

THE LEGISLATIVE ASSEMBLY OF MANITOBA
8:00 o'clock, Friday, July 9, 1971

Opening Prayer by Mr. Speaker.

MR. SPEAKER: Presenting Petitions; Reading and Receiving Petitions; Presenting Reports by Standing and Special Committees; Ministerial Statements; Tabling of Reports; Notices of Motion; Introduction of Bills; Oral Questions.

ORAL QUESTION PERIOD

MR. GABRIEL GIRARD (Emerson): Mr. Speaker, before the Orders of the Day, I'd like to direct a question to the Honourable the First Minister. I wonder if he could advise the House of whether or not there is a provincial contribution made to the education system under Bill 113, or simply passing on the \$28.00 received from the Federal Government - \$28.00 per student.

MR. SPEAKER: The Honourable First Minister.

HON. EDWARD SCHREYER (Premier) (Rossmere): Well, Mr. Speaker, the provincial contribution as such is a standard contribution. It applies in the same way as the standard Foundation Program applies. Then, of course, in addition to that, there are certain monies available from the Government of Canada which are passed on in accordance with the formula agreed to between the Minister of Education here and the Government of Canada. If the member wishes further elaboration, I think he should direct his question to the Minister of Education.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Yes, Mr. Speaker, I'd like to ask the Honourable Minister of Education how the contribution made to education because of Bill 113 compares in amount with the amount given the Provincial Government from the Federal Government.

HON. SAUL A. MILLER (Minister of Youth and Education) (Seven Oaks): Mr. Speaker, the full amount that we received was spent either through direct grants to the school divisions or to cover administrative costs, for which a certain amount was supplied by the Federal Government.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: A supplementary question, Mr. Speaker. Is there any more than the full amount granted spent? Is there any provincial contribution or is it solely the federal contribution?

MR. MILLER: Under the Foundation Program, grants are made throughout Manitoba to all unitary divisions, and of course this money is paid out, and the money we receive from the Federal Government is additional monies for the purpose of helping to promote the greater usage of French through the educational system, and this money is passed on to the school divisions which either have a Francais program or teach French as a language as a subject.

MR. SPEAKER: The Honourable Member for Rhineland.

MR. JACOB M. FROESE (Rhineland): A supplementary question. Under that same program, are there also grants made for adult . . . ?

MR. MILLER: Mr. Speaker, I'm saying it from memory, I don't believe so. It's based on the children attending school from Grade 1 to Grade 12.

ORDERS OF THE DAY - MOTIONS FOR PAPERS

MR. SPEAKER: Orders of the Day. Address for Papers. The Honourable Member for Roblin.

MR. J. WALLY MCKENZIE (Roblin): Mr. Speaker, I move, seconded by the Honourable Member for Swan River, that an Humble Address be voted to His Honour the Lieutenant-Governor, praying for copies of all correspondence and all agreements between the Government of Manitoba and the Town of The Pas pertaining to "The Pas Special Area Agreement."

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable House Leader.

HON. SIDNEY GREEN, Q.C. (Minister of Mines, Resources and Environmental Management) (Inkster): Yes, Mr. Speaker. Insofar as the proceedings have taken place to date, we will provide that information, and subject of course to the usual reservations.

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

GOVERNMENT BILLS

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Would you call Bill No. 40, Mr. Speaker?

MR. SPEAKER: On the proposed motion of the Honourable Minister of Industry and Commerce. The Honourable Leader of the Opposition.

MR. SIDNEY SPIVAK, Q.C. (Leader of the Opposition) (River Heights): Mr. Speaker, I'd like the indulgence of the House to have this matter stand.

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 84, Mr. Speaker.

MR. SPEAKER: On the proposed motion of the Honourable Minister of Labour. The Honourable Member for Souris-Killarney.

MR. EARL MCKELLAR (Souris-Killarney): Mr. Speaker, I'd just like to say a few words on this bill, the Fires Prevention Act amendments. Now I hadn't really paid much attention to this Act, the Honourable Member for Emerson was looking after it, but the government . . . the Minister of Labour was explaining it, so I thought I'd do a little phoning, to just find out what has happened in the past and what this particular bill will do, the amendments will do when they are passed. Most of us know as far as dealing with fire insurance, in the past one percent of our premium has gone to the Fire Commissioner's Office, and I mean one percent of all fire insurance premiums in the Province of Manitoba has been passed on to the Fire Commissioner for his endeavours and his works in preventing fires and educating people how to prevent fires. And I'd like to explain to the members of the government, and they only have five provinces here, just what other provinces charge on insurance premiums. In Alberta, the Province of Alberta, who my friend here from Rhineland is very proud of, Manitoba it mentions only charge one percent, the Province of Alberta only charge one-third of one percent - one-third of one percent. Saskatchewan one percent; Ontario two-thirds of one percent; and Nova Scotia one-half of one percent. So the amendment to the bill which the Honourable Minister of Labour is proposing here raises ours from one percent to two percent.

Now, I would imagine that's about the highest you can go - I don't have the other five provinces - and that must be about the highest you can go. Well with the exception of Quebec maybe, maybe Quebec; maybe that's the only province. But what's the purpose of this one percent anyway? Why should the man that buys insurance pay for all the fire prevention in the Province of Manitoba? Why should he? And I can see no good reason why this should be changed from one percent to two percent. If the government wants to propose plans, increase their plans in fire prevention, let them do so, let them do so under the current expenditures or under current estimates. That's the place to do it.

This one percent, Mr. Speaker, raises \$141,000, \$141,000. And what are they proposing? Raise it up to \$282,000 - \$282,000. Now, Mr. Speaker, that's just another tax on the people who buy fire insurance in the Province of Manitoba, and my goodness' sakes, the insurance companies have been clobbered from every end and now they're being told that one more percent, one more percent has to go to the government of Manitoba to take care of fire prevention. And I don't think this is right and proper, that the people that buy fire insurance should have to pay the whole shot and the people that don't buy any fire insurance should get the same protection. Why shouldn't the municipalities train their own people for fire prevention. Why shouldn't they? Why should it be up to the Chief Fire Commissioner for the Province of Manitoba to have to be paid out of fire insurance premiums, to have to go out and lecture these various people? We have excellent people out in the City of Brandon; we have excellent people in the City of Portage la Prairie, who can instruct their own men. They have excellent people in the Town of Souris, Killarney and so on, and I don't see any good reason to extend the program for fire prevention. If the government wants to do so, let them let all the people in the Province of Manitoba contribute rather than people that buy fire insurance in the Province of Manitoba. Everybody should be trying to cut down costs rather than increase them.

Now what's this going to do? And I'd like to just explain, Mr. Speaker, just read out some of the things it's going to do here: the establishment and administration of fire brigades and fire departments. Well, why is the government concerned with fire brigades and fire departments? That's the purpose, one of the duties of the many municipalities we have in the province of Manitoba, to administrate the fire brigades and fire departments. And the provisions in Number (ii) is: the provisions of adequate water supply for fire fighting. Well, my goodness, that's the purpose of the many towns, villages and cities of the Province of Manitoba,

(MR. McKELLAR cont'd.) look after water supply. That's their own business. It's not the business of the Government of Manitoba to be worried about that. If they only want a little cistern in their town, for a small town, or if they want to put in sewer and water in their community to fight fires, that's their own business.

Here's "enactment and enforcement by municipalities of bylaws for the prevention of fire or the protection of life and property against fire." There again the municipal councils have a responsibility when they take office, and I think they should be the ones that do the enforcement. And here, "establishment of rural fire prevention areas as provided for under The Municipal Act, and extension of areas of fire protection by cooperative groups allied with fire departments. Oh I don't know how far this thing's going to go. Here again are we taking away power from the municipal councils; why not let them do the job? They are getting paid a salary to protect the people of the municipality which they are elected for.

And it says: "the provision of suitable fire apparatus for the use of fire brigades and fire departments." There again the municipal council should look after their own business. Why should the Government of Manitoba be responsible for this purpose?

And here they go, in the next one here they're going to establish, maintain and operate a central fire college for training of fire department officers. Well, I don't know whether that comes under jurisdiction of the Province of Manitoba or not. Maybe it does; maybe it does; but there again, why should the people who buy fire insurance pay for that again? I don't see there's any good reason. We're supposed to establish and operate regional fire schools for the training of fire officers or fire fighters. Well, it's nice to train them, Mr. Speaker. In the City of Winnipeg here, or Brandon, Souris, or any farther town that's in the Province of Manitoba, they have good either paid people in the fire department or voluntary fire departments. There's lots of chance for them to get a good training under these particular men who have been educated and have been fighting fires for many years.

And on and on this bill goes. On and on it goes. There's even the cases of emergencies where nobody knows what to do better than the men who are actually working under fire. My goodness, I have been to fires and I have seen people carrying out furniture out of a house, and I saw the next people carrying it back into the house. People get emotional. But people who are experienced at it know what to do, and this is where the experience counts and you have to be trained right on the job.

These are the things that I am very concerned about in this bill, Mr. Speaker, and again I don't see any reason, particular reason, why I, as a person who carries fire insurance on my house, should have to pay into a fund any more than what we are already paying, to contribute . . . bureaucracy in the government of Manitoba. My goodness, we got enough civil service right now. Why should we have any more people trooping around the country? All we need is the present department, our present people, and the \$141,000 as we presently pay in for our premium income to do the job that it's supposed to do. And I know what the job of the Fire Commissioner is and I know they do a good job investigating fires, but I don't think that their duty is to go around worrying about the amount of water that a community has in Winkler or Souris or any other area. I don't think it's their job to go around training men; I think that's a job for the municipal council.

Mr. Speaker, I'm going to vote against this bill because it's only another tax on the people who buy insurance and I think the insurance companies and the people who purchase insurance are getting hit hard enough this year. There's no saving here for anybody. There's no saving here for anybody. All it is is another tax. So, Mr. Speaker, for \$141,000, I'm going to vote against this bill and hope that the government take a second look at this bill before they vote on second reading.

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

MR. GIRARD: Mr. Speaker, although I am very sympathetic to the comments of the Honourable Member from Souris-Killarney, there are other matters that I would like to have considered in this bill. First of all, I must say that I do agree with him, I do agree with him that it is not necessarily the responsibility of those who buy insurance to be burdened with the financial responsibility of training and providing people who make up the Fire Commissioner's office and employees of that department and that area. I have, however, no quarrel with the organization in that the bill provides for the Assistant Fire Commissioner, which apparently is not existent now, and sets out the duties and responsibilities of this particular individual. It means another employee of the civil service but we don't really object to that. We would

(MR. GIRARD cont'd) like to point out that in the bill there seems to be little clarity with regard to just exactly when the Fire Commissioner or the Assistant Fire Commissioner is able to take over responsibilities and when he is not. You will note that it specifies that if he happens to be at the scene of a fire, he can automatically, without the consent or communication of the Fire Commissioner, take authority and carry on investigation without necessarily communicating with the Fire Commissioner, and it might be wise to, in spite of the emergency, it might be wise to consider some change in the bill so that we are assured that this is a team-work now that we'll have two people.

