsh sentence; on the other hand I think this imprisonment for 40 days might be a deterrent and it certainly is worth experimentation in the hope that it would make a difference.

This bill also appears to allow a judge to alter or vary or discharge Orders that have been made. This seems to be quite a lot of authority and perhaps doesn't properly protect both interested parties and in Law Amendments when this bill is discussed further perhaps we can discuss the section that deals with this. It may be that a new hearing, enabling all parties to be heard again, would be more fair. With those comments, Mr. Speaker, I am prepared to see this bill go.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Member for Fort Garry. Stands? (Agreed)

Second reading Bill No. 96. The Honourable Attorney-General.

MR. MACKLING presented Bill No. 96, an Act to amend The Queen's Bench Act, for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Attorney-General.

MR. MACKLING: Mr. Speaker, it is with exceeding pleasure that I wish to make some general comments on the nature of the principles embodied in Bill 96. Basically the bill provides that a court shall not grant an injunction that requires a person to work or perform personal services for his employer. The bill specifically prohibits the court issuing an injunction which would force people to go to work or to do some particular service for their employer. For example, if a group of employees were engaged in a legal strike no court could enjoin them to return to work. A further section provides that the court shall not grant an injunction that restrains a person in the exercise of his right to freedom of speech. Where a person is communicating by true statements information on a public thoroughfare no court can enjoin him to cease from doing so. Naturally this provision is subject to the general law of defamation.

Mr. Speaker, what this Act sets out is what most individuals in what we choose to call our western society had always considered to be the law; that we live in a free society and we have a right to work or we have a right to desist from working, and of course we take the consequences of our failure to work. It's always been construed that a man has a right to free speech, to communication, providing that what he says is just and is truthful. But the fact of the matter is that particularly during labour disputes and at other times individuals have been able to call upon a court process to enjoin what everyone would say are the basic rights of an individual living in our society. It's a fact that today free men, so-called free men have been incarcerated because of their unwillingness to work under terms and conditions that they just don't agree with and where in our so-called free society should this right be protected.

Mr. Speaker, I want to indicate some general principles in respect to the background of some of the thinking behind this bill. I want to refer you, Mr. Speaker, to the words of Jean Jacques Rousseau in his essay "The Social Contract," and I quote: "In order then that the social compact may not be a vain formula it must contain though unexpressed the single undertaking which can alone give force to the whole, namely that whoever shall refuse to obey the general will must be constrained by the whole body of his fellow citizens to do so." Applied to a representative form of democratic government that means that the sovereign people through their legislatures are the only source whereby the general will can be expressed, executed or in any way limited or curtailed. The Queen's Bench Act of this province, Mr. Speaker, as it stands today, because of its vagueness and generality in effect gives the court the right to take away these fundamental rights and freedoms which we had assumed we all enjoy, in all cases in which it appears to the court to be just or convenient to do so.

I am certain, Mr. Speaker, that Section 59 (1) of the present Queen's Bench Act - when it was written it was not intended to be an instrument of oppression which in some cases have certainly been the result. Rather it was developed to provide an expeditious procedure to prevent irreparable damage wherein if an order to enjoin a particular action were not granted would occur. I know that the Honourable Member from River Heights isn't here but for those who have had any experience in connection with injunctions it's a very useful process to enjoin someone from doing something that would create irreparable harm perhaps to your property -

(MR. MACKLING cont'd.) putting up a fence or putting a road through your property or using your property without any basis in law for doing so. He may think that he has a certain right to do something, and you can enjoin him from doing what he thinks is right until the court has proven that he is right or you are right. So it's a very useful process. But the purpose of this bill that's before the House is to prohibit the court from enjoining persons who are merely exercising their freedom of speech or their freedom to refuse to work under given circumstances. Only the Legislature, this Legislature or the Parliament of Canada has the authority to restrict a person's civil rights. The Parliament of Canada or this Legislature may delegate that authority but they cannot lose control of it.

It would be interesting, Mr. Speaker, to reflect for a few minutes on the origin of the injunction in our laws today. As a result of the Second Statute of Westminster in 1285 the jurisdiction of the remedies available in the common law courts of England which were charged with hearing cases between subject and subject, maintaining the King's peace and administering the King's justice, became restricted to the narrow confines of procedural precedent. If any of you are familiar with some of the writings of Charles Dickens you'll know the frustrations that occurred in the courts of old England. In cases in which common law courts in the absence of an adequate remedy would have let go undressed a wrong which was against conscience, relief was sought by petition of the subject to the King or his counsel. Eventually this duty evolved on the high court of chancery to give relief in the name of moral justice and upon a subject's petition from severe decisions and rigid remedies of the common law courts. Relief was given against common law decisions by process of injunction issued on behalf of the defendant. The injunction ordered the plaintiff to discontinue proceedings in the courts of common law or not to take advantage of a judgment there obtained under penalty of imprisonment for disobedience of the injunction. So you see, Mr. Speaker, the process of injunction was fashioned to relieve against injustice not to perpetrate it. During the sixteenth century as a result of the continuing conflict between the two major courts chancery and common law, James I by royal decree ruled in favour of the courts of chancery but limited them by the judicial doctrine of precedent to its existing practice which predestined the emergence of the positive rules of equity. In time the courts of chancery which had been set up to insure justice ironically also became enmeshed in elaborate practice, procedure and precedent, thus in some ways negating the original purpose to provide relief from hard and fast rules of the former common law.