I think more seriously to be considered in the bill is the matter of finances and budgeting and the matter of how do you raise money and what is the money for. Previously, the Fire Prevention Act had a provision that says, when the amount of the monies for this operation exceeds \$50,000, the Lieutenant-Governor-in-Council has the authority to discontinue the practice, in one article, discontinue the practice of collecting the fees from the premium and when the reserves drop below 40,000, they had the power to reinstall this kind of practice of collecting fees; and by deleting this entirely, Mr. Speaker, I submit that we are not relating the income necessary, the income with the expenditure at all. We are setting the rate of income in spite of whatever is in the reserve, and if I remember correctly, Mr. Speaker, when we were doing Public Accounts the other day, it seemed to me, and I stand to be corrected, it seems to me that there is now some \$600,000 in that particular reserve. If that is so, Mr. Speaker, I'm wondering what we're doing, why we're increasing the fees that are to be collected. I stand to be corrected again, but I'm under the impression that we could operate under the one percent that exists now and we could change, we could make provision to change this when time requires it to be changed, when it's needed, when the money is required, but I don't see why we should change it now when we do have sufficient reserve.

I would regret having to vote against the bill because there are some measures that I would like to see supported; however, unless the financial structure that has been mentioned by the Member from Souris-Killarney, and unless a very convincing argument about the deletion of those two particular sections in the Act, I would find myself voting against it, Mr. Speaker.

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

MR. FROESE: Mr. Speaker, I too wish to comment briefly on the bill, after hearing the two previous speakers comment on it. I would like to know from the Minister just how much is provided in the Estimates of the current year for the purposes of this bill or the people that will be working under this bill, because if you're going to provide another percent, which is \$141,000, surely there should be a reason for this. If you're not going to use it, what's the purpose of collecting it, and if we're going to collect it what is it supposed to be used for under the various items listed in the bill?

I notice here under the one provision, the establishment of the regional and county mutual fire aid. Are we going to start an aid like legal aid to people in the province suffering from fire losses, or because of fire losses? Are we starting a government fire insurance in this connection? Certainly when we are going to allocate that amount of money and levy a special tax for the purpose, we should get the information from the department and from the government on what is being proposed.

There are numerous areas in which the Fire Commissioner may look into and advise the municipalities. I hope the municipalities don't immediately think that the Commissioner has the power to impose regulations and enact by-laws and that this is only permissible, but too often I think things are handed down and people believe this is something they have to follow. Certainly that is not the case here but I would like to hear further from the Minister on this very point.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. HARRY E. GRAHAM (Birtle-Russell): Thank you, Mr. Speaker. I have only one point that I want to bring to the attention of the Minister. When he is studying up legislation and actually looking at existing legislation and proposing amendment, I think this is a good time for the Minister to consider something that's probably quite within the realm of the Fire Prevention Act and would be very beneficial, if the Minister would consider a standardization of fire fighting equipment. I don't mean to say that they have to have a certain make of things, but I would suggest that there is a great field here where there are various types of fittings

(MR. GRAHAM cont'd) that do cause problems when one fire department from one area goes to assist in a fire in another area and they find that the fittings on their tanks and their pumper trucks are not of the same make or the same calibre as those that exist in the area that they are going to assist. This does cause serious problems. I am sure that in the urban area here this problem has probably been solved long ago, but in rural Manitoba this problem still exists and I would urge the Minister to consider quite seriously the question of the office using its influence to establish a standard thread for use in all fire couplings so that one community, whether it be in Swan River or Treherne, will have the standard equipment that will fit the fire plugs in any town in the Province of Manitoba.

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

MR. ARTHUR MOUG (Charleswood): Mr. Speaker, I just have a question more than a statement. I don't want to provoke the Minister into making a lengthy closure closing the debate on this bill, but I wanted to ask if his department knows anything about such an area as Charleswood being asked to have their own forces to investigate conditions under which fires are likely to start. It seems to me that the province has been doing it up till just lately and our municipality has been advised to get their own forces together to investigate fire conditions throughout commercial, residential and all buildings in the municipality. I was wondering if you could confirm that.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Labour.

HON. RUSSELL PAULLEY (Minister of Labour) (Transcona): I want to thank my honourable friends opposite for their contribution to this bill and express amazement too Mr. Speaker at the lack of knowledge by some members opposite as to the purpose of the bill in itself. If one would only take a look at the title of the bill, they'd discover that it is called The Fires Prevention Act and that is the -- (Interjection) -- I didn't interrupt you, my friend, when you were giving your oration and I would just ask for the same respect while I am trying to make a point or two, if you don't mind. If they'd only look at the title of the bill, Mr. Speaker, they would see that it is a bill dealing with the prevention of fires, and in the prevention of fires the department attempts to give services to all of the Province of Manitoba and in particular to the rural areas. The only real contribution, in my opinion, to the debate was that of the Member for Birtle-Russell, when he mentioned or made the request that the Fire Commissioner's office, or the Fire Commissioner's department or section of the Department of Labour should look into the matter of the standardization of the equipment so that there could be easy unified action in the various municipalities. I want to tell my honourable friend that this is an ongoing measure, that one of the purposes of the department is to just achieve that. I know that when I was first involved in municipal politics and municipal government in the Greater Winnipeg area, even here they had two or three different types of thread in the various municipalities, and efforts were made, and they're ongoing, in order to bring about standardization, and this is one of the purposes of the Fire Prevention Department of the Department of Labour.

Now, my honourable friend from Souris-Killarney, I thought was really hitting it when he mentioned the fact that because there is an assessment for the purposes of fire prevention on insurance policies, some who do not have fire policies were obtaining the benefits. Well, Mr. Speaker, if we carried the theory of my honourable friend to a logical conclusion, I who have no children going to school should not be forced to pay the exorbitant school tax because there's no connection any longer between me as an individual and the school. Now, surely to goodness my honourable friend wouldn't suggest the same basic reasoning should be applied in general to taxation, and surely my honourable -- I didn't interrupt you either. -- (Interjection) -- What did you say in mumbles? And surely my honourable friend, notwithstanding the fact that some people may not carry insurance, fire insurance, which is their privilege, of course, surely in the interest of society as a whole there should be some organization that's carrying through investigation into fires, the prevention of fires, in order that even that person, Mr. Speaker, who hasn't got fire insurance, may have protection of disaster as the result of fire.

Now, my honourable friend the Member for Emerson raised one or two points dealing with the matter of the levy and surpluses. I want to say that there is no surplus other than that that would be used for the purpose of fire prevention. Unlike most provinces that do make an assessment, the Province of Manitoba has a separate trust fund into which the revenues from the fire insurance premiums goes to and it cannot be used for the purposes of the general

(MR. PAULLEY cont'd) and consolidated revenues.

My honourable friend from Rhineland wondered whether or not we were establishing a relief fund for the victims of fire. What nonsense! What we are endeavouring to do is to have sufficient funds in order to expand the department so that we will be able to give greater service in the area of fire prevention to the whole of the province of Manitoba.

My friend from Charleswood wondered about the change, apparent change in the investigation of fires in the municipality of Charleswood. I'll be glad to take a look in to see what that change was.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 86, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Member for Birtle-Russell.

MR. GRAHAM: I adjourned debate this morning, Mr. Speaker, for my colleague the Member for Emerson.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, Bill 86 is another bill brought forth by the Minister of Labour which is not an earth-shaking kind of bill; it's the kind of legislation that might be called housekeeping, I suppose, but it's the kind of legislation that will, I suppose, help the Minister of Labour say, "You know, we brought in this number of measures this Session and we're really, we're really changing the Department of Labour, and we're really making things go; in fact, we're even appointing a fellow down at The Pas that will be working with the Workmen's Compensation Board."

I am suggesting that I see really nothing wrong with the bill. It's a bill that will provide some convenience to aggrieved people. This bill provides them to have their grievances heard in courts where they reside, but there's also something missing in this Bill, Mr. Speaker, and I would like to ask the Minister of Labour a few questions about the things that might well have been considered in this kind of bill that were not.

We have three Acts, three main Acts - we have others, I suppose, but three main Acts in the Labour Relations in Manitoba. We have the Vacations with Pay Act, we have the Employment Standards Act, and we have the Payment of Wages Act, among other acts. But one thing I find very strange as I, a new member, gets involved in the matters of Labour Relations and legislation dealing with Labour Relations in the Province of Manitoba, one thing appears to me to be quite strange. We in Manitoba - and I don't blame the present government only; past administrations are as guilty, I suppose, in that sense - we are legislating laws that apply to everybody but ourselves. You know, we see justice in having a minimum wage kind of bill. We see justice in having compulsory vacation pay. We see justice in having overtime pay forced upon the employers - and, Mr. Speaker, I must say that I am not opposed to this kind of thing. I think it's quite right to legislate this kind of law, but what I think doesn't satisfy Manitobans and it certainly doesn't satisfy me, is when I find that the Civil Service people, the people whom the government employs, are not within the realms of these bills; they're not included somehow; and I'd like to know, if the Minister would consider this, why it is that we can't afford to legislate a law that applies to our employees as well as those of others. It seems a little strange, Mr. Speaker, that we can legislate laws that will apply to a segment but not to all. We can find our employees in this very Chamber working overtime without overtime pay. Why is it that the legislation that applies to the private employer does not apply to the Government of Manitoba and, I believe, to its Crown corporations?

I see nothing drastically wrong with this kind of bill, Mr. Speaker, but I see some weaknesses or some disease in our over-all labour legislation in the province. I was glad to hear, as the Minister spoke this morning, that we will convene the committee during the summer months or between sessions, and we will have a look at some matters dealing with Labour or Industrial Relations. I hope that with that he will bring in matters dealing with the Compensation Board - that's probably the most pressing - but I hope also that we'll have time to consider a way in which we can legislate laws that apply to all Manitobans rather than force it down somebody else's throat and not have it apply to ourselves.

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

MR. LEONARD A. BARKMAN (LaVerendrye): Mr. Speaker, I just wish to endorse what

(MR. BARKMAN Cont'd) the Honourable Member for Emerson just said. As far as the bill is concerned, I think it is only a matter of housekeeping or amending some of the facts, the change in name from Manitoba Labour Relations Board to the Manitoba Labour Board, and of course clarifying the reference to which County Court the orders are filed in, so I just wish to make it known that I see nothing in the bill but I think what the honourable member suggested in the near future should be taken under consideration and perhaps it's unfortunate that it's not in the bill but I see nothing wrong with the bill.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill No. 85, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Labour. The Honourable Member for Rock Lake.

MR. HENRY J. EINARSON (Rock Lake): Well, Mr. Speaker, I adjourned it for the Honourable Member for Emerson.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, we might not always be here to play our games but I want to assure you that we're well rehearsed.

Bill 85 is another typical Honourable Minister of Labour kind of bill. It's a good deal of paper; it's a good deal of paper when you consider the matter involved; in fact it's one page, and it will also enable the Minister to be able to say, you know, another one of our bills was Bill 85, and another one was 86, and another one and so on; a good number of bills we've passed that we really did very little, Mr. Speaker. As a matter of fact, I would have found it very justifiable if he could have - I realize that this might not have been the thing to do - but if he could have all put it in one bill and called it a half a bill and put it through more quickly.

The only thing that this bill does is give a little more discretion, I understand, to the director involved or mentioned in the Equal Pay Act. As is, the Act states that whenever a person, aggrieved person registers a complaint with the director, the director "shall" - shall bring it to the attention of the Department of Labour and have it investigated by them, and it really leaves no alternative to the director in the Act as it stands. And the changes I see in the bill, Mr. Speaker, is simply that it gives a little bit of discretion to the director. He doesn't have to refer it, according to this bill, if he feels that there is no grounds for the grievance that's been raised. It may be a very practical kind of thing. I don't see that we should be afraid of it in any way as long as we have confidence in the director. I don't suppose there is any reason why we should oppose it, and my understanding is that the Minister is not going to be the director and therefore I see no reason to oppose it, Mr. Speaker.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker . . .

MR. SPEAKER: The Honourable Member for Portage la Prairie.

MR. GORDON E. JOHNSTON (Portage la Prairie): Mr. Speaker, if the Minister had intended to close debate, I would like to say a few words. Mr. Speaker, on Bill 85, as the Member for Emerson has said, it's a slight improvement on a bill which in my opinion is nothing but window dressing. In the city that I represent, we have an employer who has discriminated for many, many years on the matter of equal pay for the sexes. I can think of two, maybe I can think of three establishments at Portage la Prairie where for many years now there has been the same type of job done between the man and a woman and there's a differential in pay, and it rather annoys me when the Minister introduced Bill 85 that he seemed to take some pride in the fact that this was an amendment to a bill which was a great step forward in his opinion, or words to that effect. I can tell you, Mr. Speaker, in not only some establishments in the City of Portage la Prairie, but in other establishments across the province there's gross discrimination and it has been going on for some years. It has been going on under, not only this administration, but others; and I'm speaking about the biggest employer of this province, the Province of Manitoba.

The Province of Manitoba practices discrimination. It has been brought to their attention over the years by the bargaining group for the employees of the province, and while there's been a lot of talk and there has been some window dressing, there really hasn't been anything done. I'm talking now specifically about the women's jail in Portage la Prairie where the women who are on the custodial staff are doing exactly the same jobs, fulfilling the same duties as the custodial staff does at Headingley. I'm speaking also about the Manitoba School for

(MR. G. JOHNSTON Cont'd) Retardates at Portage la Prairie where, while they may call the people filling the positions or the positions by a different name, namely an attendant or a maid, the female or the women aides who are doing the same work as the men attendants are receiving about 25 percent less. I think now about the institution at Selkirk where the same situation exists, and it bothers me when the Minister seems to take some pride in the bill that he has brought in, and I think that it is time - and I don't exclude any blame for previous administrations because it has happened under them and it's been continued, and it would appear that the same situation is going to continue under this administration, but, Mr. Speaker, it does annoy me when the Minister of Labour, who takes great pride in matters pertaining to labour, and he seems to take some pride in this bill, but he conveniently forgets that under his and his colleagues' administration, the situation with respect to employees in the Provincial Government is not only allowed to continue on but it's obvious that there is no change in sight, and I think that this government should take a second look at this situation and correct it.

Now I know in the Act to prevent discrimination between sexes and payment of wages for doing a similar work, I know that there are grievances, but I also know that the MGEA, the Government Employees Association, this year fought long and hard to have this discrimination removed from their agreement, and it wasn't their fault that they were unsuccessful; it was the fact that the government of this day refused to recognize the principle that they're talking about in Bill 85, and I think that the people of this province should know about it and I think that this government should take steps at the earliest opportunity to change this gross discrimination that has existed for many years in this province and up until now they have allowed to continue this discrimination to exist.

MR. SPEAKER: The Honourable Minister of Labour,

MR. PAULLEY: Mr. Speaker, the Minister of Labour does take pride in presenting legislation of this type, despite the admonitions that he has received from across the way; and if one would take a look at the bill and read it intelligently, one would see that it is not a question of the director having the discretion of pursuing a complaint or not. My honourable friend on Emerson places an erroneous interpretation. Under the present bill, under the present bill, only the person aggrieved can lay a complaint. Under the proposed amendment to the bill, Mr. Speaker, that person can still lay the complaint, or another person can lay the complaint on behalf of that person; or if the director is made knowledgeable of a violation of the Equal Pay Act, the director can lay the information and lay the charge, which is not possible under the present Act. I think that I am entitled to take a little pride in seeing that the opportunity is given so that the person does not have to confront his or her employer - because this can work both ways - his or her employer face to face and lay a complaint, as has been the case, is the case and has been the case up until now; and that is the purport of the amendments being proposed.

Now, my honourable friend from Portage la Prairie drew to our attention that in his opinion discrimination prevails in some of our hospitals, mental institutions, and I agree with him that it may be so, but steps are being taken to see that it is not continued. I don't know, Mr. Speaker, where my honourable friend got his information dealing with the matter of negotiations between the Government of Manitoba and the Manitoba Government Employees Association. I had the honour of signing that agreement for a two-year period just the other day. The representatives of the organization were satisfied and at no time, Mr. Speaker, did any representative of the government take any other attitude that where similar work was being performed then similar pay should be awarded. My honourable friend had to admit during his discourse that, oh well, you call it by a different name but it is the same, and I suggest to him that it is not the same in every case, and that there are areas where on surface it may appear to be similar work, but even in that area, Mr. Speaker, under the terms of the present agreement just negotiated, the differential between attendants and aides is levelling off in order to recognize this.

Also, another very important piece of legislation that was passed by this Assembly after many years of endeavour was the Human Rights Bill, which prevents discrimination between the sexes in employment, etc., and I suggest to my honourable friend that not only is this legislation changed to allow a person more freedom to lay a complaint, but under the Human Rights legislation, if my honourable friend can prove discrimination on the basis of sex or any other individual can prove it, that there is ample legislation in the Province of Manitoba to resolve the situation and to bring about methods whereby the discrimination is eliminated.

(MR. PAULLEY Cont'd)

My honourable friend -- stop it, Mumbles -- my honourable friend the Member for Portage la Prairie in his opening remarks made reference to a couple of friends, I understand, business places in the City of Portage la Prairie. -- (Interjection) -- But you mentioned the institutions a little later on. But I want to ask my honourable friend the Member for Portage, will he do me a favour and the person who is discriminated against -- oh, you can do it. It's within your power, if this amendment passes, Mr. Speaker; I invite my honourable friend to support this legislation and if he knows of a person who is being discriminated against in equal pay under the Equal Pay Act, will he kindly lay the information to the Department of Labour and we'll undertake the investigation that apparently wasn't able to be undertaken because of the fear of the employee and the employer under the present Act. -- (Interjection) -- Fine. Now we're making headway. And I'll take added pride, Mr. Speaker, if as the result of this undertaking, some individual employee or group of employees are more fairly treated.

In conclusion, Mr. Speaker, I do want to say one thing, that this bill has been on the statute books of Manitoba for a long, long time, and in the whole history of the Province of Manitoba and the Department of Labour, since this Act was instituted, as far as I am able to ascertain, only one case, only one investigation has been taken place into discrimination under the Equal Pay Act and that was by the present Minister of Labour, the present administration, about two months ago and we were successful in bringing in redress to the individual it was prejudiced against.

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

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we proceed, I would like to indicate to all honourable members, in the loge to my right we have a guest, the M.P. for Yorkton-Melville, Mr. Lorne Mystrom. On behalf of all the honourable members, I welcome you here today.

GOVERNMENT BILLS - (Cont'd)

MR. SPEAKER: The Honourable Minister of Mines and Natural Resources.

MR. GREEN: Mr. Speaker, would you call Bill No. 49, please?

MR. SPEAKER: On the proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, Bill 49 deals with the Landlord and Tenant Act that was passed here, I think a year ago, and already we have quite a number of amendments before us. There are some of the provisions which I feel are quite all right and good, in my opinion; some of these deal with the matter of cleanliness and sanitation, so I welcome these particular amendments. But at the same time I think there are other matters which need commenting on. One of them has already been discussed here earlier this morning, and I think last night, dealing with the clauses referred to as the snooping sections. I, too, take exception to incorporating provisions of this type into this Act; and Mr. Speaker, if it wasn't for the fact that government is going into business, I don't think these would appear in the legislation that we have. It is because of this very reason that these clauses are incorporated into the legislation, and I certainly don't go along with them. Especially when it calls for removal of records, I feel this is definitely going too far; that when the Rentalsman has the power to remove records from the premises of the owner -- and there's nothing said for what length of time or how soon they must be returned, not in this section before us. It may be in other parts of the original bill, I don't know, but certainly the sections or the provisions in this bill don't say that; and if I am correct, the original bill also has the power of delegation, that the Rentalsman can delegate powers to other people, and I feel that this is a dangerous matter, first of all incorporating these clauses and then also have the Rentalsman delegate these inspections to other people. I for one don't feel this is proper and I don't feel that we should have legislation of this type on our books.

I notice there is a provision here for the matter of if a landlord coerces a tenant for post-dated cheques, that he is liable. What about if this happens voluntarily, that the tenant gives the landlord post-dated cheques voluntarily, then later on at some time or other he may say, "Well, I didn't do so," and blame the landlord for coercion. What happens then? I would like to hear from the Minister on this point because these are things that can happen quite readily. I feel that the Act basically is going along the same lines as the original in that it

(MR. FROESE cont'd.) caters to the tenant overwhelmingly. I pointed this out last year and when we heard representation, especially from Mr. Jack Silverman, he pointed this out time and again very well indeed as to -- (Interjection) -- Lawrence? At least I know the name Silverman is in my memory, and he made a very able presentation to the committee on that bill.

One other fact, why do we except government agencies from certain provisions such as from the right to continue occupancy when the agreement has expired? We have the legislation subject, that these persons are subject to give them the right to continue, but when it comes to Crown agencies we except them from it. I don't think this is proper. If we are going to do it to private individuals, I think it should apply equally to Crown agencies as well. There should be no exception in this respect.

The matter of three months' notice for rent increases, I haven't checked this out. This may be in line with the Act, the original Act. If it is so, I would like to hear from the Minister. Then there is a further provision here which provides for the penalizing of the landlord in cases of certain expenditures to the tune of three times the amount of the expenses incurred by the tenant. I think this is going overboard. This is a very severe penalty, in my opinion, and yet we find in the same bill where penalties for the tenants in other respects are very minor. So I think and believe that if we are going to penalize, I think they should be in line one with another and that we should not make the penalty for the landlord that much higher than for the tenant.

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

MR. JORGENSEN: Ayes and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. The question before the House is the motion proposed by the Honourable Minister of Consumer and Corporate Affairs, Bill 49.

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

YEAS: Messrs. Adam, Allard, Barrow, Borowski, Boyce, Burtiak, Evans, Gottfried, Green, Hanuschak, Jenkins, Johannson, G. Johnston, McBryde, Malinowski, Miller, Paulley, Pawley, Petursson, Schreyer, Shafransky, Toupin, Turnbull, Uruski and Walding.

NAYS: Messrs. Barkman, Bilton, Craik, Einarson, Froese, Girard, Graham, Jorgenson, McGill, McKellar, McKenzie, Moug, Weir and Mrs. Trueman.