In effect and in conclusion, Mr. Speaker, the development of the law of injunction was a measure originally designed to protect the citizen from injustice. It evolved a method whereby certain natural rights could be set aside at the discretion of the court. The proposed amendment would make what everyone had conceived to be the law in fact the law by prohibiting a court from taking away the natural right of an individual to free speech, to free communication of truthful statements and take away the power of the court to enjoin a person, to force a person to work against his will or in penalty of that to go to jail. Mr. Speaker, I trust that every member of this House will heartily commend the principles embodied in this legislation and agree with its early passage.

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

MR. GRAHAM: Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that debate be adjourned.

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

MR. SPEAKER: Adjourned debate on the proposed motion of the Honourable Attorney-General. Bill No. 97. The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I have studied this Act and while I may say that I think the Minister was in error in his original comments on this bill when he said that the interest rate was two percent, I believe it's three percent in the Act. This leads me to ask another question that while the Minister will now have the jurisdiction to set the interest rate I was wondering if there are any guidelines at all, if he has the intention of setting it somewhere close to the existing rate that the province has to pay for money or just what guidelines the Minister intends to use for the establishment of the interest rate. Other than that, Mr. Speaker, I have no further comment.

MR. SPEAKER: Are you ready for the question? Is the Honourable Attorney-General closing debate?

MR. MACKLING: Well, Mr. Speaker, I hadn't reviewed my remarks in Hansard prior to the Honourable Member from Birtle-Russell taking the floor. If he says that I indicated that the rate was two percent and in fact it is three or vice versa, really it matters not to me, if I

(MR. MACKLING cont'd.) am in error I stand corrected. But the fact of the matter is, Mr. Speaker, that the rate is far from adequate in the terms of present day interest rates, whether it in fact be three percent.

In addition, Mr. Speaker, there is some concern on the part of the honourable member that the rate that be paid be reasonably current. That's the whole object of the Act and I am certain, I am confident that the government will provide by regulation, I believe, a currency to the interest rate which will make it unnecessary for the Legislature to periodically change forwards or backwards, you know, the amount of the interest.

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

MR. SPEAKER: The proposed motion of the Honourable Minister of Agriculture. Bill No. 37. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I wonder if I could have the indulgence of the House to have this matter stand until tomorrow? (Agreed)

MR. SPEAKER: The proposed motion of the Honourable Minister of Transportation. Bill No. 79. The Honourable Member for Churchill.

MR. GORDON W. BEARD (Churchill): Yes, Mr. Speaker. I had adjourned this so that I could have a look at what the Minister of Transportation had said in his introduction to the second reading of this bill and I really have no particular quarrel with the bill as it now stands in respect to Northern Manitoba. I do feel though that there are some areas in which they are going to have a lot of difficulty in the administration of it, in particular with the seven-day notification of transfer of plates to new snowmobile owners etc. They may as well junk that one because if they are going to get a seven-day notification in to the Registrar in Winnipeg, if that's where it's going to have to come in a seven-day time limit, then they are far more optimistic than I am at this time and they must know a great deal about the change in mail services. -- (Interjection) -- The passenger pigeon went out quite some number of years ago.

I think the fifteen-day notice also for the loss of registration is not enough time in respect to northern cases. The bill notes that you must advise the Registrar in fifteen days if you've lost your registration card. Well I think that the people in Mines and Natural Resources who I suppose will be the police force in many cases will have to be instructed to use their heads in respect to this type of responsibility and make sure that they don't go around charging people for this type of infraction which in so many cases will be entirely new to them. It's going to be difficult to set up, it's going to be expensive to go around and tell these people of the new changes and certainly time flies by and we've what? - three or four months to do it in - and I would hope that there will be some way in which these people will be given not only instruction but also the opportunity to, if we say make a mistake, before legal action is taken against them.