MR. CLERK: Yeas 25; Nays 14.

MR. SPEAKER: In my opinion the yeas have it and I declare the motion carried.

. . . . Continued on next page

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: No. 50, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Brandon West.

MR. EDWARD MCGILL (Brandon West): Mr. Speaker, I noted in the remarks introducing Bill No. 50 by the Minister, he made a modest statement about the Manitoba Consumer Protection Act, described it as the most comprehensive piece of legislation its type in Canada today. I think it is a good piece of legislation that has generally been well received. He follows that with another rather modest comment on the bill saying that the legislation is not perfect. I would agree with that and he didn't include that description of the amendment to the Act which I think would be even more appropriate after examining this piece of legislation before us.

Mr. Speaker, I think part of the problem here is that the Minister is attempting to provide controls for pyramid selling in the Consumer Protection Act. I think this is a worthy objective; I think this kind of selling does need controls and I think we're all agreed on that. However, there will be disagreement I'm sure on the way in which these controls should be provided and I'm not at all certain that they belong in an Act which controls consumer transactions. We don't need to go very far in the Act to discover that there have been changes made which would provide for what might be described as wholesaling or commercial sales in the changes that are provided. I don't think these really belong in the kind of retail selling or consumer selling that this original legislation was intended to control.

I'm wondering if the Minister is aware, I'm sure he must be, of the Alberta legislation which was passed I believe this year, Bill 101, called The Franchises Act, which is a specific bit of legislation designed to control franchise selling or pyramid selling. It seems to me that this is really the kind of approach that might have been taken and it might have eliminated many of the problems that you have found yourself to be involved in in trying to relate pyramid selling with The Consumer Protection Act.

There are a number of points throughout the bill that should be commented upon. I won't attempt to mention them all but I certainly would think that many of them are worthy of some serious consideration at this stage in the processing of this bill. There's one part of the bill which provides now an amendment that would include the details of the loan and the interest payments in the chattel mortgage. Now this is going to require I'm sure a new form and I wonder if the Minister has considered the cost that this will put the various credit agencies to in meeting this new directive. Certainly there is going to be some retraining of staff necessary to handle this new wording and there's going to be a considerable expense in all of the loan associations, the credit unions and so forth around the country and this could be rather an onerous and a heavy financial burden.

In another part of the Act the amendment would ask for a "detailed account" of the borrower's indebtedness. Now there doesn't seem to be any explanation of what a detailed account would mean. What specifically -- how much detail should be required here? Surely this kind of information and these kind of definitions should be a little more precisely defined than merely to put in a phrase of this type. This is the kind of thing that I suppose keeps lawyers well occupied and very happy about the many kinds of legislation that are being introduced but I don't think it really makes the job of either the consumer or the loaning agency any easier. And while we're talking about these kind of changes and new forms required wouldn't it be reasonable to expect that a sample of the kind of chattel mortgage form that you would require to contain the details of the loan would be attached to this Act. Would this not save a lot of expense to people who are now going to be operating under the new terms?

In another part of the Act it's required that the amount of the loan be stated, but there is, Mr. Speaker . . .

MR. SPEAKER: Order, please. I don't know what's going on but I don't think it's good for the Assembly. The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, I thought perhaps my colleagues were having difficulty in containing their support here. In another part of the amendment you're asking for the amount of the loan to be stated but there doesn't appear to be any definition of the amount of the loan. What did you mean? Did you mean the amount of cash the man received or did you mean the total amount that he would have to repay. What specific sum would you suggest would be proper in that case?

In another part of the Act it asks that there be no changes in what the lender has advertised

(MR. MCGILL cont'd.)in the terms of the loan, unless they are at least as favourable as those which he had advertised. Now I presume this is something that appeared in the paper and the applicant comes to see him and he finds out that he's unable to pay the \$20.00 a month repayment fee. Perhaps the lending agency can now suggest to him that they can reduce it to something he can handle like \$15.00 a month; but he's going to have to pay back more in total. Now is this more favourable or is it less favourable? I think we need some clearer definitions of this kind of language that appears to go right through the whole bit of legislation.

There is some amendment of the Act in respect to the actions which have already been commenced and where a lender has been unable to collect his fees in the normal manner he may have secured a Court order, gone to considerable legal expense it appeared for the purpose of removing goods or chattels that he has sold and that have not been paid for, but under the amendment the person then has the opportunity to pay up the back payments and retain his goods. But it doesn't say, Mr. Speaker, that any of the legal costs will be included. Now surely the person who has gone to the expense of taking a Court Order to the domicile or whatever to obtain the goods, if he has then paid the back instalment is entitled to legal costs as well. I think this was included in the original Act in very clear form.

Now the Minister has a point here in mind in another part of the Bill, and I think a very worthy one, in regard to Express Warranty. He suggests that every claim by a seller regarding the quality, condition, quantity, performance or efficacy of goods and services that are contained in an advertisement or made to the buyer shall be deemed to be an express warranty respecting those goods or services, and he says that every claim by a seller must be backed up. So he is providing the mechanism for say a man who sees on television or reads in the paper that the new Fastback Mosquito is capable of so many miles to the gallon, he makes his purchase on this basis, he comes back and says you said that this vehicle would perform in such a manner fails to do so and there is a breach of warranty. You say the seller is responsible but the seller merely says well I didn't make this claim, the manufacturer did. Now, Mr. Speaker, this would be the case for most goods, most of the warranties would be provided and stated by the manufacturer, not by the seller and I'm sure that you would have a great deal of difficulty; so in zeroing in on this problem I think you have missed it completely. I think the objective has been absolutely lost here.

In another part of the Bill we have a phrase that crops up two or three times requiring "personal communication" but there is nothing in the Act to define what a personal communication would be, is this a telephone message, is this registered mail or is it a handbill that's taken around by a boy to the house - what is meant by personal communication? Surely it's important to clearly define how a person under this Act can comply.

In another part of the Act, Mr. Speaker, they have gone to great lengths to change a form, a form of words which is required in the Act and it appears to be the change of the word "can" for the word "may". You "can" send your notice by registered mail to, and then there's a blank for the address and we're now required to change this to you "may" send your notice by registered mail. I'm sure there's some legal reason for changing the word "can" to "may" but have you considered the expense involved in changing all the forms which now exist, for one word. Surely if this is as meaningful as that there would be some more important reason to change and throw out a lot of forms than merely to change one word. I think there hasn't been any practical consideration of the cost involved in some of these amendments that are being offered to us here.

In another part of the Act I notice that there is a printing error but I'm sure this can be cleaned up at Law Amendments . . .

MR. SPEAKER: Order, please. I should like to indicate to the honourable member I have allowed a lot of latitude because of the way the Bill is written, in respect to his arguments but I am becoming of the opinion that he is arguing the Bill in detail instead of in principle. He's referring to very various and very many sections of the Bill. Now as I said, I realize that amendments of this kind are sometimes difficult to define in principle but the honourable member has mentioned very many sections of the Bill itself almost clause by clause. The Honourable Member for Brandon West.

MR. MCGILL: Thank you, Mr. Speaker. I mentioned the kind of language and phrases that are being used here and the variety. There seems to be difficulty on the part of the architects to decide whether it's a buyer involved or a vendor, or it's a seller or a purchaser, these words are interchanged, and I think this is again making it loose and very difficult in enforcement.

(MR. MCGILL cont'd.)

But I would like to speak particularly at this time on a general principle that's included in here and it's one that has been noted in a number of bills recently and it respects "Investigation and inspection by director." I'd like to just comment on this clause because I think it's rather important. The Director or any person authorized may investigate and enquire into any matter the investigation of which the director or authorized person has reason to believe is expedient for the due administration of this Act, may for the purposes of clause (a) require any person to furnish such information as he deems relevant to the investigation; and where information is furnished under clause (b), require that the information be verified by an affidavit or statutory declaration. Mr. Speaker, this is rather an amazing inclusion in this Act, it's almost like the movies. The enforcers come to the store - I don't think they'd be wearing boots, I think they'd be wearing sneakers in this case - but they would come in and say "Did you sell a blue and white sweater on Saturday last?" and the man, the proprietor might say "yes" and they would say "Warranted shrink-proof?" "Yes". "Well, it wasn't, please sign this confession". Now this is the kind of thing apparently that is intended by this, a statutory declaration, a confession that you have committed a certain act, infraction or whatever.

Surely, Mr. Speaker, this kind of investigation is not the usual thing. I'm told and I'm reasonably certain that it is a common conception in Law that you should not bind the conscience of a witness in advance of a trial. Why should you get a witness to sign an affidavit that certain records or certain acts have been done or committed and then presumably use them in an action against him, because surely there would be no point in this kind of a statutory declaration unless it was contemplated as use in an action. So, Mr. Speaker, I am amazed that this kind of thing would be contemplated in the Investigation by a Director.

The Act suggests that certain things will be done "where the director is of the opinion that." Here we're leaving discretion to the opinion of a person; in his opinion it's in the public interest to grant a licence or not to grant a licence. And he may impose on a vendor to whom a licence is issued conditions respecting the manner in which the terms under which the vendor may recruit direct sellers. He may impose conditions; where are the conditions? Surely there should be some specification of the kind of conditions that the director, in his opinion, may impose. There should be some limitation in the matter of refusing a licence in respect to contraventions which have occurred. I think in other bits of legislation we've suggested that after six years an infraction, perhaps a driving impairment or some such thing, need not be applied to the record and deciding whether or not a man is eligible, but there's no indication here that a lapse of time or aging of any offense will be taken out; there should be a time limit imposed here. Certainly a director should not have the right to impose conditions unless the conditions are somehow set out in the Act; this certainly doesn't give the person applying for a licence any kind of reasonable way of complying with the conditions which the director may have in mind. Mr. Speaker, in many of these difficulties I think we're finding that in aiming at the broad direction of control of pyramid selling we have somehow infringed upon the conditions of an Act which was intended for another type of transaction of retail selling.

It suggests, too, that liability involving a credit card which has been lost, and it suggests that "where a holder has lost a credit card or a credit card has been stolen the holder shall not be liable for any debt incurred through its use after the holder has in person or by registered mail notified the issuer that the card is lost or stolen and is no longer in his possession or control." Well, wouldn't it be more reasonable in this kind of amendment to include some wording like: "notwithstanding anything contained in the contract" governing the issuance of the card, doesn't say anything about what contract this man engaged in when he got his credit card. I think this is a reasonable approach but it should certainly take account of and take precedence over any previous contracts which have been used.

Finally, Mr. Speaker, there is a point here of law that I think has been somehow overlooked by the architects of this Act: Where a dispute arises between a holder and issuer under section so-and-so, the burden of proof rests with the issuer that the debt was incurred by the holder or a person authorized by the holder to use the card; or the holder did not notify the issuer in the manner re . . .

MR. SPEAKER: Order, please. I think I did request the honourable member not to take the Bill clause by clause. I've been following his arguments in the Bill and I don't think he has missed one yet which he hasn't mentioned. Now the procedure is to discuss the Bill in principle on second reading and I'm afraid he's been taking them clause by clause. The Honourable

(MR. SPEAKER cont'd.) . . . Member for Brandon West. The Honourable Member for Morris.

MR. WARNER H. JORGENSEN (Morris): May I speak on that point of order? I think you will understand, Your Honour, that in dealing with a Bill to amend - and what this Bill actually is is a Bill to amend an Act that has already been debated in principle by this Chamber and it's somewhat difficult to review the entire principle of that Act - and what my honourable friend is doing is pointing out the arguments that he sees in opposition to some of the clauses in this Bill, which I think is a perfectly valid thing to do under the circumstances. If it was a new Bill in which the principle had not been debated in this Chamber before I think that perhaps your argument may be a perfectly valid one.

MR. MCGILL: Mr. Speaker, I think I am on a principle of Law at the moment, and it is my final point; that in providing the burden of proof to show that something did not happen is by my estimate rather a wrong way to approach it. You're asking someone to prove a negative and I think this in Law is one of the things that is very much avoided. It's one thing to prove that something did happen but it is not so usual to have to go out and say that the onus of proof is with the issuer that the recipient did not do something and I think surely that you would wish to correct this wording in the Act.

Mr. Speaker, I have concluded my comments on this Act. I would again refer to the particular part which deals with Investigation and inspection; I think this is absolutely unacceptable in its present form and we on this side would not accept the amendment in its present state.

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

MR. FROESE: Mr. Speaker, I think the Member for Brandon West has covered the subject matter very well indeed. I certainly do not want to debate all the various points in the Bill. I do wish to comment on one point that has to do with the matter of credit cards. The provision in the Bill as it stands is that "No person shall issue a credit card unless requested." I'm just wondering about this because I think people are rather accepted to the practice that, for instance, credit cards to purchase oil and gas from oil companies; if this is followed this means that everyone will have to write in for a credit card and I don't think this is something that we should pass legislation on. I take it for granted that these companies will send me these credit cards and I'm sure this applies to thousands of people in Manitoba, that they think this is a matter of course and I don't think that we should legislate against this particular type of issuance of credit card. It covers also renewable and substitute and so on, where a substitute is required. Naturally if a person has lost a card it requires that a person writes in, but on the issuance it's a different matter. I feel that we should take a second look at this particular . . .

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

MR. BARKMAN: Mr. Speaker, I just must get up for a moment because I think the water-front has been covered and very well but somehow the over-all principle in this Bill - and I hope I suspect what I do suspect is wrong - but I feel from taking a look at it - I didn't take as good a look at it as I should have - but it seems somehow that the Bill itself is on most principles very evasive on some points as if this government is looking or going out of its way to somehow cover up for some people and somehow make it nearly impossible to do business for other people. I just wish to say at this time if I hadn't heard a little bit of the meeting that the Honourable Minister had in the Twin Cities some while ago maybe I wouldn't be quite so suspicious. But in the meantime, I am sure that people will appear at Law Amendments or whatever Committee it appears and perhaps some of the things can be ironed out then.

MR. SPEAKER: Are you ready for the question? The Honourable Member for Birtle-Russell.

MR. GRAHAM: Mr. Speaker, I beg to move, seconded by the Honourable Member from Roblin that debate be adjourned.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Bill No. 69, Mr. Speaker.

MR. SPEAKER: Proposed motion of the Honourable Minister of Agriculture. The Honourable Member for Rhineland.

MR. FROESE: Mr. Speaker, I hoped that when we would be debating this bill that the Minister of Agriculture would be in his seat so that we might get some answers to some of the questions that may be put to him because Hansard is late in getting out these days and therefore

(MR. FROESE cont'd.)we may not get some replies to some of the questions.

The Bill 69 deals with Cooperative Associations Loans and Loans Guarantee Act. As pointed out by the Minister this morning, or was it last night when the bill was discussed by him that some of the monies of the Cooperative Promotion Board will be handled by this Board as I understand it, but as well the Legislature will allocate funds and that this year's estimates allocated something like \$500,000 toward the Association to be lent for purposes of promoting cooperatives. When you look for the objects and the purposes of this Act, they are absent from the bill except for when you go to the regulations part of the bill you find that the Lieutenant-Governor-in-Council has the right to define this matter, and on that basis we don't know just what the regulations will indicate at this time. I rather feel that the objects should be defined in the bill itself rather than in the regulations so that honourable members would know ahead of time just what we're speaking of and in what terms.

I note that the type of lending that will be made under this Act will be in two parts. One by way of guarantee and the second one by direct loan with monies provided by the Consolidated Fund. I also note that where direct lending is involved that these monies are subject to recovery where losses should occur or where payments are unable to be made at the time that they are due, so that the government has power to recover.

I take it that this bill is coming forward at this time largely because of the interim report of the Northern Task Force and when we look at the recommendations in the report on Page 19 we find that the report mentions that cooperative grocers be established in northern Manitoba. It also points out some of the difference in prices of commodities from Winnipeg to some of the northern points. For instance, it mentions flour, 25 lbs., in Winnipeg \$1.89 to \$2.00; in Ilford \$3.49; in Norway House \$2.87, so that there is a very substantial increase. Gasoline, Winnipeg 45 cents; Ilford 60 and Brochet \$1.00 and so all along the line. Potatoes, 8 cents a pound in Winnipeg; 15 cents at Ilford; 21 at Brochet, so that on the basis of that it would look as though there is a large market. However, when you talk to some of the people coming from these northern areas, and especially some of those that are in office under the Local Government Districts, that it isn't that lucrative at all. I think when we discuss this we should also discuss the experience that this government and previous governments have had with promoting cooperatives in the northern part of Manitoba among the Indians and other people, that the experience hasn't been that good; that after starting a cooperative, after running it two, three years, it just peters out and the investment is more or less completely lost. This information can be had from these people up there and also from other places in Northern Manitoba. I have talked to them personally, this is what they tell me, so that I'm not sure at this point whether cooperatives are the right thing to do. I think if we gave some incentive to some of the people already up in the north who are business people, who are in the business, that they could probably do a better job than what we are trying to do in this case and that the money that would be spent in a way that would probably go farther than what we're doing here.

I also note from this same report of the Northern Task Force on Page 46 that some of the solutions suggested by the people and naturally brought forward by the Committee is however that some stores be located in the north, I take it on a cooperative basis, not only for groceries but to have fishing co-ops, fur marketing co-ops and trappers associations and so on. There's a note here on the same page stating, quote: "The cost of living is very high, we know this could be improved if the residents were given the help to start their own consumer co-op at South Indian Lake."

So, Mr. Speaker, I take it that a good portion of this money will be designated for this very purpose and I do hope if loans of this type are made that they do not only consider co-ops but also private loans to some of the people that are already established in those areas so that they can provide a better service for the people up north.

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Bill 63, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I beg to move, seconded by the Honourable Member from Roblin that debate be adjourned. -- (Interjection) -- Oh. I would like to ask that the matter stand.

MR. GREEN: 71, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Youth and Education. The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, as was indicated by the Minister when he introduced Bill 71, it is a bill that encompasses a good deal of matter and one that should be dealt with seriously because some of the matters included in Bill 71 are far-reaching and involve rather profound principles.

I would like to first of all indicate to the Minister that the bill indicates to me that he somehow does not have the confidence in the teaching profession that he should have. I suggest this because he sees fit in this bill to replace the teacher at his work by an unqualified person, be it a student teacher or be it anyone else practically. On the one hand we heard the Minister during his Estimates say our teachers in Manitoba have to become more professional. They must become more responsible, they must be more alert to detect students with deficiencies, students who are handicapped, be it hearing or seeing or otherwise. During his Estimates we saw the Minister expound on the kind of teaching profession that he would like to see develop, one that is specialized, one that will pick out the student that needs extra help, one that'll do even further diagnoses than is being done now. And on the other hand, we introduce a bill, Mr. Speaker, that says, anyone can teach. And I suggest that that is being a little bit inconsistent.

If we pass this bill as is, what we are doing is inviting school boards to in fact replace a teacher by an untrained individual. I know it might not be the intent of the Minister to have this kind of thing done for a lengthy period of time but I'm suggesting that there is nothing in the bill stopping a school board from doing that very thing. It might mean a saving of money all right but if you are convinced that the professionalism of a teacher is desirable and necessary, I don't see you sacrificing it suddenly for the sake of dollars only. I'd like to point out to the Minister that the Winnipeg School Division in a document that I have been given has already indicated that they're intending to make full use of this by employing people on their personnel that will take full charge of a teacher's class when the teacher is absent; and that absence, Mr. Speaker, might well be for a day, but it might well be for three months and the end result will be whether we like it or not, a permission given to a school board to have in a classroom, without the consent of anyone, to have in a classroom for a lengthy period of time somebody who is totally unqualified. Either the Minister believes in the professionalism of teachers or he doesn't. He can't have it both ways.

I would suggest that the bill in its entirety now ought to be passed, ought to be brought to committee, but I want to also state emphatically that unless some amendments are brought in to change this bill in committee, I will be voting against it in the third reading, and I feel it's a little regrettable because there are other matters included in the bill that are worthwhile measures.

We talk, Mr. Speaker, of raising the standard of the teaching profession; we talk of having degreed people, qualified, and then we turn around and hire those who are not. The bill goes even further and permits this kind of thing - in spite of the administration of that particular school, the bill authorizes a school board to place in that classroom an unqualified teacher or an unqualified person, and I'd suggest to you, Mr. Speaker, that this area of the bill at least ought to be very carefully scrutinized and carefully reconsidered before it is made into law.

I can agree with the Minister that there are functions in a school that would be probably more economically dealt with with the services of the unqualified people, the teacher's aid or the student teacher and so on. I am one who believes that in many cases teachers are wasting their time because they're doing rather menial work which anyone can do and in such cases they are not using the training that they have been given, yet they are paid for it. I suggest a good deal of the supervision that is being done in our schools today can be done by personnel other than teachers, and I further suggest that you will likely get a good deal of support from the teachers when you make this observation, because it is a fact. If we wish to have the assistance of untrained personnel in a school - and I say that there is a purpose in having this kind of personnel - I suggest the Act should limit their kind of activities to those things that are not teaching a class; that the minute you advise this kind of personnel that one of their functions will be taking over from the teacher, I suggest that we're inconsistent and we're going back to the - I believe the "dark ages" was the reference of the Minister of Labour.

I see the bill makes provisions for changes in the manner in which textbooks have been purchased. I want to congratulate the Minister in seeing that the responsibility of the purchase of textbooks rests now, more than it did before, with the school board. The school board need

(MR. GIRARD cont'd.) not worry about buying a series of textbooks, they can concentrate on the authorized textbooks, they can concentrate on purchasing of reference material and therefore I will agree wholeheartedly with this kind of liberty that the Minister saw fit to provide. It is not a restrictive measure, it's rather giving the responsibility to those who really should have it.

I was listening very carefully to the Minister when he introduced this bill and in spite of the fact that the bill clearly shows that the matter of expropriation of property for building new schools or adding on to school property has not been explained, when we delete certain sections of the existing Act, my understanding is that that is what we are doing, and should I be wrong I'd be very happy if the Minister would correct me on this; unless I misread the sections in the Act, that is the interpretation that I have from it.