Proof of ownership is going to be difficult in many ways because the traditional way of doing business in the north itself has to be changed completely because so often it's almost done in a barter system where it's just traded and that's it. When you introduce sophisticated legislation such as this we're going to run into trouble; we're going to have to expect a great deal of trouble, and while I think the onus is on of course people to face up to the introduction of legislation which will bring them into the twentieth century, I do feel also that we have got to be very patient in respect to their coming along with us. So in pleading that case now, I would hope that the Commissioner of Northern Affairs can see to it that his department has something to do with the education of the people within the community itself, that wherever possible the northern co-ordinators or the teachers in the Department of Education are made aware of the changes so that they in turn can interpret for these people. Their business place, the Hudson Bay Company will have been made aware of the problem, or the trader that happens to be in that area, because certainly they'll have to know the ins and outs of these new laws because they're going to have to help these people, because while it may be simple to us, and really it isn't that simple to many of us, in having to apply for government registrations, etc., they're still going to have to follow through, so I would hope that the government will be patient in dealing with the people when it comes to registration of one type or another.

The Minister spoke on compulsory government insurance in his speech and I couldn't quite connect it with snowmobiles but I suppose if the government are taking over insurance then they'll be taking over the insuring of snowmobile vehicles, or - if this is the - they're not taking it over? -- (Interjection) -- Well, are they going to sell automobile insurance? -- (Interjection) -- Then I suppose that would solve the problem of the insurance in those cases. I don't know how much the insurance is going to be, and I don't know how much the plates are going to cost,

(MR. BEARD cont'd.) but if this is going to be a case of where they have to buy the licenses and pay for the insurance before they move their vehicle then possibly we are going to see a little more violation in respect to this Act because these people again have not had to face up to that type of legislation so they are going to find it a hardship in picking up the money on a certain day when the first snowfall comes, so I would hope that maybe there's some leniency in how they can pay for their insurance over a longer period rather than all at once.

One part of the principle of the bill referred to licensing I believe of homemade trailers used for hauling of wood for fish, etc. - or hauling of trailers, and I refer to homemade trailers, that they use these snowmobiles to haul their wood, haul their fur and fish etc., would they have to be licensed now, because if they would have to be licensed then certainly there's going to have to be further investigation into this. It's a work horse out on the reservation now, they use it for so many things. It is an expensive way of operation in the first place and if they have to go on with more and more with different types of licenses then there could be a problem. I think that where you have municipalities and towns in fact making the different regulations that snowmobiles are going to operate under, it gives a wonderful buffer to government in that they do not have to set up the standards, and at first thought maybe this is a wonderful step in a democratic sort of way in which each rural municipality and each town can set up their own regulations as far as the moving around in that locale. But there would be a problem in somebody setting out from the area of Winnipeg I would presume and going through maybe one or two different municipalities, different towns, etc., it would be impossible for them to know the regulations within all the municipalities in which they are moving their snowmobile.

I would wonder whether we have investigated if it is possible in fact to tax snowmobiles on the reservation itself as it is outside of the jurisdiction of the province in many respects, and perhaps that should be outlined clearly if they are exempt on the reservation areas. If they are of course it's going to then again create a problem because they'll be on the reservation one day and off the next day, etc., but again that is one of the problems I think that one must look into.

I believe that the responsibility of people driving at the age of 16 is wise but I've always felt that somewhere along the line that there is an opportunity here for a person younger than 16 to become acquainted with moving vehicles and to enjoy them really. We have all seen youngsters - and I say youngsters because they're much younger than 16 years of age - using the snowmobiles on school grounds or a park area and handling them very well. It has been a concern of mine because they can move out and move on to the ditch and go for many miles, etc. and many, many times there hasn't been an adult out there in charge of the vehicle and the youngster; but I would hope that somewhere in this Act that it would be flexible enough that adults themselves could allow a youngster to operate that vehicle while they are in attendance in that specific area, such as a school ground, the playgrounds around a school, after the school has been let out, or in a specified park area, or we called the ditch around Winnipeg, that was anticipated to be one area that was supposed to be for recreation, those are the places in which families can go and take their skidoos and I would hope that they could go hand in hand along with this and keep it a family type of program so that the family in fact could go out and enjoy it. It also teaches the children at an earlier age to respect vehicles and they come to an age then after they become 16 they know something about vehicles. I would wonder if the Snowmobile Act will cover all the new types of vehicles that seem to be coming out, some with wheels and some without, that are really doing the same job as snowmobiles and certainly should have some coverage of some type or other.

MR. SPEAKER: I remind the honourable member that it's 5:30 and he may continue with his remarks when this item next appears on the Order Paper. The Honourable House Leader.

MR. GREEN: Mr. Speaker, just before we adjourn and on a point of privilege, I'd like to make a correction in Hansard. On the edition June 22, 1970 Page 3090, I am quoted as saying: "Now of the administrative costs we could cut them in half; we could cut the premiums in the aggregate by about 50 percent." I said "15" and I'm sure that the tape in Hansard will have that recorded properly.

I move, seconded by the Honourable Minister of Cultural Affairs 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 tonight.