There was another change made which is a little difficult for me to understand and maybe it is rather simple. Rather than stating that we have the right to attend school, the age limit with reference to the right to attend school from six to twenty-one, we have it now from six to three years past the age of majority. I would suppose that this is a matter of convenience so that when we change the age of majority down to 14 that the same thing still applies. I don't really see the necessity of this kind of thing, maybe I'm not far-sighted or maybe I don't project far enough, but in any case if there is any other interpretation given to that kind of change I'd be very interested in knowing, Mr. Speaker.

The bill in principle gives the Minister more authority than he had in the past, and it does this probably because we now have done away with the Boundaries Commission and the matters which the Minister could or had to refer to the Boundaries Commission now no longer exist, because of course the Boundaries Commission does not exist. I suggest that my judgment tells me this is a step in the right direction but it is also one we will only be able to analyze and to judge after we have seen the actions of the Minister in executing this kind of law. It might well be too late when this kind of thing occurs, Mr. Speaker, but at the same time I can see really no alternative to this kind of measure. In the past, matters of boundaries could be referred to the Boundaries Commission and they were charged with the responsibility of having public hearings and coming up with a suggestion or decision in which after presentation to the Minister he had the authority to take it or leave it. Now what we have instead is a Minister who will be doing somewhat the same things but this time through a board of reference, and the board of reference being a group of appointed people and being fewer in number might well not have the time or the information to make the same kind of decisions as carefully as the Boundaries Commission could. However again, Mr. Speaker, I don't really see a great deal of difficulty in accepting this but of course it depends a lot on the way the matter will be administered.

Further changes that were made, Mr. Speaker, in the Act is the frequent reference, and I've noticed this throughout the whole bill, a frequent reference to the existing statute where the matters were to be dealt with in a certain way when they were school districts. I find the Minister including very frequently school districts and school divisions and therefore he now has the authority to treat in many respects the school districts and the school divisions in exactly the same way. This is true of changing the boundaries; this is true of setting up wards; this is true of deciding how many trustees and so on. In the past the procedure, in spite of the Act being very similar, the procedure was that school boards decided themselves how many wards they would have within the given limit set out in the Act. I hope that these minor changes - and I call them minor because I think the execution of them will be much the same as it has been in the past - I hope these minor changes will not lead the Minister to dictate the number of wards that you will find in a school division where the boundaries are going to be, but rather the same procedure as in the past will be followed in that if the wards of the school trustees within which they're elected will be changed with the cooperation and consent and requisition and studies by the school boards themselves and not autocratically by the bureaucrats and the Minister.

There is provision in the bill which the Minister outlined in his introductory speeches which permits a student to attend school in another division provided that the course in which that student is interested is not offered within his own division. In practice, Mr. Speaker, we have this today and it is widely practiced especially in the rural areas today. The school boards from which the student comes usually subsidizes the student to a minimum of \$175.00 per year because they can do this in exchange for the transportation grant for that particular student. As I read the bill I would assume that the fee will be somewhat increased, the responsibility of

(MR. GIRARD cont'd.) the school board from which the student comes will be somewhat increased and what I don't particularly like, Mr. Speaker, is that the judgment of how much the fee will be is left to the Minister and I would suggest that it might well be wise to leave the responsibilities in this matter to the divisions that accept students and those that are sending students out.

There's another matter which I wish would be included in this particular portion of the bill or this particular idea of the bill, and that is in dealing with students who are in remote areas. In spite of having the course offered in my particular division or the division of a particular student, in spite of that course being offered in that division he is without a great deal of difficulty unable to attend a particular school because he happens to live in an area that is somewhat remote within the division and there should be provision for this kind of student, Mr. Speaker, to attend a neighbouring division. Not only should it be a matter of persuading the board, I think that we should consider possibly giving that student a right because in some cases we have students who are travelling a much greater distance the other way in order to attend a particular school rather than travelling to the neighbouring division. I can realize there are dangers if we open this too widely but I think it's worth looking at, Mr. Speaker.

I was very happy to see the section of the bill dealing with the creation of school districts changed to enable the Minister to create school districts in the northern areas, but I was especially happy, Mr. Speaker, to see that that section only applied to the northern part of Township 22. I think that that kind of thing could be a disastrous thing if it applied to the rest of the province and if the Minister chose to use it. I have no objection, not that I feel that there should be a great deal of difference, but it's the geography that dictates the necessity of this kind of provision and I want to assure the Minister that I feel that only the geography dictates the necessity of this kind of section and if there is any thought of creating a school district within an existing school division that is not in that area I would oppose it bitterly at this stage at least.

There is provision in the Act also to charge interest to the municipalities on monies that is to be paid on certain levies. If a municipality is late in paying the receipts from a certain levy, be it to the school board or be it to the Department of Education in the case of the general levy, there is provision in the bill for interest to be charged and I must say I'm in full agreement with this kind of thing. It might well be overdue, because in some cases some boards, at least that I'm aware of, were negligent in paying the monies from those levies and really, Mr. Speaker, you can't really blame them because it might have well been good business administration that caused them to do it. I suggest that this is something worthwhile and something that might in some way help the collection of the monies due. The rest of the bill deals I assume, I didn't check all the sections, but I assume that it deals with changing of the age of majority where it applies in the bill and we certainly have no objections to that.

MR. SPEAKER: The Honourable Member for Winnipeg Centre.

MR. J. R. (BUD) BOYCE (Winnipeg Centre): Mr. Speaker, just a few brief comments on one concept of the amendments that are before us. I'd like to preface my remarks by telling a little story on myself. When I was an industrial chemist I had everything all stacked up and I was going through each little experiment or analysis and I had quite a system worked out where it didn't take very much time to do it and the technical director happened to see me and he said the best way to find the easiest way to do something is get the laziest -- I'd better not use that word -- the laziest person you can find and put him on the job, he said, that's why I got you here. And I don't know whether it was an insult or a compliment to this day. But the reason I say this, I preface my remarks, because one of my vice principals I understand is in the gallery. I can just imagine the thoughts that are going through his mind, if I had . . . this concept in law and I had Boyce on my staff, through his mind would be going, well there's 30 cycles in a school year so all he's got to do is line up about 30 guest lecturers and psychologists and everything else and I'd have to be spending my time chasing Boyce out of the staff room.

But seriously, Mr. Speaker, there are problems which are created by one of the suggestions in the amendments that are before us and I'd like to address myself to a couple of the ramifications of it. One of the arguments that is raised against the inclusion of people in the educational system in charge of students is that there is some relationship between a qualified teacher and their ability to help people "turn out right", whatever turn out right means. I would like to draw your attention to a little point in history where one of the best teachers in

(MR. BOYCE cont'd.) . . . antiquity was a chap by the name of Seneca, who was reputed to be the best teacher of his time and he had an able student who seemed to learn well and develop well, but he developed to the point where he murdered his mother and had his teacher executed and he finally burned down Rome; a fellow by the name of Nero. I don't say that one swallow makes a summer but sometimes we think that the only people who can teach are qualified teachers, and another error we make sometimes is that there's a high degree of correlation between the number of degrees after a person's name and his ability to communicate and I think that these things should be kept before us.

But there is one other concept here that is in my mind something that we should really ask the cooperation of all people who are involved in education, and this is the idea that the delivery system or the educational system relative to the people in the community should be brought down to that community. And without reading from the specific clause one of the things is to make the principal more responsible. Now I am a little apprehensive about some of the ramifications of it, that if a principal is to be responsible for the assigning of people who heretofore have not had the legal right or legal ability to accept the responsibility of being in charge of a classroom, if a principal is asked to accept the responsibility of assigning these people to be in charge of a school room then we have to do whatever is necessary to make the principal and the people in that particular unit more responsible for what goes on in the total school. I guess what's implicit in my remarks is that the principal has to be -- especially in the larger systems -- given more freedom to operate that school as a unit. They have to be given the right and responsibility to operate financially more independent of the division boards, they have to have more freedom to hire and fire teachers. Having worked in two relatively large divisions in the Winnipeg area I speak from experience that the person that hired and fired me, I've had both experiences, the person that hired and fired me had absolutely nothing to do directly with the operation of the school and we all know that when you're part of a team then that unit has to function as a team and whoever is in charge of that team has to have some say about who becomes part of it.

I think that I could expand on that but I won't this evening, Mr. Speaker, as many of the problems in the school system I think can be attributed to just that, the principals haven't got enough leeway in who or who is not part of their educational team. I realize and I can understand the apprehension of some of the people in the profession about the problems which possibly could occur because of this new experiment, or this moving in this direction of an experiment, but, Mr. Speaker, I, for one, having been involved with the teachers only for a short period, six years, found that any challenge that was placed before the teachers if it was explained to them and worked out with them that they rose to meet the challenge.

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

MR. MOUG: Mr. Speaker, I have one or two brief remarks to make on Bill 71. Basically I rise to support the bill. It has portions of it that work towards better school districts of Assiniboine South No. 3. We have a problem out there in that it takes in two-thirds of the Municipality of Charleswood, all of the Town of Tuxedo and one small portion of Fort Garry that's known as Fort Whyte, and for the past five years, maybe six years since the unitary school district was brought in, we have eight board members out there, four of which come from Tuxedo with a population of 3,000, four that come from Charleswood or that portion of Charleswood that's in the district that has 10,000 people. Although we don't pay as much on account of the assessment towards the division and the cost of education we have more people in the district and therefore more students. The student ratio -- Charleswood has 3,168 students and Tuxedo has 896 -- gives you an idea of what the comparison is in the population of the area and from time to time we have a great problem getting enough school desks and school rooms in Charleswood where Tuxedo doesn't seem to have a problem and the section in the Act, as much as I don't like to see the Minister and his Department with powers of a dictator and I realize that this Act when it's passed, this amendment is going to give him just that, but the Lieutenant-Governor-in-Council can make these changes.

I think probably the biggest problem with school districts today is the fact that there's a ward system. I've always been in favour of a ward system, I think it gives the corners of an area some representation and that's fine as long as you're using the representation by population system, but if you're not, then I say abolish the ward system and elect the trustees

(MR. MOUG cont'd.) . . . at large and certainly the majority of the people will have the majority of the trustees. But the way our division is set up we have the population and we don't have the representation.

Sitting on council in Charleswood there was a brief brought in to me the other night - now just parts of it, it's a little too lengthy to read into the record -- but there's parts of it where they say that you only have to look at the classroom population in the school year '69 - '70, in that year, classes in Beaumont School, which is a Charleswood school were 35 or over as a norm rather than exception. At the time we were desperately trying to obtain two extra teachers for Beaumont School and I got flat refusal. The Tribune reporter interviewed people from different areas from Greater Winnipeg to find out why they preferred to live in the area that they had chosen. The Tuxedo resident's answer was the schools had small classes and the children got individual attention. His child was in Grade One with a class of 17 students. At that time our children in Beaumont School in Grade One, a class of 37 students. She goes on to say, "then there's a question where new schools or additions are most greatly needed." Laidlaw School, that is in Tuxedo, Sir, is getting a \$235,000 new addition this year to accommodate about 60 students. They are building four new classrooms, but at the same time they are converting two old classrooms into a big science room. They are also getting a new gym and converting their old gym into a resource room and an elaborate audio-visual centre." She goes on to say how many students in Charleswood are going to suffer from overcrowding again this year - 100, 1,000 or 1,500 or maybe even more. Beaumont School is going to lose its music room again to make room for a classroom. They are also going to have another classroom in the lobby with traffic from three classrooms and a lobby all around.

I bring that part of it out, Mr. Speaker, to indicate to you that they can add on to some schools in a district to the tune of over a quarter of a million dollars for 60 students whereby they have to do away with the music, which is a frill which doesn't come under the Foundation Grants, that the people are taxed over and above the Foundation Grants for, in order to make classrooms for them and also to teach them in the halls of the school. I think this is rather an unfair thing. I know that one area in Charleswood there's a development of 800 homes heading for 3,000 and I realize how the department, it's hard for them to look ahead and know how fast they need the schools in the area. So they have a problem there where the school is full. Grade 8 and Grade 7 have to be switched to another school now and they are the ones that are going to be in the hallway I suspect and in this music class. I can see why the department could possibly make a mistake there and not be ready in time.

She goes on to say - "why are we not building a new school in Westdale" - now this is the area as I say that is fast growing - "or vicinity this year. Is the school board just inept or are they not as concerned with the 1,000-plus students in Charleswood as they are with the 60 in Tuxedo." Now you can't blame the Board. If they can get equal representation for their 3,000 that we have for our 10, I can understand why there is a little favouritism and why they would probably end up with a few more classrooms and a better teacher/pupil ratio in their area than we have in ours.

She goes on with this brief to say "The subject of science rooms also came up at the Board meeting." She is referring to a school board meeting they were at in Assiniboine South School District No. 3 on June 14th." Apparently Tuxedo Park, Kindergarten to Grade 6 has a science room in the basement without any emergency fire exit. It is considered a fire hazard and the sum of \$5,000 is mentioned to build one. The question of how necessary the science room is was brought up by two trustees and the superintendent, especially since most of our schools for junior high don't have equipped science rooms. But a motion was brought forward and passed that the architect be instructed to look into the proposed fire escape."

She goes on to say - "By the way how long has Chapman School" - which is another Charleswood School - "had inadequate classrooms in the basement?" She's referring there possibly, Mr. Speaker, to the fact that our fire exits there are no better qualified to get children out in a hurry than those that Tuxedo have. She mentions "These are some of the inequalities we feel that are in the division but we are also requesting a change of representation in the democratic principle representation by population or one man one vote. Those who do not believe in this democratic principle better stand up and be counted. What arrangements have been made to go to the Board of Reference, Department of Education?"

The following is a breakdown of student/teacher ratio in our schools in Charleswood and Tuxedo. Tuxedo happens to have one teacher for every 20 students, Charleswood has one for

(MR MOUG cont'd.) every 25. It doesn't sound that great when you look at it one to 20 and one to 25 but the point is in the over-all, if you haven't got the classrooms to put the students in there's where the problem comes.

I realize from listening to the Member from Emerson that there's far more in that bill that I have gone through to look for, but certainly I am not meant to be the critic on education, I only mention this because it's something that hits and hits hard in our areas. I don't say this to criticize the wants of Tuxedo, if they feel they can afford to have this type of education system building and so on I think it's up to them to pay exactly what they're getting and not deprive the other portion of the district for what they feel is right.

So for that reason, Mr. Speaker, if no other, I'm glad to see this bill being brought before the House. I spoke to the Minister, he tells me he hopes to have this through and in a position to change the situation we have in Assiniboine South No. 3 before the elections come in the fall, and I think this will greatly relieve those that presented the brief to us. Thank you.

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

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

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

MR. DEPUTY SPEAKER: The House Leader.

MR. GREEN: Would you call Bill No. 75, Mr. Speaker.

MR. DEPUTY SPEAKER: The Minister of Municipal Affairs.

HON. HOWARD R. PAWLEY (Minister of Municipal Affairs) (Selkirk) presented Bill No. 75 an Act to Amend the Local Authorities Election Act for second reading.

MR. DEPUTY SPEAKER presented the motion.

MR. DEPUTY SPEAKER: The Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, this bill is a short short bill, the entire contents of same is directed toward clarification and correction and there are no policy changes involved. Reference is made in the bill to the packaging of discarded ballots. That is being removed as the procedures described in the Act do not contemplate such a document.

The form of affidavit of elector is amended to include the qualification as a Canadian citizen is defined in the Act. This was overlooked when a similar amendment to the contents of the Local Authorities Election Act last year was made in committee. Appropriate form of jurat is being substituted for the form of jurat certificate of attestation of one form and two other forms have been redesigned so that they may be better understood by those who are required to work with them. If there are any technical questions arise further in regard to this bill we would be prepared to deal with them at the committee stage.

MR. DEPUTY SPEAKER: The Member for Charleswood.

MR. MOUG: I beg to move, seconded by the Honourable Member for Brandon West, the debate be adjourned.

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

MR. DEPUTY SPEAKER: The House Leader.

MR. GREEN: Bill No. 78, Mr. Speaker.

MR. DEPUTY SPEAKER: Bill No. 78. The Minister of Municipal Affairs.

MR. PAWLEY presented Bill No. 78, an Act to Amend the Municipal Act No. 2, for second reading.

MR. DEPUTY SPEAKER presented the motion.

MR. DEPUTY SPEAKER: The Minister of Municipal Affairs.

MR. PAWLEY: Mr. Speaker, the amendments contained in this bill are caused by the need to obtain clarification and change as a result of vacancies which occur in Council as a result of disqualification of members of council and particularly in cases where the courts of the province have dealt with the question of disqualification of members of council.

The first change is a change which makes it clear that as of the date of conviction of a member of council when a judgment is obtained under a provision of the Act, the Municipal Act that provides for disqualification from holding office, then the disqualification will take place as of the day of the conviction and the seat is therefore made vacant as of that date. -- (Interjection) -- Yes, we might consider alterations to our act here. The vacancy is effective as of the day of the conviction notwithstanding that the decision may be appealed by the member of council who has been convicted. All reference to disqualification of persons convicted from

(MR. PAWLEY cont'd.) running for office or voting in municipal elections has been removed. This makes it possible for a member of council whose seat has become vacant to run for election to fill the vacancy and for the electors to decide whether they wish to return him to office. The privilege of vacating his seat by disclaimer is restricted to a member of council who does any act or thing for which he vacates his seat but upon which there has been no action before the courts. If he fails to disclaim action may then be taken against him by petition. And where the number of councillors is reduced as a result of a disqualification then the Minister of Municipal Affairs may reduce the quorum of council in order that the council may continue to conduct the business of the council itself. Where vacancies occur also the Minister has the right to appoint a temporary administrator for the municipality and suspend the powers of the remaining members of council until the vacancies are filled at which time those members of council would resume their duties.

Now I would like to just mention some of the reasons that the alternative which would appear to be readily available permitting a member of council to continue to hold his seat until such time as an appeal is dealt with by the courts is exhausted, was not pursued, why the alternative of the immediate disqualification was determined. First, it was felt that there could be very lengthy delay between the time of a conviction in the first instance and the hearing of an appeal and the final determination of a judgment as a result of that appeal. Sometimes such delay takes months and even could extend into years in the event of some question and this could be prejudicial to the affairs of the municipality.

There also could be instances occur where the wisdom of allowing a convicted member to continue in a position of responsibility with a municipality could be seriously questioned. The removal of disqualifications in running for office leaves the question of penalty to the final decision of the Court and makes it possible for the member whose seat has been declared vacant to run again. His success at the polls would in all likelihood be related to the seriousness of the violation. At the present time a conviction resulting in disqualification prohibits a member of council so convicted from running for office for a period of years after that conviction. This has been removed; the electors will make that decision whether or not it is in their opinion collectively a conviction of such a serious nature as to not warrant the re-election of the member to further office holding.

I would simply like to indicate to the Honourable Member for Rhineland who said something about a Minister in B. C. It reminds me of a report which I heard this morning on the news of a town in Alberta where the entire council has been disqualified from holding office as a result of apparently a court conviction of the members of that council yesterday in the courts of Alberta, where it was held that the members had acted improperly and that they did vote for the payment of interest to themselves as a result of a loan that apparently they had advanced to the Secretary-Treasurer of the municipality which they represented as councillors. It's rather an interesting example that we have from our sister province of Alberta. So these things do happen. -- (Interjection) -- The Secretary-Treasurers seem to go broke too out there.

We had, of course, the example in our own province of the Municipality of North Kildonan which you're all familiar with, the disqualifications, the convictions, and the penalties that were imposed. So there is ample argument that there should be changes in the Municipal Act so that (a) that the present provisions can be clarified, made much clearer; and (2) that some of the harshness of the present provisions be removed only to the extent that the electors themselves will make the final determination which should be the case in any democratic setting.

There may be other suggestions that honourable members might have in committee stage and those suggestions for improvements would certainly be welcomed at that time.

MR. SPEAKER: The Honourable Member for Charleswood.

MR. MOUG: I beg to move, seconded by the Member from Brandon West, debate be adjourned.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Bill No. 62, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister for Corporate Affairs. The Honourable Member for Brandon West.

MR. GREEN: Mr. Speaker, Bill No. 62. I believe it's the last bill on the Order Paper.

MR. SPEAKER: Oh, I'm sorry. The proposed motion of the Honourable Minister of

(MR. SPEAKER cont'd.) Youth and Education, The Honourable Minister.

MR. MILLER presented Bill No. 62, an Act to Amend The Public Schools Act (3), for second reading.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister.

MR. MILLER: Mr. Speaker, this is a companion bill to Bill 36 which received second reading this afternoon. The purpose of the bill is to partly equalize the special levy for education among those school divisions which are wholly or partly within the boundaries of the proposed City of Greater Winnipeg. Till the name is firmed up, I'll refer to it as Greater Winnipeg. This sets out the method whereby the equalization will be done. Since we're dealing with principles only I don't want to go through the procedures, I think they are really self-explanatory. Basically it's to make it possible, as I say, that there be a partial equalization, that the school divisions share in the broader tax base of Greater Winnipeg. They will be sharing in the tax base for municipal purposes now, they will benefit those areas which are known as bedroom municipalities or dormitory municipalities where their problem is the higher school costs because basically they are of a residential nature, they have a high school population so this is an attempt to see to it that they share in the greater tax base of Greater Winnipeg and the payment is made to them on a per pupil basis. The levy is made across Greater Winnipeg on the entire tax base and then paid back to the school divisions on the number of students that they may have enrolled within that school division that lies within the City of Greater Winnipeg boundary. That basically is what this bill plans to do.

The one other point, and that is the elections in Greater Winnipeg for 1971. We want to hold the elections at the same time as the elections for council; however I advise members that there will be an amendment to the bill. We had thought at first that perhaps we might follow the practice that was established in Bill 36, that the term of office be for a three-year period, everyone elected at the same time, but after thinking it over we realize that because there is a problem, that school divisions lie partly within and partly without the Greater Winnipeg area, and because we don't know, this being the first year, how many municipalities lying outside of Greater Winnipeg will elect to do what they can do under the Municipal Act now which is to elect for a three-year period or to start phasing in for election for a three-year period. Some may prefer to go on the present system and because of the matters raised by the Member for Charleswood with regard to perhaps a better balance of representation in some school divisions than is possible today we felt it would be wiser initially to simply leave it as is and we will elect for a two-year period with part of the school board being elected for one year and part of the other portion for two years. We have to do that of course because last year the elections were frozen for school trustees the same as they were for council. So that amendment will be brought in in Law Amendments and will spell out the number of trustees to be elected in each of the ten school divisions.

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

MR. DONALD W. CRAIK (Riel): Mr. Speaker, I want to speak on Bill 62, and very briefly. I think one has to conclude that if we have to finance education from property tax that the more equity we can bring to it the better. I think probably without having the facts on the different per pupil costs in the different areas available to us that this bill would appear to do that and so it will be a help.

I would caution though and say again that I think that a more equitable way to finance education from the property tax is through the Foundation Program and I would certainly hope that the Minister in future will not follow this course of what I think is a political out by changing the ratio of the Foundation Program. It sounds good but when the ratio is changed you actually do take less money out by the Foundation levy which goes right across the province and it sounds, as I say, it sounds good but in actual fact if we are going to have to keep a certain amount of source of revenue on property that the Foundation Program is one that can do it and probably can do it more equitably on a provincial basis than isolating the City of Greater Winnipeg. This bill of course restricts itself only to the City of Winnipeg. If the costs per pupil were the same right across the whole urban area of course we would find that there would be no special levy, no special levy as defined here. We still have a special levy which will be called the Greater Winnipeg education levy, which is really the new name for a special levy, but what is called a special levy in this bill would disappear if all the costs were the same right throughout Greater Winnipeg; but of course we know that the costs aren't the same, they vary

(MR. CRAIK cont'd.) significantly. Division No. 1 is always much higher cost per student than any of the other divisions. Therefore Division No. 1 is going to have to raise a significant amount of money via the special levy. The other areas I expect might be a little closer, but I think it would be helpful if the Minister could provide us with some statistics on the various costs. I haven't seen these lately but I know they are or have been in the past been in existence, if not through his Department I think that the School Trustees Association has worked them out.

So from the vantage point only of having looked at the bill and heard the Minister's introductory remarks it would appear that there is a degree of equity that is going to be gained from the point of view of education financing and for that reason I see no reason but what to support the bill.

MR. SPEAKER: The Honourable Member for Emerson.

MR. GIRARD: Mr. Speaker, I'm very much encouraged by the introduction of this bill because it convinces me that the Minister realizes that a school division which has a low assessment per pupil ratio has greater difficulty financing its education costs. He realizes that within the city limits there are some school divisions that have a higher assessment per pupil than other divisions and so this bill proposes to within the city bring about some equity as was mentioned by the Member for Riel, within the Metropolitan area.

My regret is that the bill does not include some remedy for the school divisions in Manitoba that are much more seriously affected than any urban school division by their low assessment per pupil ratio. I only hope that maybe the future will bring some remedy to the people of the rural areas in this regard. I think it's regrettable that the bill only reaches the urban school divisions. I hope the Minister will give this matter his careful consideration because unless some equity is brought about in the financing of education throughout the whole province, not only Winnipeg, throughout the whole province, I suggest that many of our school divisions will be in a very serious difficulty very shortly.

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

MR. FROESE: Mr. Speaker, I really haven't had a chance to look at the bill in detail. There is one particular section 357 which does not apply to the City of Greater Winnipeg, I haven't had a chance to check this but I'll let the bill go through anyway. I don't want to delay the proceedings on this one. I am interested in what is being proposed in the bill and see what can be done for the rural areas.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Bill No. 82, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, I've examined the bill and the proposed amendments. We don't have too much difficulty with this proposal. It would centralize authority in the Minister responsible for the Department and for the Lotteries Board and would provide some control of promotional agencies which we feel would be a useful addition to the present Charities Endorsement Act.

In looking at the original Act I note that it gives authority for the setting up of the Civic Charities Endorsement Bureau for the City of Winnipeg and for the setting up by other municipalities of other boards for the purpose of controlling charitable organizations and their fundraising activities. I assume that probably the Minister's Department has made some use of the experience and the expertise of the City of Winnipeg Civic Charities Endorsement Bureau. I understand they have been functioning for 30 or more years and that they have achieved a system of investigating and approving organizations and their charitable endeavours and have insisted of course on the conclusion of these endeavours to the supplying of audited financial statements, and I would think that their activities and their experience would be quite useful in this field. But I'm also wondering, Mr. Speaker, if the Minister has considered the Act as it now stands and the effect which will be imposed upon it of the Bill 36. I would think that there would be some changes very soon in the authorities given to the City of Winnipeg Board certainly and to other municipalities within the City of Winnipeg and it may be that some other amendments would be necessary to the Act in order to bring it in line with the new uni-city concept. I would expect that with the centralization of authority for charitable organizations and

(MR. MCGILL cont'd.) the authorization for promotional agencies to take part that the function of bureaus such as the Winnipeg City one will be reduced where their authority will be largely that of approving tag days and other lesser fund-raising activities.

In general, Mr. Speaker, we have no objection to the terms of the amendment as it is proposed and if we have further comments to make we will make them in the clause by clause consideration.

MR. SPEAKER: Are you ready for the question? The Honourable Minister of Consumer and Corporate Affairs.

HON. BEN HANUSCHAK (Minister of Consumer, Corporate and Internal Services) (Burrows): Mr. Chairman, if I may, I'll be closing debate on this bill. There was one question raised by the honourable member who just spoke, or one main question, and that is the effect that Bill 36 may have on the function of the Civic Charities Endorsement Bureau, and the question he put "would its function be reduced?"

Mr. Speaker, may I point out that within the provincial legislation at the present time, if a fund raising campaign is to be conducted only within one municipality then that municipality is the one that grants the authority. Now what in fact would happen to the existing Civic Charities Endorsement Bureau after the reorganization of urban government, after the passage of Bill 36, I do not know, but no doubt there still will be under the existing provincial legislation, there still will be the right granted to the local municipal body to regulate its own charitable fund raising campaign.

May I also point out, Mr. Speaker, that it will not be a question of the nature of a fund raising campaign, the size of it, in terms of length of time or the amount of money or the quota that they may set themselves as their objective, but it's simply governed on the basis of whether the fund raising campaign is conducted in one municipality or more than one. If it's more than one then the authority must be granted under the provincial legislation. If it's within the one municipality, regardless of the size of it, then it will still be granted by whatever body is set up by the municipal council to grant that authority.

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

MR. SPEAKER: The Honourable the House Leader.

MR. GREEN: Yes, Mr. Speaker, would you call Bill No. 91, please.

MR. SPEAKER: The proposed motion of the Honourable Minister of Labour. The Honourable Member for Emerson, Bill No. 91.

MR. GIRARD: Mr. Speaker, I beg the indulgence of the House to have the matter stand. -- (Interjection) -- I'm not well.

A MEMBER: Don't sleep in tomorrow morning.

MR. GREEN: Could you call Bill No. 90, Mr. Speaker.

MR. SPEAKER: The proposed motion of the Honourable Minister of Consumer and Corporate Affairs. The Honourable Member for Brandon West.

MR. MCGILL: Mr. Speaker, may I have this matter stand?

MR. GREEN: Would you call Bill No. 88, Mr. Speaker. Excuse me, Mr. Speaker, I withdraw that. I'd like the resolution standing in the name of the Minister of Labour.

MR. SPEAKER: The proposed motion of the Minister of Labour. The Honourable Minister.

MR. PAULLEY: Mr. Speaker, I beg to move, seconded by the Honourable Minister of Mines and Natural Resources,

WHEREAS it is deemed advisable to reconstitute the Special Committee of the House on the Rules and Standing Orders of this Assembly appointed at the Second Session of the 29th Legislature to consider and review the application, effect and enforcement of the amendments to our Rules and Standing Orders of the Assembly adopted on Thursday, June 10, 1971, and any further amendments which in the opinion of the Committee it may recommend;

THEREFORE BE IT RESOLVED that the Special Committee on the Rules and Standing Orders of this Assembly, composed of Honourable Mr. Speaker, Honourable Messrs. Doern, Green, Hanuschak and Paulley, Messrs. Bilton, Jorgenson, Johnston (Portage la Prairie), Turnbull and Weir be reconstituted to examine and review the application, effect and enforcement of the amendments to our Rules and Standing Orders adopted on Thursday, June 10, 1971, and any further amendments which in the opinion of the Committee it may recommend;

AND that the Committee have the authority to sit during recess or after prorogation and report at the next session of this Legislature.

MR. SPEAKER presented the motion.

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: Mr. Speaker, may I just indicate that an undertaking was given that on the adoption of the new rules of the House that we're under at the present time, that the Committee of the Rules of the House would be reconstituted to consider the results of those new rules, or the new rules that we're operating under at the present time, and the purpose of this resolution is to give effect to the undertaking that was given.

I'm sure honourable members on the committee have been watching very closely the proceedings of the House and will make their contribution to the committee at the time of the meetings which we'll have during the recess or after prorogation.

MR. SPEAKER: The Honourable Member for Morris.

MR. JORGENSON: Mr. Speaker, just a brief word. I'm glad to see that the Minister is going to reconstitute that committee, because I think a continuing review of the rules is necessary in the light of some of the changes that are taking place in this Chamber. I simply rise to have leave to have one main change on the membership of that committee. I would ask that the name of Mr. Weir be replaced with that of Mr. Sherman on the committee. And I might make one further suggestion to the government, and that is that the Member for Winnipeg Centre who has been doing a very creditable job as chairman of committees might be considered as one of the members on this committee in replacing someone else who . . .

MR. SPEAKER: The Honourable Minister of Labour.

MR. PAULLEY: If no one else wishes to make an observation, Mr. . . . Oh, I'm sorry. I'm sorry, my honourable friend . . .

MR. SPEAKER: The Honourable Member for Rhineland.

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

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

MR. SPEAKER: The Honourable House Leader.

MR. GREEN: Mr. Speaker, I move, seconded by the Honourable Minister of Labour, that the House do now adjourn.

Mr. Speaker, just before the motion is put, what we are intending to do tomorrow is to try to deal with the bills that are still on the Order paper, then to deal with the Private Bills that would be sent to Private Bills Committee. I've indicated that Private Bills Committee would be meeting Monday at 2:30, presumably the Private Bills will by then have been passed. Industrial Relations Committee is meeting Monday at 8:00 o'clock; the Law Amendments Committee is meeting Tuesday at 9:30; and it is likely that Municipal Affairs Committee would be meeting Wednesday at 9:30, but that has not yet been called. All of the times given are central daylight time.

MR. FROESE: Mr. Speaker, should we get through with government business will we be sitting tomorrow afternoon?

MR. GREEN: Mr. Speaker, my thought in discussing this with members was that we would sit only in the morning and the afternoon tomorrow; if we got through earlier of course we would only sit in the morning. This is what honourable members have indicated that they would like to do. We aim to please.

MR. SPEAKER presented the motion and after a voice vote declared the motion carried and the House adjourned until 9:30 tomorrow (Saturday) morning.